Gevaarlijke kinderen - kinderen in gevaar: De justitiële kinderbescherming en de veranderende sociale positie van jongeren, 1960-1995

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This study examines changes in Dutch judicial child welfare between 1960 and 1995. Judicial child welfare handles cases of juvenile delinquency, child neglect, sexual abuse and battery of children. Over the years, the families concerned have had one thing in common: they are predominantly from a low social class and face a wealth of serious problems.

In Chapter 1, I describe this study’s backgrounds and structure. The most striking change in judicial child welfare is that the number of supervised juveniles decreased by half between 1960 and 1980, only to rise considerably from the early 1980s onward. This reversal motivated the present study on judicial child welfare between 1960 and 1995.

Relevant literature in the social sciences offers direct and indirect indications for the decrease and subsequent increase in measures taken by judicial child welfare. The decrease between 1960 and 1980 is attributed to the expansion of non-judicial and alternative juvenile assistance and the tendency for parenting problems to be resolved by institutions providing social assistance rather than through the involvement of the judicial system. The recent rise is related to certain shifts in the judicial child welfare system, the juvenile issue’s increased seriousness and complexity, greater insecurity among parents about raising children, more interest in and lower tolerance for various types of anti-social and aggressive behaviour (which leads child welfare workers to respond more quickly with judicial child protection measures when the rules of conduct are broken), and, finally, the higher population of ethnic minority juveniles. They are believed to be more prone than Dutch juveniles to anti-social acts and delinquency. In addition, or alternatively, judicial child welfare workers intervene sooner and more extensively with families of foreign extraction than with Dutch ones.

Analysing over two hundred files of adolescents and children placed by judges in the juvenile justice system yielded empirical evidence for these assertions. The other research sources consisted of topical literature, documents, statistical material, and conversations with a few child protection experts.

Chapter 2 addresses the establishment of judicial child welfare in the Netherlands and the main changes in the system since World War II: the professionalisation of care, the democratization of the relationship between welfare workers and clients, and the emancipation of supervised juveniles. This chapter is based largely on information obtained from literature and documents.
The expansion of the state's involvement and the professionalisation and democratization of the relationship between welfare workers and clients in the judicial system have coincided and stimulated each other since the early twentieth century. Increasingly, deviant behaviour is defined as a psychological problem.

Improvements in children's societal position gave rise to laws and subsidy provisions. This state intervention has been conducive to children's emancipation in our society. Implementation of the Children's Acts of 1905 highlighted the importance of good parenting and the obligations of parents toward their children. Children's emancipation improved the position of children with respect to both their parents and other adults, including child welfare workers, as manifested by the increased rights of supervised juveniles and further expansion of children's rights.

Professionalisation of the judicial child welfare services after World War II was intended as an antidote to the imminent ruin of part of the youth, families, and society in general. This process coincided with greater interest in client preferences, freer parenting styles, more influence for supervised juveniles in the assistance provided, and increased care and concern for children on the part of the state.

Chapters 3 to 6 are based largely on the analysis of the child protection files. They relate constants and changes between 1960 and 1995 in the nature of and approach to the main family problems concerning judicial child welfare: neglect and abuse of children, incest, and juvenile delinquency. Each chapter opens with a review of the literature about the problems addressed.

Chapter 3 covers the nature, approach, and modified views among judicial welfare workers regarding material neglect of children, as well as the assorted family situations in the records that directly or indirectly concern such neglect: subsistence from benefits and debt burdens, single parenthood, and addiction among parents. The ongoing difficulties in satisfying the material needs of children from families in the judicial child welfare system are probably related to the perpetuation of life in these conditions. Material child neglect has undergone little or no change between 1960 and 1995. Besides this constant, judicial child welfare workers appear more accepting and understanding with respect to problems observed in material childcare. Standards have been relaxed a bit in this area. Nevertheless, the recent files also reflect cases of harsh condemnation of severe material child neglect.

In this chapter, I also examine whether child welfare workers have been focusing more on emotional care and affection-oriented parenting and have become increasingly interested in problems with emotional childcare since the 1960s. My material neither contradicts nor confirms the rise in emotional neglect of children, indifference among parents, and the lack of parental interest feared by some researchers. Nevertheless, child welfare workers have clearly raised their expectations of parents with respect to emotional care in the past few decades. Increasingly, relationships between parents and children are assessed according to their true emotional value. In the definition of emotional neglect of children, the emphasis has shifted from supervision and set rules to sincere emotional involvement of parents with their children, subsequently combined with profundity and restoration of parental supervision.
Chapter 4 discusses the changes in the severity of physical child abuse and the ways that the judicial child welfare system handles this problem. Changes in parent-child relationships are described, as well as the different judgments of child welfare workers regarding physical violence in parenting.

Asserting that more cases of severe child abuse are brought before the judicial child welfare system now than in the past appears incorrect. Even though child welfare workers are more alert to violence in parenting, they have encountered serious child abuse less frequently in the 1980s and 1990s than during the 1960s and 1970s. Unlike the records from previous decades, the recent ones usually refer to minor violence, such as 'hitting' or 'smacking the child occasionally'.

In the 1960s parents and judicial child welfare workers seemed to approve of corporal punishment for difficult children. Serious violence against children was more likely to be excused as a lapse or an understandable punishment and did not elicit the harsh condemnations it does today. Parents were frank about such actions. In the 1970s, 1980s and 1990s, parents appear less accepting of physical violence as a parenting technique. Presumably, juveniles under supervision suffer less frequent and less serious abuse than in the past. This 'pacification' of parental behaviour apparent from the files is undoubtedly related to the general growing aversion to violence against children. Physical violence in parenting has become a taboo. Parents who resort to violence anyway are less open about their actions. The decline in violence in parenting during the course of children's lives seems attributable to changing family relationships. The position of children with respect to their parents has strengthened. Especially adolescents have become more capable of defending themselves than in the past. In the recent files, they end abuse by running away from home or by directing threats or violence at their abusive parents. Mothers have become more successful in protecting their children from repeated abuse by divorcing their partners.

Like public opinion, child welfare workers have started to speak out more against violence in parenting and are less understanding. Conversely, their silence regarding serious acts of violence is remarkable. In cases involving serious child abuse, child welfare workers are less effective than they used to be. They are faster to express concern but are not always able to act, due to the increased influence of parents in the assistance network. They require cooperation from their clients (either the parents or the child) to accomplish change.

Chapter 5 concerns attitudes toward incest. This chapter examines whether child welfare workers used to do too little in contrast with the current approach, acting too zealously in cases of suspected incest.

The files from 1980-1995 contain twice as many reports of incest as the ones from the 1960s. Suspicion of incest is cause for action in half of the recent incest files. This rate is higher than in the 1970s but lower than in the 1960s. Contrary to the expectations suggested by topical literature, incest cases appeared in the records from the 1960s and were proportionately more likely to give rise to judicial child protection measures than in more recent periods.

Reports of incest cases of the 1960s, however, made no mention of possible traumas among the victims resulting from their abuse. Victims met with little compassion. Often they were viewed by judicial child welfare workers (and other social workers and law enforcement officers) as accomplices to and willing participants in the incest. Frigid or
adulterous wives and provocative children were cited as reasons for the abuse. In certain cases, however, both the justice system and the judicial child welfare system acted forcefully against the perpetrators and the victims. Such action prevented repeated abuse of the victims. Children who were not recorded as being sexually suggestive or seductive, however, did not receive adequate protection. Child welfare workers ignored the possibility that these children might suffer sexual abuse, even if one of their siblings had been diagnosed as an incest victim.

The child protection records of the 1970s reflect a proportional rise in incest cases reported. This increase did not lead to the increased awareness of judicial child welfare workers about the occurrence of incest. Their responses were paragons of disbelief and denial and belittled the problem. Some accusations were interpreted as fantasies and subconscious desires among girls. Nevertheless, ‘oversexed’ children would lead child welfare workers to take action. They were perceived as a danger to themselves and a bad influence on other children. Despite the measures taken by judicial child welfare, these victims received no protection from recurring sexual abuse.

The recent interest in sexual abuse hasn’t brought about as much change as expected. The greater number of cases of incest identified in the 1980s and 1990s did not bring about harsher and more effective action than in the sixties. The recent documented reactions of child welfare workers in the justice system include compassion, shame, and disbelief. Interventions occur at earlier stages than in the 1970s but not if compared with the 1960s. Even when child welfare workers are convinced incest is being committed and fully acknowledge the matter’s seriousness, they are more likely to be helpless and reluctant to intervene than in the sixties, in particular in cases where the reporters of the abuse (mothers and children) are extremely weak.

Changes in judicial child welfare with respect to juvenile delinquency are addressed in Chapter 6. The topics include the rise in serious offences, the relationship between parenting and family culture and delinquency, and the changing relationships between child welfare workers and their clients (adults and children alike).

Judicial child welfare workers have become softer on juvenile delinquency during the period under review. Law and order forces take less forceful action against more serious property crimes and increased violence and aggression. Their understanding of the backgrounds of the perpetrators and the crimes leads them to treat legal violations by juveniles more leniently. Child welfare workers today believe that compliance by children with the implementation of judicial measures is required for the desired effect to be achieved. Supervised juveniles can easily evade the influence of law enforcement officials. Role reversals and absence of authority between parents and children is becoming more common. Sometimes such parents contact judicial child welfare, hoping to end the terror they suffer from their children.

The changes in decision-making and the actions of judicial child welfare do not substantiate the assertion that the Netherlands has become more punitive or the Dutch justice system less lenient toward juveniles in recent decades. In fact, the present study shows that the interventions of judicial child welfare workers rise, but become more inconsistent and less harsh during the 1980s and 1990s. It reflects greater tolerance toward shoplifting, burglary, and acts of violence among both Dutch juveniles and ethnic minority juveniles. Whereas child welfare workers and parents have become more considerate of juveniles, some supervised juveniles demonstrate the opposite trend. The
decrease of external constraints by parents and juvenile justice workers has not coincided with increased selfcontrol among juveniles, but with more serious property offences and acts of violence. In particular ethnic minority boys exhibited violent behaviour in the recent sample.

In the recent files, both native perpetrators of violence and their counterparts of foreign extraction are best described as juveniles abandoned in hopeless situations. They were raised under largely haphazard conditions. People with such childhood experiences are unlikely to acquire the self-discipline expected in Dutch society today.

In Chapter 7 the aforementioned explanations discovered in the literature about variations in the justice system’s intervention in families are examined. The study’s main conclusions are discussed here.

The main reason for the decrease in judicial intervention between 1960 and 1980 concerns the professionalisation of the care and the incorporation of non-judicial volunteer assistance within judicial child welfare. This change has coincided with greater reluctance among judicial workers to elicit or prolong judicial measures. Budget increases were used to replace unpaid volunteers with professional welfare workers. The process was completed in the late 1970s. In the 1960s and 1970s the expansion of non-judicial juvenile assistance, both within and outside judicial child welfare, led to a reduction in the number of measures taken by judicial child welfare.

Although the expansion of state influence in the 1970s resulted in fewer judicial interventions in families, the subsequent public centralization of care also paved the way toward the rise in the number of measures taken by judicial child welfare in the years that followed. By the late 1970s, virtually all volunteers had disappeared from judicial child welfare and had been replaced by paid professionals. The manpower of the Child Protection Boards - government institutions for judicial child welfare - and the agencies for family guardianship were untouched by the cutbacks in the Netherlands in the 1980s. The selective budget reductions in this area did not affect the Board’s investigations regarding the desirability of judicial child protection measures. Grants for the family guardianship sector remained the same, since they were based primarily on the number of supervised juveniles. This situation does not explain the recent increase in supervision orders, which requires a greater understanding of the changes in the nature of family problems eliciting intervention and the motives of child welfare workers for ordering and extending judicial measures.

The files convey the following pattern: Greater fear among parents of physical and sexual child abuse, the changed definition of emotional neglect of children, and the disappearance of the candidness among parents regarding corporal punishment as a parenting technique, may actually indicate more rigid social regulations in these areas. Chapters 4 and 5 show that judicial child welfare workers have become more alert to physical and sexual child abuse. This trend might explain the rise in judicial interventions since the 1980s. Increasingly, coercion and violence meet with disapproval. Nonetheless, greater alertness does not necessarily mean that actions against family violence have become more forceful. Recent records reflecting serious physical child abuse and incest attest to growing helplessness and more reluctance to act alongside the increased alertness.

As stated, the analysis of the files reveals clearly that the nature of juvenile delinquency became more seriously. Comparing the juvenile delinquency records from the
1960s and 1970s with the ones from the 1980s and the early 1990s also indicates greater tolerance among law enforcement officials with respect to theft, burglary, and acts of violence committed by native and ethnic minority juveniles. The recent increase in interventions by judicial child welfare is therefore unlikely to follow that law enforcement officials have become less child-oriented. Relaxing external control will lead to greater scope to the forces conducive to anti-social behaviour. Reduced external pressure from adults, more restricted access to the labour market, and increased ownership of weapons mean that juveniles require greater self-control and self-discipline than a few decades ago. As a result, developmental delays and impulsive behaviour have become more noticeable among juveniles who never learned to control themselves.

Analysing the records therefore shows that child welfare workers (and Dutch society overall) expect more out of parenting and self-control among juveniles than previously. Children whose parents are poorly educated, ill, infirm, destitute, single, or absent are thus more likely to come into contact with the judicial child welfare system.

Judicial child welfare does not appear to take disproportionately harsh action against ethnic minority juveniles. Their overrepresentation at correctional schools and the disproportionate number of heavy criminal sentences they receive are probably attributable to the severity of their offences. Compared with native boys and girls, their acts involve excessive violence. Virtually all violent delinquents, of which the records were reviewed, reside in closed institutions throughout the sentence imposed by judicial child welfare. Similar acts of violence are committed by native Dutch juveniles (boys and girls), who have been as severely neglected by their parents as their counterparts of foreign extraction. Many supervised juveniles who committed serious criminal offences prove to be on their own. They wander from temporary accommodations to shelters and lack any adult guidance.

The files reveal a connection between juvenile unemployment, subsistence from benefits, family and childhood problems, and criminal behaviour. The equalizing balance of power between parents and their children in dire economic conditions, appears to be undermining the regard for others: irritations are mounting and are leading to increased violence within families (e.g. serious child abuse and parents being terrorized by their children) and indifference of parents toward their children.

A model explaining the rise in judicial interventions in families should place more emphasis on the mounting social inequality in the Netherlands than on the new, growing chasm between the native population and the one of foreign extraction. People of foreign extraction are overrepresented in the social rearguard, the unemployed, and those subsisting from benefits. The deepening divisions by class and ethnicity may lead to more serious legal violations among the excluded individuals. Especially among juveniles, such action would be an obvious response to low prestige, family problems, inferior status, and life in two different cultures. Social inequality may not independently explain the rise in juvenile delinquency - which has occurred among the middle class as well - but might explain the changed nature and increased severity of criminal offences perpetrated by native juveniles and ethnic minority juveniles alike from lower social strata. Consequently, it explains the recent rise in the number of family interventions by judicial child welfare.
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