



Should we worry about care?

Analysis of the fact-finding practices underpinning far-reaching child services decisions

the Ombudsman for Children, 10 December 2013

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Preface

Every child has the right to live and grow up with its parents. Parents must ensure that children have the right environment to grow up in. This has been recorded in the Convention on the Rights of the Child. If parents are incapable of providing this care, the government is obligated to assist them. Often, a nudge in the right direction is sufficient, although sometimes more severe measures are called for.

Family supervision orders and custodial placements are far-reaching measures. And a judicial record of parental custody or arrangement concerning parental visitation rights after a divorce can deeply affect a child's life. That is why it is of the utmost importance to solidly substantiate decisions and to ensure they are made in the best interest of the child. How are far-reaching child services decisions made in daily practice?

On request of the Netherlands House of Representatives ("Tweede Kamer" or Second Chamber) the Ombudsman for Children has extensively analysed the fact-finding that underpins these far-reaching child services decisions. Encompassing the procedures from the first reports with the Child Abuse Counselling and Reporting Centre up to juvenile court rulings. We spoke to professionals who encounter these complex issues in their daily work. I am very much aware of the enormous responsibility they bear and the difficult dilemmas they face every day.

We also spoke to parents and children. Hundreds of parents were willing to send us their experiences. I greatly appreciate and respect the fact that so many people wanted to contribute to our investigation by sharing their personal stories. Stories of parents, who feel powerless and sidelined when government agencies interfere in their family life.

Exactly because family supervision orders, custodial placement and arrangement concerning visitation rights bear such significant consequences for the lives of children, their right to extremely careful actions by the government must be guaranteed. I hope that this report will contribute to the implementation of improvements in the daily practices of the child services chain.

Marc Dullaert
the Ombudsman for Children

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Table of Contents

Summary	Fout! Bladwijzer niet gedefinieerd.
1. Introduction	Fout! Bladwijzer niet gedefinieerd.
2. Research methodology	Fout! Bladwijzer niet gedefinieerd.
3. What is the definition of truth-finding?	9
4. In a nutshell: child services' field of operation	Fout! Bladwijzer niet gedefinieerd.
5. Experiences of children and teenagers	Fout! Bladwijzer niet gedefinieerd.
6. Experiences of parents	Fout! Bladwijzer niet gedefinieerd.
7. Youth Care Agency	
7.1 Facts	Fout! Bladwijzer niet gedefinieerd.
7.2 Opinions.....	Fout! Bladwijzer niet gedefinieerd.
7.3 Dossier research.....	43
7.4 Weighing.....	Fout! Bladwijzer niet gedefinieerd.
8. Child Abuse Counselling and Reporting Centre	
8.1 Facts	Fout! Bladwijzer niet gedefinieerd.
8.2 Opinions.....	Fout! Bladwijzer niet gedefinieerd.
8.3 Dossier research.....	57
8.4 Weighing.....	Fout! Bladwijzer niet gedefinieerd.
9. Child Care and Protection Board	
9.1 Facts	Fout! Bladwijzer niet gedefinieerd.
9.2 Opinions.....	Fout! Bladwijzer niet gedefinieerd.
9.3 Dossier research.....	77
9.4 Weighing.....	80
10. Juvenile Courts	
10.1 Facts	Fout! Bladwijzer niet gedefinieerd.
10.2 Opinions.....	Fout! Bladwijzer niet gedefinieerd.
10.3 Weighing.....	Fout! Bladwijzer niet gedefinieerd.
11. Analysis and conclusions	Fout! Bladwijzer niet gedefinieerd.
12. Recommendations	Fout! Bladwijzer niet gedefinieerd.
Sources	Fout! Bladwijzer niet gedefinieerd.
Glossary	Fout! Bladwijzer niet gedefinieerd.
Relevant articles from the UN Convention on the Rights of the Child	Fout! Bladwijzer niet gedefinieerd.

Summary

On request of the Netherlands House of Representatives (“Tweede Kamer” or Second Chamber), in 2013 the Ombudsman for Children extensively analysed the fact-finding that underpins far-reaching decisions by child services. The reason for this request were signals from parents received by Representatives, and by the Ombudsman for Children as well, that there was a lack of ‘truth-finding’ in child services.

In this study, the Ombudsman for Children has focused on the question how child services make far-reaching decisions. How do the Youth Care Agency (BJZ, Dutch: Bureau Jeugdzorg), the Child Abuse Counselling and Reporting Centre (AMK, Dutch: het Advies- en Meldpunt Kindermishandeling) and the Child Care and Protection Board handle fact-finding, information gathering, interpreting of signals, and reporting – regarding both the protocol and the practice? What points of improvement can be suggested? For this investigation the Ombudsman for Children interviewed dozens of professionals and analysed the personal stories of hundreds of parents. Furthermore, we performed a study of dossiers indicating occurrence of these issues.

The importance of thorough fact-finding and reporting underpinning far-reaching child services decisions is evident. Primarily for the benefit of the children themselves, who have a right to a careful consideration of their interests, and to a decision that in fact serves these interests. It is furthermore for the benefit of the parents, who must be able to count on a professional and respectful approach and a careful substantiation of decisions that have such impact on them. It is also for the benefit of the professionals. They know their complex tasks to be gaining in strength if the process design has the highest possible quality and if they themselves wield the necessary skills. And then there is the best interest of the child services as a whole. The legitimacy of and general support for child services in society are corrupted by negative perceptions.

The study has shown that the AMK, BJZ and the Board generally operate professionally and expertly. Even so, mistakes in the fact-finding and reporting processes occur with some regularity. These errors range from a too one-sided interpretation of incidents to mixing facts and opinions in reports; and from the careless or inaccurate sourcing of references to the use of incomprehensible language in conclusions and sometimes failing to have informants’ stories approved. Mistakes can occur for a variety of reasons. For example because professionals are under pressure to work quickly, or because they insufficiently reflect upon choices made and their own pedagogical norms. Another reason is that some professionals do not have the right skills to deal with a usually complex parents target group. On the other hand there are parents who - contrary to the best interests of the child - engage in power struggles with each other or with child services.

The Ombudsman for Children furthermore established that the operational processes of BJZ, AMK and the Board are presently insufficiently fitted with quality guarantees, which would ensure an absolute minimisation of the risks of errors. This creates the danger that an error made at one stage continues to echo throughout the child services chain, which means that decisions can actually be made based on incomplete, insufficiently substantiated information. In extreme cases, this can result in a child protection measure to be wrongly decreed, terminated, or extended, or to an arrangement concerning visitation rights to be more restricted than actually necessary.

The responsibility of solid fact-finding to underpin far-reaching decisions by child services, and of transparent and understandable reports, falls to the entire chain. Margins of error must be decreased.

Firm guarantees must be introduced to ensure that fact-finding and reports meet minimal requirements. The Board, BJZ and AMK must commit to a set of framework conditions for reports, having the following features:

- facts and opinions must always be described separately;
- the right to be heard must be applied and always included in the reports;
- descriptions must be as factual as possible, refraining from speculative phrasings;
- verification of information must be confirmed in the report;
- a reader must be able to follow the weighing of hindering and protective factors in the child's environment, and the conclusion ensuing from this weighing;
- reports by external professionals (such as physicians, behavioural experts, psychiatrists) should be attached to the reports in full, instead of being interpreted and summarised by the author of a report.

If child services wish to offer reliable, transparent and safe access to support and assistance in pedagogical issues, the authorities must get to work towards further quality assurance of their operational processes.

1. Introduction

Grounds for study

Family supervision orders and custodial placement are far-reaching measures. And a judicial record of parental custody or arrangement concerning visitation rights after a divorce can deeply affect a child's life. That is why it is of the utmost importance to solidly substantiate decisions and to ensure they are made in the best interest of the child. How are far-reaching child services decisions made in daily practice?

On request of the Parliamentary Standing Committee for Health, Welfare and Sport (VWS, Dutch: Volksgezondheid, Welzijn en Sport), the Ombudsman for Children investigated the fact-finding practices underpinning far-reaching decisions by child services. House Representatives, the National Ombudsman and the Ombudsman for Children received signals from people experiencing that the child services chain does insufficient justice to their story - that there is a lack of 'truth-finding.' This would lead child services agencies to make decisions based on incomplete or erroneous information.

The Child Abuse Counselling and Reporting Centre (AMK), Youth Care Agency (BJZ)¹ and the Child Care and Protection Board (the Board) are parties responsible for collecting information on a child's parenting situation, interpreting signals, and drawing up reports. Based on these reports, the juvenile courts decide on protective measures or arrangements concerning visitation rights. A report is supposed to come as close to 'the truth' as possible. But of course, the truth is never unequivocal. There are always several realities, making the work of child services professionals very complex.

This inquiry report looks for answers to the questions in what way child services currently perform qualitative research, which bottleneck issues one encounters during fact-finding and during the writing of reports, and what improvements should be implemented. The Ombudsman for Children always keeps in mind how important it is for the child that an inquiry is carefully considered and formulated.

Mandate the Ombudsman for Children

The Ombudsman for Children is an independent institute assessing the compliance with the rights of children and young people in the Netherlands. The Ombudsman for Children monitors and consults the government and agencies regarding legislation, policy and execution. The childcare authorities execute a public task and are therefore part of the Ombudsman for Children's field of operation.

The assessment framework for the Ombudsman for Children is the UN Convention on the Rights of the Child. The articles of this Convention bearing on child services are included in the attachment.

Reading guide

Chapter 2 describes the research approach and demarcates the scope of the investigation. This chapter also offers a sketch of some aspects of the complexity of the field of operations that this study is concerned with. Chapter 3 explores how different parties consider the term 'truth-finding' and discusses why this concept has such diverse possible meanings.

Chapter 4 presents a short description of the current infrastructure of the child services chain in the

¹ For the purposes of this report, the Youth Care Agency is understood to comprise the fifteen Youth Care Agencies and the nationally operating William Schrikker Group (WSG), Foundation Protestant Reformed Child Services (SGJ, Dutch: Stichting Gereformeerde Jeugdzorg) and the Salvation Army Child Services & Rehabilitation.

Netherlands. For readers unfamiliar with child services, this will provide a general impression of the processes relevant to this study. This chapter furthermore offers an overview of the diverse kinds of dossiers and reports written by child services authorities, for which a careful gathering of facts is important.

Chapters 5 and 6 describe how parents, children and young people experience the current daily working practices. In Chapters 7 through 10, the vision and working practices of, respectively, the Child Abuse Counselling and Reporting Centre (AMK), the Youth Care Agencies, the Board, and juvenile courts are expounded. What are their formal tasks and methods of operation? How do professionals regard the way in which child services execute fact-finding in practice, and what are the methods of reporting? How much of this can be found in the actual dossiers? And what kind of conclusions are drawn? These chapters consistently separate facts (information found in policy documents and protocols), opinions (the views of the interviewed parties) and signals (to what extent do these return in the investigated dossiers?). Finally, all these aspects are weighed.

Chapter 11 analyses the fact-finding and reporting in the child services chain as a whole. This chapter also formulates the conclusions. Chapter 12 offers the recommendations for the several parties involved.

The attachment lists the sources used for this study, and includes an overview of the relevant stipulations from the UN Convention on the Rights of the Child.

2. Research methodology

Research objective

The objective of this research by the Ombudsman for Children is to provide the Netherlands House of Representatives and the general public with insight in the ways in which far-reaching decisions are made with regards to children under the wings of child services. This concerns the entire process of fact-finding: information gathering, the interpretation of signals and the reporting on those signals, both as required by the protocols and the actual process in daily working practice. Subsequently, this study attempts to answer the question whether far-reaching decision in child services are sufficiently underpinned. The research objective is not to rate the separate authorities with a “pass” or “fail.” The goal is to attain an analysis of the existing bottleneck issues and dilemmas, and to improve the operational processes, to thereby enter into dialogue with the field to increase the quality of this aspect of the work performed by child services.

Concept definitions and research questions

In the past few months, several media have repeatedly announced this study by the Ombudsman for Children as ‘truth-finding in the child services chain.’ The Ombudsman for Children is aware of the sensitive nature of the term ‘truth-finding.’ Parents and agencies appear to wield different views on and definitions of the concept. In the past, this has led to ambiguity about expectations and responsibilities.² That is why this research report will use the term as little as possible. In this study, the Ombudsman for Children concentrates on *the qualitative fact-finding by child services authorities, comprising the aspects of information gathering, signal interpretation and reporting.*

The study by the Ombudsman for Children directs its attention to the following questions:

1. In what way is qualitative fact-finding performed and in what way is this research represented in reports offered to the court?
2. Which bottleneck issues are encountered in the process of information gathering regarding a child’s parenting situation, regarding signal interpretation, and regarding reporting by AMK, BJZ and the Board?
3. Are far-reaching decisions made by child services presently sufficiently substantiated?
4. What can reasonably be expected of AMK, BJZ and the Board regarding the issues of verifying information, and good reporting?

Involvement of the field

BJZ and the AMK’s (united in the branch organisation Jeugdzorg Nederland - Child Welfare Organisations the Netherlands) and the national office of the Board have been cooperative from the very beginning of this investigation. The child services authorities also recognise that the way in which far-reaching decisions are made is a recurring point of debate. They furthermore acknowledge that the set-up of the qualitative research has to be done carefully. Organisations have shown willingness to further improve their modes of operation and have agreed to seriously consider the findings of this study. The Ombudsman for Children was given access to files and received permission to interview professionals on this subject.

Demarcation and methods

² See Chapter 3

The following aspects were of great importance to the demarcation of and approach to this investigation.

Protocol versus practice

The investigation by the Ombudsman for Children focuses on the working practice: What are the experiences of parents, children and professionals? Although this report also describes what frameworks and protocols the involved authorities have written down to safeguard the quality of their operational processes, the focus is on how the daily practice works, and in which situations professionals deviate from the protocols.

Two domains

The study investigates the child services domains of child protection measures (CP) and custody and access after divorce (C&A). Legally speaking, both domains fall under Dutch civil law. It was chosen not to delve into the domain of the juvenile justice system and juvenile rehabilitation, or the domain of Distance, Screening (of foster and aspiring adoption families), Adoption and Questions about one's origins (Dutch abbr. ASAA). This decision was motivated by the fact that the great majority of signals and complaints indicating the information was not weighed correctly, concern cases falling within the two domains mentioned above.

Four regions

The study was performed in four regions: Gelderland, Overijssel, Haaglanden and Amsterdam. The selection of these regions was informed by a choice of the investigators to include two regions from the Randstad (the most densely populated and most urbanised area in the Netherlands), and two peripheral areas. A raw analysis of the number of complaints on truth-finding known to the Ombudsman for Children, the National Ombudsman and the Inspection for the Youth Care Agencies was another determining factor.

Three hundred personal stories

After it was announced that the Ombudsman for Children was to investigate 'truth-finding in the child services chain,' over 300 people contacted the research team. These were predominantly parents whose children were placed under child services supervision, or were placed out of home. But also, for example, parents (mainly fathers) who did not have any parental access to their child after a divorce, grandparents who have no contact with their grandchildren after they had been entrusted to foster families, professionals who as social workers experienced child services first hand, and children themselves (mostly young adults now) who wanted to share their experiences. The Ombudsman for Children is truly grateful to all these persons who were willing to tell their story. The volume of responses meant that it was not possible to reply to all stories individually, but all stories have been carefully examined by the research team, and if relevant were rendered anonymous and used in this report.

Seventy interviews

In the four regions, the research team conducted interviews with involved professionals on all levels of the authorities concerned: employees of the AMK and BJZ (thirty individuals) and of the Board (thirty individuals), and four juvenile court judges. The interviews were held on location at the individuals' workplace, or at the Ombudsman for Children offices, individually or in duos. The interviewees were invited to speak freely and encouraged to share their own ideas for improving fact-finding and reporting. Everywhere in this investigation report, their information has been rendered anonymous.

To truly understand the perspective of the parents, the investigators spoke with interest groups of families that have encountered child services. These organisations operate as helpdesks where

parents can find answers to their questions, and as platforms to share experiences. The theme of truth-finding in the child services chain is pivotal to them. The Ombudsman for Children used analyses of the issue drawn up by two interest organisations, Stichting KOS (“Foundation Children, Parents, Grandparents”) and the website Anti Bureau Jeugdzorg (“Anti Youth Care Agency”). The investigators furthermore spoke with the Advice and Complaints Office Child Services (AKJ, Dutch: Advies- en Klachtenbureau Jeugdzorg), with implementing organisations Frontlijn in Rotterdam and Sustvarius in Nijkerk, who offer support to parents involved with child services, and with the umbrella organisation for family law specialists vFAS. To gain insight into the decision-making process of juvenile court judges, investigators attended hearings in three regions.

Ten young people

Conversations were held with ten young persons who contacted the Ombudsman for Children themselves, or who were approached through existing young persons participation platforms. These are young persons who experienced a child protection measure (family supervision order or custodial placement), or still live under these measures, and who are now old enough to reflect upon these. The investigators spoke with them individually or in small groups. Once, a mother attended the conversation with her child. It was agreed that she would be an observer and let the child tell its own story. Several young persons were interviewed over the telephone. The signals from these conversations were supplemented with signals from the Young People Welfare Deliberation (JWB, Dutch: Jeugdwelzijnsberaad). The Ombudsman for Children greatly respects this group of young people for sharing their personal stories and being able to critically reflect on them, and would like to thank them all for their participation.

Fifty-five dossiers

Indicative dossier research was performed on fifteen AMK dossiers, fifteen BJJ dossiers, and twenty-five Board dossiers - a total of fifty-five dossiers. These were dossiers from the four investigated regions that were closed in the 2011-2013 period. A part of the dossiers was concerned with cases that were filed with the Ombudsman for Children and the National Ombudsman. Other dossiers were suggested by the AMK's, BJJ and the Board themselves as examples of cases that posed a dilemma for these organisations, dilemmas regarding the ascertaining of facts or the interpretation of signals.

This selection did not strive for representativity, but aimed to attain sufficient diversity of dossiers for the purposes of this investigation. Goal of the dossier study was to gain insight in the used assessment framework, the underpinnings of advice, the transparency of the weighing, and finally to get an idea of the structure, style and phrasing of child services reports. Using ‘share observation,’ the investigators gained insight into the bottleneck issues and dilemmas related to signal interpretation that professionals encounter. Close attention was paid to the following aspects:

- Have the motivations for certain choices been made explicit?
- Has the right to be heard been applied?
- Is there a clear division between facts and opinions?
- Are statements substantiated with concrete observations?
- Are sources and dates mentioned, and has information from third parties been verified?
- How were texts from old reports used?
- What kind of language is used?
- Is the best interest of the child made explicit in the weighing?
- How are the grounds for a measure weighed?
- Is there any mention of positive findings regarding a family?

Twelve experts

The concept of the final report was discussed in a so-called expert meeting, in which twelve experts consulted on the findings of the Ombudsman for Children. This meeting was held on 26 November 2013. The names of the participants have been included at the end of this investigation report.

Complexity

This investigation was held in a highly complex reality, in which every case has its specific dynamic, all involved parties wield their own truth, and emotions run high. In fact, the investigators had to act as carefully as is demanded of child services authorities when assessing a child's parenting situation. The investigators of the Ombudsman for Children also had to perform fact-finding studies and try and create an image of the problems based on the conversations with experts and involved parties. Intuition played a part in this as well: To what extent is a remarkable story an incident, and when do you decide it is exemplary for the functioning of the entire child services chain? Subsequently, findings had to be carefully considered and written down. Investigators furthermore respected the right to be heard: Youth Care Agency the Netherlands and the Board received the chance to add factual corrections. They also had the opportunity to respond to the findings and conclusions in the expert meeting. The other participants in the expert meeting shared their expertise from legal, pedagogical, and experience perspectives.

The study by the Ombudsman for Children was solely aimed at the fact-finding underpinning far-reaching child services decisions, meaning that it did not investigate the functioning of the child services chain as a whole, or the infrastructure of the sector in general. Naturally, the research field touches upon these issues and it is no surprise that a lot of interviewees also commented on related themes. Much of the criticism of parents is focused on the functioning of child services as a system, of which the fact-finding is but a part. The large number of changes in family guardians is an issue that is well-known, both to parents and to authorities. This has as an indirect consequence that reports sometimes have to be drawn up by guardians who have been involved in a family for a very short time, meaning they have to build on information provided by a preceding guardian. Where relevant to the process of fact-finding and reporting, this report includes conclusions and recommendations aimed at the infrastructure of the child services chain as a whole.

3. What is the definition of truth-finding?

The discussion on truth-finding in child services has been held for some years. The diverse participants in the debate wield diverse definitions, leading (in the past) to semantic confusions and conflict. This chapter describes the perspectives of parents, the BJZ and the Board regarding this concept. It also discusses the view of the National Ombudsman.

Parents

This section understands 'parents' to mean adult individuals who in their personal lives have encountered child services and who have turned to the Ombudsman for Children with complaints or signals.³ Their views can also have been announced to the Ombudsman for Children through complaints or signals filed with the National Ombudsman, or been distilled from articles and personal stories of websites aimed at this specific group.⁴ Chapter 2 explores the way parents experience the working methods of child services in more detail.

For parents, the concept of truth-finding equals a 'fair' procedure. At the beginning of their contact with child services, parents expect the authorities to discover what exactly took place. The unspoken assumption is often that "we parents are assessed based on the facts, based on the truth," just as a suspect in criminal proceedings has a right to a fair trial in which evidence must be brought to bear against him. If authorities then announce not to engage in truth-finding, this hits the parents in a fundamental and vulnerable way: the sense of having a fair chance, the idea that government authorities function in a reliable and proper manner, and the feeling to be protected from arbitrariness. This results in hostility and a lack of understanding.

In December 2011, the National Client Forum Child Services (LCFJ, Dutch: Landelijk Cliëntenforum Jeugdzorg) published a brochure with the title 'Truth-finding in child services.' The objective of the publication was to encourage the dialogue between clients and professionals in child services. The brochure explains that many clients in child services experience a want for factual research as performed by judicial authorities. If they disagree with the representation of the state of affairs in a report, they often lack sufficient opportunities to have the report amended. "Attempts by parents and young persons to explain their side of the story are drowned out by the professional perspective social workers and board investigators hold on to. In other words: the truth adhered to by social workers is not equal to the client's truth."⁵

Youth Care Agency

In the past two years, the concept of truth-finding has been discussed more and more within the Youth Care Agency the Netherlands, the umbrella organisation of the Youth Care Agency. A concrete result of this debate has been a memorandum (8 November 2012) made available to the Ombudsman for Children for the purposes of this study. In this memorandum, Youth Care Agency the Netherlands acknowledges that BJZ has stated that family guardians do not practice truth-finding. This was to offer a defence against the notion held by parents that one is innocent until proven guilty through serious and credible evidence, as is the case in criminal proceedings. Often, there is no hard evidence of an unsafe parenting situation in child services - there are no camera recordings of child abuse. In that sense, child services do not conduct truth-finding, since social workers do not attempt to obtain

³ i.e. grandparents or other family members can also fall under this definition

⁴ Examples are antibjz.nl, jeugdzorg-darkhorse.blogspot.nl, stichtingkog.info

⁵ "Waarheidsvinding in de jeugdzorg," Landelijk Cliëntenforum Jeugdzorg (LCFJ), December 2011

serious and credible evidence, as in criminal proceedings. Child's Welfare the Netherlands concluded that truth-finding is in fact a core element in both the research methods of the AMK and the Delta Method of BJZ. "We are not looking for serious and credible evidence as in criminal cases, but within our own capabilities attempt to find substantiated facts to underpin decisions, always with the safety and development of the child as a priority."⁶

Child's Welfare the Netherlands does acknowledge, however, that the statement "we do not practice truth-finding" carries a risk of misunderstanding among the general public. The stance can furthermore internally lead to a lax attitude regarding the collection of facts and information to underpin far-reaching decisions. Confusion surrounding the concept has in the past led to "an inconsistent message, creating an unfavourable image towards the general public and employees." That is why Child's Welfare the Netherlands considers it appropriate to conduct a re-orientation on the concept.

As a starting point for this new view on the concept, the memorandum states that truth-finding is a process, the intensity and meaning of which are context-dependent. Part of this process is collecting data and verifying facts, statements, feelings that something is 'not right', and information provided by third parties. Information provided by clients about themselves must be recorded in such a way that clients recognise themselves in the description. Verification of information offered by professional informants should become standard procedure. Child's Welfare the Netherlands acknowledges that this is sometimes insufficiently practiced in child services, especially in crisis situations. "In those cases, criticism is justified." The memorandum further states that verification of information provided by third parties is standard procedure within the AMK. "If, considering the available options, sufficient effort has been made to determine the facts and make a decision, the child services will at some point conclude the assessment. The best interest of the child is the leading principle and the collection and interpretation of facts will always serve to make a decision that is in the best interest the child."

Because the debate on truth-finding often plays a role in cases in which the judge has ordered a parental access - family supervision order (Dutch abbr. OTS) in case of a confrontational divorce, Child's Welfare the Netherlands pays extra attention to that aspect of its operations. In these cases, the parents always have a great difference of opinion on the matter and there is so much conflict that the Board considered the situation a developmental danger for the child. These were grounds for the Board to ask the juvenile court to order a family supervision order. Child's Welfare the Netherlands states that there is no single truth in conflicts between ex-partners, and that the BJZ does not consider it its task to determine which partner is 'right.' It does consider it its task to investigate developmental and safety facts of the reality of the parenting situation in which the child lives. This means that signals as well as back-and-forth accusations are in fact taken seriously. A family guardian must make sure not to be sucked into one of the camps, thereby becoming a party in the conflict. From the memorandum: "If truth-finding as an explicit activity by the family guardian vis-à-vis the ex-partners just becomes more ammunition for highly poisoned relationship problems [...], it is sometimes explicitly stated that e-mails from parents will not be read. This does not mean that truth-finding as a basic attitude plays no role behind the scenes. Facts are still being weighed and especially in such cases the consideration of the best interest of the child is carried out very carefully. That one of the ex-partners considers the end result of these considerations unacceptable, is often unavoidable in these conflict-ridden situations."⁷

⁶ Memorandum Youth Care Agencies the Netherlands, 8 November 2012

⁷ Memorandum Youth Care Agencies the Netherlands, 8 November 2012

Child Care and Protection Board

The theme of truth-finding has been in the scope of the Board for years now as well, and is regularly discussed within the organisation. As with BJZ, the Board has in the past stated not to conduct truth-finding. From 2001 onward, this was even the official communication policy, because it was felt that the research model used at the time made it sufficiently explicit what information was used for assessments. Formally, the Board communicated not to conduct truth-finding with regards to the facts (this was particularly a police task), but to focus primarily on the development of the child (based on reported or observed signals).⁸

Presently, it has become clear to the Board that this position has fostered a lot of indignation and does not do justice to the reality of the Board's operations, since the Board has always been engaged in truth-finding in one way or another. During investigations, the Board does not perform truth-finding in the criminal law sense of the word, meaning that it does not seek serious and credible evidence, but does make an effort to bring the relevant facts to light, to observe the right to be heard, and if necessary consult several sources to verify or objectify information. In sum, as the Board states in a memorandum of September 2013, the communication on truth-finding must be reviewed. Since then, internal decision-making processes to that effect have been initiated.⁹

The formal line is now that the statement that 'the Board does not conduct truth-finding' should no longer be communicated, although it is possible that this sometimes still occurs. The Board now considers it more appropriate to effectively communicate what it *does* do, namely conduct investigations in which the (physical) safety and development of the child are central, in which statements by involved parties are taken seriously, and in which the Board has an active research attitude. The Board's investigations are aimed at finding and analysing concrete and factual information. In the Multidisciplinary Consultations (MDC, Dutch: Multidisciplinair Overleg), which is a standard part of every Board investigation, it is discussed whether uncovering the 'actual state of affairs' is relevant. In such cases, efforts are made to ascertain this state of affairs. If necessary, multiple sources are used to verify or objectify information.¹⁰

The National Ombudsman:

The National Ombudsman has also made statements on the theme of truth-finding in the context of parental access-family supervision (after a so-called confrontational of "fighting" divorce). In an article, Alex Brenninkmeijer and Marjolein van Zanten state *"that truth-finding is in the best interest of the child and indispensable for professional weighing of interests in child services. The concept of truth-finding here is not intended to coincide with the criminal law concept of truth-finding. [...] In the context of juvenile justice, truth-finding must be interpreted differently, since it is not always possible to establish the truth. The most complete reconstruction of the facts, however, is necessary to be able to assess what kind of care a child needs."*¹¹ The National Ombudsman states that BJZ and the Board should, within reasonable limits, do everything in their power to uncover the truth when the information concerned is of decisive importance to far-reaching decisions. He further states: *"Truth-finding in child services is very important, but it certainly does not have an absolute meaning. [...] BJZ and the Board will always have to make a conscious consideration of the best interests and safety of the child on the one hand, and truth-finding on the other."* The National Ombudsman states that truth-finding does not

⁸ Memorandum truth-finding, Child Care and Protection Board, September 2013

⁹ Memorandum truth-finding, Child Care and Protection Board, September 2013

¹⁰ Memorandum truth-finding, Child Care and Protection Board, September 2013

¹¹ Marjolein van Zanten en Alex Brenninkmeijer, "Waarheidsvinding: van groot belang in de jeugdbescherming", FJR 2011/76, July 2011

have an absolute meaning, and that it can even be undesirable - for instance when an intensive investigation is too taxing for a child. This requires a constant consideration of interests.

In reports published by the National Ombudsman that are concerned with complaints about one of the child services partners, truth-finding is a recurrent subject.¹² A report addressing the Board reads: “[...] *that the statement, by among others the Board, that truth-finding is not conducted, does not function as a carte blanche to include opinions of the struggling parties in the report without verifying them. Authorities such as the Board are expected to have a more active attitude than that. If they consider a statement important for the justification of a particular decision, the true sequence of events must be investigated as thoroughly as possible. Only checked statements that have been tested against facts may be included in reports, allowing the judge to make a motivated ruling.*”¹³

In the conclusions of this investigation, the Ombudsman for Children proposes adopting a new term which would more aptly describe the child services fact-finding than the term ‘truth-finding.’

¹² See for instance National Ombudsman reports 2012/112, 2011/128 and 2011/015.

¹³ Report 2011/128

4. In a nutshell: Child services' field of operation

This chapter offers a concise description of the functioning of the child services chain in the Netherlands. Naturally, there is a lot more to be said on this multifaceted and complex subject than this report has room for. That is why this chapter limits itself to the processes, the actors, and the information flows relevant in the context of 'truth-finding'; meaning the context of fact-finding, interpretation of signals, and writing of reports in child services. The subsequent chapters discuss the methods and characteristics of the individual organisations. More detailed accounts on these organisations can be found on their respective websites.

Child services in a voluntary and in a mandatory framework

Parents requiring assistance in the raising of their child can first call upon local support organisations, such as the Youth & Family Centre (Dutch abbr. CJG), the consultation desk, parenting agencies or child & adolescent health care. If this support proves inadequate, a voluntary involvement of BJZ becomes a possibility. In those cases, BJZ can coordinate the already existing support and can, for example, refer families to so-called 'care with indication,' forms of which are intensive assistance at home, daily support, foster care or residential care. These are the constituents of the so-called 'voluntary framework.'

If the nature and gravity of the situation are severe, or if parents refuse to accept support, and the child is - in the eyes of BJZ - seriously endangered in its development, BJZ will file a report with the Board. The Board will then investigate the development and the parenting situation of the child and can, if it deems it necessary, request the juvenile courts to impose a child protection measure. This can be a family supervision order (Dutch abbr. OTS) with or without an authorisation for custodial placement (Dutch abbr. MUHP). In very grave situations, the judge can relieve the parents of their parental custody or remove this custody from them. BJZ is then responsible for the coordination of the implementation of this measure, meaning for the support within the 'mandatory framework.'¹⁴

Another way in which a child can come to the attention of the Board is through the AMK, a specialised division of BJZ. The AMK assesses the received communication and if deemed necessary commences an investigation in which suspicions of abuse are discussed with the family, and information is requested from professionals in contact with the family. When the AMK judges that there is child abuse, the parents are urged to accept help. Should support turn out to be unfeasible within the voluntary framework, the AMK will file a report with the Board.¹⁵

A third way¹⁶ in which a child can come into the Board's scope, is when after a divorce parents cannot establish an arrangement for visitation rights for the child, and are unable to resolve this assisted by social services, so-called Meeting Houses ("Omgangshuizen"), or voluntary mediation. The judge can then request advice from the Board on the arrangement concerning visitation rights, division of care and raising tasks, the custody over and/or primary residence of the child. Sometimes it happens that a custody & access case (C&A) by the Board is extended with a child protection investigation (CP), if the issues between the parents are so severe that the safety or development of the child are at risk. In

¹⁴ These measures are likely to be reformed in the near future. The Bill on revision of the child protection measures was passed by the Netherlands Second Chamber on 15 March 2011 (32.015) and is now being examined by the First Chamber (33.061)

¹⁵ If a situation is deemed so dire that immediate intervention with a child protection measure is required, professionals (e.g. police officers, physicians) can directly file a report with the Board.

¹⁶ Children can also come into view of the Child Care and Protection Board in other ways, such as after adoption or when children encounter the juvenile courts. These aspects of the Board's work are not included in this investigation.

these cases, the Board can ask the judge to impose child protection measures, such as a family supervision order or an authorisation for custodial placement.

If the judge imposes a child protection measure, the BJZ (or through them a national organisation for (family) guardianship¹⁷) will receive the assignment to implement the measure. The family will then be appointed a family guardian. The family supervision order or custodial placement is evaluated after the imposed period. If the implementing organisation thinks it feasible to terminate the measure (early), it will report this to the Board with attachment of a final account. In that case, the Board has an 'assessment task' to determine whether the grounds for the measure have indeed been resolved. If the implementing organisation thinks it beneficial to extend the measure, it will file the account immediately with the juvenile courts, with a request for extension of the measure. In extreme cases, BJZ can ask the Board (if the family is already placed under supervision) to investigate whether more far-reaching measures are warranted: relieving or removing parental custody.

Relevant flows of information

The careful gathering, weighing and recording of information about families by BJZ, the AMK and the Board, is important because the drawn-up information is recorded for a long time and can also serve as a source for subsequent reports. In report and (digital) files, one finds facts, observations, analyses and assessments by professionals on the development and parental situation of a child. Information comes from several sources and the reports are often re-used as building blocks for subsequent reports. New information can lead to investigations being re-opened by one of the parties, or to the forwarding of a case to another organisation, which would also lead to a new report.

The dossiers are available to the parents upon request¹⁸, and primarily serve as reporting on contact with the involved parties, and as information source for professionals writing reports. The reports are the official documents in which all the information comes together, and underpin decisions for moving to a next step in the chain. Below is expounded which dossiers and reports are drawn up by different organisations at different links in the child services chain.

¹⁷ The William Schrikker Group Child Protection & Forster Care (formerly WSG, now WSJ), Salvation Army Child Services & Rehabilitation (LJ&R) en Foundation Protestant Reformed Child Services (SGJ).

¹⁸ There are exceptions, such as for instance information on people who report to the AMK anonymously, the address of a child's secret residence, very personal information on a parent that the former partner is not allowed to know, etc.

The AMK, BJZ and the Board each keep a (digital) file on clients¹⁹:

Dossier	Sources	Can lead to
AMK	<ul style="list-style-type: none"> - received notification - possibly existing digital BJZ file on existing support - possibly earlier AMK reports - correspondence with and information from involved parties - correspondence with and information from informants - reports and indications of results of team deliberations and multidisciplinary discussions 	<ul style="list-style-type: none"> a. no consequences b. forwarding to voluntary support c. request for Board investigation
BJZ voluntary framework	<ul style="list-style-type: none"> - possibly information from earlier involvement BJZ - possibly notification from AMK - correspondence with and information from existing support agencies - correspondence with and information from involved parties - correspondence with and information from informants - reports and indications of results of team deliberations and multidisciplinary discussions 	<ul style="list-style-type: none"> a. conclusion of support b. continuation of voluntary support c. request for Board investigation
BJZ mandatory framework	<ul style="list-style-type: none"> - report from AMK or digital file BJZ voluntary framework - Board report - court rulings - documentation on the implementation of measure and contacts family guardians - correspondence with and information from involved parties - correspondence with and information from informants - reports and indications of results of team deliberations and multidisciplinary discussions 	<ul style="list-style-type: none"> a. request for termination of measure b. request for extension of the duration of measure c. request for increase of reach of measure
Board	<ul style="list-style-type: none"> - data from (earlier or present) investigations and report from the Board on this child - court decisions - contact journal - correspondence with and information from involved parties - correspondence with and information from informants - reports and indications of results of team deliberations and multidisciplinary discussions - documents to the court 	<ul style="list-style-type: none"> a. no consequence b. request or advice to court

¹⁹ The transfer from paper to digital dossiers is currently underway. Many organisations are presently working with both paper and digital dossiers.

This information is used in several official reports. If people file complaints regarding the quality of the fact-finding in child services, these can bear on - among others - one of the following documents:

Authority	Reports
AMK	final report with or without referral to voluntary support
	request for Board investigation
BJZ	request for Board investigation
	indication decision with underpinning reports
	evaluations action plan
	request for termination (to the Board) or extension (to the judge) of measure
	request for investigation of further-reaching measure
Board	Board report request measure
	Board report assessment task
	Board report request for applying further-reaching measure
	advisory report visitation rights after divorce

5. Experiences of children and teenagers

Ten young persons between 12 and 18 years of age were interviewed for the purposes of this study. These young people had recently experienced a family supervision order and most of them a custodial placement as well. A number contacted the Ombudsman for Children themselves, others were contacted through youth councils. The young people were interviewed individually or in small focus groups. Although they did not constitute a representative group, the interviews do offer an insight into what happens to children and teenagers in these situations and how they experience them.

This chapter reflects the opinions that young persons in this research group have regarding the gathering of information and reporting in child services. The proceedings of their cases in the juvenile courts were also discussed. The young persons also suggested subjects that strictly speaking fell outside of the scope of this investigation. It was sometimes difficult for these interviewees to adhere to the demarcation of 'fact-finding and reporting.' In this chapter, this resulted in a slightly broader perspective, also delving into the question whether young persons experience that their views are correctly represented when they encounter youth services.

Regarding information gathering

The young persons indicate to be unaware of how their information is collected, except through conversations between them and child services workers. They are aware that conversations were held with their school and with their parents. The young people appreciate it when professionals ask for their opinion.

- "They felt involved in our family, they understood what we (children) meant."

The young people indicate that they do not receive feedback on their conversations. The professionals do make notes during the conversations. According to the young people, after the conversation there is often the fear to have said something 'wrong.' They state that feedback on the conversation in a report could remedy this.

- "When I say something wrong, I confirm what my father says and screw it up. I was very emotional afterwards, I don't know why."

Sometimes their stories are represented quite differently, causing the young people to feel they are not taken seriously. The young people tell varying stories about their conversations with investigators.

- "I told them how much I liked living with grandpa and grandma, but in the report it all looked a lot worse than it was."
- "Letters that I and my little brother wrote were sent back unopened. When we called to find out what happened, it turned out they wouldn't be included, because the letters weren't asked for."

Children are not always involved, as was the case with a young man sharing his story about an emergency procedure. When they are involved, this does not necessarily mean this works to their advantage. Older, experienced young people tell the other children that everything can be used against them:

- "When you tell them 'I'm not doing well at school, so I want to live at home again', they twist your words to: Things at school haven't improved, so we'll keep you here a little longer."

Some young persons indicate that the investigator is not alert enough and erroneously thinks that things at home are fine.

- “Parents are full of sweet talk, but once the investigator leaves it’s all the same again.”

Young people indicate that it is important to them that their family guardian is there for them. That they return calls quickly, that they take the time for a conversation, that they explain what will happen, and that they help to prepare for an interview with the juvenile court. It should be possible to develop trust between the young person and the guardian.

On several occasions, young persons state that their trust was betrayed. You finally find the courage to tell a professional what is going on at home, and they just tell others without informing you. Consequences will await you at home. This damages the child’s trust and stops important secrets from being shared.

- “You can tell us everything, they say in the little interview room. And you’re thinking: If I say this about my father, he’ll get angry, there will be consequences. You know this. You can tell the truth all you want, but it takes weeks, months before something is done. In the meantime, you have to live with a disgruntled parent, going: So you like your mother better?.”

Regarding reporting

Young people indicate having discovered several ‘errors’ in their dossiers. For example, confusing brothers or sisters with each other, or contradictions within a single report, such as mixing an old and a new dossier.

- “I read my board report and sent them a sheet pointing out the errors. These were thankfully corrected. After that, it still wasn’t exactly what I had said, but there weren’t any real mistakes anymore.”
- “We all had an OTS supervision order, but the report on my sister mentioned a V-OTS.”
- “I read my report for two people: for myself, to adjust where necessary, and through my mother’s eyes so I would know there wouldn’t be any gaps in the report that she could use to misinterpret.”
- “In one document, the name of the person who fondled me when I was little was switched with the name of the person who took really good care of me. They apologised for that, but sorry doesn’t buy me anything.”
- “In my report (girl, 16) that was sent to the judge to determine whether you’re given an extension, all kinds of things were wrong: behaviours of my brother and me were switched with each other, and which one of us has a medical condition, and the number of sisters wasn’t even right. This report passed my school mentor’s desk, and the corrections were done by the guardian and case manager. The file was forwarded incorrectly, and it took two or three months before the mistakes were pointed out to them. By that time, they had to open a whole new court case. We later heard that due to an illness, a substitute guardian had written the report.”
- “The report said I smelled sweaty and looked sloppy. When I read that, I didn’t call her (the guardian). I didn’t feel the need because I don’t like her.”
- “The reasoning behind what has been said and ascertained must be included in the report. If someone is considered anti-social, write down actual examples. Sometimes you must get to know yourself before you realise how you’re behaving.”

Several of the young people from the research group had a limited grasp on the contents of their dossier, primarily because of the difficult vocabulary and an excess of repetitions.

- “For instance, what does ‘adequate response’ mean?”
- “The reports have too many abbreviations: O.T.S., N.V.T., Z.O.Z.”
- “The number of repetitions makes the report unreadable.”

Some young persons were unaware of their right to consult their dossier once they’re 12 years old. Others actively exercised this right.

- “I was eleven years old, but that didn’t matter. I was ready to read my dossier. Always read the folder with someone else there, that was the deal.”
- “I had requested my dossier before, but I didn’t get to see it. I (boy, 13) asked to see my dossier in the courtroom, because they were talking about me and I had no idea what it said. Then they thought I had a big mouth. I didn’t get to see it.”

Young persons who have been placed out of home indicate that the reports regarding the home they stay in after the custodial placement *are* correct and are sometimes even written with them, or at least shared with them. This can concern a report that is sent to the juvenile court. They have noticed that child services seem to be quick to disregard this information.

- “By how they talk in the courtroom, I see that child services pays little attention to those housing group reports, even though these state exactly what I said, how I’m doing.”

Regarding the juvenile courts

Young persons indicate to not always know what information about them is passed on to the juvenile court judges. They do know that from 12 years of age, they can be summoned by the judge to offer their opinion. A child can go in person or send the judge a letter.

- “I received a letter in advance about the court date, and I could choose whether I wanted to be there or wanted to receive a report.”

Not everybody gets the opportunity to talk to the juvenile court judge in private, even though the young people do prefer this. They state that the amount of things a child dares to say about what it wants, greatly differs depending on who are present.

- “The juvenile court judge asks questions such as: How are you doing now? Have you learned anything there? Do you think you’re ready to leave there or to go home?”
- “Telling the court how I’m doing, with your guardian on your left and your mother on your right. Do you think I’m going to talk? It’s either endless fights with mother, or the guardian extends the custodial placement? I’m not going to make that choice, so I’m not saying anything. If I could have spoken with the judge in private, it would’ve gone differently.”

The young people indicate that it is wise to have someone, for example the guardian, prepare them for the interview with the juvenile court judge. The young people experience a lot of pressure to perform well in this conversation.

- “I have to watch out what I’m saying and try to say things that are in my advantage, but of course they have to be true.”
- “I was forced to tell the court the story of my father that I had to memorise the entire night before.”

Some judges are great at dealing with children and teenagers. A young man mentioned an athletic performance, which was noticed by the judge since it appeared in the report.

- “They immediately discussed it, whereas before they always began with: This boy isn’t talking, he’s aggressive. The judge began talking about sports and said: ‘I don’t think you’re at all like the report says.’ Then I was finally able to open up. Afterwards she said: ‘Next time, you can tell me how you’re doing’.”

Multiple responses, on the other hand, resound with criticism from the young people on how their case was handled by the juvenile courts.

- “They receive the papers that are already full of errors, so I can understand they make the ‘wrong’ decision.”
- “I think they don’t get enough time to listen to the child.”

- “They make a decision while you’re there, in hardly more than 30 minutes.”
- “When you get to the juvenile court for the first time, you think: now we can go home. If you get an extension, the next time you’ll enter the court with a different attitude.”
- “‘I hear that you’re doing well,’ the judge said. I’m doing my thing and I’m working hard. But still I can’t go home. I still don’t understand that. The guardian can’t really explain either.”

A family supervision order or custodial placement has a tremendous impact on children and teenagers. They indicate they want to be taken seriously and wish to be involved in a solution for their situation. This sounds like common sense, but they consider this an essential feature that often goes wrong, for example in the explanation of their case.

For some young people, it was unclear for a long time why they were placed out of home. A few young people in the research pool state to be disappointed in social services because of the lack of clarity and certainty about their situation. Multiple young persons express the desire to be better informed about their position and the plans for the family.

- “I often get an answer from my guardian, but the response is unclear. After a while, you just stop asking.”
- “When talking to my guardian, I’m dying about this custodial placement, while she’s talking about the so-called worries she has.”
- “In a custodial placement, you are given personal goals, and when you achieve these goals, you get new ones! But at first you think that you’ll be allowed to go home.”
- “I was placed out of my home when I was seven years old. When I was twelve, the guardian asked whether I wanted to live with my father, my mother, or alone. I chose independent living, even though I had no idea what that meant.”
- “When there are agreements about a child’s goals, these aren’t always included in the dossier. This is important, because it contains everything that everybody should know.”
- “Please say exactly what you (guardian) mean. Then I’ll know where I stand.”

Recommendations from the young people:

- have the young people write a part of the reports as well;
- also offer children younger than 12 the opportunity to speak to a judge, if they want to;
- offer young people more certainty and clarity about what will happen, through better communication by social workers with child and parent;
- besides a family guardian, a coach should be appointed for the young people, who will help the child and the guardian to determine the course of action.

6. Experiences of parents

Many of the complaints that parents file with the child services complaints authorities, with the Ombudsman for Children, or with the National Ombudsman, are related to the claim that BJZ, AMK or the Board are insufficiently engaged in truth-finding. This is the experience of both the parents who encounter child services in the context of so-called custody & access cases (C&A), and the parents in child protection cases (CP). Parents who utter complaints regarding BJZ, AMK or the Board in C&A cases, often state that these authorities offer too few decisive answers (or put in too little effort to find decisive answers) to the question whether an incident occurred or not. Or they state that the authorities choose side with the other parent. Parents who have to deal with a family supervision order or custodial placement often state that the conclusions with far-reaching consequences are underpinned by suspicions, anonymous tips, or assumptions that could be interpreted otherwise or that they feel have been insufficiently checked.

The Ombudsman for Children has not investigated how often parents utter criticism on the quality of reports. The complaints analysis of the Board offers an impression in this regard. It shows that in the past year, a complaint was filed in 2.11 percent of the almost 5,200 C&A cases; for the approximately 19,200 CP cases, this percentage was 0.36.²⁰ Another 8 complaints concerned cases that included both C&A research and CP research. Over half the complaints were related to the contents of the Board research or the Board report. A confidentiality adviser of Zorgbelang Gelderland performed a count in 2011, which showed that 49 of the 180 complaints reports against BJZ Gelderland that were filed with the external complaints board in the first six month of 2011, were related to truth-finding. This is approx. 30 percent.²¹

Furthermore, it is not possible to create a quantitative view based on the more than 300 e-mails and letters that the Ombudsman for Children received in the context of this study and interviews held with parents. We simply do not know how many parents are affected. We can form a comprehensive view out of the experiences of the parents who did come forward. In general, they experienced that in their case there was no proper effort to unearth the truth, and they didn't recognise themselves in report descriptions.²² Parents experience losing control over their family life once AMK, BJZ or the Board are involved. Parents mention Kafkaesque situations, in which incidents are blown out of proportion, remarks are repeated without their original context, and a cooperating attitude can suddenly be turned against you. A 2013 study by the National Client Forum Child Services (LCFJ) shows that parents experience that they are not being heard, and are receiving too little support that is actually in line with their strengths and capabilities. They need a professional who not only questions them on risk factors, but also truly listens to their 'heart's story.' That helps them bring the parenting situation in order and takes care of fitting support.²³ On the internet, one can find forums where parents share their experiences and advice on how to deal with an AMK or Board investigation.²⁴

²⁰ Complaints Analysis 2012

²¹ "Waar of niet waar, is dat de vraag? Signaleringsrapport van de vertrouwenspersoon jeugdzorg over waarheidsvinding bij BJZ Gelderland", Zorgbelang Gelderland, August 2011

²² The Ombudsman for Children received one e-mail from a father who explained to have received great support from BJZ. The intervention by BJZ forced him and his ex-partner to concentrate on their son again, instead of on each other. He considered it important to include a positive view.

²³ "Deze steun heb ik nodig - Ouders over 'goed' ouderschap en gewenste ondersteuning," Bureau Hoek, commissioned by LOC/LCFJ, 2013

²⁴ Example: www.stichtingkog.info/pages/posts/iemand-heeft-een-melding-over-u-gedaan-bij-een-amk175.php

The information in this chapter is taken from stories that parents mailed to the Ombudsman for Children, from interviews with interest groups for parents who are in contact with child services, and from analyses by Stichting Kog and Anti Bureau Jeugdzorg. The investigators furthermore spoke with the Advice and Complaints Office Child Services (AKJ), with implementing organisations Frontlijn in Rotterdam and Sustvarius in Nijkerk, which offer support to parents involved with child services, and with the umbrella organisation for family law specialists vFAS.

Analysis of the stories shows that complaints by parents fall into five domains:

- treatment and attitude;
- information gathering;
- interpretation of signals;
- report quality;
- proceedings of their case by the juvenile courts.

Although it falls outside the scope of this study, parent interest groups also indicate that reports drawn up by consultation clinic or foster care authorities are also an important information source for BJZ and the Board. Mistakes are found in these reports as well, mistakes that subsequently echo in reports throughout the entire chain. Parents experience that a risk assessment is made in every conversation with the consultation clinic. This causes them to become cautious of sharing parenting concerns or uncertainties, which in turn causes suspicions with social workers, or leads to an indication as non-cooperative.

There are complaints on all organisations, the AMK, BJZ and the Board. After analysing the bulk, the complaints relatively often concern the AMK and BJZ child protection. The complaints described below are told from the parents' perspective. The complaints are illustrated by (paraphrased) statements from parents, made in interviews with parents and parent interest groups, or from written analyses that parents sent the Ombudsman for Children.

Complaints regarding treatment by and attitude of child services professionals

When parents take a critical stance, dispute report findings or file a complaint, they are labelled 'non-cooperative' or it is claimed that they lack insight into their problems. Child services employees punish such behaviour with negative qualifications in the report, or threaten with a family supervision order or custodial placement. Parents experience that their views are not taken seriously.

- o "Father cannot be cooperated with, the report states. Why not record it more objectively, for instance that I don't agree with how things are done, or something like that?"
- o "The judge has ruled that I can see my son one afternoon every week. The family guardian has now decided this means one hour every week. If I complain, she threatens to make it even less."
- o "If you don't cooperate with the AMK, they threaten to simply request a family supervision order from the Board. They told me they have good contacts there."

Parents are given too little time at the AMK to offer their perspective on the reporting. Once information has been recorded, it is impossible to change it.

- o "Before I could even respond to an AMK report, the Board had started an investigation. The parents' right to be heard was not applied."
- o "My written objection to the AMK report was not attached to the reporting to the Child Care and Protection Board. The text was filled with slander from my ex-wife, which was recorded as factual in the report."

The Board offers parents a chance to respond to reports quite late in the process. In some cases, the report has already been sent to the court.

- “I had to undergo a medical procedure, but was expected to respond to the heavy report within a week.”

Parents who voluntarily seek support or take a cooperative stance, feel betrayed when the information they provided is suddenly used against them. This information appears in a distorted form in the reports.

- “I approached BJZ with a request for assistance for the behaviour of my teenage son. And before I knew it, he was placed out of home.”
- “In my experience, they lure you in with voluntary support, and once you disagree with them it turns into mandatory help. So first you don’t get the assistance you need, and then it’s out of your hands. They portray things worse than they actually are.”
- “We advise parents seeking voluntary support not to speak too freely. Before you know it, they’re asking about your own poor childhood and they find reasons for an investigation.”

The attitude of child services workers is lacking in professionalism and workers fail to stay neutral in their position between the parents. Conversations can then escalate into a power struggle.

- “The family guardian does everything my ex-wife wants. They’re conspiring against me.”
- “I was treated as a suspect in police custody. But everybody treated my ex-wife very cordially. They shared personal stories and behaved like best friends.”

Child services workers lack the communication skills to deal with less educated parents, parents with disabilities, or parents from non-Dutch origins. They also enter the situation with preconceptions and a judging attitude.

- “We counsel parents with multiple problems, parents who solve conflicts by raising their voice, and parents who fail to uphold agreements because they have so much on their plate. Some twenty-year old girl can’t handle situations like that.”
- “Family guardians speak condescendingly about these parents.”

Parent support organisations state that BJZ interventions often have an escalating effect, with too little attention for BJZ’s own share in this.

- “BJZ insufficiently understands its impact on parents. If the AMK shows up on your doorstep, adrenaline levels soar - everybody should understand that. BJZ writes reports as if they were a fly on the wall, but their presence in a situation alone greatly affects parents’ behaviour. I think they do not consider this influence enough.”
- “There is little consideration for the emotions experienced by parents. A father expressing a sense of powerlessness is too quickly regarded ‘aggressive.’ A mother protecting herself by keeping an emotional distance during the visit from child services, is regarded ‘cold.’ Parents are labelled quite quickly.
- “Family members feel unsafe because of the pressure from BJZ and the threats uttered if a parent is ‘non-cooperative.’ These emotions evoke certain behaviours from parents.”
- “I was present at a supervised visitation and observed how a mother who only saw her child once a week ever since it was very young, was rather awkward changing its diaper. The guardian later recorded that her changing method was clumsy. But what do you expect, with three pairs of judging eyes on you, full of the nerves and strong emotions? The fact that she doesn’t see her child very often makes her clumsy; it’s not the clumsiness that’s the reasons that she sees her child very little. It is unfair to write it down that way.”
- “In confrontational divorces, BJZ has the parents in a meeting room for an hour, without a list of topics, without conversation rules, and without the capabilities to actually guide the meeting.

And if that situation derails, BJZ states that the parents should be mature enough to talk to each other. BJZ does not take its own share into account in cases like this.”

- “As a family therapist, I try to discuss the AMK and BJZ approaches with the social workers. Their response is that ‘this is how we work.’ They cannot be held accountable. To serve the interest of our mutual client, I refrain from digging deeper. BJZ employees are not trained to consider and engage in a situation from a systemic therapy approach: understanding behavioural issues from the interactions between people.”
- “The BJZ operations are not aimed at looking into what parents need to be empowered. What do they need in order to resume parenting? Taking the child away seems to be the focus.”

Complaints on information gathering

AMK, Board and BJZ form an idea of the problems too quickly, subsequently having tunnel vision when they look for evidence for this assumption.

- “If I explain the situation, they only record what they find interesting and what fits their picture.”
- “My son underwent psychological testing, the sole objective of which was to come to the conclusion: ‘Parental visitation rights do not serve the child’s best interests.’ The outcome had already been determined in advance.”

The information AMK receives from professionals (school, general practitioners, play therapist) is not investigated further but taken at face value. Parents experience a lack of critical assessment from the AMK regarding information offered by professionals, even though this information may be based on assumptions, suspicions, or unverified information. This information then shows up as ‘fact’ in the reports.

- “The general practitioner told the AMK that she thought I had a ‘dual attitude.’ That I spoke about our difficult family situation ‘too cheerily.’ Now the AMK will be coming to visit.”
- “There are even professionals who contact the AMK just out of spite.”

The AMK does not present information from informants (schools, social work) to those informants in black and white. Usually, information is exchanged by telephone and recorded by the investigator him- or herself. The AMK investigators spin this information for their own purposes and there is no verification protocol for information that keeps turning up in reports down the chain.

- “I confronted my son’s school and they confirmed that this wasn’t how they said it.”
- “The report claimed that information was authorised by our general practitioner, but that wasn’t the case at all. This way, the Board investigator turned her own opinion into official report matter.”
- “I am a family therapist. At the AMK, claims from informants such as myself are taken out of context which continues to pursue the parents for many years without hearing their side of the story. By that time, the image has been established.”

Minutes of conversations with parents held by AMK and BJZ are not recorded on the spot. The investigator or family guardian writes a report after the meeting. This puts a lot of responsibility on the social worker’s memory and interpretation. This leads to important matters being left out, or, reversely, insignificant events being blown out of proportion. The report is not submitted to the parents for approval.

- “Ever since concocted agreements showed up in the report, we always tape our conversations with the family guardian.”
- “Our organisation advises parents to save all e-mails exchanged with child services employees, as the child services employees will shop around in correspondence and only pick out what they can use.”

Additional information provided by the parents themselves is not included in the report of the AMK or the Board

- “I carried out a review investigation myself and collected evidence, but they did not include it in their research.”
- “I made a list of people who could tell them more about my child, but they refused to speak to any of them.”

Furthermore:

- Parents are insufficiently involved in the instrument called the ‘assessment arch’ (Dutch: beoordelingsboog), used by foster care to determine whether a child placed out of home is ready to return. Parents can offer their opinions afterwards, but do not see their statements used in the advice offered to the Board. Nor are the parents involved in the assessment task of the Board. They are simply informed of the Board’s decision.
- The reports of the Board consist largely of the same texts as the AMK report. And, further down the chain, BJZ also recycles old information. This shows that these authorities scarcely perform new investigations. If earlier reports contain errors, these will continue to pursue the parents. It is impossible for a parent to have information removed from a report.

Complaints regarding signal interpretation

Investigations are unjustly initiated, based on tunnel vision or the social work impulse that professionals sometimes have. They see issues where there are none or weigh situations far heavier than warranted.

- “My son had skipped school, but this had already been addressed and discussed. Nonetheless, the Board started an investigation. There was no pressing signal for concern, and the right to be heard was not applied.”

Reports include far-reaching conclusions that are based on incident, single observations, or a chance remark.

- “After the introductory visit, a social worker never by again, but it is still claimed that this home is unsafe for my child.”
- “In my capacity as a family supervisor, I attended a monthly parental visitation moment between a mother and her child. The mother was so emotional that the visit was very disorganised. Afterwards, the report stated ‘Mother unable to create structure in play moment.’ How can that be surprising to anyone?”

It sometimes happens that child services workers make psychiatric diagnoses without the involvement of an expert - and sometimes even without having seen the child. This information is then recorded as ‘fact’ in the report.

- “Our report stated ‘Mother has characteristics of borderline.’ Who are they to determine that?”
- “When I read ‘It seems that the child suffers from an attachment disorder,’ I got really mad! What do you mean, ‘seems’? You either have it or you don’t. He hadn’t seen any psychologist!”
- “The AMK wrote: ‘We suspect alcohol abuse.’ That sentence recurs word for word in all subsequent reports, even though it was never proven.”
- “It reads ‘Mother is pedagogically unable.’ What does that mean, and what are they basing it on? It isn’t explained in the text.”
- “Supposedly, I am ‘insufficiently learnable’ and have a low IQ. None of that was even tested.”
- “The report claimed that my son suffered from a ‘reactive attachment disorder,’ but that was never substantiated.”

Information provided by children, including chance remarks or bad moods, carries a lot of weight. The AMK does not allow a confidentiality adviser to be present during this interview. The AMK investigator draws up his own report of the conversation, which is not submitted for verification.

- “My daughter criticised me, but what teenager doesn’t do that?”

Information from reports drawn up years ago can still be used as valid data in new reports. This way, parents’ pasts continue to pursue them, even if the issue has been tackled or resolved.

- “The care centre shouldn’t have passed that aged information on to BJZ without my permission. My complaint about it was declared valid, but BJZ kept the information as actual facts in the report, based on which a family supervision order was issued.”
- “Ten years ago I had an alcohol problem, yes. But I received help for that and it’s all over. But they keep bringing it up.”

AMK and BJZ do not take parents’ worries about their ex-partner seriously.

- “I reported to BJZ that my child, who is under BJZ supervision, is being abused during the visits to and stays at her father’s. In response, BJZ does nothing!”
- “My ex threatened me and I am afraid that my children aren’t safe when they’re with their father. But I still have to adhere to the arrangement concerning parental visitation rights. Why doesn’t the family guardian listen to me?”

In cases that include a divorce, AMK and BJZ are not neutral enough, and side with one of the parents too much.

- “The family guardian goes along with the lies my ex-partner tells about me. Now, the report states that I am psychologically unstable, but that’s not true.”
- “Child services does speak to informants that my ex suggests, but if I bring up people to counter those stories, no one speaks to them. That is not fair.”
- “My ex-wife refuses to let my daughter visit me. The judge ruled on the arrangement concerning visitation rights, but the family guardian does nothing! Fathers have a weaker position than mothers.”

Irrelevant or incorrect documents are treated as decisive evidence.

- “Based on a wrongly administered IQ test, my child was put in the range of mentally handicapped children.”
- “Our AMK report stated ‘Sexual abuse has not been proved, but we were also unable to determine that it did *not* occur. That is why support is necessary.’ It’s enough to drive you insane.”

When writing the advisory report on extension or termination of a family supervision order or custodial placement, the BJZ blames any problematic behaviour the young person displays on the situation at home, and not on the custodial placement itself.

- “My son exhibited sexually transgressive behaviour in the institution he was in. He hadn’t picked that up at home, but precisely in the institution itself. The report claimed otherwise.”

Complaints regarding reports

Reports contain factual inaccuracies, which sometimes cannot be corrected by the parents.

- “Without grounds for it, the report omitted to mention me as a parent with custody.”
- “My report got basic information wrong, such as a date of birth, but also more significant things. Information seems to simply be copied from other reports.”

The reports contain erroneous representations of events. Parents are not offered the opportunity to remove information they deem incorrect from the reports.

- “I provided evidence that the BJZ report was incorrect, but the same lies kept coming back in later reports.”
- “A large part of our written response to the Board report was not attached to the report, causing facts that countered the view offered in the report to never reach the judge.”

The Board operates on basis of the ‘request for board investigation’ submitted by the AMK or BJZ. If these contain factual inaccuracies or non-verified suspicions, they will recur in later reports.

- “Board investigators do not check whether AMK and BJZ even did their work properly. This way, a custodial placement can be based on a suspicion.”

Investigators cut and paste from other, older reports. This way, parents are continually pursued by data they consider to be incorrect.

- “BJZ cuts things from consultation clinic reports, AMK from BJZ reports, and the Board from BJZ and AMK reports.”

Furthermore:

- Reports contain opinions presented as facts.
- When cutting and pasting, the emphasis is on copying negative things and ignoring the positive ones.
- Positive developments that are also relevant to enable a complete analysis of the situation are left out of reports.
- The reports fail to properly separate the personal and professional opinions of the child services worker.
- The quick succession of professionals involved in a family affects the quality of the reports. New employees have to work with information provided by predecessors, which they find hard to interpret.

Complaints regarding treatment of a case by the juvenile court

- The judge has or takes too little time to examine a case in the courtroom. They are also not critical enough of the positions of BJZ and the Board.
- There is no proper balance between the parties: child services is allotted more time to speak than the parents are, and documents submitted by parents offering an alternative perspective on the issue are not discussed. In the rulings of the proceedings, the stories of social workers also receive a lot more attention than those of the parents as well.
- The judge’s ruling is based on reports containing inaccuracies. This makes it difficult to accept the judge’s decision.
- Judges put too much faith in reports. Child services workers simply do not rely on the judge enough and think they have to exaggerate their reports to get the ruling they want. The reports are not sent back, even if the assignment was not properly executed.
- Family guardians who, following a decision of the court, are responsible for implementing rulings, such as arranging visitation rights for a non-custodial parent, implement these at their own discretion. Arrangements can therefore fail due to the family guardian. A court ruling is thus no guarantee that there will actually be visitation rights, if a ‘refusing parent’ obstructs this.

7. Youth Care Agency (BJZ)

7.1 Facts

Duties and powers

The statutory duties of the Youth Care Agency (BJZ, Dutch: Bureau Jeugdzorg) are:

- Identification of indication: BJZ is the gateway to further support for parents and children dealing with issues regarding growing up and parenting. In case of apprehensions about a child's parenting situation, the BJZ will assess what kind of support will benefit parents and child. To this end, BJZ investigates the child's domestic situation, with the child's safety and developmental opportunities as pivotal concerns. The findings of this investigation are recorded in reports, which lead to an indication decision.
- Implementation of child protection measures: BJZ implements the child protection measures of guardianship and family supervision after a court ruling. The BJZ family guardian's task is to motivate and support parents in creating an advantageous domestic situation. The guardian's role is more to organise the necessary care support around the family than to perform this support him- or herself. The guardian writes an evaluation every year, in which they specify the current quality of the child's domestic situation and the extent to which objectives were achieved.
- When the family supervision order – with a maximal effective period of 1 year – expires, it falls to the BJZ to request an extension of the measure from the juvenile courts. If no extension is requested, the Board assesses whether termination of the measure is the right decision (have the concerns surrounding the family been resolved?). The diverse reports submitted by BJZ during the protection measure are important here, because they form the information foundation on which the ruling on an extension or termination of the measure is based.
- Executing tasks of the AMK: The Child Abuse Counselling and Reporting Centre (AMK) is part of the BJZ. Its core task is to offer advice to professionals and non-professionals who have suspicions that child abuse is taking place, and to investigate reports of child abuse. The AMK is further discussed in a separate chapter of this study.
- Juvenile rehabilitation: BJZ is furthermore responsible for the execution of juvenile rehabilitation. This specific task fell outside the scope of this study.

BJZ organises the assistance for children and families with problems. The aim is to do this within the voluntary framework much as possible, but when this is no longer feasible the BJZ will request the Board to commence investigations into the grounds for a protection measure. A (major) part of the BJZ's work, therefore, falls within the voluntary framework, another part within the mandatory framework. Within both contexts, BJZ investigates family situations and reports on them. In general, this study did not distinguish between BJZ's modes of operation and reports in the voluntary and in the mandatory frameworks, because BJZ's obligation to handle information carefully is equally great in both domains. Moreover, information acquired by BJZ within the voluntary framework can at a later stage be used in a protection measure request. The Ombudsman for Children therefore believes that there should in general be no differences in quality requirements put to the voluntary and to the mandatory framework. Where relevant, the distinction between BJZ's work in the two frameworks was made and indicated as such.

Relevant positions within BJZ

Within BJZ, we can distinguish a number of positions relevant to these investigations. These are:

- *Youth counsellor/youth protector*: A (major) part of BJZ offices divide their employees between the operational fields of support in the voluntary framework, protection in the mandatory framework, and rehabilitation. A smaller part of the offices uses generic employees performing all three types of functions, or is working towards such a mode of operations. As long as the indication remains in the voluntary framework, the current investigation calls the employee youth counsellor. After a concern is reported to BJZ, the youth counsellor will investigate the child's domestic situation and safety, and assess whether support is necessary and, if so, what kind. The youth protector becomes involved in a family when a protection measure has been issued. They maintain contact with the family, organise and coordinate the care support, and are authorised to give parents 'suggestions' that the parents are obliged to follow. The BJZ youth protector is the person monitoring and reporting on the family's progress vis-à-vis specific objectives. In the event that an extension of a child protection measure is requested, the family guardian is the one writing the request and the underlying reports.
- *Behavioural expert*: generally does not speak to the parents or children themselves, but has a consulting role toward the youth protector or youth counsellor, for example discussing which steps should be taken within the investigation, which questions should be elaborated upon, and who should be talked to. Within most BJZ offices, it is standard practice to consult the behavioural expert on core decisions (request for Board investigation, authorisation custodial placement, placement in secure care, closing cases), but this is not done in all cases. After obtaining advice, the youth protectors take decisions themselves, under the responsibility of the team leader. The behavioural expert also has a role in quality assurance, and - among other things - offers the implementing employees feedback on reports.
- *GZ psychologist* ('Gezondheidszorg' psychologist - protected title): does not execute psychological examinations on children, but can perform limited studies on parents or children to assess whether a referral for further research is required (such as for IQ tests). Has a consulting role within the team.
- *Team leader*: person holding final operational responsibility and with process managing tasks. All core decisions are taken in consultation with the team leader.
- *Lawyer*: can, on initiative of the youth protector/youth counsellor, be consulted in writing requests. Involvement is not standard procedure.

Methods

Other than the Board, which is a nationally operating authority, BJZ is organised per province. Each one is a separate foundation, which is itself responsible for the wielded methodologies, the diagnostics, the indication identification, the ways of taking core decisions, and the methods of recording information in a range of reports and documents. National example protocols have been issued for several subjects, including standard methods such as the Delta Method, and example cooperation agreements and assessment frameworks (e.g. for working arrangements with the Board). Furthermore, each BJZ is free to select its own method to monitor the child's safety and development. Different BJZ's use different safety questionnaires.

Investigation into the child's parenting situation

There are several ways in which BJZ can become involved in parents and their children; the instances relevant for this study are the moment when a concern is filed with BJZ, and the moment when a judge has issued a child protection measure which the BJZ will implement. This includes the family supervision order in case of complex divorces, when the family guardian has the task of diminishing the negative effects of the divorce on the children. Part of this is overseeing the establishment of an

arrangement for visitation rights that serves the best interests of the child to the best extent possible. Cases can therefore come to BJZ's attention in several ways; a (major) part of the BJZ cases take place within the voluntary framework (which can transition into the mandatory framework, but this is by no means standard), and a part within the mandatory child protection framework. The applying framework partially determines the role and powers BJZ has in the investigation into the child's domestic situation. Within the mandatory framework, there have been preceding investigations into the issues in the parenting situation by the Board, and BJZ is implementing a child protection measure. In those cases, BJZ takes the Board's report as starting point and will not start a new investigation into the child's domestic situation. BJZ will not re-verify the information offered in the report. When the parents disagree with the information stated in the Board report, they will have to address this with the Board itself. In the context of implementing the protection measure, BJZ will monitor the family situation continuously and file reports on it, which at the end of the measure will result in a clear picture of the family's situation with regards to the progress in objectives.

In case of a report of concern, BJZ starts its own investigation into the child's domestic situation. The goal is then to attain the most comprehensive picture possible of the child's domestic situation, the parents' child-rearing capacities, the effects/consequences that issues within the family have for the child, and possible safety risks and developmental dangers encroaching upon the child in the near future. Parents are involved in creating a safety plan and plan of action. If the child is old enough, BJZ will speak with the child itself as well. This can sometimes be at a very young age. This conversation is usually held with the parents present, but if the circumstances dictate otherwise, it can also be held individually. The information offered by the child is also included in the dossier. If a child expresses the wish that certain information not be included in the dossier, the BJZ employee says that he or she cannot promise that information will be kept out, as it can ultimately be in the best interest of the child itself to include information in the dossier.

After the parents and the child itself, informants surrounding the family are the most important source of information in the BJZ investigation. BJZ can also request an external professional to investigate the child, for instance a psychologist or psychiatrist, paediatrician, orthopedagogical expert, or forensic specialist. The BJZ employee will take the initiative, in close deliberation with the behavioural expert or GZ psychologist.

From the first moment of a (family) guardian's involvement in the family, this guardian will regularly monitor the child's safety and development and files reports that over time constitute an overview of possible improvements regarding set objectives. In the first few weeks, the family guardian will visit the family often, once or twice a week. As more support professionals become involved, this frequency will drop to once a month. About three months before the end of a measure, it will be assessed whether there will be a request for extension of the measure, or whether it will be decided to let the measure end and let the family stand on its own feet. The family guardian will draw up an evaluation document, discussing to what extent the objectives were achieved. This evaluation document underpins possible extension or termination of the measure.

The different BJZ offices report in several ways. There are, for instance, differences in the formats used (ranging from a strict format with headers and overviews, to a virtually blank sheet that employees can fill out at their own discretion), writing in several documents (for parents, for the court, for the Board) or in one document, and working with a strict method, such as the LIRIK safety questionnaire. The BJZ uses the IJ digital registration system (Information system Jeugdzorg), in which the relevant documents and reports are stored per family. The BJZ client dossier contains personal information about the child itself and about important people in its environment, such as parent(s), siblings, grandparents, foster parents, etc. Also included in the dossier are all contact

journals and e-mail correspondence between BJZ and the parent(s) (and, if applicable, the child). Subject to the privacy legislation, parents are allowed to consult this dossier.

The informants

After the parents and the child itself, informants around the family are the most important source of information in the BJZ investigation. An informant (usually) knows the family in a professional capacity, and because of his position is able to comment on the domestic situation, and in particular the child's safety and development and the child-rearing capacities of the parent(s). BJZ determines how many and which informants should be spoken to for each case. The number of informants therefore differs per individual case - sometimes there are two, in other cases five or more. The person in charge of the investigation determines when enough informants have been interviewed, to create a comprehensive view of the situation. There is no protocol concerning which professionals should at least be spoken to. In cases where the parents are divorced, investigators speak with informants for both parents, although the number of informants will not necessarily be equal. Examples of informants that BJZ can speak to:

- school
- school paediatrician
- general practitioner
- consultation clinic
- day care
- paediatrician
- mental healthcare organisation (parents or child)
- police
- debt restructuring agencies
- home care agencies

When working within the voluntary framework, BJZ employees may only approach informants with permission of the (custodial) parents.

Non-professional parties involved

Whether only professionals – in their capacity as informants – are interviewed, or if non-professionals such as neighbours or friends are included as well, varies per BJZ. After a report of concern has been filed with BJZ, non-professional informants are only interviewed with permission of the parents. In the context of child protection, the family's social network is involved as much as possible. This happens with the family's consent and often on the family's initiative. Within the mandatory framework, the (family) guardian is authorised to obtain information from informants without the parents' permission. In daily practice, this power is used with much caution.

Interviews with informants from the family's own environment are held in the presence of the parents as much as possible, ensuring that it is clear who said what. Non-professionals are only interviewed if they play a relevant part in the family's life. It is therefore not the case that if BJZ speaks with the grandmother on the mother's side, the grandmother on the father's side is automatically interviewed as well. Non-professionals are not obliged to verify and authorise information offered by them.

Verification by informants

The different BJZ's handle the verification and authorisation of informant information in different ways. Requesting verification is not standard protocol: one BJZ might always do so, while another only requests verification of information in cases liable to yield complaints. In daily practice, requesting verification can cause informants to become more careful about the information they provide; it can also happen that information offered verbally is toned down as soon as it is presented in writing. When

verification is requested, this is often done by e-mail or telephone. A lot of informant information is gathered by telephone, after which the BJZ employee paraphrases the information in the report, stating the date and the informant's name. In some instances, the provided information is written down and offered for verification by e-mail, but this is certainly not standard practice. Sometimes, informants are asked to substantiate claims with documentation, for example an overview of school non-attendance, but this is not standard procedure either and, in daily practice, does not occur very often.

Broader diagnostics

BJZ investigates the domestic situation and the capacities of parent(s) to offer the child a safe environment, but does not perform broader family diagnostics itself. The BJZ investigation primarily consists of speaking with the parents and child, and collecting information from informants. BJZ usually does not perform psychological/orthopedagogical studies on the child.²⁵ When investigators estimate that additional studies are required, BJZ can decide to bring in external expertise. The (possible) costs thereof are borne by the BJZ itself. This can involve expertise requested from:

- the hospital paediatrician (in case of concerns about physical or sexual abuse or medical health issues);
- mental health care (in case of concerns about addiction, psychiatric disorder, etc. regarding parents or child);
- the Dutch Institute for Forensic Psychiatry and Psychology, a national service by the Netherlands Ministry of Security & Justice offering independent diagnostic investigations;
- (private) orthopedagogical experts, for instance for family observations;
- forensic clinics with expertise to detect physical abuse and ill-treatment.

(Custodial) parents must give their permission for a child to undergo an investigation. When a parent, or both parents, refuse(s) this, the juvenile court can be asked to issue replacing permission if the child's best interests are served by this (only in family supervision cases). Nor can parents be forced to submit to psychological surveys, although the BJZ employee can motivate the parent to cooperate.

Decision-making

The investigated BJZ's all wield other deliberation methods to discuss casuistry. Some BJZ offices hold deliberations that are more multidisciplinary than those held in other offices; just as in some offices the deliberations are held with the entire team present, while in others they are more bilateral affairs between the youth protector/youth counsellor and the team leader. In general, the BJZ's have lately been moving toward more multidisciplinary consultations, discussing casuistry within the team. BJZ Amsterdam already handles their cases like this; at BJZ Overijssel a pilot is in progress, paying more attention – within the Verve method – to peer-to-peer coaching and multidisciplinary consultations. In other offices, casuistry is largely discussed in a one-on-one setting with the team leader or behavioural expert (or both at the same time).

²⁵ Some BJZ offices do employ researchers specifically to this end.

Request to the Board to commence an investigation

When BJZ works with a family on basis of voluntary involvement, but considers the parents too unwilling or unable to participate, a request is communicated to the Board to initiate a Board investigation into the grounds for a protection measure. This request can be issued at any time if:

- the first report of concern to BJZ/AMK causes the professionals to estimate that the child's safety is under severe danger and a (emergency) custodial placement is essential;
- parents refuse to accept voluntary support even though this support is deemed vital for the child's development and safety. The Board will then initiate an investigation, exploring whether there are grounds for a family supervision order, which would oblige the parents to follow BJZ's directives;
- the child's domestic situation deteriorates during an active family supervision order, BJZ can request the juvenile court to issue an authorisation for custodial placement.

When BJZ deems a Board investigation necessary, a written request for an investigation is submitted to the Board. The request will be discussed during the weekly Protection Case Deliberations ('Casusoverleg Bescherming') between BJZ and the Board. If required, the request can be further elucidated to the Board by telephone. The youth counsellor compiles the request for an investigation and can ask assistance from a BJZ legal aid. The team leader will be signatory to the request. When issuing a report to the Board, BJZ must be able to offer arguments for the necessity of the investigation, for instance by showing that parents are not cooperating with voluntary support, or that the safety of a child is endangered to such an extent that (compulsory) custodial placement is essential. The BJZ will further expound on its analysis of the child's domestic situation, including all concerns and dangers, in the request.

Parents will get a chance to examine the request and the underlying reports before it is submitted to the Board. The parents are offered the opportunity to explain their view on the situation, which will be recorded in the report. It is possible that the parents disagree with views expressed by informants. This does not lead to the information being omitted; there is a separate header 'opinion/views parent(s)', where parents can indicate why they disagree with the views expressed by informants. Should the Board decide to accept the request, it will initiate a Board investigation which can, ultimately, result in a request to the judge to decree a protection measure.

In 2010, the Inspection for the Youth Care Agencies investigated the quality of the BJZ requests to the Board. The Inspection tested whether the BJZ's risk assessments and the information provided by BJZ were complete, up-to-date and reliable. The inspection judged that a number of BJZ offices were not as careful as they should be, which was caused by the varying quality of the BJZ reports. A number of offices furthermore needed to improve the process for verification of information supplied by informant.²⁶

7.2 Opinions

Between August and November 2013, investigators of the Ombudsman for Children spoke to family managers and guardians, GZ psychologists, team leaders, and regional managers of four BJZ offices. A total of fifteen BJZ employees were interviewed. The focus of these conversations were the operational practices of the professionals, and the questions what is done correctly, what needs improvement, and what dilemmas regarding fact-finding and signal interpretation are they faced with in their work. As is the case in every occupation, the BJZ experiences that external factors sometimes force employees to deviate from the protocols. What kind of situations exert such pressure, and how does the BJZ deal with them in daily practice? How do professionals themselves regard the concept of

²⁶ Inspection for the Youth Care Agencies, Annual statement 2012

'truth-finding,' and how do their notions in this matter differ from those of parents? What points of improvement are suggested by the professionals themselves?

The below overview of the findings gathered in interviews with BJZ employees are opinions expressed by the employees in question, and do not necessarily reflect the position of all BJZ employees in the Netherlands or that of the sector organisation Youth Care Agencies the Netherlands (Jeugdzorg Nederland).

Does BJZ engage in 'truth-finding'?

The concept 'truth-finding' shows up on the radar of the BJZ employees. Now and then, the notion comes to the fore and team leaders ask that employees pay extra attention to the quality of the reports and the importance of sufficient underpinnings. Nevertheless, the concept does not play an (explicitly) prominent role in the BJZ employee's daily affairs.

BJZ employees do state that they engage in 'truth-finding,' in the sense that they collect as many facts as possible. The research, however, also includes collecting and weighing impressions and experiences (of fellow professionals). They explain that there is no unequivocal, objective truth with regards to the questions what a child's parenting situation is like, what concerns there are surrounding this situation, and in what way the child's future development is safeguarded. There are multiple 'truths.' Every interviewed individual that is asked how they perceive the situation, has access to a limited amount of information, and furthermore has their own, personal normative framework ("What is a healthy domestic environment to me, one that is 'good enough'?"), and a professional framework as well, with every occupational group having another perspective.

The interviewees state that weighing all available information and multiple impressions, and finally taking a decision, is part of their professionalism. One must underpin a weighing as carefully as possible, but in the end it is still an expert judgement that is partially informed by 'common sense.' Employees acknowledge the importance of adequate fact-finding, but also indicate that there are professional limitations.

- "The office mantra is: 'We do not engage in fact-finding,' but of course we do investigate. We do try to collect facts."
- "There is no such thing as truth-finding in our field. You can't objectify a child's domestic situation. There are observations, opinions and moral dilemmas."
- "The BJZ dilemma is that we have to use estimations, we can not always offer absolute certainty."
- "If my authority was limited to collecting facts, I couldn't do my job."

Parents sometimes expect BJZ to investigate suspicions of sexual abuse. The result is discontent when BJZ cannot meet these expectations. In case of suspicions of sexual abuse, BJZ advises to file a report with the police. They can investigate whether abuse actually took place. The BJZ considers it the parent's task to contact the police if they worry about a child's safety.

- "I am not a police officer. If there are severe concerns about the arrangement for visitation rights and the child's safety with the father, the mother must report this to the police."

Youth counsellors/protectors indicate that they do know BJZ, the Board and the judiciary sometimes hold deliberations (on board or management level) concerning the qualities of the reports, but they receive little feedback on this from their supervisors. They are not always aware of complaints with the Board and the judges regarding the quality of investigations and reports.

Quality investigation/information gathering

BJZ employees generally state that they are able to gather enough information on a child's situation within the current options available to them. Many of them, however, also indicate that there is a need for broader diagnostics. The use of external experts is rather limited, mainly because of the costs of such consultations (paid by BJZ) and the sometimes long waiting lists. This limitation can prevent BJZ from gaining a complete and clear overview of the issues within a family.

- "If you're not finished with your investigations, if you don't know what's going on yet, you have to keep looking, and see if there is someone else you can interview."

BJZ considers information relevant for inclusion in reports if it affects the child. A father with an alcohol addiction is not necessarily a problem, but when it has a negative effect on the child, it becomes relevant to include this information in the report. The problem arising here is that not every child will show clear signs of experiencing negative effects. Moreover, the child may not show such signs right now, but this doesn't mean it will not do so in the future.

Employees are aware of the fact that suspicions alone are not sufficient. If a family guardian thinks that one of the parents drinks too much alcohol, he will have to investigate this further, since a suspicion alone is not enough, as employees elucidate. BJZ employees are unable to provide an unequivocal answer to the question what exactly constitutes 'sufficient underpinnings' in such instances.

- "Several informants must confirm the suspicion and be able to describe signals."
- "It is not enough for one informant to claim something. Several informants must have similar concerns. Sometimes, however, one informant's suspicions may be enough, depending on who this informant is."
- Signals can be smelling alcohol on the mother's breath, or noticing she speaks in a slurred manner. Such signs are recorded."

Quality of reports and requests

Behavioural experts state that the youth counsellors/protectors they assist are not always aware of the importance of written reports and how many choices are based on them. The interviews show that some counsellors attach greater importance to solid reporting than others.

- "All your efforts to reach a family are negated (by errors in reports – eds.)"

Behavioural experts and team leaders indicate that the quality of reports (strongly) varies per youth counsellor/protector, seeing as some employees have greater writing skills than others. Behavioural experts are not always satisfied with the counsellor's/protector's linguistic proficiency. The way of recording findings can show too much uncertainty, and they often encounter terms such as "it seems" or "it appears." With these terms, the counsellor/protector is trying to communicate a certain suspicion that they cannot substantiate. This can lead to disgruntled parents who encounter suggestions that are not corroborated. The interviewees, however, claim that such statements can contain relevant information, for example recommendations for further research.

When checking reports, behavioural experts sometimes encounter non-objective descriptions of a domestic situation, descriptions that reveal value judgements because of the phrasings of the author. The behavioural expert will point this out to the counsellor/protector and emphasise the importance of objective reporting. The behavioural experts consider the insufficient quality of some reports to be due to a lack of training. Generally, little attention is paid to the development of writing skills in the studies for youth counsellors/protectors (social work studies, pedagogy, etc.). Nor does the internal BJZ training sufficiently address this topic, as both the youth counsellors/protectors and behavioural experts state. Reporting is part of the BJZ quality framework, and employees are trained in this framework when they start at the BJZ, but there is not continual attention paid to the issue. The

behavioural experts consider sound reporting a prerequisite for addressing a family's issues. A biased report obstructs the possibility of a good start of the relationship with the family.

Youth counsellors/protectors indicate that within the BJZ attention is paid to the quality of reports. The policy is to separate facts from opinions and to avoid using words such as 'seeming' and 'appearing.' Nonetheless, they are sometimes forced to use such words when they have suspicions they consider worth mentioning, even though they are unable to substantiate them with solid evidence.

Some youth counsellors/protectors indicate that due to the immense workload they sometimes don't have enough time to draw up a written report after visiting a family. This means that unfinished reports pile up, and sometimes counsellors/protectors can only catch up with the work a month or so later.

In some cases, the Board returns a request for a Board investigation to BJZ, stating that the report is incomplete, or lacks underpinning or verification of information. BJZ employees have noticed the Board becoming stricter in this respect. The youth protector must draw up a report that is suitable for use by both the Board and the courts, meaning it has to use legal terminology while still being understandable to the parents. This makes choosing style and vocabulary quite difficult.

BJZ employees experience that the Board investigation, sometimes against their expectations, adds little to the BJZ investigation. '*The Board only performs assessments on paper,*' they hear. Reversely, BJZ employees sometimes encounter Board reports that contain erroneous information.

The BJZ youth protectors state that it rarely happens that a judge does not grant their request for extension of a measure. It does happen that a judge doesn't go along with the requested period of a year, but decrees a period of three or six months. In many cases, the judge will then tell BJZ to perform more research in the meantime to establish a sound view on what is going on, and uses the shorter period to add some urgency to the investigation.

Quality of core decisions

The interviewees indicate that behavioural psychologists and behavioural experts within BJZ have less and less time to offer sufficient substantial guidance. The ideal is to involve a behavioural psychologist in every core decision (request Board investigation, authorisation custodial placement, placement in secure care), but this is not always possible due to the limited availability of the behavioural psychologist.

Employees of BJZ offices where it is not yet standard policy to take core decisions in a multidisciplinary (team) setting, express the wish to adopt such a policy. In those cases, these decisions are often taken in a one-on-one deliberation with a team leader or behavioural expert. Employees indicate a wish for deliberation, peer-to-peer coaching and input from colleagues. They indicate that this may benefit the quality of decisions by preventing the development of tunnel vision.

- "A colleague may have a completely different view on things, because of a difference in background, expertise, or normative framework. This enables you to discuss 'what do we consider normal' in parenting. Because everybody has a different notion of that."

Good practice

BJZ Amsterdam holds weekly multidisciplinary consultations (MDC) to discuss casuistry. Employees are positive about the multidisciplinary case consultations. They share the responsibility for important decisions, relieving a youth protector operating on his own from the 'burden.' Employees can

contribute ideas to colleagues' cases, and when there are doubts about the right course of action they can discuss suggestions and considerations. If an employee has a 'gut feeling' but is unable to pinpoint what is going on, these deliberations can help find further underpinnings. The Amsterdam MDCs comprise 8 to 10 people, a behavioural expert and a team leader. The broad case deliberations contribute to preventing tunnel vision and help to objectify concerns. The individual protector's normative framework is tested against other frameworks. Colleagues help each other stay sharp and notice unsubstantiated assumptions.

Dilemmas and bottleneck issues experienced by BJZ professionals

1. What is 'good enough'?

The BJZ's task is to continuously monitor the child's safety and development. What does the family need to guarantee the child's healthy growing up and development? How do we reach a situation in which the parents, if necessary with some outside help, can offer their children a safe home with plenty of opportunities for development and ... when are these 'good enough'? There is a heavy burden on the youth counsellor, especially in estimating how safe a child's environment is. This is also experienced as a huge responsibility. "You must learn to let go," a more seasoned youth protector stated during the interviews. This is particularly difficult for less experienced employees, because what if something goes wrong?

A large part of the BJZ employees come from social services, meaning that these people have the tendency to offer a lot of support to create the optimal environment for child. "They want to control and 'rescue' the situation," a team leader offered. For fear of severe consequences for the child's safety - a fear that is aggravated by news items concerning family tragedies - there is a tendency to do more and more. Many interviewed employees acknowledged that to maintain a sense of control, they sometimes choose to sway the case toward the mandatory framework, or to keep extending a family supervision order. This results in a situation in which BJZ can lose focus on the positive developments within a family, thereby failing to explore the options that *are* there.

2. Are there any facts in our line of work? Substantiating suspicions

When BJZ estimates that a child protection measure is a necessary next step, the case enters a more legal arena. It is no longer enough to have suspicions – they need to be substantiated by sound arguments. ‘Concerns’ must be converted into ‘grounds.’ First of all, the justification for a Board investigation must be substantiated; later, it may require arguments on why the concerns are considered so grave that a protection measure is justified. Within the social worker’s reality, this is not an easy task. Sometimes an employee has the idea that a family has certain problems, but he needs to find the right information to substantiate these suspicions. The Board does not deal in suspicions and requires sound underpinnings before it can initiate an investigation. But at times, as BJZ employees remark, the truth remains in the middle and suspicions are still suspicions, with employees unable to find solid evidence, and perhaps they will never be able to find it.

An example: ‘Mother has characteristics of ADHD,’ an employee writes in his report, on the basis of his contact with the mother. A dilemma arises. On the one hand, this information may be relevant for the assessment of the domestic situation, and thereby for the child. Interviewees state that it can happen that a mental disorder of parent or child is only noticed later on in the BJZ process. It is possible that BJZ support does not have the projected effect because the family’s issues are not completely clear yet. It is therefore important to be aware of any possible mental disorders or addictions, to be able to offer the family sound and fitting support. However, not every disorder has been diagnosed and the mother cannot be forced to have herself examined. So what does the investigator do with these suspicions at this point? He can try and describe the things in the mother’s behaviour that suggest ADHD to him as objectively as possible, and underpin this suspicion with factual observations. But this does not make it a fact, and the mother could easily dismiss this as a (biased) interpretation by the BJZ employee. Besides, recording this suspicion may obstruct the relationship with the mother. Is it important to record this suspicion, even though there is no hard evidence, because it might be information the Board and the judge need to make a good assessment? Or does the suspicion bear no ‘legal’ value at all if the case progresses further down the child services chain, and should BJZ limit itself to the facts? BJZ can at least try to convince the mother of the importance of a psychological examination, but she cannot be forced. But even this can be an important piece of information for BJZ.

- “The fact that mother refuses psychological examination is quite telling for us. It means that she is not fully prepared to cooperate in finding the right support. For us, this can constitute a reason for filing a report with the Board.”

BJZ can decide to ask a specialised institution to investigate suspicions of sexual abuse. BJZ does not have in-house expertise in this area. Whether this request is submitted will be decided by the BJZ employee, who can ask a behavioural expert for advice. BJZ does not often seek external advice, because the waiting time for external investigations is three to six months, and the costs are steep. This issue is less important for BJZ if the occurrence or non-occurrence of sexual abuse is not the only point of concern and there are already other reasons to file a report or to request extension of the family supervision order.

- “I can’t do anything with suspicions of sexual abuse, I am not a doctor. I don’t record these suspicions. I can ask a paediatrician to perform a medical examination, or I can try and motivate the parents to visit a general practitioner.”
- “I talk to the parents. If they are very nonchalant about the signals, while other people are worried, this can be a sign for me that something is not right.”

Paediatricians or forensic specialists are also not always able to determine whether sexual abuse took place or not. It doesn’t always leave physical marks, and even then one has to be quick to find any

signs. Nor does investigation by the police always yield concrete answers. In sum, the options for determining sexual abuse are limited, and there is a chance that the truth will never be unearthed.

3. Cases of confrontational divorce between parents are vulnerable to complaints by parents

Complaints regarding the gathering and weighing of information on the family are most common in custody and parental access cases. The divorce problems between parents often cause them to accuse the other parent of being unable to provide a safe domestic situation for the child. These concerns are not necessarily unfounded or expressly aimed at frustrating the ex-partner. The ex-partner may have a different parenting style, causing differences of opinion with and sincere worries for the parent. Such cases are prone to cause complaints because the parents often feel that BJZ sides with the other parent and that information is not weighed correctly and objectively.

'Confrontational divorces' are complex cases for youth counsellors and demand a lot of time. They also require special skills to be able to negotiate between the fighting parents – skills that the youth counsellors are not specifically trained for. Confrontational divorces often lead to an exchange of accusations between father and mother. Sometimes these are sincere concerns, sometimes expressions of soured relationships. Youth counsellors find themselves in the middle, and must assess what to do with the accusations, which can sometimes be quite serious. Accusations of sexual abuse must always be examined, according to the employees the investigators spoke to. In such cases, the parents are advised to file a report with the police. If one of the parents disagrees with the visitation rights, the BJZ will explore the possibility of holding deliberations with both parents to adjust the arrangement for parental visitation rights. If this is not possible, the parent wishing to adjust his visitation rights will have to go to court himself- or herself.

BJZ employees see that the number of problematic divorces that the BJZ is involved in, is on the rise. It is clear that these 'confrontational divorces' can have a huge impact on the development of children. More and more, parents engage the services of a lawyer. They are completely entitled to do this, but it can also lead to a 'juridification of the conflict, escalating the disagreements and blowing differences of opinion out of proportion. Lawyers will sometimes do anything to turn the legal conflict about custody and parental access to their client's advantage, while this is not necessarily in the best interest of the child. Lawyers can add to the accusations being exchanged, and in some cases request that the AMK or BJZ provide information that would be advantageous to their client's case. The experience of AMK and BJZ employees is that involving lawyers does not always serve the best interests of the child, because it can drive parents even further apart.

4. The administrative burden is high

Employees indicate that there is a lot to write down and that there are many different documents that have to be filled out and kept up-to-date. Despite acknowledging that they have an important duty towards accountability, the daily practice of it means that a lot of time that could be spent directly on the family, is now spent on writing reports. The profusion of different kinds of reports and documents often 'causes' employees to cut and paste from other reports, including those issued by the Board.

Employees furthermore indicate that due to a lack of time, they are unable to enter all information into the registration system immediately. This means that some time may have passed between having the conversation and recording it. Employees state that they sometimes have a month worth of backlogs. This affects the accuracy of the reports.

5. BJZ employees are equipped with a pedagogical perspective, but often function within a legal context

Even though BJZ organises the support and does not provide it itself, a large portion of its employees hail from a social work background. This equips them with skills useful to their job, but the question arises whether their skill set sufficiently connects to the more comprehensive tasks of the BJZ, which comprise more than communication with the parents.

- “Social workers have a different frame of mind than legal experts. We do not provide the support ourselves, we implement child protection measures and report on them. That is completely different and calls for different skills, such as controlling the situation, analysing, making reports. This role does not suit everybody.” (one of the interviewed managers)

Employees also experience a gap between ‘their’ pedagogical reality and the reality of the legal experts. They say they experience a lack of knowledge about the legal aspects, and find it difficult ‘to think in that way.’ This problem is especially poignant when writing a court request for the judge or the Board, or when a guardian represents BJZ in the courtroom. These situations call for a legal description of a pedagogical reality. The BJZ employees, many of them trained as social workers, do not have the skills for this.

- “The court request is written for the judge, but the parents should also be able to read and grasp it.”
- “The youth protectors have no legal background or training, but often face lawyers in the courtroom. They have to defend their own defence statements.”

6. Informants can be reluctant to provide information

In the investigation into a child’s domestic situation, BJZ largely depends on information offered by people surrounding the family. Especially information provided by professionals, such as the general practitioner and the school, is of great importance. They have often known the family rather intimately and for a long time, and can provide valuable insights from their capacity as a professional. However, professionals can be reluctant to share information with BJZ. The cause of this can be that they wish to maintain a positive professional relationship with the parents, want to be cautious with harsh and firm statements about the parents (since their idea might also just be an ‘impression), or because (medical) confidentiality prevents them from sharing sensitive information about the parent. As a result, BJZ is not always able to bring all information that it considers in the child’s best interest to light.

Mental healthcare

Despite the fact that the reporting code for domestic violence and child abuse also applies to mental health professionals, interviewees report that this sector is very reluctant to share patient information with authorities such as BJZ and the Board. Psychiatrists generally give priority to their relation with the parent. This means that psychiatrists rarely take initiative in reporting suspicions of mistreatment or abuse by their client. They furthermore invoke the doctor-patient confidentiality when BJZ or the Board investigates the family situation and the parents’ parenting capacities. There are agreements between child services and the mental health sector, but daily practice shows that psychologists/psychiatrists are very reluctant to share information and usually invoke medical confidentiality. The BJZ then tries to find a compromise: how can we phrase the information in a way that satisfies the psychologist’s/psychiatrist’s professionalism?

A rather practical issue arises when mental health workers are invited to join a multidisciplinary consultation, in which professionals around the family take part to draw up a plan of action. A psychologist or psychiatrist is only reimbursed for hours that he spends in direct contact with his client, and will therefore have to participate in such deliberations in his own time.

When a parent refuses to undergo psychological examination, even though there are suspicions of a mental disorder, the youth protector has no recourse other than to describe the facts of the situation

and his impressions of the parent as objectively as possible. In case of a suspicion of a borderline disorder, the report would state: 'Mother displays mood swings.'

For the BJZ, the above makes it clear that the interests of the parents and the interests of the child can sometimes clash. BJZ employees consider the best interests of the child to be the priority, and state that it is crucial for the child's safety and development that mental health professionals share information more often.

Schools

In daily practice, schools are also not always prepared to share information on a child and its parents. They wish to maintain a healthy relationship with the parents and practice caution in expressing suspicions of, for instance, mistreatment.

General practitioner

BJZ employees generally regard the collaboration with general practitioners as sound. In some cases, the practitioner first wants to speak with the parent(s) before discussing matters with BJZ. In other cases, the general practitioner does not have a lot of information on a family because the family members don't call on him a lot. In those events, the information a general practitioner can offer is very limited. The practitioner is generally reluctant to discuss suspicions of mental disorder in parent or child, if these are not diagnosed.

Police

The police is authorised to share information with BJZ on reports that involve the parents, such as reports of noise disturbances by neighbours, possibly a criminal history, and whether there have been reports of abuse within the family.

If a family comes into contact with the police and there are suspicions of mistreatment (for example when, during an arrest, officers find children at home in an unsafe environment), the police will report this to the AMK. The AMK/BJZ regards the quality of these reports as moderate. The reports are usually very short, incomplete, and biased – they show an excess of normative statements.

- "A report might say 'issues surrounding divorce' in the notes. I need to know more about what the police saw, what happened, what they found in the home, etc."

Informants do not always give their permission for the information they have (verbally) provided to the BJZ employee to be included in the dossier. What happens to information that does reach the BJZ employee but that they are not allowed to use in the dossier, varies per BJZ office and per employee. While one may be very strict and will not record the information in the file, the other gives priority to the child's best interests and will include it without the informant's permission. It also happens that an investigator makes a personal note on the case, that does not end up in the official report and that will not be communicated back to the parents. In general, the investigator will try to talk to the informant to convince them of the importance of their information being used in the dossier.

7. Sometimes, parents foster unrealistic expectations about BJZ's role

In their daily operations, BJZ employees sometimes encounter parents who have false expectations about BJZ's tasks. For instance, they expect BJZ to investigate accusations of abuse by the other parent, to ascertain a suspected drug addiction, or to investigate past incidents. When the employee indicates that BJZ does not practice such research, this can lead to discontent and anger with the parents, as they feel that their concerns are unjustifiably ignored.

8. Parents cannot be obliged to participate in psychological examinations

Employees experience that a large portion of parents that BJZ encounters have diminished mental capabilities or a history of mental health issues. BJZ employees consider this a challenging fact in the communication with parents. They have a limited capacity to comprehend what is said, they are less able to reflect on their own behaviour, or are less able to learn. Often, however, this analysis doesn't progress beyond the stage of mere suspicion. A youth counsellor/protector (or an informant close to the family) suspects, for instance, that one of the parents has a mental disorder, but the options for further investigation are limited. If a parent is already on the radar of mental health professionals, they are often very reluctant to provide information about their client. Moreover, in case of suspicions, parents cannot be obliged to undergo a psychological examination, which in turn can be detrimental to finding fitting support for the family.

- o "Sometimes it takes years before you find out that a parent has a low IQ or suffers from a mental disorder. Suddenly, you'll understand why none of the attempts to help the family were ever successful. It's a shame we didn't have any clear notion of the issues at play, because then we could've organised the right kind of support."

9. BJZs deals with a complex target group

Expressly not all, but many of the parents that BJZ deals with, are vulnerable. They are often burdened with an accumulation of issues. A significant segment of the parents deals with mental health issues, addictions, or (minor) mental disabilities. In addition to this, some parents are in 'battle mode' and categorically refuse to cooperate with BJZ. Such a frame of mind (temporarily) prevents them from truly absorbing all information, meaning they are unable to (correctly) consider choices and put the best interests of the child first. This makes communication between BJZ and parents much more difficult. During the implementation of the so-called parental access-family supervision, BJZ predominantly encounters higher educated parents caught in a struggle with the ex-partner. Such cases bring about their own kind of problems.

7.3 Dossier research

Investigators of the Ombudsman for Children studied fifteen dossiers of four BJZ offices. This entailed indicative dossier research, intended to provide an overview of the use of sources, underpinnings of conclusions, and transparency of weighing in reports, and to get a general idea of their structure, style and phrasing. What does BJZ record about a child and its family situation? How are facts separated from impressions offered by third parties, and from the investigator's assessment? And what considerations show up in the dossiers?

The Ombudsman for Children accessed a number of dossiers through the digital registration system IJ, and several dossiers on paper. In IJ, a dossier is created for every child and it contains digital versions of several documents that BJZ will include in the dossier. A BJZ dossier concerning a child and its family can be comprised of several documents, such as indication decisions for obtaining support, court documents stipulating – if applicable – protection or visitation arrangements, an approach plan, an evaluation plan, safety questionnaires, letters to the Board, requests for extension of a measure. Documents provided by third parties, such as the results of a psychological examination, are usually included in the paper dossier. E-mail correspondence and contact journals between the BJZ employee and the parent(s) is also incorporated in the paper dossier.

What stood out in this dossier research was that every BJZ office's dossier looks differently and contains different documents. The Amsterdam office uses one family plan, in which all available information is recorded in a single document. All new information is added to the same document, meaning it is constantly updated. Other BJZ offices use several documents simultaneously. The document structure also varies. One BJZ office might use a standard document format, while at another every employee more or less chooses their own style. Some employees write down all

information point for point, where another uses a more narrative structure, telling a linear story from the past to the present. The documents (indication decisions, approach plans, evaluations) all vary in length, ranging from a single sheet to more than 15 pages. In cases where there is a clear, standard format, some elements are left blank.

There are not only significant differences between the various BJZ offices, but also between individual employees. It is clear that the written language proficiencies fluctuate from person to person. Besides the different document structures, they also wield greatly varying vocabularies. In general, phrasings are quite accessible. The use of language often leaves much to be desired and many documents are rife with spelling errors.

The contents of the dossiers clearly reflect the complexity of the work. Most dossiers try to record the concerns regarding the family as objectively and factually as possible, but it is apparent that the overview offered by the BJZ employees is often based on personal impressions without being able to offer a clear assessment of the family issues. Because BJZ often depends on its own impressions in contact moments and on impressions of third parties, dossiers sometimes seem to be a collection of impressions, interpretations and suspicions, which is supposed to serve as an overview of the family. BJZ employees are justifiably hesitant in drawing conclusions and making assumptions. Since information can seem relevant nonetheless, they opt to practice the necessary caution in recording impressions. The choice of words often reflects uncertainty about what the exact situation is. Phrasings such as 'mother seems...', 'father shows characteristics of...', or 'we have the impression that...' abound.

It is clear that BJZ employees do their best to write down what they see or don't see as carefully as possible, to be able to deduct from the facts. A few examples: 'The house looks tidy,' 'there are a lot of toys,' 'mother addresses the child lovingly,' 'mother raises her voice,' or 'mother shows no emotions when I confront her with possible abuse,' or 'mother is dressed in a bathrobe at noon.' What is missing from these reports is the value that BJZ employees attach to such 'observations.' What do they indicate about the child's domestic situation? Why is something a positive sign, or a reason for concern? What (possible) effect does it have on the child? What behaviour is the BJZ employee trying to grasp with this information, and to what extent are we dealing with a pattern here?

The dossiers offer many examples of BJZ employees leaving statements unspecified. For example: 'Mother fails to keep to agreements,' without spelling out what the agreements were, how many times mother failed to keep them, and when that occurred. A dossier reads: 'The development of the child seems to be stunted,' failing to underpin this assessment with specific points where the child's development lags behind and what information is used for this observation. There were also positive examples that offer more context: 'Several professionals observed situations that were unsafe for the child. For example, x stuck a finger down the throat of y; x climbed into a cupboard and mother didn't respond; while at the consultation clinic, mother walked away from the changing mat x was lying on.'

Certain views or statements recorded in dossiers have no clear origins, meaning that it is uncertain whether information was obtained through observations or interpretations by the BJZ employees themselves, through statements of parents, or through informants around the family. For instance, a description of a family's problems states: 'Parents have a lot of conflict, sometimes resulting in violence,' or 'in the past, father has hit the child with a belt,' without specifying the source of this information.

There are statements about the parents' mental health that do not move beyond suspicions, and it is not always clear who uttered these suspicions. The reports opt for cautious descriptions to express

suspicions, such as: ‘Mother is mentally vulnerable,’ ‘father has an alcohol problem,’ ‘mother shows borderline characteristics.’ Where these are suspicions of the BJZ employees themselves, we don’t read whether this was verified with informants or with the parents. Furthermore, there are scarcely any explanations of how suspicions arose. They probably grew from impressions of the BJZ employee during contact with the parent, but it is left unclear what behaviour sparked the suspicion. Diagnosed mental disorders are usually reported, only repeatedly without the substantiating documentation, or the information on who diagnosed this disorder and when. One finds: “Examination showed that mother has very limited mental capabilities,’ but it remains unclear by whom this examination was performed.

The dossiers furthermore show that employees attempt to find as much factual, verifiable information as possible. For instance: ‘The child has often been reported sick to the school,’ or ‘there have been a number of nuisance complaints to the police.’ Such a report then does not include how many times this occurred, and information from third parties is not always verified and approved. In several cases, we saw that information was approved, with mention of the date. The informant’s information is paraphrased and does not include direct quotes. It cannot be ascertained from the report whether the approval was done in writing or over the telephone, and whether the exact report text was submitted to the informant for review.

When informants are asked about their impressions of the family, the information they offer sometimes begs the question whether these informants are capable of properly assessing this. This could, for example, be a teacher remarking on a child’s mental wellbeing, or a social worker commenting on a child’s development.

It is clear that BJZ employees attempt to substantiate their statements or impressions by using examples. Incidents are cited to illustrate, for example, the behaviour of the father or mother towards the child. It is not recorded how often this behaviour was observed, nor whether it was a one-time occurrence or just one of many such examples. This can lead the reader to think that conclusions were drawn based on singular or rare occurrences.

For the reader, requests to the Board for a Board investigation and requests for extensions of family supervision order show that conclusions don’t necessarily follow from the preceding report; the text expresses several concerns, with some examples to illustrate them, and then states conclusions such as ‘seeing the severity of the problems, BJZ considers it necessary to implement a protection measure.’ The underlying consideration is lacking: it is unclear how all the information (interviews with parents and child, observations by BJZ employees, house calls, information from third parties) was weighed to reach this conclusion. For parents – and other readers – the actual weighing is insufficiently explicit and transparent.

7.4 Weighing

The field of operations of BJZ employees is characterised by complex family situations, emotions that run high, far-reaching decisions, and a great responsibility. The heavy workload and administrative burden result in contact tension; every minute spent on writing things down, is a minute spent less with the families. Within the possibilities of the BJZ, the employee is expected to gain insight into the issues that plague a family within a limited number of contact moments, and must also determine a course of action. The family guardian’s work has, by definition, a normative component: What do we consider normal and acceptable in an upbringing, and when do we decide that intervening in a family’s life is necessary to serve the child’s best interests?

BJZ holds an important and influential position within the child protection services. With its investigations and the resultant reports, the BJZ plays a vital role vis-à-vis the information that at a

later stage may end up with the Board and the judge and can serve to underpin far-reaching decisions. BJZ must ensure that the information available to the Board and the judge is as complete as possible.

Especially in cases where BJZ deems it necessary that a protection measure is implemented and submits a request to the Board for an investigation, or requests the judge to extend a measure, the BJZ employee's tasks take on a more legal quality. Concerns must be translated into 'grounds' for a measure; the youth counsellor must substantiate why concerns are so severe that they justify government intervention in a family's life. This requires a different kind of thinking and writing, one for which youth counsellors are not always trained.

Reality can sometimes be too fickle to be fully encapsulated in protocols and standard methods. This is true for child services as well. Theory and practice can therefore be quite different spheres, and when the best interests of the child are at play, this room should be available. This conviction also showed up in the interviews with BJZ employees.

Although this study has shown that investigating situations, weighing information and reporting on it by the BJZ are very complex operations and involve the dilemmas one would expect, there are certainly points of improvement with regards to the investigations and reports. The work's legal dimension requires a suitable mode of operations. Reports should be aimed at underpinning the grounds for extension of a measure or initiating a Board investigation. The weighing must be transparent and justifiable. There are concerns whether this is sufficiently done within the current operational methods.

BJZ for a large part depends on information from informants, usually professionals surrounding the family. There are deliberations with the chain partners, such as the police, hospitals, general practitioners and mental health professionals, strengthened by several arrangement and agreements. Even so, daily practice shows that these collaborations do not always run very smoothly. Third parties are hesitant to share information with BJZ, leading to incomplete information in the BJZ dossiers. This poses a risk to the investigation's quality.

The BJZ takes decisions that have an enormous impact on a child's future. The initiation of a Board investigation into the grounds for placing a child under supervision, in custodial placement, or in secure care, often originate in concerns of the BJZ. The BJZ also plays a pivotal role in the extension of such measures. This means that it is crucial to have a careful investigation and decision process. Important decisions are taken by individual employees, in consultation with a team leader. Lately, the practice of holding multidisciplinary team deliberations is becoming more widespread. In these, employees can question each other's decisions, point a colleague's attention toward their assumptions and suppositions, and offer ideas for less drastic alternatives. The experiences of the interviewees show that the multidisciplinary team deliberations have a positive effect on decisions.

Reports written by BJZ need to be and can be improved. The BJZ employees themselves indicate that they have received too little training in writing reports and that they need to improve the specific skills required to report within the legal framework. These issues are reflected in the actual dossiers. Suspicions lack substantiation: it is not made clear what the links are between an employee's observation of behaviour and the effect this behaviour has on the child. Often, it is also unclear who offered certain information, to what extent an incident is exemplary for structural behaviour, and the different kinds of information are not properly weighed against each other. This makes it unclear how a BJZ employee reaches a conclusion. Such lacunae are potential sources of frustration or incomprehension for parents. This does not benefit the relationship with BJZ and can negatively affect the result of support for the family.

8. Child Abuse Counselling and Reporting Centre (AMK)

8.1 Facts

Duties and powers

The Child Abuse Counselling and Reporting Centre (The AMK, Dutch: Het Advies- en Meldpunt Kindermishandeling) is part of BJZ, but has its own particular powers and duties. The AMK has two functions: providing advice in case of suspicions of child abuse, and investigating suspicions of child abuse. These tasks cover all possible kinds of child mistreatment and abuse, meaning not just physical abuse, but also emotional abuse and pedagogical neglect. In 2012, the collected AMK offices issued advice 45,887 times and investigated 19,453 cases.²⁷

Suspicions can be communicated to the AMK by both private individuals and professionals. Private parties have the option to report suspicions of abuse anonymously.

There are three possible outcomes of an AMK investigation:

- child abuse confirmed;
- child abuse is not confirmed but cannot be ruled out either, there are serious concerns;
- child abuse not confirmed.

In the investigations, the AMK focuses on assessing a child's safety situation. It is not part of its task to discover who the (possible) offender is.

The maximum time allowed for an AMK investigation is 13 weeks. This, however, is a flexible limit; if needed, the AMK can take more time. The caseload per investigator differs per AMK office and depends on the financing and internal organisation.

A part of the AMK investigations leads to a report to the Board, requesting a Board investigation into the necessity of a protection measure. In 2012, 3,951 children (11.9 percent) were investigated by the Board as a result of AMK reports. Support within the voluntary framework proved impossible in these cases. In severe crisis situations, the request to the Board is done immediately and without an AMK investigation being performed.

Relevant positions within the AMK

- *Investigator*: manages the caseload and is responsible for drawing up an approach plan, speaking with informants, with the parents, and with the child itself, where necessary organising a round table discussion, making house calls, writing reports and, where applicable, writing the report for the Board;
- *Behavioural expert*: generally does not speak to the family but serves as a consultant for investigators, advising them on drafting a research plan and taking important decisions. The behavioural expert can also be asked to speak with the child.
- *Confidential medical officer*: is involved in cases with a medical component, such as possible psychiatric issues, a sick child, physical injury, addiction, or suspicions of sexual abuse. Whether the confidential medical officer performs (physical) examinations him- or herself, varies per AMK.
- *Practice leader/team leader*: has a manager role and holds final responsibility for substantial and operational matters. He or she counsels the investigators, behavioural experts and confidential

²⁷ Annual report AMK, 2012

medical officers in their work, divides the cases over the employees, and is signatory to all final decisions.

Methods

The methods used by the several AMK offices differ to some degree. After a report, an intake team will decide whether the concerns are of such a nature to warrant the initiation of an investigation. Firstly, the AMK will see what the reporters themselves can do. For instance, when a report comes from a school, the AMK will inquire whether the school has already invited the parents for a conversation, and it can be advised to do so. It is not possible to unequivocally state when a report leads to an investigation. It may be that there are several signals about different concerns within a family, but sometimes the suspicions are shared by less people, or lack sound substantiation. However, this does not automatically mean that the AMK will refrain from investigating. Especially in cases involving a young child, vaguely described suspicions can lead to an investigation.

For every case, it is assessed whether there is sufficient reason to initiate further investigations. The AMK considers who reported the concern, whether there is a problematic combination of concerns, and whether there have been prior reports. Deciding to start an investigation is usually less ambiguous in cases of suspected physical abuse, then in cases from the 'grey zone' of pedagogical neglect – the abuse that the bulk of the reports received by the AMK is concerned with (17,326 in 2012).²⁸ At such moments, the intake team will assess in mutual deliberations whether the concerns are so grave that there are dangers to the child's development. This would be cause for an investigation.

When the AMK decides to open an investigation, the first step is to draw up an approach plan that describes the central questions of the investigation and the shape the investigation will take. There are four pivotal questions in AMK investigations:

- does child abuse take place? There are three possible answers to this question:
 - * child abuse confirmed
 - * child abuse is not confirmed but cannot be ruled out either, there are serious concerns
 - * suspicions child abuse unfounded
- what is the cause of the abuse?
- is it presently safe for the child to be with its parents? (risk assessment)?
- does the family need child services support and if so, could this be organised within the voluntary framework?

In the beginning, the AMK does not focus on the question *who* committed the abuse and does not look for a perpetrator. Their assessment concentrates on possible dangers to the child's safety and the source of these dangers. The AMK offices are free to choose the instrument or method for this assessment. Some AMK's use *Signs of Safety*. The results of the assessment are discussed with the parents, who have the opportunity to respond to the findings and to the information provided by informants. The parents' reaction is recorded separately in the plan. The fact that parents have the opportunity to respond does not mean that their response will lead to adjustments in other people's views recorded in the plan. They may disagree with certain findings in the plan, but what the informant said will not be changed.

When there are serious concerns about a child's safety, the AMK tries to delineate the steps required for removing these concerns. A safety plan is recorded. The AMK studies how the family's own network may be used, and tries to find fitting support. The goal is to convince the parents to accept

²⁸ Annual report AMK, 2012

help. In the majority of cases, support organised by the AMK happens within the voluntary framework. In 60% of the studied cases in 2012, the AMK organised voluntary support.²⁹

Options for investigations

Speaking with the parents

When there is a report of child abuse, parents usually receive a letter in which a house call is announced (to occur within a few days). In rare cases, the AMK opts for an unannounced visit. The investigator is obliged to justify his or her reasons for such a visit. A house call is performed by the investigator, sometimes joined by the confidential medical officer or another investigator.

Speaking with the child itself

The AMK sees all children whose situations are investigated. If possible, it also speaks to the child. The common minimum age for such conversations is six years. Sometimes, the child is spoken with alone, sometimes with the parent present, depending on the case.

Informants

Informants surrounding the family are the most important source of information for the AMK. They are asked whether there are signals, and if so, which signals there are that the child's safety is endangered. How many informants are interviewed varies per case, but their number is never less than two. The AMK first speaks with the parents (and if possible with the child) and can then interview professionals and non-professionals from the family's environment. A difference with the BJZ's protocol is that the AMK does not need the parents' permission to approach informants. The AMK is authorised to speak to informants without the parents' permission.

Professionals in the family's environment

The most important sources of information are professionals surrounding the family who, from their professionalism, are able to assess a child's safety situation. These professionals could be:

- school
- general practitioner
- consultation clinic
- mental healthcare organisation
- police
- social services support already working with the family

Non-professionals in the family's environment

In exceptional cases, non-professionals surrounding the family, such as family members or neighbours, may be involved. It is required that they are closely involved in the children's parenting.

Other avenues of research

Besides interviewing informants, the AMK has other avenues for investigation it can use. This is not standard procedure but done on basis of estimations by the AMK investigator. The investigator will decide per case which information he or she lacks to be able to formulate answers to the research questions. One possibility is to observe the child, for example at school or in a setting that enables the investigator to observe the parent-child interaction from behind a one-way screen. The AMK can furthermore request external expertise and, for instance, have the child examined by a paediatrician or in a forensic clinic. Costs of such examinations fall to the AMK and BJZ.

²⁹ Annual report AMK, 2012

The AMK does not investigate possible sexual abuse itself. This is a specialised question, for which external expertise may be requested from a hospital paediatrician or a forensic clinic. There will always be an AMK confidential medical officer involved in cases with suspicions of sexual abuse, but he or she will not perform thorough physical examinations him- or herself.

Taking core decisions

The most important decisions taken during or after the AMK investigation ensue from multidisciplinary consultations, in which the investigator confers with a behavioural expert and, if necessary, with a confidential medical officer.

If the AMK submits a report to the Board, this can be the result of a forwarded report (a report received by the AMK which was immediately submitted to the Board because it concerns a crisis situation) or the result of investigations by the AMK itself. When the AMK investigation is closed and the AMK considers a report to the Board necessary, the AMK will submit a request for an investigation to the Board. The process is the same as with a BJZ report, namely via the Protection Case Deliberations ('Casusoverleg Bescherming'). The request includes the report of the investigation, which answers the research questions and argues why further actions are required, that the voluntary support doesn't have the desired effect, and which actions are required. If necessary, the AMK and the Board will deliberate over the telephone.

8.2 Opinions

Between August and November 2013, investigators of the Ombudsman for Children spoke with investigators, confidential medical officers, behavioural experts, and team leaders of four AMK's. A total of fifteen AMK employees were interviewed. The focus of these conversations were the operational practices of the professionals, and the questions what is done correctly, what needs improvement, and what dilemmas regarding fact-finding and signal interpretation are they faced with in their work. As is the case in every occupation, the AMK experiences that external factors sometimes force employees to deviate from the protocols. What kind of situations exerts such pressure, and how does the AMK deal with them in daily practice? How do professionals themselves regard the concept of 'truth-finding,' and how do their notions in this matter differ from those of parents? What points of improvement are suggested by the professionals themselves?

The below overview of the findings gathered in interviews with AMK employees are opinions expressed by the employees in question, and do not necessarily reflect the position of all AMK employees in the Netherlands.

Does the AMK engage in 'truth-finding'?

The AMK employees interviewed for this investigation were aware of how sensitive the subject of 'truth-finding' can be. There are varying opinions about to what extent the AMK engages in truth-finding, but the consensus is that it's the AMK's responsibility to substantiate whether child abuse is taking place or not as factually as possible.

- "We engage in truth-finding to some degree. At a certain point, we will transfer the case to the police, which is when the classical truth-finding begins."
- "Our work is subjective by definition. What do we consider normal in an upbringing and what is abnormal?"
- "Parents contest the conclusion of child abuse, because they fail to realise how broad the notion is, and that it extends beyond physical abuse."
- "During a house call, you can observe concrete facts: electrical wiring sticking out, mould in the child's bed. Those things warrant concrete action, but in many situations the signals will be less visible and you must base conclusions on information provided by the environment."

In problematic divorces, the parents can accuse each other of physical abuse. AMK employees indicate that in such instances, it is not their job to find out who hit the child. The fact that the parents accuse each other of abuse and are unable to ensure good relations, is in itself relevant to the AMK investigator. This can also greatly influence the child's development and can thus be deemed a danger to the domestic situation.

Parents usually respond surprised or fearful when the AMK announces its investigation. At first, parents are afraid that their children will be taken away from them and that they are being accused of being bad parents. Creating a situation in which parents can be open about their problems takes the AMK investigator some time, but they usually succeed. Getting parents to understand the concerns about the family requires experience and the use of sound conversational techniques. The investigator should be as clear as possible about how information is evaluated and should be plain about the considerations being made in the child's best interest. Some parents are relieved that their issues will be tackled and that there will be support.

Quality reports

Behavioural experts reading and commenting on the Board reports submitted by investigators, state that there is great variation in the writing skills of investigators. They encounter diverging styles and notice that (investigated and substantiated) facts are not always distinguishable from information provided by informants. Information is sometimes not properly verified and approved by the informants, and there is a lack of source details.

If the investigator suspects that a parent or child suffers from a mental disorder, but there is no diagnosis (yet), the report should properly list the reasons for these suspicions. The AMK behavioural experts state that suspicions should not be uttered based on a single occurrence. They do encounter this in reports that they read for case deliberations. They also indicate that it is important to note who shared the signals (professionals, or non-professionals). If this is a reliable informant, a single signal is sometimes sufficient.

The confidential medical officers also encounter statements about a child's situation that lack underpinnings. A report can read: 'school says the child is doing well,' but the confidential medical officer believes this is too brief. Does the child attend school, is it dressed well, did it have breakfast? These are the important questions. The medical officers indicate that the sense that something is 'not right' doesn't appear for no reason. This feeling comes from an investigator's observations and conversations, and this is exactly what needs to be recorded. However, they also recognise that some things cannot be substantiated with facts by the AMK.

The AMK employees interviewed for this study indicate having sometimes received criticism from the Board concerning their reports. The Board for instance wants the AMK to take a position. If the AMK thinks a family is struggling with certain problems, the employees should write it down like that, the Board says. Since they often have to work with impressions and information from third parties, the AMK investigators often find it too difficult to make strong statements. That is why they sometimes wield a vocabulary that reveals uncertainty, using words such as 'to appear' and 'to seem.' Mostly, the AMK investigator wants to pass this information (even if it has not been conclusively proven) on to the Board, thinking that 'the Board will investigate further.' The Board states that reports filled with 'appearing' and 'seeming' are not of much use, and it considers the reports insufficiently substantiated.

Good practice

At AMK Hengelo, the investigation phase always includes a round table conversation, in which parents, professionals and non-professionals around the family sit down to draw up a plan of action. The document, containing an analysis of the issues and the steps to be taken, is projected on the wall, allowing all parties to see what is included. In the past, the informants were spoken to without the parents present. Parents often disagreed with the statements from informants and had the feeling that people talked behind their backs, sharing all kinds of information they weren't informed about. This caused unrest. By including the parents in the round table conversation, it is clear to everyone who has what kinds of concerns, and it is possible to draw up a plan of action in which everyone has their own role. This doesn't mean that there are no discussions during these meetings. It is made clear at the beginning that everyone is allowed their opinion and views. If the parents have different views, they can respond immediately, and their reaction will be included in the plan. The AMK employees are very enthusiastic about this approach because it includes the whole chain, makes the parents feel involved, and it allows most people to leave with a good feeling.

Dilemmas experienced by AMK professionals

1. Lack of possibilities to perform extensive family diagnostics

AMK employees indicate needing more possibilities to perform more extensive family diagnostics, which would include not just interviewing informants in the investigation, but also several observations of a child (at school, with the parents at home, etc.). This is often lacking at the moment, and the AMK is not always able to present a proper and complete picture of the issues that a family is dealing with. Time and financial means to request external expertise are lacking. Investigators might involve a confidential medical officer in the investigation, but he or she will have to form an opinion on the situation after one or two conversations with the parents. This is considered 'actually too few' to come to a proper view. The investigators themselves usually only have their own observations through contact with the family, and the (limited) information provided by informants.

2. Parents foster unrealistic expectations about the AMK's role

Parents expect too much of the AMK investigation. They expect the AMK to make statements about whether past incidents took place or not, or that the AMK investigates who is or is not responsible for the abuse. This issue is particularly rampant in cases of problematic interaction between divorced parents, with both parents exchanging accusations. They expect the AMK to determine that mother or father 'in fact' hit or abused the child.

The AMK expressly does not focus on such matters. Other than in a criminal investigation, the AMK efforts are not aimed at discovering the possible offender and collecting legal evidence for this case, and its goal is not to persecute an offender. The investigation is aimed at mapping the possible dangers to a child's safety and development, and at determining what kind of support is needed to remove these dangers. Parents often find it hard to understand this. Should the AMK determine that (physical) child mistreatment or abuse took place, it still hasn't found who was responsible for the abuse. This leaves parents very dissatisfied.

3. Lack of signals from child, concerns remain

In certain cases, the AMK will have concerns about the child's domestic situation, without finding any visible signals that show that the child is influenced by its circumstances. An example is domestic violence between parents. Witnessing domestic violence puts great strain on a child, as many scientific studies show, but the child does not always display signs of suffering from it. When this

happens, there are no 'child signals,' and the Board will not consider there to be legal grounds for a protection measure. To request a measure, there must be definite child signals that demonstrate that a situation is strenuous for a child and hinders its development. This leads to situations where the AMK does have concerns about a child's domestic life, but is unable to intervene if the parents deny everything and refuse to accept support.

Several AMK employees experience these situations as system bottlenecks: 'You know things are wrong, but there is nothing you can do. You can only wait until things really get out of hand, at which point you'll be too late.' Employees indicate they need the possibility to intervene sooner, but there is no legal room for such authority. For AMK employees, this can lead to a lack of appreciation for the judge's position, who only inspects the legal grounds for a measure.

4. There is no such thing as 'the truth': assessing a parenting situation is subjective by definition

The description of a child's parenting situation by the AMK investigator is subjective by definition, as the interviewees state. It is easier to unambiguously define the bounds what is or is not acceptable in cases of physical abuse, but this becomes much more difficult when dealing with emotional abuse or pedagogical neglect. In those cases, the personal norms and values regarding a good upbringing will play a major role. Besides using scientific notions and recorded guidelines, every investigator wields their own norms and values, which have unavoidable influence on the assessment of a situation. The AMK investigation does not solely revolve around the collection of facts, but also entails judging these facts. The fact that the investigator decides which (factual) information is worth recording already involves a normative assessment. Investigators can describe what they see during a house call ('The home is disorganised' or 'the family doesn't eat at the dining table together'), or in an interaction between parent and child, but it proves very difficult to disentangle facts and interpretations from each other. "*It's part of the nature of the work I do*", one AMK investigator said.

This often leads to problems in daily practice, mostly in cases involving a problematic relationship between divorced parents. It is not rare for them to accuse each other of poor parenting skills. What is definite child abuse in the eyes of one individual won't necessarily be abuse in the eyes of another. This difference of opinion can also occur between the parent and the AMK. Especially in cases involving non-physical abuse (emotion abuse or pedagogical neglect), parents often fail to comprehend the AMK's assessment of abuse taking place. When they hear the word 'abuse,' parents only think of physical maltreatment and don't agree with the conclusions.

5. Report or no report to the police

If AMK judges that child abuse has taken place, it does not always file a report with the police. This does happen in case of reasonable suspicions of sexual abuse or serious physical harm. Especially when the parents admit to mistreatment and show a willingness to cooperate with social services, AMK usually opts not to involve the police. This consideration stems from the fact that the family, and especially the child, does not necessarily benefit from criminal persecution of a parent. The goal is to stop the abuse, which is often an expression of the parents' powerlessness. Support and counselling are more suitable for such situations. Nonetheless, some interviewees indicate that an official police report can also be liberating. It's a signal towards both the victim and the perpetrator. Offenders can furthermore be obliged to attend offender support meetings (and receive payment for this) if an official police report leads to a sentence.

If a police report does not result in a sentence, this can have a significant impact on the family and the child. In many cases, the police will have too little evidence to persecute a suspect and the case will be dismissed, or the suspect will be acquitted. This does not mean that the mistreatment, or the abuse, did not take place, but the parent in question can use this dismissal or acquittal to assert his or her position. Parents can also 'use' it in their battles with each other ('See, I wasn't convicted, I didn't abuse my child!').

Neither does determining that child abuse took place necessarily lead to a report to the Board, since if parents show a willingness to cooperate with the offered support, a protection measure isn't necessary. Moreover, the abuse will not immediately stop because a guardian is involved in the family, so submitting a request to the Board is not always the natural course of action, say the AMK employees.

6. 'Passing the buck'

When there are suspicions of mistreatment or abuse, a BJZ child services counsellor or protector can contact the AMK, which has more expertise in this area. In daily practice, this sometimes leads to BJZ referring parents to the AMK when the BJZ employee is unable to work with the family, for instance when parents keep accusing each other. Several AMK employees experience this as 'passing the buck,' where a difficult situation is unloaded on them. The child counsellor refuses to express suspicions of mistreatment or abuse, so as not to jeopardise a good relationship with the parents. The AMK can then be forced to start an investigation, (temporarily) relieving the child counsellor from the responsibility. Not all AMK employees, however, consider their role such situations to be beneficial. The BJZ child counsellor will have to deal with the situation together with the parents. The involvement of the AMK can cultivate resistance in the parents, deteriorating the trust relationship with the parents.

7. The report to the Board must be comprehensible to both the Board and the parents

The parents will be informed when the AMK submits a report to the Board. The contents of the report must be understandable to them as well. Parents frequently disagree with the contents of a report, but often this is exactly why a report is submitted to the Board. After all, if they shared the same concerns and accepted support from child services, a protection measure would not be necessary in the first place.

The vocabulary and contents of the report should be comprehensible to both the parents and the Board investigator, but also always contain sufficient (technical) information for the Board. The Board expects the AMK to provide adequate (legal) underpinnings.

The AMK employees indicate that it can be tricky to record a story that is comprehensible to the parents and at the same time meets Board requirements. The employees acknowledge the importance of substantiating impressions, for instance by offering examples of events that underpin

the statements. When a report for instance states that ‘mother responds rigidly,’ the investigator will have to offer examples that illustrate this attitude. However, in many cases it is difficult to bridge the gap between ‘concerns’ on the one hand and the Board’s legal reality and language on the other. AMK employees indicate that they sometimes struggle to make authoritative statements because they often have to base their conclusions on the (sometimes limited) information provided by informants. The Board, however, does require solid underpinnings of the necessity of a Board investigation (which can have a significant impact on parents and child).

8.3 Dossier research

Investigators of the Ombudsman for Children studied fifteen dossiers of four AMK offices. This entailed indicative dossier research, intended to provide an overview of the use of sources, underpinnings of conclusions, and transparency of weighing in reports, and to get a general idea of their structure, style and phrasing. The investigated dossiers included reports to the Board, meaning reports of AMK investigations that concluded child abuse had taken place, leading to a submission of a dossier to the Board; and reports in which child abuse was not confirmed, in which case a dossier is closed or transferred to BJZ for voluntary support.

The AMK dossiers, registered in the digital system KITS³⁰, contain several documents: the research plan, reports to the Board, letters to parents stating the findings of the AMK investigator. Documents provided by informants are often saved in the paper dossier. In KITS, the AMK can place a file ‘behind a keyhole,’ restricting access by third parties. This can for instance be done in case of information provided by an anonymous reporter.

The AMK reports contain descriptions of the family situation. At the beginning of an investigation, AMK investigators virtually always make a house call and record their observations about the family’s living environment, the child’s behaviour at home, and the interactions between parents and child. There is a discernable attempt from AMK investigators to record their observations as factually as possible. A report can read ‘there is electrical wiring sticking out of an outlet,’ or ‘the house is tidy and there are a lot of toys.’ However, one also finds observations and value judgements criss-crossing each other. One such example: ‘When investigator arrives, mother is waiting in the paved yard, one hand in her side and a cigarette in the other.’ The choice of words reveals a certain way of looking at the family.

Most reports use headers to show which information in the report was provided by whom. However, this is not standard practice and it can be unclear who is the source of certain information. A report can read: ‘Mother ran around the school ranting and cursing,’ but there is no indication of who provided this piece of information. Furthermore, investigators do not always attach conclusions to incidents, which are often only recorded. It is not clear whether a certain event is part of a pattern. Does it happen more often? What prompted the incident?

The information provided to the AMK by informants is often, but not always, verified and approved by these individuals. Most reports state the position (not always the person’s name) and date of approval of information. The form of the information is paraphrasing. It cannot be ascertained from the report whether the approval was done in writing or over the telephone, and whether the exact report text was submitted to the informant for review.

In providing information to the AMK, informants sometimes overreach their expertise. For instance, in one of the dossiers that was studied, a debt restructuring professional commented on a mother’s possible mental disorder (PTSS).

³⁰ Not all AMKs have fully digitised their operations. Many AMKs still use a shadow registration in a paper dossier.

The dossiers clearly show that assessing and describing a child's physical condition is easier than gauging the pedagogical parenting climate. In case of the former, a physician can examine the child and there are usually clearly distinguishable signals of health issues, allowing for more factual reporting. Matters are much more difficult when there are suspicions of pedagogical neglect. These cases call for careful description of impressions, using (brief) observations and interviews with parents and informants. Statements about the situation sometimes lack concrete underpinnings. One such example: *'when interacting with AMK investigator, stepfather acts intimidating, belittling and disqualifying.'* What exactly took place between the parent and the AMK investigator to lead the employee to this qualification? And what does this observation imply about the stepfather's capabilities of offering the child a safe environment?

There are three possible conclusions to AMK reports: 'child abuse confirmed,' 'child abuse not dispelled but not confirmed either, there are concerns', or 'child abuse not confirmed.' It is good to have the alternative that states that the investigation yielded no clear results, but it is unclear what requirements there are to draw the conclusion 'child abuse confirmed.' Considerations in the dossiers sometimes lack transparency, which would allow others to follow the reasoning that led to a conclusion.

The AMK reports sometimes contain bold statements, such as 'Father hits the child,' without making clear whether this was an observation by the investigator, a statement from for example the mother, or information offered by informants. And in cases where information is provided by an informant, it is sometimes left unclear whether they observed this behaviour themselves, or just have the impression that such incidents occur. In other cases, suspicions are expressed with necessary caution. A number of reports furthermore contained the phrasings 'to seem' and 'to appear,' as in 'mother seems pedagogically incapable.'

8.4 Weighing

The AMK's work starts when it receives a report on suspicions of child abuse. Parents often experience a report to the AMK as a huge blow. The AMK's task is to assess whether signals are strong enough to warrant an investigation, and then to see if suspicions are confirmed. The AMK wield extensive, though not unlimited, research methods for this purpose. The image arising from this study is that the AMK works professionally. The interviews furthermore present an image of dedicated and passionate professionals.

The definition of child abuse used by the AMK is much broader than the notion most parents have of abuse. This can lead to situations in which parents do not recognise themselves in the AMK findings. When they hear child abuse, many parents imagine physical and sexual abuse. They are unaware that the definition also encompasses emotional abuse and pedagogical neglect. It is plausible that the complaints or dissatisfaction that parents have vis-à-vis the AMK investigations concern cases of emotional abuse and pedagogical neglect. After all, these lie in the grey area where the AMK will decide the boundaries of what is considered child abuse and what isn't. The AMK has the responsibility to properly inform parents about the definition of abuse that is used by the investigators, and it should offer sound underpinnings to a conclusion that a child's parenting situation is lacking. It is a positive sign that the AMK is often able to convince parents to accept support within the voluntary framework. To do so, AMK employees need diplomacy, empathy, and good conversational skills. The round table conversations at the AMK Hengelo, in which parents and professionals deliberate together, are a strong initiative.

Within what's possible and within its powers, and in the best interest of the child, the AMK may be expected to gather information as carefully and factually as possible and to offer sound substantiations

to conclusions. Relevant facts must be collected if possible. If necessary, the investigators should request (forensic) external expertise. Besides interviewing informants, it may also be necessary to perform further diagnostic research, for instance by observing the family. This does not mean that an intervention is only justified when investigators have witnessed the abuse with their own eyes. Sometimes they need to act on basis of risk assessments.

In some cases, parents are dissatisfied with the AMK investigation because they expect the AMK to gather evidence that will decide who is guilty of the mistreatment, or to prove or disprove sexual abuse that may have taken place in the past. However, the AMK investigation concentrates on the present and future safety and development of the child.

Interviews with the professionals make clear that AMK employees are aware of these expectations and the issues such expectations can cause.

The dossier study and interviews with involved parties show that the AMK generally handles information in reports quite carefully. Reports make a clear distinction between an AMK investigator's assessment, and information provided by informants, usually through the use of headers in the text. In most cases, the information by informants has been verified and approved.

There are, however, examples in texts that show a muddling of facts, interpretations and value judgements. AMK investigators should be aware of the weight of their words in text. They should avoid using words such as 'to seem' and 'to appear,' if these are attributed more value in a conclusion than warranted. Impressions must be described using as many factual events as possible. It is of great importance that professionals keep each other sharp in this respect, and that they discuss casuistry and reports in team deliberations. Because information provided by informants is sometimes paraphrased, there is a risk that this information is included in a report in a different way than originally intended. The AMK could consider asking informants to provide their information in written form, in their own words; the AMK investigators would then include the information exactly as they received it.

The dossier study and interviews with involved parties furthermore show that conclusions of the reports sometimes lack sufficiently visible underpinnings. This does not mean, however, that the choices the AMK makes are wrong. The point is that the weighing should be comprehensible to the reader of a report. The AMK reports often contain a description of signals offered by professionals surrounding the family. Without an interpretation, these signals cannot serve as sufficient underpinning. The reports must more clearly state how the encountered signals led to a conclusion.

9. Child Care and Protection Board

9.1 Facts

Task

The Board's task is to provide the juvenile courts with advice, based on independent investigations, on what is in the best interest of a child if the child's safety and development are gravely endangered and voluntary support does not ameliorate the situation. Based on this request, the judge can decree a child protection measure, or determine how the custody of the child, its place of residence, and parental access will be organised.³¹ In case of a direct danger to a child's safety, the Board will request an emergency measure; in extremely serious cases it also assesses the need to impose an even further-reaching measure (relieving or removing someone from parental authority). Finally, the Board offers advice in cases of intended termination of a protection measure ruled by a judge (the so-called reviewing task).

Organisation

The Board is an implementing organisation that is part of the Ministry of Security & Justice. The Board is directed on a national level, has a national office and ten regional offices. In 2012, the Board performed protection investigations into the parenting situation of 19,700 children and youths. The Board requested the juvenile courts to place approx. 8,100 children under supervision, but to allow these children to continue living at home. In approx. 3,000 cases, the Board also requested custodial placement. In approx. 1,500 cases, the Board requested the judge to relieve parents of their parental authority or to remove it from them. In the other cases (approx. 7,000), the Board advised the judge not to decree a protection measure, and other solutions for the issues were found.³² Investigations into the question whether a child protection measure is necessary, are called child protection cases (CP). It is unknown precisely what percentage of the Board's advice is adopted by the judge, but it happens in a great majority of cases.

In 2012, the Board performed 5,249 investigations into children whose parents were unable to work out proper arrangements concerning the children's place of residence or parental access rights after a divorce, even after involvement of social workers and mediators. These are the so-called custody and access cases (C&A). The judge will determine the arrangements in these cases. For this purpose, the Board will investigate a child's situation in the context of the divorce. What division of care and parenting tasks, or what arrangement of visitation rights, will be in the child's best interest? The Board is authorised to extend a C&A case with a child protection investigation at its own initiative, if during the investigation it turns out that a conflict seriously threatens the child's development.³³ The judge can then rule a 'visitation-family supervision order'.³⁴

The legal basis, pedagogical basis and methodical basis of the Board's operations are described in the document *Grondslagen Raadsonderzoek* (Bases of Board Investigations).

³¹ The Board also has other tasks and functions, such as screening people looking to adopt a child, or investigating the parenting situation of children that encounter the juvenile courts. These tasks are not covered by this report. More information on the Child Care and Protection Board can be found through www.kinderbescherming.nl

³² Source: www.kinderbescherming.nl/over_de_raad/feiten_en_cijfers

³³ In 2012, this happened in 18 percent of the C&A cases.

³⁴ Strictly speaking, this is not the proper term, as it suggests that issues concerning the visitation arrangement led to the implementation of the measure, while the judge can only rule a family supervision order if the child's development is threatened. Ruling Netherlands Supreme Court LJN: AB1009 (13 April 2001).

Legal bases

The government's duty to protect children is laid down in the Dutch Civil Code. The law states that parents have the right to raise their children as they see fit, but that they have an obligation to take care of and raise the child, are obligated to protect the child, and are subject to the prohibition on violence in an upbringing. If they cannot provide these things, the government must intervene. Additional legal basis is provided by the International Convention on the Rights of the Child (CRC). The CRC states in its preamble that children have a right to be raised by their own parents and that parents have a right to raise their children as they see fit. If parents cannot guarantee this – with or without voluntary support – the task falls to the government to act and to protect the child (Articles 19 and 20 CRC). That this intervention may not be unlawful and that the opinions of the child must be heard, is stipulated in articles 9, 12, 16 and 18 CRC. Article 3 CRC furthermore states that the best interest of the child must be given first consideration in all measures pertaining to the child.³⁵

Pedagogical bases

The basis of the pedagogical framework is formed by recent scientific publications and methods from child protection services. Starting points for the Board operations are the right of children to a healthy and balanced development and growth toward independence, the right to parents, family and family life, and physical and emotional safety as minimal conditions for the healthy growing up of a child.³⁶ The Board acknowledges that the pedagogical framework always involves a normative interpretation, depending on the zeitgeist, locality and perspective of the one wielding the norms.³⁷ To create transparency about how parenting situations are assessed, the Board uses so-called 'development conditions.' Examples of such conditions are adequate care, an affective climate, and continuity in parenting and care.³⁸

Methodical bases

The Board defines its methodical practice as "*acting from vision, conscious, efficient and systematic, with the capacity to justify these acts to others a priori or a posteriori, and legitimising them within the normative, personal, societal and institutional frameworks*"³⁹ The Board's operational methods are recorded in the Quality Framework ('Kwaliteitskader'). This document describes how a Board investigation is performed, what information will be included in the report, and how long an investigation may take.⁴⁰ The Board furthermore uses the Protocol Protection Duties⁴¹, and the Protocol Custody and Access after Divorce.⁴²

The Board method for protection investigation is applied in child protection cases. It has three building blocks to assess a child's situation: the child's development, its parenting environment/context, and child services support.⁴³ There is a C&A Board method for C&A cases, which uses the same building blocks but specifies the second building block as 'parenting in divorce context.'

³⁵ "Grondslagen raadsonderzoek," June 2012

³⁶ "Grondslagen raadsonderzoek," June 2012, p.6

³⁷ "Grondslagen raadsonderzoek," June 2012, p.7

³⁸ "Grondslagen raadsonderzoek," June 2012, p.8

³⁹ "Grondslagen raadsonderzoek," June 2012, p.10

⁴⁰ "Het Kwaliteitskader van de Raad voor de Kinderbescherming," January 2013 (replacement of 'Kwaliteitskader' 2009)

⁴¹ "Protocol Beschermingstaken," Child Care and Protection Board, 30 January 2013

⁴² "Protocol Gezag en omgang na scheiding," Child Care and Protection Board, 30 January 2013

⁴³ "Raadsmethode beschermingsonderzoek - bouwstenen, aandachtsgebieden, thema's, gespreksonderwerpen," November 2009

Quality Framework

The Quality Framework states that the Board works professionally, with care and precision, and that its methods and procedures are lucid, understandable and transparent. Other relevant principles in the Board's quality framework are that *"during its involvement, the Board weighs the interests at risk in a reasonable manner"*, *"every Board decision taken during the investigation is properly justified"* and *"the Board will actively inform parents/carers and the child/youth about the Board's operations and offer them ample opportunity to announce their viewpoint. These viewpoints will be taken into account in decisions."*⁴⁴

The definitions of the terms 'reasonable manner,' 'properly justified' and 'actively' are not specified.

In the quality requirements of the Quality Framework, we can read that *"decision-making will be substantiated in the report, in which facts, views of involved parties, and the interpretations of the Board will be clearly separated"*.⁴⁵ The bases of Board investigations state that it is important that Board investigators *"do not dwell in generalities. Instead of using catch-all concepts, subjects must be specified. This also applies to assumptions: a protective factor is not actual safety for the child. A complicating factor is not a direct danger."*⁴⁶

In 2010, the Inspection for the Youth Care Agencies investigated whether Board decisions are always based on enough information, whether decisions are always taken by several persons in joint deliberations, and whether the risk and protective factors within a family are weighed.⁴⁷ This study concluded that the Board is careful in its decisions to request a protection measure from the judge or not. The Inspection stated that the Board offices arrive at such decisions in an unambiguous and careful manner. The Board furthermore employs professional sources and scrutinises the reliability of information. What did require improvement was the measure of the Board's consideration of protecting factors in a family. In its study, the Inspection did not comment on the quality of the Board reports or the methods of information gathering.

Methods Board investigation

A Board investigation always involves several professionals. The team leader is the final responsible party for the entire investigation, decision-making and reporting. With regards to content, the team leader is only involved in very complex cases and cases which are extra susceptible to media attention or complaints. The Board investigator is responsible for execution of the investigation and writing the reports. A behavioural expert and legal expert offer the Board investigator suggestions for improvements from their expertise. They do not meet or interview the client themselves. A behavioural expert can perform a partial investigation, for example by interviewing the child, but this expert will always be another person than the expert acting as sounding board for the Board investigator. If a behavioural expert performs a (partial) investigation, they are responsible for both its contents and its execution.⁴⁸

A minimum of two Multidisciplinary Consultations (MDC) are held for every Board investigation. A Board investigation begins with the creation of a research plan which is discussed in an MDC, and by stipulating the actual research questions. Examples of research questions are:

- is the danger to the child's development of such a degree that it necessitates a child protection measure? (in a child protection case).

⁴⁴ "Kwaliteitskader" 2013, p.11

⁴⁵ "Kwaliteitskader" 2013, p.13

⁴⁶ "Grondslagen raadsonderzoek," June 2012, p.14

⁴⁷ "Een Kinderbeschermingsmaatregel? Besluiten en overwegingen van de Raad voor de Kinderbescherming." Inspection for the Youth Care Agencies, October 2010

⁴⁸ "Kwaliteitskader" 2013, p.15

- what are the options for and dangers to the child in the context of the divorce? (in C&A cases).
- will a relief of parental authority contribute to the positive development of the child, or will the measure contribute to dissolution of the developmental danger? (in an advice on a further-reaching measure).

In principle, the Board uses professionals as informants.⁴⁹ These could for instance include a general practitioner, paediatrician, the school, police, or social workers already active within the family. In very rare cases, the Board will decide to request an external examination, for instance into a child's IQ, or to request forensic behavioural examinations to determine what traumatic events a child experienced. However, the budget for such external studies is very limited.⁵⁰ The Board does not have any budget for psychological examinations of parents (even if a parent were willing to cooperate).

The Board investigator will process all collected information and relevant correspondence with the involved parties and professionals in the dossier.

Child protection cases

2010 saw the implementation of a new Board method for child protection cases (CP). This method not only scrutinises the child itself, but also investigates the broader parenting environment, including parents, family, and network. Perspectives for the future are also investigated now. Besides risk factors, the investigation also looks into the positive, protective factors, and the investigation pays more conscious attention to the influence of the investigator's frame of reference. This means that the Board does not only exist to put an end to misery, but also to offer the child and its parenting situation perspective.⁵¹ Presently, the Board is working on further development of these methods, including elements of solution-oriented operations and involving the family's network (the 'system').

Child protection cases reported to the Board by the AMK or BJZ are first discussed in the Protection Case Deliberations (COB, Dutch: Casus Overleg Bescherming). The report is discussed and checked for completeness of information, and agreements are made about the child services support during the investigation, safeguarding the child's physical safety as much as possible. Agreements could include agreements on who takes responsibility, how parties will inform each other, and what the course of action will be if there are direct dangers to the (physical) safety. The Board investigator then has 24 working hours to perform a CP investigation, in a maximum of 44 days. 80 percent of all cases must be completed in no more than 56 days.⁵²

The Board investigator starts by analysing the available information. The most important source is the report by the AMK or BJZ, which states why these agencies consider the Board's involvement necessary. The Board investigator will draw up a 'dry' summary of the submitted report and will ask the parents to respond to it.⁵³ Summary and response are attached to the Board report.

In the first MDC, the research questions will be determined and it will be decided which third parties ('informants') will be contacted for information. The Board investigator will then perform the investigation and process the gathered information in the digital file. The gathered information and the question which information is missing to be able to answer the research question are discussed during

⁴⁹ "Kwaliteitskader" 2013, p.17

⁵⁰ Presently, the Board is discussing whether it should structurally request medical forensic expertise. 'Notitie waarheidsvinding', Child Care and Protection Board, September 2013

⁵¹ "Waar bemoeit u zich mee? Morele dilemma's in het werk van de Raad voor de Kinderbescherming," Wim Theunissen, 2012, p.99

⁵² The complete lead time comprises, besides the work of the Board investigator, the time for the intake, the behavioural expert, the legal expert, session representation, and administration.

⁵³ "Protocol Beschermingstaken," 30 January 2013, p.9

the (optional) intermediate MDC. The final MDC where decisions are made then discusses and weighs the answers to the research questions offered by the Board investigator. The end product of the investigation is the Board report, i.e. the request to the court.⁵⁴

The parents will receive the concept report and have a week to submit their response. This response is included under its own header in or as attachment to the final report. A notable lacuna in the method manual for protection cases is that it does not explicitly discuss the consideration, informing or verification and approval of information provided by parents.⁵⁵

Custody and access cases

The process is different in custody and access cases (C&A): the request for investigation will come from the courts. The goal of the investigation is to determine which division of care and parenting tasks will best serve the needs and best interest of the child. The Board investigator is allotted 21 working hours for such an investigation, in a maximum period of 73 days. In some regions, complex cases will have two Board investigators, who keep the views of both parents in the Board's scope.

At the beginning of a C&A investigation, there will usually be less information available than in CP cases. After all, in contrast to CP cases, there is no paper report in a C&A case unless there was a prior Board investigation. The available information comprises information provided by parents and their lawyers. This will usually not include information on the child's development. The Board investigators will have to decide themselves what information they need for a proper consideration. There will be feedback on the court proceedings from the person who attended them on behalf of the Board, and the request from the court. The judge will provide general legal questions, such as how the access arrangement should be organised. Sometimes there will be specific questions.

The first information round will have the Board investigator analysing the available information, and he or she will speak with both parents (if possible at the same time) and the child. Subsequently, the research plan will be drawn up, which will include a legal main question into, for instance, how the custody, division of care and parenting tasks, or access rights should be organised. Also included are two standard questions concerning the support and the necessity of the Board investigation. Finally, there are two considerations about the child's opportunities and obstacles and those of the parents in the context of the divorce.⁵⁶

The execution of the investigation largely follows the same course as CP cases. Parents are consulted and they can add their views on the findings to the final report.

⁵⁴ Unless the Board investigation concludes that no measure is required.

⁵⁵ This happens more often in the Protocol Custody and Access after Divorce, since the dynamic between and with parents is a more determining factor in such investigations than in protection cases.

⁵⁶ Protocol Custody and Access after Divorce ("Protocol Gezag en omgang na scheiding"), 30 January 2013, p.5

Extraordinary powers related to information gathering

The powers of the Board relevant for this study are:

- the Board is authorised to approach informants without the parents' consent, but it must provide justification for this decision. The informant must be told that the parents have not given their permission.
- in extraordinary circumstances, the Board does not need permission from the concerned party to access the Judicial Documentation Register (the JDR), which holds information on past convictions. The concerned party must be informed that the JDR will be consulted.
- the Board is authorised to access the parental authority register to see who has custody over the child.

Complaints regarding truth-finding

Persons dissatisfied with the operational methods of the Board can file a complaint at the regional office of the Board concerned. The complaint will first be processed internally – simple complaints will be handled by the team leader, more complex complaints by the regional director. The external complaints commission is contacted if the applicant is not satisfied with how the complaint is handled. The next step would be filing the complaint with the National Ombudsman.

The Board conducts an annual complaints analysis, which shows that a relatively large portion of the complaints filed with the Board touch upon truth-finding. Especially in custody and access cases, this is a recurrent complaint. In 2012, 2.11 percent of C&A cases led to a complaint, compared to 0.36 percent of CP cases.⁵⁷ Over half of the complaints in 2012 were related to the contents of the Board investigation or the Board report. A comparatively large number of complaints concerned (lack of) justification and information from the Board. Examples of complaints are that the Board did not offer reasons why certain informants were not approached, or that an old report was cited without stating the differences with the current investigation.

9.2 Opinions

Between August and November 2013, investigators of the Ombudsman for Children spoke with Board investigators, behavioural experts, and team leaders, legal experts, and directors of four regional Board offices. A total of thirty employees were interviewed. The focus of these conversations were the operational practices of the professionals, and the questions what is done correctly, what needs improvement, and what dilemmas regarding fact-finding and signal interpretation are they faced with in their work. As is the case in every occupation, the Board experiences that external factors sometimes force employees to deviate from the protocols. What kind of situation exerts such pressure, and how does the Board deal with them in daily practice? How do professionals themselves regard the concept of 'truth-finding,' and how do their notions in this matter differ from those of parents? What points of improvement are suggested by the professionals themselves?

The below overview of the findings gathered in interviews with Board employees are opinions expressed by the employees in question, and do not necessarily reflect the position of all Board employees in the Netherlands.

'The Board does not engage in truth-finding'

The Board employees are aware of the huge impact that Board involvement can have on parents and children. Government intervention in the autonomy of parents to raise their children as they see fit, and in the right of children to grow up with their parents, always leads to strong emotions. Difficult

⁵⁷ Complaints analysis 2012

communications and differences of opinion with parents are a normal part of the Board's operations. After all, the Board is only involved in situations where the voluntary framework does not yield enough results or where parents refuse voluntary support. By definition, this will involve coercion. Board employees state that it is therefore all the more important that it is properly explained what the Board's methods are, to execute the investigation carefully, and to prudently formulate the reports.

The interviews show Board employees often explaining complaints touching upon truth-finding from the fact that interference with one's children is always uncomfortable, and from the fact that many parents are dissatisfied with the results of a measure or arrangement concerning visitation rights. Board employees also recognise that sometimes mistakes are made. At the same time, they emphasise that there are many parents who welcome the Board's involvement in their family, such as parents with extremely difficult teenage children that constitute a danger to themselves or their environment, or parents who acknowledge that they are incapable of managing the upbringing by themselves. In many cases, the Board employees contribute to families receiving support or becoming stable. Because of this, Board employees are proud of their work.

Every Board employee has experienced arguing with clients about the truth and about the interpretation of certain signals. Following official Board policy, employees have in the past stated that they don't engage in truth-finding (and possibly some still hold to this position). After all, a Board employee's job is not to determine which of two squabbling ex-partners is right, or to act as a detective reconstructing what took place when a fight with a child got out of hand. The Board employees now see that this position has not led to the necessary clarification of duties, but has on the contrary fostered misunderstandings in parents. This position is therefore no longer officially communicated. However, as the employees stress, the Board does engage in fact-finding, trying to bring as many facts regarding a child's domestic situation to light as possible.

Safeguards to proper fact-finding

According to the professionals interviewed for this study, the Board's operations include a number of vital safeguards that decrease the chance of mixing facts and opinions, and the risk of working in a predetermined direction, as much as possible:

- In the MDC, it is standard practice to discuss far-reaching decisions with several persons, and the decisions proposed by the Board investigator will be questioned by colleagues.
- By involving professionals with different fields of expertise in the MDC, a case is always inspected from different viewpoints.
- By mainly approaching professionals for information, and by including all their verified and approved information in the dossier, the information is as factual as possible.
- There are methods available that have a de-escalating effect, such as Signs of Safety. This method involves arranging a meeting with the parents and children, their family and environment, and the social workers, to determine the course of action to eliminate concerns. In Overijssel, this has become standard practice, and it is currently being implemented in more regions.

Sometimes the process will have additional quality safeguards:

- All regions⁵⁸ have an 'intaker' who participates in case deliberations with BJZ on behalf of the Board. This intaker is a Board investigator with additional duties. The intaker ensures that the Board has as much information as possible to work with, and will investigate if a report to the Board includes ambiguous information. Sometimes a Board behavioural expert will attend the case deliberations.

⁵⁸ This study only involves the four investigated regions. Possibly, there are comparable initiatives in other regions.

- In Overijssel, there is a 'content supporter': an experienced Board investigator who has work time available to join a colleague's initiating MDC consultations, to share his or her thoughts on the case.
- Other regions employ a 'reader': an experienced Board investigator who will read and edit reports for consistency, language, and the separation of facts and opinions before they are sent out.
- Since 2006, the Haaglanden region performs internal audits into the quality of its reports. A manual has been written for this purpose.⁵⁹ The audits are performed by the quality team, a double position of the team that represents the Board in court hearings. The audits cover dossier writing and process, but also interpretation of the research data and the underlying logic in answering the research questions.
- The quality team in the Haaglanden region furthermore has the task of reporting back to the writer of a report after each hearing, using a standardised feedback form. This form includes questions such as 'do the answers to research questions and the advice follow logically from the research data?' and 'was any information missing which should have been known at the time of the investigation?'

There are clear operational protocols and guidelines in place for the Board. Deviations from the guidelines must be justified in the Board reports. Examples of such situations are:

- If a parent refuses to grant the employee permission to speak to a certain informant, and the Board decides to approach the informant nonetheless, the parents must be informed and the reasons for this choice must be recorded in the report.
- If a parent or child asks the Board to approach certain informants, but the Board decides not to honour this request, the reasons for this decision must be recorded in the report.
- On principle, the employee must speak with the child. If the child's age or level of development prevent this, the Board investigator must at least see the child. Sometimes, this will not be possible either. Such cases must be recorded in the report.
- The phrasings of information provided by informants, such as recorded in the Board report, must be approved by the informant in question. The informant will have to receive the text and a written consent must be included in the dossier.

Possible bottleneck issues and dilemmas in the Board's operations

The below sections describe several bottleneck issues that the interviewed professionals say could occur in the operational practices of the Board, and sometimes did in fact occur. Furthermore several dilemmas are included that can influence the fact-finding, the process of signal interpretation, and the writing of reports. Issues and dilemmas are illustrated by (paraphrased) statements from the interviews.

1. The Board should not act too soon, nor too late

The degree of media attention for family tragedies and infanticides has increased the pressure on child services to not intervene too soon, but certainly not too late either.

- o "Everybody has an opinion about our work. If a child dies, people often immediately point to child services. Did the Board fail in its duties? This amps up the pressure on our work as Board investigators: you don't even want to think about one of your own cases ending in a family tragedy. These thoughts can cause some colleagues to opt for a measure sooner than usual."
- o "The difficult thing in our work is that the public will never know when we act on time, and a disaster was averted. Only the horrible stories end up in the newspaper."
- o "Sometimes an emergency case will come in on Friday afternoon. You can't reach anyone at that point and you know there won't be an intervention during the weekend. That means you

⁵⁹ Audit forms 2013, Child Care and Protection Board, The Hague office, June 2013

have to use the information you have at that time. If the signals are serious, you sometimes decide to get the children out of there immediately. You'd rather find out that it wasn't necessary after the weekend, than hear it's too late on Monday."

- "I will discuss my professional intuition with colleagues. Is there imminent danger? The child has been in this situation for 7 years, will 48 hours matter? Everybody must agree with the decision. We really give these cases serious thought."

The fear of being too late that Board investigators can experience consciously or unconsciously influences the way Board reports are created:

- "Family tragedies definitely influence our work. When you're investigating, it can happen that your vision is narrowed or you're writing toward a certain conclusion. I really try to pay attention to this, by discussing it with colleagues."
- "When there's an emergency decision, of course I sometimes think: Are we saving these children, or are we destroying a family? That is the hardest part of my job. Sometimes, there simply isn't time to double- and triple-check everything."
- "In the conclusions to reports, I sometimes read that suspicions of mistreatment or abuse couldn't be confirmed, but that the concerns couldn't be dispelled either. I understand why colleagues do this, they have doubts, and would rather be safe than sorry. But this is tremendously frustrating to the parents: there is a hint of suspicion, even though there isn't any evidence."

2. In every Board investigation, parents contest what is 'true' and 'untrue'

In almost every case, parents don't agree with (aspects) of the report that the AMK of BJJ submitted to the Board; in custody cases, they contest the information provided to the Board by the other parent. They state that the Board should not include this information in the investigation.

- "At the beginning of the Board investigation, parents have the opportunity to respond to the summary of the report, and their response must be included in the report. Regularly, they dispute the report word by word."
- "If the report is in order, meaning that information is approved and the facts have been clearly described, we will not repeat that part of the investigation. Only if our research questions differ from those of the AMK, will we interview informants again. The AMK focuses on child abuse, we also investigate other aspects."
- "Because virtually all parents dispute the basic information that forms the starting point of our investigations, there is a risk that objections are not taken seriously. After all, with a few exceptions, no parent will agree with the involvement of the Board, that is part of our job. But we must remain alert to actually incorrect information."
- "Parents sometimes claim that we cut and paste from old reports or from the AMK report. If we do that, we always give the source. But parents glance over the source details and think we copy things blindly."

The Board's own investigations are also practically always the subject of criticism.

- "For us, facts are things like dates, year, schools, and social workers. A mother can consider the statement 'father was never there for the children' a fact, but we consider this to be the mother's personal view. People can get angry about things like that."
- "A complaint concerning truth-finding could have parents saying that 'the Board decision was harmful to my child.' I would experience that as a blow. But I feel that most complaints are along the lines of 'You didn't name and shame my ex.' This shows how vital it is to know the intention underlying a complaint."

- “Naturally, it’s unpleasant if someone files a complaint against you. Almost everyone has experienced it at least once. I always make sure that I can justify my methods and decisions for myself.”

A comparatively large number of complaints concern bias. Especially in C&A cases parents claim that their ex-partner receives more time to tell their story than they do. They feel that the investigator only listens to the other.

- “You must make sure to speak to both parents the same number of times, and that they have the chance to respond to the other’s statements. It is difficult when a parent refuses to cooperate, or if one of the parents is socially or verbally more capable than the other.”
- “In C&A cases, it is very important to encourage the parents to reach a basic level of communication. These are often parents you can’t have a mutual conversation with. Or they only insult and accuse each other. This is harmful to the child, which can get stuck in a conflict of loyalty.”
- “Sometimes I am simply honest with parents and tell them: I don’t know who’s right. Or I say that I can imagine that the other parent experienced an incident in a certain way, regardless of whether their claims are true or not. And I always direct the conversation back to the best interests of the child. Afterwards, parents have complimented me on that.”

3. Sometimes, it is difficult to communicate with the parents

The tasks of a board investigator require sound communication skills. A lot of misunderstandings and the anger parents feel can be avoided by being transparent and taking the time for conversations.

- “The target group we deal with virtually always struggles with serious issues, otherwise they wouldn’t come into our scope. They could be parents with psychiatric issues, addictions, debts, mental disabilities, or behavioural problems. You have to be able to deal with this professionally.”
- “No two people are the same. Some Board investigators are more skilled in dealing with parents’ emotions than others. In the MDC, there is always an opportunity to ask colleagues what the best approach to a conversation would be.”
- “I deliberately plan my last interviews with parents before the MDC in which decisions are taken, although the protocol requires us to have this interview after the MDC. I have noticed that this way, I still have a chance to explain parents how I reached a decision for an advice. Otherwise, the whole process will be too quick for them and they will offer resistance to everything we do.”

Parents sometimes foster erroneous expectations of the Board investigation.

- “During the intake, we will explain our tasks and methods, but parents often have a completely different idea of what we do, or they simply don’t understand.”
- “Particularly in custody and access cases, parents will have a long history of fighting before they come into contact with the Board. At first, parents may actually be happy with our involvement, because they think ‘now the truth will be revealed, and I’ll be proven right.’ It’s a grave disappointment when they realise that we are not going to decide who is right, but that we will be investigating what will benefit the child.”

It sometimes happens that parents do not comprehend the structure of a report, and they can be under the impression that it contains lies where someone else’s opinions are being described.

- “It regularly happens that parents get angry with me and accuse me of recording lies. They’ll point to the record of a conversation with their ex-partner. I have to include both opinions in the report, and I clearly indicate the head and tail of someone’s personal views. So these claims are not my opinion, but parents will read the report that way.”

- “The difficult issue is that the advice addresses the court, and therefore uses legal jargon. At the same time, it should be comprehensible to the parents, even if they haven’t been highly educated. One report will have several different audiences.”

4. The Board sometimes has to use incomplete or unverified information

Board professionals state that the quality of ‘requests for Board investigation,’ the so-called Board reports by BJZ and the AMK, regularly leave much to be desired.

- “The transfer of the dossier from the AMK or BJZ to the Board is a vulnerable moment. The quality of the reports is often insufficient, or reports are incomplete. They state a lot of things, but it is unclear who actually said what.”
- “I frequently read things such as ‘mother has characteristics of borderline,’ without being able to find out who made this diagnosis. Please write down what you see: ‘During the interview, her eyes kept shooting back and forth, and she told stories that didn’t align with reality.’ But don’t put a label on something you’re not sure about.”
- “A report can state: ‘child doesn’t listen.’ In such instances, I want to read what urges an investigator to connect that behaviour to a supposedly unfit parenting context. Maybe the child has an auditory impairment. These things are left unexplained.”
- “The information that is provided by informants is often not verified by the BJZ. It has become standard practice for me to contact informants to ask them if they agree with information included in the report.”
- “Examples are ‘mother appears mentally vulnerable’, ‘father seems pedagogically unable’, ‘the child seems to suffer from an attachment disorder.’ Within the Board, you’re not allowed to record things in this way.”

The Board then deliberates what course of action will best serve the child’s best interest: sending the report back to the AMK or BJZ, or starting an investigation despite the lacunae.

- “If the case deliberations show that the BJZ was unable to retrieve all relevant facts, or has failed to have all statements verified and approved by informants, I can decide to send the report back. But this will also mean that the child has to wait longer.”
- “Often, I will decide to use the information that *is* there, and the BJZ will send the missing information later. However, this isn’t a comfortable way to start an investigation.”

The quality of requests to terminate a measure also leaves much to be desired.

- “I encounter a lot of cutting-and-pasting from earlier reports, and from our Board report.”
- “The family guardians appointed by BJZ have not received any training for writing legal documents, so it’s no surprise that their reports contain mostly social work terminology, and lack a legal consideration. We employ a much more legal perspective.”

Information in reports can also be biased if another professional files a direct report with the Board.

- “When for instance a paediatrician reports to the Board, it is possible that they have a history with the parents, or an opposing view on what a child needs. This means that there will be two truths from the outset, which can influence the quality of a report. We do, however, always take reports from professionals seriously.”

5. In the end, the Board’s work is done by human beings, and the child’s best interest is not always clear-cut

Norms and values, worldviews and pedagogical opinions partially determine the way the individual Board employees approach situations.

- “Well, who’s to say what is too serious, and what is about good enough? That’s not a solid line. A family’s parenting climate can be unhealthy, but when do you decide it’s so bad that it becomes irresponsible?”
- “It’s sometimes possible to support parents with mental disabilities to provide the basic care a baby needs. But once a child grows up and starts to require serious parenting skills, things become tricky. You encounter situations in which you know: This child can’t live here until it’s 18 years old. But when do you intervene? What is in the best interest of the child?”
- “As a Board investigator, you determine the report’s general tenor, and you could direct the investigation into a certain direction. This means that you can choose to focus on things that are going well in family, or on things that go awry. If you really think that a measure is justified, you will be inclined to concentrate on the concerns.”

The individual Board employee’s approach is influenced by his or her skills, talents and experiences.

- “When is a report good enough? I ask myself: ‘Can I justify this report to myself, even if things were to go wrong with the child?’ I feel responsible for the final result.”
- “Not every one of my colleagues is capable of planning his tasks. It sometimes happens that they lack sufficient time at the end of the month. This can lead to reports being hurried, or there is no time to properly include the parents in the advice. It could be very beneficial to have a final interview, but sometimes there simply isn’t any time. This makes proper planning an important aspect of our work.”

What happens to a child after an order for custodial placement is decreed, lies outside the scope of the Board investigation, and is therefore largely invisible to Board employees.

- “We have to draw up an advice without having insight into the effects of the Board’s decision. How the measure is implemented can have a determining effect on a child’s future.”
- “Every decision we make is sincerely done in the best interest of the child. But you have no control over what happens afterwards. Would I have made the same decision if I had known that, in some cases, a child would be transferred four, five times? Should we have tried other approaches, allowing the child to stay with its parents longer?”
- “Sometimes, children have to wait a long time. Even after ruling a family supervision order, the waiting list for a family guardian or suitable foster family can be months.”

6. The best interest of the child is not the same as the interests of the parents

Naturally, parents become emotional when their authority over a child is being limited, or when the child is placed in custody. Those emotions can make it difficult for them to assess what’s in the best interest of their child.

- “Often, parents don’t understand what difficult circumstances their children are living in. Many parents struggle with so many issues that they can’t take care of their children anymore, but they also don’t want social services to become involved.”
- “I feel that parents think they have a right to see their child. But a child has a right to see its parents, as long as that is in the child’s best interest. These two do not always align.”
- “The biggest challenge I experience in my work as Board investigator for C&A cases, is trying to shift the attention of the fighting parents from themselves to their children. If you succeed in doing that, the most important obstacle has been overcome.”

Parents sometimes find it difficult to comprehend that the child’s best interest is not equal to their own. This happens in C&A cases, with parents accusing each other of serious offences. These accusations and the climate of mistrust become factors in the child’s life, regardless of whether the accusations are true or not.

- “If parents are fighting and saying horrible things about each other in front of the child, this is damaging to the child. Parents are unaware that they are creating an unhealthy or even dangerous domestic situation, which could be reason for the Board to intervene.”
- “In custody and access cases, the father is regularly accused of sexually abusing a child. This happens so often, that we know a lot of these accusations are false. But you have to take every single one of them seriously, because what if it’s true this time?”
- “We also encourage the mother to file a report with the police. They are responsible for finding out what exactly happened. The Board will request the professional opinion of a paediatrician or psychologist. Sometimes, there isn’t any direct evidence, but mother insists that it happened. We do record this in the report, because it can be relevant to assess the child’s safety. This will be tremendously frustrating for the father.”
- “Things can get to a stage where the mother, who is usually the custodial parent, is unable to have contact with the father, and refuses him access to the child. If mother becomes unstable herself, the child’s best interest is at risk. In such cases, we can recommend that the child not see its father for a while. Or only under supervision. That will be extremely painful to the father.”
- “Mothers have a better position in this respect, but it has also occurred that a judge awarded father custody because it was clear that mother made false accusations and was deliberately hindering the father’s access.”

In C&A cases, parents also use their children as pawns in their struggles.

- “You sometimes notice that parents have implanted stories in their children. I spoke to a 12-year old boy and asked what he wanted in the contact with his father. He indicated that he didn’t like his father. At the end of the interview, I asked him if he wanted to add anything, and he said that ‘mommy will be satisfied with how I did.’ You should then pause and wonder whether this child is actually offering his own opinions, or his mother’s.”
- “If there is an accusation of sexual abuse and the mother claims that the father did it, but there isn’t any evidence, it can occur that children start to believe the accusations and fear their father. They don’t want to visit him anymore. We then have to consider how to weigh the child’s fears and the mother’s accusations against the potential risk that an accusation is actually true, but also against the best interest of the child to have contact with its father. This is a horrible dilemma.”

7. The Board can choose to exclude sources suggested by parents from the investigation

In the context of its investigations, the Board will only interview professionals, such as the general practitioner, a psychologist or play therapist, a paediatrician or a social services organisation. Parents often want other individuals to be heard as well.

- “Parents often provide a list of people we should talk to, to obtain the most complete possible picture of their child. A grandmother, or a neighbour, or the babysitter. But the Board will only approach professionals as informants. This can lead to the accusation that we don’t engage in truth-finding.”

Parents sometimes also provide the investigator with their own documentation, such as e-mail correspondence, examination reports or other accounts. These cannot always be included.

- “Sometimes, parents will provide a stack of testimonies from people in their environment, showing that the child is developing well; or a printed e-mail correspondence with an ex-partner, which supposedly shows that he or she is incapable as a parent. They want us to study these documents, and if we don’t, they say we don’t engage in truth-finding. But in my capacity as a Board investigator, I am not capable of assessing the value of such testimonies, and I don’t know the context of certain statements. This makes it impossible for me to include these documents, something that parents often don’t understand.”
- “In C&A cases, parents frequently bring binders of e-mails and documents that they think show ‘the truth.’ I always see this as poor sign, since they are more concerned with being proved right than with their child’s best interest.”
- “In some cases, I estimate it beneficial for the relationship with the parent to inspect the documents. In parental access cases, I always make sure to inspect the other parent’s documents as well, or I ask them to comment on the provided information. Just to prevent any suspicion of bias.”

8. It can occur that the Board has strong suspicions, but is unable to gather sufficient ‘evidence’

The Board does not need the parents’ permission to approach an informant. But when a parent does not give a social worker permission to share information with the Board, professionals are usually not prepared to do so.

- “It can happen that a parent’s behaviour gives rise to suspicions of severe mental issues, which can be supplemented with for instance information from the family doctor. In some cases, I cannot record this because the psychiatrist refuses to share information. The suspicion is relevant for the assessment of the child’s domestic situation, but I cannot include it in the report.”

Informants state that they give priority to their own confidential relationship with the parent over the interests of the Board investigation into the best interest of the child.

- “I regularly encounter school officials who share rather alarming things about a family, but retract their story as soon as I submit a written statement to them for approval. Statements seem harsher on paper, and they fear to disrupt their relationship with the parents. Even if I explain that I cannot help the child without their statement, they refuse to cooperate.”
- “If an informant hesitates, the challenge is to phrase a text in such a way that the family doctor or the school can agree with it. Sometimes, this leaves me with a story that is so watered down that I can’t use it in the investigation anymore.”

The Board cannot make statements about the parents’ mental well-being without an official diagnosis.

- “We often suspect there are mental issues, or a very low IQ, but if the parent has never been examined by a psychiatrist, and refuses to undergo an examination, such suspicions have no value in a report.”
- “Having the parents examined would benefit many cases. But even if they are willing to cooperate, we don’t have the budget for it. In some cases, I suspect a parent has a very low IQ but am not able to record it.”

Sometimes, information is obtained through unofficial channels or methods. This information may not be included in the report, even if it’s relevant.

- “This is the case when, for instance, there are rumours that father deals drugs from the family home, but father denies it. I will then deliberate with the legal expert whether I can consult the Judicial Documentation Register to see if there have been any convictions. I can’t include the rumours in the report, but I can use convictions if there are any.”
- “Sometimes, if BJZ transfers a case to us in the case deliberations, they provide additional information orally. This information can put you on a certain track, and it is important to keep a broad perspective and carefully apply the right to be heard.”

9. The Board’s policy can influence the quality of its work

Practical considerations can be detrimental to the quality.

- “We have a heavy caseload, and our work is assessed based on our throughput times. Sometimes, you consider asking a colleague to take a look at a report. However, if that colleague has a lot of comments, days will have passed before you’ve been able to correct everything, which may cause you to exceed the throughput time.”
- “You have to be smart with those throughput times. You can buy some time by interviewing the parents and the informants together, or by asking the parents for a response before the final MDC. This also strengthens the support base.”
- “As a behavioural expert, I sometimes recognise texts from other reports. Phrases or analyses that are copied due to a lack of time. This entails a risk of also copying mistakes.”

Because of national agreements, managers strongly drive caseloads and throughput times.⁶⁰

- “It depends on your team leader how strict you are managed. If I explain to my team leader that it is vital to have an extra interview with the parents to sway them to accept my advice, even though this will take a bit more time than estimated, she agrees to this. She will support me. Colleagues from other regions tell me that they don’t have the same latitude.”
- “I experience the work load to be heavy. The number of investigations is high, and they all have to be dealt with so quickly. If you have a complicated case, there sometimes isn’t any time to properly process everything. Two or three conversations with parents are not sufficient for swaying people to accept advice. At the same time, lengthy investigations don’t serve the child.”
- “We have to handle a lot of things over the telephone. Sometimes I think: it is so very important to properly understand one another, and to encourage the thinking process in parents. A personal conversation would have been better.”
- “In conversations with the team leader, the main subject is the number of cases you closed, not the quality of the investigations. This seems wrong to me.”
- “There is pressure from politics and from the Board to always work faster and more in a more ‘business-like’ fashion, always aiming for shorter through-put times. Speed does serve the child’s best interest, but it is not feasible in complex cases. This is detrimental to the quality of our work.”

10. It is very important that Board professionals work together

It is standard practice for the behavioural expert to attend MDCs and counsel the Board investigator. The behavioural experts do not interview the children or parents themselves, but use the information provided by Board investigators.

- “As a behavioural expert, I receive information from the Board investigator. First the summary, then the information to be discussed in the MDC. I then help to organise the data, contribute ideas, and offer handles and tips. It’s my task to assist the Board investigator objectively and critically.”

⁶⁰ The Board states that it was exactly a focus on quality that led to this: it is in the interest of children and their parents to receive clarity on the situation as soon as possible. Emphasising throughput times is a result of this.

- “Of course things go wrong in our work, as they do everywhere. The fact that we have to work faster and faster does nothing to improve that. As a behavioural expert, I try to keep asking questions, especially if there are time constraints, because there is a risk of being less critical if there is not enough time.”
- “We also read the final report. I pay attention to contents, to logic, to the arguments, to whether the research questions are answered, but also to spelling errors. Our reports are never really bad, but I do encounter hollow phrasings.”
- “When reading reports, I often have to ask the Board investigator to make things more concrete. ‘There are severe concerns’, ‘there are behavioural issues’, or ‘father is a substance abuser,’ are a few examples. Even as a professional, there is a risk of using one-liners to emphasise the gravity of a situation.”

The legal expert is consulted in CP cases when necessary, and is a standard participant in the deciding MDCs for C&A cases; they will often also attend prior MDCs. In CP cases, the legal expert will be involved if the case has a legal dimension.

- “During the investigation, the Board investigator often walks in to bounce ideas and concerns of me. This means that I am often familiar with the case. I read the report when the concept draft is finished. Sometimes, this draft will not include answers to the research questions.”
- “During the MDC, I explain what is legally possible, for instance with regards to access or custody. Do grounds for denial of access apply? I provide the correct legal phrasings for decisions and will interpret statements of defence. For CP cases, I scrutinise the legal grounds for a supervision order or custodial placement.”
- “In protection cases, I always check the arguments for the requested measure included in the report. It sometimes occurs that the underpinnings for a family supervision order are sound, but that the request includes an authorisation for custodial placement, without underpinnings. This is simply wrong.”

11. Sometimes, a Board investigator simply doesn’t know what’s true or not

It sometimes happens that a Board investigation does not unearth any important facts. The intuition of the Board investigator then plays a crucial role in formulating the advice.

- “I handled a case of a toddler with several old bone fractures. The parents denied abuse, they were very calm and there wasn’t any history of serious issues. The paediatrician furthermore stated that there was a small chance that the child suffered from a rare bone disorder that could have caused the fractures. But I still had a feeling that something was not right.”
- “Naturally, we discuss such cases extensively in the MDC. As a behavioural expert, I keep asking questions until we have made the gut feeling of an investigator explicit. What did you see, what behaviour did you observe? What are the pros and cons of all the available options? This way, we’ll reach a decision together.”
- “As Board members, I would sometimes like us to be able to write: ‘We are not completely sure, but all things considered this seems to be the best choice.’ To be able to be honest about what you don’t know. But a lot of people in our line of work would consider that an admission of weakness.”

Smaller or less relevant things can be important enough to record, but their inclusion requires an investigator to offer sufficient interpretation to justify their presence in a report.

- “Imagine for instance that I arrive for a house call at noon. The children are still in their pyjamas, there are six cats walking around and dishes are piled up in the kitchen. What does this mean? And should you write it down? It could be a sign that the parents cannot manage the household, but perhaps they just don’t care about appearances. I always address such issues on the spot, and if I do consider it relevant for the report, I also include a statement from the parents.”

9.3 Dossier research

To facilitate the dossier research, investigators of the Ombudsman for Children gained access to KBPS, the central Board registration system. Investigators scrutinised twenty-five Board dossiers. This entailed indicative dossier research, intended to provide an overview of the use of sources, underpinnings of conclusions, and transparency of weighing in reports, and to get a general idea of their structure, style and phrasing.

The investigated reports concerned both child protection cases (in which the Board asks the judge to impose a child protection measure), assessment reports (that assess the intended termination of a measure), reports for a request for a further-reaching measure (in which the Board requests that the judge impose relief from or removal of parental authority), and reports on parental access after divorce (in which the Board issues advice to the judge on C&A cases).

The diverse Board offices use the same formats and the same report structure. Investigators have some freedom to design their own reports. An example is the verification and approval of information by third parties. The protocol states that this approval must be made explicit in the report, and that it must be included in writing. There is no prescribed way for recording these statements of approval, and they can therefore appear in several forms:

- In a line above the information concerned: 'General practitioner of father, ms. Jansen, telephone conversation, 1 January 2013, report approved by informant.'
- In a list of informants added as an attachment to the report, with the line 'approval, 1 January 2013.'

All investigated reports contain statements of approval. Sources are cited in case of direct quotes. In a few cases, the report did not contain an informant's statement of approval, but in those instances the approval was included in the dossier. In one of the reports that was studied, the dossier didn't contain approvals for several informant statements either.

The majority of the reports have a professional appearance, proper phrasing and a clear structure. Usually, the reports employ correct, formal Dutch, although several reports contained rather woolly sentences. Example: *'[child] has insufficient time to spend on her development tasks.'*

A striking feature is that many reports see investigators citing scientific knowledge, but subsequently do not properly apply this knowledge to the case at hand. Example: "The parents' stories show that the domestic situation contains risk factors. [Studies show that] the presence of several risk factors in a family increases the risk of child abuse." Professionals consider such a sentence neutral and factual, but it can be experienced as an accusation by parents: 'A risk of abuse doesn't constitute abuse, does it?'

The phrasings of research questions are consistently concrete and do not imply suspicions or assumptions. The tunnel vision that some parents have indicated experiencing in their contact with the Board, is not discernible in the reports. However, this does not mean that tunnel vision never occurs, or that it is never implicitly present in an investigation. The reports do not always explicate the considerations for certain choices that were made in the Board investigation. For instance, several dossiers do not sufficiently spell out the reasons for their list of informants: why were these people selected, and not others? There was one report that described the reasons for approaching each individual informant. The investigators of the Ombudsman for Children also encountered dossiers that first mention that a parent suggested a research report that could be included in the investigation, and the dossier states that said report was not included without offering a motivation for rejecting the

report. Only, the organisation that wrote the report is subsequently listed as an informant and was asked for a statement by telephone.

It is difficult to discern in a report how investigators handle texts from prior reports (from preceding Board investigations or reports by the AMK and BJZ). A recurrent complaint from parents is that incorrect parts of older texts are copied into new reports. Board reports for CP cases open with a summary of the report by the AMK or BJZ. And in custody relief cases, the prior Board involvement is briefly described in the report. This dossier research could not elucidate whether this in fact happens.

What stood out in several Board reports is that BJZ is cited as an informant. These references mostly concern a family guardian that was involved in a family after implementation of a measure. But the Board reports also use information from prior BJZ documents, which is cited by the Board with source details. The sources that underlie the BJZ's report, however, are not verified. One example from a Board report: *'[Child] has ADHD. Source: letter from BJZ to the court, 18 January 2013.'* In this instance, there is a source but it is not made clear what this source based its information on. It is left unmentioned whether there was an official diagnosis. Another example: *"BJZ's involvement with the family started on 15 May 2012, due to multiple issues."* Left unsaid are the nature of these issues and whether they were confirmed by an investigation. This reveals a possible risk of copying 'muddled' or non-verified information into the Board report.

The Board interviews all children that are 12 years of age or older, but also speaks with younger children if their development allows it. The 'child's views' are recorded in a separate paragraph. A number of the investigated reports concern children too young to speak. In those cases, the Board investigator extensively observed the child, and a description of the behaviour during the house call was included in the report.

All reports include the views of the parents in a separate paragraph, indicating the date on which the interview was recorded (e.g. *"views parents, conversation 1 January 2013"*). In C&A cases, it is clearly indicated where the opinions of both parents begin and end. All investigated dossiers included the reaction of the parents to the concept report, sometimes with a short mention (*"parents indicate they agree with this report"*), sometimes more extensively if the parents wish to add something. If they have a very elaborate response, it is added in full as an attachment. The Board offers no indication of how it considers or views the reactions offered by parents. None of the dossiers show that the response led to an adjustment of the conclusions.

The separation of facts and opinions in the Board reports is indicated by using separate headers for each informant, making it clear who says what. If mother states that *"[the child] is quiet and anxious after a visit to father"*, the Board underpins this claim with a statement of the day care confirming that the child shows anxious behaviour, adding that employees of the day care could not explain the cause of the behaviour.

Case

The parents of a three-year old girl have been engaged in a confrontational divorce. The child lives with mother. Six months ago, the court determined that the arrangement for father's visitation rights would be one afternoon every week. Father wishes to see his daughter more often, and the Board investigates whether extending the arrangement is in the best interest of the girl.

Mother states feeling threatened by father. The Board report describes that father called his ex-wife a 'witch' in presence of his daughter (source: mother, day care). Father furthermore picks up his daughter on visitation days himself, while the agreement was that a neutral person would pick her up (source: mother, father). But there are no indications of violent behaviour by father (source: general practitioner, police). Mother has filed several reports of threats by father in the past, but those were dismissed due to lack of evidence (source: police). Father states that mother has intentionally filed false reports.

The Board states that "*viewed outside of the context of divorce, the Board has no concerns about either parent's parenting capacities*". Nonetheless, the Board recommends that the father's visitation rights are not extended. "It did not become clear during the investigation what mother's fears of father are based on. However, in her experience the fears are justified and real". And then: "Mother experiences so much stress [...] that extending the custody agreement is presently not in the best interest of [the child]." The Board does not rule out that extension is possible in the future, and states that mother "must continue to work on her fears, because there is a chance that [the child] will experience negative effects of these fears in the future." In his response to the report, father indicates being disappointed about the advice and feeling insulted by the Board's mention of the complaints with the police. Didn't the dismissal prove his innocence? He feels that he is being punished for mother's irrational fears.

A month later, the case takes a new turn when mother reports that she heard the girl making statements alluding to sexual abuse by father. Father denies, the paediatrician finds no physical marks, and the day care states that the girl has been behaving normally. The girl is too young to be interviewed. Mother believes the abuse took place and responds very emotionally. The Board advice is to stop the visits to the father for the moment. "*Parents contradict each other, making it unclear whether [the child] actually said these things, and what it would mean if she did. In any case, one can claim that [the child] is growing up in a parenting environment in which the subject of 'sexual abuse' and its occurrence or non-occurrence play a major role.*" And also: "*It lies within the realm of possibilities that the child made such statements under the influence of mother or as a result of mother's suspicions and fears.*" Nonetheless, the Board issues the advice that father should only see his daughter under supervision, for the time being.

Analysis:

This case shows that the best interest of the child is not always the same as the interests of the parents. In this case, the stability of the custodial parent is considered more important for the child than visiting the other parent. The mother's reaction to father is so intense that the fear she experiences – regardless of what is 'true' – becomes a factor in the child's domestic situation. The Board must weigh the risk of physical and emotional damage with father against the risk of emotional damage with mother, both if the child does or does not have contact with father. The child needs a stable environment. However, if the accusation is not true, the father is unfairly punished.

All C&A dossiers were studied by two investigators of the Ombudsman for Children, with one reading the supposed experience by the mother, and the other that of the father. It was striking that most reports clearly try to do justice to both perspectives. This attempt can be discerned in the phrasings that are used, and in the equal space the parents are allotted to offer their views, and to respond to the other's statements. The phrasings of the Board investigators in the studied texts are neutral.

All reports also include positive findings on a child's domestic situation. In some cases, these are limited to a (realistically) restrained *'mother shows involvement in son'*, or *'in his own way, father shows concern about his daughter.'* Other reports are more concrete: *'mother has accepted support for tackling her alcohol abuse,'* or *'father holds up his promise to bring daughter to school on time every day.'*

The paragraph that contains the answers to the research questions, which lead to the final Board decision, is where all information is brought together and weighed. The reports handle this part in different ways. Most reports offer a summary of the relevant hampering and encouraging factors, and weaknesses and strengths are weighed against each other in a comprehensible manner. In drawing conclusions in these cases, the advice logically ensues from the considerations. A small number of reports failed to clearly indicate which information is weighed, in what way, and why. It also happened that the consideration merely consisted of an enumeration of the hampering and encouraging factors described earlier. In these cases, the conclusion is not underpinned by a transparent weighing of factors.

9.4 Weighing

Just as the interviews with employees, the protocols and the quality framework show that the Board is aware of the gravity of its task and the severe impact its presence can have on children and their parents. The operational methods described in the Board protocols are clear and contain safeguards to ensure the quality of the fact-finding and reporting procedures. These include the multidisciplinary consultations, detailing of sources, and application of the right to be heard. A number of Board offices have implemented additional quality safeguards on their own initiative, such as internal audits of reports and having an extra colleague (the 'reader') check the concept report.

The interviews with Board professionals show that daily practice sometimes deviates from the protocols. Every case has its own dynamic, and time constraints and practical considerations can sometimes force an investigator's hand. Adherence to the official protocol depends on the professionalism and skills of the individual Board investigator, behavioural expert or legal expert, as does justification of the choice to depart from the protocol. At times, this justification is insufficient. Sometimes, mistakes are made in the process of investigation and reporting, such as careless phrasings, errors in verification and approval, or insufficiently explicit interpretation of signals. Every interviewed professional recognised these issues, either from their own operations or from those of colleagues.

The dossier research did not encounter phrasings that stood out because of their negative wording, in that sense that they were too strong in view of the available information. In general, the texts are careful in their phrasings, the reports have a clear and uniform structure, and facts and opinions are properly separated.

What did stand out is that the collected facts and opinions are not always weighed following a structured format: what do these issues mean for the child's situation? Establishing that mother suffers from a mental disorder does not necessarily constitute that this will affect the child. Such a disorder only forms a risk if mother refuses to take medication, if she is emotionally or physically unavailable, or

if she becomes violent. Many domestic situations are not ideal from a pedagogical point of view, but this does not necessarily warrant far-reaching child protection measures. Nor does it mean that there can be no contact between child and parent. In its reports, the Board must make it more explicit what consideration of factors underlies the answers to the research questions. Such an explicit consideration also benefits the judge's decision process. For a number of years now, the Board has been focusing more specifically on weighing the hampering and encouraging factors in a child's environment against each other. This is a positive development that deserves further encouragement.

The protocol contains a number of moments that turn the Board investigator's attention to the weighing of information. It for example states "A focus point when summarising is being aware of the impact experienced by the parents/minor when they read the text".⁶¹ And further: "In the research plan, one must specify how the investigation can research the likelihood and severity of this information [(accusation of) violence or abuse]." It is not described what such a consideration would actually look like on paper. It is important in both the reports and in conversations with parents to make explicit what is done and why. Creating the right expectations about the nature of the Board investigation is part of a transparent and accountable methodology. It also contributes to creating support from parents.

What stood out in the responses to the reports submitted by parents, is that they usually retort to the described incidents ("*there was in fact food in the house*" or "*I didn't say it that way*"). However, the Board uses such incidents to illustrate overarching concerns about a child's domestic situation. A stronger defence from parents would be "*the children have enough to eat*" or "*I do make sure to talk positively about father, which is demonstrated by...*". The Board, for its part, does not make explicit how it weighs the response to the report offered by parents. The response is summarised or added as an attachment, but it is invisible to both the parents and the judge what the Board does with the responses.

⁶¹ "Protocol Beschermingstaken," 30 January 2013, p.9

10. Juvenile Courts

10.1 Facts

The grounds for a child protection measure

Child protection measures are regulated in the Dutch Civil Code ('Burgerlijk Wetboek'), which stipulates (art. 1:254, §1) that the juvenile court may place a minor under custodial control if a child grows up in such a way that its moral or mental developments or its health are seriously endangered and other measures to avert this danger have failed or must be expected to fail. A protection measure is a last resort. This means that the minor must be seriously endangered and that there are no alternatives available. Whether this is the case, is determined by an investigation of the Child Care and Protection Board.

The family supervision order can be requested by a parent, by another party raising and caring for the minor as part of their family, by the Board, and by the Public Prosecutor (art. 1:254, §2). The juvenile court can decree a family supervision order for a period of no more than twelve months. Each extension of this term can be no more than twelve months. The juvenile court will extend the supervision order if it regards the issues to be unresolved. In case of a possible extension, the judge must allow children of 12 years of age and older to offer their opinion on the matter. When the concerns have been resolved, the guardianship organisation can submit a request to the Board for the termination of the supervision order.

Article 1:261 Dutch Civil Code regulates custodial placement of a minor. Due to the custodial placement, the child is placed under day and night supervision outside of the home. Custodial placement is possible if it is deemed necessary for the upbringing and care of the child or to investigate its mental or physical well-being. This custodial placement is decreed by the juvenile courts on request of the family guardianship organisation (BJZ), the Board, or the Public Prosecutor. The juvenile court will authorise this placement for no more than twelve months. The authorisation can be extended every time for twelve months, upon request of the family guardianship organisation or the Board. If the authorisation lapses without a request for extension being filed, the custodial placement is terminated. It can also be terminated by the guardianship organisation. This decision will then be assessed by the Board.

The request for a ruling of a family supervision order or a custodial placement must be founded on careful investigations and the submitted request must be properly substantiated. Investigations must be executed by either the BJZ or the Board, to study the dangers to the child in its current domestic situation, and the reasons for the failure of the support in the voluntary framework must be sufficiently substantiated. The juvenile judge will then assess whether the grounds for implementing a child protection measure have been met. The judge has a rather large discretionary power in this decision, as the grounds have been formulated quite broadly.

The role of the juvenile judge

Using the reports of BJZ and the Board, the judge will assess whether there are 'dangers to the child's moral or mental developments or its health' and whether the measure is 'urgently and immediately necessary.' There must be distressing signals regarding the child's domestic situation. The judge will have to review the factual circumstances described in the reports. The judge will weigh the concerns surrounding the child against the right that both the parent and child have to a private and family life. Sometimes, a situation will be so grave and endangering to the child that it is impossible to wait for the

results of a Board investigation. The child is in immediate danger and must urgently be placed in custodial care. In that case, a juvenile judge can rule a provisional family supervision order, authorising a guardianship organisation to take the child into custodial care. Such a request can be submitted to the judge by telephone. The judge will not hear the parents at that moment, but will hear them within two weeks after the decision, and he will assess whether the placement in care was justified. After granting a provisional family supervision order, the Board will initiate an investigation, which must be completed within three months. The judge will then assess the contents of the case.

The hearing

Present during a court hearing are:

- the parent(s);
- possibly one lawyer representing both parents, or lawyers for each parent individually;
- (possibly) the child itself;
- the hearing representative for the Board, who orally elucidates the Board report. This is not the Board investigator who investigated the family and drew up the report;
- (in extension cases) the hearing representative for BJZ, who elucidates the request for an extension of the measure;
- (in child protection cases in which the judge is presented with a request for the first time) the future BJZ guardian, who will counsel the child and the family if the measure is decreed (this is not always the case);
- in some cases an extraordinary curator, assigned to defend the best interest of the child;
- the juvenile judge: he or she will hear all the parties, ask questions, and will finally make a decision;
- the court registrar: records a report of the hearing and will draw up the final decision.

The hearings of the juvenile court are closed to the public. Parents can allow friends or family members to attend the public gallery for moral support.

If the child is present and old enough, the judge will speak with the child in private, often preceding the judge's interview of the parents and the hearing representatives of BJZ or the Board. The general age requirement is 12 years, but the judge can decide to speak with younger children as well. The other parties will wait outside the courtroom. The child is offered the opportunity to share its own perspective on the situation, and it is generally agreed that this conversation stays between judge and child. The judge will agree with the child what parts of their conversation may be shared with the others.

After speaking with the child, the judge will ask the hearing representative to orally elucidate the request for a measure. The hearing representative will briefly explain the concerns of the Board. The written request will already have been submitted to the judge. Then, the parents are offered an opportunity to respond to the claims and to announce their views. The parents can opt to bring a lawyer.

The intention is to issue a ruling at that moment. In some cases, the judge will need some time to consider the facts of the case. In that event, a written ruling will be issued later. Parents can lodge an appeal if they disagree with the court's ruling.

The time allotted for a hearing varies per court. In the regions investigated for this study, the duration ranges from 20 minutes in The Hague (which will be 30 minutes as of January 2014), to 40 minutes in Amsterdam. The judges interviewed for this study indicate that they feel free to take more time for a case, if they deem it necessary for its proper treatment.

The Council of the Judiciary does not keep tally of the number of requests for a protection measure submitted by BJZ and the Board, and therefore has no percentages of how many requests are granted or refused. The majority of the requests for a protection measure submitted by BJZ and the Board is granted. Lately, employees of BJZ and the Board have noticed that, at least in the four regions investigated for this study, it increasingly occurs that a judge rules a supervision order for less than the requested period (usually twelve months), but rules a shorted period of six months. Often, the judge will give BJZ the assignment to further investigate suspicions and signals.

10.2 Opinions

Investigators of the Ombudsman for Children interviewed four juvenile judges for the purposes of this study. These judges work for the courts of Amsterdam, The Hague, Almelo and Arnhem. In three regions, investigators of the Ombudsman for Children attended court hearings. This paragraph describes the judges' views on the theme.

'Truth-finding' in civil justice

Child protection cases fall under the civil justice system. Judges emphasise that truth-finding has a different meaning in civil justice than in criminal justice. The concept, they state, really only has a place in criminal justice.

- "Within juvenile justice, the investigation isn't aimed at finding an offender of a crime, such as sexual abuse. Such questions should be tried by a criminal court, and this investigation should be performed by the police. The task of finding out whether sexual abuse took place does not fall to the Board or BJZ. Their task is to assess whether the child is safe with the parent(s) at this moment, and has sufficient opportunities for development there."
- "When discussing the child's domestic situation, we may never find *the* truth. This doesn't mean, however, that we are unable to act if necessary."
- "I am not a criminal court judge. I do not need to prove that, for instance, it was the father who shook the child so roughly that it became handicapped. For me, the relevant fact is that the child was shaken roughly while living with the parents, meaning the child is not safe there."
- "The objective of civil juvenile justice is not to determine the possible perpetrator and judge them, but to protect the child and assist the family – if necessary with a (temporary) measure. It all revolves around the best interest of the child, which can lead to a (temporary) limitation of the interests of the parents."

Relying on a professional judgement

Can the judge rely on the professional judgement of BJZ and the Board regarding the child's domestic situation, and can the judge assume that these organisations performed their duties properly? Or is it part of the task of the judge to critically assess the methods and considerations of professionals? The judges interviewed for this study have different opinions on these matters. One judge has a critical attitude vis-à-vis the reports and states that BJZ and the Board cannot simply invoke their professional estimation. They share the responsibility of properly substantiating their claims, and the task of the judge is to assess this substantiation. Another judge indicates that he trusts the information he is provided with, and that he only marginally tests the underpinnings of the claims in the reports.

In the summer of 2013, the family chamber of the Amsterdam court sent a letter to the Board and BJZ. In this letter, the Amsterdam juvenile judges announced they would pay more attention to the information that was provided for the substantiation of a request. From the letter:

“In case of a granted request (extension) supervision order and/or custodial placement, the court significantly infringes upon among others article 8 of the ECHR. Such infringements require complete testing of the requests submitted on behalf of the government. Furthermore, they require the juvenile judge to consider all involved parties as equal process partners, with the principles of the civil procedural law applying in full. This especially means that the burden of proof falls to the requesting party, and that when it is contested there is a duty of complete substantiation.

With immediate effect, the juvenile judges of the Amsterdam court will more rigorously test whether the disputed claims underlying a request have been substantiated with concrete and testable facts and circumstances. Requests must be accompanied as much as possible by documents, reports, etc., provided by the organisations or individuals who the requesting party asked to provide information about the family concerned. In practice, this means that the following documents (if available) must be attached to the requests:

- *in case of claimed school non-attendance: an overview of absences drawn up by the school;*
- *in case of claimed problematic behaviour at school: a statement with examples, provided by the school;*
- *in case of claimed police contacts: the mutation overview provided by the police;*
- *in case of extension requests for placement in secure youth institution or in open residential custodial placement: the most recent evaluation report/approach plan provided by the institution;*
- *in case of claimed lack of voluntary cooperation with parenting support or insufficient result of parenting support: final report provided by supporting organisation;*
- *in case of extension foster care placement: most recent report on development of minor provided by the foster care organisation;*
- *possibly other written reports by (support) organisations, describing the relevant issues identified in the minor and/or parents that bear on the submitted request, and the support offered for these issues (including a possible evaluation/approach plan).*

This way we can prevent differences of interpretation arising between the request and the original sources. Submitting these documents is furthermore important when the parents contest (justified or not) the requester’s claims. If the requester provides no additional substantiation, there is a significant chance that the request is suspended, denied, or granted for a shorter period than originally requested. Additional substantiation of the request can, in the future, also save time and unnecessary ‘oh yes it is, oh no it’s not’ discussions during hearings.”

These views influence the way judges engage both parties in the courtroom, and the way they assess BJZ and Board reports. One judge will be more critical of the requesting party (BJZ or the Board) than another. A critical judge will interrogate BJZ and the Board if underlying documents are missing (“You mention school non-attendance, so I would like to see a copy of the absence report”, or “It says here that the family doctor stated this, but where is her statement of approval?”).

- o “I consider it my task as a judge to guarantee that decisions are taken on the right grounds. But it goes without saying that the quality of my decisions also depends on the quality of the information that is provided by other parties.”

- “The great majority of the Board requests are granted by the judge. You see, the Board has no reason to frustrate the parents. It would be a bad sign if too many requests were dismissed. You have to assume that the Board works professionally.”
- “You also have to trust the expertise of the family guardian. But I do not believe ‘the expectation that future circumstances will deteriorate if the child returns home now’ is sufficient substantiation for such a significant infringement of someone’s private life. Such far-reaching decisions can only be based on concrete facts, not on expectations.”
- “I sometimes encounter sentences such as ‘mother has characteristics of borderline’ in a report. This must be backed up by a diagnosis. The difficult issue is that parents often refuse to cooperate with a psychiatric examination. If a mother then shows certain behaviour during the hearing, I can see why the Board harbours these suspicions. Naturally, their suspicions are based on something. But I also understand that parents can get angry when such labels are used, when there is no diagnosis. In such cases, the Board must adjust its phrasings.”
- “We don’t check whether information in reports has been approved by the informants, we assume that the report only includes approved information. Only if the parents or the lawyer claim that information is incorrect, can I request that the information be approved. As long as such issues are relevant to the case, if they can influence my decision.”

The judge can decide that more (external) research is needed for a certain case, such as a psychiatric examination, but this rarely happens in daily practice.

Quality of the investigations

The judges indicate that due to time constraints, BJZ and Board investigators do not always provide the information the judges deem necessary for making sound decisions.

- “On the one hand, it is important to finish the investigation as soon as possible; on the other hand, it is vital to have a comprehensive picture of the domestic situation, which requires more thorough research. I think that right now the Board has too little time for that.”
- “Too often, I am able to see in a BJZ petition for an extension that BJZ was actually incapable of providing a comprehensive overview of the situation, because it was unable to keep the family in its scope during the past year – for instance because the guardian was on long-term sick leave. It is impossible to draw up a quality report if there was no continuity of BJZ’s involvement during those twelve months.”
- “We increasingly encounter cases where the Board only approached one or two informants per family. In the past there used to be more time to interview several informants, which benefitted the quality of the investigation. Time constraints have limited the investigator’s options to only interviewing, for example, a family doctor or the school, who do not always have all necessary information.”
- “If I have to decide on an extension of parental visitation rights, I want to know how the interactions between child and parent are. This means that there must be a supervised interaction between parent and child. But this is expensive, and often there is no budget for such observations.”
- “The law requires that in every decision for a custodial placement in secure care, a behavioural psychologist must be involved. In the daily practice of emergency cases, however, there often isn’t time for that. I have to be able to deliberate with a behavioural psychologist outside office hours, but they simply aren’t there then.”
- “The BJZ does not apply diagnostics enough. The court and BJZ both have some budget to have an external expert examine the family, but these budgets are limited.”
- “Once a child has been placed in a foster family, there are scarce time and funds available to pay attention to the biological family and to investigate the options for returning the child home. This means nothing will happen in the meantime.”

The quality of the reports

The judges indicate that they regularly encounter careless or erroneous texts in reports. Nonetheless, they state that a weak report doesn't mean that the professional's concerns are unfounded.

- "The quality of the reports is not always as it should be. But this does not alter the fact that there are serious concerns regarding a family. The judge's dilemma is to decide what is in the best interest of the child. The family needs support as soon as possible. A mediocre report, that for instance lacks approval of information, shouldn't change this fact."
- "I sometimes encounter inaccuracies in a report, but I don't always interrogate these points because doing so wouldn't make the concerns regarding the child less serious."

The judges indicate that they sometimes do not have all relevant information about a family. The information inadvertently gets stuck in the chain, or is – sometimes unjustifiably so – considered irrelevant for inclusion in the dossier.

- "As a judge, I only know what I know, and I don't know what I don't know. I cannot weigh a medical report if it is left out of the dossier. These things do happen."
- "BJZ records the things that BJZ considers relevant, but as a judge I want to know every bit of information, to be able to weigh it all. It doesn't have to be included in the report, it can simply be added as an attachment."

The judges interviewed for this study state they notice differences between the reports submitted by the Board and those submitted by BJZ. They regard the Board reports to be of a higher quality than the BJZ reports. The Board reports surpass the BJZ reports in the legal jargon, the use of language, the substantiation of claims, and the application of a clear format.

- "The BJZ family guardians are not trained to act in court. From their pedagogical world, they have to enter a legal one. They are not always able to properly estimate what we, as judges, need to reach a sound, legal decision."
- "It is up to us as judges to keep asking questions. You have to realise that family guardians have a less legal outlook. By asking the BJZ representative the right questions, I attempt to bring these two worlds together in the courtroom. The judge can also involve the representatives and other parties in his ruling, thereby making clear what perspective he employs."
- "Family guardians perceive the case from a social work perspective. They would like to see that the family receives support, and they write their reports to convince the reader of this necessity. This entails a risk of tunnel vision, in which the writer reasons toward a conclusion, selects facts to reach this conclusion, and focuses on the concerns in a family. We can discern this in the tone and use of language in a report. Words such as 'unfortunately' are expressions of a value judgement, which reveals to me that the writer didn't enter the situation completely neutral."
- "The BJZ reports can sometimes be a mass of information. What I, as a judge, need to know to determine an extension of a measure, is to what extent the objectives were realised in the past period, and what needs improvement. Information from the past can be important, but I especially need to know what changed and what didn't. Often, I have to look for these differences in the report myself. Using the Signs of Safety method makes this much more transparent."
- "There are significant differences between BJZ reports. And there are large differences between reports of the BJZ itself, and those of the William Schrikker Group and the Salvation Army. All organisations use their own models. Moreover, there are differences between the separate BJZ offices and between individual family guardians. It would be pleasant if they would standardise their operations."

The judges also offer suggestions to improve Board reports.

- “Reports are often very long. I understand that underpinnings are important, but we have to be able to quickly grasp a report’s essence. All these descriptions of informant statements can be too long. These statements could also be included as attachments.”
- “If a report is so long, it entails a risk that a judge is unable to carefully process all information and will miss important elements. We prefer short, concise analyses. A few pages, for instance, formulating the essence of a case.”
- “In that sense, the new format for Board reports does not really work for the judges. This format requires more underpinnings of an investigation, making the reports longer.”
- “It regularly happens that the underlying documents in a report are missing. Written statements by a doctor, for example, or an overview of school absence, a copy of mutations provided by the police. We try to stimulate the inclusion of such documents, because they strengthen the underpinnings.”
- “Especially in cases where it is to be expected that parents will contradict the findings, it is important that the hearing representatives of the Board support their statements with documentation. If mother is not properly cooperating with the social services organisation, make sure you add a written statement by the social workers. This prevents a case from deteriorating to a level of ‘oh yes it is, oh no it’s not.’”

The conclusions of BJZ and the Board must logically follow from the information they gathered. The judges indicate encountering BJZ or Board reports that contain observations that are not interpreted or valued.”

- “A report will describe incidents, but the investigator has failed to state what such incidents mean. Why does an incident raise concerns? Examples are: ‘mother spoke loudly,’ or ‘the family doesn’t eat together often.’ I believe that this happens, but what does it mean for the child? A professional analysis of the effects by pedagogical experts would be very valuable.”
- “A report stated that a five-year old boy displayed worrisome sexual behaviour. However, I did not consider it extraordinary behaviour for such a young child. The Board must explain why this behaviour is a cause for concern, and explicate why they consider it relevant enough to mention.”

Part of the judge’s tasks is to ascribe value to the information at their disposal, which should be as factual as possible. How do judges handle intuition, and risk assessment?

- “It is always a matter of intuition or *Fingerspitzengefühl*. As a judge, you will develop this over the course of your career.”
- “There is always a small chance of issuing an unwarranted protection measure. This error margin is part of the job. The damage will be comparatively limited in case of a family supervision order: the child remains at home and the involvement of the family guardian is never ‘gone,’ since there are serious concerns surrounding the family. Custodial placements are a different matter. An unjustified placement in care constitutes an infringement of the rights of the parents *and* of the child.”
- “I do take the intuition of Board investigators seriously, but I don’t want to sense that they are exaggerating just to convince me. In that case, I would rather they tell me: ‘we can’t pinpoint it exactly, but I have a bad feeling about it.’ There was a case of a family that kept moving from town to town, always changing family doctors, always changing schools. There wasn’t any hard evidence of wrongdoings, but I understood where the investigator’s gut feeling came from.”

Judges suggest that a proper cooperation with informants might improve this situation. They state that schools, general practitioners and social workers surrounding the family could do more to assist the Board in its investigations. The relationship with the parents often obstructs such assistance, which

means that important information remains unavailable to the Board. This in turn means that the judge cannot assess this information for his decision. The judges indicate that in their hearings, information from social services involved in the family is often lacking from reports. These professionals have the most complete overview of a domestic situation, which would make the standard inclusion of their statements in a dossier a valuable addition.

- “If information is lacking, I have to suspend a case. I will request information from social services, contact journals, etc. This means that it takes unnecessarily long before a decision can be taken.”

Case

A few months ago, Remco of twelve and his sister were placed in a foster family. Social services became involved in their family when the police reported finding children in a very dirty home, with scarce furniture and little food. With permission of the parents, the children are placed in foster care and the Board investigates the situation. The Board states that Remco is underfed. There has been a lot of absence from school, and the impression exists that the parents seal off their children from the outside world. When the parents suddenly want to take Remco home from the foster family, the Board requests an emergency authorisation for custodial placement. Today, there is a hearing in which it should be determined whether this will be changed into a regular custodial placement for Remco.

During the hearing, however, the judge is very critical of the Board. The Board states that there has been a lot of absence from school (the Board inquired after this with the school), but there is no overview of the number of days absent. The Board also claims that the boy is underfed. In a letter, the hospital paediatrician states that the boy is rather small, but not unusually small. All his blood values were acceptable. The Board furthermore quotes findings from the police, who – according to the Board – encountered worrisome circumstances during an unannounced visit to the family. The police report, detailing what the officers actually found, was not added to the Board report. The judge deems this insufficient substantiation, and points out to the Board that a number of claims lack underpinnings.

The judge's role

Court hearings for protection or C&A cases are relatively informal. The judges state that it is important to get the parents on board for the subsequent support plan as much as possible.

- “It is important to reach the parents and to make sure they understand what is going on, why there are concerns and why the judge decrees a measure. Communicating these matters requires specific conversational skills from a judge.”
- “It requires an attitude in which you show understanding for the position of the parents – who often experience being labelled as a failure –, but at the same time impress their responsibility upon them to ensure that the concerns surrounding the child are resolved, among others by cooperating with child services. Even if the parents don't agree with the concerns as expressed in the case.”

Preceding the hearing, the judge will read the request of the Board or BJZ to the parties present. During the hearing, the hearing representative of the Board will expound on the Board's concerns. Then, the parents will plead their case, possibly assisted by a lawyer. This will sometimes bring novel information to the fore.

- “If a parents provides new information during a hearing, I will assess whether this information is relevant or not. If it is, I will include it right then and there. This could for example be information provided by the school or a doctor. After all, it is not inconceivable that new relevant events transpired since the Board report was completed, since some time may have passed between the completion and the hearing.”
- “New information can also be brought to light by the Board. A police mutation for example, in case of a new incident. This sometimes enrages the parents, since they are surprised by the fact that I, as a judge, suddenly know these things. The fact of the incident itself doesn't surprise them, of course.”
- “I try to approach every family as openly as I can. After reading the dossier, you will of course have already formed an opinion, but things can really change during a hearing. This makes the information that parents bring to the hearing very important.”

The judges notice differences between the individual professionals who represent the child services organisations during hearings. Not all family guardians have the same level of self-assurance to cope with complex issues, especially in C&A cases.

- “Some family guardians perform well during a hearing, others less so. There aren't many experienced family guardians. I want them to tell me what the added value of a child protection measure will be. Why did support in the voluntary framework not yield satisfactory results? Some guardians find it difficult to explain this. Or they submit a request for an extension, but don't check the objectives from last year's ruling to see which goals were reached and which weren't. I consider this to be insufficient.”
- “Inherent in the issues of a C&A case is that there is no solution, except for the parents to cease their fighting. A protection measure won't accomplish this. Often, I see that the parents use the family guardian to facilitate their battles.”
- “The starting point of our system of family law is that a child must have access to both parents. But how is one to attain this if the parents are fighting with each other? Board investigations and a family supervision order cause additional stress for the child. Subsequently, the child will be sent to therapy, while it's the parents who need to see a therapist.”

The judges also reflect on their own role in the chain and offer their colleagues suggestions for improvement.

- “Judges should keep asking questions during a hearing. What is a report trying to say, exactly?”

- “I consider the judge’s role to be that of a translator between the social workers’ pedagogical realm and the court’s legal realm. This means that you must be able to properly explain how you reach a certain decision. We usually make a decision right there during the hearing, so the elucidation must be immediately available as well.”
- “Judges could learn to speak with the children better. Presently, we receive scarce or no training for that. There’s also the option to make more use of an extraordinary curator, who represents the child’s best interest in court.”

Other suggestions for chain improvements

After a measure has been ruled, the cooperation between child services and parents can still go awry. Although this doesn’t immediately relate to the practices of fact-finding and reporting, the judges consider flawed cooperation an important reason why parents experience that child services doesn’t do their perspective any justice. The quick succession of family guardians, for example, makes it impossible for parents to have a relationship with the child services representative, which would allow them to build up some resistance.

- “We sometimes see that families have three or four family guardians in a year. It is truly paramount that a guardian stays around longer, both to establish some relationship with the clients, and to keep professional experience within the organisation.”
- “Parents whose child has been placed in care should gain some certainty, within those twelve months, of whether there is a chance their child will come home. What are the goals they should work on to bring the child back?”
- “It worries me that organisations offer too little bespoke support for children with a complex set of problems. Organisations focus on a specific target group, but have no room for children with a combination of disorders or illnesses. This sometimes means that a child floats from temporary placement to temporary placement.”
- “I would support the proposal to add an article to civil justice that would make sure that parents are always assigned a lawyer. Criminal justice has this article, but juvenile justice doesn’t, even though these parents need legal assistance.”

10.3 Weighing

A judge’s decision in a child protection case affects the fundamental right to a family life, making it very invasive. The right to a family life is recorded, among others, in article 8 of the European Convention on Human Rights (ECHR), which concerns both the right of the child to grow up with its parents, and the parents’ right to raise their children. The right of the child to grow up with its parents has also been recorded in the UN Convention on the Rights of the Child (CRC). The judge’s task is to assess whether an infringement of these rights is justified. The only grounds for such an infringement would be that the concerns surrounding a child’s safety and opportunities for development are so serious that it is no longer in the best interest of the child to be raised by its parents.

The question at hand thus concerns the legitimate or illegitimate nature of a government intervention in a family’s life, in the best interest of the child. Other than in criminal justice, the testing of the legal grounds for a child protection measure does not revolve around a question of guilt. The court does not aim to find the person responsible for endangering a child’s safety and development, but tries to offer the child protection from this danger. Thus, there rests no burden of proof on the Board, as it does on the prosecutor in criminal cases. The Board and BJZ, who are the requesting party in protection measure cases, do have an obligation to properly substantiate a case, using the factual information as much as possible, for the purposes of showing why a protection measure is deemed necessary. It is important that the judge has all relevant information at his disposal for his decision. This means that the dossier must include the underlying reports by professionals, such as doctors, behavioural experts and psychologists.

From the interviews with the juvenile judges, and from the hearings attended by investigators of the Ombudsman for Children, there arises the impression that judges are increasingly critical of the information used to underpin the advice of the Board or BJZ. It is vital that the judges announce their expectations to the Board and BJZ, and that the Board and BJZ try to meet these expectations, thereby making sure that a more critical stance of the judiciary doesn't lead to unnecessary delays, because of incomplete or insufficiently substantiated dossiers.

To legally assess the grounds for a measure, the judge largely relies on the pedagogical expertise of the judgements of the Board and BJZ. This makes child services a field that brings together two professions: the legal and the pedagogical worlds. These two don't only differ in their tasks, but also in their ways of thinking, observing, and writing.

It appears that child services on the one hand and juvenile judges on the other need to invest more to close the gap between these two realities. The interviews with the judges show that this gap is considered to be the main bottleneck in civil juvenile cases.

A point of concern is furthermore the way in which judges question children during hearings, and how they make rulings comprehensible to them. In these sensitive cases, it is important that the voice of the child is heard and that this is done in an appropriate manner.

11. Analysis and conclusions

This chapter offers a summarising analysis of the preceding chapters. What can be said about the child services chain, based on the findings so far? And which answers does the Ombudsman for Children provide to the research questions?

1. In what way is qualitative fact-finding performed and in what way is this research represented in reports offered to the court?
2. Which bottleneck issues are encountered in the process of information gathering regarding a child's parenting situation, regarding signal interpretation, and regarding reporting by AMK, BJZ and the Board?
3. Are far-reaching decisions made by child services presently sufficiently substantiated?
4. What can reasonably be expected of AMK, BJZ and the Board regarding the issues of verifying information, and good reporting?

Questions 1 and 2 were answered in the previous chapters. A number of remarks to nuance the findings precede the answers to questions 3 and 4.

Regarding the complexity of the field of operations

This investigation has made evident that child services professionals will inevitably encounter complex issues in their line of work, issues that cannot be eliminated because they are an inherent part of the field of operations:

- Child services operates in an area of conflict between 'knowing' and 'suspecting.' Interpreting intuitions is a core characteristic of the work, and it cannot be firmly established when something becomes a fact: if it is confirmed by a professional? If two witnesses state the same thing? And can intuition only be used if it coincides with solid evidence? Some suspicions can never be confirmed, due to several reasons: because of the professional confidentiality between a doctor and his patient, because they concern expectations on future behaviour, because they relate to the interpretation of statements that were informed by strong emotions, or simply because there are no other witnesses of the event than the child itself. This raises the question what place suspicions must be attributed in the weighing of the 'truth.'
- Child services must often choose between two situations that are both harmful to the child: letting the child stay in its current (possibly) harmful domestic situation, or taking it away from its parents? Restricting the child's contact with its parents, or exposing the child to (possible) risks? There is no simple right or wrong in such dilemmas. The central question is how damaging a domestic situation must become before it warrants government intervention.
- There is a lot of social pressure on child services professionals. You have to intervene at exactly the right moment, not too soon but certainly not too late. Taking steps too late will bear more visible results than intervening too soon. Intervening too soon, however, is not necessarily less damaging to child and parents. It is important to see whether there are sufficient safeguards to ensure that pressure from society doesn't cause professionals to intervene too soon.

Regarding abusive conditions as experienced by parents

It is reasonable to assume that issues experienced by parents (as described in Chapter 5) are partially justified. Child services concerns human actions, and humans make mistakes. The painful issue is that child services can have an enormous impact on children and their parents. Without trivialising the mistreatment parents report experiencing from child services, there are some reservations:

- A part of complaints is informed or reinforced by the fact that parents are not satisfied with the outcome of a report or the decision of the court. Stated otherwise: parents who are not confronted with a child protection measure, or who receive a positive arrangement for visitation rights, are far less likely to file a complaint about the investigation's procedures. Thus, if parents experience that mistakes were made in their children's procedure, these did not necessarily occur.
- Although there can be imperfections or even errors in the fact-finding procedures, these do not necessarily influence the outcome of the investigation – let alone determine the investigation. If errors only bear on non-decisive aspects of the investigation, they will not influence its outcome. Nonetheless, parents can experience that these errors led to a wrong advice.
- It sometimes happens that parents do not recognise how harmful their own behaviour is to their child. Many complaints in the domain of custody and access are filed by (often higher educated) parents who are embroiled in a difficult divorce. The 'truth-finding' that these parents demand of child services often regards accusations against the ex-partner. In such conflicts, it is often particularly the parents who lose sight of their child's best interest.

Regarding the term 'truth-finding'

BJZ and the Board are increasingly aware of the debate surrounding truth-finding. The concept's definition has been wielded in different ways by different parties over the past few years. This has led to frustration and a lack of understanding, especially with parents whose lives have been deeply affected by the involvement of these organisations, but also on the side of child services professionals themselves. It is therefore a positive sign that both BJZ and the Board intend to communicate a different message from now on. Their message has become: 'Within certain frameworks, we do engage in truth-finding.' However, neither organisation has detailed what they understand this to mean.

Such detailing is essential to a better understanding between clients and professionals. Parents have to be able to rely on sound fact-finding and must be taken seriously if they experience a lack of this. But at the same time, there are limits to the extent to which child services can and should engage in truth-finding: within the civil context, the term simply has another meaning than in a criminal justice context.

The message should be:

'Child services is committed, *within what is reasonable*, to identifying facts and circumstances *to the utmost extent possible*, as far as those facts and circumstances are *of decisive importance* to make a *careful* assessment of a child's safety and development.'

This message contains four elements that are open to multiple interpretations, the impact of which depends on the circumstances of a case: 'within what is reasonable' (the practical aspect: how much time and money may it take?), 'to the utmost extent possible' (the quantitative aspect: when has one done enough?), 'of decisive importance' (the relevance: how does one determine what is decisive and what isn't?), and 'careful' (the qualitative aspect: can a decision be justified, and can it be traced in the report?). The boundaries of these provisions are determined partially by political choices, partially by policy-related choices, and partially by individual choices.

By wielding this message, the debate will be lifted out of the definition struggle. Child services can then be held accountable for *the way that* it investigates, and no longer merely for the question of whether it engages in truth-finding at all. This definition thus shifts the focus back to the child's situation, and away from whom or what caused this situation.

Regarding a quantitative judgement

It goes without saying that the investigators considered the question whether it is feasible to offer a quantitative judgement: How often does the fact-finding and reporting in child services go wrong? How often are children in the Netherlands confronted with a far-reaching measure or visitation arrangement without there being proper substantiation? However, the investigators believe that it is far from simple to offer such a quantitative judgement.

First of all, the term 'wrong' is hard to objectify, because child services never deals with black-and-white situations. There is great variation in the nature of the bottleneck issues: from clumsy communication and lack of writing skills in some professionals, to unjustifiably high expectations in some parents, mistakes made in the transfer or registration of information, up to actually faulty assessments by professionals. Assessing situations and parenting circumstances involves weighing facts, making intuitions explicit, and interpreting signals: this is a grey area by definition. Second of all, one can add the nuance that – up to a certain extent – faulty reports do not necessarily lead to wrong court rulings. In other words: an appropriate conclusion and advice can ensue from weak reports.

Third of all, there is no universal agreement on what 'a good decision' means. Good for whom, according to whom? A custodial placement can be justified, but still detrimental to the child, just as it can be beneficial to the child but unjustified. There are no clear answers to the questions whether children receive child protection measures earlier than needed, and whether children have to suffer an erroneous decision due to inadequate fact-finding. A wrong decision can constitute implementing a family supervision order unnecessarily, placing a child in custodial care too soon, or reversely: not implementing a supervision order where one is warranted, or waiting too long before placing a child in care. It must be stressed that children with no prehistory of domestic problems are never placed in custodial care. The judge can only decree a far-reaching measure if there are grave concerns. The thorny question then becomes: if a situation is neither black nor white, how dark grey does it have to become before an intervention is justified?

Assessing the number of past decisions that were unjustified would require studying every aspect of the investigations for a representative number of cases. Every interview, every assessment would have to be reconstructed, and all individuals involved in the chain would have to be questioned. A daunting task, and one must wonder what such an investigation could potentially yield. Possibly, present knowledge will allow us to label decisions made at the time as unjustified. And individual cases may show that a measure did not have a positive effect on a child. But this does not change the fact that the core question is how professionals use the knowledge and impressions available to them at a certain moment to take a far-reaching decision. That is why this investigation chose to focus on the qualitative judgement based on a detailed process analysis, and to study what additional safeguards are necessary to ensure the quality of the fact-finding and reporting procedures. The number of complaints formally filed through the appropriate channels is relatively small. Nevertheless, all interviewed parties acknowledge that things sometimes go wrong in the process of fact-finding, interpreting signals, and reporting.

It is reasonable to assume that the prevalence of errors in fact-finding and reporting lies somewhere between the 'often' claimed by parents and the 'sometimes' claimed by child services professionals. This means it is plausible that things in fact-finding go wrong 'with some regularity.'

Qualitative analysis and conclusion

This investigation made clear that concerns regarding fact-finding and reporting that were signalled by the Ombudsman for Children concern four levels, being:

1. Process design;
2. Gap between pedagogical and legal realities;
3. Functioning of individual professionals;
4. Expectations of parents.

1. Process design

- The budgets available to BZJ and the Board are limited. There is considerable pressure from politics and the board of directors to reduce throughput times. Employees experience being managed more on the quantity of their work, than on the quality. It takes time to cautiously investigate a child's domestic situation and draw up a careful decision. Getting the parents to support a decision requires the calm of a personal conversation, and the time to have parents respond to the report. This gives rise to an important question: how much money are we willing to allocate for high-quality fact-finding?
- At the same time, longer investigations do not necessarily mean better investigations. Moreover, a child is not served by a long, uncertain period and a long waiting list before the required support can be offered. According to the Board, the pressure on throughput times is motivated by this fact: a quick investigation is precisely in the best interest of the child.
- The financing model for BJZ, which determines budget based on the number of implemented protection measures, carries a risk of employees steering for more or longer measures. Of course, it is not the BJZ but the judge who takes such decisions, and the Board (except for extensions of a supervision order) has the obligation to assess whether there are sufficient legal grounds for a measure. This largely eliminates the abovementioned risk, but is it still relevant to ponder whether such a potentially 'perverse incentive' should not be removed completely.
- The pressure to operate faster and more cost-efficient causes organisations to make choices that damage the quality. Existing quality safeguards, such as the position of the 'reader' who offered an extra set of eyes on a report before it was sent, and that several Board offices have implemented, are eliminated through budget cuts. There is a clear and present danger that the system has too few durable built-in safeguards to ensure quality.
- Within the AMK, BJZ and the Board, more attention must be paid to reflecting on the quality of the own decision-making procedures and reports. There needs to be more reviewing of closed casuistry to reflect upon the way choices are made and reports are drawn up. There are presently too few sufficiently anchored quality safeguards.
- Quality risks echo throughout the chain. The organisations in the child services chain largely depend on the information supplied by chain partners. The organisations trust that the information they are provided with is accurate and reliable, and the result of proper investigation. This mutual trust is important because it prevents unnecessary doubling of work. This is undesirable, as it takes time and money for another organisation to repeat an investigation. Daily practice shows, however, that investigations are in fact repeated, because of a lack of trust between chain partners, and because organisations sometimes send each other incomplete or unverified information. Once information of a poor quality (unverified or unapproved) is copied into a subsequent report, the entire chain will be contaminated. The erroneous information is transferred from organisation to organisation, and finally ends up with the courts. Judges have to be able to rely upon the trustworthiness of the information they're provided with, since they have scarce opportunity to test it, except by hearing the parents. There is a real risk that errors are not noticed in time and keep echoing throughout the system.

- BJZ, the AMK and the Board state that, within what can reasonably be expected of them, they do engage in careful fact-finding. What 'careful' means is not made explicit at the moment. This contributes to parents having false expectations of child services, and it makes child services' operations opaque.

2. Gap between the pedagogical and legal realities

- Sometimes, child services professionals rely too heavily on their own notions of what constitutes a good upbringing. This is damaging, as child protection does not revolve around the question what the government thinks is better or more desirable for the development of the child, but around the question whether the government has just cause to intervene in the parents' freedom of upbringing. The government can and should only intervene in a domestic situation if it can be demonstrated that the health or development of the child are endangered.
- BJZ family guardians approach children from a pedagogical reality. They speak of concerns in the parenting context, and of incapable parents. Their approach is founded on implicit pedagogical ideals. This is completely different in the judge's legal reality. The judge has to determine whether there are legal grounds for a child protection measure, within the context of the law. These two realms wield their individual jargons and cannot always find each other. The Board acts as a translator between the pedagogical world and the courtroom. However, the family guardians themselves should also be capable of operating in a legal context.
- BJZ family guardians and AMK investigators are trained as social workers and consider a family's problems from a social work perspective. This entails a risk of seeing issues where there are none and wanting to intervene sooner than necessary.

3. Performance of individual professionals

- The tasks of child services professionals involve working with parents who sometimes deal with a lower level of education, complex multiple problems, psychiatrics, addiction, and/or (minor) mental disabilities. A part of the professionals – though expressly not all – do not have the skills to cope with this client group.
- A plurality of reasons (time constraints, high case load, inaccuracy) can sometimes cause professionals to compromise on the quality of the report. This (justifiably) causes irritation in clients, and involves a risk of taking erroneous decisions.
- Weighing the professional's intuition (the 'gut feeling') requires specific skills: can one make explicit where certain feelings come from? Can one reflect on one's own share in people's interactions?
- The basic attitude of professionals toward their clients should be one of openness and impartiality. Otherwise, people will not feel that they're being taken seriously. The nature of the first contact between parents and child services exerts a huge influence over the subsequent professional relationship. The prehistory and context of this contact should not be underestimated.
- Family tragedies that receive a lot of media attention can influence the functioning of child services professionals. A thread of fear can be discerned throughout the chain; understandably this apprehension is greatest in the individuals who are closest to the families. Family tragedies and child abuse with fatal consequences are terrifying spectres that can cause professionals to become more careful.

4. The parents' expectations

- There will always be a charged discrepancy between what parents want child services organisations to do, and what these organisations can actually offer. It is unfeasible for child services to assume the investigative duties of the police and the judiciary. However, this does not mean that child services cannot be held accountable for their operational methods.

- The problems that a large part of the parents are dealing with (lower level of education, multiple problems, psychiatrics, addiction, and/or (minor) mental disabilities) affect the degree to which they can understand what the involvement of child services in their family will mean, what is the wisest course of action for them in this situation, and the extent to which they are able to reflect on their circumstances.
- The best interest of the child is not always the same as that of the parents. A decision by child services can serve the best interest of the child, but have bitter results for the parents. In cases of a problematic relationship between ex-partners, for instance, in which parents exchange accusations and the emotions run high, it might be better for the child to cease contact with one of the parents for a while. Extreme situations can see one of the parents getting full custody. Daily practice shows that this will be the parent who already has custody (usually the mother), causing the other parent (usually the father) to lose custody and/or visitation rights.
- In custody and access cases, parents often expect child services to 'bring the truth to light.' Child services, however, has a completely different perspective on 'the truth' and focuses on what the reality of this complex divorce means for the child.

Final conclusion

We are now able to offer an answer to the last two research questions. Are far-reaching decisions made by child services presently sufficiently substantiated? And what can reasonably be expected of AMK, BJZ and the Board regarding the issues of verifying information, and good reporting?

We can conclude that in general, the AMK, BJZ and the Board work professionally and expertly. Nonetheless, as illustrated above, errors do regularly find their way into the investigation process and the reports. These errors range from too one-sided interpretations of incidents to mixing facts and opinions in the reports, and from inadequate source details to the use of incomprehensible language in conclusions and sometimes failing to have informants' stories approved.

Mistakes can occur for a variety of reasons. For example because professionals are under pressure to work quickly, or because they insufficiently reflect upon choices made and their own pedagogical norms. Another reason is that some professionals do not have the right skills to deal with a usually complex parents target group. On the other hand there are parents who - contrary to the best interests of the child - engage in power struggles with each other or with child services. The operational processes are presently insufficiently fitted with quality safeguards to fully avert these bottleneck issues. This creates the danger that an error made at one stage continues to echo throughout the child services chain, which means that decisions can actually be made based on incomplete, insufficiently substantiated information. In extreme cases, this can result in a child protection measure to be wrongly decreed, terminated, or extended, or to an arrangement concerning visitation rights to be more restricted than actually necessary.

If parents do not recognise themselves in the views expressed in the report, this can understandably lead to resistance. Sound fact-finding and thorough reporting contribute to creating a support base for a measure and for child services assistance to the parents. The responsibility of solid fact-finding to underpin far-reaching decisions by child services, and of transparent and understandable reports, falls to the entire chain.

Margins of error must be decreased. Firm guarantees must be introduced to ensure that fact-finding and reports meet minimal requirements. The Board, BJZ and AMK must commit to a set of framework conditions for reports, having the following features:

- Facts and opinions must always be described separately.
- The right to be heard must be applied and always included in the reports.

- Descriptions must be as factual as possible, refraining from speculative phrasings.
- Verification of information must be confirmed in the report.
- A reader must be able to follow the weighing of hindering and protective factors in the child's environment, and the conclusion ensuing from this weighing.
- Reports by external professionals (such as physicians, behavioural experts, psychiatrists) should be attached to the reports in full, instead of being interpreted and summarised by the author of a report.

There are already a number of important – albeit insufficient – quality safeguards in place in the quality frameworks and protocols of the Board and the AMK. Their primary responsibility now is to make their weighing more explicit and to further elucidate their conclusions. Although this already happens orally during the MDCs, these considerations and the justification cannot always be traced in the dossiers.

BJZ has to improve its quality safeguards, for instance by making it standard protocol to take core decisions in a multidisciplinary context, by stimulating critical reflection, by holding periodic internal audits for reports (both reports submitted to the Board and reports for intended termination or extension of a measure), and by honing the report format and training professionals in the writing of reports.

The importance of thorough fact-finding and reporting underpinning far-reaching child services decisions is evident. Primarily for the benefit of the children themselves, who have a right to a careful consideration of their interests, and to a decision that in fact serves these interests. It is furthermore for the benefit of the parents, who must be able to count on a professional and respectful approach and a careful substantiation of decisions that have such impact on them. It is also for the benefit of the professionals. They know their complex tasks to be gaining in strength if the process design has the highest possible quality and if they themselves wield the necessary skills. And then there is the interest of the child services as a whole. Wrongdoings, errors and minor mistakes have an effect on the entire child services sector. The legitimacy of and general support for child services in society are corrupted by negative perceptions.

If child services wish to offer reliable, transparent and safe access to support and assistance in pedagogical issues, the authorities must get to work towards further quality assurance of their operational processes. The next chapter offers practical recommendations to this effect.

12. Recommendations

Ensuing from the conclusion, the Ombudsman for Children offers the following recommendations to the individual organisations in the child services chain.

Youth Care Agency (BJZ):

1. Implement (additional) internal quality safeguards in the process of fact-finding and reporting. BJZ must encourage reflection, both on an organisation level and on the level of the individual employees. Performing periodical audits on its own reports and critical comments from a 'reader' must become part of standard practice.
2. Taking core decisions in a multidisciplinary setting should become standard procedure. A behavioural expert must be involved in every core decision and in every finalisation of a report that is submitted to the Board or the judge. The behavioural expert will hone the family guardian's or family manager's assessment of situations, and will strengthen the phrasings of their findings. This will add quality to the BJZ reports.
3. Make sure the report formats are further professionalised, among others by exchanging experiences between BJZ offices, and between BJZ and partners such as the AMK and the Board.
4. Make sure there are sufficient (continual) report trainings. Professionals should be able to offer an understandable argument in a report, one that isn't limited to describing the pedagogical concerns but also interprets these concerns.
5. Make sure that informants verify and approve their views stated in their own words, instead of in paraphrasing. Another option is to have them write the statement themselves.
6. Enter into (renewed) deliberations with chain partners who can act as informants on those cases where the informant considers it problematic to share information with BJZ. When earlier agreements on this have too little effect in actual practice, it should be found out what the main bottlenecks are and how these might be resolved.
7. Increase the skills of family guardians and family managers regarding their functioning within a legal context.
8. Increase the skills of family guardians and family managers to handle the dynamics inherent to problematic divorces of C&A cases.
9. Make it standard practice to offer children from 12 years of age (or younger if their development allows it) the opportunity to add a part to the reports regarding extension of a protection measure themselves.

Child Abuse Counselling and Reporting Centre (AMK):

1. Implement (additional) internal quality safeguards in the process of fact-finding and reporting. AMK must encourage reflection, both on an organisation level and on the level of the individual employees. Performing periodical audits on its own reports and critical comments from a 'reader' must become part of standard practice.
2. Make sure there are sufficient (continual) report trainings for AMK investigators. They must be able to translate the enumeration of issues into the consequences these have for the child.
3. The new method of the round table discussion, in which parents and professionals jointly write an approach plan, deserves further implementation in AMKs that do not yet work this way.
4. Make sure that informants verify and approve their views stated in their own words, instead of in paraphrasing. Another option is to have them write the statement themselves.
5. Enter into (renewed) deliberations with chain partners who can act as informants on those cases where the informant considers it problematic to share information with the AMK. When earlier

agreements on this have too little effect in actual practice, it should be found out what the main bottlenecks are and how these might be resolved.

Child Care and Protection Board:

1. Implement (additional) internal quality safeguards. Although the quality framework and the operational protocols show that attention is paid to fact-finding and reporting, there are no safety nets to amend deviations from the protocol in individual cases. The Board must encourage reflection, both on an organisation level and on the level of the individual employees. Performing periodical audits on its own reports and critical comments from a 'reader' must become part of standard practice.
2. Invest in making it clear to the parents what they can and should expect from the Board investigation: How will the investigation go and what do the outcomes mean? How does the Board use information provided by the parents themselves? Which information is and which isn't of decisive importance, meaning it will or will not be included?
3. Prevent time and money from becoming decisive factors obstructing the quality of the Board investigation. If an additional conversation with the parents can create a greater support base for a decision, this will mean an important result for the chain partners responsible for the implementation of the decreed measure. The Board must be aware of the shared chain responsibility.
4. Make it explicit in reports why certain choices were made. Has information that the parents provided not been included? Explain why not. Explain which elements from the parents' response to the concept report will be processed, and which won't. Facilitate this consideration for the professionals by providing guidelines for the processing of parents' responses to concept reports.
5. It should become standard practice to weigh the hampering and encouraging factors in a family against each other when answering the research questions in the report. Readers of the report must be able to follow the consideration, and see why certain decisions were made. Report formats will have to be adjusted to accommodate this.
6. It should become standard practice to attach decisive information (medical information, report of school non-attendance) to the Board reports submitted to the courts.
7. Provide Board professionals with sufficient (continual) report trainings. Professionals should be able to offer an understandable argument in a report, providing legal underpinnings for the pedagogical concerns surrounding a child.

Focus points for BJZ, AMK and the Board:

1. Commit to a set of framework conditions for reports, having the following features:
 - Facts and opinions must always be described separately;
 - The right to be heard must be applied and always included in the reports;
 - Descriptions must be as factual as possible, refraining from speculative phrasings;
 - Verification of information must be confirmed in the report;
 - A reader must be able to follow the weighing of hindering and protective factors in the child's environment, and the conclusion ensuing from this weighing.
 - Reports by external professionals (such as physicians, behavioural experts, psychiatrists) should be attached to the reports in full, instead of being interpreted and summarised by the author of a report.
2. Professionals must be more aware of the impact their presence can have in a family, and the possible impact of a prehistory with social services. A greater awareness of the professional's own reinforcing effect in the communication with the parents (an unintentional but unavoidable effect), and awareness of the context of the contact, will contribute to a more nuanced judgement in the reports.

3. Professionals have to be equipped to approach the parents in an open and neutral way. This involves acknowledging that parents generally want the best for their child, and that despite everything, parents still bear a responsibility for their child. It is vital to show understanding for the circumstances or personal factors. This also involves being clear about expectations, and explaining what goals parents should attain to regain custody. This invites the parents to reflect and offers negotiation room for less far-reaching measures. During the fact-finding, this attitude will help to let the parents feel heard. This in turn increases the chances that a final report will contain descriptions that the parents recognise. Child services organisations should enter into a dialogue with the parents to discuss the mutual expectations and improve mutual respect.
4. The managers of all involved organisations must scrutinise the communication and reporting skills of their employees. They should be more aware of a possible need for additional training. Managers should furthermore make sure to assign complex cases to their more experienced employees.

Juvenile judges:

1. In custody and access cases, juvenile judges must issue a clear assignment to the Board, with concrete questions: What is the objective of the requested investigation? This way, the courts prevent that the Board begins its investigations with a too general notion of its duties.
2. The juvenile courts can contribute to improving the chain surrounding fact-finding and reporting by being critical during hearings of the reports submitted by the Board and BJZ. Are all considerations properly substantiated, is the decisive information verified and approved, and are all necessary statements by professionals attached? If these are lacking, this should be pointed out to the hearing representative.
3. It is important for judges to have the right skills to interview children. Both in the acquiring of important information from children, and in supplying information to them about the procedure or a decision. In all these instances, child-oriented conversational skills and a child-friendly environment are very important.

How to proceed?

From 2015, the Dutch municipalities will become responsible for child services. Presently, it is still unclear how the individual municipalities plan to organise child services. The Board's functions will remain the same. It was announced that the AMK will be merged with the counselling and reporting centre for domestic violence, and will become the AMHK. How the tasks and responsibilities of the Youth Care Agency will be distributed after the transition, is yet unclear.

It goes without saying that proper care and support must be available to children after the transition. Whichever organisation will be responsible for the implementation of child protection measures from 2015 onward, the recommendations of this investigation apply to them in full. The Ombudsman for Children will closely follow the support and care for children in the future as well, and will hold the chain partners accountable for their responsibilities. There is an important part to be played by the Inspection for Youth Care Agencies in this as well.

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- H. van de Donk, head of policy Child Care and Protection Board
- J. van der Horst, team manager AMK BJZ Utrecht
- E. van Kalveen, juvenile judge Utrecht Courts
- M. van de Laar, programme developer specialisation Youth for Landelijk Cliëntenforum Jeugdzorg (LCFJ, National Client Forum Youth Care; now merged with LOC Zeggenschap in Zorg (LOC Patient Participation in Healthcare))
- W. Menken, chair complaints commission BJZ Gelderland
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Glossary

AKJ	Advies- en Klachtenbureau Jeugdzorg (Advice and Complaints Office Child Services)
AMK	Advies- en Meldpunt Kindermishandeling (Child Abuse Counselling and Reporting Centre)
AWBZ	Algemene Wet Bijzondere Ziektekosten (General Act on Exceptional Medical Expenses)
BJZ	Bureau Jeugdzorg (Youth Care Agency)
CIZ	Centrum Indicatiestelling Zorg (Centre Indication Assessment Care)
CJG	Centrum voor Jeugd en Gezin (Centre for Youth and Family)
C&A cases	Custody and access cases
GGZ	Geestelijke Gezondheidszorg (Collective mental healthcare organisations)
JDR	Judicial Documentation Register
CP cases	Child protection cases
MUHP	Machtiging Uithuisplaatsing (Authorisation for custodial placement)
OTS	Ondertoezichtstelling (Family supervision order)
UHP	Uithuisplaatsing (Custodial placement, placement in care)
VIR	Verwijsindex Risicjongeren (Reference index at-risk youth)
VOTS	Voorlopige Ondertoezichtstelling (Preliminary family supervision order)

Relevant articles from the UN Convention on the Rights of the Child

In 1995, the Netherlands ratified the International Convention on the Rights of the Child (CRC).⁶² This entails commitments for the Dutch government. The task of assessing whether the Netherlands adheres to the principles of the Convention fall to the Ombudsman for Children. The articles of the CRC relevant to this investigation are:

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

⁶² International Convention on the Rights of the Child, New York 20 November 1989; Treaty Series Dutch Legislation ('Tractatenblad') 1990,170; approval of the ratification in legislation of 24 November 1994, Dutch Bulletin of Acts and Decrees ('Staatsblad') 1994, 862

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Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.