



Children's participation in the child protection system: Are young people from poor families less likely to be heard?

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ABSTRACT

Decisions in child protection affect children's and young people's lives substantially and sustainably. For young people to participate in these decisions is an ethical requirement, prominently coded in the UN Convention on the Rights of the Child. Although awareness of the importance of child participation and research thereon have grown, predictors of child participation have not been formalized in a conceptual model and studies on the topic have primarily relied on narrative accounts or fictional vignettes rather than actual case data. This article addresses the lack of conceptual modeling by presenting an approach that takes into account three domains of downstream predictors on the degree of child participation in the decision-making process of a child protection case: (a) External constraints; (b) professionals' willingness and ability to facilitate the child's participation; (c) the child's willingness and ability to participate. It further addresses the lack of actual case data in child participation research, focusing on the understudied predictor of family poverty. Analyses are based on a sample of case files of $n = 264$ children in five Swiss CPS agencies. Outcomes and predictors were extracted from case files with a predefined coding system. Findings suggest that the raised awareness has so far not fully trickled down to an increase in real-life opportunities of participation for young people: The child's subjective view was documented in the case worker's report half of the time (48.9%). Corroborating previous evidence, adolescents were much more likely to have their views included than younger children ($OR = 3.715, p = .002$). Case workers were less inclined to include the child's views if the child came from a poor family ($OR = 0.326, p = .003$). We conclude by suggesting options for improving child participation, highlighting that protection of young people does not have to contradict participation.

1. Introduction

Whenever and wherever possible, children and young people must have the chance to co-determine all decisions affecting their lives. Children's right to participation is on par with their right to protection and the provision of conditions favorable to their development. Participation rights are codified in the United Nation's Conventions on the Rights of the Child, most prominently in article 12. These rights are important anywhere and anytime, but paying attention to them may become particularly urgent in a setting where children, almost by definition, have been exposed to an increased risk of harm, that is, in the realms of child welfare and child protection. In these areas, mirroring development in the wider society, awareness of children's right to

participation has intensified during the past three decades, among researchers as well as practitioners and policy-makers (for evaluations of this progress, see Koshier & Ben-Arieh, 2020; Lansdown, Waterston & Baum, 1996; Reynaert, Bouverne-de-Bie & Vandeveld, 2009).

However, it is not at all certain whether the progress in terms of awareness has been accompanied by a comparable increase in *real-life opportunities*. A body of empirical research suggests that professionals in child welfare and child protection still have trouble providing children and young people with the chance to participate in the professionals' decision-making (Fern, 2014; Gallagher, Smith, Hardy & Wilkinson, 2012; Križ & Skivenes, 2017; Seim & Slettebø, 2017; ten Brummelaar, Knorth, Post, Harder & Kalverboer, 2018; van Bijleveld, Bunders-Aelen & Dedding, 2020; Vis & Fossum, 2015). Studies, most of them

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qualitative, suggest a variety of causes underlying these difficulties. Some attention has been devoted to the conceptual clustering of causal factors (Bouma, López López, Knorth & Grietens, 2018; Ogle, 2018; van Bijleveld, Dedding & Bunders-Aelen, 2015). For example, van Bijleveld et al. (2015) distinguished between factors associated with the case workers (e.g., their attitudes towards child participation), the organization (e.g., policies that favor or hinder participation), the professional-client relationship (e.g., the level of trust between worker and child), and the case (e.g., high-risk vs low-risk cases). However, the predictors of child participation have not been formalized in a conceptual model, and existing attempts to test specific hypotheses regarding the prediction of child participation in child welfare have relied on fictional vignettes rather than actual case data (e.g., Woodman, Roche, McArthur & Moore, 2018).

Against this background, the purpose of the present study is twofold. First, we will propose an integrated model of factors determining the likelihood of child participation in the decision-making of professionals working in the fields of child protection or child welfare. Child protection is understood as an activity which is organized under the leadership of government-run agencies to protect children from harm that may be caused because the children's caregivers abuse or neglect them; institutions in child protection both have a right and a mandate to interfere with parental rights if protection of the child requires it. Child welfare, as the broader term, encompasses public and private institutions whose policies and services are there to prevent harm from children and to promote their chances to positive development; this includes child protection, but extends into the areas of social welfare, the health and the education sector, or the justice system, among others (cf. Wulczyn et al., 2010). Second, we will submit a subset of predictive factors identified in our integrated model to an empirical analysis. This empirical examination is based on case files collected in the Swiss child protection system. In this analysis, our attention will focus on a predictor that is ever present in the discourse on social inequality and social work, but has rarely been investigated in relation to child participation: family poverty.

1.1. Factors determining the likelihood of child participation

The model to be outlined below draws from published studies dealing with potential determinants (or statistically speaking, predictors) of child participation in the child welfare/child protection setting. Many of these studies are qualitative in nature, others purely theoretical. One problem in reviewing these studies is that not all of them apply the same definition of child participation; some do not provide an explicit definition at all. Definitions that are given often follow the example of Arnstein (1969) and Hart (1992) who conceived of participation as an ordinal concept that ascends from no participation at all to full participation, with a series of steps (or metaphorically speaking, 'ladder rungs') in between. According to Bouma et al. (2018), "meaningful participation" of a child in a child protection/child welfare case implies that 1) the child is informed about all aspects relevant to the decision, 2) the child is encouraged to speak out about his or her views of the matter and is carefully listened to, and 3) when adults take decisions, they consider the child's views carefully and include these views in their decision. One is tempted to add another level, where the child gets to take a more active part in the decision-making, consulting with the adults about the decision and perhaps even deciding for herself, such as whether the child wishes to remain with her family or be placed out-of-home. However, even in such a case where the decision is up to the child, there has been an adult deciding that the child may be trusted with the decision, which is a special case of level three as proposed by Bouma et al. (2018). Therefore, for the purpose of this article, we follow Bouma et al.'s definition. In our overview of factors determining the likelihood of child participation, we only considered studies if they were concerned with child participation in child protection and/or child welfare and if their explicit or implicit definition of child participation was appraised

as sufficiently congruent with our own definition, covering at least one of the three levels of child participation mentioned above. We exclude studies that are purely theoretical, but include those reviewing existing empirical evidence without adding any evidence of their own.

Predictors of child participation in child welfare/protection that are discussed in the literature may be divided into seven domains: i) case worker, ii) child, iii) caregiver, iv) worker-child relationship, v) worker-parent relationship, vi) case, and vii) organization. Regarding the *case-worker domain*, studies suggest that the likelihood of a child participating in case-related decision-making hinges on workers' attitudes. Many case workers, it has been suggested, hold the view that children are vulnerable and that they should not be overburdened with an active part in decision-making because they are not sufficiently prepared for it (Atwool, 2006; Holland, 2001; Kellett, Forrest, Dent & Ward, 2004; Pinkney, 2011; Sanders & Mace, 2006; Toros, DiNitto & Tiko, 2018; van Bijleveld et al., 2020). This is apparently embedded in a more general preference of protection over participation and an aversion to risk: Workers strive to keep children safe and assume that the inclusion of children's own views in the decision-making process poses a risk because children are unable to make safe choices (Healy, 1998; McCarthy, 2016; Seim & Slettebø, 2017; van Bijleveld et al., 2015; van Bijleveld et al., 2020; Vis, Holtan, & Thomas, 2012). In addition, it is suggested that workers sometimes lack knowledge about children's rights (Stafford, Harkin, Rolfe, Morley & Burton, 2022; van Bijleveld et al., 2020) and that they may not have the necessary skills in communicating with children to facilitate their participation (Handley & Doyle, 2014; Križ & Skivenes, 2017; Križ & Roundtree-Swain, 2017; O'Reilly & Dolan, 2016; Pölkki, Vornanen, Pursiainen & Riikonen, 2012; Seim & Slettebø, 2017; van Bijleveld, Dedding & Bunders-Aelen, 2014). Moreover, there appears to be a lack of knowledge about child development (Handley & Doyle, 2014). By contrast, workers may be more likely to encourage children's participation if they develop a routine for doing so (Cossar, Brandon & Jordan, 2016) and accumulate professional experience (Handley & Doyle, 2014). Finally, a few studies suggest that workers will be more inclined to include the views of children if they feel this is important to get a complete picture of the case; in other words, if they have an informational need to do so (Archard & Skivenes, 2009; Healy & Darlington, 2009; Vis & Thomas, 2009).

In the *child domain*, the child's age is often mentioned as a relevant predictor (Cossar et al., 2016; Ferguson, 2017; Križ & Skivenes, 2017; Ogle, 2018; Toros, Tiko & Saia, 2013). The underlying assumption is that the child's age correlates with the child's socioemotional maturity and his or her cognitive capacity to understand the situation and to form a reasonable opinion about it; there is evidence that case workers presuppose a strong relationship between such capacities and the age of the child (Archard & Skivenes, 2009; Cossar et al., 2016; Holland, 2001; Holland & Scourfield, 2004; Križ & Skivenes, 2017; Thomas & O'Kane, 1998; Toros et al., 2013). In a similar vein, it is suggested that children need the chance to hone their social and communicative skills in order to be better prepared for participating in decision-making (Wright & Haydon, 2002). Moreover, children's explicit knowledge of their participation rights is assumed to increase their tendency towards active participation (Rix et al., 2010), whereas negative experiences with the child welfare/child protection system may be an obstacle (Horwath, Kalyva & Spyru, 2012). Regarding factors at the *caregiver level*, one study suggests that case workers pay attention to how open parents are towards the participation of their children; where parents are seen to be reluctant, workers may perceive the participation of the child as a threat to the worker-parent relationship and as a consequence may choose not to involve the child (Seim & Slettebø, 2017). Thus, a parent-related variable (reluctance towards child participation) is intertwined with the *worker-parent relationship*. In addition, the *worker-child relationship* seems to matter: child participation may be more likely if the level of familiarity and trust between the worker and the child is higher (M. Bell, 2002; Cossar et al., 2016; Seim & Slettebø, 2017; Stafford et al., 2022;

Strandbu, 2004; Vis et al., 2012). At the *case level*, there is some evidence that a more serious degree of risk (as evidenced, for example, in substantiated child abuse and neglect or domestic violence) makes it less likely for case workers to encourage child participation (Archard & Skivenes, 2009; Healy & Darlington, 2009; Seim & Slettebø, 2017; Vis & Thomas, 2009). An explanation is that high-risk cases may activate workers' protection orientation: They fear that an active inclusion of the child's views would steer their decisions towards higher risks, such as those entailed by an avoidance of placement, and this consideration trumps concerns about children's chance to participate.

Finally, studies on child participation in child welfare/protection frequently address the role of the *organization*. An organization's culture and policies may be more or less supportive and/or demanding with regard to child participation, and the individual case workers' orientation towards protection and/or participation is likely to be influenced by this organizational environment (M. Bell, 2010; Horwath et al., 2012; McCarthy, 2016; Seim & Slettebø, 2017; van Bijleveld et al., 2014). In this context, having regular external supervision to monitor the organization's compliance with its participatory standards may help to facilitate participation (Munro, 2011), and the presence of specific guidelines or tools may do so as well (Morris, Brandon & Tudor, 2015). Organizations are seen as responsible for providing their staff with training where they may learn skills in communicating with children or gain knowledge about children's rights and child development (Handley & Doyle, 2014; O'Reilly & Dolan, 2016; van Bijleveld et al., 2020). One study found that some children felt uneasy about expressing their opinion if asked at home, in the presence or the close vicinity of their family members; to accommodate for this possibility, organizations may provide spaces where children feel safe enough to express their views, such as child-friendly offices (Seim & Slettebø, 2017). Moreover, there is evidence that children feel more encouraged to take an active part in the decision-making process if they have a trusted advocate by their side, which is something organizations may be able to provide if the legal context allows for it (Dalrymple & Horan, 2008; Kennan, Brady, & Forkan, 2018). Finally, the organization's resources matter: According to several studies, participation becomes less likely if the workload of the professionals is higher, if there is a lack of financial resources allocated to participatory procedures, and/or if there is strong pressure to comply with time constraints (Barnes, 2012; Beckett, McKeigue & Taylor, 2007; Ogle, 2018; Pölkki et al., 2012; Stafford et al., 2022; van Bijleveld et al., 2015; Winter, 2009).

1.2. An integrated model

Our reading of the literature presented in the previous section leads us to three conclusions. First, it is apparent that studies address a wide range of factors distributed across several domains of an implicitly ecological model, including assumed causal factors at individual levels, at the interface of individual levels (e.g., worker-child relationship), and at the organizational level. The potential influence of the wider socio-political environment, on the other hand, remains largely implicit, perhaps based on the assumption, as we interpret it, that this influence is mediated by individual or organizational factors. For example, it is sometimes argued in the literature that there is a preference in the dominant norms of society for the protection of children over the participation of children (cf. Collings & Davies, 2008), and this preference may be reflected in organizations' and individual workers' aversion to risk.

Second, the literature on child participation has evidently focused on few domains (most frequently, case-worker and organizational variables) while paying attention to others more sparingly. There has not been much work, for example, concerning individual factors associated with caregivers, families or the children themselves. The last point may be viewed as almost ironical: A central tenet of the child participation discourse is that children are autonomous and active social agents (James & Prout, 2005; Kriz & Skivenes, 2017), yet when researchers try

to explain the degree to which child participation occurs, they place their attention almost exclusively with the adult professionals and their organizations. In addition, the collection of factors that have been proposed and discussed in the literature lack conceptual integration, i.e., they are not considered as elements of a system whose mutual (statistical or causal) relationships may be specified along theoretical lines. Integrated models have been proposed in related fields, such as the participation of adult clients in family preservation services (Littell & Tajima, 2000), child welfare services (Platt, 2012) or psychosocial services more generally (Littell, Alexander & Reynolds, 2001). However, to the best of our knowledge, no such attempts have been made with regard to child participation in the field of child welfare and child protection.

Third, research on child participation in child welfare/protection is not generally embedded in a larger theoretical framework of decision-making. This may be one reason why so much attention has been paid to explaining workers' actions in terms of their belief-systems and the incentives and constraints provided by the bureaucratic organization in which they work, while other models of decision-making, particularly those originating in the rational-choice paradigm, have rarely been considered. This is in conflict with recent decision-making theory, which has led to the insight that one model of decision-making will usually not suffice to explain all the variance observed in real-life decisions (e.g., Wittek, Snijders & Nee, 2013; for an overview of decision-making frameworks in child welfare/protection, see Benbenishty & Fluke, 2020). Specifically, we argue that professionals' decisions regarding child participation may be driven in part by normative convictions and organizational cultures, policies and guidelines, but they will also be influenced by the degree to which child participation is seen as a *useful tool* in the completion of the decisional task that workers are processing. Workers' decision will eventually have to suffice two criteria: validity (the degree to which the decision is in the best interests of the parties involved, first and foremost the child's) and accountability (i.e., the degree to which the decision is defensible, particularly in front of a body with the social and/or legal power to punish the decision-maker). This utility perspective includes, but is not limited to, the appraisal of the *informational* utility of child participation: Will the child provide the case worker with information that helps him or her take a valid and accountable decision? Or will that information be either superfluous or even counterproductive, in the sense that it may distract the worker's attention from what he or she perceives as the more important factors to consider?

In an attempt to integrate the state of the literature with these theoretical considerations, we propose a parsimonious model, one that takes into account three domains of downstream (proximal) determinants that influence the degree of child participation in the decision-making process of a child welfare/child protection case: (a) External constraints such as the availability of time and space; (b) professionals' willingness and ability to encourage and facilitate the child's participation; (c) the child's willingness and ability to participate (Fig. 1). The model does not specify statistical relationships between factors, but delineates the expected directions of causes and effects. For each of the downstream determinants, many upstream (distal) determinants are potentially relevant, such as organizational characteristics, worker characteristics, or characteristics of children and their caregivers, all of which are to some degree dependent on the socio-political environment in which they are embedded. The degree to which the child actually gets to participate in the decision-making will depend on the case worker's willingness and ability to encourage child participation, which in turn will influence and be influenced by the willingness and ability of the child to participate, i.e., to express her views and to claim an active part in the decision. At the same time, the actual outcome of child participation will depend on a third factor, the external constraints, making the outcome "a matter of compromise," as Herbert Simon famously put it (Simon, 1997).

The advantage of this model is that it allows us to focus on one domain at a time while keeping in mind that other domains are relevant

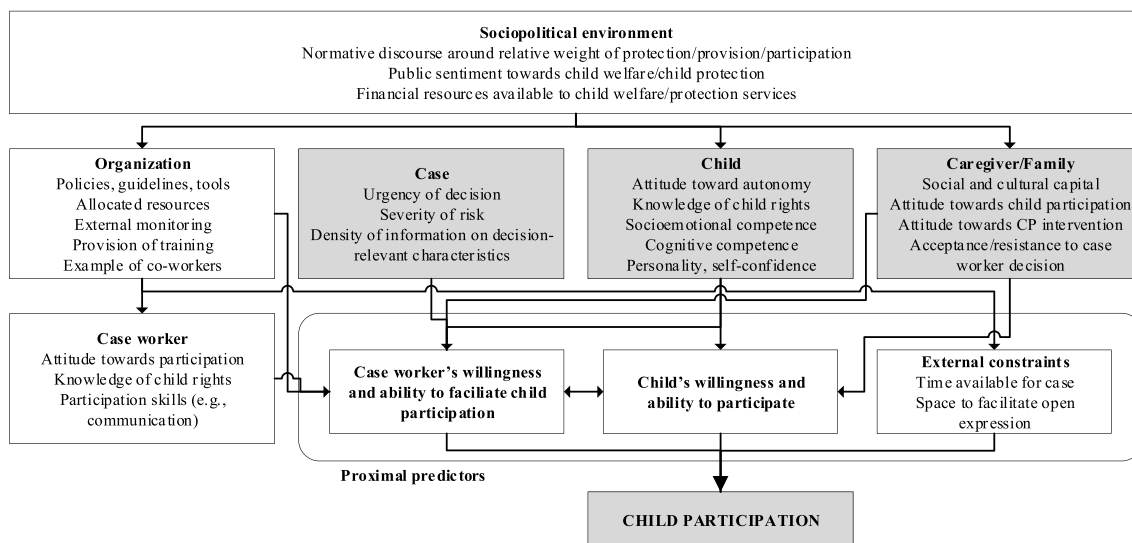


Fig. 1. Integrated model to predict the degree of child participation in child protection cases. Boxes shaded in grey are represented by factors in our empirical analysis.

as well. In the remainder of this paper, we will zoom in on determinants at the case, child and caregiver/family level. In doing so, we will use data from our study in Switzerland to test hypotheses on the inclusion of children’s subjective views in the decision-making of case workers in child protection.

1.3. Predicting the inclusion of child’s views in child protection assessment reports

Our empirical examination does not take into account all domains of predictors conceptualized in the model, as the limited data available to us did not allow for such a comprehensive approach. Instead, the study addresses selected variables at the child, the case and the caregivers/family level, paying particular attention to variables in the caregiver/family domain. This focus seems appropriate because the domain has arguably received the least attention in the literature. We zoom in on one family variable in particular: family poverty.

Research has long suggested that children growing up in poor families are more likely than their peers from middle- and upper-class families to be involved with the child protection system (e.g., Fast, Trocmé, Fallon & Ma, 2014; King, Fallon, Filippelli, Black & O’Connor, 2018). This may reflect, but does not necessarily imply a “poverty bias” in the decision-making, as socioeconomic deprivation does appear to increase the probability of child abuse and neglect (Van IJzendoorn, Bakermans-Kranenburg, Coughlan, & Reijman, 2020), a relationship that is also reflected in etiological theories of child maltreatment (Belsky, 1980; Cicchetti & Toth, 2005). Moreover, there is at least some evidence that socioeconomically impoverished caregivers are less likely than others to participate in family support services (Littell & Tajima, 2000). To the best of our knowledge, it has not been tested whether caregiver/family poverty has any influence on the likelihood of child participation, however. Theoretically, along the lines of the belief-system approach presented above, it may be argued that family poverty decreases the likelihood of child participation because case workers will tend to view the whole case through a protection/provision lens rather than a participation lens, perhaps re-interpreting the lack of financial autonomy in the family as a reduced claim for self-determination and participation more generally, both in the caregivers and subsequently, in a kind of spill-over effect, in the children. Simply put, family poverty could evoke the sentiment in workers that, first and foremost, children need to be protected and provided for, not acknowledged in their participation rights. In some sort of Maslowian

analogy (cf. Maslow, 1943), workers may consider participation as a “higher-order need” that becomes relevant only after the “lower-order needs” of protection and provision have been met. From a utility perspective, there is the converging argument that family poverty, because it may be seen as a risk to child development, strengthens the evidence that an intervention to support the family and protect the child is necessary—given this evidence, workers may perceive less of a need to utilize the child as a source of information in order to arrive at a valid and accountable decision. With regard to accountability more specifically, child participation may be more useful to the worker in a case of family poverty if the worker has formed an intention *not* to recommend any intervention; in this case, the risk that is associated with family poverty may have to be counter-balanced with testimony of the child’s resilience, which may in turn necessitate paying attention to the child directly and including the child’s own views. However, the exact opposite is to be expected for cases where the worker intends to recommend an intervention: Here, the additional attention on the child’s perspective is less of a necessity because family poverty as a risk factor already supports the outcome of the decision. In sum, we formulate the following hypothesis: There is a statistically significant negative association between family poverty and the likelihood that a child’s views will be included in the decision-making process of the professional.

In order to test for this association, potential confounding factors need to be considered at several levels. In Switzerland, migrant families have an increased risk to be poor; therefore, the effect of family poverty on children’s participation must be separated from the effect of family migration. While poverty and migrant background are both social attributes of a family that can attract stigma and discrimination, their effects on child participation may well diverge from a theoretical point of view. Family migration is not conceptually related to a lack of autonomy in the way that family poverty is, which invalidates the argument that workers will view the case primarily as a protection/provision case rather than a participation case. Second, although family migration arguably plays a part in folk theories about the likelihood of child abuse and neglect, and there is some evidence for statistical associations between prevalence of child maltreatment and *ethnicity* (Rouland, Vaitianathan, Wilson & Putnam-Hornstein, 2019; Wan, Ye & Pei, 2021), the assumption of a relationship between migration and child maltreatment may be fraught with the fear of stigmatization, particularly for social workers, who belong to what is generally assumed to be a socially progressive profession. Therefore, it seems less likely that case

workers will see family migration per se as a plausible argument for an intervention in the best interests of the child, and workers will therefore perceive a need to collect information from other sources, including asking the child about his or her view. In addition, in families with a recent history of migration, children pick up the language of their new country of residence faster than their caregivers, which can make them the preferred source of information for an outsider approaching the family. On the other hand, if children are themselves not fluent in the language, their chances for meaningful participation very likely decrease. Taken together, existing research and theory does not seem to suggest a unidirectional causal relationship between family migration and child participation. Nevertheless, it is important to account for family migration as a potential confounder in our analysis.

The same applies to several additional predictors at the caregiver/family level, the child level and the case level, all of which are included in our model because they are potentially associated with family poverty. At the family level, we include the information whether the child has any siblings living in the same household. This could be relevant to the probability of child participation because siblings may provide the case worker with some of the same information on the case that the child could provide, thereby reducing the informational utility of the child in the eyes of the worker. At the caregiver level, it may be assumed that the probability for child participation will increase if caregivers exhibit a more cooperative attitude towards the child protection assessment (see above, Seim & Slettebo, 2017). At the child level, based on evidence summarized above, the inclusion of the child's view may become more likely as the child gets older and less likely if the child shows any emotional or behavioral problems, as this will evoke the protection/provision orientation of the worker at the cost of the participation orientation (Archard & Skivenes, 2009; Healy & Darling-ton, 2009). For the same reason, at the case level, the child's experience of abuse or neglect may decrease the likelihood that the child's view is included, because the case might then be viewed as a protection case rather than a participation case. Also, in line with the utility perspective, there is reason to assume that the inclusion of the child's view will become more likely if the case worker recommends a child protection order, because this entails an interference of the state with parental rights and thus increases the demands on the accountability of the decision.

2. Methodology

The study was part of a mixed-methods research design. This umbrella project, which was funded by the Swiss National Science Foundation under Grant No. 10001A_169445, examined the impact of a newly developed standardized assessment tool on the procedures, outputs and outcomes of child protection assessments carried out in the German-speaking part of Switzerland. The research design included quantitative analyses of case records in a pretest–posttest quasi-experimental design, a quasi-experimental survey of children and caregivers on their perception of standardized vs non-standardized assessment, and ethnographic observations of case procedures in a small number of agencies (for more information on the mixed-methods design, see Lätsch, Voll, Jung & Jud, 2021). The present study draws from the case-file analysis only.

Clearance for data collection was provided by the Ethics Committee of the canton of Berne, which handled the proposal as representative of the umbrella organization *Swissethics*. The data management plan was approved by the responsible cantonal data protection officer, and each child protection authority signed written agreements that granted the use of the data for strictly defined research purposes. Data for the study were collected from the case files of the agencies (child protective services) that carried out their assessments on behalf of the child protection authorities (for more information on the Swiss child protection system, see Jud & Knüsel, 2019). Some data were complemented based on information received from the child protection authorities. Entries were

coded according to a predefined coding system which will be explained in more detail below. The organizational sample included six child protection services (CPS) agencies. Data collection covered a one-year period before implementation of the tool (pre-test) and a one-year period after the pilot phase (post-test). In organizations with a case-load of more than 40 cases per year, a random sample of 40 cases was selected. For the present study, in order to prevent any possible confounding with the impact of the newly developed tool, we limit our analysis to cases in organizations that had not already implemented the new tool. This applies to all organizations belonging to the control group (both pre-test and post-test) and to the organizations of the intervention group in the pretest period.

2.1. Participants

The total case sample for both pre-test and post-test measurements consisted of $N = 633$ children from 414 families. Because inclusion of the child's views in the assessment report was non-existent for children at the age of three or younger, these cases were excluded. Data from one organization had to be excluded because there was almost no variance in the outcome variable, likely due to the small number of cases for this organization. After excluding cases from the intervention group in the post-test period and applying the age filter, $N = 382$ children from 264 families in five CPS agencies remained. If the child protection assessment report referred to several children in the same family, we had originally collected data on one randomly selected child from the family. During the course of the project, we switched to collecting data on all the children in the family because this facilitated the linkage of data from the case-files with the survey data (see above). For the present study, this means that we cannot consistently account for variation between siblings from the same family. To compensate for this, we drew 1,000 random samples ($n = 264$ children, one child per family) and pooled the estimates according to the procedure described below. Mean child age for the pooled sample was 12.1 years ($SD = 4.24$), 46.1 % of the children were girls.

2.2. Procedures

Data were collected and coded using a coding scheme developed for this study. For data security reasons, data were coded on-site at the CPS agencies. After signing a data protection agreement, members of our research team accessed the organization's case files and manually copied the relevant case information into data sheets that had been prepared on the researchers' laptop computers. Case files were available on printed paper, as digital computer files, or both. In the process of extracting the relevant information, all data were anonymized. Variables included in the coding scheme were based on the newly developed tool (for more information on variable selection for the tool, see Hauri, Jud, Lätsch & Rosch, 2021; Lätsch et al., 2021). In the present study, we used 10 variables, which represent the theoretical concepts introduced in the description of the hypothesis and the potential confounding influences above. Most variables were coded on a three-point scale: 0 = "not documented," 1 = "documented," 2 = "indicated, but documentation criteria not fully met." All coders were trained. The training procedure included a trial phase, where codings were submitted for reliability checks to the senior coder of the study. In cases where the trial codings differed from those of the senior coder, cases were discussed until consensus was reached.

2.3. Measures

The codebook contained detailed definitions and sets of indicators for each variable that was coded (the codebook may be obtained from the fourth author upon request). Broadly speaking, family poverty was noted as present if at least one of the caregivers who lived with the child in the same household received monetary social assistance or if there

was documentation in the case file that caregivers would have been entitled to such assistance, even if they did not claim it. In Switzerland, all residents of the country are entitled to receive financial support by the state if they are otherwise unable to care for themselves. While this entitlement is codified in art. 12 of the federal constitution, the specific levels set for means-testing vary to some degree between Switzerland's 26 cantons. Not all who are poor claim their entitlement to social welfare payments (Hümbelin, 2019), and there may be cases of fraudulent claims; nonetheless, reliance on monetary social assistance may be regarded as a straightforward and objective indicator of family poverty. Family migration was operationalized as *no caregiver having Swiss citizenship*, as this indicated that there was a relatively recent history of migration for the family; there was no reliable data on more fine-grained indicators of migration (such as migration dates). *Non-cooperative behavior by caregivers* was noted as present when it was documented that caregivers did not respond to invitations or requests made by the professionals as part of the child protection assessment, when they canceled appointments repeatedly on short notice or failed to keep them without providing a reason, or when they denied the case worker access to their home. *No other siblings in the household* was noted if no other sibling, half-sibling or step-sibling was documented as living in the same household with the child at the time of the assessment. *Child age* was operationalized using school level as a proxy. This was coded along a three-point scale, with the following values: 2 = pre-school (from four years), 3 = primary school (from seven years), and 4 = secondary or high school (from 12 years). *Child emotional or behavior problems* was noted as present if the case file included any indication that the child had recently been showing signs of internalizing (such as depressiveness or anxiety) or externalizing symptoms (e.g., aggressive behavior, impulsivity, hyperactivity), and/or if the child had been diagnosed with any kind of mental disorder. *Violent maltreatment* was noted if the case file indicated that the child had suffered from any kind of physical, sexual, or psychological abuse committed by one of the child's caregivers. *Non-violent maltreatment* was noted if there was documentation of any kind of emotional or physical neglect or if there was documented intimate partner violence between adults in the household without any indication that the child had been directly victimized as well. *CPS order recommended* was coded as present if the case worker recommended in their report to the child protection authority that a child protection order should be issued. A child protection order in the Swiss system has to be issued by a child protection authority; an order always entails an interference with parental rights, which is possible along a cascade starting with minimal interference (caregivers being admonished to fulfill a certain requirement) and going all the way to the removal of parental custody (for more information, see Jud & Knüsel, 2019). Finally, we noted that *inclusion of the child's view in the decision-making* was present if the case worker mentioned in her assessment report what the child had expressed about his/her own perspective or preference regarding the case, their own situation and/or their family's current situation. This definition of child participation is at the third level of Bouma et al.'s (2018) concept insofar as it indicates the child's views have been taken into account and they have a role in the case worker's argumentation about the decision. It is important to note, however, that this definition neither implies that the child took an active part in the decision nor that the child's view strongly influenced the professional's decision. It does not mean that the child's view altered the outcome of the decision, either.

2.4. Data analysis

To prepare the data for modelling, we dichotomized all variables. For most of the predictors, the values "documented" and "indicated" were combined into a single value. The variables *CPS order recommended* and *inclusion of child's view* had been coded in a binary format ("not documented" vs "documented") at the source. Because of the small number of organizations involved, a multilevel analysis modelling agencies on

level 2 was not feasible. Instead, we determined whether the cluster variable (=CPS agency) exerted a statistical influence on the outcome variable. Because both variables were nominal, this was calculated using Cramer's V (Liu, 2022). The estimate of $V = 0.100$ ($\chi^2(4, N = 261) = 2.599, p < .627$) indicated that if there was any effect at all, it was small (cf. (Cohen, 2013)). To account for the possibility of such an effect, we applied a general linear modelling (GLM) logistic regression with cluster-robust standard errors (Mansournia, Nazemipour, Naimi, Collins & Campbell, 2021). Analyses were conducted in R 4.1.0 (R Core Team, 2021) using the *miceadd* package (Robitzsch & Grund, 2021). All predictors were entered as factors into the model. The procedure was repeated 1,000 times, once for each random sample. For each model, a GLM was fitted. The estimates, standard errors and p values were pooled from the models using the *pool.mi* function from the *miceadd* package (Robitzsch & Grund, 2021). Pooling was done using the Rubin's rule. Calculated on the basis of one randomly drawn dataset, a maximum correlation between predictors of $r = 0.308$ and all the VIF values being smaller than 2.5 indicated that there was no problem with multicollinearity (Senaviratna & Cooray, 2019).

3. Results

Across all samples, the child's subjective view was documented in the case worker's report roughly half of the time (48.9 %) (Table 1). 28.8 % of families met our definition of family poverty, and 41.2 % met the definition for family migration. For more than half of families across all samples, some kind of non-violent child maltreatment (including intimate partner violence that did not directly involve the child) was documented in the case file (61.9 %), and in 22.6 % of cases there was indication of child physical or emotional abuse. In more than one third of cases (39.2 %), the case file indicated that the child was experiencing emotional or behavioral problems. Family poverty showed a significant positive bivariate association with family migration ($r(234) = 0.184, p = .004$). There was also bivariate association with a more negative attitude of caregivers towards the assessment ($r(261) = 0.214, p < .001$) and an increased frequency of non-violent maltreatment ($r(262) = 0.181, p = .003$). Families relying on monetary social assistance had slightly younger children on average ($r(262) = -0.161, p = .009$), and

Table 1
Sample characteristics (pooled descriptives for 1,000 random samples), $N = 264,000$.

Variable	%	%
	missing	
Caregiver/Family variables		
Caregiver receives financial social assistance	0	28.8
Caregivers have no Swiss citizenship	10.41	41.2
Caregivers non-cooperative towards assessment	0.38	21.5
Child has no siblings	0	17.4
Child variables		
Age-group child	0	pre-school (4 to 6 years): 17.6 primary school (7 to 12) : 28.9 secondary or higher (13 to 18) : 53.4
Child shows emotional or behavior problems	0.12	39.2
Case variables		
Child experiencing violent maltreatment	0	22.6
Child experiencing non-violent maltreatment	0	61.9
Child protection order recommended	0	32.5
Child's views included in report	1.14	48.9
Case from post-test measurement	0	37.9

there was a slightly higher probability for a child protection order to be recommended in the case ($r(262) = 0.121, p = 0.049$). None of the other predictors in the model were significantly associated with family poverty.

In the general linear model, as hypothesized, coming from a poor family was associated with a decreased chance for the child to have his or her views documented in the case worker's report to the child protection authority ($b = -1.113, p = .003, OR = 0.329, 95\% CI: 0.156, 0.693$) (Table 2). Also as expected, inclusion of the child's view became more probable as the age of the child increased; compared to the reference category of pre-school children, adolescents (aged 12 to 18) were almost four times as likely to have their views represented ($b = 1.321, p = 0.002, OR = 3.715, 95\% CI: 1.652, 8.354$). In all other cases, the null hypothesis could not be rejected. We did not find significant effects of the caregivers' level of cooperativeness, the fact whether the child had siblings living in the same household, the occurrence of child maltreatment in the case, or the recommendation of a child protection order on the likelihood that the child's perspective was included in the report. To control for any dependency of our observations at the case level on the timing of data collection (pre- vs post-test measurement), we included post-test measurement as a predictor. No effect for this variable was found.

4. Discussion

In approximately half of all cases analyzed in this study, case workers included references to the child's subjective views and/or preferences when presenting their argument on their recommendation to the child protection authority. This number is similar to one found in a report from England, which examined the work of local authorities carrying out assessments in early help and child protection work and concluded that in 63 % of cases, children's views had been taken into account (Office for Standards in Education, Children's Services and Skills, 2015).

Our study suggests that some children and young people are more likely to be passed over in their right to participation than others. Lending further support to an existing evidence base (Cossar et al., 2016; Ferguson, 2017; Križ & Skivenes, 2017; Ogle, 2018; Toros et al., 2013), we found that younger children were much less likely than adolescents to have their views considered and represented. It is usually assumed that case workers tend to overlook younger children in this regard because they do not consider them mature enough to form a reasonable opinion and/or because they fear overburdening them. From a utility perspective, it may further be assumed that workers do not consider the information they can collect from younger children to be as valuable as the one they may get from older children, and they may fear that passing over adolescents, more than children, compromises the accountability of

their decision, both in the eyes of the superordinate body and the adolescents themselves, who may be self-confident enough as social actors to object to the worker's actions. In addition, studies suggest that workers lack the necessary skills to encourage child participation (Križ & Roundtree-Swain, 2017; Pölkki et al., 2012; van Bijleveld et al., 2014), skills they have not been able to acquire perhaps precisely because the encouragement of child participation is not yet customary in the child protection system. Moreover, taking seriously the idea that children and young people are active social agents, it may be that adolescents more forcefully claim their rights to the expression of their opinion and to participation than younger children do.

Beyond the age effect, our study suggests that case workers in child protection are less inclined to include the child's views in their assessment report if the child comes from a poor family, one that has to rely on financial assistance from the state. This is in accordance with the hypothesis based on our integrated model presented in Section 1. Other researchers have documented that workers in child protection and child welfare tend to prioritize protection over participation (e.g., Ogle, 2018). In families relying on social assistance, the need for protecting children from a potentially harmful family environment may be seen as even stronger, and the family members' claim to self-determination and participation may be sidelined more readily. Our theoretical approach suggests another contributing factor: The informational need of the worker to include the child's perspective is decreased as the risks of family poverty are already evident.

The present study is subject to several limitations. While it lends support to the hypothesis that family poverty reduces child participation, it was not optimized to distinguish between competing theoretical explanations of the finding. For example, our assumption was that workers will prioritize protection over participation in cases where they perceive a risk to the child's best interests to be present, and that family poverty would intensify this preference. Conversely, if workers do not perceive a risk, the effect of family poverty on child participation would vanish. Statistically, this may be tested by modelling the level of perceived risk as a moderator. Our study did not allow us to do so because it lacked the necessary statistical power. A related limitation is the small number of cases at the agency level, which prevented us from implementing random-effects that could have accounted for the influence of this cluster variable. Our exploration of the dependency between the cluster variable and our outcome indicated that the effect of the organization was small at most, and this was compensated for by using cluster-robust standard errors. However, this method is under debate (Bell, Fairbrother & Jones, 2019), and even if the cluster variable in our small set of organizations did not have a strong effect, it is still possible that the variance found in a larger population of organizations would.

Another limitation concerns our measurement, particularly the

Table 2

Pooled unstandardized regression coefficients and odds ratios from GLM logistic regression, using cluster-robust standard errors (simulation for 1'000 random samples).

	<i>B</i>	<i>SE</i>	<i>t</i>	<i>p</i>	<i>OR</i>	95 % CI OR
Intercept	-0.839	0.246	-3.414	0.001		
Caregiver/Family variables						
Caregiver receiving financial social assistance	-1.113	0.381	-2.921	0.003	0.329	(0.156–0.693)
Caregiver having provisional residential status	0.232	0.209	1.110	0.267	1.261	(0.837–1.900)
Caregiver being uncooperative toward assessment	0.400	0.267	1.495	0.135	1.492	(0.883–2.520)
Child having no siblings in household	0.531	0.612	0.868	0.385	1.700	(0.513–5.637)
Child variables						
Child age: primary school	0.261	0.377	0.693	0.489	1.299	(0.620–2.720)
Child age: secondary or high school	1.312	0.413	3.174	0.002	3.715	(1.652–8.354)
Child showing emotional or behavior problems	-0.202	0.308	-0.654	0.513	0.817	(0.447–1.495)
Case variables						
Child experiencing violent maltreatment	0.346	0.204	1.693	0.090	1.413	(0.947–2.109)
Child experiencing non-violent maltreatment	-0.158	0.446	-0.355	0.723	0.854	(0.356–2.046)
Child protection order recommended	0.014	0.570	0.024	0.981	1.014	(0.332–3.098)
Control variables						
Case from post-test measurement	0.327	0.376	0.869	0.385	1.386	(0.664–2.895)

measurement of child participation. Given our temporally limited access to the datasets, where data had to be extracted on-site for data security reasons, we had to use a binary measure of child participation that reflects only one facet of child participation and relies on the documentation in case files. As others have noted, case files surely do not provide a perfectly accurate representation of professional action (Ogle, 2018; Thomas & Holland, 2010). There is the possibility both that case workers included the child's perspective in their decision-making without reporting on it and that they fabricated children's views in their reporting even though they had never explored them. (The latter, admittedly, is a bleak scenario.) However, because we focused our analysis on those sections in the assessment report where workers spelled out their reasons for the recommendation to the superordinate authority, one may reasonably expect children's views to be represented here, and if they are not, this may be seen as strong indication that the views were never appropriately considered. Nevertheless, future studies on child participation will be well-advised to use more elaborate measures of child participation that constitute a more fine-grained representation of this multi-faceted construct. Also, additional sources beyond case files should be considered. Ideally, these will not rely on workers' self-reports alone but include other sources of observation.

5. Conclusions

Appraising our findings through a normative lens, we conclude there is a problem. Whether a documented participation rate for children of approximately 50 percent should be seen as a glass half full or a glass half empty is not, we argue, in the eye of the beholder. In the Swiss context, child protection authorities are obliged by Art. 314a of the civil code to hear the child—or appoint a third party for this purpose—before they reach a decision. Evidence suggests, however, that this right is not always redeemed (Cottier, 2006), which adds to the importance of considering children's views in assessment reports that precede—and often determine—the authority's decision. Against this background, it is a normative necessity for young people to have their views represented to the authority. Moreover, children's views should not only be heard, but the process and its outcomes should also be transparently and accountably documented. The rate of participation for children from impoverished families is even lower than for children in general, and while this may be explainable along the lines of the conceptual model presented in this paper, it is not justifiable. So what can be done to improve this situation?

An obvious and straightforward approach is to make the explicit inclusion of children's subjective views in assessment reports mandatory for cases involving children aged 4 years and older. Where the specifics of the case require an exception from this rule, such exceptions should be explicitly justified in the report, and the conditions for such exceptions (such as severe developmental delays that result in cognitive or linguistic impairment, or a persistent lack of access to the child) can be specified in advance. In the case of Switzerland, both child protective services (whose workers carry out assessments) and child protection authorities (who make decisions based on assessment reports) are in a position to require and enforce such a measure. However, while a mandatory requirement is a potentially important step, it is not sufficient. The requirement to include children's views must be accompanied by training in how to do so. This should increase the ability of workers and their willingness to implement the requirement in a careful and confident fashion, steering clear of pseudo participation that may do more damage than good. Training workers in how to communicate with children of different ages in this context is no trivial task, as children typically find themselves in circumstances that make the straightforward expression of their views and preferences difficult, for example, because they feel an ambivalence in their relationship to a caregiver or have to deal with conflicting loyalties to different caregivers. Beyond such training in informing children about their rights and eliciting their participation, workers should also be trained in how to integrate

children's views into their own decision-making process and how to effectively document and communicate children's views to the bodies that eventually decide on interventions. In circumstances where the implementation of a mandatory requirement is not possible, we recommend strengthening a focus on children's rights in the education of social workers and all professions involved in child protection practice. In the absence of strict requirements, procedures to include children's views may at least be clarified and their use may be encouraged, making it as easy as possible for workers to implement them in the face of practical challenges.

While we offer a study on an important and under-researched topic, the model presented in the Introduction section has so far not been empirically tested and will need further investigation and analyses to support its assumptions. It also calls for corroboration in child protection systems from other countries, where the cultural meaning of family poverty might be different. For child protection practice, some of the findings are rather uncomfortable: There is a strong need for improvement in the participation of children and youth in general, but also specifically in the participation of younger children and those from impoverished families. The protection of children and young people does not supersede, but likely presupposes, their participation. Apparently, case workers in child protection still find it hard to consistently implement this insight. It is time for this to change.

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CRediT authorship contribution statement

David Lätsch: Conceptualization, Formal analysis, Funding acquisition, Investigation, Methodology, Project administration, Supervision, Visualization, Writing – original draft, Writing – review & editing. **Julia Quehenberger:** Data curation, Formal analysis, Investigation, Validation, Writing – original draft, Writing – review & editing. **Rahel Portmann:** Data curation, Investigation, Project administration, Resources, Writing – review & editing. **Andreas Jud:** Conceptualization, Funding acquisition, Methodology, Project administration, Resources, Supervision, Writing – review & editing.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

The data that has been used is confidential.

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