

Negotiating client positions: Parents with custodial disagreements talking about their experiences with child welfare workers

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Key words

Custodial disagreements, high-conflict families, child welfare, child protection, violence

Introduction

Professional assistance to families with prolonged custodial disagreements is challenging. These families interact with many professionals, having different roles and responsibilities (Saini et al. 2012). This article examines how parents with custodial disagreements talk about their experiences with caseworkers in the child welfare service (CWS)¹. Often referred to as ‘high-conflict’ families, parents with prolonged custodial disagreements differ on residence and contact arrangement issues and struggle with finding adequate ways of cooperating. Studies have highlighted a diversity of issues involved in high conflict cases; Cases may involve challenging co-parental interactions, such as poor communication, hostility, disagreements on finances, repeated custodial litigations or partner violence, and concerns about mental health issues and addictions. High conflict cases may also involve concerns and allegations of inadequate care, such as concerns of poor standards of care, child manipulation, child abuse or violence (Koch 2000; Buchanan et al. 2001; Smart and May 2004; Jaffe et al. 2008; Birnbaum and Bala 2010; Cashmore and Parkinson 2011; Jevne and Andenæs 2015). According to the research mentioned, these families have characteristics that may imply risks for the child’s health and development and thereby evoke child welfare concerns. Yet, the responsibilities of the CWS in cases involving custodial disagreements are unclear (Jevne and Ulvik 2012; Saini et al. 2012).

In Norway, a major challenge is that child welfare work in cases involving custodial disagreements occurs in a *legal and professional grey zone* between the family law system and the child welfare system. Issues regarding children’s residence and contact after parental separation are dealt with by the family law system², and regulated by the Children’s Act of 1981. Building on the principle of contractual freedom (Haugli 2007), this law gives parents the responsibility to make agreements on residence, contact and parental responsibility in the child’s best interest. In this process, parents receive assistance from the family mediation office, and if unable to reach an agreement, parents may initiate custody litigation. Issues regarding public intervention in families at risk are regulated by the Child Welfare Act of 1992, which directs professionals regarding how to go about investigating the child’s circumstances and aiding the child. As custodial issues are regulated by the Children’s Act,

¹ I use the term ‘child welfare’ (CW) to refer to a broad spectrum of child and family services aimed at prevention of or intervention to address child abuse and neglect. These services include child protection.

² In Norwegian, often referred to as ‘barnelovssystemet’.

professionals in CWS do not have the authority to change contact arrangements or residency for the child. Therefore, the Norwegian CWS has not traditionally perceived cases involving custodial disagreements as its responsibility. However, the CWS has been criticised for failing to help these children, for example for not investigating concerns about abuse, neglect or inadequate care if parents have custodial disagreements and for referring these families to mediation or to court without giving adequate CW support (Lassen 2005; Rød 2010).

Governmental guidelines (BLD 2006; BLD 2013) now stress that the CWS must take all notes of concern about children living in conditions that may be detrimental to their health and development seriously, including when such concerns are part of parental custodial disagreements. These guidelines state that caseworkers must investigate the child's situation in both homes, and if the family is eligible for assistance, the CWS may offer voluntary supportive measures to both parents. Moreover, while the CWS cannot make decisions on contact or residence, the guidelines state that caseworkers may *advise* parents on custodial issues, such as to stop visitation, and/or testify in custodial litigation. In cases of severe abuse or neglect, the child might be taken into care (BLD 2006, 2013).

Caseworkers now report an increasing number³ of cases involving custodial disagreements. Yet, studies suggest that professionals find it challenging to work in this legal and professional grey zone (Jevne and Ulvik 2012; Rød, Iversen, and Underlid 2013; Stang 2013, 2014). One grey zone challenge is to find the right balance between identifying families needing help and avoiding drawing families inappropriately into the child welfare system. Caseworkers may be uncertain about the relevant legal framework and their professional mandate (Jevne and Ulvik 2012; Stang 2013, 2014). Although information about violence and notes of concern from the family mediation offices usually leads to an investigation, Rød, Iversen and Underlid (2013) find that it still is relatively unpredictable what kinds of problems may justify CW involvement.

Another grey zone challenge is to identify and categorize the nature of the problems. Consistent with research on custodial litigations in court (e.g. Brown 2006; Jaffe et al. 2008), caseworkers are ambivalent about whether concerns for the child are grounded in actual inadequate, abusive and/or neglectful parenting, or constructed as part of a parental conflict involving mistrust and/or false allegations. Following this, caseworkers are uncertain whether they should be neutral or take sides with one of the parents in questions of residence and

³ Based on qualitative interviews and field contact. Norway has no official statistics on the number of cases involving custodial disagreements. See also Stang (2014) for similar observations.

contact and may worry that they are used by one parent to bolster custody claims in court proceedings (Jevne and Ulvik 2012; Saini et al. 2012).

In professional practice, identifying and categorizing the problems will narrow down options available for action and give direction to which professional measures that may be relevant. Defining the problems involved, is therefore highly important in grey zone cases. On one hand, professionals may identify prolonged custodial conflicts as the main risk for the child (e.g. Kelly 2000; Amato 2001), and aim at making parents reduce their conflicts, conciliate and cooperate in the child's best interest (see e.g. Winsvold, Føleide, and Gundersen 2016). On the other hand, professionals may identify violence or abuse as the main risk. In such cases, professionals are advised to aim at identifying violence or abuse and at protecting the children, rather than aiming at settlements and conciliations (Rønbeck 2008). Yet, professionals have been criticised for failing to investigate and emphasise concerns regarding the occurrence of violence or abuse that are brought forward in custodial cases, leaving children in a vulnerable position (Brown 2006; Eriksson 2003).

Understanding how the CWS may assist these 'high-conflict' families is important for ensuring the interests of children. As illustrated in the research above, we have some knowledge about how professionals experience these grey zone cases. However, there is limited knowledge about the service users' experiences. The aim of this article is to explore how parents with custodial disagreements talk about their experiences with the CWS in cases situated in a legal and professional grey zone between the child welfare system and the family law system. Drawing on interviews with 15 Norwegian parents, the article explores how parents describe their negotiations with caseworkers regarding what constitute problems in the family and how those problems might be dealt with. To examine the parents' accounts of these negotiations, I used clientization (e.g. Gubrium and Järvinen 2013) and positioning (Davies and Harré 1990; Harré et al. 2009) as analytical tools. While positioning may be used to analyse actual client-professional interactions (e.g. Cedersund 2013), I have used positioning to analyse the clients' *accounts* of such interaction (e.g. Natland and Malmberg-Heimonen 2013) and how parents describe what *client positions* are made available for them in grey zone cases.

Theoretical perspectives

The study draws on a social constructionist epistemology, exploring how parents narrate and make meaning of their experiences with the CWS. The study builds on two main premises.

First, taking as a premise that all events may have alternative constructions, I draw on theories that see people as agents who actively make meaning of and narrate their experiences of social interaction. Second, I take as a premise that these meaning-making activities give direction to people's actions (Bruner 1990; Burr 1995). With these two premises as a foundation, I apply two sets of analytical tools: the concepts of clientization and positioning.

First, to analyse negotiations of problem identification and interpretations of the professional mandate, I draw on the concept of *clientization*. This concept highlights processes whereby professionals define and categorise the clients' problems. Gubrium and Järvinen (2013) point out that in order to receive assistance, the clients' everyday life 'troubles' must be constructed as relevant 'problems', which fit into the categories of solutions that are available within the particular professional discourse and fit the legal and organizational framework of the particular institution. In social work, defining problems is rarely straightforward. Rather, professionals actively construct problems from 'materials of problematic situations which are puzzling, troubling, and uncertain' (Schön 1983, 40). As social work involves a high degree of professional discretion, clients and professionals negotiate a multitude of possible problems and solutions. Although professionals may have the power to define which 'troubles' may be relevant 'problems', clients are not passive in these processes. Rather, they may actively engage in, resist or redefine processes of clientization by describing, interpreting, and making meaning of their lived experiences within professional encounters (Gubrium 2013).

Second, to explore the client's agency in these processes of clientization, I draw on elements from *positioning theory* (Davies and Harré 1990; Harré et al. 2009). According to positioning theory, people are not passively given roles in social interaction, but actively negotiate subject positions, which involve notions of who we are and what we can do (Burr 1995). Davies and Harré (1990) point out that in telling a fragment of his or her autobiography, a speaker assigns parts and characters in the episodes described both to themselves and to other people.

Positions therefore have a relational nature, involving *reflexive positioning*, in which one positions oneself, and *interactive positioning*, in which what one person says positions another. In interaction, different subject positions are negotiated and how people understand the situation may affect their perception of what subject positions that are offered and available to them, and whether they wish to claim or resist those positions (Burr 1995).

However, if one party possesses a superior position within a social context, certain positions may be imposed (Natland and Malmberg-Heimonen 2013). Such uneven power relations may be at stake in the CWS.

Based on these theoretical insights, the interviews in this study are analysed as stories about how parents perceive processes where their ‘troubles’ and ‘problems’ are categorised and negotiations of possible solutions to the situation. Moreover, the interviews are analysed as stories about what *client positions* parents in grey zone cases perceive as available for them, positions parents may wish to claim or resist.

Methods

Sampling strategy and interview process

The data come from a study of child welfare work in cases involving custodial disagreements, which also includes perspectives of professionals (Jevne and Ulvik 2012). To explore the parents’ perspectives, I interviewed eight fathers and seven mothers, who met the following recruitment criteria:

- a) he/she was separated or had never lived with his/her co-parent,
- b) he/she had ongoing or recent custodial disagreements and
- c) the CWS had investigated the child’s situation following a note of concern.

Recruiting participants was challenging, and participants were therefore recruited via several sources: via caseworkers (3), a parental advocacy group⁴ (7), professional networks (2), private networks (1), and other participants (2). Apart from two participants being formerly married, the participants had no relationship with each other.

Inspired by the life mode interview (Haavind 1987), I structured the interviews temporally, asking participants to tell me their *history of parenting* from the birth of their first child until the interview date. Questions about the family’s contact with the CWS and other professionals were then connected to their history of parenting. I invited participants to reconstruct *specific events*, such as how their child welfare case started, their expectations of the CWS and how their caseworkers met these expectations, and give their accounts of *interpretations and reflections* of these events. This included exploring how the participants understood the

⁴ This group advocates for parents’ rights to be equally involved in their children’s life after divorce, and is mainly known as an advocacy group for fathers.

problems involved—i.e., how they talked about the child’s situation, their parenting and co-parenting experiences—as well as exploring the participants’ accounts of how the CWS categorised and dealt with these problems. Some participants brought documents from their casefiles and cited from these. Thus, analysis of how caseworkers categorised the problems builds on the participants’ *interpretations*, as well as their *selected excerpts* from case files. The interviews lasted 1.5–3.5 hours and were recorded and transcribed before analysis.

Analytical tools and steps

The first analytical step was to familiarize myself with the data by reading all interviews thoroughly. I then selected the parts of the interviews where the participants talked about the CWS and the concerns about their parenting. Aiming at identifying themes that were strongly linked to the data themselves, I make a cross case overview by coding some main characteristics of the participants’ CWS process. According to the participants, most of them (10) had not been in contact with the CWS before their custodial disagreements. Furthermore, in most cases (11) the first note of concern came from professionals, such as police, shelters for abused women or the children’s school. About half of the cases had several notes of concern, some from the parents themselves. As also demonstrated in other studies (e.g. Buchanan et al. 2001; Cashmore and Parkinson 2011), concerns varied and were often multiple and mutual. According to the parents, their cases involved a variety of ‘troubles’, such as concerns about poor standards of care, lack of routines, child manipulation and involvement in the custodial disagreements, child abuse, lack of communication and cooperation, substance abuse, violence, or mental health issues. After investigation, 12 cases were followed up by voluntary supportive measures. Three cases were closed, parents being encouraged to seek assistance within the family law system.

During this initial analysis, I was struck by how some participants problematized the labels that the professionals used to categorise their problems and concerns. Furthermore, that the participants varied in what extent they agreed or disagreed with these labels and the solutions offered by the CWS. In the second analytic phase, I pursued this finding, using ‘clientization’ and ‘positioning’ as tools to guide the analysis. Aiming to explore how the parents positioned themselves and how they perceived the positions that their caseworkers made available, I posed the following analytical questions (Haavind 2000), looking for similarities and differences, tendencies and exceptions across all the cases: How do the parents account for the caseworkers’ understandings of the problems and possible solutions, and how do these understandings relate to their own understandings of problems and possible solutions? How

do the parents describe the child's need for assistance from the CWS, and how do the parents talk about the relevance of the solutions offered by the CWS?

Based on this analysis, I developed categories that illustrate three different *client positions* that are available for parents in grey zone cases a) legitimately concerned parent, b) parent in conflict, and c) parent lacking ability to care. These client positions describe the parents' accounts of how their 'troubles' and 'problems' are labelled or categorised by the CWS, and, consequently, the responses and solutions to the problems. Client positions are dynamic and may change over time, depending, for example, on new information, a new caseworker, or a new custodial decision. A participant could therefore narrate being offered different client positions at different points in time. To provide insight into these three client positions and show variations in the material, I use the stories of four participants. While only these participants are introduced, the chosen examples reflect issues that were relevant to all participants.

Ethical issues and limitations

The Norwegian Social Science Data Services approved the study's methodological and ethical approaches. All participants received information about the study and gave written consent to participate. In order to anonymise the participants, I gave the participants pseudonyms and changed some minor details.

The interviews built on the premise that 'we story our lives differently depending on the occasion, audience, and reason for the telling' (Mishler 2004, 103). Talking with a researcher provides a different narrative context from talking with a caseworker. The fact that I am neither a social worker nor work in the CWS may have invited voices critical of the CWS. It is also likely that participants recruited via caseworkers were more positive towards the CWS than other participants were. Furthermore, as the client positions build on how *the parents narrated* child welfare work, it must be stressed that caseworkers may have different views on these processes. Moreover, parents may not necessarily have adequate knowledge about the formal restrictions that guide CW casework. Yet, knowledge about users' perspectives on problem identification and solutions is useful for strengthening user participation practices in the CWS (Healy and Darlington 2009).

Client positions for parents with custodial disagreements

Legitimately concerned parent

Among the three client positions, the ‘legitimately concerned parent’ was the position to which most participants in this study aspired. These participants positioned themselves as *concerned parent* (Jevne and Andenæs 2015), mobilising a client position for themselves and their child and CWS’s assistance primarily based on their claims that their ex-partner was a problematic and inadequate co-parent. Furthermore, these participants gave accounts of interactions with caseworkers, who seemed to operate with similar problem constructions, thus offering them a client position they seemed to accept. Thus, parents in this client position talked about their caseworker as an ally who acknowledged their concerns for the child and offered support that these parents found relevant and meaningful. I will use Nora’s and Kristoffer’s narratives to illustrate this client position.

Nora⁵ is the mother of a five-year-old boy. Being a poor, ethnic minority, single mother, with little support from her social network, Nora represented a typical Norwegian child welfare client. Nora was already in contact with the CWS when she got pregnant as a teen-ager. As she never lived with the boy’s father, she took the main responsibility for her son, combining this with education and work. Over the years, Nora tried to involve the father, but the father had resisted a regular visitation arrangement, seeing his son just now and then. Nora presented the father like this:

He is a nice man, who is not harmful for the child, but he is irresponsible...he forgets things, like picking him up from day care and when having the child, he hands him over to babysitters, because he has to work. (...) I am also stricter. The father doesn’t really care much about what he [the son] watches on TV or how much he uses the computer. While I say: “No. No computer. I don’t want you to watch fighting. Now you must go to bed.”

In Nora’s eyes, the father is an unpredictable caregiver, who lacks basic knowledge about small children. Yet, according to Nora, co-parenting is challenging, as the father gets angry when she tries to discuss their different views on routines and care: ‘You can’t tell me what to do with my son’ the father had argued.

⁵ Recruited via her caseworker

To receive adequate help from professionals the clients' everyday 'troubles' must be constructed as relevant 'problems' (Gubrium and Järvinen 2013). This seemed to be the case for Nora. According to Nora, the caseworkers acknowledged her concerns for the father's behavior, positioning her as a client in need of their support. Nora described how she discussed routines and standards of care with her caseworkers, portraying them as experts who could advise her on adequate childcare, and strengthen her abilities to deal with what she perceived as the father's inadequate standards of care. Furthermore, Nora portrayed the caseworkers as being in a dialog with her about how to deal with the situation and positioned herself as willing to receive help:

They said "We see that you are worn out. Would you like a weekend respite home⁶?"
"Yes", I said, and then I got that help. "Would you like us to talk to the father?" "Yes".
Then they talked to the father and he said he does not have much time, but that he could have the boy every sixth weekend. So at least I got that.

In Nora's narrative, the caseworkers were positioned as allies. They acknowledged her situation, 'see' that she is 'worn out' and support her project to involve the father. From Nora's accounts of how the caseworkers defined their professional mandate, we see that the CWS's assistance was partly directed at Nora and the child, such as the offer of a weekend respite home for the boy. We also see that Nora accounted for assistance directed at her *co-parenting* relationship with the father, such as support to strengthen her ability to deal with their different views on childcare. Moreover, Nora described how her caseworkers included custodial issues in their professional mandate, by making the father voluntarily agree to a visiting arrangement. This illustrates a professional practice in which the professionals seem to see beyond the CWS's lack of authority to make decisions on custodial issues. Instead, they seem to use the principle of contractual freedom in the Children's Act (Haugli 2007) to create a space for dealing with the custodial challenges. Nora explained that the caseworkers also helped her to contact the family mediation office for additional mediation and support. Yet, being referred to family mediation did not end Nora's child welfare case. Rather, getting support from professionals in the family law system was a *supplement* to her child welfare case.

⁶ Weekend respite home (besøkshjem) is a supportive measure paid and supervised by the CWS, where the child spends time in a private home.

Another parent, Kristoffer⁷, gave accounts of how the CWS supported him by regulating co-parental interactions and by investigating the children's perspectives. Being the father of two children living in a 50/50 arrangement, Kristoffer talked about himself as a concerned parent (Jevne and Andenæs 2015), who struggled with his ex-wife's terrible temperament and who worried about the children's situation. He explained that he divorced his wife six months earlier, after a turbulent marriage, describing how she could be aggressive, 'pinch the children' and be 'nasty and condescending' towards him and the children. Yet, as shown in previous research on violence and divorce (Holt 2013), the troubling interactions continued after the divorce. For example, Kristoffer described incidents in which the mother attacked him in front of the children:

It happened when I picked up the children. She came out and screamed that she will get me, destroy me and make sure my life goes to hell. The children stood there. In the end, A (boy 14) just pushed his mother away, while B (girl 10) asked: "What does it mean that mom wants to destroy you?"

When talking about his encounters with professionals, Kristoffer explained that that he had not been offered any relevant help from the family mediation office and that he had to fight his way in to the CWS. Yet, when the CWS finally got involved, he presented his caseworker as someone who 'understood' the situation, offering him a position, which seemed to acknowledge his ex-wife as a *problematic co-parent*:

She [the caseworker] is great...She has understood everything I've explained to her about how the mother really is. That is a great relief for me (...) I have written notes, [describing] many events that have happened, notes that I give to her [the caseworker] to make her understand how it has been (Interviewer: And she receives these?) Yes, she does, and that is really good.

From the excerpt, we see that Kristoffer appreciated that the caseworker was receptive to his perspectives on the troubles at hand. The caseworker not only explored his perspectives on how mother 'is', but also his past experiences, 'how it has been'. Her practice of *including the past* may be a contrast to mediation, which primarily aims to look forward, when aiming to help parents in conflict (Tjersland and Gulbrandsen 2010). Moreover, in this practice the caseworker seemed to include the history of family violence when categorising the troubling situation.

⁷ Recruited via the parental advocacy group

According to Kristoffer, the children had been through six months of ‘total chaos’, which the family mediators had not addressed. Instead of focusing on the children, Kristoffer portrayed the mediator as primarily being occupied with the *emotions* connected to his broken marriage: ‘He [the mediator] asked me if I still had romantic feelings for my ex-wife, and I just: What?!’ Kristoffer contrasted this experience, describing how the professionals in the CWS focused on his co-parental struggles and children’s situation, thus offering relevant and meaningful support. For example, he explained that in order to reduce confrontations in front of the children and calm down the situation, the caseworker made a detailed contract, which regulated how he and the mother should communicate and interact. Furthermore, he pointed out that the caseworker observed the children in both homes and talked with the children about their experiences. Thus, Kristoffer portrayed his caseworker as someone who helped him assess how the children were affected by the situation, and also supported the children in dealing with the situation.

The above examples illustrate how participants positioned as a ‘legitimately concerned parent’ present themselves as wanting a client position for their child, expressing concerns for their child and wanting the CWS’s involvement. From their accounts, it appeared that the professionals constructed their ‘troubles’ as relevant child welfare ‘problems’, thus positioning the child as a legitimate child welfare client and entitled to child welfare involvement and support. This client position entails a perspective empathetic to the child’s situation, where the parental custodial disagreements and co-parental struggles are included as relevant ‘problems’ that need to be addressed and included in their professional mandate.

Parent in conflict

The participants who talked about being positioned as a ‘parent in conflict’ described interactions with child welfare professionals who primarily seemed to define their custodial disagreements as the ‘trouble’, yet simultaneously excluded these ‘troubles’ from child welfare work. As in the previous set of narratives, these participants talked about themselves as *concerned parents* (Jevne and Andenæs 2015), presenting worries about their ex-partner’s parenting practises. However, their narratives indicated that the caseworkers took a neutral position (Jevne and Ulvik 2012; Saini et al. 2012), positioning both parents as equally responsible for the situation. These participants disputed their client position, describing a lack of alliance with their caseworker. Furthermore, they portrayed the caseworker as a professional who neither acknowledged their problems nor provided them or their child with relevant support or help.

Ingrid's narrative provides an example of this client position. Ingrid⁸ is the mother of a 15-year-old boy who lives with his father. Ingrid presented herself as 'a mother who is extremely concerned for my child', and provided accounts of how she divorced when the son was nine, to protect herself and the child from the father's emotional and material violence and abuse. Ingrid talked about a challenging relationship with the father after the divorce, describing disagreements about the standards of care, disagreements on financial issues, and experiences in which the father had been aggressive and threatening in the presence of the child.

Although the son at first lived with Ingrid, he moved to his father's residence when he turned 14. He then reduced contact and at the time of the interview, Ingrid had not seen the son for several months. In Ingrid's narrative, this move was his way of giving in to the father's never-ending attempts to manipulate, control and dominate him and the mother. Her understandings of the situation gave direction to how she described her choices of action. Claiming that the son was not 'safe with his father', Ingrid refused to sign the change of address form, arguing that accepting his moving was incompatible with being a responsible parent: 'What kind of mother would I be if I give the father the responsibility, when I know about the situation?', she asked.

In Ingrid's account of her child welfare experiences, the CW case started when the son moved in with his father, and were based on notes of concern from the family mediation office, the police, and Ingrid's psychologist. Ingrid explained that she supported the child welfare investigation, indicating that she wanted the CWS 'to help the boy'. While Ingrid claimed to be a 'concerned mother', referring to a history of family violence, she portrayed her caseworkers as offering her a client position as a 'parent in conflict', first and foremost identifying the custodial disagreements as harmful for the child. To support her narrative, Ingrid quoted from the conclusion of the investigation report, which said:

Separately the parents are adequate caregivers, but the boy is in the middle of a major conflict, which is harmful. The CWS find it very important that the parents decide to reduce the level of conflict, try to shield the child from the conflict and that they, to a greater extent, try to agree out of consideration for the boy. The CWS has no measures to offer the family, and questions regarding custodial issues are not regulated by the Child Welfare Act. It is the parents' responsibility to find solutions in the best interest

⁸ Recruited via the parental advocacy group

of the child, and they may receive help from the family mediation office. (Case record, Investigation report)

In sharing this part of the case record, Ingrid gave accounts of a child welfare practice where her ‘troubles’ had not been seen as ‘problems’ that reached the threshold necessary to activate the CWS’s involvement. According to Ingrid, the caseworkers on one hand criticised the father for his aggressive temper, but on the other hand, after talking to the boy, they also concluded that it was ‘not very likely’ that the father had manipulated the boy into moving to his house. Based on the case record excerpt, the troubles seemed primarily to be categorised within a discourse of *conflict* (Hiitola and Hautanen 2016), portraying both parents as equal contributors to the difficult situation and as equally responsible for solving the problems. The professionals’ focus when understanding the ‘troubles’ seemed also primarily to be directed at the *disagreements on time* per se, and not *why* Ingrid disagreed on residency. Furthermore, in line with dominant professional discourses about parental conflicts (Winsvold, Føleide, and Gundersen 2016), the relevant measures were framed as settlements, conciliation and conflict reduction. Although the case record suggested that the conflicts were harmful for the boy, the *legal limitations* and lack of decision-making authority in custodial decisions were emphasised, pointing towards solutions within the family law system, with no parallel support from the CWS.

Being categorised as a ‘parent in conflict’ seemed to marginalise Ingrid’s reported experiences of family violence. Disagreeing with the caseworkers’ problem constructions, Ingrid tried to resist this client position. She presented her reflections upon why her experiences of family violence had not been taken seriously: ‘I am supposedly against the father and supposedly just making things up’, Ingrid said, indicating that the caseworkers primarily seemed to perceive her as a hostile mother (Harrison 2008) and that the concerns were constructed as part of a war between former partners. Moreover, she worried that the professionals lacked relevant competence to understand the emotional violence and the manipulation the son was subjected to. Ingrid therefore concluded that the caseworkers *failed the child*: ‘I feel that I am not heard (...) or maybe they believe me, but they do not take it seriously. (...) No one sees the child. They are just concerned with following rules and regulations.’

To sum up, participants narrating being categorised as ‘in conflict’ presented themselves as being concerned for their child and thus wanting a client position for their child. They positioned their caseworker as failing to acknowledge the complexity of their problems, thus

also failing to ‘see’ the child. Describing how their troubles were framed as conflicts, yet also how conflicts were excluded from the CWS’s mandate, these participants neither saw the caseworkers as an ally for themselves nor as one for their child. Thus, from the perspective of parents positioned as ‘in conflict’, the children were mistakenly positioned as *non-clients* and mistakenly declined necessary child welfare assistance.

Parent lacking ability to care

The last category included participants who were offered a client position as a ‘parent lacking ability to care’. These participants presented their caseworker as taking side in the conflict (Jevne and Ulvik 2012; Saini et al. 2012) and as allied with their co-parent against themselves, while they positioned themselves as an *accused parent* (Jevne and Andenæs 2015), who was incorrectly blamed by their co-parent for neglecting or abusing their child. Seeing themselves as adequate parents, these participants strongly disputed their client position and disapproved of the CWS being part of their child’s life.

Let us take Hans’ narrative as an example. Hans⁹ divorced when his children were three and six years old and had regular contact with the children at first. While Hans argued that he was an ‘ordinary father’, he portrayed the mother as positioning him as a neglectful parent, who lacked ability to dress, feed, supervise and be empathetic towards the children. Over the years, the mother went through repeated custodial litigations to restrict his time with the children and at the time of the interview, Hans had not seen his children for three years.

In Hans’ narrative about his CWS experiences, the child welfare case started with a note of concern from the school. However, Hans believed the mother was the true voice behind these concerns. Indicating that the mother used the CWS to bolster her custodial claims, Hans said:

Making this into a child protection case was a tactical manoeuvre by the mother. It made the conflict more formalised and would benefit and support her views on the question of contact.

Rather than reporting a feeling of having his problem understandings acknowledged by his caseworker, Hans gave accounts of how the caseworker allied with the mother: ‘She only embraced the mother’s opinions and she very soon concluded that I lacked ability to care’, Hans said. Like Nora and Kristoffer, Hans gave accounts of how the CWS involved themselves in custodial disagreements. The CWS offered to pay for supervised visitation

⁹ Recruited via the parental advocacy group

between Hans and the children as a voluntary supportive measure and Hans accepted this in order to prove his adequacy as a parent. Yet, according to Hans, the caseworker sided with the mother anyhow; she testified in the custodial litigations, recommending that Hans should be subjected to further reduced and supervised contact. Hans explained that the caseworker had talked to the children and used their statements to support her position, but he claimed that the caseworker failed to disclose that the mother had manipulated the children into lying about his quality of care.

Like Ingrid, Hans tried to resist the client position offered by the CWS. He argued that his caseworker was prejudiced against fathers and that she lacked competence about the ‘lies and false allegations’ involved in parental conflicts. While Hans seemed to be positioned as the parent the children should be protected from (see also Rønbeck 2008), Hans himself pointed towards conciliation as a relevant measure. He concluded his experiences with the CWS like this:

What should the CWS do differently? Stay out of this. And if they do something, they should be competent. I perceived the family mediator as more competent, more conciliating. At least they were not manipulated by the mother (...) as the CWS was.

To sum up, participants narrating being offered a client position as a parent ‘lacking ability to care’ presented their children as inappropriately drawn into the CWS, and did not want a client position for their child. Showing how they and the caseworkers had discrepant understandings of the problems as well as the solutions, these participants positioned the caseworkers as being used by their co-parent in the custodial battle. While these participants unsuccessfully tried to resist their client position, they portrayed the caseworkers as willing to include custodial disagreements in their understanding of child welfare work, taking sides in the conflict by allying with the participants’ co-parent. Thus, the children were positioned as legitimate clients and in need of child welfare assistance, yet against the will of one of the parents.

Discussion and implications for practice

Not all families with custodial disagreements have ‘troubles’ that reach the threshold for child welfare involvement. In this study, the parents had different views regarding CWS’s involvement with their families, most parents wanting a client position for their child, a few claiming that their child was incorrectly drawn into the CWS. In order to provide children

with adequate assistance, it is crucial that the CWS identify children and families in need and provide these families with adequate assistance. In the following, I will first discuss possible implications of the study by elaborating on how parents described variations in how the professionals defined their professional mandate and available solutions. I will then discuss variations in how the custodial disagreements were understood and categorised by professionals.

Negotiating the professional mandate

Child welfare practice in cases involving custodial disagreements takes place in a legal and organisational grey zone, which makes caseworkers uncertain about the legal framework, their professional mandate (Jevne and Ulvik 2012; Stang 2013, 2014) and what kinds of problems may justify child welfare involvement (Rød, Iversen, and Underlid 2013). Based on how the parents describe child welfare work, CWS's measures, or lack of them, were strongly associated with how professionals *actively defined their professional mandate*, and how they included or excluded different aspects of custodial disagreements in child welfare work.

One issue is how the parents' *co-parental challenges* were dealt with. In a study of single mothers (Andenæs 2005), the mothers reported that their caseworkers tended to see the relationship between the parents, such as the father's unpredictability in following up visiting arrangements or violence and threats towards the mother, as a private affair that was given little attention in the conversations between clients and caseworkers. In contrast, the empirical material in this study, in particular the narratives of the parents positioned as 'legitimately concerned', show a different approach. These parents gave examples of how their caseworkers included co-parental struggles in their professional mandate, talking about such practice as relevant and meaningful. These parents described practices where the professionals explored their challenges in coordinating care for the child and offered relevant measures for dealing with this. They also described practices where the professionals explored and included previous as well as present experiences of family violence when handling grey zone cases, thus positioning children 'witnessing' domestic violence as being *subjected to violence* (Eriksson 2010).

Another issue was how professionals dealt with their *lack of decision-making authority* in custodial issues. Ingrid portrayed the professionals as focused on their legal limitations, excluding cases involving custodial disagreements from their professional mandate. Here, a process in the family law system seemed to be perceived as an alternative to child welfare

involvement. In contrast, Nora and Hans described professional practices in which professionals seemed to use the Children's Act's principle of contractual freedom (Haugli 2007) to make parents (more or less) *voluntarily* agree on contact arrangements or supervised contact. Furthermore, in Nora's and Hans' narratives, CWS processes went on parallel to processes in the family law system. Thus, the caseworkers seemed to create a wider professional agency in these cases.

A possible interpretation of these variations in the parents' child welfare experiences, is that professional discretion, which take place in legal and organizational grey zones, challenges existing professional understandings and opens up opportunities for professionals to exhibit creativity and achieve new understandings (Edwards 2009). From the accounts of these parents, professional agency seems highly negotiable in cases involving custodial disagreements. This calls for increased awareness among professionals regarding how they actively construct their professional agency in grey zone cases, and how this may have consequences for the child's possibilities for adequate support.

Understanding the dynamics of custodial disagreements

As illustrated in this article, the children's client positions and prospect of child welfare involvement were closely associated with how the professionals categorised the case and what 'troubles' or 'problems' (Gubrium and Järvinen 2013) the professionals included in their professional mandate. The parents described a variety of concerns regarding their children and referred to a challenging parental relationship. However, according to the parents, the caseworkers had different ways of interpreting this information when assessing the child's situation. This result revives questions concerning what parts of the puzzling, troubling and uncertain problematic situations (Schön 1983) that are made relevant and what *professional vocabulary* professionals use when they categorise problems in grey zone cases.

I would particularly like to address the use of the term 'in conflict'. As illustrated by Ingrid's case, the term 'in conflict' may turn the professional gaze towards disagreements on how to share the child's time between two households and minimise other aspects of the parental challenges. Moreover, the term 'in conflict' may activate interpretations where parents are seen as equal contributors to the harmful situation for the child and thus equally responsible for solving the situation. In addition, as suggested by Ingrid, it may also be that the term 'conflict' first and foremost links custodial disagreements with the *emotional climate* between the parents, and activates discourses of hatred and bitterness (Brown 2006) in which parents

are perceived as being ‘against’ each other and put forward lies or false allegations part of a post-marital war. Although the emotional climate may be a relevant aspect of the dynamics of custodial disagreements, this way of understanding custodial disagreements tends to turn our attention towards parents as former partners, instead of parents as *caregivers and co-parents*. This involves a risk that professionals will marginalise information about present or previous experiences of violence and abuse. Moreover, there is a risk of losing sight of the co-parenting efforts and challenges involved in taking care of the child in everyday life.

Conclusion

Children living with prolonged parental custodial disagreements are in a vulnerable situation and may be in need of child welfare assistance. Based on an analysis of parental narratives, this article illustrates how the *child’s client position* and prospect of child welfare involvement vary depending on what client positions that are available for the parents, and in particular how professionals understand and deal with ‘conflicts’ and custodial disagreements. In these cases, professional practice take place in a legal and organizational grey zone, indicating that categories of problems and solutions may be particularly negotiable. This finding calls for increased awareness of how professionals and clients negotiate understandings of the problems involved and what implications such understandings have for the child’s client position and the child’s individual right to services.

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Funding

This work was supported by Høgskolen i Oslo og Akershus (Oslo and Akershus University College of Applied Sciences) and; Norges Forskningsråd (The Norwegian Research Council).

Acknowledgements

The research is part of the project 'Talk with Us. Professional Practice and Children's Participation', managed by Liv Mette Gulbrandsen. I would like to thank the participants for their time and commitments to this research. I would also thank Oddbjørg Skjær Ulvik, Agnes Andenæs, and Erica Burman for valuable comments on earlier drafts of this article.