Een dynamische driehoek. Gezinsvoogd, ouder en kind een jaar lang gevolgd
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Summary

In the Netherlands each year at least 17,000 children are confronted with the child judge and must be placed under guardianship.

The law on guardianship (OTS), introduced in 1921, is the most frequently used legal measure for child care and protection. Children can be placed under guardianship in situations where their development is endangered, or when they run the risk of getting off the rails. Where voluntary services have failed, guardianship seems to have become the last resort.

Until the amendment of the OTS-law in 1995, the child judge controlled the implementation of the guardianship measure. Presently, the role of the child judge has somewhat faded into the background. Institutions for family guardianship control the implementation and take the decisions. Family guardians are the ones who must carry out the intervention, and have a double task in this. On the one hand, they must exercise authority, which represents the formal, juridical side of their work, and on the other, they must provide assistance. The tension between law and assistance in their work forces them to find a balance between these two tasks.

The new OTS-law does not make the work of the family guardian any easier. How should he or she act within the national legal framework, and what kind of concepts for steering and designing interventions are provided within the existing juridical framework? How do family guardians handle the tension between law and assistance? The central question in my study is, to what extent does the daily practice in family guardianship agree with the legislator's intentions?

The studies conducted until now were mainly focused on the assistance task. Little is known about the specific meaning of the legal framework within which family guardians must do their work. It is therefore in the first place necessary to find out the meaning of the terminology used in the legislation. The first subquestion in my study is therefore

1. What is the specific meaning of the legal framework within which interventions are carried out by family guardians in guardianship institutions?

Based on a literature study dealing especially with parliamentary articles and previous research, the meaning of the juridical framework within which family guardians have to do their work has been analyzed. This meaning is expressed in their tasks, namely that of removing the threatening factors from the child's situation, restoring parental authority and giving recommendations. The concepts of 'threatening situation', 'parental authority' and 'recommendations' have been examined with regard to their meaning.

The second and third subquestions are, respectively,

2. To what extent do these juridical concepts correspond to the interventions carried out by family guardians?

3. How do clients experience the interventions carried out by a family guardian within their family? Is the assistance provided by the family guardian adequate?
The empirical research carried out in this field until now occupies a central place in this book. 19 OTS interventions were followed over a period of one year. On three measuring moments, a total amount of 165 in-depth interviews were held with family guardians, parents and children. An in-depth analysis of the data was carried out. This analysis constitutes the basis of the present book.

The second question addressed is, what do family guardians regard as threatening situations in the daily practice of their work? What kind of actions do family guardians take in order to restore parental authority? Do family guardians also exercise authority and do they use the opportunity to give recommendations?

The third question is, what do parents and children think about the received assistance? What are parents' and children's opinions about the family guardian and vice versa? Does the received assistance or intervention provide an answer to the problems existing within the family? And, finally, what have we learned about parents' and minors' expectations with regard to the assistance provided by family guardians?

Results

The legislation does not appear to be very clear with regard to the juridical framework within which the interventions taken by family guardians take place. The meaning of the term 'serious threat' leaves plenty of room for interpretation for social workers: whether and how this room for interpretation is used depends namely on actual situations, and is indicated by the prevailing views in society. With regard to 'restoring parental authority' the legislation appears to be more clear. In their interventions, family guardians must try to restore parents' 'say' or 'responsibility'. The legislation emphasizes the juridical aspects of 'authority' and does not pay any attention to the pedagogical aspects. This, whereas it is taken for granted that an OTS intervention can only be terminated and considered successful when the pedagogical authority of the parents is restored.

There is also some ambiguity with regard to the task of giving recommendations. A more detailed description is therefore advisable.

At first sight, the legislation seems to draw narrow limits with regard to the nature and scope of activities carried out by social workers, however, in reality, social workers appear to have enough room to do their work according to their own views. This freedom also causes much uncertainty, as the limits are not clearly set.

Family guardians consider negative development as an important indicator for a threatening situation in the child's life. So, they use the term 'serious threat' when the child is on the point of getting involved in the criminal scene, when he or she uses drugs or when his or her school absence rates are very high.

The meaning given by family guardians to the concept of 'authority' has preponderantly a juridical character. In this respect they talk about 'power of decision', 'bearing the responsibility' and 'assuming control' in the family situation. When they are asked about the meaning of the concept 'restoring parental authority' they give a rather pedagogical description. They even talk about 'pedagogical authority'. According to them, for instance, the authority of the parents is restored when the latter are capable of enforcing and maintaining rules concerning their child
without any assistance from a third party, and when they are again able to bear the responsibility for educating and guiding their children.

Family guardians exercise their authority especially in dealing with the children and only to a lesser degree in approaching the parents. Serious conflicts do not occur very often. In contrast, arguments occur on a regular basis. Family guardians, parents and children do not appear to agree with each other when it comes to the decision of placing the child in care, the frequency of contact between parents and children and different insights in these matters.

When disagreement with parents and children occurs, family guardians try to reach an agreement by means of mutual arrangements. If the situation gets worse and a conflict arises, family guardians exercise their authority both with the parents and the children. In this kind of situations the family guardian threatens with placing the child in care or calling in the child judge.

It is noteworthy that parents do not appear to have similar views with regard to these matters. The way in which some parents experience the intervention is diametrically different from family guardians' suppositions. When a family guardian lets a matter rest in order to avoid escalation, some parents assume that he or she will reopen the discussion at a later stage. Often this is not the case, and the family guardian simply takes action. In the field of communication the discussion techniques used by family guardians need improvement.

It is further noteworthy that children have a more negative impression of the family guardian than the latter supposes. For instance, 'time out' is directly experienced in a negative way. Also the fact that sometimes the family guardian addresses them severely or he or she threatens with placing them in care is interpreted negatively by the children.

Among family guardians there appears to be some ambiguity concerning the task of giving recommendations.

In daily practice, 'giving recommendations' does not appear to occur in the same way as stipulated by the legislation. According to family guardians, recommendations can be both verbal and written, whereas the legislation assumes that recommendations are given in writing. A possible explanation is the ambiguous formulation in section 1: 258 BW, p. 1 and 2. Furthermore, family guardians express the (understandable) desire to avoid conflict as much as possible. Recommendations sharpen the disagreement, and my research as well as other studies, has shown that family guardians do not like this kind of situations.

The way in which parents and children experience the assistance imposed to them has been examined by questioning them about the way in which they experienced the meeting. Furthermore, it has been verified whether they understand the guardianship measure and whether they agree to this measure or not. Most parents appeared satisfied with the meeting. In contrast, only 50% of the children appeared satisfied. Especially the feeling that their voice is heard is important for their feeling of satisfaction. Dissatisfaction has much to do with the impersonal approach taken by the child judge. The intention and contents of the conversation is well understood by parents and children.

Both the parents and the children understand that the guardianship measure has an imposed character. Furthermore, according to them the measure implies that they
will receive assistance and solutions to their problems. For some of the parents it is not clear 'how much responsibility and authority' they will be allowed to keep with regard to their children. The children do not understand very well the actual significance of the guardianship measure: they literally associate it with the person of the family guardian, and these persons are frequently replaced.

Most parents accept the fact that the measure is imposed by the child judge because they are at a complete loss what to do. The children accept the measure because they hope the family situation will change. Those who do not accept the measure or have mixed feelings about it find it difficult to accept the interference of the family guardian and feel that decisions are taken over their heads.

Parents have a need for assistance, which must be directed particularly at their children and not so much at themselves. In case they need assistance for their own problems it appears that they already have solved these problems by themselves. Parents want in the first place guidance for their child, in the form of discussions about problems at school or about their (wrong) friends. They wish the family guardian to build up a relationship based on mutual trust with their child during these discussions, and hope that he or she can 'steer' their child in this way. There is also a group of parents who want a 'strong approach' without much talking and deliberations.

Furthermore, parents also have practical wishes with regard to their children, such as arranging their move to another school or having them placed in a boarding school. The parents of children who have been placed in care expect to be well informed about their child and want to be consulted when the family guardian takes certain decisions concerning their child.

Although most children are quite positive with regard to the arrival of the family guardian in their family, they appear to have other expectations than their parents. They do not wish any interference with themselves and they want the family guardian to talk to their parents. The things they want for themselves have mostly a practical nature: transfer to another institution or room training.

The assistance provided by family guardians and the need for assistance expressed by the children link up quite well. Family guardians are well capable to provide an answer and a solution to children's need for care. As regards parents' expectations this is not always the case.

In the early part of the year of the research, more than 50% of the parents appear satisfied with the assistance and feel well supported. Their feeling of satisfaction about the assistance provided is determined by the fact that the family guardian carries out activities that lead to finding practical solutions or solutions leading to gaining a better insight into educational problems. The feeling of support is especially related to the accessibility of the family guardian: they can always find him when they need him.

After six months the family guardian does no longer meet the parents' expectations. Their attitude towards the family guardian has changed. Parents feel disappointed and feel less well supported and less satisfied with the activities carried out by the family guardian. Half of the parents however are still satisfied.

A comparable tendency can be noted with the children. Most of them feel well assisted and supported by the family guardian at the beginning of the year. They are also satisfied with the discussions they have with him or her. After six months their
satisfaction appears to decrease. Children feel satisfied when the family guardian comes up with 'good' solutions for various arrangements. They feel well supported when the family guardian is good at listening to their problems and when they have good conversations with him or her. Their feeling of disappointment is related to the fact that their wishes have not been fulfilled.

To gain more insight into the changes that possibly occurred in the family situation during the period of our study, on three measuring moments parents and children had to answer a number of questions concerning their problems. It has been examined to which factors they attribute the possible changes. Furthermore, problems as pointed out by family guardians have been examined by means of the Goal Attainment Scaling (GAS). GAS is an instrument that measures the effect of assistance. In this way the problems could be analyzed from three different approaches.

Parents mention problems in different areas. In describing their own problems they mention especially divorce and relationship problems, financial and material problems and problems with their family and environment. According to them, children have problems especially at school (high absence rates, do not do their homework) they would not listen and do not want to observe the rules. At the end of the year, most parents indicate positive changes in their situation; the number of problems has decreased both with regard to their children and themselves. Parents regard these changes as a result of various factors. Most of them consider that the family guardian has played a role in this. Furthermore, they attribute the positive changes to the discussions with the school head in the institution where their child has been placed. Some of the parents, on the other hand, are of the opinion that the family guardian did not play any role in the changes.

Children also indicate various problems in their family situation. At the beginning of the year they have a fairly good overview with regard to their parents' problems: they mention more or less the same problems. Furthermore, children are of the opinion that they do not have any problems themselves, but that they create problems, especially problems related to their behavior at school. They admit that they would not listen and that they play truant. Apart from this, some children show criminal behavior. At the end of the year, all the children consider that they have changed. In that sense they indicate especially positive changes. They do not have problems any more or they mention less problems. They find that they have learned how to listen better and that they have become 'more quiet'. Their school problems however have not been solved.

More than 33% of the children attribute the positive changes to the family guardian's intervention, whereas 25% do not see any link between the intervention and the changes. Most children mention various reasons and ascribe themselves a role in the changes. The children who have been placed in care attribute the positive changes to the discussions with group leaders.

By means of GAS, family guardians could indicate the most important problems, i.e., parents' problems, children's problems and problems in the relationship parents child. Family guardians formulate the largest number of problems related to the children: school problems and problems in the life situation. In case the latter occur
the family guardian must consider placing the child in care or, on the contrary, bringing the child back home. According to the family guardians, parents have problems with their educational task and there also appear to be some problems related to the communication and interaction between parents and children. By means of the GAS, a progress could be measured, the same as it could be measured based on parents' and children's answers. Most effects were found in the relationship parent-child, followed by the effect on children's problems and, subsequently the effect on parents' problems.

To put it briefly, the changes have been measured from three perspectives. It has been demonstrated that the family guardian did play a role in these changes.

(vertaling: Anca Daraban)