

Dilemmas and contradictions in hearing children in care proceedings – conceptions of children’s views in an indirect participation arrangement

Abstract

The article is based on interviews with 22 children’s spokespersons in the Norwegian arrangement for indirect participation in care proceedings, and presents analyses of the spokespersons’ experiences of contradictions and dilemmas in their practices. Contradictions and dilemmas may be seen in light of the epistemological positions analysed from spokespersons’ accounts: their interpretation of their mandate and the status they ascribe the child’s contribution in the dialogue. The article’s contribution is the presentation of analytical results that call for a discussion about the inherent contradictions in the mandate of an indirect participation arrangement, and contradictions between psychological and judicial aspects of the spokespersons’ practices.

Keywords: Participation, children’s rights, right to be heard, child welfare, epistemology, children’s spokespersons, conversations with children, meaning making, care proceedings, family law

1. Introduction

Hearing children in cases concerning them has become an ever-increasing subject of importance in professional practice and the judiciary. It is evident in an international context, with the 1989 Convention on the Rights of the Child (CRC) being one of the most ratified treaties in the world.¹ The CRC introduced a radical article compared to its predecessors, 1924 Declaration of Geneva and 1959 Declaration (see Fortin, 2009; Smith, 2016; Daly, 2018), in which it not only put forth duties regarding protecting children, but also stated that children had a right to express their views freely in matters concerning them (CRC, Art. 12). States must furthermore ensure that arrangements are in place to hear the child, either *directly* or *indirectly*:

[T]he child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law (Art. 12(2)).

This article addresses children's *indirect* participation (Parkes, 2013) 'through a representative or an appropriate body' (CRC, Art. 12(2)), by critically analysing an arrangement that is in place to forward children's views in care proceedings: that of the children's spokesperson (barnets talsperson) in Norway. The analyses reported in the article are based on semi-structured interviews with 22 children's spokespersons.

Internationally, there are various indirect participation regimes found in family law to fulfil children's right to be heard (Bilson and White, 2005; Parkes, 2013). The aim of the children's spokesperson arrangement is to secure an opportunity for children to forward their views in care proceedings. In Norway, a "court-like" administrative body called the County Social Welfare Board (hereafter abbreviated as 'the County Board') receives applications for care orders in the first

¹ Albeit with substantial declarations and reservations from some states, see UNTC (2018).

instance (Skivenes and Søvig, 2017).² After receipt of a care order application, the County Board then appoints a spokesperson to the case. A children’s spokesperson meets the child (normally just once) before the hearing and asks questions related to the care proceedings; the spokesperson then presents the child’s views in a written report and orally to the County Board. This arrangement thus differs from those with the dual duty of both assessing children’s best interests and communicating their views, such as that of the Children’s Guardian in England or the court-appointed special advocate in the US (Bilson and White, 2005).

In this article, the understandings that children’s spokespersons have of their conversations with the children are explored; further, results from analyses of epistemological positions in spokespersons’ accounts are presented, along with their ethical considerations. The research question that underpins this inquiry is: how do children’s spokespersons in this study interpret their mandate, and which dilemmas and contradictions can be analysed from their accounts of their practices?

In child welfare, the matters that are under deliberation may bring significant changes to a child’s life, both in the here and now and for their future. While the aim of the spokesperson’s mandate is to forward a child’s views, certain judiciary features in the mandate may represent contradictions that complicate the realisation of this aim. These contradictions will be examined in more detail below, when the spokesperson arrangement is introduced.

This article presents analytical results of the variations in the spokespersons’ *epistemological* understandings of conversations with children, as analysed from the spokespersons’ accounts of their practices. Epistemology denotes what is considered as knowledge or what constitutes the basis of our knowledge (Mason, 2002; Snape and Spencer, 2003). The epistemological positions may be exemplified by the spokespersons’ conceptions of “the child’s view”—i.e. whether they believe it is possible to reach what children “really think”, the views they hold ‘deep down’, as a

² If a case is appealed, it goes from the lower-tier administrative “court-like” County Board to the court of first instance in Norway, the District Court.

pre-existing truth, or whether they regard the child's spoken view as a co-constructed product. These may be defined as respectively a positivist or a constructionist epistemological position.

The epistemological understanding of the conversation with the child is ultimately intertwined and correlated with the necessary ethical considerations one must make when faced with a dilemma regarding which action to take, and are therefore presented together. Dilemma is here conceptualised as a *choice* between different alternatives, each of which entail some unwanted consequences. Dilemmas are thus firstly located in talk about aspects of a spokesperson's practice that he or she is conflicted about (i.e. uncertainty about which ethical choice is the (ultimately) correct one). Secondly, dilemmas can also emerge out of challenging situations in which the spokesperson lands on one practice as opposed to another. What is analysed as dilemmas are what the spokesperson themselves speak of as such.

1.2 Research on Understandings of Children's Indirect Participation

The analysis centres around the epistemological understandings and experienced ethical dilemmas in fulfilling children's right to indirect participation, of which there are currently sparse critical discussions in the existing literature (Ulvik, 2015). Previous research has endeavoured to study child participation practice in child welfare to explore how professionals understand and facilitate child participation, and whether the participation impacts the decisions made. Prior studies have largely been based on document analysis of spokespersons' reports or the County Board's decisions (Magnussen and Skivenes, 2015; Vis and Fossum, 2013; Norum, 2013). In some studies, County Board members (Studsørød, Hovland and Bie, 2017), social workers (Ulvik and Gulbrandsen, 2015), children who have had a spokesperson (Maurstad, 2007)³ and spokespersons themselves (Enroos *et al.*, 2017) have been interviewed. However, there is still a lack of knowledge about children's indirect participation as it is conceived by those who are

³ Maurstad (2007) also obtained the spokesperson's report for each child interviewed.

designated facilitators, as their professional understanding can be expected to have a significant impact on how children are being represented.

1.3 Analytical Framework

In child welfare, the outcome of the case may not align with the child's wishes; however, children themselves can still value being listened to (Maurstad, 2007; van Bijleveld *et al.*, 2013). With this in mind, Ulvik (2015) has drawn attention to the different ways of understanding child participation that may be more helpful in the field of child welfare than other well-known theories on children's participation (see Hinton, 2008). Ulvik summarises three analytical perspectives on the relation between conversations and participation as conversation as a *means* of participation; participation as a *theme* in conversations; and conversations as a *form* of participation. She argues that the position of conversation as a *means* of participation risks encouraging instrumental legal positivism, where participation is understood against "non-participation"; the focus is on the degree to which the conversation contributed to information gathering and the impact a child had on a decision.

When participation is a *theme* in the conversation itself, the practitioner is attentive to how the child participates socially in his/her everyday life. In this perspective and the latter, where the conversation is conceived as a *form* of participation, a central aspect is how the child is assisted in constructing *meaning* about his or her situation by the adult conversational partner. Viewing conversation as a *form* of participation helps practitioners view the child as an interactive, intentional social agent and conversations as situations in which 'both parties contribute to what happens, negotiate positions, and co-construct meaning' (Ulvik, 2015: 198). The analyses in this article employ both the analytical perspectives of conversation as a *means* of participation and as a *form* of participation to analyse the present empirical material. A similar theoretical concept also applied is that of *meaning making* (Gulbrandsen *et al.*, 2012; Ulvik, 2015; Bruner, 1990; Bruner and Haste, 2010). It denotes the interactive, narrative process in which an individual makes sense of oneself, one's thoughts, views and experiences through negotiation and co-construction of meaning with others.

2. The Children's Spokesperson's Mandate

The spokesperson's mandate is under the provision of the Child Welfare Act 1992, section 7-9, and the adjoined regulation (Ministry of Children, Equality and Social Inclusion 2013a); the directive Q11/2013 offers more detailed instructions on the mandate (Ministry of Children, Equality and Social Inclusion 2013b). The aim of the children's spokesperson arrangement is to secure children's right to be heard and to give children the opportunity to forward their views. Prior to a hearing, the child is asked by child protection services if he or she wants to speak with a spokesperson. The arrangement is voluntary, as children can choose not to exercise their right to be heard through a spokesperson (Ministry of Children, Equality and Social Inclusion 2013a, s. 2; Ministry of Children, Equality and Social Inclusion 2013b: 2, 4-5).

In Norway, there are 532 spokespersons registered (Central Unit of the County Boards 2019). To become a spokesperson, considerable experience speaking with children in a professional capacity is required. As such, a variety of professions lend themselves to the position of spokesperson, particularly pre-school and school educators (see Viblemo *et al.*, 2014).⁴ After accepting a case, a spokesperson receives documents with a brief summary of the case, contact details and a standardised list of questions from the County Board. The spokesperson is instructed to ask the child about how the child views his/her own situation and experiences his/her current living situation; the child's relationship with parents/siblings/grandparents; where the child wants to live in the future; and what visitation arrangement the child wants with his/her parents.

Emphasis is placed on the instruction that spokespersons are to maintain their impartiality and are not to be given more than the most essential details (Ministry of Children, Equality and Social Inclusion 2013b: 7-8). Spokespersons are also not to provide their interpretation of the case, the child's views or what is in the child's best interest, but they are allowed to and may be asked to present 'factual observations' when presenting their report to the County Board:

⁴ It is a flexible arrangement where spokespersons take on as many cases as they wish, often having to find time for the cases alongside an existing full-time job.

Considering that the spokesperson has the status of witness, he or she can be asked questions during the negotiation meeting [hearing] concerning circumstances surrounding the conversation with the child. The questioning must be adapted to the spokesperson's mandate, which is now limited to purely forwarding the child's viewpoint. The spokesperson's statements must, as a consequence, be factual observations, which do not entail any interpretations of what the child "really" means (Ministry of Children, Equality and Social Inclusion 2013b: 11).

Spokespersons are instructed to read their written notes back to the child in a manner understandable to the child. Their guidelines state that the purpose of this summary is to provide the child with:

...certainty that the spokesperson has understood the child's views as intended by the child. ... Children have the right to change their view and to correct their statements. The child shall be informed that she or he has the right to change his/her view, and may then give an additional statement (Ministry of Children, Equality and Social Inclusion 2013b: 10).

The mandate text explicitly deems 'interpretation' as illegitimate, implying that 'viewpoints' could be presented uninterpreted. This may be regarded as a case of legal positivism. After the following section, we shall see the variations in how the spokespersons react to this instruction.

3. Methodology

To study the understandings and positions of the spokespersons, data were gathered using semi-structured interviews, which allow the participants' perceptions, interpretations and experiences to be explored (Mason, 2002). The empirical material thus consists of interviews conducted by the first author with 22 spokespersons, which took place between April and September of 2017 and amounted to 43 hours of interviews, with an average of 2 hours per interview. The interviews

were recorded and transcribed, with the transcripts totalling 848 pages. Names have been altered to anonymise the empirical data, and the Norwegian Centre for Research Data (NSD) has found the study to be in accordance with the Norwegian Personal Data Act.

3.1 Recruitment and Sample

The sampling strategy entailed a purposive approach that would ensure a degree of diversity of interviewees (King et al. 2019). The study aimed to have a variety of spokespersons both in regards to which County Board they worked for and their length of experience serving as spokespersons. This would enhance ‘meaningful differences in experience’ (King et al. 2019) in the sample of participants.

A request via e-mail was sent by the first author to the 12 County Boards in Norway, asking if they were able to assist in contacting their spokespersons. The five initial County Boards that agreed to assist were selected, estimated to recruit a sufficient number of spokespersons and to provide a variation of County Boards nationally (the County Boards that assisted in the recruitment of spokespersons are together based in four out of the five regions in Norway). Five County Board leaders were asked to randomly select 15 spokespersons from their list that would receive an invitation to partake in the study, totalling 75 spokespersons. The County Boards in this study ranged from having 37 spokespersons to 110 spokespersons on their list (with a mean of 65). The figures reflect whether a County Board has individually very active spokespersons and a need for a large distribution of spokespersons in the region (which is the case for geographically vast regions).

The recruitment process resulted in interviews with 22 spokespersons, evenly numbered across County Boards. The only selection criterion was that the spokesperson needed to have had at least one case in which they had spoken to a child. Such spokespersons would have a more novel indirect participation practice perspective and up-to-date insights into the current introductory training process to the role.

The spokespersons in the sample consisted of two professional groups—the majority in pedagogics (68 per cent), while the rest worked in health and/or social work—this is similar to

the survey sample of Viblemo et al. (2014). Their experience as spokespersons spanned from one year to having been a spokesperson from the outset of the arrangement (in the early 1990s).

Generally, the participants' accounts reflect the contradictions and ambivalence in the mandate (see Lamont and Swidler, 2014; Swidler, 2001). In the presentation of the empirical material, therefore, the focal point is thick description of examples that allow close examination of the spokespersons' epistemologies and dilemmas. While the sample is not claimed to be representative, spokespersons' narratives presented in this article provide a broad insight into phenomena and understandings that may exist in the judiciary field of indirect participation for children.

3.2 How Interviews Were Conducted

Interviews were conducted by the first author, at a location of the participant's choosing. The most common location was their place of work (N=10), followed by a café or library (N=7) and then their home (N=5). The spokespersons were asked to take the interviewer through the last meeting they had with a child, from beginning (including planning of the conversation) to end (including checking their notes with the child), to encourage 'rich descriptions' (Spradley, 1979) of their practices. They were also asked to talk about their views on representing small children and older teenagers, and on the arrangement as being voluntary; to describe the case information they received; and how they experienced presenting the child's views to the County Board. When asked about representing the youngest children, they were also asked about their views pertaining to observation, which may be common in more extensive indirect participation arrangements (see Cafcass 2019). The interview questions in which spokespersons go detailed through their last conversation with a child, talk about presenting in the County Board, and their views on observation, are predominantly those that has brought out the narratives and rich descriptions of practice presented in this article.

The interviews included two scenarios, which the interviewers asked the participants to reflect on: 1) 'If a child says "Auntie is stupid, but please don't tell anyone", what would you do?'; and 2) 'If a girl tells you that her granddad is sexually abusing her, but she doesn't want you to write it in

the report, what do you say to the girl?' The vignettes were introduced in order for each participant to explore the subjects of confidentiality and risk assessment, while allowing them some distance from the subject (Aviram, 2012: 464).

3.3 Analysis

The interviewed spokespersons understand child participation as much more complex than merely a procedure for satisfying a legal requirement. They speak of many multi-faceted ways of exploring the child's views. However, there is variation in their understandings of the *reasons* for exploration, their interpretation of their mandate, and the status they ascribe the conversational material gained. This first impression of the empirical material gave direction to the subsequent analysis.

The following description delineates how we assessed and operationalised epistemological understandings in spokespersons' talk. In the analysis, we explored epistemological understandings suggested by the status and purpose that spokespersons ascribed to their conversations with the children. Spokespersons varied on a continuum of how they understood and placed value on the conversation, in their differing understanding and appraisal of what is truth and knowledge. The two contrasting understandings traced in the material were, on one hand, those who deemed the conversation as a subjective truth, setting-specific product that the spokesperson and child had co-produced, and an opportunity for the child to explore and make sense of what she has experienced (a venue for meaning making). On the other hand were expressions where the conversation was deemed as a site in which children's views served as information or evidence, an objective truth, with an ultimate purpose of further shedding light on what had happened in a given case. The two points on this continuum lies closely to the theoretical framework discussed previously (Ulvik 2015), which delineates epistemological understandings of the conversation as a *form* of participation or as a *means* of participation, respectively.

Furthermore, we identified what could be characterised as dilemmas and contradictions in the described practices. We looked for talk about difficulties and challenges in the spokesperson's descriptions of their practice; their descriptions of the purpose of the conversation with the child;

how they view their mandate; and how they reflect on their own practices. We also analysed variation—what one spokesperson experiences as a dilemma may be formulated quite differently by another. Challenges and dilemmas were further traced through the concerns and needs prioritised by the spokespersons—and what they felt was at stake if those concerns were not safeguarded.

4. Results: Epistemological Understandings and Ethical Dilemmas

4.1 Epistemological Understandings Regarding Exploring the Child's Views

Spokespersons all report in the interviews that they tell the child they are there to forward the child's views. The epistemological view of the conversation becomes traceable when spokespersons describe how they facilitate the conversation so that the child can fully express his or her views. Here, we will limit the focus to the understandings they present regarding children's experience and the potential barriers children might have in expressing their views in light of the care proceedings.

The spokesperson Lucy directs her instruction *onto the child* to say exactly what he or she means, more so than *Lucy* saying exactly what the child tells her—implicit here is the notion that the child's view could be put in an exact way. This spokesperson alludes to an epistemology of a “genuine” or “pre-existing” viewpoint a child may be too anxious to reveal:

I have to say that they must put those barriers away, and some manage to do so. While-then there are those children who... They *know* their parents are sitting there, the parents' solicitors are sitting there. *That* in itself may be enough for them not to dare say what they want to say deep down.

Lucy thus encourages children to access the views from ‘deep down’ that are hindered by certain ‘barriers’. She worries that if she does not encourage the child in this way, the child will not say

what he or she truly wants to—i.e. his or her true wishes. It points to a dilemma that Lucy has resolved by choosing a course of action that will most likely prevent this unfavourable outcome.

Linda places a similar and more explicit encouragement *onto the child*. She reasons that some children might have experiences that are so ‘out there’ that they are hard to believe, and that is why she underlines to children that she will believe what they say. With this follows a request to the child at the start of the conversation, in which she asks children to speak the truth:

And then I always say that I- I believe in what children say. I believe in what they tell me. And that’s why it is important that we are entirely truthful with one another. That you tell me *exactly* how it was. And then I will believe it.

Another spokesperson, Alex, notes that when she explains the arrangement to the child and the purpose of the conversation, she always emphasises how important it is that they are honest and speak the truth, as she is there to forward what they think. She expresses a strong need to build a relationship with them, to let them know she cares, is there for them and wants them to speak freely. She encourages children to be honest in this way because of their strong loyalty to their biological family:

[I] tell them that it is important they are honest and say what they feel inside themselves and that they have to put themselves first, I usually tell them that, it is important that they put themselves first. ... Because often they are so loyal, you know, in terms of their parents, that are positioned so highly that they don’t manage to think of themselves.

The issues of “truth” and “honesty” is a common theme in the interviews, as the presentation of findings will demonstrate throughout this article. These issues are talked about with different conceptions, of either being unattainable or being sought after. The latter is particularly evident

when spokespersons hint at how they question what the child says. What is problematised is how to bring the assumed pre-existing true or honest view out, not the process of *forming* a view.

An example of this can be seen when a spokesperson, Nigella, calls into question the wishes expressed to her by a teenage girl, living in a foster home at the time of their conversation. Nigella spends a great deal of time in the interview talking about the teenage girl, who had prepared a note expressing her desire to move back home. The girl described to Nigella how she and a friend, who also lived in foster care, had discussed what she should write to be allowed to come home and what she should say to the spokesperson. Nigella tells that she responded that it was good that the girl got to talk to someone about this, which can be viewed as her acknowledgement of the importance of having a friend that she can engage with in meaning making (Ulvik and Gulbrandsen, 2015; Bruner, 1990) about their shared situations as children in care. However, Nigella then continues to speak of her concern that the two girls had colluded and practiced what should be said to Nigella, and she therefore questioned the genuineness of the girl's spoken views. Nigella asked the girl if her friend also wanted to move back home. In the interview, Nigella says she became reassured that the girl's views were in fact genuine when the girl said her friend did not share her interest in moving home:

I thought that they in a way tried to “say that, that’s wise, that’s what I’ve said and that helped a bit” or that things are said without really meaning them, if you know what I try to mean? [chuckles]

This is a tangible example of a spokesperson who shifts her focus to assessing the “honesty” or credibility of a girl's views and wishes, which could potentially have been considered invalid or rehearsed if her friend had felt the same desire to move back home.

Lucy, the spokesperson mentioned above, knew that a certain case had been instigated because the boy told his teacher that he had been shown pornographic images in his home. In the

conversation between Lucy and the child, he told her a long fib about a friend's attire, a detailed and colourful account:

He joked around with me and told me a fib about.. *In detail*, about how he'd gotten a buddy at school ... he said that his mate had these different type of clothes, that he had those type of glasses, I mean- certain details about him. ... It was just a joke, he told me afterwards.

This, in turn, made her doubt whether what he had said to his teacher was correct or true, and felt the need to write in the report that he had presented her with the long, made-up story about his friend.

And then I thought, should I tell them about his fibbing? Perhaps it's relevant, because maybe it's part of a bigger picture. This boy had a very large fantasy, it could matter a lot! ... Maybe because it was innocent joking, but I still thought it should be part of it [case material] when I now knew that he- that the grounds for the case was that he had said something to a teacher. Imagine if that was just a fib and a joke as well!

Lucy expresses concern that the case could have been opened on incorrect grounds. She speaks of this not as a view the child has expressed that should be forwarded, but rather as an interpretation she makes as to the potential credibility of the child.

This seeking of a child's "true" views stands in contrast to those spokespersons who understand children's utterances as the child's subjective experience (as presented to them). Some spokespersons were quite explicit about this—for example, Josephine, who notes that, despite witnessing domestic violence, a child may still care about his or her parents. She urges that one has to *believe* in the child's wish to move back home. She reasons that the child's subjective experience is most important to her and makes a distinction between "truth" and the child's subjective experience:

If what they are saying is true or not is not that interesting, it is how the child experiences it. And if it is not true, then that is something the professional expert [*sakkyndig*] must interpret.

The spokespersons presented in this section take various epistemological positions regarding their conversations. Many share the understanding that the child has views, experiences and feelings that are hindered by the surrounding setting, their conflict of loyalty, a fear of not being believed or potential dishonesty. Some spokespersons, however, emphasise the child's subjective experience and the child's views as something the child is an acting agent over—i.e. that they are mandated to act as an extension of the child, not to determine the validity of what the child says. Others take an epistemological position of the child's views as a single view, in which they are attempting to unveil an accurate truth that the child is attempting to withhold: a single narrative or truth pertaining to what happened and what the child feels. This kind of withholding will also be discouraged.

4.2 Dilemmas and Challenges Regarding Forwarding Children's Views—What Is At Stake?

As previously described, the spokesperson's mandate directive states that a spokesperson must read back his or her notes so that the child can adjust or correct their statements and confirm that their views are recorded as it was intended (Ministry of Children, Equality and Social Inclusion 2013b: 10). However, spokespersons must ensure that the child understands that the content of the conversation cannot be concealed and will be sent to the County Board and involved parties. Spokespersons must also be aware of their status as witnesses, in which they might have to answer questions on the stand pertaining to 'factual observations' and circumstances of the conversation with the child (Ibid. 9–11).

These potentially conflicting aspects of the mandate create dilemmas for several of the spokespersons interviewed, which will be explored throughout the following sections. In this

initial presentation of these findings, we will consider those dilemmas that arise in documenting the child's views in written form.

4.2.1 Dilemmas Regarding Children's Impact on the Written Text

There is variation in spokespersons' view of what they believe they can and should include in the written report, such as adding a note on their impression of the child in the conversation. Spokespersons might add that they found the child to lack language competence, or forward their interpretation of the child's body language. It is with the child's interests in mind, as a way of facilitating the child's non-verbal communication, rather than merely presenting what the child has expressed verbally. Spokespersons note that they take great care to avoid bringing their own interpretations onto what a child has said. The following examples presents the variation in spokesperson's understandings of interpretation and its appropriateness in the written report.

Olivia, who emphasise a child's non-verbal communication, is very concerned with separating observation and interpretation. She tells that her professional background can spur involved parties in the County Board to ask about her impression of the child's maturity. In relation to this questioning in the County Board, Olivia states:

So then I've gotten used to write two-three lines in the end of the report about it too. Because I believe that if I am strict about it being my observations. So they understand that they are- it is important extracts so to speak. Of something that says something about the child's maturity compared to her age.

She continues to speak of a 13-year old boy who she had asked to take her through a normal day, and then a quite unusual day. She noted that the child described what he did from waking up until bedtime, without mentioning the word "I" a single time.

You've kind of disconnected completely then, that is, *I* think- I don't know, I'm not a psychologist, so I don't know what it *means*, but it was such a striking way to talk that I chose to mention it. ... So then the expert judge sat there and nodded [chuckles] a lot. It

was an important observation! But I didn't then say my interpretation of it, because that- then I step over to a professional field that is not mine. ... Some will want to lure me out to make interpretations, but I myself believe that as a professional [in her field] ... I must be very careful with my interpretations. Because it isn't- but a description of an observation that is high quality and detailed will be of most use to those who must make the decisions.

Olivia does not deem this as providing an interpretation, but an observation, for the consideration of the decision-makers presumably belonging in the qualified professional field. Eileen too talks about adding a small note of her interpretation of a child's view. She says that a boy described very little about his biological parents and talked enthusiastically about his foster parents, and therefore added a careful interpretation at the end of the report, that "through what he is saying, it appears that he is doing well [in foster care], as I interpret it. But he says that he doesn't want.. He wants to come back to mom and dad". She also underlines that she must be very careful in making interpretations or drawing conclusions as she meets the children solely for an hour and a half or so.

As we have seen, spokespersons who add a note on the child in the report also present reasons for having done so, mainly pertaining to them being careful, descriptive observations. They all attempt to illuminate the child's subjective experience in one way or another. Other spokespersons in this study position themselves as being quite wary of making any presumptions of the child's experience or what the child says. Virginia does to a small degree say that she might add how the child acted in the conversation, which she says the County Board asks for as well. However, her perception of interpretation follows from her thoughts on observing very young children. She believes it is important to reflect on what you observe, and follows up with her own reflection:

I think one should be humble and be.. It is a very large responsibility. I think. One takes on a major responsibility as a spokesperson for children when presenting their case, because

it can mean a lot in their lives moving forward. It can have a *major* impact on how their lives will be going forward.

Interviewer: What follows with that responsibility then?

Well, certainly, if you sort of write in a report or you can't observe well enough or you misinterpret, it can be significant in terms of the decision that is made for the child.

A similar caution is found in the interview with Harold, also on the topic of observation. He says he struggles with the idea of observation, as he has experienced that when people observe, they also make interpretations of the child's behaviour. He presents a scenario:

And then I write what the child does. I might for instance write that Luke goes over and hits Thomas. I have experienced that that observation sentence may become one where Luke is mean.

Interviewer: Oh. An interpretation?

An interpretation.

Spokespersons interviewed differ in their view of what is appropriate content for the written report, also apparent in the process of checking that children agree with the content of their notes. It is generally not an issue if the child wants to make small corrections or edit certain wordings. However, a dilemma can arise when a child decides they want something that they have said omitted from the written report. As we shall see, there is variation on whether spokespersons believe that they can avoid putting a child's utterances in the report. First, however, we will present some reflections about what a child may want to leave out of a report, as told by spokespersons.

Spokesperson Karen states that sometimes, children say that they wish to make small alterations. For instance, the last girl Karen had spoken with said that she did not like her sisters, because she felt they sided with her violent father. Karen uses that case to illustrate how a child might want to change the wording in this kind of situation:

...then she can say that ... maybe I shouldn't write 'like', maybe I could write that they haven't been very nice, you know, it can be things like that.

Allison, too, offered some examples of what a child might want to keep out of a report:

If you have siblings, right, and you're saying something about your relationship with your siblings. And then maybe you think one of the sisters is daft. It's not something someone wants to write in a report. But you can gladly say it, when asked about what it's like in the family. ... [Y]ou can imagine yourself that- if you have a conversation with someone. ... Because everything that is written down weighs much heavier than what's said verbally.

Allison touches here on the conversation as an interactional platform in which the child can make sense of what he or she feels and speak freely, but be cautious about having what was spoken be written down. These spokespersons share the understanding that children might want to rephrase themselves, if they feel that they spoke in brash terms or that they might upset those they have spoken about. Another way of understanding the children's wishes to rephrase themselves is that this is part of a process of meaning making, of articulating a view (Ulvik and Gulbrandsen, 2015; Bruner, 1990).

These spokespersons express an understanding and even an acceptance towards permitting children to express their views *freely*, to allow them to articulate their views in a way that the child is comfortable with—with a final, edited version in the written report. In contrast, some spokespersons make explicit to the child that they cannot hold back anything that was said during the conversation. Linda, for example, explains to the child that they cannot have any secrets between them, and that she will have to forward everything the child tells her; she tells the child up front, 'you can't tell me things that you don't want forwarded'. Eileen also takes care in preparing and informing children that the information she receives will go to the County Board.

She comments that this in turn affects how much a child might want to tell her. She does state, however, that part of her duty is to elicit the truth.

We can see a difference in practice between spokespersons who alert the child that they are obligated to forward everything said in the conversation and those more open to excluding parts of the conversation in the final written report. The following expanded examples further illuminate the dilemmas that arise around the question of whether children can omit things from the written report that they have spoken about with their spokesperson.

Nigella tells about a boy who wanted her to cross out something he had said, without remembering specifically what had been said. She found it important and wanted to leave it in, and the following negotiation resulted in his comment not being removed, but rather a note regarding his wish for its removal was added:

So I said to him 'I'll only write that you did not want it included' and yes, that was okay. ... It wasn't removed. But I wrote that he wanted to, so I added that to it. I didn't just leave it without a comment, I added that 'this, when going through the notes, he thought that we should take it out, but I said I could write this instead'.

She reasons that this was the most honest way of proceeding, that if she had said 'Yes, yes, I won't include it', she would have gone behind the boy's back and deceived him.

... but I thought that it is *best* for him that this is written down, while I can't really say to him that 'it is for the benefit of you and your case if this is written down in the notes'.

When faced with the dilemma of a child wanting to leave something he said out of the report, Nigella placed greater emphasis on his best interests rather than his expressed wishes. The mandate directive explicitly states that a spokesperson should not take the position of one who is considering 'the best interests of the child' (Ministry of Children, Equality and Social Inclusion

2013b: 3). Nigella assessed that the statement must be included in the written report, but does not speak plainly to the boy about her concerns.

Eliza too mentions something similar in her last encounter with a child, in her case, a teenage girl. The girl had talked about having anxiety, but she eventually said to Eliza that she would talk to the adults at the institution about wanting to speak with a therapist. While Eliza agreed that the girl could say this herself, she proceeded to inform the employees at the institution and the County Board leader about the girl's potential need for a therapist, "to be on the safe side". An interesting comparison to this approach is made through those of spokespersons Ashlyn and Josephine. The following account from Ashlyn involves a girl who was depressed and expressed suicidal thoughts after moving to an institution:

And this was something I found was very hard to carry around, and I talked a great deal about it with her: 'Is this something you give me permission to say?' To start out, she perhaps didn't want me to say it, but then I said 'I think it is very important that this comes out', and was allowed to say it eventually.

Her wish to obtain the child's permission to forward certain views and her efforts to help the child to process and tell others about her experiences may imply an alternative epistemology. She negotiates with the child as to what could/should be told, being open about her consideration that she would feel required to forward information. Thereby, she positions the girl as an active social agent that she should speak and consult with, as someone with decision-making authority. In response to the vignette about the 'stupid auntie', Josephine might also be understood as taking a similar position:

I might not write anything other than: 'she has something she does not want to forward'.
So then, a psychologist or someone else will have to step in. ... What is written down is

something the child must approve. Because the child is permitted not to say anything at all. Can avoid saying a single word.

Josephine demonstrates a reconciliation of certain contradictions within the spokesperson mandate: that, since the arrangement is voluntary, the child should decide what goes in the report. As presented above, there is variation in spokesperson's talk about including their interpretation of the child's views in the report. A pattern can be traced in this variation. Spokespersons who believe they cannot fully capture children's subjective experiences are also much more likely to abstain from offering their interpretations of the child, both in their report-writing and via requests from the County Board. While spokespersons who provide their interpretation or inform on body language, language deficiency, or what the child has said, do so often with a notion that they are in fact not adding an interpretation, but an observation. They are serving the child's best interests or helping children express themselves fully. When adding their own interpretation in the written text, the addition appears to avoid inspection and evaluation from the child. The practice of (covert) additions in the report without negotiating them with the child may become a distressing experience of manipulation and coercion for children if they inspect the report later in time. Moreover, as pointed out by spokespersons above, observations can have grave consequences if interpreted incorrectly. In summary, the differing pattern in these practitioners' course of action derives from their attempt to avoid harm to the child – with the misrepresentations and harms that follows from either 1) misinterpretation or 2) excluding observation (interpretation) and information. This pattern can be traced in the following sections as well.

4.2.2 Dilemmas Regarding Forwarding As Much As Possible—The Child's Experience of, and Information About, An Event

There is further variation in how spokespersons talk about what should be included in the report. Linda, in the context of saying that she would like to receive more information about her cases,

reasons that if she was informed that a child has previously been forensically interviewed as a witness in a closed hearing, she could accommodate the child's need to talk about the abuse but not write much about it in the report, since it is already known. Another spokesperson, Karen, expresses something a bit different—that even if a specific event is already known about, she imagines she can get more details from the child and then let the child know that she can help by forwarding details about how he or she experienced a frightful event. The two stances allude to different views regarding the content of the report; one states that information that is already known need not take much space in the report, whereas the other sees it as an opportunity for children to express how they *experienced* the event.

Here, we see a divergence along the lines of analysing conversation as a *means* of participation and conversation as a *form* of participation (Ulvik, 2015). Linda speaks of a focus on forwarding information—the factual truths about events—wherein the already-known can be omitted, while Karen sees the value of exploring and forwarding what a child says about how it experienced the event, thus not dismissing this *form* of participation as uninteresting.

A third version is found in spokespersons' interviews pertaining to the inclusion of views that may help clarify the case. Some spokespersons speak with anxiety about the prospect of unintentionally *leaving out* parts of the conversation that might be relevant to the case as a whole. One of these is Nigella:

See, does it make sense what they're saying: can it be something rehearsed, and then the next moment you might not want to have sleepovers with your mother, but you might want to live with her full-time, you know, in some areas there is a certain mismatch. So I include everything, and then those that are determining this will have to do so.

Her comments illustrate the concern that what may not seem consistent or relevant to her may in fact prove relevant for those who have more information about the case⁵ and thus ultimately

⁵ As explained previously, spokespersons only receive a brief summary of case details.

contribute to protecting the child and clarifying the case. It is, however, an epistemology that points to the conversation with the child as being a *means* of information-gathering, more so than a dialogue with the child in which she has the opportunity to form and articulate her views and wishes (which may be ambivalent and ambiguous) and ultimately decide what message she wishes to relay (Ulvik, 2015).

If we look back on Josephine's example from earlier, we see that she too stated that it was up to the decision-makers to consider the child's views. The main difference here is that Josephine consistently argues that it is the forwarding of the child's subjective experience that is her main concern, while spokespersons who note everything said with relevance to the case allude to concerns more directed towards the protection of the child and unveiling of information. This latter practice is more similar to forensic investigation—more so than assisting the child in meaning making and forwarding the child's subjective experience as it is articulated and formed in the relational and interactional context of a child-adult conversation (Ulvik, 2015; Lundy and McEvoy, 2012).

The potential conflict between forwarding what the child wants to express and what is being "factually observed" can be a challenge and sometimes an ethical dilemma. Difficulties also arise from the disallowance to present one's own interpretations. The next section examines further ways that spokespersons may be driven to not only forward children's views, but also present extensive 'factual observations' from the conversation.

4.2.3 Dilemmas Regarding Presenting the Child's Views—Orally, in the Context of the County Board

Spokespersons may be asked by the County Board to clarify or elaborate on the conversation they had with the child. Some spokespersons find this uncomfortable, like Judith, who speaks of a "knotted stomach" and the sense that there is a lot at stake, with the worry she might say something wrong. Furthermore, they are confronted with the choices they made in the conversation with the child. This section will thus examine spokespersons' experiences of being

present at the County Board hearing—which challenges and potentially affects a spokesperson’s epistemological understanding of the conversation with a child—and thereby how they resolve dilemmas in their practice.

Emma does not experience a compulsion to contribute information in the actual proceedings; she rather states that she would follow a child’s desire not to include something in the report. She expresses the contradiction in her mandate (referring to the ‘auntie’ vignette):

If they don’t want me to include their auntie, then I haven’t. I am more prone to, if I get asked by solicitors in the court about various things, that I might say “Yes, she might have said something more about...”, if direct questions are posed. But not in the report because... Then they will have to ask questions about it. If they ask direct questions about then I kinda have to answer, because I can’t exactly lie either.

Emma seems concerned with following the wishes of the child, unless her duty as a witness and the questions she is asked while on the stand force her to elaborate.

A similar challenge is presented by Judith, who illustrates how restrictive being a witness for the County Board can be for a spokesperson’s practice. She tells a story about a dilemma she encountered in a conversation with a girl who had confided in her that she was homosexual, and whose parents were religious. After having talked for a while, they decided that Judith was allowed to tell the involved County Board parties about her sexual orientation, which meant that she could explain why she did not want to continue living in a foster home that was also very religious:

So it was very hard for me, because initially she didn’t want me to say anything. ... I didn’t *have* to, in the case of the homosexuality, of course I didn’t have to [help her forward this to others]. But I had to have an explanation as to why she didn’t want to live in that foster home. And I of course had to have an explanation for why she didn’t want to move *home*.

This example shows a spokesperson who feels her options are limited, which in turn forces a practice of getting things out into the open because she will have to explain the wishes of a child anyway, as part of her duty as a witness. It is similar to what Emma pointed at above, that she cannot lie on the stand. Moreover, Judith states that it is difficult to navigate the questions she is sometimes posed by solicitors. They normally ask questions concerning what she has written, and she feels they might try to “twist and turn” the wording.

In reality, I sometimes felt as if they were asking questions deliberately in a way for me to make a fool of myself, you know? That they tried to trip me up in a way.

Another spokesperson, Hillary, expresses a similar sentiment, describing her discomfort over the questions she is asked in the County Board hearing. Solicitors might ask whether she believes that someone has drilled the child on what to say to her. While noting the subjective experience of the child as paramount, Hillary describes a practice of posing questions that touches on a positivist, forensic view of the conversation. She talks with some distress about being “grilled” by solicitors questioning her about why she had not provided a report that reflected the extensive time she had spent with a child. She responds by explaining that she asks the same question in five different ways:

I spend *time* with the child. Err. I ask the same question five times maybe. But with a different angle. And I get the same reply because she was so, um..?

Interviewer: Consistent in a way?

Yes. Yes. Is this something that I- something you have- someone told you to say? And ask the questions from different angles. And the answer is the same. So then you don't need to write down the answer five times. But it is to hear whether the child alters her answers throughout [the conversation].

Allison has quite the opposite view of the request to expand on the level of detail she has provided in her report. In fact, it appears that Allison experiences this as a serious ethical breach, as breaking a promise she has made to a child:

And then they start asking, 'So what did he mean by that?', and, er... So they kind of want extended answers. And I don't want to answer that. ... if I have said that it is *this* that I will communicate onwards- after an agreement, where the conversation more often than not has been *much* longer than what is being communicated, then I think that I am breaking er... that promise. If I am meant to start interpreting and have an opinion about it.

We thus see that spokespersons might explore the child's views quite extensively, albeit with different conceptions. The perceptions of the spokespersons presented just above serve as an illustration of a dilemma that results from the same source: the persuasion from actors in the County Board. The *resolution* to the dilemma differs: either providing extensive information or attempting to resist the pressure to disclose more than what was agreed to in unison with the child. Their resolves can also be further understood as the former aligning more with a view of conversation as a *means* of participation, and the latter to conversation as a *form* of participation.

5. Discussion and Conclusion

Three core findings warrant further discussion. They relate to the spokespersons' practice regarding how they might understand children's right to express their views *freely*; issues of *confidentiality*; and the different epistemologies of conversation as a *form* and as a *means* of participation. First, we will discuss notions of freely expressing views.

The Committee on the Rights of the Child's General Comment (CG) no. 12, 'A child's right to be heard', gives a fuller explanation of what it entails to assist children in expressing their views *freely*:

"Freely" means that the child can express her or his views without pressure and can choose whether or not she or he wants to exercise her or his right to be heard. "Freely" also means

that the child *must not be manipulated or subjected to undue influence or pressure* (UNCRC 2009, para. 22, emphasis added).

As this study has shown, there is a wide variation on how “speaking freely” is understood. Some spokespersons seem to believe that children can only speak freely when they are instructed to speak truthfully or honestly. Notes not discussed with the child are added to the report and there may be a compulsion to include everything the child has said. Conversely, the right to express views freely is interpreted by some spokespersons strictly as forwarding the views agreed upon between them and the child, on the basis that the arrangement is voluntary for children. How can we understand this wide variation in practice?

To start, it is in part due to inherent contradictions in the spokesperson’s mandate and the adjoining directive Q11/2013, and in part due to the two epistemologies found in practice accounts: the conversation conceived of as a *form* of participation and as a *means* of participation (Ulvik, 2015). The mandate objective is to give children an opportunity to express their views in care proceedings. The directive also reference CG no. 12 and its explanation of the child’s right to ‘express those views freely’ (Ministry of Children, Equality and Social Inclusion 2013b). However, spokespersons also report they are expected to provide ‘factual observations’ of the conversation’s context (Ibid.: 11). Furthermore, they must give evidence as witnesses and cannot lie on the stand. These inherent contradictions create dilemmas that they try to solve, to the best of their abilities.

Viewed together with the adversarial feature of the judiciary system and the spokesperson’s witness status, an epistemology of the conversation as a *means* of participation, which the mandate explicitly allows for, contributes to an anxious need to discover information. As the dilemma framework shows, there is a lot at stake for spokespersons that conceive the conversation as a *means* of participation—especially regarding the risk of omitting information that might in fact help to gauge a child’s communicative capacities, clarify the case and prevent further abuse. Nevertheless, the focus on information-gathering and single truths can lead

spokespersons to question whether children are indeed telling the truth. It is a problematic starting point to involve children in participatory processes if one makes the assumption from the outset that they are untruthful, deriving from a belief that they are scared, deceitful or speaking not their own views but those of their carers (Campbell, 2008; see also Daly, 2018).

Conversely, conducting the conversation understood as a *form* of participation furthers the potential for a processual view of children's meaning making (Ulvik and Gulbrandsen, 2015; Bruner, 1990). This understanding is most appropriated by those spokespersons who persist in their interpretation of the arrangement as voluntary and a way for children to *form* and articulate their views. This is despite numerous signals from actors in the County Board that want spokespersons to provide more information about the circumstances and content of the conversation. The spokespersons acknowledge the child's subjective experience, and converse with children with the aim of exploring and understanding children's views, wishes and feelings—ultimately assisting them in making these “tell-able”. When one speaks about feelings and experiences orally, one co-constructs and negotiates the meaning of feelings and experiences with one's conversational partner (Ulvik and Gulbrandsen, 2015).

Such spokespersons furthermore seek the child's permission as far as is possible, or at the very least seek to secure the child's awareness, if they deem certain information or views important to forward (Butler and Williamson, 1994). Importantly, children should have this arena to make sense of and speak freely about their experiences without having the need to conduct *self-censorship*. As others have argued before us (Official Norwegian Report 'NOU 2000:12'; Moldestad *et al.*, 1998; Bilson and White, 2005; Daly, 2018), children should be free to disclose thoughts and feelings confidentially. The representative should not be forced to disclose what the child has said to other parties *unless* the child's statements point to the child being at risk of significant harm.

The conceptions of conversation as a *form* of participation—as opposed to that which focuses on singular truths, facts and information—enables the conducting of conversations that allow children to *form* and *freely express* multiple, potentially ambiguous or contradictory, views (Ulvik, 2009). If such practices were encouraged, then judges would have fuller insight into how children

experience the situations they are in. This, in turn, could lead to more deliberation on the basis of children's views and wishes in proceedings and make them more prominent than they currently are (see Magnussen and Skivenes, 2015; Henaghan 2012). Moreover, the results of this study show that the inherently judicial mandate represents constraints and pressures for individual spokespersons—a complexity that is not fully captured by existing epistemologies on a structural arrangement level with dichotomous categories of a child's voice perspective or a child's best interests perspective (see Enroos *et al.*, 2017; Bilson and White, 2005).

The current arrangement is not meant to further the interest of the judiciary system and the principles of administrative laws to clarify a case, nor to assist the decision-makers in forming an 'image of the child' (Studsørød *et al.*, 2017). Rather, it is in place to provide children with the opportunity to be heard (Ministry of Children, Equality and Social Inclusion 2013a, s. 1), which requires the opportunity to be assisted in *forming* views and *freely expressing* those views (Lundy and McEvoy, 2012; Ulvik, 2015; UNCRC, 2009). As long as spokespersons carry the status of witness, this right will be obstructed.

Findings from this study point to the need for a greater awareness of how we can assist children in their meaning making, and the relational and interactional impact that a representative has on the conversation with a child. There is a tension between psychological relational rationality and forensic rationality, a contradiction that could be located in the mandate of the spokespersons, between their main task of forwarding the child's views and their duty in giving evidence. This in turn leads to many of the spokespersons' experiences of ethical and moral dilemmas. As it stands, children's spokespersons are currently interpreting their contradictory mandate as best they can, with the child's best interests at heart. An arrangement of indirect participation should transcend instrumentality, and allow for a meta message of participation, of positioning children as subjects in their own right.

References

- Aviram, H., "What would you do? Conducting Web-Based Factorial Vignette Surveys", in L. Gideon (ed.), *Handbook of Survey Methodology for the Social Sciences* (New York: Springer, 2012).
- Bilson, A. and White, S., "Representing Children's Views and Best Interests In Court: An International Comparison", *Child Abuse Review* 2005 (14), 220–239. DOI: 10.1002/car.902.
- Bruner, J. S., *Acts of Meaning* (Cambridge, Mass: Harvard University Press, 1990).
- Bruner, J. S. and Haste, H. (eds.), *Making Sense: The Child's Construction of the World (vol. 3)* (London: Routledge, 2010).
- Butler, I. and Williamson, H., *Children Speak: Children, Trauma and Social Work* (London: NSPCC/Longman, 1994).
- Cafcass, *Operating Framework*, 2019: <https://www.cafcass.gov.uk/download/2195/>
- Campbell, A., "The Right to be Heard: Australian Children's Views About Their Involvement in Decision-Making Following Parental Separation", *Child Care in Practice* 2008 (14(3)), 237–255. DOI: 10.1080/13575270802042496.
- Daly, A., *Children, Autonomy and the Courts: Beyond the Right to Be Heard* (Leiden: Brill/Nijhoff, 2018).
- Enroos, R., Helland, H. S., Pösö, T., Skivenes, M., and Tonheim, M., "The Role and Function of Spokesperson in Care Order Proceedings: A Cross-Country Study in Finland and Norway", *Children and Youth Services Review* 2017 (74), 8–16. DOI: 10.1016/j.childyouth.2017.01.017.
- Fortin, J., *Children's Rights and the Developing Law (3rd edn.)* (Cambridge: Cambridge University Press, 2009).
- Gulbrandsen, L. M., Seim, S. and Ulvik, O. S., "Children's Rights to Participation in Child Welfare Services: Interaction and Meaning Work" [In Norwegian: *Barns rett til deltakelse i barnevernet: Samspill og meningsarbeid*] *Sosiologi i dag* 2012 (42(3-4)), 54–78.
- Henaghan, M., "Why Judges Need to Know and Understand Childhood Studies", in M. Freeman (ed.), *Law and Childhood Studies: Current Legal Issues* (Vol. 14). (Oxford University Press, 2012).
- Hinton, R., "Children's Participation and Good Governance: Limitations of Theoretical Literature", *International Journal of Children's Rights* 2008 (16(3)), 285–300. DOI: 10.1163/157181808X311141.
- King, N., Horrocks, C., and Brooks, J. *Interviews in Qualitative Research (2nd edn.)* (London: SAGE Publications Ltd), 2019.
- Lamont, M., and Swidler, A. "Methodological Pluralism and the Possibilities and Limits of Interviewing", *Qualitative Sociology* 2014 (37(2)), 153–171. DOI: 10.1007/s11133-014-9274-z.
- Lundy, L., and McEvoy, L., "Children's Rights and Research Processes: Assisting Children to (In)Formed Views", *Childhood* 2012 (19(1)), 129–144. DOI: 10.1177/0907568211409078.
- Magnussen, A.-M., and Skivenes, M., "The Child's Opinion and Position in Care Order Proceedings: An Analysis of Judiciary Discretion in the County Boards' Decision-Making", *International Journal of Children's Rights* 2015 (23(4)), 705–723. DOI: 10.1163/15718182-02304001.

Mason, J., *Qualitative Researching (2nd edn.)* (London: SAGE, 2002).

Maurstad, H., “The Child’s Spokesperson—A Tool for Children’s Participation in the County Board?” [In Norwegian: *Barnets Talsperson – Redskap for barns medinnflytelse i fylkesnemnda?*] (Trondheim: Norwegian University of Science and Technology, 2007) (master’s thesis).

Moldestad, B., Havik, T., and Backe-Hansen, E., “The Children’s Spokesperson: An Evaluation of the Arrangement with the Children’s Spokesperson” [In Norwegian: *Barnets talsperson: En evaluering av ordningen med barnets talsperson*] (Bergen/Hellvik: Barnevernets Utviklingscenter på Vestlandet og NOVA, 1998).

Norum, T., “The Right of the Child To Be Heard: The County Board Practice in Care Order Proceedings” [In Norwegian: *Barnets rett til å bli hørt: Fylkesnemndas praksis i omsorgsovertakelsessaker*] (Oslo: University of Oslo, 2013) (master’s thesis).

Official Norwegian Report, “*NOU 2000:12’*: The Child Protection Service in Norway—Status Evaluation, New Perspectives and Reform Proposals” [In Norwegian: *‘NOU 2000:12’*: Barnevernet i Norge — Tilstandsvurderinger, nye perspektiver og forslag til reformer] (Oslo: The Norwegian Ministry of Children and Family Affairs) 2000:

<https://www.regjeringen.no/contentassets/051e391fbb3d4ef2be97a4478dd62e86/no/pdfa/nou200020000012000dddpdfa.pdf>

Parkes, A., *Children and International Human Rights Law: The Right of the Child to be Heard* (London: Routledge, 2013).

Ministry of Children, Equality and Social Inclusion, “Q11/2013: Directive on the Children’s Spokesperson—Comments to Regulation of February 18 2013 No. 203 on the Children’s Spokesperson in Cases to be Proceeded in the County Social Welfare Board” [In Norwegian: *Q11/2013: Rundskriv om barnets talsperson – kommentarer til forskrift 18. februar 2013 nr. 203 om barnets talsperson i saker som skal behandles i fylkesnemnda for barnevern og sosiale saker*] (Directive Q11/2013) 2013b:

https://www.regjeringen.no/globalassets/upload/bld/rundskriv/2013/rundskriv_om_barnets_talsperson_med_merknader_til_forskrift_om_barnets_talsperson_i_saker_som_skal_behandles_i_fylkesnemnda_for_barnevern_og_sosiale.pdf

Ministry of Children, Equality and Social Inclusion, REG-2013, “Regulation on the Children’s Spokesperson in cases to be proceeded in the County Social Welfare Board” [In Norwegian: *Forskrift om barnets talsperson i saker som skal behandles i fylkesnemnda for barnevern og sosiale saker (FOR-2013-02-18-203)*] (REG-2013) 2013a:

<https://lovdata.no/dokument/SF/forskrift/2013-02-18-203>

Skivenes, M., and Søvig, K. H., “Norway—Child Welfare Decision-Making in Cases of Removals of Children”, in K. Burns, K., T. Pösö, and M. Skivenes (eds.), *Child Welfare Removals by the State—A Cross-Country Analysis of Decision-Making Systems* (Oxford: Oxford University Press, 2017).

Smith, L., “UN’s Convention on the Rights of the Child” [In Norwegian: *FNs konvensjon om barns rettigheter*], in N. Høstmælingen, E.S. Kjørholt, and K. Sandberg (eds.), *The Children’s Rights Convention: Children’s Rights in Norway* (In Norwegian: *Barnekonvensjonen: barns rettigheter i Norge*) (Oslo: Universitetsforlaget, 2016/2012).

Snape, D., and Spencer, L. “The Foundations of Qualitative Research”, in J. Ritchie and J. Lewis (eds.), *Qualitative Research Practice—A Guide for Social Science Students and Researchers* (London: SAGE Publications, 2003).

Spradley, J., *The Ethnographic Interview* (Fort Worth, Tex: Harcourt Brace Jovanovich College Publishers, 1979).

Studsrød, I., Hovland, W. and Bie, T., “Good Intentions Are Not Enough: The County Board’s Hearing of Children” [In Norwegian: *Den gode vilje er ikke nok: Fylkesnemndas høring av barn*], in I. Studsrød and S. Tuastad (eds.), *The Care of Children in Norwegian: In Collaboration and Tension Between Home and State* [In Norwegian: *Barneomsorg på norsk. I samspill og spenning mellom hjem og stat*] (Oslo: Universitetsforlaget, 2017).

Swidler, A., *Talk of Love: How Culture Matters* (Chicago, Ill: University of Chicago Press, 2001).

Ulvik, O. S., “Children’s Right to Participation—Theoretical and Practical Challenges in Professional Helpers’ Collaboration With Children” [In Norwegian: *Barns rett til deltakelse - teoretiske og praktiske utfordringer i profesjonelle hjelpers samarbeid med barn*], *Tidsskrift for Norsk Psykologforening* 2009 (46(12)), 1148–1154.

Ulvik, O. S., “Talking With Children: Professional Conversations in a Participation Perspective”, *Qualitative Social Work* 2015 (14(2)), 193–208. DOI: 10.1177/1473325014526923.

Ulvik, O. S., and Gulbrandsen, L. M., “Exploring Children’s Everyday Life: An Examination of Professional Practices”, *Nordic Psychology* 2015 (67(3)), 210–224. DOI: 10.1080/19012276.2015.1062257.

United Nations, *United Nations Convention on the Rights of the Child* (Geneva: United Nations, 1989).

United Nations Committee on the Rights of the Child (UNCRC), *General Comment No. 12: The Right of the Child to be Heard*, 2009:

<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf>

United Nations Treaty Collection (UNTC), *Convention on the Rights of the Child*, 2018:

https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en

van Bijleveld, G. G., Dedding, C. W., and Bunders-Aelen, J. F., “Children’s and Young People’s Participation Within Child Welfare and Child Protection Services: A State-of-the-Art Review”, *Child & Family Social Work* 2015 (20(2)), 129–138. DOI: 10.1111/cfs.12082.

Viblemo, T., Gleinsvik, A., Meltevik, S. and Vestergaard, M., “Organisation, Efficiency and Legal Safeguards—Evaluation of the County Social Welfare Board” [In Norwegian: *Organisering, effektivitet og rettssikkerhet - Evaluering av Fylkesnemndene for barnevern og sosiale saker*] (Kristiansand: Oxford Research Norge, 2014).

Vis, S. A., and Fossum, S., “Representation of Children’s Views in Court Hearings About Custody and Parental Visitations—A Comparison Between What Children Wanted and What the Courts Ruled”, *Children and Youth Services Review* 2013 (35(12)), 2101–2109. DOI: 10.1016/j.childyouth.2013.10.015.