

Emergency Out-Of-Home Placements, a Comparison Between Child Welfare Practice in Germany and Norway

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Abstract. Participation of children and parents in child welfare matters is a complex area. Emergency out of home placements bring this theme to the fore. In this small-scale qualitative study I explore and compare how frontline child welfare workers in Germany and Norway discuss/negotiate with parents and children when an emergent out-of-home placement is deemed necessary. My main question is whether there is a main difference in the Norwegian and German approach. Data was collected from semi-structured interviews with frontline child welfare workers in Germany and Norway. The interviews were transcribed verbatim in each language. Thematic analysis was carried out with the assistance of NVivo. Findings indicate that the German child welfare service, compared with the Norwegian service, explores opportunities for empowering families to a higher degree both before and after an emergency out-of-home placement. The child welfare service in Norway seems to be more occupied with protecting the child and keeping it away from family, whereas the child welfare service in Germany (Jugendamt), to a larger degree, introduces measures to reunite the child and family. The study highlights the complexity of service user perspective in emergency out-of-home placements and discusses implications for social work and frontline child welfare workers.

Keywords: user participation, child welfare practice, emergency out-of-home placements, comparison Germany-Norway

Introduction

In emergency out-of-home placements the child welfare service, within a couple of hours and in contact with parents and child, has to decide whether or not the situation for a child is such that he or she should be placed out-of-home. In this short period of time, the child welfare service involves the clients and clients can potentially influence the way the child welfare service manages and prepares the emergency case. In this small-scale study, I explore and compare German and Norwegian child welfare practice when it comes to involving clients in emergency out-of-home placement cases. The situation includes the current state for the child and the family, legal guidelines, professional assessments and the welfare regime in each country. Esping-Andersen describes Germany and Norway as two countries with dissimilar welfare systems. Germany, along with France (Picot, 2015) is described as having a conservative welfare regimes with a less active state compared with the Nordic and Norwegian social democratic welfare systems. The description from Esping-Andersen is also in line with Burns, Pösö and Skivenes (2017) who describe the child welfare service in Norway as a family-service oriented and child centric system. Haug and Höynck (2017) describe the German child welfare service as a family-service oriented system which emphasizes the child's belonging to the family. In this study, I want to explore and compare practice in emergency out-of-home cases from these two countries with supposedly different welfare regimes. In general, there is little empirical research on emergency out of home placements (Burns et al., 2017) or the role involvement from clients plays in such cases. The aim of this study is, in a practice-based way, to contribute to this area of social work (ibid).

Background

In social work in general, as in child welfare practice specifically, involving users is a major concern. Historically, involving users has been seen as a mobilization allowing unprivileged individuals to gain better conditions for life. Involvement and participation of clients has traditionally had a collective feel as Sherry Arnstein (1969) pointed out in her study *A ladder of citizen participation* where she describes user involvement in housing planning processes and possibilities for better housing for all.

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In line with Arnstein, Roger A. Harts (1992) article; *Children's Participation: From Tokenism to Citizenship* on a mission from UNICEF is, in principle, occupied with the same concern, but in this article Hart addresses involving children to gain better conditions. From Arnstein and Hart there is a line to modern child welfare practice in emergency out-of-home placement cases with their different aspects of involvement. One aspect is that children and parents have the right to have a say before the child welfare service makes a decision about emergency out-of-home placement. In both Germany and Norway there are laws that secure clients this right. Another aspect is that of influence, the degree to which involvement from clients really matters in decisions about emergency out-of-home placements. This embodies the basic idea of involvement; involvement happens at different levels, as Arnstein and Hart describe, and it is in the interaction between clients and the child welfare service that the involvement of clients unfolds. Several researchers have pointed out that involving clients in child welfare cases is complex, see for instance Sinclair (2004) and Healy & Darlington (2009). The complexity is partly linked to the severity or difficulty of the case, but also to how the child welfare service should include the clients in the practical work of the case. This can also be connected to the way the child welfare service exercises professional judgement and discretion in a particular case. This is also in line with Vis & Thomas (2009). They point out that even if clients are involved during the course of a case, is it not a given that this involvement will, in itself, affect the way child welfare services manage the case, or influence the decision. I will come back to this later on. Here I mention that more researchers (Archard & Skivenes, 2009; Bessell, 2011; van Bijleveld, Dedding, & Bunders-Aelen, 2015; Vis & Thomas, 2009) have explored how and to what degree clients, especially children, can influence child welfare decisions. The results show that the methods child welfare services use to gain children's views need to be developed and improved, and that currently clients' possibilities for influence are limited. This is also in line with the conclusion in state-of-the-art review from van Bijleveld, Dedding and Bunders-Aelen (2015) when they argue that children's participation is not happening often enough and that children's view not makes a difference.

Legal instructions and the options child welfare services have for action

The decision about the emergency out-of-home placement is directed towards the child and the parents of the child. Unlike the Norwegian law, the German law (SGBVIII), has a paragraph (§ 42) where it appears that the child welfare service has a right and a duty (*berechtigt und verpflichtet*) to make an emergency out-of-home placement for a child or a young person who asks for it (*in Obhut bittet – literally 'asks for it in care'*). In addition § 42 states that the German welfare service is committed to provide a temporary emergency out-of-home placement when the child is in a dangerous situation; *dringende Gefahr für das Wohl des Kindes oder des Jugendlichen*. (urgent danger to the wellbeing of the child or young person) This is in line with the provision in the Norwegian Child Welfare act, § 4-6, second paragraph, where it states that the head of the municipal child welfare service, without consent of the parents, can decide on a temporary emergency out-of-home placement *if there is a risk that a child will suffer material harm*. The enforced emergency out-of-home decisions in Germany have to be confirmed by the Family Court (Familiengericht) whereas in Norway they have to be confirmed by the child welfare board. The framework for enforcement in both countries, is that voluntary measures should be tried or offered to the family before the use of enforcement. The principle of the *ultima ratio* (last resort) is connected to provisions in the two countries' constitutions. The constitutions protect the family against arbitrary challenges from the state. The German constitution (GG) § 6: *Marriage and the family shall enjoy the special protection of the state. [...]* gives the family and family life much stronger protection than the Norwegian constitution, which has a weaker formulation (§ 102). The Norwegian constitution, however, unlike the German one, contains a provision about the child's rights and integrity (§ 104). The differences in the two constitutions may be important when it comes to the child welfare practice in enforced emergency out of home placements. I will return to this later. In addition to the provisions in the constitutions, both countries have ratified the European Convention on Human Rights (ECHR) and the United Nations Convention on the Rights of the Child (UNCRC). Even if involvement and participation are not directly expressed in article 8 of the ECHR, the article provides guidance and gives limitations for how the child welfare service can act in child welfare cases.

When the child welfare service enforces an out-of-home decision, the consequences are, on one side, that parents are cut off from normal family life and exercising daily care of the child and, on the other side, the child gets protection and care outside the family. In emergency out-of-home placement cases, three sides of the decision challenge the child welfare practice and the basis for the decision: The first is connected to how the child welfare service assesses the tensions between the clients. It is not a given that the parents and the child have the same interests or have similar views of the case. The child welfare service must, in a short period of time, assess tensions and issues that may be contradictory, before the decision is made (Holland, 2011). The second issue is that it can be difficult for clients to express their own view (Vis, Holtan, & Thomas, 2012). This could be minor children who are not able to talk clearly about the case. It could also involve older children and young people, who, out of loyalty to parents, do not want to take part in the case. Clients can also change their mind. Changes of mind can make the decision more complicated for the child welfare service. The third is that, in enforced placements, it can be difficult for the child welfare service to establish a good relationship with the clients. A good relationship between the child welfare worker and the clients promotes involvement and participation from clients (Cossar, Brandon, & Jordan, 2016; Vis & Thomas, 2009). A good relationship can be difficult to establish in the limited time available and because of potential disagreement between the child welfare service and clients. In addition, there also is a power imbalance in favor of the child welfare service, which can make involvement from clients difficult.

Number of enforced out-of-home placements in Germany and Norway

For several reasons, for instance different forms of registration, procedures and definitions of enforcement, it is difficult to compare directly the number of emergency out-of-home placements in the two countries. The tendency in Germany, however, is that there has been an increase in enforced temporary out-of-home placements (Inobhut) in recent years. From 2013 to 2016, there was an increase in emergency out-of-home placements from approx. 42 000 in 2013 to approx. 84 000 in 2016. Included in these numbers are the emergency placements of single minor (underage) refugees and immigrants which increased from approx. 6500 in 2013 to approx. 45.000 in 2016. In Norway, the number of enforced temporary out-of-home placements increased from 945 in 2008 to 1609 in 2013. From 2014 to 2016 there was a tendency to flattening and a decrease in the total numbers. In 2016 there were 1357 enforced out-of-home placements pursuant in the child welfare act § 4-6, second paragraph (Norwegian directorate for Children, 2018) The relatively small numbers in Norway compared with the Germany also reflects the number of inhabitants (Norway 5 million, Germany more than 80 million) in the two countries.

Methods

I based this study on transcribed (verbatim) German and Norwegian texts from open digitally recorded semi-structured interviews (Kvale & Brinkmann, 2015) with frontline child welfare workers. In the interviews, frontline workers, from both countries, speak about the latest or another emergency out-of-home placement case they were involved in and responsible for. The interview guide was constructed around open-ended questions that follow the course of emergency out-of-home placement cases. The interviews in both countries followed the same open interview guide. After a short introduction, my first question was, *Can you please tell me about the latest enforced emergency out-of-home case you were responsible for?* The Child Welfare Board in Norway and the Family Court in Germany approved all cases involved. The Norwegian interviews took place during autumn/spring 2015/16, the German ones during the spring 2017. As soon as possible after the interviews were finished, I transcribed them and returned the transcribed text to the interviewee. They did not make any comment on the content. The transcribed texts from the German interviews were also read by Germans with child welfare competence. The reread revealed, in particular, the Norwegian social worker's view of family in the Norwegian child welfare context. This was my first step of six into thematic analysis (Braun & Clarke, 2006) of the transcribed texts.

Data collecting and selection of child welfare workers for interview

From two German universities, I got contact information for employees in different child welfare services. By email, I sent requests for interviews, and got appointments with four front-line child welfare workers, (three women, one man), one employed at a child protection emergency service and three based in three different municipal child welfare services. Once the appointment for the interview was accepted, I also sent the open theme-based interview guide (Kvale & Brinkmann, 2015). The interviews were completed in the German language, lasted for about 40 minutes and took place at the offices of the child welfare workers. In each interview, there was one frontline child welfare worker and myself as researcher. The German interviews included altogether seven enforced out-of-home emergency decisions. In Norway, I recruited informants from the internet home page of the municipalities. I sent an email to the manager of the child welfare service, asking for the email address of the worker in charge of the most recent emergency out-of-home case. When I got the appointment, I sent the theme-based open interview guide. The interviews lasted for about one hour, and typically two child welfare workers participated with myself as researcher. All the frontline workers were experienced (from seven to 25 years) and educated as social workers. Some of them also held a master's degree in social work.

Preparing for analysis and the comparative element

By thorough rereading of the transcribed text I prepared for the next steps of the thematic analysis. I identified units of meaning in the text; deriving categories as a base for themes. I benefited from NVivo 11 (Bazeley & Jackson, 2013) in this work. The themes developed as I read and reread the transcribed texts, explored units of meaning, discovered overall patterns and connected tentative themes with the transcribed texts. Beside the welfare service's perception of the family, the thematic analysis revealed two other major themes suitable for comparison. The first is the credibility of the clients involved; the second is how the child welfare service includes clients in the decisions, especially during follow up.

Methodical reflections

The comparison is ideographically placed (Winther-Jensen, 2004) meaning that I put weight on comparing what the child welfare services do and the differences in their approach to emergency out-of-home placements. My purpose is to find out what the differences are rather than to consider whether one service has a better approach or practice than the other. This also means that I compare specific devices within a limited area (Silverman, 2004). My aim is to explore and compare whether there can be thoroughgoing differences and patterns in the way the child welfare services involve and relate to clients in these cases. In comparisons in general, and in this study in particular which includes two countries with different welfare regimes, I cannot be sure that I am comparing what is similar and making contrasts between what is not. In the analysis, I therefore have emphasized how the frontline workers themselves describe their cooperation with clients. My main idea is to contribute to an area of social work with little empirical grounded research. When it comes to the results, my main purpose is to encourage frontline child welfare workers to reflect on their own practice, rather than my trying to make the results generalizable for the child welfare practice in the two countries.

Ethics

This study has been reported to the Norwegian Centre for Research Data (NSD). In both countries, I followed the Norwegian ethical guidelines for research. The transcribed texts contain no names of individuals and all other information is anonymous. For the interviewees, participation was voluntary. In advance of the interview, I informed all the interviewees that they were free to leave for any reason at any time. No-one left. The Norwegians signed a scheme for voluntary participation, for practical reasons the Germans did not. The cases chosen for comparison are representative for the cases included in the study, but the total number of cases is small and unlikely to be either representative or generalizable for out-of-home cases in the two countries.

Results

This small-scale study contains a total of 29 emergency enforced out-of-home placement cases, 22 from Norway and seven from Germany. The cases differ in both the severity and the duration of the emergency out-of-home placement. I compare German and Norwegian out-of-home cases with quite similar issues. The cases I present here are quite representative of the cases in the study.

Involvement and perception of the family

Before I compare the emergency decision-making and the follow-up in the emergency cases, I first present some underlying assumptions and basic principles on how the two child welfare services make approach emergency out-of-home placements. Using two German and two Norwegian cases, I will first illustrate that there may be a difference in how the child welfare services include clients in emergency cases.

First in a German emergency out-of-home case involving a 14-year-old girl, the case shows how the German child welfare service works with the teenager and her family. The child welfare service initially placed the girl in a temporary foster home. After the first night, by noon the following day, the girl contacted the child welfare service by phone. She had not slept during the night, was worried and asked:

Can I stay by my aunt?

After a short phone call between the child welfare service and the aunt (sister of the girl's mother) the child welfare service organized that the girl could stay by her aunt until further notice.

The German case is interesting if I now contrast it to an apparently similar Norwegian case. This Norwegian emergency out-of-home case involves two children aged of seven and nine. Their parents wanted the children to be placed with their grandparents:

It's grandparents who can look after the children. The child welfare service doesn't think that is good enough.

Instead of using grandparents as a foster home, the child welfare service placed the children in a temporary foster home, among other reasons because of the age difference between the children and the grandparents. It is striking that the approach is so different in the two cases. However, I cannot say for certain whether the differences in approach stem from differences in the two countries' welfare systems or case-specific conditions. After looking at two more cases, one from each country, I will come back to this.

Now I turn to how a Norwegian frontline worker considered the position of parents and network when the child welfare service made the decision about an out-of-home placement:

And then we had considered the closest network [...] but decided that no-one in the network could help [...] It become very clear, we didn't get into the parents position.

As a contrast a German frontline worker, when she considered an emergency out-of-home placement, describes the position of the parents and their involvement in the case:

But the parents are the pivotal point. And we have to do it in a way that lets us get parents into the same boat with us, yes [...]. I achieve more when I work in a transparent way together with the family.

The cases show what frontline workers assume about involving parents and social networks. I have illustrated what might be pervasive differences in the approaches of the two child welfare services in emergency out-of-home cases. The German child welfare service is to a greater degree inclined to involve clients compared with the Norwegian. How the child welfare services in emergency out of home cases perceive the family, the situation, the need of the child and the context guides for the further course of the emergency cases. I will now consider:

Emergency out-of-home decisions, credibility and involvement

This is the point where the child welfare service decides whether the child should be placed out of home in an emergency and where the child should be hosted. There is limited time for the child welfare service to decide and, in addition, there is often a pressure from the situation that “something” must be done. The child welfare service has to act. In this situation, the child welfare services relationship with the parents may be decisive. I have chosen one German and one Norwegian case, both of which involved girls where the main reasons for the emergency out-of-home placements were threats and domestic violence. It is hard to judge the severity of the domestic violence in one case compared with the other, but in both cases the child protection services considered the situation for the child to be dangerous and decided to make an enforced out-of-home placement.

The German emergency case

involves a 11-year-old girl who, together with the mother of a friend, contacted the child welfare emergency services. The girl told the frontline worker that she had been threatened by her father, and said she did not want to go back home:

She [the girl] at first went around the subject a bit and said that things weren't going so well for her at home, [...] and that she was being hit by her father.

The frontline child welfare worker found the girl credible and believed her story about the threats and violence from her father. However, the worker needed more information about the girl's situation at home so she told the girl that she needed to have a conversation with her father. The frontline worker therefore wanted to invite the girl's father (he was sole daily carer for the child) for a conversation at the emergency services' office:

And we, the child emergency service already invited the father for a conversation because all parents have the right to be informed directly.

The frontline child welfare worker made it clear to the girl that her father had the right to be informed and to have a say before any decision about emergency out-of-home placement. The girl was skeptical about involving her father and did not want to participate in a conversation with him and the emergency child welfare service.

And then the girl said, oh but then I'm frightened. I don't want to talk to my father.

Even though the girl did not want to take part in the conversation with her father; the emergency child welfare service still perceived the girl as credible. However, to evaluate the situation the frontline worker still needed to talk with the girl's father. The girl accepted that the frontline worker would talk with her father alone. That conversation took place in the same building as where the girl was waiting, but on another floor.

And then I said [emergency child service worker], good, you [the girl] don't have to talk to your father. I understand. I will try to do this in your place, and if I have questions, I will ask you, then I will come to you and ask you.

The frontline worker conducted the conversation with the father as a pendulum conversation. That means that during the conversation with the father, she informed the girl about what her father said, and vice versa. In the beginning of the conversation, the father denied that his daughter had experienced threats and domestic violence. However, after a while, the frontline worker understood that the girl may have been exposed to threats and domestic violence by her father:

He [the father] gave the impression this cannot be right. But the impression he gave in this situation made it very believable that when he is angry, he can hit out hard.

At the beginning of the conversation, the front line worker perceived the father as less credible. As the conversation went on, he gained credibility, in the eyes of the frontline worker, because he admitted that there had been problems between him and his daughter. The credibility of the girl also increased when her father, partly, admitted violence and supported the story of the girl. The emergency child welfare service decided to place the girl out-of-home, in a temporary foster home, soon after the conversation with the father terminated.

The Norwegian emergency out-of-home case

A public health nurse at a school contacted the child welfare service and informed them about a 14 year old girl. The girl had told her teacher and the public health nurse that she was exposed to domestic violence. Two frontline workers went immediately to the school and had a conversation with the girl. The Norwegian frontline workers, as the German, needed more information and wanted to have a conversation with the girl's parents, with the girl also participating. The girl strongly refused to take part in a conversation with her parents;

We (child welfare service) can come with you. We can talk to your parents. She just refused to consider it is a possibility. So we decided to take her with us [...] to the office, talk to her some more while someone else rang her parents and asked them to come in.

However, the frontline workers still regarded the girl as credible. Just after the conversation with the girl ended, the frontline workers decided, without speaking to the parents beforehand, to place the girl immediately in a temporary foster home:

And it was written down as an acute emergency decision, taken under section 4-6, second paragraph.

Just after the frontline workers had finished the conversation with the girl, one of them took her to a foster home. The other worker stayed at the office and informed the parents:

I [child welfare worker] talked to the parents [...] and told them what happened. They started to laugh. That was their spontaneous reaction, they laughed and denied everything.

Unlike in the German case, the Norwegian parents were involved in the emergency case *after* the child protection service had made their decision. The Norwegian child welfare service based the decision about the emergency placement on the credibility of the girl alone. The emergency placement was in full force before the parents were informed and involved. In both cases, there is a conflict between the child's version of the situation at home and the parents' opinion. However, the German case exemplifies, despite the disagreement of the father and the daughter, that the credibility of the girl gains after her father was involved. Both cases illustrate that credibility is an important factor for the child welfare services when they decide on emergency out-of-home placements.

Involvement and predictability

In the German and Norwegian child welfare acts, it is stated that emergency placements are temporary. In principle there are three ways out of an emergency placement; the first is that the child returns back home, the second that the child (temporarily) moves to relatives (kinship placement), grandparents or others, and the third is that the child is taken into foster care or institutional care. In this study, all ways out are represented. In the following, I present one Norwegian and one German case where the child welfare service address the way out of the emergency placement. First *the German case*:

In this case, as early as the day after the placement, the child welfare service had made an appointment for the following day for a follow-up call including the girl, her mother and the child welfare service. The girl completely refused to participate in the conversation:

No, I (the girl) never want to talk to my mother again. And I [worker in the child service] will in that case talk to your mother, and I would like it if you would attend this conversation.

Even though the girl refused to participate in the meeting, the child welfare service did not withdraw the appointment. From other emergency cases, the frontline worker has experienced that young people, during emergency placements, can make their own choices that have consequences for the further course of the case. The frontline worker says it like this:

So, in this situation, it is my experience [child welfare worker] that a 14 year old, then that's really pushed it, the next day it all looks completely different.

The next day, before noon, and before the scheduled conversation, the girl had contacted her mother by phone. The girl's mother informed the child welfare service:

[...] so the mother had already rung me [child welfare worker] and said she already been on phone to her daughter, because her daughter had rung her and said, I want to come back home, mum.

After the first night in temporary foster home, the girl returned home. The scheduled conversation took place as appointed, and besides the child protection worker, the mother, and the daughter participated. The frontline worker resumed the conversation like this:

We had a good conversation, well, the mother and daughter could say, with a bit distance, that it was very difficult situation but that they basically wanted to live together, but that they had pretty big problems and without help they wouldn't be able to manage it.

Besides that, the girl and her mother decided to return back home and did so. The emergency placement led to two changes. The first was the daughter's and the mother's opinion about each other; they now both wanted to live together as a family. The second, especially for the mother, was that her opinion about in-home support from the child welfare service had changed. The child welfare service once again offered the family in-home support measures. Both the girl and the mother accepted the offers. The child welfare service assumed that the family would not have accepted support without their experience of the emergency placement.

In the *Norwegian case* a 14 years old girl was in emergency accommodation for several weeks and refused contact with her parents. During the follow-up period, which went on for several months, the child welfare service tried to involve the girl and her parents, but the girl refused:

We [child welfare service] talked to the girl about this issue of visiting, they are your parents, after all [...] and we talked a bit about that we could organize it, but she stuck to her no, she didn't want to see them.

For some time, the child welfare service accepted the girl's wish not to meet her parents. For some weeks, there was only minimal contact by phone between the girl and her parents. As a preparation for the girl to return back home, and as a part of the follow-up of the family, the child welfare service offered the parents in-home support. The parents refused. After some months in the temporary foster home, the girl wanted to go home. The child welfare service did not support the girl in this because problems were still ongoing in the family. After some time the girl herself decided, and went for an un-scheduled and unsupported visit to her family:

[She] keeps saying she wants to go home. It ends up that she walks out of the emergency accommodation and goes back home.

The child welfare service still assumed that the girl was in need of protection and that it was unsafe for her to be at home. The child welfare service contacted the municipality child welfare guard who sought out the girl at home:

The child welfare guard goes to the house and says that you [girl] can't just stay here, they say you have to come with us [...] a bit unwilling but she goes along when they explain, and take her to an institution.

After one night in institutional care, the girl went back to her temporary foster home. After some more weeks, the girl once again tried to go for an un-scheduled visit to her parents, but the temporary foster home managed to stop her. However, as the emergency placement had lasted for about six months the girl, [after a family conference](#), moved back with her parents, despite the parents' not accepting the offers of in-home support from the child welfare service.

Discussion

I start the discussion with the main concerns connected to parenting and the view child welfare services hold of parenthood, then I will discuss and compare findings about how the child welfare services include clients in the course of the emergency out-of-home cases.

Emergency out-of-home placements, perceptions of the family and parenting

The review of the German cases illustrates that German child welfare services consider the family as a unit even if the child is placed out-of-home. They believe, moreover, that it is possible to repair broken family relationships. After the out-of-home placement, the Norwegian child welfare service is inclined to treat the child and the family as separate entities. The Norwegian service puts a greater weight on protection in itself and on in-home measures making positive changes in the family before the child can move back. The German child welfare service also introduces in-home measures more often. This helps to substantiate that the child in the German cases still is a part of the family and can be protected within the family. This is, of course, not the situation in all cases but the underlying thinking supports this view. This can also be in connection with how the German welfare services view parenthood and the family. Their starting point in emergency out-of-home cases is to introduce in-home measures cf.; *the parents are the pivotal point*. A main concern for the child welfare service in both Germany and Norway is to protect the child from domestic violence and neglect. Both services use enforced emergency out-of-home placements as an instrument to safeguard the child. However, there is a difference in how the two services enact this protection. The German service, to a larger extent, hosts children in a kinship arrangement as an alternative to other temporary foster homes. Another consequence which might be connected to the view of parenthood is the duration of the out-of-home placement. In the German cases included in this study, these placements are generally shorter than the Norwegian ones. This could lead to German out-of-home placements' being perceived as less dramatic by those involved, compared with the Norwegian.

Involvement of users in preparing for decision-making and in decision-making

The child welfare services build their decisions in emergency out-of-home cases partly from information directly from the child, and partly from the parents and others who know the child, and from their own professional assessments. Cases from both countries illustrate that the services give priority to information from the child at the expense of parents and others. The child welfare services in both countries are inclined to have a stronger belief in information from the child even if the parents or others disagree or have information that is in a clear contrast to the information from the child. This is also in line with White (White, 2003) who argues that there is a hierarchy in the sources the child welfare service trusts. The child is at the top of this hierarchy. Giving strong priority to information from the child (which is of course necessary in many cases) at the expense of the parents can create a problematic relationship between the child welfare service and the parents during the course of the case. The review of the out-of-home cases in this study illustrates that the services in both countries are inclined to give priority to the child. However, the German child welfare service to a larger extent was inclined to balance the information and to have a transparent working method (Healy & Darlington, 2009). A transparent working form during the course of the case means that the people the case affects have access to the information the case and the decisions are built on, at the same time. Further the child welfare service, even before the child is placed out-of-home, tells the parents about the further course of the case. Even if parents and the child welfare service disagree about the information and the facts the case is built on, parents have had the possibility to state their view and to know what is being included in the decision. There is also the issue of involvement and influence in decision-making, especially when it comes to the young people. In cases from both countries involving teenage girls, the girls gave the child welfare service quite clear messages that they immediately wanted to move away from their family. They did not want to talk with their parents about why they wanted to move out. Using the pendulum conversation, the German child welfare service continuously informed the girl about what the father was saying. The Norwegian child welfare service, however, accepted fully that the girl refused to talk with her parents. The German child protection service balances the degree of involvement and information from the different people involved in the case. The Norwegian child welfare service allowed the girl alone to lay down the decisive assumptions on which the decision was made for an out-of-home

placement. Would the Norwegian case have had a different outcome (the German case did not) if the parents had been more involved before the decision? The answer is unknown but the parents' relationship to the case could have been different (Gallagher, Smith, Hardy, & Wilkinson, 2012) and the cooperation between the child welfare service and the parents may worsen more than necessary. In the cases involved in the study, the Norwegian child welfare service was inclined to have a less enthusiastic attitude overall to user involvement compared with the Germans. This is also in line with (Berrick, Dickens, Pösö, & Skivenes, 2015) who claim that Norwegian child welfare workers, compared with colleagues in England, Finland and California, and in spite of overall guidelines, give less space for involvement of service users.

Involvement of users during the course of the cases

After just one night in a temporary foster home the girl wanted to move back home. Compared with the Norwegian child welfare service, the German service bases decisive assumptions on the wishes of the girl, when they prepare for the return home. When the Norwegian girl wants to go back home, the child welfare services opposes this and bases the decisive assumptions on the situation in the family months ago. The child welfare service upholds their decision even though this is no longer agreed by any of the people the case really matters to. The German girl is, in a way, allowed to regret her decision: the Norwegian girl does not have this option. Despite being giving crucial decision-making authority about the start of the out of home placement, the Norwegian girl has less influence in the follow up of the case. The review also indicates that the German child welfare service, to a larger extent has a dynamic relationship to the development of the case. The German service also use the enforced emergency out-of-home placements as an opportunity to introduce voluntary in-home measures for the girl and the family as a whole. By in-home measures the service then manages to control the girl's need for protection and to keep the family together. The Norwegian child welfare service attaches great importance to the girl's need for protection, but does not manage to get into a position to introduce in-home measures in the family. This can be linked with the rather difficult relationship the child welfare service has with her parents, as they were not involved in advance of the decision to remove the child from home. This may be associated with the child welfare service's view of the girl as an independent client in need of protection. The need for protection overrides the possibility of going back home to a family situation that may be regarded as unsafe. It is quite clear that the Norwegian child welfare service assumed that the girl was in need for long-term protection outside the family. When the girl wanted to move back home, and her opinion was in contrast to the service's own view, they did not count her opinion. In the German case, it appears that the girl's need for protection changes and terminates after one day. Unlike the Norwegian practice of involving users during the course of the case, the German one allows the possibility for clients to change their minds. During the course of the case the Norwegian child welfare service is inclined to prioritize mapping the parents' skills rather than taking into account the desire for reunion of the girl and her parents. The Norwegian case could be an example that the service is inclined to give priority to users' own wishes as long as their wishes are in line with the view of the child welfare service itself. The German case seems to show a more flexible view. In the German cases the clients own their own cases in a more direct way. The Norwegian child welfare service prioritizes its own views and assessments even if this is not in line with the users'. This is also in line with Eileen Munro (Munro, 2009) who argues that the child welfare service workers in England are inclined not to change their view, even if there is new information in the case.

Between power, powerlessness and dialogue

In emergency out-of-home cases where the child chooses to separate from parents, the child welfare service uses the legal authority from the child welfare act in the country. The use of legal authority focuses primarily on parents, as the child moves out of the family against the parents' will. The review of the cases, however, shows that the use of authority can also be directed at the child cf. *you can't just stay here*. The review of the Norwegian cases shows that the child welfare service uses their authority both to make the decision and to maintain the decision. But it is during the course of the

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cases that the differences in how the two child welfare services use their authority is most clearly displayed. During the course of the Norwegian cases, which in general have a longer duration, it is characterized by a pending attitude. This can raise the question of whether the child welfare service to some extent over-protects the child (van Bijleveld et al., 2015). Where the Norwegian child welfare service uses authority to continue the out-of-home placement, the German one to a larger degree invites dialogue and involvement as an instrument to try to end the placement. This kind of process allows the involvement and co-determination of the people the case really matters to and the potential risk of over-protection can be reduced.

Conclusions

The review shows that there are both similarities and systematic differences between child welfare practice in Norway and Germany. In the review of these cases, I have not found any decisive differences in the services' evaluations of the threshold for implementing enforced out-of-home placements for children. The differences become apparent in the involvement of users in the decision-making and during the course of the case. From the review, it does not seem likely that the assumed differences in the welfare regimes of the two countries are what cause the difference in practice. The child welfare service in both countries controls preventive measures and is active in the introduction and enactment of child welfare measures, some of them expensive, both within and outside of the family. An underlying relationship which directs the child welfare service's evaluation of cases, and which may have something to do with the differences, is how the service *understands* the issue in the case and the context it is in. While the German service understands the child's situation within the family framework, the Norwegian service to a greater degree understands the child as a separate individual with his or her own needs. This may be linked to differences in the law in the two countries, where German law, compared to Norwegian, puts greater weight on the child's affinity to the family. When the welfare services make an emergency out-of-home placement, it is to protect the child from violence experienced in the home. The review shows that the child welfare service, through emergency placements, achieves such protection for the child. German children, compared to Norwegian, are involved to a greater extent in their own case and achieve protection at the same time as the relationship with parents and family is upheld.

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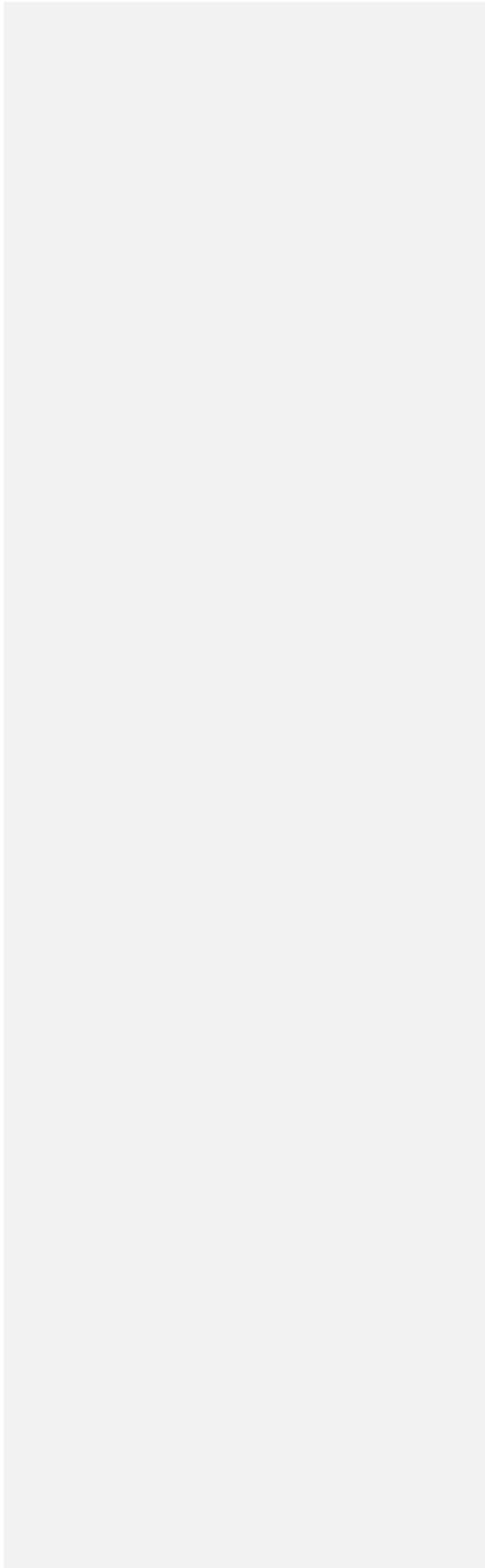
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