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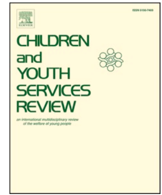

Three conversation practices illuminating how children's views and wishes are explored in care proceedings: An analysis of 22 children's spokespersons' accounts

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ABSTRACT

There is a growing literature on how children are heard in the field of child welfare, often with indications of how difficult it may be to fulfil their right to be heard. This article examines children's spokespersons' accounts of speaking with children in care proceedings about their views and wishes. The study consists of interviews with 22 children's spokespersons in Norway. Study findings question whether children in care proceedings understand the invitation to voice their wishes as confined to matters relating to the proceedings. Based on their accounts of their practices, spokespersons tend to respond to children's wishes with efforts to orientating them to their current situation and a negotiation that will make the wishes more feasible in the eyes of the representative. The spokespersons' accounts of the conversations display conversational dynamics in which children's views and wishes are explored, through types of practices identified as practices of fidelity, of structuration and of argumentation. The understanding of conversation dynamics that these findings provide may further meaningful engagement and enable a more attentive exploration of children's views and wishes. The findings provide important insights for professions that bear the task of enabling children's participation.

1. Introduction

In the field of child protection, a common finding centres around the difficulty of engaging meaningfully with children and ensuring that they have the opportunity and support to participate in decisions about their lives (Leeson, 2007; Vis, Holtan, & Thomas, 2012). Participatory processes with children are often a 'black box', in which the content, methods and principles are neither detailed nor clear. While much literature touches on *what* participation should entail, less is known on *how* practitioners talk with children and the rationale for their practices (Bessell, 2011; Handley & Doyle, 2014; Sinclair, 2004; Vis, Holtan, & Thomas, 2012). As others have argued (Thomas & O'Kane, 2000), there is a need for an increased awareness of how children are responded to with regard to their definitions of what is interesting or important. Without doubt, one way children define this is through formulating their *views and wishes*, and there is a lack of knowledge about how representatives in a professional and judicial context aim to elicit and respond to said views and wishes.

Children have the right to be heard in matters that affect them, and to speak their views either directly, or indirectly through a representative, in any judicial and administrative proceedings affecting the child (Article 12, Convention on the Rights of the Child; United Nations, 1989). Care proceedings in Norway, where matters of involuntary child protection measures are considered, are conducted in a court-like administrative body in the first instance. Here, the child is entitled to a representative called a *children's spokesperson*. The spokesperson speaks with the child before a hearing is held, so judges can learn what the child's views are before making decisions concerning the future care of the child (Føleide & Ulvik, 2019). The role and mandate of the children's spokesperson is solely to forward the child's views, thus, it is not as extensive as is the case for many of its peers in other indirect participation regimes that hold the dual task of forwarding the child's views and assessing what is in the child's best interests (Bilson & White, 2005; Parkes, 2013; Phillips & Walsh, 2019). Nevertheless, one can expect there to be certain core features to conversations that aim to realise children's right to be heard in care proceedings, which makes it possible to produce knowledge of participatory processes that is valuable across indirect participation regimes. Growing work pressure on the professions within children's services may provide challenges in allocating the time needed to build a rapport with children. This makes it all

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the more important to be aware of certain patterns in conversations about wishes that may arise in settings where the professional has not known the child over time, of which this article is but one contribution.

Children's views and wishes have been much discussed in the literature with regard to the question of how their views and wishes should impact decision-making, or, rather, how adults should act on them. It is often framed as balancing the drive to empower children through the fulfilment of their views and wishes against the need to protect their best interests (Mantle et al., 2007; Handley & Doyle, 2014; Thomas, 2000; Daly, 2018). This article provides further nuance to this fundamental dilemma regarding children's participation, based on the practitioner's accounts of their practices. Representatives within indirect participation arrangements are positioned in the very middle of this ambivalence of children as autonomous individuals and as objects of care (Jans, 2004), as such arrangements are democratic extensions of children's status as citizens and holders of rights. This study's aim and objective is to broaden our understanding of how conversations with children about children's expressed wishes are understood by their representatives. To examine this, the research question is as follows: *how do children's spokespersons in this study encourage children to speak of their views and wishes, and how are children's wishes interpreted and acted upon by spokespersons?* As children's wishes inevitably arise in participatory processes concerning their future care, the study argues the importance of knowledge concerning the ways in which talk of wishes is understood and encouraged by spokespersons, as such elements might have significant impact on the extent that children are facilitated in speaking their views. The article does not base its analysis on observations of practices, but on children's spokespersons' detailed accounts of and reasonings about their practices. Spokespersons represent a double asymmetric power relation in the conversation with a child, as children simultaneously hold the status as minors and as clients, making it all the more important to examine the meanings embedded in their accounts that shape their practices. Findings suggest that children's views and wishes are explored in conversations with spokespersons in qualitatively different ways, which might be informed by spokespersons' perceptions and practices relating to wishes and their potential for fulfilment. First, a brief description of instructions on the spokesperson's role will be presented.

2. Norwegian care proceedings and the role of the children's spokesperson

A "child" in the Norwegian Child Welfare Act of 1992 (Child Welfare Act CWA, 1992) is considered as being between the age of 0 and 18, but may receive aftercare services until the age of 23 (CWA 1992, s. 1–3). In Norway, there is a child welfare service in each municipality, of which legal authority and instructions stem from the aforementioned Act. If the service deems that a child is not receiving adequate care from the child's caregivers, it has the responsibility to intervene with in-home services. If in-home services are viewed as insufficient to improve the child's care, the service must send application for a care order to the County Social Welfare Board (CWA, 1992, s. 4-4 and 4-12). Private parties (i.e. mainly biological parents) may also present cases to the County Social Welfare Board. The County Social Welfare Board (hereafter 'the County Board') is the first instance of care proceedings,[2] and is a court-like administrative body (County Social Welfare Boards, 2019). It is an organ created to secure impartiality and legal safeguards in cases whose outcome can entail a serious state intrusion in a family's private life and integrity. In care proceedings, the County Board is commonly deciding whether a child is to remain (or return) living with his or her biological family or be placed in public care (County Social Welfare Boards, 2019). When a care order is made, the County Board shall delineate the extent of access – in other words, how many parent-child visits there should be, including how long the visits should last, commonly though the course of a year. A recommendation on extent of access is given by the child welfare service in the care plan embedded in their care order application. Application for a visitation order may also be presented to County Boards, which only seek to address the extent of access. For instance, a private party may seek to have more visitation with a child placed in public care (Child Welfare Act CWA, 1992, s. 4–19 and 7–10).

The County Board leader (the judge) maintains a list of spokespersons in the region covered by the County Board. Before a hearing is held, a call for spokesperson is sent to all the persons on this list. Thus, the role of the children's spokesperson is to talk with a child involved in care proceedings before the hearing is held, and to present the child's views orally and in a written report to the County Board. Spokespersons normally speak with children once, they are at liberty to speak with them again if necessary. The spokesperson directive specifies that the intention of the role is to strengthen children's legal safeguards by offering the child a representative trained in speaking with children (Ministry of Children, Equality and Social Inclusion, 2013a). To become a children's spokesperson, the regulation of s. 7–9 in the Norwegian Child Welfare Act of 1992 requires that the person has direct working experience with children (Ministry of Children, Equality and Social Inclusion, 2013b).

Spokespersons are usually recruited from within municipalities and have a range of professional backgrounds, with most holding a pedagogics education, followed by social work and health sciences (Viblemo, Gleinsvik, Meltevik, & Vestergaard, 2014: 120). They commonly manage a full-time job in their profession and are therefore assigned to cases subject to availability. Taking on a case can be time consuming, it is not uncommon for spokespersons in rural areas to drive hours to arrive at the child's current residence, and time is required in writing the report and giving evidence. The regulation states that the spokesperson shall be the child's *talerør*. A general definition of *talerør* is "a person that brings forth the opinion of a specific person, group or institution" (directly translated 'speaking tube'). An embedded understanding in the term is that a *talerør* shall convey the child's spoken words and viewpoints with fidelity. This understanding is strengthened by the restriction following the regulation of 2013, from which the spokesperson no longer shall make any individual considerations of the child's views or what is in the child's best interests (Ministry of Children, Equality and Social Inclusion, 2013a: 3, 9). Spokespersons receive a case letter prior to speaking with children, which contains a list of questions from the County Board that the spokesperson is to ask the child.[3] The list comprises the following points:

- the child's relationship with mother/father/siblings;
- the child's views of the current situation/how the child is doing today;
- how the child is experiencing living in foster care;
- where the child wishes to live in the future;
- what type of visitation the child wishes to have with his/her parents (including number and duration of overnight stays); and the child's views on supervised visitation.
- the child's views on telephone or electronic contact with his/her parents
(Central Unit of the County Boards, 2020).

Spokespersons are given discretion in how to conduct the conversation with the child and in phrasing the questions they must ask.

[2] If a decision by the County Board, a lower-tier state body, is appealed, it is decided by the court of first instance in Norway, the District Court.

[3] The County Board may make small alterations to the standard list of questions, depending on the details of the case.

3. Processes of ascertaining children's views and wishes in care order proceedings

Importantly, research has shown that the opinions of children can be overlooked in care order proceedings; one study of the written rulings on care orders showed that extensive deliberations concerning the child's views and wishes rarely occurred (Magnussen & Skivenes, 2015; see also Henaghan, 2012). This being said, when considering the *quality* of participation, some scholars argue that much focus has been placed on whether children affected the outcome of participatory processes when more attention should be invested in the content of participatory processes (Gulbrandsen, Seim, & Ulvik, 2012; Ulvik, 2015). Child welfare research has shown that children can participate and appreciate being heard notwithstanding the outcome (Thomas & O'Kane, 1998; van Bijleveld, Dedding, & Bunders-Aelen, 2015). Moreover, in the particular field of child protection, children cannot always have a determinate impact on the outcome of the case (Healy, 1998; Hinton, 2008). Meanwhile, studies point to children's experience of not being understood, and adolescents requesting more responsibility in participatory processes (Arbeiter & Toros, 2017; van Bijleveld, Dedding, & Bunders-Aelen, 2014).

4. Theoretical framework

Theoretical literature relating to childhood studies (understood here as encompassing several disciplines) have long discussed how children's views and wishes should be met, which will be useful to consider for this study. As mentioned, meeting children's views and wishes are oftentimes described as a necessary balancing act between gradually giving children responsibility and self-determination and the need to protect children's best interests. It necessitates an assessment of the child's competence (by adults) (see Thomas, 2000; Eekelaar, 1994; Freeman, 2007; Archard, 2015). For instance, Fortin (2009) states that "children soon move out of dependence and into a developmental stage where their capacity for taking responsibility for their lives needs encouraging" and that there is a growing view that teenagers should be provided with "opportunities for developing their decision-making capacities and their sense of responsibility" (2009: 7).

A central theoretical contribution on this matter is provided by James and Prout (1997). They argue that children must not be treated as passive subjects but be seen as active in the construction and determination of their own social lives (1997: 8). The present study will demonstrate the need for a careful consideration of the unintended consequence in professional practices that the mantra (Tisdall & Punch, 2012) may produce. Considerable efforts to *prevent* treating children as passive, powerless subjects and to *secure* children's self-determination—which here can be understood as a desire to assist them in having their wishes fulfilled—may in turn encourage practices in which children's opportunities to present views and wishes become limited to those the adult deems as feasible and realistic to fulfil. This will be further highlighted when presenting the findings of this study.

5. Method

5.1. Participants and recruitment

Judges (board chairs) in five separate County Boards assisted in the recruitment process. The sampling strategy entailed a degree of purposive sampling (King, Horrocks, & Brooks, 2019), in which participants were recruited with the aim of representing a variety of positions in relation to a research topic – that is, how spokespersons perceive their tasks and duties in hearing children. In this study, the purposive sampling is twofold. First, the sampling includes County Boards from four out of five regions in Norway, contributing to geographical variation in the sample. Second, the research design sought data on spokespersons' recruitment and training, so participants needed to have had at least one case talking with a child. This would ensure a variety in how recent their experience were in receiving training and induction to their mandate. As gatekeepers (King et al., 2019), the judges were asked to forward an invitation to participate in the study to 15 spokespersons (75 in total) that they should choose at random from their lists.[4] 22 children's spokespersons were recruited this way. Nineteen participants are female, three are male. Their experience as spokespersons ranged from having had two previous cases to having had many hundred cases. One-third of study participants held a professional background in social work and health, the remaining two-thirds had their professional background in pedagogics (pre-school, primary school).

5.2. Interview design and data collection

The study draws on semi-structured interviews with children's spokespersons, conducted between April and September 2017. Interviews lasted on average two hours, and were conducted in cafés, libraries or the spokesperson's workplace or home. In-depth interviews of this length provide sufficient empirical data to build syntheses of understanding by way of combining different spokespersons' detailed reports of their mandate and their practices (Rubin & Rubin, 2005). The author conducted the interviews with an interview guide containing set questions that all spokespersons were asked. In the interview, spokespersons were asked about how they were introduced to the role, pertaining to recruitment and training. Spokespersons were asked to go through, or reiterate, their most recent conversation with a child from start until finish. As spokespersons are instructed to shred documents received by the County Board when they have completed their tasks on a case, their reiteration relied on their memory (further discussion is provided under Section 5.3). Here, spokespersons spoke freely and were guided by small prompts to encourage 'rich descriptions' (Spradley, 1979) and allow for narratives of spokespersons' concerns, focus and practices to come through. They were also asked specific questions concerning their meeting with a child, from planning the meeting, how prepared the child seems, how they initiate a conversation with the child, and how they finish a conversation. Furthermore, to describe the age span of the children they meet, and their views on talking with very young children and older children. A verbal vignette was presented to elicit spokespersons' considerations of risk (see Føleide & Ulvik, 2019). All spokespersons were asked for their deliberations on whether spokespersons should have a similar cultural and linguistic background as that of the child. Lastly, spokespersons were asked to describe the amount of information they receive on a case and their experience in giving evidence in the County Board.

Interviews were recorded and transcribed. The transcript material consists of 848 pages. The Norwegian Centre for Research Data (NSD) found the study to be in accordance with the Norwegian Personal Data Act. All names have been changed and identifiable details anonymised.

5.3. Limitations of this study

Limitations apply to this study. Spokespersons' perceptions of wishes arose as a focus of interest after initial readings of the empirical material. Practices relating to children's wishes for their future care could have been investigated more in-depth if the research design had explicitly set out to examine this subject matter. The analysis was confined to detailed accounts of practices and conversation dynamics related to relatively tangible wishes, thus omitting accounts that do not provide extensive

[4] The total number of spokespersons in the participating County Boards at the time of the interviews were 326 (County Board 1 (N=37), County Board 2 (N=43), County Board 3 (N=55), County Board 4 (N=110) and County Board 5 (N=81)). In order to manage the potential number of spokespersons interested in partaking in the study, 75 of these received an invitation to participate in the study.

practice details (how the spokesperson proceeded). As a consequence, the analysis does not capture certain challenges in communication (language, disabilities). While spokespersons also speak of their perceptions and practices towards children who are ambiguous about what they want in matters of family, this has been excluded as a focus for the analysis as the practices therein cannot be analysed and understood in the same vein as spokespersons' accounts of practices towards more tangible wishes presented by children. Spokespersons' accounts were only based on their recall from memory, and more details could have been discussed in the interviews if for instance their latest report had been part of the interview guide.

The study does not claim to be representative of all spokespersons in Norway (totalling 532 spokespersons in 2019, of which 382 spokespersons (71 per cent) were active, as 150 (29 per cent) had not taken on a case; Central Unit of the County Boards, 2019). The number of study participants have not produced data saturation (for instance, only one spokesperson talks about a trial initiative in select County Boards, the Dialogue Process). The empirical material consists of accounts of interaction between children and adult spokespersons. We do not have knowledge of the very practices. Instead, we have the adult part of the conversations' accounts and rationales, their subjective meaning making of their practices. As we only have the one part's accounts, we know nothing about how the children experienced the conversations they were part of. To explore children's experiences would be another, and interesting study.

5.4. Analysis

Matters relating to family (be it family of origin, foster family or extended family) are of central importance in care proceedings. An initial reading pointed to it oftentimes being a demanding subject to navigate in conversations with children. Thus, a preliminary and explorative analysis extracted all talk of family in the interview material, with the aim of examining spokesperson's perceptions and practices relating to the subject. The initial analysis thus contains the breadth of variation in the interviews. A recurrent theme was spokesperson's practices towards the child's expressed views and wishes, which spurred further inquiry. A subsequent search for talk of wishes was conducted to ensure full inclusion. Narratives mainly stem from spokespersons' descriptions of talking with children that express somewhat unambivalent wishes about their future care and contact arrangements (cf. the questions spokespersons are instructed to ask, Section 2). The focus of the analysis has been narrowed to cases in which spokespersons talk about conversations involving children's future care, what children might want different or what they want to remain the same: as either a desire for stability (e.g. continuation of foster care placement), or for something that is not currently a reality (e.g. more visitation with biological parent). The spokespersons' narrative accounts were also analysed for how they would interpret and act upon a child's relatively tangible wishes. The accounts were subsequently grouped by the feature of the spokespersons' response; responses such as introducing the option of making a list of the child's wishes, asking the child to consider practical concerns relating to the wish, or, if the wish might not be fulfilled, what the child would want instead. Hence, the analysis is rooted in recognition of patterns, deep understanding and extraction of meaning in spokespersons' accounts (Padgett, 2017), albeit not with the focus of establishing occurrence or representativeness of each practice within the sample of study participants. A single spokesperson may exhibit different, somewhat contradictory, practices throughout the length of an interview. Accounts rich in detail are presented to the reader as empirical examples for the purpose of illustrating potential patterns of practices that arise from the analysis.

6. Spokespersons' accounts of talking with children about their wishes

This section present and discuss ways in which spokespersons in this study describe how they talk with children about their wishes. Conversational methods presented serve both to elicit and negotiate children's wishes. The examples highlight how, when asked about their wishes, children may understand 'wishes' as simply desires, hopes and dreams unconstrained by their current reality and situation. Meanwhile, spokespersons might attempt to frame the wishes or help the child better align the wishes with reality—and thus improve the wishes' chances of being fulfilled. Such attempts by the spokespersons might risk limiting the explorative potential of the conversation.

6.1. Exploring, structuring and negotiating views and wishes

The facilitation of children's views entails, in some instances, the use of lists, the ordering of preferences, and rankings. Faced with a need to *structure* the conversation, a spokesperson might suggest list-making to the child. For instance, Lucy spoke of the difficulty she sometimes experiences if a child is not particularly talkative and simply 'nods or shakes' his head. She mentioned that she must often ask, specifically, 'Where do you want to live?', and then present suggestions, out of which a list may emerge:

> 'Do you want to live there or do you want to live at home?' Sometimes there's actually the proposal of living with family members, too. 'Who can it be?' Then they can say… They are even good at saying 'Yes, number 1, number 2, number 3′.

For Lucy, it appears that her presentation of options spurs the child to order them in the form of a ranked list. Another spokesperson, Josephine, expressed a more general approach to the conversation which seems to encourage meaning-making in the form of wishes. She explained:

> And then I say: 'So, is there anything in particular you wish for?' And then he brings up iPads and PC games and… And then, 'I want a new bike' and then… 'Yes, and my wish is to see grandma that I haven't seen in a long time or…' They have many wishes, and I forward them.

This quote points to a phenomenon several spokespersons touched on: that children often express several wishes for (material) things. This suggests that, when asked about their wishes, the children understand the term 'wishes' to be broad, and not limited to their current situation. In the above quote, Josephine indicates that she is attentive to her mandate of maintaining *fidelity* to the child's views (as she states '*they have many wishes, and I forward them*'), which is similarly emphasised by several other spokespersons (the fidelity expectation of the *talerør* mandate is described in Section 2). Nevertheless, encouraging a child to present their wishes can also result in the making of a list that might spur various interpretations of the conversation, as the following will show. While Josephine expresses an objective of *fidelity* throughout the interview, her practice illustrate how representatives do not merely ask questions and forward what a child replies verbatim or word-for-word, but can also encourage and ultimately create a joint constructions of meaning with children in their conversations about the child's wishes:

> And usually, it's not that they want to go home either, but they say so. And then they might say it in an odd way, that 'I'd prefer to live with mum and dad'. 'Yes, but they're not married', I say. 'Well, then I want… Yes! I wish they were married again'. They might say, you know [chuckles]. 'Okay. Yeah, number two then?' 'No, then—I'd like to live on a *farm* with *lots* of animals'. (…) Then they might end by saying 'there shouldn't be anybody who abuses others there'.

In the above instance, the girl expresses a want for living with her

parents, in which Josephine intercepts with *argumentation* that they are not married. This prompts the girl to engage in further talk of wishes, while Josephine explores the girl's views by means of *structuration* in the form of a numbered list, asking for her wish number two. Josephine's approach appears to encourage the child to imagine the life she wishes for 'in an ideal world'—notably, on a farm with lots of animals, drawing up a dream in which there is no violence.

Based on Josephine's rendition of this case, she did not explore the meaning embedded in the girl's initially expressed wish to live with her mother and father, but instead raised an *argument* that pointed to the impossibility of her parents being married. Josephine moves the conversation along, in an effort to pinpoint the next item on the child's wish list ('*number two*'). The spokesperson presents this as an example of children who do not want to move back home, but who say it regardless. While this may be a correct interpretation, not exploring this initial wish will make it more likely that decision-makers also place more emphasis on the secondary, more detailed, wish of a farm with no violence. In summary, while the practices of structuration and argumentation can facilitate the exploration of a child's views, as will be further discussed below, in this current example they come in the way of a more extensive exploration of the child's wish to live with mum and dad.

6.2. *Argumentation and exploration of wishes – Free from the realities of adult life?*

Several spokespersons touched on challenges related to the children's conception of time, the child's age and cognitive abilities, and the difficulty in capturing the actual amount of visitation a child really wished for. A common pattern is that the child expresses a wish for seeing his or her biological parents so and so often, and that the spokesperson then discusses it further with the child. Spokespersons might then try to gauge a child's understanding of time. Judith is one of those, who also presents a situation in which such negotiation might occur with a child. In the context of talking about how she checks out what she has written down of the child's views, she stated that it is important to check that the child has understood what the child has asked for and that she has understood the child:

> So afterwards, when I've talked with them, I repeat a lot of what we've talked about, to check that I've gotten it right. You know. What the child has told me, «Have I understood you correctly? You only want to see daddy two times a month», for instance. «Do you know how long two times a month is?» Right, there are some that don't even know that. "No, I wouldn't mind seeing him every day". "Yes… Do you think you'll have time for football then? I understand that you want it, but you need to think a little about what you would have time for in your life", you know, like that. To mirror it a little too – so that they get some understanding of what's right.

Another spokesperson, Linda, also wants to help children understand both the notion of time and how asking for a significant amount of time with their birth parents might affect other aspects of their lives. Her experience is that they are seldom informed about the amount of visitation that the child welfare service has applied for, and that they become confused and sad that the recommendation is to see their parents very rarely. She detailed how she finds that the very young children need assistance in understanding the number of visitations suggested for them and their parents:

> And the thing about visitation is very hard for children to understand. And the smaller they are, the harder it *is,* when you are supposed to have the child's opinion about visitation. I mean, they don't have the same notion of time as we have. … In any case, I have discovered that that is important. To not just say a number, because that tells them *nothing* about what it really is.

Linda colours in how many times six times a year is (i.e. typically how much visitation is suggested by the children's services) in the annual calendar she brings with her to the conversation with the child. She comments that particularly small children find it strange that they are meant to only see their parents six or twelve times a year. Like Judith, Linda also demonstrates an awareness that the children have other aspects of their lives they need time for. Through the use of the annual calendar, Linda educates children on the notion of time so that they can see how their wish to see their parents can fit with the rest of their daily lives:

> Some children have quite unrealistic thoughts that—if I ask, 'What if you could decide? How should it be then?' (…) I think that I have to try and orient them a little towards the reality of what it would actually entail [to see mum three times a week]. 'So, if you are going to see mum here and here and here. Yes, then we plot in football. (…) What are your thoughts then?' 'No, it doesn't work. No, I can't—I can't see mum that often'.

This approach represents a shift from the wording of the initial request presented to the child ('If you could decide…'), which prompts the child to voice his wish, or the outcome he imagines. It is then redirected by the spokesperson towards the realities and limitations of time and what that wish actually *means*. Notably, this approach facilitates exploration of the child's views. It permits the child to see the hindrances to the fulfilment of his wish without the spokesperson presenting concrete *argumentation* countering the child's wishes—a display of a skilful co-construction and negotiation of meaning.

Allison, too, reported using a similar approach. She gave the example of a boy in foster care who was generally content with his life, in terms of school and friends, but missed his mother. He wanted to continue to stay in foster care but see his mother three days a week. Allison spoke at length about her response to this wish, the negotiation she had with the boy about obstacles she thought it important for him to consider, like making time for birthdays and football. She details the boy's response to her *arguments*:

> Yes. Well, then he gave it some thought, and… I *think* he said, 'Oh well, I can take two [days] then'. And then, heh, I said, 'But it's you who decides, so if you think three then I will write three, it's not I who decides this'. (…) So then I think we wrote that, uhm, [he] wants three times a week. But [he] wants to decide for himself if there's significant things, like birthdays and that type of thing.

While she does not steer the conversation in as an exploratory manner as Linda, above, Allison still maintains a dialogue—and underlines that the initial wish ('three times a week') *can* remain as the final preference in the written report—an ambition of *fidelity*. That being said, however, it is important to note that the boy ultimately would have aligned his wish with her argument.

Practices described by other spokespersons illustrate alternative approaches to understanding children's visitation wishes: for example, approaches that involve exploration without negotiating away from the child's initial wish. Eliza, who explained that she is concerned with understanding what the child actually means with regards to visitation, mentioned that she gives them keywords to help them put words to their views and wishes:

> "What do you really think about…? How will it be to meet your mummy at home? [Or here] in a meeting room?' (…) Really, to put it into words. 'What would be best? What do you think is good?'

Eliza thus frames questions in a way that provides the child the freedom to formulate what he/she imagines would be the best way to conduct the visitation. The following way of proceeding in the conversation, as was described by Virginia, is conducted with open questions:

> 'Do you have other ways of thinking that we can do this, and—how will it be if you're alone together with mom and dad and your

siblings one weekend, do you think that sounds wise or do you think it can be done differently?' And then the child might answer this and that. And then we talk a little, and then I say, um, 'How are you gonna get there? Will you take the train, or will you travel alone or what do you…?' Right.
I: Ah, you incorporate it all. That's nice.
Yes, then he says, 'No, they can drive me'. You know. For instance. Or 'I can be there alone, or actually, I'd most like to, because I miss'—maybe other things will come up, you know, when they start talking like this. So. Then I try to get them to tell me, themselves, 'How is it you want this to happen, what do you think is wise? How do *you* want it?'

Here, and unlike some of the spokespersons mentioned earlier, she does not seem to feel obligated to raise arguments in her conversations aimed at aligning the children's wishes to what *adults* might deem practical and feasible. Instead, Virginia maintains a keen eye towards the explorative potential permitted by her approach; in this way, she can discover and learn more about the relational connection between the child and his or her family members (and others). Importantly, this form of exploration keeps the conversation open enough for the child to freely express wishes *through* a practical lens, while being consistent with regards to what the child imagines he/she wants.

6.3. Exploration and argumentation – Preparing for unfulfilled wishes?

The spokesperson Karen reported using an exploratory approach, in that she spoke at length about how she encourages children to talk about significant people in their lives, and about the importance of keeping her questions open (e.g. 'Can you tell me what it's like when you're with mum?'). Karen mentioned that one of her aims is for children to have an opportunity to make sense of their views and feelings in their responses to her questions, in order to 'sort some of those things'. She also detailed how she asks children to consider where they want to live if they cannot live with their birth parent(s):

> …because the question [relating to the child's future] can be a bit strange, and dreams, you know, erm, so that the posing of questions becomes the right one in relation to… 'Yes. You do want to live with mummy and daddy. But if you *can't* live with mummy and daddy, is there—do any *other* possibilities exist?' You know, so that's why it becomes important to also explore what it's really about.

Karen finds the question from the County Board concerning where the child wishes to live in the future to be a bit strange and that it needs further exploration. Karen stated elsewhere in the interview, without prompting, that asking a child to consider a scenario that excludes the presence of their carer may risk eliciting a response in which children insist only on being with their carer. She described a conversation she had with a very young child:

> …it wasn't like i could ask him 'If you're not going to live here, where do you then want to live? Sometime in the future, how—how do you picture it?' (…) Right, a *six year old* would say 'I want to be with mummy!' [makes a child-like voice].

Here, Karen demonstrates an awareness of the issue of the child's age – that particularly younger children might have a very emotional response to this effort of exploring alternative wishes in the event that their initially expressed wish does not come to fruition. While Karen describes a practice that is thoughtful and involves open-ended questions, this particular approach is exploratory in a different sense than the other exploratory approaches discussed above: it attempts to explore through the hypothetical elimination of options, or, phrased differently, through an *argument* or interception of impossibility phrased as a question. Such practice accounts ("what if you can't live with mum and dad") appeared to also be provided by six other spokespersons. They can be understood as wanting to explore the potential outcomes of care proceedings with children, as a way to help them formulate wishes and preferences for each outcome. As gleaned from Karen's account, this practice may risk hindering children from exploring their views, shifting instead to an approach in which they either align their wish to the spokesperson's argument or steadfastly adhere to their initially expressed wish.

In interviews of a little less than half of the sample (9 out of 22), spokespersons' practices relating to exploring children's views and wishes on where they wish to live are unclear. It is understandable that it is difficult to talk with children about their wishes for their future care and whom they wish to live with. As presented, a practice that may arise is one where spokespersons may suspect that decision-makers will make a different decision from what the child wants, and that children are therefore asked what they might want instead, through this hypothetical elimination of option. However, for the remaining third of the study participants, there seems to be alternative ways of exploring this sensitive aspect of care proceedings. One example is Steven. Steven states that he is there to give children the opportunity to say what they think about measures the child welfare services are suggesting. He may ask the question of "*What do you think… Or what do you believe is the reason that the child welfare service thinks you cannot live at home?*" Notably, both Steven, Virginia and Caroline shifts the focus to the child welfare services. It gives the child the opportunity to present their will against someone else's will, rather than their emotional reaction to a hypothetically unavailable reality. Caroline furthermore explores what the child might find positive about both the biological home and living elsewhere, such as asking the following:

> "Do *you* think that you want to continue living with mummy? Or do you think it would be good to move to another family."

She is also careful to ask that, *if* the grownups decide that the child shall move to an emergency care home, how often would he or she like to see their parent then. Meanwhile, Ashlyn states that she has found some particular phrasings of questions useful in relation to exploring children's views on their future care, which is to ask them if there is anything they wish were different, and to explore the child's views on what is different living where they are currently living with how it was at home.

6.4. Children presenting arguments for their wishes oriented towards the realities of adult life

A final aspect of practices relating to talk of wishes can be traced in spokesperson's narratives of children who themselves bring forth *argumentation* concerning their wishes, and who display a certain awareness towards the realities of adult life. Olivia, for instance, described how she might ask children what would need to change if they were to move back in with their mother and father, and that they sometimes respond in the following way:

> Then it comes back to, 'Yes, then they have to stop being abusive. They have to stop doing that and that and start doing this and this. That's concretely how it needs to change if I'm to live at home, so there's no point in asking me because I know they haven't changed'.

Interestingly, Olivia's example points to a child who has come to the conclusion that wishes for change are neither feasible nor realistic, an insight which appears to be prompted by Olivia's exploratory question. In some of the instances described by the spokespersons, it seemed the children were even attempting—through their arguments—to orient the spokesperson (or judges) to *their* view of reality. Nigella, for example, talked at length about an older girl who felt unloved in the foster care home and wanted to move back in with her birth mother. Nigella's narrative is the clearest example in the interviews of a child who talked about her wishes on a meta-level, and who orients her wishes towards reality and the recipient (the judges who are the decision-makers).

Nigella related the girl's comments:

> 'And in case these judges are wondering', she says [Nigella chuckles], 'then we, me and my friends, will be going our separate ways soon'—she is in her senior year of secondary school— 'and I get new friends if I move back to [X], and I *have* friends in [X] from before'. (…) It's apparently something that can be used against them, to be uprooted, moved from friends and…

This example can be interpreted as a teenager who is trying to enter the adult world of realities and responsibility, so that her wishes will carry more weight and become more feasible—similar to the practice of some of the abovementioned spokespersons who raise arguments in response to children's wishes. This girl appears to know that decision-makers will consider it against her best interests to move somewhere where she does not have a social network, and Nigella is here describing how the girl responded to these (unraised) objections in their conversation. Nigella herself concluded that the girl, after having given many detailed reasons for why she wanted to move back home, seemed trustworthy. It is important to note the girl's age here, as older children—who have received child welfare services over time—may be more aware of the potential arguments a judge may raise concerning their wishes and welfare. In contrast to very young children, they are therefore more likely to demonstrate a greater ability to present their own counterarguments for why their wishes should be given considerable weight.

7. Discussion and conclusion

All the spokespersons interviewed in this study are passionately committed to forwarding the voices of the children they represent. The analysis has shown that wishes may be interpreted and explored with conversational approaches consisting (interchangeably) of *fidelity*, *structuration* and *argumentation*. While spokespersons' mandate requires them to be *talerør* representatives, with *fidelity* to the child's spoken views, this study has shown the complexity of interpretations and assessments that are made throughout conversations with a child (see also Føleide & Ulvik, 2019). The accounts by spokespersons points to their professional and relational skills being continuously applied in these conversations. Spokespersons do more than merely ask questions, elicit viewpoints, and to present these verbatim as *talerør* conveyers of views. The conversations children have with their representatives often invite the children to delve into their hopes, dreams and wishes, and it matters how they are asked about these subjects.

Practices of *structuration* structures views and wishes, predominantly through the use of lists. Making of lists is a useful practice and genre children are familiar with that engages them to further construct the meaning in the views and wishes they hold. However, there is the question as to whether a spokesperson chooses to further explore the meaning embedded in a child's wish, or simply organise them into lists. Some spokespersons raise *arguments* in response to certain wishes: when this happens, children may either 'dig in', holding fast to their initially expressed wish, they may align their original wish to fit with the arguments raised by the spokesperson, or, as seen in some empirical examples, the argument might help children better understand what is being suggested. This may secure further exploration because of such efforts in widening their understanding. The three dynamics of the conversations can also be exercised and appreciated by children—children may for instance insist that their spokesperson write down their formulations as accurate as possible, make lists themselves and not least argue their views. Thus, while it is clear that many of these practices are aimed at exploring children's wishes further and are natural parts of the co-construction of meaning that happens between the spokesperson and the child, it is important that representatives are made aware of these co-constructing features of the conversation—and, in particular, the abovementioned elements that might hinder exploration of children's wishes.

Wishes are, by their very nature, limitless and emotional (Campbell, 2013; Lefevre, Tanner, & Luckock, 2008), and range from a child's everyday life to the dreams they may hold for the future. It is in practices of *argumentation* that children's talk of wishes can be directed towards the realities of the case, or at least the realities as the spokespersons perceive them. Some of the examples also show children enacting this same approach, presenting 'responsible wishes' themselves—wishes that are presented as taking account of limitations within the adult world, and not as easily-dismissible dreams, hopes and wishes. This may be a symptom of participation practice that is outcome-focused, which diverts attention from the need to secure and enable child-friendly participation processes.

A pattern can be found in how spokespersons approach the child's wishes: children are asked to consider practical realities (see Ulvik, 2018) and are in this way *given* (or imposed) responsibility. It might be spokespersons' attempt to untangle the tension in a participatory arrangement, one that aspires to treat children as autonomous individuals that are simultaneously objects of care (Jans, 2004). Whereas their attempts can be deemed as practices that empower children, they can also limit and restrict children's opportunity to talk about their wishes without also having to argue for them. This study has presented descriptions of alternative, exploratory ways in which children's views and wishes can be discovered and co-constructed, that rests to a lesser degree on these demanding argumentation dynamics found in some spokespersons' accounts. While relating ones wishes to the realities of adult life might increase the likelihood that decision-makers will deliberate and give due weight to children's views, this not only requires children to have some experience in communicating with child welfare services, it is moreover a cognitively and linguistically demanding conversation dynamic that is less available for some groups of children.

On the other hand, some of the practices described by participants seem to be aimed at giving the child guidance in forming their views through access to information (Lundy & McEvoy, 2012). Practices of this kind can be extremely helpful in providing the child with concrete, practical aspects of their lives to 'mull over', to consider and contemplate. Nevertheless, practices could afford children a more substantial and less restricted platform to explore and express wishes that reflect dreams and hopes for their present day and future, which would also facilitate a discovery of significant relations in their lives.

The way in which children are conceived—the extent to which they are recognised as active in the construction and determination of their own lives and the lives of those around them (James & Prout, 1997; Winter, 2006)—does impact how children's views are elicited and explored. It draws our attention to the importance of recognizing children as enmeshed with their family, home and wider social world—not as an individual that can be separated from their cultural and personal impact. Such principles and methodology may bring forth the drive to empower children, but this becomes negated if children's wishes are not also met with an exploratory approach that allows for ambiguities, multiplicities and uncertainties. If children are not assisted in exploring and describing their wishes further, there is a higher possibility that decision-makers and representatives will make their own, and perhaps erroneous, interpretations of them.

There is a need for further research on how children themselves understand wishes and how they would like to be responded to when talking about their wishes. There is little knowledge on how those who talk with children in a professional setting perceive, explore and act upon children's views—knowledge that can help us avoid certain pitfalls when assisting children in meaningful participation. This study has provided insight, through child representatives' understandings, into processes and practices that can both assist and hinder the exploration of a child's wishes. It has further highlighted participation theory within the frame of indirect participation arrangements, that grapple with the contemporary advancement of children's status as citizens and rights-holders in modern democracies. Finally, study findings indicate that it

is essential for professionals to be aware of the important dynamics inherent in enabling children's participation through talk of wishes and the implications of these for truly hearing children in care proceedings.

Author statement

Marie Hatlelid Føleide is the sole author of this manuscript.

Declaration of Competing Interest

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

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