



# Justifying out-of-home placement: A multiple case study of decision-making in child welfare and protection services

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## Abstract

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The study to be presented here analyzes the social workers' decision processes in 16 typical cases concerning out-of-home placement of children aged 0 to 7. Former research has primarily focused on *why* this is suggested. Researchers have so far shown much less interest in *how* these decisions are developed, which was the aim of this study. Decision processes are understood as information processing in three stages: selecting relevant information, constructing professional arguments, and matching case and law. It was supposed that the justificatory arguments would either be organized around one salient case characteristic, or through combining and weighing several attributes. It appeared that when severe substance abuse on the part of the parents was documented, this became the salient case characteristic, and was used as a trump card. In the other cases, a puzzle was constructed consisting of several attributes none of which was sufficient in itself. Implications are discussed.

**Key words:** out-of-home placement, decision-making, child welfare, child protection

## Introduction

A decision to place a child in residential or foster care will have far-reaching consequences for the families involved. Each time such a decision is made a deep-rooted value in Western societies is challenged as well, namely that birth parents are best suited to care for their children (Backe-Hansen, 2003a). Consequently such decisions need special justification, enabling social workers to convince formal decision-makers, the parents if possible, and the society at large that this course of action is just, correct, and desirable. Thus, it is of importance to study how such decisions are justified not only for professional reasons, but from an ethical and a social policy perspective as well (Backe-Hansen, 2001).

The study presented here aimed to analyze qualitatively the decision-making processes of the social workers in 16 typical, Norwegian cases concerning 21 children aged 0-7, which had been submitted to the County Board<sup>1</sup> to sanction out-of-home placement. In Norway, preventive services are the preferred course of action in child welfare cases, which is borne out by the fact that at the end of each year about eight out of ten client children will have received such services, while about two out of ten will have been placed in residential or foster care (Stat-

tics Norway, 2003). In addition, there has been a recent political shift towards prioritizing preventive services even higher (St.meld. nr. 40 [2001-2002]), increasing the need for legitimate and acceptable justification in the relatively few instances when such services are not judged sufficient for the child or young person in question.

Prior research on decision-making in child protection has to a large extent focused on justification in the sense of *why* children are placed outside their homes. Great efforts have been made to identify successful predictive characteristics (e.g. Alter, 1985; Eckenrode et al., 1998; Jones, 1993; Killén, 1991; Lagerberg & Sundelin, 2000; Mandel, Lehman & Yuille, 1995; McDonald & Marks, 1990; Shapira & Benbenishty, 1993; Wald & Woolverton, 1990). Focus has primarily been on parental pathology, with less attention being given to the consequences of poverty and marginalization among client families (Andenæs, 2000; Egelund, 1997; Lindsey, 1994).

With few exceptions, researchers in the field have so far shown much less interest in *how* these decisions are made. This would entail utilizing suitable approaches from the vast research about decision-making processes and decision-making behaviour (Backe-Hansen 2001, 2003b; Christiansen & Havnen 2003; Hetherington, 1998; Macdonald 1998; Munro, 1999, 2002; Ruscio, 1998). Accordingly, two related issues will be discussed in this article: How decision theory can be utilized to develop a model for decision-making processes in child welfare cases concerning out-of-home placement, and how this model can contribute to the analyses of justificatory arguments in a series of typical cases concerning young children.

## Decision-making processes in naturalistic decision situations

Almost two decades ago Arkes and Hammond (1986) summed up that articles about how humans make decisions had up to then been published in more than 500 different journals, in as different fields as social policy, economics, law, and psychology. A few years later Tetlock (1992) characterized studies of human decision making as a growth industry, pointing to the fact that since 1970 more than 3000 experiments about social cognition and social attribution had been conducted. Still the history of modern decision research is comparatively short, not more than 50-60 years old (Hammond, 1996).

In order to develop a suitable model for the proposed analyses it was, thus, necessary to make two fundamental choices at the outset. The first was between theories focusing on *processes* as opposed to *outcomes*. A decision process can be operationally defined as the intervening steps between input and output or result (Ford et al., 1989). Over time research about these processes has become a separate tradition, which can also be understood as a movement from focus on structure to focus on function (Svensson, 1996). Within this tradition researchers will follow the psychological processes from when a decision problem is presented to when a decision is made. Since the focus of the study presented here was the 'how' rather than the 'why', a choice was made to concentrate on theories within this approach.

As the aim was to analyze a naturalistic decision situation, the second choice concerned theories about understanding *naturalistic* decision making, as opposed to *formal* theories about how decisions ought to be made. When studied experimentally, naturalistic decision processes are traced prospectively by the use of methods like thinking aloud, verbal protocol analyses or information board techniques, which are seen as alternatives to compensatory or non-compensatory mathematical models of decision making.<sup>2</sup> These approaches are often used to study decisions like choosing between several brands of cars, which bank to use, or which flat to buy, and it is most common to use them when a decision-problem is well-defined and has many attributes. They have also been used to model naturalistic decision situations, for instance in order to identify the characteristics of prisoners who are given probation as opposed

to those who are not, through using representative vignettes (Harte, Westenberg & Van Someren, 1994; Svensson, 1996).

However, this study was retrospective, an approach to the study of pre-decisional behaviour which is fairly common (Crozier, 1989; Payne, Bettman & Carroll, 1978). Although the decision situation was well-defined in the sense that one specific decision was studied, the course of the decision processes as well as the attributes or case characteristics of the 16 cases could be expected to vary considerably along several dimensions. This made the experimental approach less suitable. Instead, an analytical framework was developed based on an understanding of decision processes as *information processing*, which is one of three present approaches (Crabtree, 1998; Ruscio, 1998). The other two are social interactionist and narrative. Information plays a crucial part in child welfare cases, as the legitimacy of a decision depends on the ability of the social worker to present information and inferences that can be subsumed under the appropriate sections of the Child Welfare Act. However, it was also taken into account that the decision processes to be analyzed are *contextualized*, in the sense that the County Board represents a specific social context where the social workers will be held accountable for their judgments.

## ***Decision processes understood as information processing***

When decision processes are understood as information processing it is common to visualize three stages as a general representation: information gathering, information processing, and integration of the two into a decision. Newell and Simon (1972), building on theories of artificial intelligence, are often cited as the originators of this model. Splitting up the decision process in this way underlines its intentionality; the goal is the decision, and to achieve this, the decision maker has to gather and process information. However, it is obvious that in naturalistic decision situations, particularly those resulting from decision processes that may have unfolded over time with different goals along the way, the distinction between stages will be more analytic than real. Also, there will be variation in the ways information is gathered and processed according to the decision problem under consideration. Thus, concretization of the model was necessary (Backe-Hansen, 2001).

### **Information gathering**

Information gathering is generally understood as the stage in the decision process where the decision maker collects necessary information. This usually means collecting new information, utilizing existing information, as well as assessing the usefulness of the available information. When a proposal for out-of-home care is submitted to the County Board a case will usually have been known to the Child Welfare Authorities for several years (Clausen, 2003), and different types of information will have been gathered over time in accordance with changing perceptions of the case. The social worker will need to choose what to utilize from existing information as well as collect new information, making this stage of the decision process constructive as well as strategic, aiming to give the selected information status as relevant for the case.

### **Information processing**

Information processing means combining and weighing information. In the cases studied here, this meant constructing professional arguments within a child welfare framework through focusing on, and making inferences about, selected aspects of the information given status as relevant for the case. On a theoretical basis it might be hypothesized that this part of the process could be organized in two ways. One alternative would be building on *several case characteristics*, which is to be expected when a decision process is represented as consisting of combining and weighing several attributes that are not very diagnostic in themselves. The other alternative would be to focus on *one salient attribute*. This might be expected because it makes justi-

fication easier (Hogarth, 1987), and is often functional in practice (Gigerenzer & Goldstein, 1999). In addition some previous research indicated the use of this strategy (Mooney & Gulachsen, 2000; Munro, 1999; Sundell & Karlsson, 1999; Voll, 1995).

### **Integration into decision**

The last stage is integration of the two previous stages into a decision. The decision to be analyzed here is the proposal for out-of-home care, which is submitted through a written report to the County Board. As the social worker needs to present arguments convincing the Board that the child's care situation can be subsumed under the relevant section in the Child Welfare Act, the final stage in the process must show a match between the case and the law. Thus, the arguments have to fit the constituency to which they are presented, in a context where the social worker is accountable (Tetlock, 1992), and must expect to have her or his judgments challenged by the parents.

Finally, it was postulated that the decision process would be driven forward by the social worker's use of inferences, or using facts that are known to say something about facts that are unknown (King, Keohane & Verba, 1994).

## **Method**

### ***Procedures***

There were several reasons why the decision to propose out-of-home care was selected as the focus of this study. Having a child placed outside the home represents a serious intrusion into the privacy of a family, which may, still, be done against the will of the parents if the legal grounds are sufficient. This raises issues about the validity and consistency of the professional criteria used. Proposing out-of-home care also means a 'public' categorization of parents as unsuitable, which will easily stigmatize already marginalized families even further. In individual cases this enhances social policy and ethical dilemmas associated with the legitimacy of the societal control effectuated by the child welfare services, compared to cases where there is collaboration with the parents about preventive services. Third, out-of-home care is an undesirable solution, and there is ample documentation that social workers draw back from proposing this course of action (Backe-Hansen, 2001; Claezon, 1987; Killén, 1991). For these reasons it can be supposed that social workers will try to justify this decision more fully than other decisions that are made.

The age group 0-7 was selected because out-of-home placement is particularly difficult to propose when children are small, not in the least because of the supposed detrimental effect on a child in this age group of losing his or her primary attachment figure. In addition out-of-home placement of young people is usually justified with reference to their own unacceptable behaviour, not the quality of care given them by their parents. Thus, in these cases there will often be agreement between the parents and the Child Welfare Services.

Although the County Board makes the actual decision, the social worker makes the decision to propose this course of action as the representative of the Child Welfare Services, after having discussed the case with her or his colleagues, superiors, and a legal adviser. The proposal will be submitted through a written statement<sup>3</sup> along with other documentation in the case, which constituted the data in this study. Texts like these are 'social facts' that are produced, shared, and used in socially organized ways. Although they will not be pure representations of, for instance, routines or decision processes, texts should be taken seriously and be studied according to how they are formulated and what the writers seek to achieve (Atkinson & Coffey 1997). In the cases analyzed here the written statements varied from about 10 to about 30 pages. The

attached documentation varied from nothing (a case where there was agreement between the parties) to 354 pages.

The statement is supposed to be formulated according to some regulations laid down by the Public Administration Act, according to which documentation and judgments made by the social worker should be clearly separated, both positive and negative aspects of the case should be presented, and the views of the involved parties should be stated clearly. Although these rules will be adhered to somewhat differently, they serve to structure the written statements to the County Board in ways that make the analytic model used here suitable.

The County Board will not make a decision until all interested parties and relevant witnesses have been heard, in a process that may take several days, with procedures resembling that of a court case. However, the written statement submitted beforehand is the foundation for these procedures. As it will be read beforehand by the parties concerned as well as the members of the Board, writing it is also an opportunity to create an understanding of the case that will influence the oral procedures following afterwards.

## *Multiple case analysis*

Case analyses were originally related to case material in clinical or social work (Platt, 1992). Nowadays case analyses can just as well be done with a group, an institution, an innovation or a decision as the case (Robson, 1993). Thus, the theme of this study was appropriate for the method. Multiple case analysis was chosen here because the study involved a series of typical rather than unique cases (Yin, 1994).

Theory is important in case analyses, for justifying the issues chosen, the rationale for selecting the cases included as well as how the generalization of results is done. The study presented here was theory-based, since decision theory has been under-utilized in child welfare research up to now. The cases selected for the analysis, which will be presented in further detail below, were typical rather than representative. This is in accordance with the replication logic that characterizes the method (Yin, 1994). Finally, case analyses are well suited to theoretical generalizations, where results are matched with underlying theoretical assumptions (Miles & Huberman, 1994). Thus, the definition of a case can be understood as a research strategy called 'casing', which may take place at any point during the research process, but which is most commonly done at the beginning or the end. This presupposes reflection on the character of the empirical data that are analyzed, which may again lead to the development of more distinct theoretical concepts (Ragin, 1992).

## *Sample*

The sample was constructed so as to include *typical cases* for the decision studied, but at the same time encompassing variation which is also typical. First, the cases should have been known to the Child Welfare Services over time, reflecting ongoing deliberations on the part of the social workers between preventive services and out-of-home placement. Second, the cases should reflect two common reasons for suggesting out-of-home care where small children are concerned: *substance abuse* on the part of the parents and *child abuse and neglect* (Clausen, 2000). Third, cases where the parents consented as well as cases where the parents opposed the suggestions should be included, as well as cases where the children were still living at home and cases where they were already in some kind of intermediate placement. Finally, the sample should include cases where information existed about psychological, emotional, or developmental problems on the part of the child, as well as cases where no such problems were documented. This last aspect must be seen in relation to the law, as out-of-home placement may also be sanctioned if there is considerable risk to the child, but no documented harm as

yet. This gave the following composition of the sample, which was seen as covering typical case characteristics (Table 1):

**Table 1**  
The composition of the sample

Case number	Substance abuse or Neglect/abuse of the child (S/N)	Consented to the proposal? (Y/N)*	Child still at home when the proposal was submitted? (Y/N)	Did the child have problems of his/her own? (Y/N)
1	S	Y	N	N
2	S	N	Y	Y
3	N	N/N	Y/Y	Y/Y
4	N	N/N	Y/Y	N/N
5	N	Conditional**	N	N
6	S	N	N	Y
7	S	Y	N	N
8	S	Y/Y	N/N	Y/Y
9	S	N	N	Y
10	S	Y	N	N
11	N	N	Y	Y
12	N	Y	N	N
13	N	N/N	N/N	Y/Y
14	N	Y/N	N/Y	N/N
15	S	Y	N	Y
16	N	Conditional	N	Y

\* In five of the cases, two children were involved. Y = Yes, N = No.

\*\* Consent was conditional on choice of placement, and noted as 'no' if the Child Welfare Services did not follow the parents' wishes.

The initial categorization of the cases included in the sample underlined the marginalization of the families, which is typical for Norwegian child welfare families (Clausen, 2000). Most of the children, in 13 of the 16 cases, lived with lone parents. Not more than three of the mothers and one of the fathers still living with their children were employed, and the rest depended on social security or social assistance. Five mothers had been employed previously, but not more than two had been employed over time even though their ages varied from the late twenties to the early thirties. Almost none had more education than junior high school, some not even that. None had college education. The parents had contact with their own birth families, particularly the mothers', but this contact could be filled with conflict as well as helpful. There were few descriptions of supportive friends. As table 1 shows, substance abuse was the main reason for suggesting out-of-home care in eight of the cases, while neglect and abuse were the main reasons in eight. In addition psychiatric problems on the part of the parents were described in three cases, the mother was described as immature in two, and as mentally retarded in one (Backe-Hansen, 2001).

The proposal was sanctioned by the County Board in all but two of the cases, or 87,5%. One of these cases was a trump card case, the other a puzzle. During the period 1993-1998 this was the case for 86% of all similar proposals to the County Boards in Norway (Grinde, 2000).

## Analysis

The first stage in the analyses was to read the cases (written proposals and attached documents) thoroughly. Then the material was split up and collected in *case records* or *protocols*, ordered according to the analytic goals of the study (Silverman, 1993; Yin, 1994). The protocols were recorded anonymously, ordered by case number, and registered in separate tables. First, these tables contained background information about the children and their parents, about the contact between the family and the Child Welfare Services, about the proposal, and about the development of the cases over time. Second, the tables covered the three stages in the decision process, recorded separately. This included information about the children and the parents. Finally, the reason given by the social worker for why out-of-home placement was proposed just then was recorded.

The reliability of the data was ensured through the construction of this data base, where the information was recorded in standardized ways (Silverman, 1993). This was part of a thorough documentation of the procedures that were used during the research process, also called *procedural reliability* (Flick, 1998). When analyzing texts, data are directly available and not filtered through the researcher's notes. Still, the question of reliability will arise concerning the analytical categories that are chosen. Even though the texts that were analyzed in this study were fairly standardized at the outset, owing to the ways they had to be written, the categorization that was done for analytic purposes would not necessarily be the same. Thus, it was necessary to record where in the written statements the different excerpts came from (Silverman, 1993).

Data were recorded anonymously by case number, with no linkages possible between the recordings and the persons involved. Only the age and gender of the children were used as referents. With this procedure, it was sufficient to gain permission from the leaders of the three County Boards to collect data. As the cases were typical, at the same time originating from several geographical areas, the parents and children would not be easily recognizable at the outset. However, care has been taken to condense the excerpts used in the presentation of results, and leave out details that could increase the possibility of identification. This has been fairly easy to achieve as the focus of the analyses is the decision process and the social workers' arguments, not the case characteristics per se.

The process of 'casing' (Ragin, 1992) then consisted of converting the 16 child welfare cases into 16 'cases' in multiple case analysis terms. This series consisted of specific parts of the original cases; namely the parts showing the justificatory *argumentation*. Thus, what will be denoted case characteristics in the following are the arguments. The result of the multiple case analysis is the understanding of these arguments and how these varied. Finally, the results of the study combine these findings and the theoretical analyses that had been developed beforehand.

## Results: Justification in the shape of a trump card or as a puzzle

The analyses showed that the justificatory arguments were organized around one salient characteristic or a combination of characteristics in all cases. Thus, the 16 'cases' were converted to two case types: justification in the shape of a trump card or as a puzzle (Backe-Hansen, 2001).

Justification based on a *trump card* characterized the decision processes in half of the cases. In particular this pertained to the stages of the decision process when the professional arguments were constructed and when the match between the case and the law was done. The trump card was the substance abuse of the parents, but only if some additional characteristics were

also present. The substance abuse had to be verified, by the parents themselves or by being so evident that it was impossible to deny. Second, the abuse had to be put into a normative frame by the social workers through their arguing convincingly enough that it was too serious to be compatible with caring for children, necessitating long-term treatment. This way of justifying out-of-home care led to less weight being given to other information. Although information about for instance neglect or abuse could have been given status as relevant for the case initially, this information was not used as part of the ensuing justification. It was not 'necessary' to argue that the parents lacked caring capabilities, or had personal traits that were detrimental to their children, or point to dysfunctional family relations or neglect. To establish a link between the substance abuse and the poor care situation of the child was sufficient.

In the other half of the 'cases' the justification was organized like a *puzzle* combining several types of information that had been given status as relevant. Such puzzles were constructed when out-of-home care was suggested because of different types of insufficient care that could be linked to the child's care situation, as long as some aspects were present. First, it must be verified sufficiently that the child's care situation was indeed too poor, which was done through the use of examples and assessments made by professionals outside the Child Welfare Services. Second, these assessments had to be put into a normative frame through pointing to the parents' lack of caring capabilities, often seen in relation to their personal traits. Justification of out-of-home care was made possible through linking poor caring capabilities directly with poor care and an insufficient care situation. In several of these cases substance abuse might be suspected or substantiated, but this was not given particular weight.

### ***Relevant information: A common structure and similarity in content***

The main intention with the presentation of relevant information is to paint a picture of a child's care situation that can be construed as legitimate, to the extent that the constituency, in this case the County Board, can accept it as the basis for the ensuing professional arguments.

The information that was given status as relevant covered the same four areas in all cases: Descriptions of the parents, the children, the children's care situation over time, and of the efforts on the part of the Child Welfare Services to improve this (Backe-Hansen, 2001).

#### **Children**

The descriptions of the children were fairly similar across the two case types, depending on whether information existed about problems on their part. Most of them were general and interpretive, while some were more concrete and descriptive. The following two excerpts illustrate how descriptions of problems could be formulated:

*'He tried to punish the grown-ups through challenging their emotional insecurity and push them away. In addition he was quick to punish himself and deny himself help and contact with grown-ups when his needs were not met... He has learnt an insecure and changing pattern of communication, which has contributed to his meeting insecurity and attempts at correction from the grown-ups... As well he is scared of being left alone, which must be based on concrete experiences...'* (Case 6, a boy of 5 years and 10 months, report from the residential institution where he was placed in an emergency).

Here, general and interpretive assessments of what may be understood as quite serious emotional problems are given status as relevant information. The next excerpt is more concrete, painting a more varied picture:



*'The girl has problems concentrating in large groups. Often she is not very concentrated during group talks, and disturbs whoever is sitting beside her. Demands attention. One could expect better of her than this. Things are better in small groups... During the first six months in this kindergarten she was insecure, depending on assistance from a grown-up to play with other children. This is fairly long compared to what other children need.'* (Case 13, girl of 4 years, 3 months, excerpt from a report from her kindergarten).

In this way the kindergarten was able to define what the problems were, that some development had been observed, but that the girl still deviated from some developmental norms.

### **Preventive services**

Descriptions of the preventive services that had been tried were fairly similar across cases as well. Probably, this reflects the fact that the types of preventive services commonly offered to families with small children are not all that varied. Usually the children will have been in contact with health visitors, they will have been to kindergarten for shorter or longer periods of time, with or without extra treatment there. The children may have been placed with other families during week-ends and holidays, and they may have received home visits. Rather fewer children in this age group will have been in contact with specialist services of a medical or psychological nature. It seems as if the main point of these descriptions was to establish a consensus that the Child Welfare Services had done what they could do to improve the child's care situation.

### **Parents**

The descriptions of the parents were similar where their background is concerned, and reflected the marginalization described above. However, variation between the two case types became more apparent in the descriptions of the parents' present situation and functioning, which can be seen in relation to the ensuing differences in organizing the justificatory arguments. Primarily, these differences concerned whether the descriptions primarily focused on external factors, or whether more personal descriptions of the parents were included as well. The fathers were either absent, or represented a risk to the child whether they lived with the family or not. If the mother had a cohabitee who was not the father of the child, he was described as disrupting the efforts of the mother to care properly for her child.

### **Care situation**

The descriptions of the children's care situation consisted of two important parts, firstly a chronological presentation of what had happened during the time that the family had been known to the Child Welfare Services. The puzzles were characterized by much more detailed descriptions of poor care in one or several of the following areas: dysfunctional relations between particularly mother and child, violence in the family including physical or sexual abuse, neglect and/or very poor hygienic standard in the home, and very poor control with family economies. Such descriptions were very sporadic or absent in the trump card cases, making the differences between case types systematic at this point. Secondly, serious episodes were described if these had led to emergency placements of two thirds of the children before their case was submitted to the County Board.

The following excerpts illustrate the descriptions given in the puzzle cases.

*'The boy clings to his mother in any situation. She does not take the lead in a natural way, making the interaction unclear... Mother uses more and more words and distances herself from the boy's level and intentions, and situations remain unresolved. Within clearly defined contexts mother and son can keep up a constructive interaction for short spaces of time, but it is doubtful if these sequences are generalizable across situations... We are worried about the boy's withdrawal symptoms and the mother's lack of emotional engagement that can be observed.'* (Case 3, boy aged 7 years, 8 months, observations and assessments made by a psychologist).

This excerpt exemplifies descriptions about dysfunctional family relations, and illustrates how negative attributions about the mother's personality and caring capabilities were included. The next excerpt exemplifies descriptions of neglect, poor hygienic conditions, and generally an inferior condition in the home:

*'...Mother's friends were really worried that an accident would befall the boy. The mother seemed careless and unthinking. There were several examples of this: once she let go of the buggy at the top of a staircase, and the buggy went down, fell over, and the boy fell out. This happened several times. Another time when the boy was around 6 months old, he almost fell down the stairs on his own accord, while the mother did nothing to intervene. A friend had managed to stop the boy. When asked why she did not react, the mother replied that "I've told him that he must be careful with the stairs". The friends reported that they often had to change nappies and give the boy food when they were visiting.'* (Case 14, boy aged 1 year 5 months, reports from friends of the mother).

The excerpts presented here are typical for the descriptions given status as relevant in the puzzle cases. They also illustrate that an important element in this part of the process is the interaction between information collected from others – professionals or members of the parents' own network – and information originating from the social worker's own knowledge of the case. Collecting such information from others will serve to strengthen the foundation of the justificatory arguments, as long as information from several sources points in the same general direction.

## ***Constructing professional arguments***

The professional judgment of the social workers was given the shape of inferences about the children's insufficient care situation and the poor caring capabilities of the parents, in particular the mothers. In general the children's care situation was construed as unstable, insecure, and unpredictable. In addition it was stated that preventive services had been to no avail, because the parents, and particularly the mothers, had not done their part of the job. In other words the lack of success could not be attributed to the social worker.

### **Trump cards**

In the trump card cases, inferences connected with the parents' substance abuse predominated. The arguments were general, and seemed to be based on an implicit assumption that too comprehensive abuse causes an unstable, insecure, and unpredictable care situation for small children, as the following excerpts illustrate:

*'The boy has experienced much instability so far... His mother has not been able to shield him against the effects of her own substance abuse or that of others.'* (Case 7), *'The parents have put the boy in danger of his life through driving him in a car while they were intoxicated...He has been staying in flats where syringes and blood have been all over.. The unstable life of the parents has exposed the boy to several harrowing scenes...'* (Case 10, boy aged 3 years 4 months).

It was not seen as necessary to explain this link in any detail. If descriptions existed about emotional, social, or developmental problems on the part of the children, these were linked to the trump card as well, as was the lack of success where preventive services were concerned. In four of these cases the significance of the trump card was underlined even more because the social workers stated that the mothers' caring capabilities would have been sufficient if they had not abused substances.

## Puzzles

In the puzzles, several types of information and arguments concerning several areas were combined through the inferences that were made. The arguments were more detailed, and the links between the descriptions that had been presented and an unstable, insecure, and unpredictable care situation had to be explained in much more detail. The way this was done varied with the areas the inferences concerned. When the child's care situation was focused on, justification took place through descriptive inferences and examples, as the following excerpt illustrates:

*'... The girl has grown up in an atmosphere of anxiety and insecurity. All of her life, her mother has been involved in massive and ongoing conflicts with one of her partners. The conflicts have been so energy-consuming for the mother that scant resources have been available for the girl. As a result of this, the girl has been treated like a doll that her mother has related to in between, and forgotten in the meantime.'* (Case 5, girl of 6 years 3 months).

The arguments could be strengthened through professional inferences, based on psychological knowledge about children's needs. If descriptions about problems on the part of the children had been included, they were referred to, and possible improvements were attributed to efforts from professionals, not the parents. If no such problems were described the child's functioning could be summed up without being commented on, or it could be transformed to a negative assessment in the shape of predictions about future problems.

Descriptions of the mothers were summed up and strengthened through descriptive inferences, often supplied and strengthened with professional judgments about their personal traits. If the fathers were still present in the family, or if the mother had a new cohabitee with his own problems, this was transformed to a negative judgment of the mothers as unable to shield their children against their unsuitable father figures. Finally, descriptive inferences were drawn about the information that had been presented concerning preventive services. Their lack of effect was attributed to the parents' and particularly the mothers' irresponsibility and poor caring capabilities, in other words causal inferences were drawn about their negative personal traits:

*'The mother's immaturity and lack of insight into the needs of her daughter are verified from several sources. The mother does not understand where the girl's developmental needs, why she is developing slowly in several areas, and doesn't worry about this. Instead she talks as if the girl were much older, with needs and skills far away from where the girl actually is... Interaction between them is characterized by little positive physical contact, poor communication, and the mother does not set limits very well.'* (Case 16, girl aged 4 years 6 months).

## *Matching the case with the law*

The match between the case and the law means that the professional judgment of the social worker is tried against the legal specifications, thus constituting the result of the decision process. As mentioned above this matching necessitates two types of justification. First, that the child's care situation can be subsumed under the specifications in the relevant section of the Child Welfare Act, and that further preventive services will be to no avail.

In the trump card cases, this matching was not done very explicitly. Mainly causal inferences were made between an unstable, insecure, and unpredictable care situation and the parents' substance abuse:

*'Owing to the worry harboured by the Child Welfare Services about the constant changes in the boy's care situation, out-of-home care is seen to be in the child's best interest. Then the boy can ex-*

*perience a stable care situation while his mother gets sufficient time for treatment.'* (Case 1, boy aged 5 years 2 months).

If the children had problems, these were linked to the abuse as well. In half of these cases no arguments were offered concerning the preventive services that had been tried, either. Their lack of effect was simply attributed to the mothers.

In the puzzle cases, a direct link was drawn between the child's care situation and poor caring capabilities. In addition, more direct links were drawn between the children's care situation and the specifications in the law, and examples that strengthened the social worker's arguments were utilized to a much larger degree building on the arguments already constructed:

*'... The assessment of the Child Welfare Services is that the children's retarded development must be seen in relation to serious deficiencies in the care they have received at home. The most serious aspect of this is the lack of emotional involvement on the part of the mother. However, insufficient home conditions also causes serious worry, as does the fact that the mother does not ensure the satisfaction of the most fundamental needs the boys have.'* (Case 3, two boys aged 7 years 8 months (parts of the case concerning him was presented above), and 6 years 5 months).

When preventive services were discussed, their comprehensiveness and duration were underlined, thus putting the blame even more securely on the parents for their lack of effect.

## Discussion

The analyses have shown that the decision processes studied were organized in two ways, both hypothesized theoretically. Although the information that was given status as relevant was fairly similar across cases, the ensuing construction of professional arguments and match between case and law varied in systematic ways, according to whether the justification was organized around a trump card or constructed as a puzzle. Why, then, could substance abuse become a trump card?

This could happen if the abuse was serious, long-lasting, and had become worse lately. This last aspect is illustrated by the fact that the children in seven of the eight trump card cases were already in intermediate placements when the proposal of out-of-home care was submitted to the County Board.

If substance abuse can be verified in this manner, it is probably fairly easy to convince decision makers in child protection that this causes care situations that are too unstable, insecure, and unpredictable. Substance abuse is common enough in our society to be accepted as a problem. The normative foundation for accepting out-of-home care if the abuse is sufficiently serious can be found in existing knowledge about how abuse can destroy the lives of those abused as well as their families. Using abuse as a trump card will probably give the decision makers many of the same associations as the social workers have, making general and implicit arguments sufficiently justificatory. In other words, a case characteristic may be given status as a trump card if a value-based agreement exists outside of the Child Welfare Services about its validity as such. Another example of a valid trump card is out-of-home placement of antisocial youth, because of the perceived threats to society.

While the trump card was necessary as well as sufficient to justify out-of-home placement, several characteristics were necessary in the puzzle cases in the sense that they were used in all or some of the cases, but none were sufficient on their own. Thus, it may be argued that *puzzles are constructed when it is impossible to find a valid trump card*. None of the parts included in the puzzles discussed here were sufficiently valid on their own. A strong suspicion of child sexual abuse might be a trump card, but on the other hand such suspicions are extremely

hard to verify, and lead to so much aggression that this makes decisions based on such allegations difficult to find approval for.

Physical abuse might be a trump card as well. Corporal punishment is forbidden by law in Norway, and not a very common way of disciplining children. However, physical abuse such as this that is observed in Norwegian Child Welfare cases is easily described as episodic, as a series of single events in special situations. This makes substantiation of duration more difficult, which, as we saw, was one prerequisite.

A harmful or dysfunctional relationship between parents and children was described frequently, and included in seven of the eight puzzle cases. Still, such descriptions probably can not lay the foundations for developing a trump card. Conflicts occur in most families, as do ways of raising children that may be unfortunate in a given situation. At this point it will be difficult to distinguish the normatively wrong from common mishaps, making this case characteristic far too indefinite to be used as a trump card.

The conclusion is that the puzzles were constructed by the help of inferences about characteristics when none of them were sufficiently diagnostic or predictive in decision theory terms to become trump cards. They were not sufficiently convincing when seen in isolation, but gained increased significance when they were seen in conjunction, thus making the whole 'more than the sum of its parts'.

Should trump cards or puzzles be preferred? According to normative decision theory, puzzles are better. If there is a need to establish agreement with others about the way a child's care situation is understood, justification based on more than one characteristic may seem more thorough. The inferences that have been made may seem more nuanced, which will strengthen the position of the social worker as impartial. As pointed out by Camerer and Johnson (1997) amongst others, combination or configuration of characteristics is a way of thinking that suits clinicians.

However, creating a valid trump card is simpler. In addition, there is an ethical aspect to this: The parents do not need to read as many negative characteristics of themselves because of the indirect and implicit nature of the arguments connected with a trump card. However, choosing this way of justifying out-of-home care is more risky in case the trump card shows itself not to be a trump card at all. Then the whole argument collapses. In this perspective puzzles are safer.

## Notes

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1. The County Board is the first, formal decision-making body in Norwegian child protection, and has to sanction out-of-home placements whether the parents agree or not. The suggestion to do so is put before the Board by the responsible social workers on behalf of the Child Welfare Services, which are municipal in Norway. The Board consists of two experts, two lay persons, and a judge who is also the leader. The decision is made after the Board has read the documents presented and heard the actors in the case as witnesses. Decisions made by the Board can be appealed to the courts. Legal representation is free of charge for the parents. The cases studied here came from four different counties in Eastern Norway. After gaining permission from the Directors of the Boards, all possible cases from the relevant year were read through. The cases were then selected among the total in order to ensure sufficient variation. In all, about one fifth of the cases were analysed in the study.
2. Compensatory models represent cognitively complex strategies for integrating information, characterized by non-interactive use of cues. The most important of these models is the linear or linear additive model, which presupposes that each attribute or dimension characterizing each decision alternative is given a weight, and that the dimensions are summed up to one value for each alternative. The model is called compensatory because a high value on one di-

mension compensates for a low value on another dimension. On the contrary, non-compensatory models are characterized by interactive use of information, and a low value on one dimension cannot be compensated for by a high value on another dimension.

3. This written statement seems to be comparable with an indication-for-treatment statement as reported by Knorth et al. (2003) in their contribution to this issue.

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