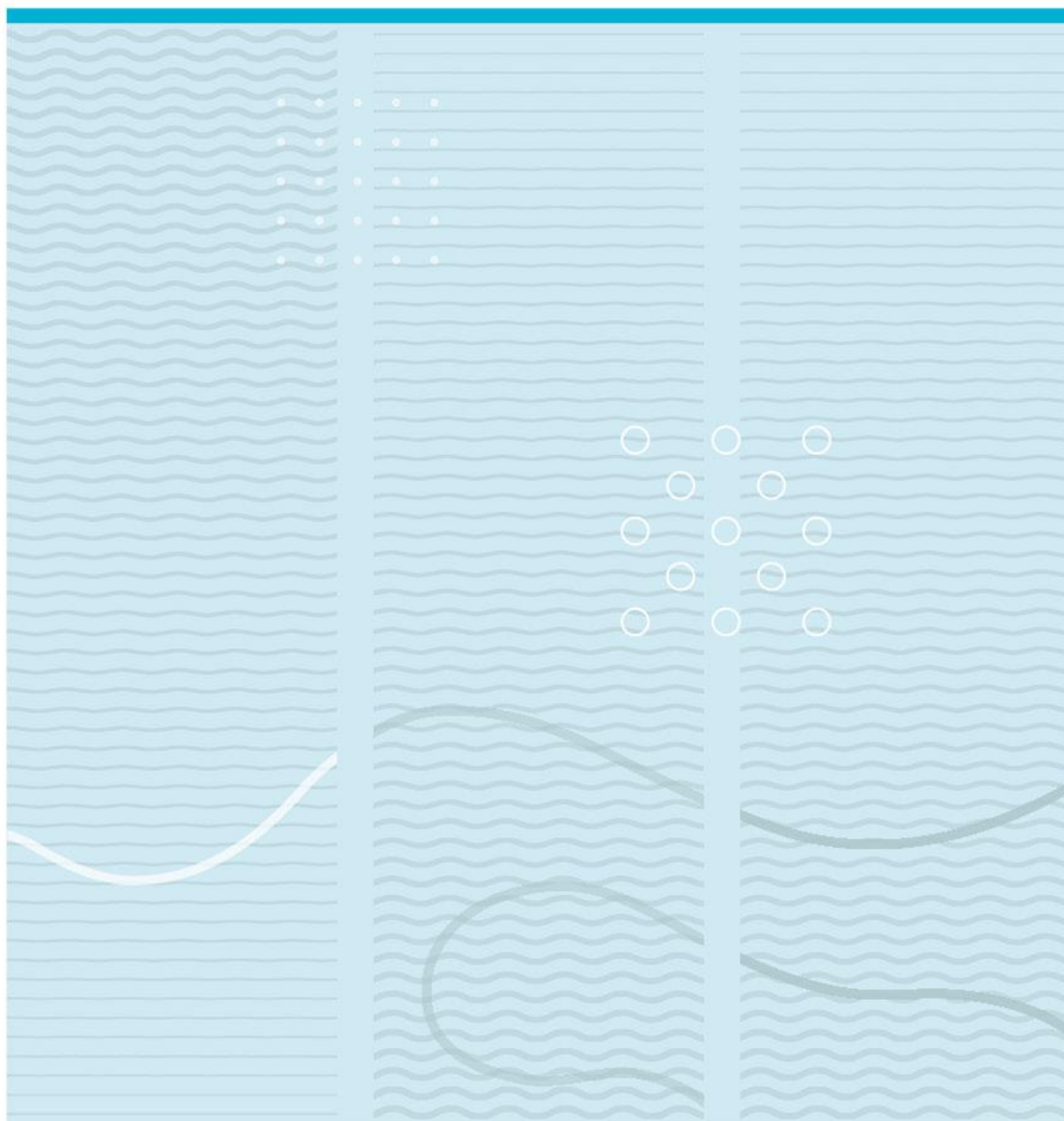


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Children's voices in emergencies

Norwegian children's rights during proceedings and emergency orders issued by the Norwegian Child Welfare Services



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This thesis is worth 45 study points

Summary

The purpose of this dissertation is to investigate children's right to be heard in emergency orders issued by the Norwegian Child Welfare Services (*Barnevernet* in Norwegian) and whether the introduction of the UNCRC in Norwegian law has strengthened the Child Welfare Services' practice in this regard. I wish to investigate this through the views and experiences of children who have been relocated under emergency orders, and in the understandings of the child welfare workers. The research question is thus: *Have children's right to be heard in emergency orders after the 2003 Norwegian law revision been strengthened, according to child welfare children's and workers' experiences? Further, how can the Norwegian Child Welfare Services ensure that children's participation increases as stated in Article 12 of the UN Convention on the Rights of the Child?*

This research is based on the right to be heard from Article 12 of the UN Convention on the Rights of the Child (UNCRC), Sections 4-6 and 6-3 of the Norwegian Child Welfare Act, and the data material from the project's participants. Section 4-6 concerns voluntary and coercive orders in urgent situations, and Section 6-3 concerns children's rights during proceedings. I only interviewed a few participants due to the sensitive nature of the topic. Few wanted to volunteer in such research, so I had to find alternatives to contribute with relevant information and experience.

Article 12 of the UNCRC is incorporated into Norwegian law. Violation of Norwegian laws on the right to be heard therefore also constitutes a violation of international law. What exactly is the reason for the violation of children's rights? Children are users of the Child Welfare Services. In Norway, the term "user" has been used since the 1970s when it replaced the previous term "client." The way one phrases and expresses oneself helps to create a reality. The word "client" comes from Roman times and highlights the difference between citizens and people without rights. The citizen spoke for the client; the client could not speak for himself and depended on the citizen's goodwill (Jenssen & Tronvoll, 2012, p.45). In the same period, the term "user participation" began to be used.

User participation is participation that can be understood in the sense that a service user is involved, participates, influences his or her case, the services and measures offered, and perhaps even how the system should be organized to meet the user's needs in the best possible way. My findings show that changes and developments in the Child Welfare Services have not strengthened children's statutory right to user participation. The methods used to hear

children do not promote children's rights but create trauma and mistrust instead. Children's participation in Norway is still weak, even after the legislative changes in 2003 when seven-year-old children were given an unconditional right to express themselves in all matters concerning them. There are methods for strengthening children's position of participation, but they must be used and combined in order for them to work.

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List of abbreviations

Bufdir	Barne-, ungdoms- og familiedirektoratet (The Norwegian Directorate for Children, Youth and Family Affairs)
ECHR	The European Convention on Human Rights
FGC	Family Group Conference
NSD	Norsk senter for forskningsdata (Norwegian Centre for Research Data)
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child

List of tables

Table 1.1 – *Completion of the literature search*

1. Introduction

The international community recognizes Norway as a state that protects its citizens against serious human rights violations. This democratic state is known for its stable political system, good national economy, low corruption, highly educated population, and high level of social participation (St.meld. nr. 21 (1999-2000), p.19). International human rights are minimum standards, yet several are violated in Norway – especially children's rights. According to Øivin Christiansen, children are invisible as active participants in cases affecting them under the Child Welfare Services (Christiansen, 2012, p.17). Christiansen states that children are seen and treated as actors in different ways, for example, when a specific aspect of a child's life is of interest to the Child Welfare Services (Christiansen, 2012, p.17). Christiansen states that it may seem paradoxical that children are not accounted for even though the Child Welfare Services work in children's best interests.

Article 12 of the UNs Convention on the Rights of the Child (UNCRC) clarifies children's status as independent actors. The UNCRC is incorporated into Norwegian law, so children's rights are taken into account when they encounter public services. Children are also users of the Child Welfare Services and, therefore, have the right to participate and be involved in their cases.

Have children's right to be heard in emergency orders after the 2003 Norwegian law revision been strengthened, according to children's and child welfare workers' experiences? Further, how can the Norwegian Child Welfare Services ensure that children's participation increases as stated in Article 12 of the UN Convention on the Rights of the Child?

1.1 Background: The topic, context, and the purpose of the thesis

The research problem in question concerns emergency orders and how children's right to be heard during these proceedings can increase, as stated in Article 12 of the UNCRC. The entire focus of this thesis is on Norwegian cases. Emergency orders are assistance measures used by the Child Welfare Services when receiving notes of concern about children in immediate danger. Emergency orders are issued in urgent situations to protect children in serious danger caused by negligence of care or behavioral challenges. Examples of neglect are when caregivers do not provide essential care to their children or when children are exposed to

domestic violence. With emergency orders, the Child Welfare Services can temporarily move a child from a current, harmful environment to a better one on the same day.

The threshold for using this measure is supposed to be very high. Issuing emergency orders happens within a day, and the county social welfare boards are responsible for handling cases. Because of time limitations, the prosecuting authorities can implement temporary emergency orders. The social welfare boards must approve emergency orders within 48 hours and ensure that orders comply with the requirements of the law (Fylkesnemndene, *Emergency orders*, retrieved 06.04.2021).

According to the first paragraph of section 4-6 of the Norwegian Child Welfare Act, the child welfare administration or the prosecuting authority may immediately make an interim (emergency) care order if the parents are, for example, ill and their child is without care. The second paragraph applies if there is a risk that a child will suffer physical harm by remaining at home. The first paragraph cannot be maintained without the parents' consent, while the second paragraph is applicable without the parents' consent.

The Child Welfare Services are obligated to follow up on a child's care situation and development. They must also observe parents' progress and development. Shortly after issuing an emergency order, the Child Welfare Services is required to offer guidance and follow-up. Chapter 2 contains a further explanation of this section.

1.1.1 The purpose of the project

The project aims to contribute to the field of child welfare and children's participation and help increase knowledge about child protection. The primary data source for this project is informants who have experienced urgent relocation due to emergency orders, caseworkers at the Norwegian Child Welfare Services, and other researchers within this field. The project aims to increase awareness of children's experiences caused by emergency orders. Urgent situations can be challenging as the available information to process when issuing emergency orders is limited. Some families are already known to the services, and therefore some decisions have a more substantial basis. Temporary emergency orders are meant to last for a short time (Oppedal, 2008, p.25). As mentioned, emergency orders are issued within the same day of notification. A time limitation makes it difficult to collect enough information about a situation. Nevertheless, the Child Welfare Services are obligated to act fast when severe neglect that might harm a child is suspected. One of the challenges that were faced is that the information that leads to a decision may, in fact, turn out to be incorrect. It is possible to make

a new decision letter and return a child to his or her home, but reversing any traumatic experiences caused by such a disruptive incident is impossible and might mark a child's life for a long time. Planning ordinary decisions takes more time and requires more information, and experiences might not be as extreme when a child is prepared in advance for a move.

Creating increased awareness and drawing attention to emergency orders and their consequences is therefore consequential. Changes in current practice that could help reduce traumatic experiences would be valuable for children living in potentially unsafe circumstances. Such changes could positively affect the rest of a child's childhood and reduce social rejection later in life. Further discussion regarding this will continue in Chapter 5.

1.1.2 Target group

I will base my thesis on children who experienced emergency orders after the age of seven and from 2004 onwards. I chose to focus on children that were relocated after 2004 because of the implementation of Article 12 of the UNCRC in Norwegian legislation in 2003. My choice of interviewing people that were relocated after 2004 instead of 2003 is because it takes time to implement new rules. In 2004, the Child Welfare Services would have had time to implement the new changes and comply with them in their practice. By interviewing children who were relocated after 2004, I would eliminate the chance of interviewing people who have received case processing under the old law that obligated the Child Welfare Services to talk to children over twelve years and not children over seven years.

Norwegian legislation limits the child's right to be heard (Ot.prp. no.45 (2002-2003), p. 29). Before 2003, the lower age limit was set at twelve years of age. In 2003, Norwegian children over the age of seven and younger children who could express themselves, got the unconditional right to express themselves, cf. Section 6-3 of the Child Welfare Act. This decision aimed to ensure that children over a certain age were listened to (Ot.prp. no.45 (2002-2003), p.30). Without an age limit, children who needed to be heard could risk being deprived of their rights and not heard as required in Article 12 of the UNCRC (Ot.prp. no.45 (2002-2003), p.30). I wanted to uncover opinions and experiences about emergency relocations and what, if anything, could have been done differently. The research question is based on interviewees' unique understandings, opinions, experiences, participation in decisions in their own lives, and quality of life. My goal was to make proposals for changes in similar future cases so that children involved could express themselves and be less negatively affected.

1.1.3 Relevance

The research may be relevant for other researchers, the Norwegian Child Welfare Services, teachers, social workers, policymakers, and other people working with or for children. The research may also be relevant for the practice carried out today by the Child Welfare Services when implementing emergency orders.

By interviewing people who were subject to emergency orders and by presenting their views and perspectives, key players may re-evaluate how this practice is carried out or, perhaps, how it might be improved. This paper has academic relevance because it may help with the development of knowledge in the field that can enhance today's services.

1.2 Research question and justification of the thesis

The dissertation seeks to examine the following research questions:

Have children's right to be heard in emergency orders after the 2003 Norwegian law revision been strengthened, according to child welfare children's and workers' experiences? Further, how can the Norwegian Child Welfare Services ensure that children's participation increases as stated in Article 12 of the UN Convention on the Rights of the Child?

Children should be heard and seen even by public interference in their private lives, cf. Article 12 of the UNCRC. It is important to investigate possible violations of human rights and how a child can be protected against such violations to ensure a good living standard. The following sub-questions contribute to my research question:

- 1) How is children's participation today compared to the time before the law revision in 2003?
- 2) If information is provided to children before issuing an emergency order, how is the information presented to them?
- 3) Does development within the Child Welfare Services contribute to increased visibility of children's opinions?

1.3 Motivation

We can assume that several children have been harmed due to deficiencies in our systems. One example of such a deficiency is the case involving a 16-year-old Palestinian girl, Shada Barghouti, who died in August 2019 under public care in an institution for children. The

relocation of Shada and her two brothers occurred after an emergency order, cf. Section 4-6 second paragraph of the Child Welfare Act. The three siblings were split and placed in different places. The police also arrested Shada's 14-year-old brother's foster father for drunk driving while said brother was in the backseat (Fardal, 2019, 3:23). None of the children has returned to their family. According to the video presented by Fardal, these children were not appropriately heard. Maybe if they were heard, the outcome of their relocations would have been different. Cases like this motivate me to investigate children's rights during emergency orders. I want to contribute ideas for better measures for increasing children's voices and for avoiding violating children's rights.

Section 6-3 of the Child Welfare Act provides children, who can form their own opinions, a right to express themselves and receive information in proceedings affecting them before public bodies make decisions on their behalf. Children's age and maturity are of paramount importance when weighing their views in proceedings, cf. Section 6-3 of the Child Welfare Act. Through my research, I can contribute by collecting more data showing whether children get an opportunity to share their views through emergency decisions.

1.4 Thesis structure

In Chapter one of the dissertation, I introduce the thesis, present my motivation and the background for choosing the thesis question, and I explain the purpose of the research. I also present the requirements for the project's participants and the relevance of the research in a larger context.

Chapter two presents the legal texts on which the entire thesis is based; this involves national and international laws. The third chapter presents the chosen research method and how I obtained the data material and conducted the interviews. In Chapter four, I present a literature review of previous research. Here I chose to present prior research to highlight the development in child welfare practice. I have also included recent, relevant research. Chapter five involves an analysis of my data material and a discussion. Chapter six presents a short conclusion that answers my thesis questions, and I suggest enhancements that could be made to Child Welfare Services.

2. Legal ground

2.1 Introduction

In this part of my thesis, I explain relevant legislation and how it fits in and contributes to my research question. At the start of each paragraph in this chapter, I present the law sections that are the basis for my research question. The relationship between the Norwegian Child Welfare Act sections and the UNCRC is relevant to my research question. The legislation is meaningful because the solution to my research question is related to its practice, and it is important to understand this legislation before analyzing the data material. Article 12 of the UNCRC provides children with a right to be heard, express themselves, and participate. It provides them with a right to participate in all matters concerning them. The state parties that have ratified the convention are obligated to implement this right. Better implementation of Article 12 can occur, for example, by changing law sections regarding children's rights or by reformulating them to ensure children have their rights. In Norway, there is the Child Welfare Act and The Children Act. Norway has also included children's rights in its Constitution.

I discuss and explain two sections from the Child Welfare Act because it is directly relevant to my thesis. Section 6-3 concerns children's rights during proceedings, while Section 4-6 concerns emergency orders. The correlation between these two sections is that one of them concerns children's right to participate, while the other one concerns children's lives. Emergency orders are such a significant and life-changing intervention in a child's life, and children must be heard before such decisions are made. Therefore, it is crucial to provide children an opportunity to express their views about their situations and circumstances before issuing emergency orders. Furthermore, in General Comment Number 12, the UN Committee on the Rights of the Child (CRC) expressed that it is recommended that state parties do not set age limits in their legislation so that the child's right to be heard is not restricted (Søvig, 2010, p.36). Regardless of this recommendation, the lower age limit in Norway is seven years of age today.

2.2 Article 12 of the UNCRC – The right to be heard

“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.

For this purpose, 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 (Convention on the Rights of the Child, 1989, Article 12)’’.

Article 12 of the UNCRC states that every child has a right to be heard and taken seriously in all matters affecting him or her. A child can form his or her views through verbal and non-verbal communication (UNCRC, 2009, p.7). State parties that have ratified the convention are obliged to ensure that the right is implemented and practiced. The UN Committee on the Rights of the Child addressed children’s social and legal status in General Comment Number 12 (UNCRC, 2009, p.3). Children have less autonomy than adults, but they are equal holders of rights (UNCRC, 2009, p.3).

Children constitute a weak and vulnerable group in society, and it is harder for them to enforce their rights than it is for adults (Gisholt, 2007, p.126). For that purpose, it is imperative that the states which have ratified the UNCRC follow these rights to the highest possible extent. According to the UNCRC’s General Comment Number 12, the right to be heard and taken seriously constitutes a fundamental value. Article 12 of the UNCRC is also one of four general principles in the convention (UNCRC, 2009, p.3). The other three principles are the right to non-discrimination, the right to life and development, and the primary consideration of the child’s best interests (UNCRC, 2009, p.3). The UN Committee on the Rights of the Child identifies article 12 as a right itself, but it is also considered reasonable when interpreting and implementing other rights in the convention (UNCRC, 2009, p.3).

Article 12 determines and directs state parties to ensure that children have a right to express their views freely. The term “shall assure” in Article 12 has a strength that prevents states from making discretionary assessments, indicating that the states are obliged to initiate measures to ensure children have a right to express themselves (UNCRC, 2009, p.6).

The UNCRC’s Article 12 has no age limit for which children it applies to. Article 12 applies to every child that can form her or his own views (UNCRC, 2009, p.6). State parties are obliged to guarantee that children get an opportunity to express their opinions (UNCRC, 2009, p.6). A state cannot assume that children are incapable of expressing themselves, and it must do presume that children can form their own views. Children are not supposed to prove themselves to speak their opinion. It is a right that they hold, and it must be guaranteed (UNCRC, 2009, p.6).

Several researchers and scholars have discussed whether children are capable of making or able to make rational choices and decisions. These kinds of questions are directed towards children's capacity to get involved in decision-making processes and the weight their views should receive in a final decision (Gal & Duramy, 2015. p.2). The younger children are, the bigger the questions regarding their capacity are. Nevertheless, through practice and by being involved in decision-making processes, human capacity can develop and be acquired. This statement pertains to both children and adults.

2.3 Section 6-3 of the Norwegian Child Welfare Act - Children's rights during proceedings

“A child who has reached the age of 7, and younger children who are capable of forming their own opinions, shall receive information and be given an opportunity to state his or her opinions before a decision is made in a case affecting him or her. Importance shall be attached to the opinion of the child in accordance with his or her age and maturity.

A child may appear as a party in a case and exercise his or her rights as a party if he or she has reached the age of fifteen and understands the subject matter of the case. A county social welfare board may grant a child under fifteen years of age rights as a party in special cases. In a case concerning measures for children with behavioral problems, the child must always be regarded as a party” (Child Welfare Act, 1993, section 6-3).

Section 6-3 dictates that children who have reached the age of seven have a right to receive information and an opportunity to express themselves ahead of a decision regarding the child (Prop. 169 L (2016-2017) p. 40). Children under the age of seven should be heard and informed if they can form their own opinions. However, children's modesty and age are relevant when emphasizing their views and opinions in decisions regarding their lives (Prop. 169 L (2016-2017) p. 40).

Section 6-3 also imposes upon the authorities the duty to provide children an unconditional right to information and to express themselves in all matters affecting them. The organization that makes decisions on behalf of children is responsible for ensuring that children fulfill their rights (Prop. 169 L (2016-2017) p. 40). The Child Welfare Services and the county social welfare boards (*Fylkesnemndene* in Norwegian) are examples of such state bodies covered by this duty towards children. The county social welfare boards are independent state bodies that decide on specific cases related to the Norwegian Child Welfare Act. The county social

welfare boards are court-like and serve as neutral tribunals when carrying out the judicial function (*Fylkesnemndene*, 2021, retrieved 13.05.2021).

If the county social welfare boards find that a child did not get an opportunity to be heard earlier in the proceedings, they can appoint a spokesperson for the child, cf. Section 7-9 in the Child Welfare Act. A child can choose to be heard directly at the tribunal if so desired (Prop. 169 L (2016-2017), p. 40). Section 6-3 provides children a right to participate in cases affecting them, but children also have a right to participate under Section 1-6 in the Child Welfare Act.

Section 1-6 of the Norwegian Child Welfare Act states that all children capable of forming their own views have a right to participate in all matters concerning them under this act. A child must receive adequate and adapted information and have the right to express him or herself freely. The age and maturity of a child must also be taken into consideration when considering a child's views, cf. Section 1-6 of the Child Welfare Act. The right applies to all matters concerning a child, including choosing a foster home, an institution, or coercive use. Children have the right to expression, both verbally and non-verbally (Prop. 169 L (2016-2017), p. 44). Participation does not mean that a child has a right to decide. Participation is a right, not a duty - which means that a child is free to refrain from speaking. In connection with this, state bodies are required to inform a child that he or she can choose to exercise his or her right, and no one can pressure a child to express him or herself (Prop. 169 L (2016-2017), p. 44; Ofstad & Skar, 2015, p. 324).

Section 6-3 is a special provision on a child's right to participate during administrative or legal decisions in cases related to The Child Welfare Act. The age limit must not become perceived as a lower limit for participation rights. This age limit indicates when children are able to form their views and be given information and opportunities to express themselves (Prop. 169 L (2016-2017), p. 44).

In 2016, a statement from the Norwegian civil ombudsman was published following questions regarding children's rights in the Child Welfare Services' resolutions on moving children and interpreting the Child Welfare Act Section 6-3. The question addressed in the statement was whether the right of participation granted in Section 6-3 is absolute (Sivilombudsmannen, 2016, retrieved 15.05.2021). The survey conducted in connection with this shows that the Ministry of Children and Families' legal understanding of children's right to participate in the Child Welfare Services' resolutions is not entirely connected to Norway's human rights

obligations and Child Welfare Act provisions (Sivilombudsmannen, 2016, retrieved 15.05.2021). County governors have different understandings of the scope of participation provision in relocation cases, and their practice in supervisory cases is not consistent (Sivilombudsmannen, 2016, retrieved 15.05.2021).

2.4 Section 4-6 of the Norwegian Child Welfare Act – Interim orders in emergencies

“If a child is without care because the parents are ill or for other reasons, the child welfare service shall implement such assistance as is immediately required. Such measures may not be maintained against the will of the parents.

If there is a risk that a child will suffer material harm by remaining at home, the head of the child welfare administration or the prosecuting authority may immediately make an interim care order without the consent of the parents” (Child Welfare Act, 1993, section 4-6).

The Norwegian Child Welfare Services are obligated to implement suitable assistance measures when a child lives without care, cf. Section 4-4 on assistance for children and families with children. The services have a right to intervene when a child is at risk or in a vulnerable and problematic situation that leads to neglect. Therefore, the Child Welfare Services can implement immediate measures under Section 4-6 of the Child Welfare Act. Implementing measures under the first paragraph of Section 4-6 requires parents’ consent. Decisions on implementing measures according to the second paragraph do not require parents’ consent. Legally, a decision letter made according to the first section is voluntary because of the parents’ consent. The first and second paragraph of this section the Child Welfare Act is the most relevant to my thesis. Therefore, an explanation of the other three paragraphs is not necessary.

First paragraph

Maintaining measures under the first paragraph of Section 4-6 applies when the parents’ consent is given, either orally or in writing, and when they do not oppose it (Ofstad & Skar, 2015, p.110). Furthermore, measures following the first paragraph are applied if the parents are neither physical nor mentally capable of consenting. According to Ofstad & Skar, this provision is used, for example, when children are without care at home because of parents’ absence without notice, if children run away from home or if children lose their parents (Ofstad & Skar, 2015, p.110). Other situations are if parents are in an intoxicated state and

consequently unable to take care of their child. A child does not necessarily have to be at home with his or her parents to be cared for; a child can be with relatives and still receive the care he or she needs and requires (Ofstad & Skar, 2015, p.110). The provision does not have a basis to be applied providing a child is safe and cared for by someone. When using the provision, the Child Welfare Services must find the most suitable and beneficial solution to ensure that a child and his or her family receive the help and support they genuinely need (Ofstad & Skar, 2015, p.110). They should also take a child's best interests into account when assessing what measures to implement.

In situations where the Child Welfare Services consider relocating a child because the parents are intoxicated and unable to take care of said child, they should consider placing the child with relatives (Ofstad & Skar, 2015, p.110). When avoiding placing a child with strangers, parents' willingness to cooperate can increase. A child over the age of fifteen who understands a case has a right to act as a party in the case, cf. Section 6-3 second paragraph. Hence, implementing measures following this provision is illegal if a child over fifteen years old understands a case and opposes it. Furthermore, the Child Welfare Services are obligated to follow up on a situation. If there is no longer a basis for an emergency order and relocation, a child should move back home immediately. These measures are meant to last for a short period. If further measures are necessary beyond an urgent situation, they must be assessed under Section 4-4 of the Child Welfare Act.

Second paragraph

The second paragraph of Section 4-6 is a provision that allows the Child Welfare Services to immediately place a child outside his or her family home without parents' consent. This provision is coercive. The second paragraph applies only when a child is in immediate danger or when there is a risk that a child will suffer physical harm by staying in a home situation. There must be an urgent risk of harm in order for the provision to be applied (Ofstad & Skar, 2015, p.112). Assessing the risk is crucial. Can the danger be eliminated? Can the danger be reduced to an acceptable level by implementing a measure in the home? Or is it possible to place the child with family or relatives, with parents' consent, until the case is assessed in the usual way by a county social welfare board? The county social welfare boards must approve the emergency order for it to be valid. (Ofstad & Skar, 2015, p.111). These decisions are vitally important to a child. The right decision can reduce a child's adverse reactions and give him or her time and the opportunity to prepare for what may come. Moreover, a child can get

the chance to express him or herself and gain essential information about the case. The right decision can also encourage parents to try to improve the situation.

The terms for emergency orders can exist without grounds for relocation. An example of this is where an abuser of a child at home moves out after an emergency order has been put in place. The acute situation would then be over, and the child would have to be returned (Ot.prp. nr.44 (1991-1992) p.34). Furthermore, emergency orders are applicable if a situation has lasted for a more extended period and was not initially caused by an emergency. Children have the right to protection. The Child Welfare Services must assess whether a child would be significantly harmed by remaining in the home and under the parents' care, for example, due to exposure to violence (Ofstad & Skar, 2015, p.112).

It is generally hard to create an overview of an actual situation when urgent situations occur. Some older children and young people may struggle with behavioral difficulties. Thus, one must clarify whether the lack of care is caused by parents or by a child's behavioral difficulties (Ofstad & Skar, 2015, p.113). Decisions under Section 4-6 apply only when parents' cause the neglect. If a child's behavioral difficulties cause the neglect, it is possible to make temporary decisions under Section 4-25, second paragraph, second sentence (Ofstad & Skar, 2015, p.113).

The Norwegian Public Administration Act Section 17 forces administrative agencies to ensure that a case is clarified as thoroughly as possible before making any administrative decisions. Minors that are parties in cases, and who are capable of forming their own opinions, have a right to express their views about the case in question (Public Administration Act, 1970, Section 17). Minors' opinions must be given weight in relation to their age and stage of maturity (Public Administration Act, 1970, Section 17). Section 17 maintains that minors are parties in their cases. Similarly, like other acts and legislation, this act does not have an age limitation. One can discuss whether a minor is a party due to age, but the basis is that children and young people are parties in cases concerning them. It may be harder to set exact requirements for thoroughness in emergencies, but setting a minimum requirement is necessary for investigations in such cases to avoid incorrect use of the provision (Ofstad & Skar, 2015, p.114).

3. Methodology

3.1 Research strategy

3.1.1 Where does my research stand in the epistemological and ontological foundations of science?

The purpose of my research question is to understand social phenomena, children, and participation. Through the epistemological position of interpretivism, I can obtain knowledge about my informants through the interpretation of the collected data.

3.1.2 Interpretivism and constructivism

Interpretivist research is a study of the social world that requires a different logic of the research procedure, reflecting the distinctiveness of humans as being against the natural order (Bryman, 2016, p.26). According to Bryman (2016), the social scientist aims to position the obtained interpretations into a social frame (Bryman, 2016, p.28). In this kind of research framework, there are multiple ongoing interpretations. As a researcher, I provided an interpretation of my informants' interpretations. Further, interpreting my interpretations had to be in terms of the field's concepts, theories, and literature (Bryman, 2016, p.28).

This research project takes the constructivist ontological position; this indicates that social actors continually accomplish social phenomena and their meanings. They are produced through social interactions but are constantly in revision (Bryman, 2016, p.29).

Constructivism considers people's understanding of reality as continuously being shaped by their experiences, the people they communicate with, and situations they find themselves in. In terms of this position, Child Welfare Services shape children's realities when deciding to move them, by the actions made when deciding to move them, through the people who speak to them, and through their impact on children's lives by the level of participation made available to them.

3.1.3 Qualitative research methods

In my attempt to produce additional knowledge on children's rights in emergencies, the qualitative research method guided my data gathering. Existing scientific theories and research were central to the development of my project. Qualitative research methods involve an interpretation and elaboration of my non-numerical data. This method contributed to the understanding of my research question in a better way. The purpose of this thesis was to create a greater understanding and achieve nuanced knowledge about the Child Welfare

Services' relocation of children in emergencies and children's and child welfare workers' perceptions, experiences, opinions, and feelings. Clarifying such data can be challenging when using a quantitative research method.

By researching and learning about children's perspectives, practices can be changed and improved. My research may be a drop in the ocean, but overall, all research projects together can make a difference. My research is based on some people's opinions and experiences, while other researchers use other children's and young people's opinions. We are not interviewing the same people. For instance, the people I have interviewed never got the chance to tell their stories to anyone. By adding my research to others' research, my contribution can create generalizable knowledge on the topic. Hopefully, interventionistic practices affecting children's lives can be modified and improved by investigating and learning about children's perceptions and perspectives. My research may be an insignificant contribution, but collectively, all research initiatives might make a difference. My research is based on a small group of people's opinions, perspectives, and experiences, whereas other researchers rely on other sources and informants. My input and my informant's previously untold experiences can hopefully contribute to generating more generalizable knowledge on the topic.

3.2 The methods of data collection

There are multiple alternatives to collecting data using the qualitative research method. The most appropriate method of data collection for my research was to conduct interviews. The semi-structured in-depth interviews were the most suitable method for investigating people's experiences (Bryman, 2016, p.468).

3.2.1 Semi-structured interviews

I conducted in-depth semi-structured interviews to uncover complex contexts and to research the question in depth. The semi-structured interviews helped me to keep an open mind about the shape of what I needed to know about (Bryman, 2016, p.10). My questions were all open-ended (Bryman, 2016, p.10), and the interviews were related to personal or professional topics, depending on who the informant was. Therefore, I found it appropriate to have conversations. I designed my interviews in a way that encouraged my interviewees. In semi-structured interviews, questions are elaborated on ahead of the interviews, and all candidates get questions about the same subject. Researchers refer to the list of questions as an interview

guide (Bryman, 2016, p.468). Asking follow-up questions was natural in this sort of research, and I asked follow-up questions in addition to the main questions in the interview guide. I based them on the replies I received from my main questions. It was significant to me that the informants felt safe and that we kept a common thread during the interview to obtain valuable answers for further use.

Semi-structured interviewing provides answers and information that cannot be obtained through, for example, quantitative research methods. This method grants an in-depth understanding of the topic being examined and provides responses that can be analyzed and compared in the context of existing theory and information (Bryman, 2016, p.468). Based on the interview results, I studied the practice carried out by the Child Welfare Services in conjunction with emergency orders and looked at whether it was compatible with the UNCRC and the Norwegian Child Welfare Act. That led to gaining a different understanding of the field I was researching. Semi-structured in-depth interviews provided an opportunity to gain this information because of its flexibility (Bryman, 2016, p.468).

3.2.2 Weaknesses of qualitative interviews

There are several weaknesses to in-depth interviews. Firstly, it is impossible to guarantee whether the participants are honest or not, and it can sometimes be difficult to analyze open-ended questions. Quantitative researchers criticize qualitative research because they perceive it as too subjective (Bryman, 2016, p.398). They view it as subjective since the data depend on the researcher's unsystematic perceptions about what is meaningful and necessary and the researcher's recurrent close personal relationships with the people studied (Bryman, 2016, p.398). The qualitative method begins with a relatively open-ended approach and entails a gradual narrowing of the research questions or problems. Hence, it can be challenging to understand why a researcher has focused on one particular area and not others (Bryman, 2016, p.398).

Furthermore, criticism of qualitative research is based on the fact that it is almost impossible to replicate. The reason for such criticism is that qualitative research is unstructured and because there are no procedures to follow. Hence, conducting an authentic replication is hard. Researchers' preferences decide which data is essential because the researcher is the main instrument of the data collection (Bryman, 2016, p.398). According to Bryman, participants' responses may be affected by a researchers' characteristics such as age, personality, and gender (Bryman, 2016, p.399). Therefore, the subjective leanings of a researcher will

influence interpretation because of the unstructured nature of qualitative data (Bryman, 2016, p.399).

3.2.3 Generalization and transparency

A third criticism of qualitative research concerns problems of generalization. "To generalize is to claim that what is the case in one place or time, will be so elsewhere or in another time" (Payne & Williams, 2005, p.296). Generalization implies a case's capacity to be informative about a general phenomenon to be applicable beyond the specific site, population, time, and circumstances studied (Mabry, 2008, p.222). The scope of data collected in qualitative research is limited. When only interviewing a few participants, it can be hard to generalize the results to other settings (Bryman, 2016, p.399). The few interviewed participants in qualitative research are not meant to be representative of a population. According to Bryman, it may be impossible to enumerate the population precisely (Bryman, 2016, p.399).

Qualitative research generalizes to theory rather than generalizing to a population (Bryman, 2016, p.399). The quality of the theoretical inferences drawn from qualitative data is crucial to the assessment of generalization. This kind of generalization is called *theoretical generalization* (Bryman, 2016, p.399). Williams (2000, p.215) also argues that qualitative researchers often produce *moderatum generalizations*: intermediate types of limited generalizations (Payne & Williams, 2005, p.296). Moderatum generalizations are aspects of a focus or research seen as occurrences of a more comprehensive set of identifiable characteristics (Bryman, 2016, p.399). The modest and pragmatic generalizations from our personal experience bring order and consistency to our social interactions, making everyday life possible. Moderatum generalizations resemble these pragmatic generalizations that are brought from our experiences (Payne & Williams, 2005, p.296). According to Williams, moderatum generalizations are moderate and do not stay true over a long period, and because they are moderate, they are also open to change. Moreover, the possibility of change gives the generalizations a hypothetical character (Payne & Williams, 2005, p.297). This kind of generalization is limited and more tentative than statistical generalization associated with probability sampling, but it can help counter the view that generalization beyond the immediate evidence and case is impossible in qualitative research (Bryman, 2016, p.406).

Another criticism made of qualitative research is that it lacks transparency. Transparency in research is to make data, analysis, methods, and interpretive choices underlying claims

visible. This fundamental ethical obligation can allow others to evaluate such claims (Moravcsik, 2019, p.2).

Another weakness with qualitative research is that it can be harder to compare findings. Nevertheless, I chose to use this method because I could obtain a lot of details and information and because the data is reliable and easy to analyze. It is easier to analyze data collected in words than to analyze data collected in numbers. An online survey where a thousand people answer yes or no on whether relocation is or is not right and beneficial for children would not cover my research question. I would not know who participated in the online survey, nor if they were qualified to do so. In my project, which is about children and their best interests and their rights, information gathered through qualitative research methods is more detailed, informative, and of greater importance.

3.2.4 Informants and interview questions

I shared information about my project, whom I wanted to interview, and how many candidates I needed – on various social media platforms. As a result, I was contacted by people who were interested in participating and in sharing their views and experiences. This way, I managed to recruit five informants, two of them were earlier child welfare users, and two were child welfare workers. The children were aged 8 and 9 years at the time of the emergency order. The child welfare workers were both women and have 14 and 19 years of experience in their work. I also interviewed a jurist with 27 years of experience in the Child Welfare field.

One interview was conducted over the phone, while another one was face-to-face. The rest of the interviews occurred via videoconferences due to Covid-19 restrictions in 2021. The benefit of conducting interviews on the telephone or via videoconference is the flexibility; People can participate in a time-efficient way. Many of my participants live in other cities in Norway. Traveling to them or them traveling to me would have made it time-consuming and expensive. Telephone and video interviews were the perfect choice for me. In addition, as I was not present in the room with my interviewees, there was less likelihood of causing them any feelings of anxiety when asking sensitive questions (Bryman, 201, p.484).

The interviews lasted between 15 and 45 minutes. The time variation was caused by some of my interviewees' choosing not to answer all questions, while others had plenty to say. There was an age difference between the participants - something that had an impact on the answers as well. Each informant had their own unique story, and each of them was affected to

different degrees. Some did not want to share everything, while others appeared entirely open about their experiences.

As mentioned earlier, I used an interview guide when conducting the interviews. However, not all questions were asked exactly as outlined in the guide (Bryman, 2016, p.468). Some of the informants were younger than others, so I had to formulate my questions in an understandable way. I organized some structure in my interviews by asking all the questions on my list.

I started my interviews with what Bryman refers to as *introducing questions* as a way to begin the conversation. Introducing questions is one of nine different kinds of questions suggested by Kvale (1996) (Bryman, 2016, p.476). After starting the conversation, I continued with my structured questions. The interviewees formed their replies as they wanted, and I asked follow-up questions based on their responses. I formulated the interview questions to help me answer my research questions (Bryman, 2016, p.471). The language applied was relevant and comprehensive for each informant, and the questions were open-ended to stay flexible. The flexible interview process allowed me to ask follow-up questions and allowed interviewees to talk about particular topics of interest. I repeated my questions when needed, and I allowed silence to give my informants time to think and reflect on their answers. I based my questions on different aspects such as behavior, roles, relationships, places, emotions, encounters, and stories, including experiences and professional backgrounds (Bryman, 2016, p.475).

3.2.5 Tools: Recordings and transcription

I used my personal computer, a memory card to save confidential and sensitive data and a specific phone for recordings. The way people speak and describe their experiences is interesting. To entwine this aspect into my analysis, a complete account of the series of exchanges in an interview must be available (Bryman, 2016, p.479). Recording my interviews allowed me to concentrate on what my interviewees said and provided me with a more thorough examination of their replies. I transcribed the recordings and immediately deleted them to keep the data secure and make sure the recordings did not end up in the wrong place. Some of the interview responses seemed useless at the time, but I decided to transcribe everything and make a complete transcription of each interview. Transcribing everything made it easier to find the material later if it turned out to be relevant. I used codes to mark the transcribed notes and to recognize from which informant they were.

The questions raised and the variables measured aimed to get an understanding of children's experiences with Child Welfare Services and whether the experiences were positive. I started the interviews and data collection in February 2021.

3.3 Methods of data analysis and interpretation

I based my analysis on language, interpretations, themes, and patterns. When analyzing the collected data material, relevant information and data were separated and withdrawn from the irrelevant data in order to reach a conclusion and answer the research question.

Data in qualitative research are collected in word descriptions, feelings, accounts, opinions, et cetera, and it is focused on people, groups, and individuals (Walliman, 2006, p.2). Due to the diverse, complex, and nuanced approaches that are encountered in qualitative research, it is important to choose the method of data analysis wisely. There are many methods for analyzing data, such as discourse analysis, grounded theory, or narrative analysis. The most appropriate method for my research was thematic analysis, a method of processing the analysis of data which was developed by Virginia Braun and Victoria Clarke. Thematic analysis is a method for analyzing, identifying, and reporting patterns (themes) within data. However, frequently it goes further than this and interprets various aspects of the research topic (Boyatzis, 1998, cited in Braun & Clarke, 2006, p.79). Thematic analysis is a flexible and valuable tool, and it can provide a rich and detailed yet complex account of data (Braun & Clarke, 2006, p.78). Flexibility is one of the main advantages of this method, and preserving this advantage is essential.

The importance of precision in how a study was conducted has to do with others' evaluation, comparison, and synthesis (Braun & Clarke, 2006, p.80). Braun & Clarke explain that a 'theme' captures something important about the relation to the research question and represents some level of patterned response or meaning within the data set." Another important question they address is 'coding'. Does the pattern/theme have to be a specific size to count? A theme can obtain a considerable space in some data items and little or none in other items. It can also appear in relatively little of the data. In qualitative research, there is no set answer to this question. The researcher's judgment determines what theme is set (Braun & Clarke, 2006, p.82).

Braun & Clarke outlined six phrases on how to conduct thematic analysis: familiarization, generating codes (coding), generating themes, reviewing themes, defining and naming themes, and writing up the report (Braun & Clarke, 2006, p.87). The phases are only guidelines to help researchers analyze their collected data. The analysis is not a linear process but a recursive one; movement throughout the phases is needed (Braun & Clarke, 2006, p.86-87).

Phase 1 – Familiarizing.

Getting familiar with the data material and its content in breadth and depth is vital.

Familiarizing myself with my data supported me in achieving a better and broader understanding of the subject in question. Immersion in the data material happens through active, repeated reading (Braun & Clarke, 2006, p.87). In this way, I searched for meanings and patterns before generating codes. After reading through the data content, the development and shaping of ideas and the identification of possible patterns can begin (Braun & Clarke, 2006, p.87). In my case, thorough reading of the data material and becoming familiar with it was essential because it was the basis of my analysis. I started generating codes during this phase, but the codes were developed and defined throughout the analysis (Braun & Clarke, 2006, p.87).

I transcribed my verbal data (recordings) into written text which is of great importance when conducting thematic analysis. Transcription is an approach used to understand and to start familiarizing oneself with the data (Riessman, 1993, cited in Braun & Clarke, 2006, p.87). Thematic analysis has no strict rules or guidelines on transcribing, but a minimum requirement is to produce thorough orthographic transcription with correct spelling and appropriate word choice. The purpose of this is to keep the original meaning of the data material. While transcribing my data, my interpretation skills improved significantly – and these are essential for the analysis (Braun & Clarke, 2006, p.88). Almost all my interviews were conducted digitally through phone or video conferences. That allowed me to write and make notes simultaneously while interviewing. I transcribed my data directly after the interviews. During the transcription process, I had to go back several times to make sure I heard everything correctly and that the data that I wrote down matched what my informants said. Furthermore, this resulted in me reflecting on the interviews and comparing the data material. I found related patterns that indicated a similar, existing problem and which had significance to my research question.

Phase 2 – Generating codes.

The second phase of the thematic analysis method involves mapping out the collected data and creating codes from them after becoming familiar with them. The reflection I achieved from the first phase formed the start of the second phase. I made an overview of my data and a list of my content. Then I developed codes to identify the main features of my data material to separate important and relevant information from the less relevant information (Braun & Clarke, 2006, p.88). There is a significant difference between the units of analysis and the coded data. The units of analysis and the themes are broader than the coded data (Braun & Clarke, 2006, p.88). According to Braun & Clarke, coding depends on whether the themes are data-driven or theory-driven. If they are theory-driven, the researcher can approach the data with specific questions in mind to code around (Braun & Clarke, 2006, p.89). I chose to systematically code some of my data set to identify particular features which were relevant for further analysis and research questions. Nevertheless, I worked through all transcriptions and tried to code as much data as possible, which allowed me to identify multiple aspects of my data material. Each data set got equal attention in the analyzing process so that items that could be found to form the basis of repeated patterns and themes across the data set would be found.

I printed out all of my transcripts on paper and highlighted extracts from them using different highlighters and colored pens. I made notes during the coding and wrote them directly onto the transcripts. Then, I added the coded data into groups in a new Word document to overview the similarities, differences, and existing patterns (Braun & Clarke, 2006, p.89). I conducted my coding manually because this was the best choice for me, my limited time, and my research.

Phase 3 – Generating themes.

In the third phase, I started identifying patterns in the codes that I generated in the second phase of the analysis, and then I created themes. As mentioned, themes are broader than codes. The themes I created categorized my coded data extracts into groups (Braun & Clarke, 2006, p.89). “This phase, which re-focuses the analysis at the broader level of themes, rather than codes, involves sorting the different codes into potential themes” (Braun & Clarke, 2006,

p.89). I considered which codes could be combined and sorted them into different overarching themes using mind-maps (Braun & Clarke, 2006, p.89). I found some irrelevant codes and placed them in their own category just in case they became relevant later. After mapping the data, I started examining the relationship between the codes, themes, and the levels of the themes – some themes were broader than others (Braun & Clarke, 2006, p.89-90).

Phase 4 – Reviewing themes.

In the fourth phase of my data analysis, I produced a thematic map of the analysis to check if the themes were accurate and representative of my data. I checked whether they applied to the entire data set and my coded extract. This phase is all about reviewing whether the themes work or not and then improving them if necessary. An example of this is if you have two themes and discover that they can merge into one theme. The content in each theme should form a meaningful coherence, but there should be clear and identifiable distinctions between themes (Braun & Clarke, 2006, p.91).

Braun and Clarke describe two levels of this phase. The first level involves reviewing at the level of the coded data extracts (Braun & Clarke, 2006, p.91). When completing this level, I read all the data extracts for each theme and considered whether they shaped patterns and coherence. Some themes had to be changed. Other themes fitted perfectly, but the data extracts had to be placed in, for example, a new theme (Braun & Clarke, 2006, p.91). I then proceeded to the second level and evaluated the validity of the individual themes in relation to the entire data set. The already generated thematic map had to be accurate and reflect the entire data set. I redefined my themes and re-coded my codes until the map fitted the data set (Braun & Clarke, 2006, p.91). The themes, and how they fitted together with the coded data, became clear after completing this phase.

Phase 5 – Defining and naming themes.

Phase five is all about naming the generated themes and defining them. While defining the themes, I had to understand how they contributed to the understanding of the data. To understand my themes, I identified the essence of the themes and accentuated aspects covered by the themes (Braun & Clarke, 2006, p.92). I identified the interesting parts of my data, and what it was that made them attractive. Furthermore, I conducted a detailed analysis of each

theme to ensure that they did not overlap with each other. To do this, I had to identify the stories behind every theme and how they fit into the overall story and into the research question (Braun & Clarke, 2006, p.92). I had already named my themes while creating them, but I could define them even further and find more appropriate names for them during this phase. Some of the names of themes had to be changed entirely to make them comply with the content. The names of the themes had to be refined to immediately give the reader a sense of what the theme was about (Braun & Clarke, 2006, p.93).

Phase 6 – Writing up the report.

The last phase of the thematic analysis is producing the report. The purpose of writing up the report is to tell the readers convincingly that your analysis is valid and of merit. “It is important that the analysis provides a concise, coherent, logical, non-repetitive and interesting account of the story the data tell - within and across themes” (Braun & Clarke, 2006, p.93). My report starts with a short introduction establishing my research question, sub-questions, and approach. My introduction section also includes a short explanation of the methodology. The report ends with a concise chapter that addresses the themes and summarizes the findings (Caulfield, 2020. Retrieved 16.05.2021).

3.4 Research quality

“Research which is not of sufficient quality to contribute something useful to existing knowledge is unethical” (Department of Health 2005: para. 2.3.1, cited in Bryman, 2012, p.144).

Reliability

Reliability and validity are two critical terms in research. These two criteria both form and evaluate the research quality. External reliability is the extent to which independent researchers can replicate the study. Internal reliability is achieved when multiple researchers observing the same phenomenon agree about what they see and hear (Bryman, 2012, p.390). This study collected data from people with different backgrounds, unique experiences, stories, feelings, and voices. It can be challenging to conduct the same study and replicate it because other researchers have to put themselves in the same setting and talk to people with the same experiences and backgrounds. Informants’ circumstances can affect them, and this again can affect their responses in interviews. Other researchers can conclude and replicate this study by interviewing people in the same situation. This study concluded with some of the same results

as other researchers without interviewing the same people. Therefore, replication of this study is possible. This study fulfilled the requirements for reliability by ensuring that it was conducted according to the rules of good practice (Bryman, 2012, p.390). Reliability was established in this study by, for instance, using questionnaires with the same topic in the interviews. The questions had to be formed differently depending on whom I was interviewing (for instance, the professionals or the child welfare users). Reliability was further established by recording and transcribing the interviews. All interviewees were anonymous in this research. A consent form was created and signed by everyone to ensure confidentiality (Bryman, 2012, p.136), increasing the reliability of this study. Therefore, other researchers can achieve the same results by conducting the same study because the results produced by this research method are consistent.

Validity

“Validity refers to whether you are observing, identifying, or measuring what you say you are” (Mason 1996: 24, cited in Bryman, 2012, p.390). Validity is an essential criterion in research (Bryman, 2012, p.47). Internal validity is whether researchers’ developed observations and theoretical ideas are compatible and believable. By being believable, the findings meet the credibility criterion (Bryman, 2012, p.49). External validity refers to the extent to which findings can be generalized across social settings and circumstances (Bryman, 2012, p.390). This research corresponds with reality and the social field that was investigated and is therefore externally valid. The results of this study can, to some extent, be generalized beyond the specific research context – they are transferable (Bryman, 2012, p.47). The interviewees that participated in this study were from different cities and places in Norway, and their responses to the questions matched other researchers’ results in similar studies.

Reflexivity

As researchers, we must evaluate ourselves and acknowledge our positionality in the research studies we conduct. Positionality is one of the basic elements of reflexivity (Jacobson et al., 2019, p.1). I had no personal or direct relationship to the field I investigated. That does not mean that I did not influence my research. Facets like citizenship, age, race, gender, or class that make up my social identity affect how I see, interpret, and understand the world and how it sees, interprets, and understands me. “The researcher is one of the main instruments for generating and analyzing data” (Jacobson & Mustafa, 2019, p.2). “Understanding our position, particularly in comparison to the social position of our participants, helps us to

understand better the power relations imbued in our research and provides an opportunity to be reflexive about how to address this” (Day (2012), cited in Jacobson & Mustafa, 2019, p.2). It is crucial to understand what we as researchers bring into the research we are producing. Then we can see our data in productive ways, and further, we are able to conduct the analysis creatively (Jacobson & Mustafa, 2019, p.2). Blix (2015) distinguishes between the “insider” and the “outsider” in research. An insider is, for instance, a researcher who himself is a member of the culture he is investigating, whereas an outsider is a member of the majority. An example of this would be an ethnic Norwegian investigating the indigenous people of Norway, the Sami, and the Sami culture (Blix, 2015, p.175-176).

Multiple participants in my research were older than me as a researcher, and they had plenty of experience within the field of child welfare and with emergency orders. When interviewing such people, I felt doubt and less experienced, which impacted how I asked questions. The first interview I conducted was to months before the rest of the interviews. I felt more confident and secure about myself, my research, and its purpose, when I conducted the last interviews. That might have influenced my results. Some facets of social identity are more influential over time and place, and the way they impact the research process is meaningful. My background as a member of a minority group in Norwegian society reflected how I interpreted my data material because I possibly understood the stories differently from, for instance, an ethnic Norwegian person. I had also never experienced being relocated as a child due to an emergency; this made me an outsider.

3.5 Ethical considerations

Ethical consideration helps to determine the difference between acceptable and unacceptable behavior. With ethical consideration, researchers prevent fabrication or falsification of data. I greatly appreciate knowledge and truth-seeking, which are the central purpose of my research. Ethical consideration is significant for issues related to data sharing, co-authorship, copyright guidelines, and confidentiality (CIRT, "Ethical consideration," n.d. Retrieved 14.03.2021).

Falsification occurs when research data is changed or excluded to support the researcher's claims or results. That includes changing or manipulating processes or materials. An example of this would be excluding information to back one's own hypotheses. Fabrication is when a researcher (or others) fabricates data. Fabricating data means adding or constructing false data that never occurred during the research. An example of this would be adding more data to the

information gained by the informants because they did not give enough information (Schienke, "2.1 Falsification, Fabrication, Plagiarism", n.d. Retrieved 16.03.2021). Plagiarism is when researchers use others' work and present it as their own (Schienke, "2.1 Falsification, Fabrication, Plagiarism", n.d. Retrieved 16.03.2021). Using the seventh edition of the American Psychological Association (APA 7) as a guide for citing provided the necessary information about my sources in both the text and the literature list at the end (Kildekompasset, n.d. Retrieved 16.03.2021). In this way, I avoid plagiarizing.

I included voluntary participation and informant consent as ethical aspects to ensure that all human subjects voluntarily chose to participate and were sufficiently informed on the procedures of the research project and any potential risks. The standards also protected the confidentiality and anonymity of the subjects (CIRT, "Ethical consideration," n.d. Retrieved 16.03.2021).

3.6.1 Ethical behavior

Ethical behavior is significant for collaborative work because it encourages trust, accountability, and mutual respect among researchers. Having standards are crucial for the public to believe in my research and to support it. I presented adequate information to all my informants to ensure that they knew what they were participating in and why, and so that they knew how I would use their personal data. This fundamental right is entrenched in Norwegian law. The obligation to inform research participants applies regardless of the requirement to gain consent. Since I talked to and gained information from young adults with sensitive stories and backgrounds, I provided information individually to assure them that they understood what they were consenting to and what consequences participation in this research could have.

3.6.2 The Norwegian National Research Ethics Committees

The Norwegian National Research Ethics Committees prepared some general guidelines for research ethics to use in research. These guidelines are A) Research, society, and ethics, B) Respect for individuals, C) Respect for groups and institutions, D) The research community, E) Commissioned research, and F) Dissemination of research (NESH, 2016). I only present the guidelines for research, society and ethics, and respect for individuals here because these are the most relevant for my thesis.

3.6.3 Research, society, and ethics

Under the first guideline: research, society, and ethics, there are a few points to consider while researching. The first one relates to the norms and values of research. As a researcher, I am obliged to comply with the recognized criteria of research ethics. Research activity is a quest for truth. The purpose of this activity was to achieve new knowledge with critical and systematic verification and peer review. To achieve this, I planned to be honest, open, and well-organized. Documentation is also a fundamental precondition (NESH, 2016. Retrieved 25.03.2021). The second guideline for research ethics is the Freedom of research (NESH, 2016. Retrieved 25.03.2021). This Freedom contains the Freedom of choice of the topic that one wants to research, the method one wants to use, the implementation of research, and the publication of results. Commissioned research gives the commissioning agency the right to define many things, including the topic, the research question, and the scope of the research assignment with the researcher. This did not apply to me and my research (NESH, 2016. Retrieved 25.03.2021).

Responsibility for research is the third guideline. In research, there should be freedom from control and constraints. Researchers and research institutions must exercise responsibility for trust in research (NESH, 2016. Retrieved 25.03.2021). The last guideline prepared by The Norwegian National Research Ethics Committees concerns the responsibility of institutions. Research institutions are supposed to prevent misconduct and promote research ethics guidelines (NESH, 2016. Retrieved 25.03.2021).

3.6.4 Respect for individuals

Respecting human dignity is essential, and researchers' work must be based on this because of the close connection between human dignity and individual inviolability. Privacy is also important to respect (NESH, 2016. Retrieved 26.03.2021). A researcher must respect participants by giving and respecting autonomy, integrity, freedom, and the right of co-determination (NESH, 2016. Retrieved 26.03.2021). I had to familiarize the participants with information about my research, how I would use the data, the purpose of the research, and the participation consequences. The following obligatory requirement is to inform the subjects and to gain consent: Participation shall be voluntary, explicit, informed, and documentable (NESH, 2016. Retrieved 26.03.2021). Confidentiality is another requirement. I process all private data confidentially. Personal data collected cannot be re-used for other research without consent from participants. The data must be stored responsibly and not for longer than necessary (NESH, 2016. Retrieved 26.03.2021). As a researcher, I am responsible for

ensuring that the respondents do not get harmed by the research. Children and young people are entitled to protection (NESH, 2016. Retrieved 26.03.2021).

3.6 Limitations

Limitations exist in all research, and my research is not an exception. The most significant limitation in my research was not finding enough informants, and this made it difficult to conduct this study. However, I managed to find alternatives, such as employees from the Child Welfare Services that are present when moving children after emergency orders are issued. It was challenging to find child welfare workers who wanted to participate. The Child Welfare Offices that responded to my invitations had their own projects that they wanted to focus on rather than freeing up time for me as a student. I got the same answer from several offices. The few who chose to participate gave me plenty of valuable data. I approached organizations that work for child welfare users who are concerned with highlighting child welfare children's stories. However, these organizations did not have the opportunity to either participate or contact former child welfare users on my behalf. Several interested people withdrew, which led to more limited time for me to recruit other participants.

My research does not apply to all child welfare users or all child welfare administrations; it is not generalizable. As a student with time limitations, limited resources, a full-time job, and responsibilities, I could not conduct more extensive research within this particular field. Recruiting participants without inviting them to participate directly has been a challenging and time-consuming task. I imagine that other researchers have similar challenges. If all research is put together, maybe it is possible to find better and more robust solutions to increase children's participation in their own lives.

All interviews were conducted in Norwegian because it is the primary language of all informants and for me as the interviewer. My choice created better flow during the conversations but required a lot of work during translation from Norwegian to English. Parts of the Norwegian translations may be different from the English translation. However, I have managed to bring out the main points, which have been a valuable contribution to my assessment and explanation of my results.

4. Literature review

4.1 Introduction

How is the situation regarding children's participation in cases related to the Norwegian Child Welfare Services today compared to earlier years? Has Norway become better at listening and speaking to children in cases regarding them, or do we still have a long way to go? How big is the difference between the involvement of children in the 90s and today? Are there solutions that Norway should use to ensure increased participation and involvement of children in current practice?

I reviewed various research, reports, and studies regarding children's participation in emergencies and will discuss them in the following sections. Table 1.1 below presents how the literature search was completed and what the results were. A lot of the literature used was retrieved from the literature lists in relevant reports and official documents on the subject.

"CTRL + F" helped me search for relevant words or phrases in the literature I read through.

By doing this, I found the information I needed efficiently.

Database	Keywords	Search language	Time period	Evaluation	Field	Results
Oria Advanced search	Barns medvirkning i akutte saker	Norwegian	2015 - 2021	Peer-reviewed journal. Open access.	Law and social sciences	1 (22.05.2021)
Oria Advanced search	Children's participation in urgent matters	Norwegian and English	2015 - 2021	Peer-reviewed journal. Open access.	Law and social sciences	1413 (22.05.2021)
Oria Advanced search	Barnevern AND akuttvedtak	Norwegian and English	2015 - 2021	Peer-reviewed journal. Open access.	Law and social sciences	22 (22.05.2021)
Oria Advanced search	Akuttvedtak AND medvirkning	Norwegian and English	2015 - 2021	Peer-reviewed journal. Open access.	Law and social sciences	8 (22.05.2021)
Oria Advanced search	Participation AND Children AND "Child welfare services"	Norwegian and English	2015 - 2021	Peer-reviewed journal. Open access.	Law and social sciences	459 (22.05.2021)

Table 1.1

4.2 Incorporation of Article 12 of the UNCRC in Norwegian legislation

The General Comment to Article 12 of the UNCRC highlights the significant progress made in the development of legislation, politics, and methods for promoting children's rights and increases the likelihood of the article's implementation in national law. Progress in this development has occurred at local, national, regional, and global levels in Norway. In Norwegian legislation, children's right to be heard, informed, and to express themselves is well incorporated. To ensure that Norway complies with the ratified conventions and protocols, the Human Rights Act was adopted. The Human Rights Act of 1999 aims to strengthen the human rights position in Norwegian law (Human Rights Act, 1999, section 1). Appendix 8 to the Human Rights Act makes the UN's additional protocols applicable in Norwegian law. Section 3 of the Human Rights Act specifies that when a conflict appears with other legislative provisions, the provisions of the conventions and protocols that Norway has ratified must take precedence over them (Human Rights Act 1999, section 3).

Section 6-3 of the Child Welfare Act and Section 104 of the Norwegian Constitution introduce children's rights to be informed and to express their opinions in matters affecting them. Section 104 covers the child's claim to respect for his or her human dignity, the right to be heard, and the emphasis on the child's opinions. Section 104 is directly related to the principle of the child's best interests (Langford et al., 2019, p.27). The child's best interests' principle is enshrined in the Child Welfare Act section 4-1 and Article 3 of the UNCRC. Consideration of the child's best interests must be a fundamental starting point for all decisions made. It has to be considered carefully in all cases (UNCRC, 2013, p.10), which means that the public sector is legally obliged to consider children's best interests. There is no room for discretion to assess whether the child's best interests should be evaluated and given the right weight in implemented measures (UNCRC, 2013, p.10). In order to determine what is in the child's best interests, the child's views must be taken into account (Bunkholdt & Kvaran, 2015, p.47).

Section 31 of the Norwegian Children Act emphasizes children's right to co-determination in decisions concerning personal matters, including the child's place of residence and contact with parents. Norwegian legislation meets the requirements for the child's right to information and expression through the incorporation of the UNCRC as part of Norwegian legislation.

The regulations on participation and fiduciary of 2014 define participation (Forskrift om medvirkning og tillitsperson) in Section 3 of the regulations. Sections 4, 5, and 6 of the regulations apply to the child's right to information and that the child receives an adapted opportunity to participate in a safe environment. Section 17 of the Public Administration Act constitutes an obligation for assessment and information gathering. Section 17 requires that the public sector ensures that all necessary information is clarified and that cases are as well-researched as possible before a decision is issued (Public Administration Act, 1970, section 17).

Norwegian law requires that administrative bodies ensure minors have opportunities to express their views as this is a way of obtaining necessary information. Administrative bodies are thus obliged to obtain all necessary information before making a decision. In situations that require quick decisions, cases must be dealt with thoroughly because significant interventions can be difficult to reverse if something turns out to be wrong. Cases must be assessed individually and adapted based on the nature of the case type (Oppedal, 1997, p.233).

The UNCRC's General Comment to Article 12 states that "the Committee discourages state parties from introducing age limits either in law or in practice which would restrict the child's right to be heard in all matters affecting her or him" (UNCRC, 2009, p.6-7). Nevertheless, Norway has introduced a lower age limit in its legislation. The UNCRC's General Comment is intended as a guideline and is not binding under international law (Søvig, 2009, p.36). In contrast to the Constitution's Section 104 and the regulations on participation and fiduciary Sections 3, 4, 5, and 6 that do not set any age limits in the legislation, Section 6-3 of the Child Welfare Act and Section 31 of the Children Act do set an age limit of seven years for children. Thus, children who are seven or younger, who can form their views by themselves, must be informed and given an opportunity to express themselves in matters that affect them. The emphasis on children's opinions must be in accordance with children's maturity and age.

Article 12 of the UNCRC is central in cases involving the relocation of children under an emergency order because the information obtained from children in such cases can be relevant, important, and crucial to further decisions and measures. In Søvig's (2009) review of whether Norwegian legislation meets the requirements of the UNCRC, she comments on Article 12 of the UNCRC. Article 12 provides children a right of expression in cases regarding them, but it does not give them any right to self-determination (Søvig, 2009, p.195).

By applying the UNCRC as Norwegian legislation and in precedence over other laws and regulations made by the Norwegian Parliament (*Stortinget* in Norwegian), one can ensure meeting the convention's requirements in Norway (Søvig, 2009, p.193). Søvig explains Norwegian legislation as a pyramid where the Norwegian Constitution is at the top, and the UN conventions are next. At the bottom are the "ordinary" laws by the Storting. If a disagreement or a conflict arises between the laws applying to a specific case, the laws with the highest rank take precedence (Søvig, 2009, p.193).

4.3 Children's voices in emergency cases before the Norwegian law revision in 2003

The Research Council of Norway directed a project from 1994 to 1996. The book *Barnevern på barns premisser* (in English: Child Welfare on Children's Premises) explains the project, and it is a central and vital publication in child welfare. The quantitative survey used in the project assessed whether emergency orders corresponded to the law's intervention conditions and whether case-processing rules were followed (Oppedal, 1997, p.232). Lawyer and Professor Emeritus at the Department of Social Sciences, Mons Oppedal, conducted a case study and a follow-up study in this project. The case study examined how children were described in decision letters regarding emergency orders (Oppedal, 1997, p.234).

Oppedal's study revealed that there was minimal information about the child's situation in the decision documents. In several cases, child welfare workers described the children based on gender and age or by the cause of exposure. The latter are actions performed by the parents and not the child him or herself. Children were described concretely in 212 of the 307 cases examined (Oppedal, 1997, p.235). Children's reactions concerning the emergencies and relocation were dealt with in only a few cases (Oppedal, 1997, p.236). The Child Welfare Services involved considered alternative placement and the child's relocation burden in only 25% of the investigated cases. In 8% of the cases, the information was unclear. In the rest of the 67 % remaining cases, such matters were not assessed (Oppedal, 1997, p.236). When moving children under an emergency decision, there is a high risk of crisis reactions and strains associated with the process. Such reactions can be severe if the Child Welfare Services does not pay enough attention to them (Bunkholdt & Sandbæk, 2008, p.225). In emergencies and care orders, preparations and planning that need to occur before moving fall away, leading to a shocking and dramatic event for the child (Bunkholdt & Sandbæk, 2008, p.225).

Andenæs et al. found in their project (2001, 2003) that most placements occur in emergencies, even in assistance measures. If most care orders take place in emergencies, it may indicate that many children are neither informed nor prepared before the placement occurs (Oppedal (1997) cited in Bunkholdt & Sandbæk, 2008, p.225). Most of the placements from Oppedal's survey happened abruptly. However, the Child Welfare Services knew of the families beforehand (Oppedal, 1997, p.235). In the follow-up of this study, the researchers found a lack of sufficient contact with children after making emergency decisions, which indicates that further follow-up of children and their strains and crisis reactions, received little attention (Oppedal, 1997, p.237).

4.4 Participation or a formality? Children's voices in ordinary child welfare cases

There is a problem with the lack of consideration of children's views and the absence of "due weight" when making decisions, as the UN Committee on the Rights of the Child stated in General Comment Number 12. Conversations between the public sector and children lack quality (Bakke & Holmberg, 2014, p.17). Conversations that take place are experienced as formalities, not as participation. Oppedal concluded in his doctoral dissertation (2007) that the public sector rarely heard children under twelve years of age, but they heard them more often as they became older. Children were also heard to a greater extent during the follow-up process than in the emergency process itself (Oppedal cited in Bunkholdt & Sandbæk, 2008, p.225). Children's opinions were given weight in the assessments when obtaining their opinions. Oppedal also assumed that listening to children between the ages of seven and eleven occurred more often after this became mandatory, cf. Section 6-3 of the Child Welfare Act (Oppedal cited in Bunkholdt & Sandbæk, 2008, p.225). He believed that there was still a reason for concern because parents and children were not involved enough. Many decisions were easily approved, and the appeals system was not effective and accessible enough. Collected data show that the situation in 2007 and 1994 was not significantly different. A notable change was that far more emergency decisions were made in 2007 than before. Thus, more children and parents were exposed to the system's weaknesses and shortcomings at that time (Oppedal cited in Bunkholdt & Sandbæk, 2008, p.225).

Former child welfare worker and sociologist, Øivin Christiansen, is among those who have researched children's participation in child welfare cases. In his 2012 article about children's participation in child welfare cases, he explains that the system does not talk to children. In the 1990s, Christiansen, Havnen, and Havik (1998) investigated 90 cases involving children

aged seven to seventeen. 50% of the children between seven and seventeen years of age were interviewed. In addition, the researchers interviewed four children out of 25 between seven and thirteen years of age during their investigation (Christiansen, 2012, p.21). The practice at that time was not to talk to children. In a survey conducted in 2009 by Vis and Thomas, it was found that even when children participate in decision-making processes, their opinions do not necessarily impact the decision in the case (Vis & Thomas, 2009). In the survey by Vis and Thomas, caseworkers reported that they managed to achieve actual participation in 20 of 43 cases. The researchers used an operational definition of the term "participation" based on two criteria. The first criterion was whether the child had a certain understanding of what was going on and expressed his views on the decision (Vis et al., 2012, p.9). The second criterion was that the child's participation must have influenced the decision. The main thing that influenced participation was whether the child had attended meetings during the decision-making process or not (Vis et al., 2012, p.9).

Children as active creators of meaning versus children as objects of change is an often-identified view. We can see child participation in light of the relationship between child liberation and the approach of paternalism. The liberator will let the child decide for himself, while the paternalist believes that adults know what is in the child's best interests (Opdal (2008) cited in Vis et al., 2012, p.9). Sanders and Mace (2006) argue that the complexity of this relationship has created challenges for the progress of children's participation in child welfare. However, progress is achieved in other disciplines (Sanders and Mace (2006) cited in Vis et al., 2012, p.10). Research shows that child welfare workers find it difficult to talk to children about complex issues, which increases challenges and creates obstacles for children's participation and involvement (Strandbu, 2011).

Through a content analysis of 50 child welfare cases from 2000 and 50 cases from 2009, Berit Skauge investigated whether changes in legislation, organization, and professional tools with increased participation from children led to the needed child participation (Skauge, 2010, p.100). Her findings suggest the opposite occurred. Children participate too little despite changes in the law regarding children over the age of seven having an unconditional right to express themselves and be informed. Children's participation was not visible enough in the documents, and the decisions were made without considering what children themselves thought (Skauge, 2010, p.100). Skauge discovered that 41.2% of the children's opinions in 2000 were documented, while in 2009, only 27.1% had their opinions documented and thus given due weight as required by legislation (Skauge, 2010, p.65). Children and their needs

were more focused in 2009 than in 2000, although they were less included in the processes (Skauge, 2010, p.6). Through focus group interviews, Skauge presented the child welfare workers' views on the topic. They claimed that they talked a lot with children, although it was not documented in writing. Skauge believes this is about priorities (Skauge, 2010, p.74). Through her own and others' research, Astrid Strandbu presented factors she thinks are significant for children's participation. The first is that caseworkers are afraid that participation may put tremendous strain on children. The second factor is the lack of sufficient competence to communicate with children and talk about complex issues. The third factor is that child welfare workers lack suitable structures in their working methods to give children actual participation (Christiansen, 2012, p.24, Strandbu, 2011).

4.5 Children's participation in emergency cases

In Bergli's dissertation (2017) regarding the children's right to be heard and participate in emergency cases, he found that child welfare practices were not compatible with the recommended practice from international research. Bergli discusses how children's participation in urgent cases can affect them (Bergli, 2017, p.19). For instance, it is not certain that children are mentally or physically ready for a conversation in emergencies because it can cause trauma for them (Bergli, 2017, p.20). He emphasizes the importance of communication in such conversations to ensure child protection, support, information, and not least to give the child the opportunity to express his or her views and feelings through his or her own opinions. Communication must take place in a reassuring way to avoid re-traumatization. Strandbu's theories about child welfare workers' relationships and perceptions of such meetings with children can be included here. Improper communication or lack of information can quickly burden children further and is not necessarily what is referred to as real participation (Christiansen, 2012, p.24; Strandbu, 2011; Bunkholdt, 2018).

Moving children from their familiar surroundings entails a developmental risk for a child (Bunkholdt, 1990, p.52). The security and stability a child know are most often associated with the parents. Therefore, a separation from the parents can be extra stressful for a child with a secure attachment (Bunkholdt, 1990, p.51). Stability in care is about having caregivers who help to make children feel confident that they will be understood, cared for, and accepted. Parents or caregivers must therefore be both predictable and reliable. They must establish fixed and consistent boundaries, and physical and mental presence must not vary too

much (Follesø et al., 2006, p.102). For child welfare workers to interact with vulnerable children in vulnerable and demanding situations, they must know and understand children, their reactions, and stress management (Bergli, 2017, p.26).

4.6 Children's own views and participation

In 2017, Save the Children published a report addressing how children in Norway experience the "pick-up" in emergencies, how it can be experienced more gently, and whether there are measures that can prevent the care situation from becoming so severe that emergency orders become necessary (Bjune et al. & Save the Children, 2017, p.7). Firstly, the suggestion for this question is that child welfare workers must have sufficient competence in trauma-sensitive care and how to take care of children emotionally in stressful situations. For this to be possible, one must focus more on creating safety and predictability for the child. It is essential to spend more time on the latter than moving children immediately (Bjune et al. & Save the Children, 2017, p.29). The report aimed to find solutions to emergencies without children experiencing them as urgent matters and also, avoiding dramatic situations (Bjune et al. & Save the Children, 2017, p.7). The report proposed several solutions that could protect children when such situations arose, such as allowing children to decide what to bring along from home. This type of action can give children a sense of control in an otherwise difficult, dramatic, and chaotic situation. Such a simple solution can also help maintain a connection to what is known and normal for the child. According to special educator Elin Mellingsæter, this way of approaching and involving children can lead to a less chaotic experience. The child can have something known to hold on to during the emergency process (Bjune et al. & Save the Children, 2017, p.30).

The Save the Children researchers collected data through interviews with children, child welfare workers, teachers in schools, employees in kindergartens, and professionals in the child welfare field. The children and young people interviewed expressed emergency pick-ups, either from school or from home, as frightening and painful. The relocation was an extra burden for them even when they agreed with the relocation decision (Bjune et al. & Save the Children. 2017, p.3). The common factor amongst the children was that they experienced the pick-up itself as abrupt and sudden, and they had little or no time to prepare for what was to happen (Bjune et al. & Save the Children. 2017, p.5). They did not understand why it was suddenly urgent to move them (Bjune et al. & Save the Children. 2017, p.5), which indicates

that they were not sufficiently talked to or informed. If the children were spoken to as legally required, they would have had a better understanding of the relocation. The situation would have been less shocking and burdensome, and the repercussions would probably have been significantly reduced. Several children and young people stated that they wished the emergency order had been delayed, for instance, for a few days until a better solution was made for the pick-up and the relocation. This would have given them more time to understand what would happen and why (Bjune et al. & Save the Children, 2017, p.8). Both children and adults have recommended asking questions about how urgent the relocation is and who it is most urgent for (Bjune et al. & Save the Children, 2017, p.8).

The first part of the Save the Children report states that there is an impression that child welfare workers, the child welfare administration, and the police often benefit from having gone through emergencies several times. Such confidence and experience among employees can benefit children and young people. Facilitation should be made for a child's participation throughout an emergency process, although some may perceive this as more challenging than ordinary cases. Children have a right to information and participation. Facilitation should ensure that children understand the situation and what will happen next and that they have a chance to contribute on their own terms (Bjune et al. & Save the Children, 2017, p.30). Facilitation can also help to make a situation more precise and controllable for a child. Other important actions are clarity and honesty. Lying to children about a situation and relocation does not improve a child's stressful situation. A child may have noticed, for example, that his or her parents are intoxicated. If child welfare workers choose to inform the child about this honestly and clearly, the child's perception of reality can be confirmed (Bjune et al. & Save the Children, 2017, p.30). The child can be assured that the parents will also receive help and that everyone will be cared for. Furthermore, this can be a relief for the child as children tend to worry when they do not understand what is going on. Lying to children can lead to more uncertainty because the received information may not match their reality and what they already know.

Another way to handle emergencies better is when deciding to move a sibling group. The group can move and stay together and, by doing this, the siblings experience more safety than if they are separated. When siblings are allowed to stay together, parts of the continuity of their lives will be maintained. Continuity means uninterrupted connection and is about being surrounded by people and keeping those same people later in life. Images and memories are also sources of continuity (Bunkholdt & Kvaran, 2015, p.270). If there is a break in

continuity, one will experience pain, deficiency, and emptiness (Follesø et al., 2006, p.101). The UN guidelines state that children should not be separated from siblings unless there is a clear risk of harm or other considerations justified by the child's best interests (Bjune et al. & Save the Children, 2017, p.31). Children must get an opportunity to talk about an incident. They must be followed up afterward - preferably with someone who also took part in the emergency pick-up and who can confirm the child's experiences. Children must be allowed to participate in decisions: When will they be moved, and how? Not all children disagree with a decision itself, but there may be disagreement about the process of implementing the decision (Bjune et al. & Save the Children, 2017, p.30). Children who do not want to move must also be heard. They need to be respected and listened to when providing information about moving.

In the Save the Children report from 2017, an eleven-year-old boy was interviewed. He explained his reaction to the emergency pick-up, and how the present police controlled him with their power. This particular case and family were already known to the Child Welfare Services, and it would have been possible for them to prepare properly in advance. Involving both the parents and the child in the planning could have been an opportunity to reduce any adverse reactions from the child (Bjune et al. & Save the Children, 2017, p.31). A family group conference may be the best way to prepare a child for pick-up and relocation, or to maybe develop a better and less traumatizing solution. In family group conferences, child welfare workers talk to the family about what can happen, and they can use examples of scenarios so children can express what they think. Even when children disagree, they can be more prepared for what is going to happen. If children do not get an opportunity to get involved in preparations, they should have enough time to understand, react, express themselves, and calm down (Bjune et al. & Save the Children, 2017, p.33). Lawyer and professor Mons Oppedal emphasizes that emergency placements do not have to happen on the same day but can and should take longer, for example, by letting children spend the night with acquaintances (interview with Save the Children in 2017). According to Oppedal, acquaintances are rarely used because moving children to institutions or foster families is more accessible and easier than cooperating with families in such situations (Bjune et al. & Save the Children, 2017, p.33).

By gathering a child's network and family, one can, during a conference, prepare effective and constructive plans to take care of a child in the best possible way. One can increase the chances of finding reasonable solutions that can feel "normal" for a child and reduce stress in

a situation that would otherwise be uncontrollable and filled with stress and anger. This kind of measure can prevent repercussions and create trust and good cooperation between the Child Welfare Services and the family (Bjune et al. & Save the Children, 2017, p.34).

The Save the Children report confirms that there is insufficient knowledge about children's participation in urgent situations and it suggests useful measures for children in such situations. Interviews with children who were urgently relocated after the Norwegian law revision in 2003 in the Child Welfare field contribute to knowledge of the current situation and practice. The children interviewed talk about how life has gone badly for them because they did not understand what had happened. The events occurred abruptly, and they had no time to prepare. Many children expressed how they wished they had received more information. They also felt that, even if they had agreed to move, the facilitation and handling of the situation could have been better. In most cases, the children had either not received enough or correct information; they had not been allowed to provide information, or both their rights to receive and provide information were violated.

The children in the Save the Children report got to talk about their crises. This is a relevant contribution to the child welfare field to share their opinions and life experiences with professionals and employees who work for their best interests. Increasing knowledge and coming up with new solutions and methods to use and implement are positive ways of moving forward. Oppedal believes that there is insufficient knowledge about emergencies. This statement is from 2017 and is still relevant today, even with all the increased attention around children's participation and right to information. The increase in the number of emergency placements is because, in recent years, there has been an increased focus on violence and abuse in families. This has probably contributed to more people reporting concerns to the Child Welfare Services (Bjune et al. & Save the Children, 2017, p.18). It appears from the report that this increased focus has led to more child welfare workers being afraid of not acting quickly enough and getting involved in situations where children live in severe neglect too late (Bjune et al. & Save the Children, 2017, p.18).

A strength and a weakness with the Save the Children report is that children themselves had to make the first contact to share their experiences. Such an opportunity is valuable because children do not feel pressured to participate. However, they must make contact themselves, which means that you get a bias in the experiences collected. The children interviewed do not represent all types of emergency pick-ups. For instance, children with the worst experiences may feel a substantial need to share these. This weakness makes the results non-generalizable.

Non-generalizable results do not apply to everyone, which means that the reality is undoubtedly different for many children. There are probably children who have not experienced an emergency move as dramatic and abrupt, and then one may not have gained their perspectives (Bjune et al. & Save the Children, 2017, p.8). Positive experiences can also be relevant in such a report. One can compare how the situations are handled and perhaps suggest better measures and solutions based on both the good and bad experiences. Another strength in the report is that children themselves set the premise for what they wanted to talk about, and that can increase their chances of opening up and sharing their experiences (Bjune et al. & Save the Children, 2017 p.9).

4.7 Communication in dialogue with children

The Norwegian article "Children's participation in care orders", by Lene Holmberg and Inger Marie Bakke, describes a study of children's experiences in the Child Welfare Services' care orders. Care orders are issued when it is decided that the child can no longer live with her or his parents due to unacceptable living conditions. The county social welfare boards can decide that the child's daily care is given to the municipality (Fylkesnemndene, Care order. Retrieved 14.06.2021). The article is based on qualitative research in which five children aged twelve to 16 share their childhood stories and experiences from the care takeovers they went through. The methodological approach in the study is their stories. The experience of participating in the process through and towards the first relocation is central to the study. Participation and recognition are two terms in the article. The researchers use and confirm literature in the field when explaining that children's perspectives are not very visible in care takeovers, even though both professional and political changes were made in Norwegian legislation as a result of the ratification of the UNCRC in 1991 (Bakke & Holmberg, 2014, p.5). Children's participation is almost trifling (Christiansen, 2012, p.22), even when the decisions affect them significantly (Bakke & Holmberg, 2014, p.5).

The children interviewed felt that they were not asked anything and, therefore, their opinions did not come out. They had an insight into the situation they were in and wanted to tell their story (Bakke & Holmberg, 2014, p.4). The answers and consents were based on what children thought adults wanted to hear because they wanted to avoid aggravating their situation. The children assumed they had two choices, either accepting what they were told or being forced

into something they did not want. That is how they perceived the situation. Adults allied themselves, and the children felt let down (Bakke & Holmberg, 2014, p.12).

It appears from the children's statements in the survey done in the study by Bakke and Holmberg, that the communication between the children and the public sector was not good enough (Bakke & Holmberg, 2014, p.4-17). Poor communication violates Section 6-3 of the Child Welfare Act, which gives children a right to express themselves and to be informed during proceedings. The children were affected by the events in their lives. If the Child Welfare Services and other public bodies that the children were in contact with had taken the legal basis into account to a greater extent, the children's lives would probably have been different. They would have felt greater ownership of their own lives, had greater control and been more aware of the choices made for them. They would not have felt let down. The researchers discovered that the children developed guilt that could have been reduced or processed if the entire process and communication with them had been different and if the legislation had been practiced to a greater extent (Bakke & Holmberg, 2014, p.15). The children felt guilty, but also that they had to take on too much responsibility.

4.8 Do children participate today?

The Norwegian Institute of Public Health (FHI) conducted a systematic mapping overview on behalf of the Norwegian Directorate for Children, Youth, and Family Affairs, hereby referred to as *Bufdir*, the Norwegian name for the directorate. It was concluded that there was limited research on the effect of user participation in individual child welfare cases or services (Ormstad et al., National Institute of Public Health, 2020. p.36).

Through assignments, Bufdir had another report done with the aim of increasing knowledge about children's and their parents' participation in general decisions made by the Child Welfare Services and in the investigation process, to preserve participation in the best possible way (Havnen et al., RKBU North, 2020). Through statistics, interviews, and text analyses, the study focused on cases where the Child Welfare Services involved children and parents, how they were carried out, the family's influence, and the experiences of being investigated by the Child Welfare Services. The survey cases concerned children in the age group 0 to 17 years, but parts of the survey were limited to children from six years of age and older (Havnen et al., RKBU Nord, 2020. p.3).

The Bufdir survey results showed that the Child Welfare Services included children in the process but that not all children had been allowed to express themselves. The cases where children were not allowed to speak were lacking in documentation about why the Child Welfare Services had not spoken to them. The report revealed that the Child Welfare Services often talked to children when the concern involved physical abuse and domestic violence and less often to children regarding parents' substance abuse and mental difficulties (Havnen et al., RKBU Nord, 2020). p.3). This shows that the Child Welfare Services, to a greater extent, investigate notes of concern involving violence because this topic is in greater focus. Many conversations involve examining the conditions in the home, where a child's opinions are less requested (Havnen et al., RKBU Nord, 2020). p.4). Furthermore, the study concluded that measures were implemented more often when the Child Welfare Services conversed with a child than when there had not been a conversation at all (Havnen et al., RKBU Nord, 2020). p.4). This result indicates that the children's lack of participation in their cases led to fewer measures, which may mean that the children and their families may not have received the necessary help that they needed and required.

The fact that some children were not allowed to express their views violates Article 12 on the child's right to be heard. It is likewise a violation of Section 7 in The Regulations on Participation and Fiduciary. Bufdir's report emphasizes that this practice is contrary to the legislation and the recommended practice in the period the data material was obtained from (Havnen et al., RKBU Nord, 2020, p.3). Based on UN General Comment Number 12, State parties that have ratified the Convention must guarantee children's right to express their views freely. Moreover, they are obligated to introduce measures to ensure that this right is fully implemented for all children who are able to form their own views in all matters concerning them.

Bufdir's report does not address the type of cases in question, and it is not possible to claim that this report also applies to children relocated due to emergency orders. The proposition to the Storting (draft resolution) no. 106 L (2012-2013) states that when a child is in a vulnerable situation and measures are required to be implemented immediately; the Child Welfare Services have a right and a duty to intervene (Prop. 106 L (2012-2013), p.141). In such circumstances, the Child Welfare Services make temporary emergency decisions. The child's right to participation must be adapted to the situation and not conflict with the need for prompt action by the Child Welfare Services (Prop. 106 L (2012-2013), p.141).

Moreover, preventing the right to be heard from conflicting with the actions of the Child Welfare Services can be interpreted in multiple ways. For instance, this proposition opens up the limitation or prevention of children's right to express themselves in emergency decisions. Implementing decisions and actions must be taken fast if there is a suspicion of severe neglect. Therefore, one cannot require emergency orders to be as thorough as ordinary decisions (Oppedal, 1997, p.233). This assumption explains why children do not get the opportunity to express themselves. Children with their strains and reactions still have to be seen. Before implementing emergency orders, we should develop better measures or strategies that ensure children's right to express themselves. This could further lead to more information regarding the situation and could help to avoid severe and unnecessary encroachment on private life.

Communication must be appropriate for children in exposed and vulnerable situations. Children may provide highly helpful and relevant information that adults or social workers are not necessarily aware of. Such information may be decisive for decisions and may even lead to different decisions being made. A good relationship between a caseworker and a child can make a child feel protected. A safe relationship is essential for a child to have the opportunity to say what he or she believes (Vis, Holtan & Thomas, 2012, p.13). What children express in the form of words will often reflect their feelings. It can be challenging to create a relationship in emergency cases, but it is crucial to see a child, his or her reactions, and his or her behavior. Children can react in particular ways in front of their parents, indicating that they are scared, or the behavior can be loving because the children feel safe with their parents? Behavior can reflect emotions as much as words.

4.9 Suggestions for increased child participation

VID Specialized University prepared a sub-report from the project "Family group conferences when it is urgent to find a solution." Slettebø et al. have, through quantitative and qualitative research, tried to answer questions regarding Family group conferences (FGC) in urgent child welfare cases. Some of the questions answered are whether FGC, in urgent situations, contributes to strengthening relationships in and around families and whether it contributes to continuity in a child's relationship with other important people. Other questions pertain to how children and families can participate when using FGC in urgent situations and whether participation is appropriate. To explain further about FGC, a *family group conference* is a method used to find solutions to a family conflict. In a family group conference, the extended

family is included in a meeting with relevant public bodies. FGC intends to implement a solution in collaboration (Heino, 2009, p.13). Such collaboration includes the child, the family, and their network in this process, and aims to strengthen children's right to participation. According to Bufdir, FGC strengthens the users' influence and contributes to providing information (Bufdir, Family Council, published 12.02.2015, retrieved 22.04.2021). The family group conference mainly consists of a family council meeting. This process is divided into three steps: planning, implementing the family council, and the follow-up afterward (Heino, 2009, p.15).

In Norway, FGCs are one of several measures offered by the Child Welfare Services. During family group conferences, the child must be in the center of the process. To ensure that children are taken care of and can share their views, they must have their own fiduciary. Wikipedia's definition of a fiduciary is "a person who holds a legal or ethical relationship of trust with one or more parties" (Wikipedia, *Fiduciary*, edited January 2021, retrieved 23.04.2021). The fiduciary duty to someone requires that the person with the duty act in the other person's interests (Cornell law school, *fiduciary duty*, n.d., retrieved 17.06.2021). Children and their families can get help from a coordinator to find the right fiduciary, but children choose the person themselves. A caseworker presents the meeting, prepares questions in collaboration with the child and the family, and implements and follows up the plan. Professionals can also be invited to attend the first part of the meeting. Such professionals can, for instance, be schoolteachers, the health service, or others who know the child and the family and who may speak about the situation (Bufdir, Family Council, published 12.02.2015, retrieved 22.04.2021).

FGC has long been used in New Zealand. The development of this method served as a solution for several challenges in the country. The indigenous people - the Maori, had a much worse average situation than other inhabitants (Heino, 2009, p.11). They had the lowest level of well-being in several dimensions: their economy, living situation, education, health, and unemployment. In addition, they were under white governance that made decisions on their behalf, which did not lead to many positive results. Their children were overrepresented as "child welfare users" and were those placed in institutions. Similar statistics show that minority children under public care make up a majority in other countries as well (Heino, 2009, p.11). Research on inequality regarding children returning home showed that more white children returned home than black and Latino children.

The purpose behind the FGC in New Zealand was to emphasize the family's and the network's responsibility for the care of children and young people in the child welfare system (Hyrve, 2004, p.13). This decision-making method focuses much better on children, promotes their rights, and is used in several countries (Heino, 2009, p.14; Hyrve, 2004, p.13). The model empowers children and ensures their participation in the decision-making process. Slettebø et al. conclude that using FGC in emergencies contributes to strengthening relationships within and around the family and between the Child Welfare Services and the family (Slettebø et al., 2020, p.82). FGC contributes to continuity in the child's relationship with important other people by either moving out the parents from home instead of moving the child; or moving the child to relatives and network. In this way, continuity can be maintained in children's relations, and relocations can be completed more gently than applying or placing them in governmental measures. In addition, FGC may contribute to preventing unnecessary relocation. In contrarily, if the FGC occurs too late, the consequences for the child will be negative (Slettebø et al., 2020, p.82). Participation is appropriate and necessary in FGC because it facilitates contact and develops relationships with extended family members. Such participation leads to better communication and relationships within the family. It creates opportunities for influence and contributes to increased self-effort to find solutions to the challenges (Slettebø et al., 2020, p.22).

Slettebø et al. (2020) compared the use of ordinary FGCs and FGCs in connection with urgent situations. The results indicated that children and parents participate less in urgent FGCs. However, more thorough preparations by the follow-up FGC meeting compensated for the lack of participation in the first meeting. People involved in the second FGC meeting had an opportunity to develop better relationships ahead of the meeting (Slettebø et al., 2020, p.83). Another crucial question that the researchers tried to solve was whether the use of FGCs in urgent situations led to fewer government measures being implemented. The use of FGCs in urgent situations led to good facilitation so that children could continue living at home instead of implementing government measures. On the other hand, holding FGCs too late or against a family's and a child's will can have a negative effect (Slettebø et al., 2020, p.7). Several informants in the project were critical of the implementation of FGCs after urgently moving children in governmental measures, for instance, to child welfare institutions, because the extended family could have cared for the child (Slettebø et al., 2020, p.76-77).

There are many indications that family counseling should be used to a greater extent because it improves the relationships within a family. Arranging a meeting where professionals and

families are present to find solutions, with a child as the primary person, can give a child an opportunity to express him or herself in a way that he or she would otherwise not do. The child can be heard, seen, and understood, and his or her influence and contribution in such meetings can prevent urgent relocations. Following up with a family after an urgent FGC is essential; therefore, a follow-up FGC meeting is arranged. In order to ensure good progress and implementation of the prepared plan, the follow-up FGC meeting should not be long after the first.

4.10 Conclusion

4.10.1 Similarities and differences between the works

The similarity between them is their conclusions: children's voices are not being heard or given enough weight in decisions. There is generally little time to prepare a child for a move in an urgent situation, and this negatively affects the right to participate. These circumstances can be shocking to a child and cause a negative and stressful impact on his or her life (Bunkholdt & Sandbæk, 2008; Andenæs, 2001, 2003; Oppedal, 2007; Bergli, 2017). Children do not identify conversations as participation (Bakke & Holmberg, 2014). Oppedal's research in 2007 concluded that children's participation levels in 1997 and 2007 did not change much. Even when listening to children, there was a reason for concern because the involvement was insufficient (Oppedal, 2007). Even when children are allowed to participate in decision-making processes, their views do not have a bearing on the decisions (Vis & Thomas, 2009). Although research shows that children are not allowed to participate, it appears, in Skauge's research, that child welfare workers talk a lot with children, even when not documented in writing (Skauge, 2010). This is a significant difference between the research.

Children's participation is discussed in the light of child liberation. Some believe that children can decide for themselves, while others believe that adults know what is best for them. This controversy creates barriers to children's participation progress in child welfare cases (Sanders & Mace, 2006). When child welfare workers also experience complications in asking complex questions, the obstacles to children's participation increase (Strandbu, 2011).

In Norway, FGCs are used as a voluntary measure. According to research, this measure has positive effects on both children and families. It prevents urgent relocations and increases children's participation in their own lives, and the achieved communication improves relationships between the child and the family and between the family and the Child Welfare

Services. Turning this kind of offer into mandatory practice when assessing the relocation of children could be a sensible thing to do.

4.10.2 Critique of the methodology

The research I have reviewed is based on both qualitative and quantitative research methods. Some researchers conducted document analyses of child welfare cases and based their research on this, while others conducted interviews of child welfare users to understand their experiences better. In Norway, the focus on children's participation is generally growing; this is visible in, for instance, Bufdir's reports presented in this chapter. Nevertheless, we have not managed to achieve the goal of providing children their right to participate.

If we compare the studies done before 2004, the studies done in recent years, and the studies done in 2020, we realize that children are still not heard. This indicates that current methods and strategies are insufficient. Document analysis can give us statistics on the performance of child welfare workers and how they document their work, but it does not say a lot about how children feel and think. Children who were interviewed and shared their stories commented on how nice it was that someone finally listened to them. We need to talk to children and listen to them if we want to create a higher rate of participation. Quantitative surveys and document analysis provide information and statistics on how the situation is. However, qualitative surveys should increase because they can provide us with facts that can turn into solutions. The results are the same: children are not participating, and they are not heard or involved. The purpose of research in this field is to increase children's involvement and secure their rights, but we still have a long way to go.

4.10.3 Examination of gaps in the research

The fact that children are still not heard or seen in child welfare cases continues to be a concern today. This applies to ordinary cases where the Child Welfare Services have been in the picture for a long time and to emergency cases. It is especially challenging when talking about emergency cases because there can be a severe risk of harm if the Child Welfare Services do not intervene immediately. Immediate intervention means immediate action. Methods and ways are developed to handle urgent cases in a good and reassuring way for children, for instance, by involving a child's family or trying FGCs. When the family is involved and is made aware that emergency relocation is to occur, they may be willing to

work together to find a suitable solution for the child's best interests. Maybe they can find an aunt or uncle whom the child knows well and who can take care of him or her until the crisis is over?

As mentioned earlier in this chapter, many children are negatively affected due to urgent relocation. In the presented research, children wished that their cases had been handled differently. I want to highlight children's experiences about being seen and heard and what kind of differences there might have been if children had been involved more. Perhaps they could have avoided trauma, or their lives could have been different.

5. Analysis and findings

It was very challenging to find participants for this project. I had the opportunity of interviewing five unique people whom all have had experience with emergency decisions. Some experienced being moved urgently, while others had work experience on emergency orders. In this analysis, I refer to the participants differently to distinguish between them. The way I refer to them reveals whether they are child welfare users or child welfare workers/lawyers. The way I refer to them will in no way reveal who they are. The participants are anonymous and remain anonymous throughout the assignment. Participants are referred to as follows:

- Child welfare users = CWU + a number
- Child welfare worker = CWW + a number
- Jurist = jurist

Through a six-phase thematic analysis, I have generated three main themes that form the foundation for this project and will answer my question through three sub-questions. I also tried to identify similarities, differences, and patterns. The three themes are as follows:

- Children's position of participation today
- Children's security, trust, and trauma.
- The development and power of child welfare.

These topics are related to the sub-questions in the thesis, which are the following:

- 1) How is children's participation today compared to the time before the law revision in 2003?
- 2) If information is provided to children before issuing an emergency order, how is the information presented to them?
- 3) Does development in the Child Welfare Services contribute to increased visibility of children's opinions?

The sub-questions together answer the following research question:

Have children's right to be heard in emergency orders after the 2003 Norwegian law revision been strengthened, according to child welfare children's and workers' experiences? Further, how can the Norwegian Child Welfare Services ensure that children's participation increases as stated in Article 12 of the UN Convention on the Rights of the Child?

5.1 Children's participation today

How is children's participation today compared to the time before the law revision in 2003?

Answering this question is essential for showing the extent of changes in the field of child welfare and children's participation and whether changes benefit children. CWW2 addressed the following during the interview:

"Old employees train new employees, and the culture on how to handle a child welfare case will be handed down." This statement may apply to some offices and not so much to other offices.

CWW2 also claimed that:

"The Child Welfare Services in various municipalities do not cooperate. We work separately. We are not a unified agency."

CWW1 stated the following:

"You have to put the good work in order so that it is where it should be. One must learn from each other so that it does not go beyond the users; the children. The climate of expression in the workplace must change; one must not be afraid to ask other offices for help. One must learn from each other and try to change old practices that can prevent participation, and rather put the positive and good work in focus."

Lack of good work routines and practice leads to violations of children's rights. CWW1 explained that it was their duty as a Child Welfare Service to ensure that children understood what would happen and why it would happen.

CWW2 defined participation as follows:

"It is collaboration, to be heard and seen, and to be allowed to express wishes and needs both orally and in writing. Participation is when you are involved in your case. It does not leave you on the sidelines but keeps you active in your case. Children's expressions and views must be heard. It is about cooperation between the various bodies and the various parties. It is about being part of the process and expressing their wishes and opinions."

5.1.1 Similarities

There is a general understanding among the informants that the child's right to participate must be ensured to a greater extent. They agree that the right has been in considerable focus in recent years and that one must talk to the children. Their understanding is in accordance with

the development mentioned in General Comment Number 12 in the UN Convention on Children's Rights (UNCRC, 2009, p.3). The informants express through their answers that there are still children who are not heard today. In practice, there can be various reasons for this. For instance, it might depend on the severity of the case and whether there is a risk of harm to life and health that requires immediate action; assessments are discretionary and individual. Researchers have also concluded that some children are not heard because they are not mentally or physically ready for such conversations in emergencies (Bergli, 2017, p. 20).

We can argue whether the lack of dialogue with children, when issuing emergency orders and relocation decisions, violates national and international laws. The laws clearly state that children have the right to be heard; the opposite is a violation of rights. Being heard and taken seriously is one of the fundamental values of Article 12 of the UNCRC (UNCRC, 2009, p.3) and in Norwegian laws based on the UNCRC. This right requires that children who are able to express their opinions in accordance with their age and maturity must be heard and taken seriously in all matters affecting them (UNCRC, 2009, p.8). CWW1 states that in some cases, incidents can occur that prevent them from speaking to children. In this project, the child welfare users were over seven years old when emergency orders were issued, yet none of them was heard or seriously considered when they were asked what they thought about the situation. When asked if children are spoken to and involved before a decision is made in emergency cases, CWW1 and the jurist responded that one should help the child understand the situation and why they are being moved. That is especially important in coercive cases to minimize any injuries and trauma. In order to assess the child's best interest, children must be given a chance to participate unless they do not want to get involved. General Comment Number 12 points out that Article 3 on the child's best interests must be taken into account in all actions performed on behalf of the child (UNCRC, 2009, p.15). Norway is required to introduce measures that ensure the child's best interests in all matters concerning the child. Actions performed without listening to the child violate the UNCRC. The jurist stated the following:

"The least we can do is let the person in question have something to say about the case. The case does concern the child!"

CWW1 said that:

"Sometimes we receive notes of concern that are so serious that children's health and development are in danger if we do not relocate them immediately."

CWW2 believed that:

"The notes of concern are sometimes about revenge, misunderstandings, or assumptions. There is a low threshold for sending notes of concern, and this can be done anonymously."

CWW2 suggests that the routine of sending notes of concern should be changed in order to avoid serious interventions that will most often affect the children. Article 12 of the UNCRC ensures that children are considered parts of cases that affect their lives and that children are given an opportunity to say what they think about these matters, including legal and administrative matters. Children must be heard either directly, through a representative or an appropriate body, in a manner consistent with the procedural rules of national law (Art. 12 of UNCRC, 2009). If the routines of receiving and assessing notes of concern are changed and improved, children's participation in the practice itself can be increased.

Children can be involved by appointing a spokesperson - a neutral person with experience in conversations with children. One of the questions in my interview guide was whether communication methods reassure children in conversations with the Child Welfare Service and whether the methods used help them understand and get involved in the conversations. CWW1 replied that a spokesperson is appointed to speak to children in advance when issuing an emergency order before sending it to the County Social Welfare Board for approval.

The jurist believed that the starting point is to ensure that the child understands what is happening, and then the child must be made a party to the case, as required by law. CWW2 similarly believes that children must not be left out but must be active participants in their own cases. CWU1 learned his rights after growing up, and he understood that, according to the law, he had the right to a supervisor. A supervisor that the Child Welfare Services appoints is a person who must ensure that the child is cared for in a foster home (Barne- og likestillingsdepartementet, 2006, p.5). CWU1 explained that he could have had someone to communicate with that could have listened to him. It would have changed his situation for the better if someone had heard his version of the story. This child wanted to feel heard by anyone. CWW2 believed that lack of involvement and cooperation with children affects their self-image: *"my voice is not heard, so I do not mean anything."* (CWW2, personal interview, March 2021). In this case, Section 6-3 of the Child Welfare Act has been violated because the child's rights were not assessed during the proceedings. Section 4-6 on interim orders in emergencies may also be violated if there turns out to be a misunderstanding. The reason for

that is that the Child Welfare Services may end up using the law to make decisions that should not have been made in the first place.

The consequences of children not participating can, in many cases, be harmful in the long term. This is because when you talk to children, give them information, and get information back, you can become aware of information that is important in an assessment and for the child's current and future life. An assessment of the child's best interests is best reached when consulting with the child. Therefore, the Committee on the Rights of the Child recommends that children's views be taken into consideration, along with other relevant factors (UNCRC, 2009, p.15).

5.1.2 Patterns

A pattern in the data material is the agreement between the informants on the consequences of the Child Welfare Services conducting interviews when they should not be conducting them themselves. The jurist says the Child Welfare Services underestimate conversations with young children and that one should instead appoint a spokesperson who talks to children on a daily basis. CWU1 says that there was no dialogue with him when the Child Welfare Services decided to move him and his siblings. No one talked to them before they were picked up. CWU2 was asked for her opinion, but they were not considered further in the case. CWW2 confirms that this is how she experiences her workplace; children are not heard adequately - *"it is as if we write that we talk to children, without actually doing it"* (CWW2, personal interview, April 2021). This pattern is reminiscent of the document analysis carried out by Oppedal in 1997. The Child Welfare Services are aware that some conversations should not be conducted by them and that there may be consequences with continuing to conduct them. The project's child welfare users confirm this; the Child Welfare Services have had conversations that they should not have had with these children. The conversations did not lead to understanding or participation but rather long-term consequences and violations of children's rights. Save the Children's report (2017) explains that it does not necessarily have to be the case that children disagree with the decision, but that the way the decision is carried out can be wrong and harmful (Bjune et al. & Save the Children, 2017, p.30).

Different situations that arise and trigger an emergency order can prevent the Child Welfare Services from talking to children before an emergency pick-up (CWW1, personal interview, April 2021). There is nevertheless an agreement among the informants that there should and must be a dialogue between children and adults before issuing urgent decisions. According to Havnen et al., measures are more often offered when the Child Welfare Service has first been

in dialogue with the children than when they have not talked to them (Havnen et al., RKBUNord, 2020. p.4). If Section 4-6 of the Child Welfare Act is applied to issue urgent relocations without talking to children, the consequences may be that children's right to receive the help they really need is violated. In addition, the Child Welfare Services may risk violating other rights, such as the right to privacy and family life (Article 8 of the ECHR). CWW1 explains that it is necessary to see and hear children's experiences and the conditions surrounding them in order to make a comprehensive assessment of the child's best interests. The jurist points out that children are not heard or talked to in emergency cases on a general basis due to time limitations. He also emphasizes that, even if children in some cases are not heard, one cannot conclude that it is a negative thing. In several cases, the Child Welfare Services see children and find solutions that satisfy their needs and prerequisites (Jurist, personal interview, March 2021). Nevertheless, there is a greater chance of getting more information about the conditions a child is experiencing if the child is involved and taken as seriously as all other parties.

There is agreement among the child welfare users interviewed that, despite regulations and rights, there is no dialogue with them. The informants who had been through emergency relocations say that no one saw them. *"I was just a piece in the system that needed to be moved; I felt like a ball"* (CWU1, personal interview, February 2021). Both child welfare users expressed that they were not informed about their rights or talked to in a significant way. CWW2 believes that this is due to minimal cooperation within the Child Welfare Services. The jurist believes that lack of child participation in such cases can have negative consequences later in life. CWU1 stated the following:

"If I had been heard and moved to another foster home, I would have been better off. So, if they had treated me differently, it could have gone much better."

Examples of negative consequences are reflected in the child welfare user's stories about their lives today and as child welfare "clients". The child welfare users of this project expressed how the traumas they experienced as children and their relocations affected them in adulthood. Not only were they affected by the first emergency relocation, but also by the repeated relocations afterward.

5.1.3 Differences

There is a distinction in the data because of different opinions. CWW1 stated that they do everything to ensure children's right to participation and that this is a prerequisite for their

work being carried out correctly. The rest of the informants believed that children do not get information about their situation. CWU1 stated the following when asked if he got to participate:

"We were not informed. None of us knew anything. I was in no way allowed to express my feelings about what would happen and what happened in the first few years. There were inferior opportunities to say something about my opinions."

The data demonstrate a correlation between the informants. They all agree that children have the right to participate. However, the disagreement between them lies in the way they think that children should participate and be involved. CWW1 explained that they always talk to children, while CWW2 stated that decisions and "pick-ups" are made without talking to children in advance. *"Children are not given an opportunity to express themselves about the emergency relocation. The child welfare workers assume what they think and feel, without actually asking them directly"* (CWW2, personal interview, April 2021). The differences in the child welfare workers' opinions are significant and severe. Their opinions reflect their working methods, which in turn affect the service users, the children. Assuming what children feel and think cannot be considered participation.

"It is not regarded as the child's best interest when they are not heard."

- BWW2, personal interview, April 2021.

CWW1 stated that "advice and guidance" is the measure that is used the most. Advice and guidance are provided in addition to other assistance measures. The measure can build the parents' resources as caregivers to prepare them to take care of their children without issuing other measures (Bufdir, published 19.03.2015, retrieved 06.06.2021). *"This measure ensures that information is provided"* (CWW1, personal interview, April 2021). However, according to the jurist, it is not enough to provide information:

"I think that children all too often do not get sufficient information about their rights. They receive information about some of the rights, for instance, that they must be protected and cannot live in certain conditions. The Child Welfare Service's duty of protection is a right for the child, but it is not enough" (Jurist, personal interview, March 2021).

Throughout the interview, the jurist was clear that children need lawyers who can review their cases, the documents, and the children's rights - to prevent them from being violated. He is skeptical about whether children get enough information about their rights because it would

require the person asking to have an overview and understanding of all the rights. When CWU1 told his story, he noted that he felt his voice did not matter in the process. This data suggests a pattern in child welfare practice in such cases; children are informed about the upcoming events and might be asked what they think. However, the decision has already been made and cannot be changed. CWU1 believed that the question he got from the child welfare workers who picked him up from school was only a formality; it did not feel like participation.

Previously, there was an age limit of twelve years for children's unconditional right to be heard in Norwegian legislation. In 2003, this was reduced to seven years. One of my questions was whether this age limit could prevent children under the age of seven - that could have been heard - their right to participate. CWW1 stated that this is not an obstacle. The jurist believed the opposite. He believed that there was a risk that children would be prevented from having the right to participate due to the set age limit. This difference was an unexpected result. The jurist and the child welfare worker had two different opinions. The jurist believed that one should demand that a child can express an opinion as long as it is justifiable, which can be difficult for an infant.

Nevertheless, he thinks that this age limit is a way to forget the twelve-years-of-age limit and that the age limit today can be removed without issue. These cases must, regardless of the child's age, be considered discretionary. If there is a small assumption that the age limit can prevent some children's rights, it should be removed according to the CRC Committee's recommendations (UNCRC, 2009, p.6). A good point made by the jurist is that children under the age of 15 may have difficulty acting in their own cases when it comes to documents and legal provisions and reiterates that a representative person should act on their behalf.

"Had there been an inheritance settlement, a guardian would have been appointed to act on the child's behalf. In child welfare cases, children are not allowed to be a party unless they are 15 years old. You do not have the solution that actually exists in The Dispute Act that the child is a party."

His point is that children are parties in other matters in society. However, when it comes to matters concerning child welfare, there are suddenly others that know what is best for them instead of allowing the children or their representatives act on their behalf.

Stating that children lack the relevant capacity to participate in predominant processes contributes to strengthening a social construction that prevents children's participation. The

statement also prevents children from proving themselves (Gal & Duramy, 2015. p.2) and their potentiality and proving that they can do more and are intelligent. We can accept that children at certain stages of development lack sufficient capacity to make rational decisions. However, we cannot deny that children have valid and substantial views, opinions, feelings, hopes and, perceptions. These emotions, thoughts, and perspectives must be accounted for when making decisions that can affect them (Gal & Duramy, 2015. p.3).

Roger Hart describes participation as "the process of sharing decisions which affect one's life and the life of the community in which one lives. It is the means by which a democracy is built, and it is a standard against which democracies should be measured. Participation is the fundamental right of citizenship" (Hart, 1992, p. 5). The meaning of this is that everyone has the right to participate, from the day we come to this world until we leave it, and this includes children.

Participation is required for children to express themselves and speak their opinion. Humans develop by being actors in their own lives. We need to take control of our lives, get up, make decisions, fail, and learn from our mistakes. By participating in society, children get this opportunity (Høstmælingen et al., 2013, p.80). When a child participates and contributes, the child can grow, feel included, and become more independent and autonomous. UN's General Comment Number 12 explains that the term "participation" means the ongoing information exchange and dialogue process between children and adults. Mutual respect between a child and an adult must be present in these processes. Children must experience how their views and opinions are considered and how they shape results through these processes (UNCRC, 2009, p.1). Participation will become efficient and significant when understanding children's participation as a process instead of an individual one-off event (UNCRC, 2009, p.26).

Since the adoption of the UNCRC, scholars, academics, advocates, and policymakers have discussed the right to participation and how to implement it. Gal & Duramy collected experiments, programs, and projects to explore how children and adults experience child participation in their book (Gal & Duramy, p.451-452). If the participation right is implemented as specific legislation, children will more likely participate and get involved. Gal & Duramy claim, therefore, that there must be a framework for children's participation rights (Gal & Duramy, p.452). The analysis supports this claim but, in addition, the age limit should be removed entirely. Children's participation today is stronger than before, but children

are still not sufficiently involved. The content of the analysis shows a pattern where children were not heard before the law revision in 2003, and that children today still have the same challenges.

5.2 Children's security, trust, and trauma

Children must experience having safe people and surroundings around them. In this way, trust can be created, and trauma can be avoided. This part of the analysis attempts to answer the following sub-question: If information is provided to children before issuing an emergency order, how is the information presented to them?

CWW1 states the following:

"We are very concerned about the conditions around urgent relocations, for instance, if there are known people present to make the situation as safe as possible. Some vital things are that it is safe for young people to talk, that they experience that what is to be said further is said further and that what is not to be said further remains where it should be."

5.2.1 Differences

The informants have quite similar opinions when it comes to acute relocations and trauma. On the other hand, opinions differ on how trauma-creating emergency orders can be. CWW1 believed it *could* be traumatic for children to be moved urgently. The jurist and CWW2 said that emergency orders *are unavoidably* traumatic for children, while CWU1 confirms that his experience was very traumatic. It is crucial to agree on what emergency orders can cause a child before issuing them. If the child welfare worker does not believe it will cause significant trauma, it can lead to a less thoughtful and protective order. On the other hand, if the worker continuously keeps in mind that children will be traumatized, the decision letter can be more thorough, and most factors will be considered. In order to make a thorough and accurate decision, one must also speak to the person in question - the child. If the child is not spoken to in such processes, you end up returning to making a less thoughtful decision that can harm the child.

Another significant difference indicated by the analysis is whether family placements are used. CWW1 claimed they always investigate the possibility of using family and network because they are obliged to do so according to law. Based on his own experience, the jurist thought that family placements could reduce the burden on children in some cases but that

only some child welfare offices in Norway use it as a measure. Based on what CWU1 stated, a family placement was not considered for him or his siblings. They were picked up and sent to different foster homes, although they had family from both parents. He was not invited to any meetings and did not get an opportunity to say what he wanted to say. CWU2 was allowed to express her opinion, but it had no bearing on the already established decision. CWW1 confirmed that some offices have no access to family networks, while other offices use this measure widely. According to Section 4-6 of the Child Welfare Act, the Child Welfare Service must investigate whether a child can live with family or acquaintances. CWU1 had family, but they did not live nearby. If the Child Welfare Service had chosen to investigate the possibility of using the family network and been willing to take the extra-long drive to ensure the child had a better temporary place to stay, the possibility of trauma could have been reduced or avoided. The results of this study indicate that the Child Welfare Services choose the easiest way to complete their cases. The jurist stated that the services tend to choose the easiest measures instead of measures that require more work. This pattern indicates that the practice at the offices today is not in compliance with the law. If relocations to families contribute to fewer emergency decisions, mandatory measures should be introduced to examine family networks before considering other measures.

The jurist repeatedly suggested the use of family group conferences. FGC can contribute to finding alternatives for children in emergencies. *"It is better for the child to live with a friend than with strangers"* (Jurist, personal interview, March 2021). He believes that children must be made a party to such cases, and that such a party position is crucial in bringing out children's voices. Both family and close contacts who are important to a child can participate in the organized meetings. FGCs is a collaboration between the Child Welfare Service and the family. First, the child is at the center of these meetings. Second, the meetings capture views from the child, the family, private networks, and people who otherwise would not be parties to the child welfare case (Jurist, personal interview, March 2021). Third, the method promotes children's rights and is used in many countries (Heino, 2009, p.14; Hyrve, 2004, p.13).

Finally, the jurist believes that such meetings address children's views and reduce the number of emergency decisions to a greater extent because children themselves must be involved to find a solution. Slettebø et al. (2020) had a similar theory. This measure allows children to feel ownership in their lives and provide them more control. In addition, this complies with a statement made by CWW2 that *"meetings with the involved parties should be organized when receiving notes of concern, and before issuing an emergency order"*. The FGC meetings can

improve children's relationships with important people in their lives (Slettebø et al., 2020, p.82).

5.2.2 Similarities and patterns

Although there are differing views on how much trauma emergency relocations can cause children, there is a correlation in the data transcripts. Emergency placements can become violent and cause trauma that lasts in the long run - especially if the children are not involved in the decision. The former child welfare users interviewed confirm this through their experiences, forming a pattern in the data material. This pattern shows that we still have not changed. Children are still not heard. Another similarity in the data material is that everyone believes that conversations during an emergency relocation can create long-term trauma for children if not conducted properly.

The informants' overall opinions form a pattern. The jurist believes that conversations before urgent relocations of children should not be traumatic if conducted by experienced people. He believes that conversations with children are underestimated and considered easier than they are. CWW1 purports that child welfare workers sometimes do not get to speak with children due to circumstances pertaining to the severity of the situation and the need to act quickly. CWW1 further stated that urgent relocation is often very traumatic. According to prop. 106.L (2012-2013) p.141, the child's right to participation must be adapted to the situation.

Children's participation cannot conflict with the need for prompt action from the Child Welfare Services in acute incidents. As a result, a thorough investigation (as would occur in ordinary cases) cannot be required. CWW2 believes that lack of participation by children can lead to severe consequences. A comprehensive assessment of these data results indicates that the problem lies in children only being involved somewhat, and that it is not close to what they should be entitled to. The analysis suggests that if the conversations cause trauma, then:

- the conversations are not good enough,
- the conversations do not fit with children's perception of reality,
- information is missing, or the information provided is incorrect,
- the child is not allowed to express his opinions,
- the child can express his or her opinions, but the opinions are not considered further in the case.

An urgent relocation is stressful, especially because it is an abrupt and unexpected move. This fact was confirmed by the informants who experienced relocation and corresponds with the children of the Save the Children project from 2017 (Bjune et al. & Save the Children. 2017, p.5). Furthermore, conversations with children can be traumatic if the person conducting them does not have sufficient experience of having conversations with children (Jurist, personal interview, March 2021).

CWW1 stated that "it was a very traumatic experience". Christiansen (2012), Strandbu (2011) and Bunkholdt (2018) all suggested that incorrect or inadequate communication can lead to additional burdens for children like re-traumatization and that such conversations are not something that is necessarily considered as real participation (Christiansen, 2012, p.24, Strandbu, 2011 & Bunkholdt, 2018). A collective understanding among the interviewed informants, professionals within the field and former child welfare users, together with previous research in the field, would suggest that conducting conversations in an incorrect way can be traumatic for children.

The first step towards real participation is creating better methods of handling such conversations. If arranging better methods to handle the conversations is challenging, then my findings suggest that the following should be taken into account when considering improvements:

- Hiring employees who are trained in conducting conversations with children,
- Hiring employees who know children's rights, for instance, lawyers,
- Training or educating current, motivated employees in the suggestions above,
- Offices should have specialized resource persons that can contribute to emergency cases.

The collected and analyzed data confirms that working in the Child Welfare Services does not mean that you know how to speak with children.

CWU2 stated that:

"At school, I had someone I trusted. Once, she shared some information that I had told her, leading to an urgent relocation. After that, everything got a lot worse. People from the Child Welfare Services picked me up when the school day was over. This incident has affected me, and I have not been able to trust anyone since".

Sometimes children trust that what they say is not passed on, but it turns out that this is not true, and that the information is shared anyway. Children can see this as a breach of trust, and may lose confidence in child welfare, the system, and adults. If children cannot trust the caregivers around them, whether they are parents or the public sector, their safety and stability can weaken and perhaps disappear. A relocation from parents and other familiar surroundings is often a risk for the child (Bunkholdt, 1990, p.52). Thus, an emergency move constitutes a greater risk, even if the child was already living in severe conditions. Such major changes require understanding and care for the child, but also predictability and reliability. In order for these characteristics to be safeguarded, the child's participation and involvement must be present. This comes back to the fact that child welfare workers must have sufficient knowledge about children and their reactions, including stress management (Bergli, 2017, p. 26).

CWW1 believes it is important to create safety so that children can talk. Their experiences must be heard in order to make a correct assessment of the child's best interests. However, child welfare users do not experience it this way. When such occurrences happen in a child's life, it leaves scars. Mistrust of adults at the beginning of the urgent relocation can lead to a break in continuity and poor self-esteem and reduce the sense of affiliation (Follesø, 2006). CWW2 explains that children will mainly lose respect for the Child Welfare Services and the authorities. They lose confidence in adults who are supposed to be trusted. They may lose faith in themselves because they are not heard, and it may affect them as adults. CWU1 described his experience in the foster home. He was alone and had no friends. *"I was locked up with the foster family all the time. I was not comfortable with any of them"* (CWU1, personal interview, February 2021). The child felt no belonging and had no one to trust. He tells his story as he remembers it. No one would listen to him, and this has given him poor self-esteem, poor mental health, and nightmares that still disturb him.

"(I) wish I had a supervisor who could listen to how I was doing."

CWU1 was not protected as required and the consequences of that lack of protection damaged his life and affects him to this day. The person himself believes that some communication with a person outside the foster family could have been of great help, because someone would have heard his side of the case. Instead, Article 12 of the UNCRC was violated, and not all measures were introduced to ensure his rights to be heard.

The parties in CWU2's life, the Child Welfare Service and the school, were obliged to ensure she received the help she needed. Their actions should not have led to an aggravated situation for her. The schoolteacher may have had a valid reason for concern when the information was passed on, which may have led to the emergency order and relocation. The problem is that the child perceived the situation as a breach of trust and aggravation of her situation. This indicates that the communication was not adequate or that the child was informed about something that was not entirely in accordance with what happened. The teacher might have caused the incident by not being through such difficult conversations with children before. As a result, the teacher failed to handle the situation properly. According to previous research, child welfare workers find sensitive questions difficult when talking with children (Skauge, 2010). This difficulty creates challenges and obstacles for children's involvement and participation (Strandbu, 2011). Strandbu's three factors that prevent children's participation are in line with the results of my research. Better routines and measures should be introduced at the school in collaboration with the Child Welfare Services to ensure good communication with and protection of the child, without causing extra strain on the child.

In CWU2's case, the communication and dissemination of information were likely provided incorrectly. As a result, this caused long-term consequences for the child in the form of trauma and mistrust of everyone around her. Strandbu's three factors (Christiansen, 2012, p.24, Strandbu, 2011) are connected. For example, a lack of competence in conversations with children (second element) can mean inflicting greater strains on children by involving them in conversations (first element). However, if good routines and structures are introduced, children get the opportunity to experience real participation (third element), and this means that the first two elements can be eliminated.

CWW1 claims that her job is to talk to children in all phases of the work done by the Child Welfare Services.

"We work both with methodical development to become better at this (talking to children) and with our presence. The most important thing is that the children are safe. How we handle information and use it in relation to the Public Administration Act is also important. We cannot promise not to say things and then use them as a basis for the emergency order, just because it is information that is received."

CWW1 explains in the above statement that situations - such as that which CWU2 ended up in - should not occur, and she follows this up by saying that development in the field is a

continuous process. Such development indicates that the Child Welfare Service is now more aware than before that the communication method must be carefully considered and executed during conversations with children. CWW1 also stated that many skilled employees in her office have experience communicating with children of all ages. This type of experience is significant, but the Child Welfare Services employees need more complex knowledge to prevent violations of children's rights. In addition to Strandbu's three elements that prevent children from real participation, one could add an element that would have the intention of contributing to increased participation. Employees must gain knowledge in trauma-sensitive care and emotional care of children in stressful situations, as Bjune et al. & Save the Children suggests. Employees at the Child Welfare Services could work collaboratively with people who are familiar with children's rights to work out a better way of talking to and dealing with children. Interdisciplinary collaboration could increase children's participation as children could be better protected emotionally and be ensured their rights.

There is a common perception among the informants that conversations before urgent relocations, depending on the method of execution, can be harmful to the children. The child welfare users interviewed were not given an opportunity to express themselves on their situation, nor were they given sufficient information about their rights or what could happen. Once the information had been provided, it was not presented appropriately. Children were not prepared for what was to come, in the same way the children from the Save the Children project were not prepared (Bjune et al. & Save the Children. 2017, p.5). My findings were consistent with recent research, which means that the experiences of my informants were all similar and are representative of the current situation in Norway. Children have little real participation in their cases (Christiansen, 2012, p.22), even when the decisions affect them significantly (Bakke & Holmberg, 2014, p.5).

5.3 The development and power of the Norwegian Child Welfare Services.

Does development within the Child Welfare Services contribute to increased visibility of children's opinions?

In the Norwegian Child Welfare Services, changes occur continuously. There are changes in laws and regulations, and every effort is made to find other solutions than moving children away from their homes (CWW1, personal-interview-April 2021). According to CWW1, a lot is being done to adapt existing measures to meet existing needs. Many resources are provided, which increases opportunities to help children in better ways than issuing emergency orders, and the Child Welfare Services often manages to issue voluntary orders with parents' consent.

CWW1 works in an office in a large city. CWW2, on the other hand, works in a smaller area that she claims do not have access to the same resources, measures, and opportunities. CWW2 believes that lawyers are needed in the Child Welfare Services to prevent children from becoming a "means" in the system CWW1 admits that the Child Welfare Services can constantly be improved, developed, and changed. The extraordinary focus on children's participation leads to the continuous development of the services, and this means more resource people are available to whom the work assignments can be distributed. CWW1 believes that variation in knowledge is essential. Interdisciplinary cooperation in child welfare is necessary to ensure children's rights. CWW1 explains that they have access to resource teams that they can use before purchasing resources with expertise from outside. When you have many resources with different knowledge, you also have a lot of power.

5.3.1 Similarities

The fact that children are not heard and seen can be regarded as abuse of power which violates both rights and laws. CWW1 stated that the Child Welfare Services must be aware of the power that lies in its role in child welfare and as a public administrative body. There is power in being able to issue emergency decisions and intervene in family life. You have power when you can decide what should happen to a child's life and how families should live. The Child Welfare Services must also be aware of the power it exercises. Its job is to protect children and wisely consider their best interests. The jurist believes that there is little control of whether children are heard during voluntary emergency decisions (i.e., when parents agree to a move). A voluntary decision can be made under the first paragraph of Section 4-6 of the Child Welfare Act. A voluntary decision on urgent relocation does not necessarily have to be voluntary for the child. Children can feel like they are being forced to move (Jurist, personal

interview, March 2021). The jurist wishes to emphasize that this is about looking after and considering children's interests and really listening to them. It is not a matter of either a child having to decide or parents having to decide (Jurist, personal interview, April 2021), nor is it the case that the Child Welfare Services has a neutral starting point and is capable of ensuring all the interests and rights of a child. If all circumstances surrounding a child are not considered, relocation may be based on incorrect information. If the law is applied based on incorrect information, it is a violation of the law and rights. If a child has friends or relatives who can take care of him or her, then it is not correct to apply Section 4-6 first paragraph of the Child Welfare Act to issue the emergency order. Based on what the children say, they were suddenly picked up and moved without their own or their parents' knowledge. They did not understand the situation or why it had happened. This indicates that the emergency decisions were assessed following Section 4-6 second paragraph of the Child Welfare Act, which allows coercive decisions without the parents' consent. The dilemma is whether the situation was so critical and harmful that the children were in immediate danger and whether the risk was assessed before the urgent relocation was decided (Ofstad & Skar, 2015, p. 112). In order to be able to apply Section 4-6 second paragraph, the situation must have been urgent. In such cases, the Child Welfare Services must consider whether other assistance measures can minimize or eliminate the risk of injury. Emergency decisions can also be issued if children have lived in harmful conditions for a more extended period. However, the Child Welfare Services must consider whether children will be significantly injured by remaining at home and whether other solutions can help (Ofstad & Skar, 2015, p.112).

"I was taken to a foster home and had no contact with my family for a while. I was suddenly ripped away from my family. They sent my brothers to other locations, and it was not a good experience."

Both child welfare users said that they were asked what they thought but were not really heard because the decisions were already made, nor were they informed of their rights. For children, it can be challenging to understand their rights in any case, but a minimum requirement must be to inform them about the rights in an understandable way. According to the legislation, the emergency orders of these children could not have been granted under Section 4-6 first paragraph because their parents were not aware of the move. The children's shared experiences indicate a lack of participation and involvement of the children in their own cases. *"They asked what I thought about being moved, but there was nothing I could do. I remember it quite well"*. The children were not heard or seen in the process, which violates

Section 17 of the Public Administration Act and Section 6-3 first paragraph of the Child Welfare Act. Therefore, the lawyer and CWW2 proposed hiring lawyers who knew the children's rights to avoid violations. CWW1 claims that primary social sciences education is essential, but some believe that law is used at the expense of the social sciences. CWW1 herself believes that laws are vital in carrying out measures for families. Thus, there is agreement on how important laws are in child welfare, and laws should be used to benefit children in the future.

5.3.2 Differences

Even with agreement on the role of law in child welfare, there are disagreements about the knowledge and experience that already exist internally in child welfare and among child welfare workers. The jurist and BWW2 believe that child welfare workers should receive better training. One proposal is to introduce compulsory education for child welfare workers in, for example, kindergartens. The benefits of this would be valuable in developing communication methods with children that could be used during vulnerable and difficult conversations. As an example, the jurist mentions the county social welfare boards who hire spokespersons with kindergarten experience. The purpose of hiring such people is to increase children's rights and reduce violations of rights within child welfare. The Child Welfare Services' goal of talking to children before relocating them (CWW1, personal interview, April 2021) can be achieved to a greater extent by introducing compulsory education combined with lawyers who can review the cases. Although the Child Welfare Service has this as its goal, the child welfare users made a point of saying that they were picked up without really being heard.

Children do not know their rights, and it is adults' responsibility to inform children about their rights in a way that they can understand. When asked if children over the age of seven get a real opportunity to express themselves based on today's methods, CWW2 answers that it is problematic when involving children because it is often assumed that *parents tell them what to say and manipulate them* (CWW2, personal interview, April 2021). Therefore, it is assumed that children do not necessarily say what they mean. Bakke & Holmberg (2014) concluded in their examination that children respond and agree to what they think adults want to hear to avoid the aggravation of the situation (Bakke & Holmberg, 2014, p.12). *"In several cases, you do not talk about the case with the children because it will affect them, but listening to the child is also talking about the case with the child"* (CWW2, personal interview, April 2021). The jurist believes that the seven-year age limit was introduced to stop

thinking about the twelve-year age limit. BWW2 agrees that an age limit is only a number and that children must be heard regardless of age and severity, as long as they are able to express themselves. CWW1 stated that they talk to children as young as four and do not believe that children lose the chance to express themselves due to the age limit. CWW2 stated that the conversations before urgent relocations that can create trauma for children could also create an opportunity for improvement. However, the Child Welfare Services must take this opportunity and use it.

5.3.3 Pattern

CWW1 emphasizes the duty of the Child Welfare Services to ensure that children are allowed to express themselves, but that this must be adapted based on a child's age development (Prop. 169 L (2016-2017) p. 40). Adapting conversations based on children's age is necessary. Five-year-old children will not understand the same language as fifteen-year-olds. According to the jurist, the Child Welfare Services cannot fully protect children, and CWW2 believes that sometimes the Child Welfare Services do not talk to children to avoid affecting them negatively. Both CWU1 and CWU2 were affected by the opposite; they did not have a conversation in which they were allowed to participate. Section 6-3 of the Child Welfare Act requires that the authorities give children the unconditional right to express themselves and receive information in all cases that affect them. Thus, the Child Welfare Services are responsible for securing children's rights (Prop. 169 L (2016-2017) p. 40). If the Child Welfare Services do not trust children to say what they believe, they form a more significant basis for not including their views in a further assessment. If there is such a practice in the Child Welfare Services, where one does not trust children to express their own opinions, it can be challenging for them to look after children's interests in cases, as the jurist explains.

It is common knowledge that children may have difficulty understanding everything that they are informed about, especially in urgent and stressful situations. It may well be that children themselves did not understand that they were given a chance to get involved, but at the same time, it may be that the communication and conversations were not adapted to their age development. Here, one can draw in the jurist's claim that it is a prerequisite that child welfare workers have good insight into children's rights and into what can be done to involve children.

The role of the Child Welfare Services is to provide children living in harmful conditions with the necessary help, care, and protection (Child Welfare Act, 1993, Section 1-1). It is necessary to introduce changes and improvements that can contribute to better services for children,

including securing children's rights when assessing emergency orders. Child welfare offices must cooperate to a greater extent, learn from each other, and exchange experiences. The jurist believes that the Child Welfare Service cannot look after all the interests of children because it has to act on its own behalf as an official administrative body. It can be challenging to act as "child welfare" and at the same time act as a "party" for the child. Parents want their children's best interests to be at the forefront, and they cannot represent their children as a "neutral party" due to their own biased interests. Keeping the children with them, for example, would not necessarily be in the best interests of the children. Children themselves cannot act as parties like other involved parties either because they cannot understand all the documents involved or the laws, rules, and rights that they are entitled to. A neutral spokesperson and a lawyer can act on a child's behalf during an entire case processing process. They could be the right people to act as parties to ensure children's rights, security, protection, and future. The case is not only about the current situation but also the children's future. A long-term plan that does not harm the child later in life must be produced.

Interdisciplinary collaboration in child welfare should be increased. Those that work with children on a daily basis should work together with resource people who know about children's rights and how to avoid possible violations of said rights. It may not be possible to avoid trauma in cases where trauma is what triggered the emergency order, but the possibility of issuing an emergency order must not be at the expense of other rights as that would not necessarily make the situation better.

The data material shows that the Child Welfare Services work differently with the protection of children's rights. Two child welfare employees from two different areas in Norway were interviewed. CWW1 is proud of the development at her office to help and involve children, while CWW2 criticizes how the Child Welfare Services works and handles the job of involving children in their cases. This indicates that the Child Welfare Services are divided and should work in a more unified way in an effort to achieve better results for the children they are trying to help. The child welfare users in my study today are over 18 years old. Even though they were not allowed to take part in their case about ten years ago, this does not mean that children today experience the same lack of involvement. Nevertheless, according to other research, children are neither involved nor included in decisions. The child welfare users were not visible, and the way they describe their experiences clarifies violations of Norwegian laws and Article 12 of the UNCRC.

6. Final conclusion

Have children's right to be heard in emergency orders after the 2003 Norwegian law revision been strengthened, according to child welfare children's and workers' experiences? Further, how can the Norwegian Child Welfare Services ensure that children's participation increases as stated in Article 12 of the UN Convention on the Rights of the Child?

Based on this study's interviews, it is not possible to answer my research question concerning child welfare offices and child welfare user's participation in Norway in general. My project has discovered the interviewed child welfare users' and professionals' concrete and individual experiences. Most of these experiences indicate that the child's right to be heard is violated in concrete cases. Based on previous and similar research, it is possible to assume that these cases are not singular but that violations occur in many similar cases. The child welfare users of this project do not represent every other child welfare user who has been through emergency orders because these cases contain different stories, experiences, and backgrounds. Some children might feel a need to share their stories due to their various experiences, and others might not, which means that their realities are different. Further, this indicates that my research and results are non-generalizable, which is a weakness. My further conclusion and suggestions are based on my informants' experiences and the reviewed research.

According to the child welfare workers in this study and their experiences, the Norwegian child welfare offices that they work at, try to change and develop for the benefit of the children. However, they have not achieved the necessary legal results. Further, these results, along with recent research, indicate that the same pattern of participation exists today at these particular offices as it did before the 2003 law revision. The conclusion based on the old research reviewed is similar to this project's emergency cases, which were issued after 2004. This study indicates that children are still not heard, and the reason for that is the methods used to listen to them:

1. Based on this study's participants' experiences, the Norwegian child welfare offices are not unified. They do not cooperate or share experiences, which affects the children.
2. Based on the experience of my informants and on recent research, the child welfare offices related to my informants do not have a good combination of experience and knowledge to secure children's rights and have appropriate conversations with them.

3. The results of this research show that at the Norwegian child welfare offices where some of my informants work, there is an assumption that children can be protected by not involving them in the process. However, this assumption does not correlate with the reviewed research in the field. Neither was it the case for the child welfare users who participated in the project.

To strengthen children's participation in cases similar to those investigated in this research, children must be acknowledged as parties as this is a statutory right. One proposal is for the child welfare offices to hire lawyers who can review cases and ensure that children get the rights they are entitled to - not only on paper but also in practice. Later in life, psychosocial and psychological issues can develop if children receive incorrect or incomplete information in these cases (Jurist, personal interview, March 2021). Such issues must be prevented early in the process.

It is clear from Section 2-1 of the Dispute Act that "*every physical person has the capacity to be parties*" (The Dispute Act, 2008, Section 2-1, letter a). The data material shows that children are not allowed to participate even after the Norwegian law revision in 2003, which gives children over the age of seven the right to be heard in accordance with age and maturity. The interviewed children were not acknowledged as equal parties in cases that greatly impacted their current lives and future. If they were considered unable to express themselves, they should at least have been assigned a neutral and independent person who could secure and look after their interests. Another way to secure children's rights to a greater extent is through family group conferences. Children in similar situations and with similar cases as the ones in this project would be at the center of meetings, feel greater involvement in cases than at regular meetings, and user participation would be achieved to a much greater extent. Children would also be surrounded by familiar people who could help make the environment feel safer when they express themselves. User participation should be the guiding star in the process of involving children. User participation would safeguard not only values, such as equality, respect, and the right to self-determination, but also recognition, interaction, and relationship.

With user participation as the guiding star, one could focus on the aforementioned values (Chudasama, 2017, p.38–41). The primary purpose of user participation is to help the user gain empowerment, awareness, and responsibility. Children grow up and contribute to society, so the Child Welfare Services must ensure and preserve these values during its

helping process. The measures I am recommending already exist in the Child Welfare Services today, but they should be combined with and be part of the mandatory practice to ensure better participation for children at offices with similar challenging situations. I must emphasize that this research is not generalizable to all child welfare offices or all child welfare users in Norway. However, this research assumes that there are unfortunate occurrences within the child welfare offices that should not happen. If there is any doubt about concrete cases, such as the cases in this research, combining the suggestions I am recommending could:

1. Avoid violating children's rights while processing concrete child welfare cases.
2. Strengthen children's voices and participation.
3. Increase children's participation in their own cases and make them feel included, recognized, and in control.

Today, the handling of emergency cases in the child welfare offices related to my informants is not sufficient to ensure all children's rights are heard according to Article 12 of the UNCRC. Children's right to be heard during emergency orders after the 2003 Norwegian law revision has not been strengthened, according to my informants' experiences, but the suggestions presented in this research could increase children's participation in similar emergency cases in the future.

7. References

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Annexes

Annex 1: Interview guide for the children

Annex 2: Interview guide for the employees

Annex 3: Consent letter

Annex 1: Interview guide for the children

Før omplassering:

- 1) Hvordan er barns opplevelser under e flytteprosessen?
- 2) Hvordan foregikk prosessen da du ble flyttet?
- 3) Ble du på forhånd informert om at du skulle forlate familien din og hvordan gikk de frem med å informere deg og din familie?
- 4) Fikk du muligheten til å gi uttrykk for dine synspunkter og meninger før avgjørelsen om omsorgsovertakelse ble truffet? Din medvirkning i forhold til beslutningstaking.
- 5) Ble det innført tiltak for å forsøke å hjelpe familien deres før beslutningen om omplassering fant sted? Evt. hva slags tiltak?
- 6) Dersom du fikk sjansen til å uttrykke dine meninger, ble du virkelig hørt?
- 7) Ble du informert om dine rettigheter?
- 8) Dersom du ikke ble hørt, tror du at dette kan være en del av årsaken til hvordan livet ditt i dag har blitt?

Etter omplassering:

- 1) Hvordan levde du etter at du ble omplassert og fikk du privatliv?
- 2) Hvordan følte du deg da du måtte leve uten din familie?
- 3) Hadde du kontakt med andre barn på din alder/venner? (Hvordan var ditt sosiale liv?)
- 4) Hadde du noen rundt deg som du stolte på og som du følte deg trygg med?
- 5) Hadde du samvær med dine biologiske foreldre/familie? Hvor ofte?

Andre relevante spørsmål som kan belyse problemstillingen:

- 1) Hva tror du kunne blitt gjort annerledes?
- 2) Har du erfaringer som du tenker kunne vært bedre?
- 3) Hvordan har det påvirket deg i etterkant?
- 4) Hvordan er relasjonen din til din familie nå? Ble relasjonen påvirket (svekket/styrket) av det offentliges innblanding i livene deres?
- 5) Tror du relasjonen kunne vært annerledes dersom barnevernet ikke hadde vært i bildet?
- 6) Har situasjonen du ble satt i påvirket livet ditt etter fylt 18 år?
- 7) Har det påvirket utdanningen din?
- 8) Har det påvirket deg i arbeidslivet?
- 9) Har det påvirket din helse? Forverret eller bedre?

Annex 2: Interview guide for child welfare workers

Spørsmål til ansatte/profesjonelle i barnevernstjenesten:

- 1) Snakker dere med barna før dere fatter en beslutning i akutte saker? (F.eks. på skoler før barna hentes?)
- 2) Hva tror du er de langsiktige konsekvensene av at barn enten får eller ikke får medvirke i egen sak?
- 3) Tror du måten man kommuniserer med barna i dag betrygger dem slik at de forstår at man ønsker å hjelpe dem og som fører til at de involverer seg, eller bør kommunikasjonsmetodene endres?
- 4) Hva synes du om dagens praksis i forhold til akuttvedtak? Er det noe som bør forbedres/endres og i så fall hva?
- 5) I FNs barnekonvensjon som Norge har ratifisert er det ingen aldersgrense for barns uttalerett i saker som angår dem. I norsk lovgivning har barn fra 7 år, og yngre barn som er i stand til å danne egne meninger en ubetinget rett til å uttale seg. Tror du at denne aldersgrensen er med på å hindre at barn som kunne uttalt seg, ikke får det likevel fordi man kanskje er opphenget i aldersgrensen og ikke klarer å tenke forbi den?
- 6) Ut fra din faglige bakgrunn, tror du det finnes andre løsninger som kan benyttes for å unngå ufrivillig omsorgsovertakelse av barn?
- 7) Blir barn forberedt på akuttsituasjonen på forhånd?
- 8) Hvordan tar dere vare på barna ved akutte hentinger?
 1. Kan samtaler som foretas før akutte omsorgsovertakelser gjennomføres skape traumer for barn, tror du?
 2. Barn kjenner ikke til sine rettigheter og det er de voksnes ansvar å informere dem på en god og forståelig måte. Derfor lurer jeg på om barn over 7 år faktisk får en reell mulighet til å uttale seg på bakgrunn av metodene informasjonen videreformidles på?
 3. Hvilke implikasjoner har brudd på artikkel 12 på livet til disse barna?
 4. Feil og mangelfull informasjon kan ifølge flere forskere belaste barn ytterligere og anses derfor ikke som reell deltakelse. Tror du at mangelen på reell medvirkning kan medføre negative konsekvenser i forhold til de psykososiale og psykiske forholdene senere i voksenlivet?

Om praksisen:

1. Hva synes du om dagens praksis i forhold til akuttvedtak? Er det noe som bør forbedres/endres og i så fall hva?

2. Har du forslag til tiltak som ikke brukes i dag og som man kunne benyttet seg av for å unngå ufrivillig plassering av barn med mindre det er høyst nødvendig?
3. Barnekonvensjonens artikkel 12 gir barn en rett til å uttale seg, men gir ingen selvbestemmelsesrett. Bør man endre dagens praksis til å inkludere en selvbestemmelsesrett for barn som kan danne egne synspunkter, med hensikt å øke barns medvirkning i akutte saker?
4. Har du forslag til hva man kan gjøre for å øke barnas stemme ved ufrivillige omsorgsovertakelser?

Samtykkeerklæring

Jeg har mottatt og forstått informasjon om prosjektet **Children's voices in emergencies**, og har fått anledning til å stille spørsmål. Jeg samtykker til:

- ☐ å delta i intervju
- ☐ at mine personopplysninger lagres frem til prosjektslutt, til oppgaven er levert og bestått.
- ☐

Jeg samtykker til at mine opplysninger behandles frem til prosjektet er avsluttet

(Signert av prosjektdeltaker, dato)

Annex 4: NSD Confirmation

Prosjekttittel

Children's voices in emergencies.

Referansenummer

298467

Registrert

22.07.2020 av Roa Mourad - 141201@student.usn.no

Behandlingsansvarlig institusjon

Universitetet i Sørøst-Norge / Fakultet for humaniora, idrett- og utdanningsvitenskap
/ Institutt for kultur, religion og samfunnsfag

Prosjektansvarlig (vitenskapelig ansatt/veileder eller stipendiat)

Bjørn Aksel Flatås, bjorn.flatas@usn.no

Type prosjekt

Studentprosjekt, masterstudium

Kontaktinformasjon, student

Roa Mourad

Prosjektperiode

22.07.2020 - 18.06.2021

Status

04.06.2021 - Vurdert

Vurdering (6)**04.06.2021 - Vurdert**

NSD har vurdert endringen registrert 22.05.2021. ENDRING - Det er gjort mindre endringen i problemstillingen til prosjektet. - Alderen på utvalget er oppjustert til 18-80år - Student har gjort mindre endringer i teksten på tredjepersonsiden. NSD vil følge opp ved ny planlagt avslutning for å avklare om behandlingen av personopplysningene er avsluttet. Lykke til videre med prosjektet!

09.04.2021 - Vurdert

NSD har vurdert endringen registrert 02.04.2021. Vi har nå registrert 18.06.2021 som ny sluttdato for behandling av personopplysninger. NSD vil følge opp ved ny planlagt avslutning for å avklare om behandlingen av personopplysningene er avsluttet. Lykke til videre med prosjektet! Kontaktperson hos NSD: Kajsa Amundsen Tlf.

Personverntjenester: 55 58 21 17 (tast 1)

03.02.2021 - Vurdert

NSD har vurdert endringen registrert 18.01.2021. Det er vår vurdering at behandlingen av personopplysninger i prosjektet vil være i samsvar med personvernlovgivningen så fremt den gjennomføres i tråd med det som er dokumentert i meldeskjemaet med vedlegg den 03.02.2021. Behandlingen kan fortsette. ENDRING: Prosjektet har spisset problemstilling. Informasjonsskriv og intervjuguide er tilpasset. OPPFØLGING AV PROSJEKTET NSD vil følge opp ved planlagt avslutning for å avklare om behandlingen av personopplysningene er avsluttet. Lykke til med prosjektet! Kontaktperson hos NSD: Kajsa Amundsen Tlf.

Personverntjenester: 55 58 21 17 (tast 1)

05.01.2021 - Vurdert

NSD har vurdert endringen registrert etter den 14.12.2020. Studenten opplyser om at endringene som først ble innmeldt likevel ikke skal gjennomføres. Det er dermed ikke registrert noen endringer som påvirker NSD sin vurdering, OPPFØLGING AV PROSJEKTET NSD vil følge opp ved planlagt avslutning for å avklare om behandlingen av personopplysningene er avsluttet. Lykke til med fortsettelsen av prosjektet!

Kontaktperson hos NSD: Kajsa Amundsen Tlf. Personverntjenester: 55 58 21 17 (tast 1)

02.09.2020 - Vurdert

NSD har vurdert endringen registrert 21.08.2020. Det er vår vurdering at behandlingen av personopplysninger i prosjektet vil være i samsvar med personvernlovgivningen så fremt den gjennomføres i tråd med det som er dokumentert i meldeskjemaet med vedlegg den 02.09.2020. Behandlingen kan fortsette. ENDRING Prosjektet vil nå inkludere noen unge under 16år. De foresatte og ungdommene vil samtykke til at behandlingen finner sted. OPPFØLGING AV PROSJEKTET NSD vil følge opp ved planlagt avslutning for å avklare om behandlingen av personopplysningene er avsluttet. Lykke til med prosjektet! Kontaktperson hos NSD: Kajsa Amundsen Tlf. Personverntjenester: 55 58 21 17 (tast 1)

05.08.2020 - Vurdert

Det er vår vurdering at behandlingen av personopplysninger i prosjektet vil være i samsvar med personvernlovgivningen så fremt den gjennomføres i tråd med det som

er dokumentert i meldeskjemaet 05.08.2020 med vedlegg, samt i meldingsdialogen mellom innmelder og NSD. Behandlingen kan starte. MELD VESENTLIGE ENDRINGER Dersom det skjer vesentlige endringer i behandlingen av personopplysninger, kan det være nødvendig å melde dette til NSD ved å oppdatere meldeskjemaet. Før du melder inn en endring, oppfordrer vi deg til å lese om hvilke type endringer det er nødvendig å melde:

https://nsd.no/personvernombud/meld_prosjekt/meld_endringer.html Du må vente på svar fra NSD før endringen gjennomføres.

TYPE OPPLYSNINGER OG VARIGHET Prosjektet vil behandle særlige kategorier av personopplysninger om religion og helse og alminnelige kategorier av personopplysninger frem til 30.04.2021.

LOVLIG GRUNNLAG Prosjektet har to utvalg, i tillegg vil det kunne fremkomme enkelte opplysninger om tredjepersoner.

Utvalg 1 er personer som har vært omplassert av det offentlige/barnevernet som barn. Prosjektet vil innhente samtykke fra de registrerte til behandlingen av personopplysninger. Vår vurdering er at prosjektet legger opp til et samtykke i samsvar med kravene i art. 4 nr. 11 og art. 7, ved at det er en frivillig, spesifikk, informert og utvetydig bekreftelse, som kan dokumenteres, og som den registrerte kan trekke tilbake.

Lovlig grunnlag for behandlingen vil dermed være den registrertes uttrykkelige samtykke, jf. personvernforordningen art. 6 nr. 1 bokstav a, jf. art. 9 nr. 2 bokstav a, jf. personopplysningsloven § 10, jf. § 9 (2).

Utvalg 2 er Ansatte i offentlige instanser. Prosjektet vil innhente samtykke fra de registrerte til behandlingen av personopplysninger. Vår vurdering er at prosjektet legger opp til et samtykke i samsvar med kravene i art. 4 og 7, ved at det er en frivillig, spesifikk, informert og utvetydig bekreftelse som kan dokumenteres, og som den registrerte kan trekke tilbake.

Lovlig grunnlag for behandlingen vil dermed være den registrertes samtykke, jf. Personvernforordningen art. 6 nr. 1 bokstav a. Informantene i utvalg 2 har taushetsplikt. Det er viktig at intervjuene gjennomføres slik at det ikke samles inn opplysninger som kan identifisere enkeltpersoner eller avsløre annen taushetsbelagt informasjon.

Intervjuene med utvalg 1 skal omhandle deres personlige erfaringer med omplasseringen. Det vil ikke stilles spørsmål direkte om foreldre eller andre tredjepersoner, men for å oppnå prosjektets formål er det nødvendig at noen slike opplysninger fremkommer. Informantene vil både muntlig og skriftlig bli bedt om å

unnlate navn og andre identifiserende karakteristikk. Opplysningene som skal registreres er primært bakgrunnsopplysninger, samt relasjonen til informantene. Det vil kunne fremkomme noen opplysninger om helseforhold da det inngår i prosjektets tema. Intervjuene vil anonymiseres i transkriperingsjobb og lydopptakene slettes fortløpende.

NSD vurderer at nytten av opplysningene klart overstiger ulempen for den enkelte registrerte. I vår vurdering har vi vektlagt at behandlingstiden er kort og at prosjektet gjør tiltak for å minimere fremkomsten av opplysningene. Prosjektet vil behandle særlige kategorier av personopplysninger om tredjepersoner med grunnlag i at oppgaven er nødvendig for formål knyttet til vitenskapelig eller historisk forskning.

Behandlingen har hjemmelsgrunnlag i personvernforordningen art. 6 nr. 1 bokstav e), jf. art. 6 nr. 3 bokstav b), jf. art. 9 nr. 2 bokstav j), jf. personopplysningsloven §§ 8 og 9.

PERSONVERNPRINSIPPER

NSD vurderer at den planlagte behandlingen av personopplysninger vil følge prinsippene i personvernforordningen om:

- lovlighet, rettferdighet og åpenhet (art. 5.1 a), ved at de registrerte får tilfredsstillende informasjon om og samtykker til behandlingen
- formålsbegrensning (art. 5.1 b), ved at personopplysninger samles inn for spesifikke, uttrykkelig angitte og berettigede formål, og ikke viderebehandles til nye uforenlige formål
- dataminimering (art. 5.1 c), ved at det kun behandles opplysninger som er adekvate, relevante og nødvendige for formålet med prosjektet
- lagringsbegrensning (art. 5.1 e), ved at personopplysningene ikke lagres lengre enn nødvendig for å oppfylle formålet

DE REGISTRERTES RETTIGHETER

Så lenge de registrerte kan identifiseres i datamaterialet vil de ha følgende rettigheter: åpenhet (art. 12), informasjon (art. 13), innsyn (art. 15), retting (art. 16), sletting (art. 17), begrensning (art. 18), underretning (art. 19). Utvalg 1 og 2 vil videre ha rett til dataportabilitet (art. 20) og tredjepersoner til protest (art. 21)

NSD vurderer at informasjonen som de registrerte vil motta oppfyller lovens krav til form og innhold, jf. art. 12.1 og art. 13.

Når det gjelder tredjepersoner er det NSD sin vurdering at det kan unntas fra informasjonsplikt etter art. 14 nr. 5 b) siden det vil være uforholdsmessig vanskelig å gi informasjon sett opp imot nytten de registrerte har av informasjonen. Omfanget av

opplysningene er av begrenset art og studenten kjenner ikke til identiteten til tredjepersonene.

I tilfeller der det registreres flere opplysninger om en tredjeperson vil prosjektet oppfordre informantene til å informere tredjepersonene. Hvis det ikke lar seg gjøre vil opplysningene anonymiseres umiddelbart og student gjøre en etisk vurdering av om opplysningene kan benyttes videre.

Vi minner om at hvis en registrert tar kontakt om sine rettigheter, har behandlingsansvarlig institusjon plikt til å svare innen en måned.

FØLG DIN INSTITUSJONS RETNINGSLINJER

NSD legger til grunn at behandlingen oppfyller kravene i personvernforordningen om riktighet (art. 5.1 d), integritet og konfidensialitet (art. 5.1. f) og sikkerhet (art. 32).

For å forsikre dere om at kravene oppfylles, må dere følge interne retningslinjer og eventuelt rådføre dere med behandlingsansvarlig institusjon.

OPPFØLGING AV PROSJEKTET

NSD vil følge opp ved planlagt avslutning for å avklare om behandlingen av personopplysningene er avsluttet.

Lykke til med prosjektet!

Kontaktperson hos NSD: Kajsa Amundsen

Tlf. Personverntjenester: 55 58 21 17 (tast 1)