



Child protection investigations of child custody cases in Norway: caseworkers' obstacles and coping strategies

Cecilie Sudland

To cite this article: Cecilie Sudland (2023) Child protection investigations of child custody cases in Norway: caseworkers' obstacles and coping strategies, *Nordic Social Work Research*, 13:2, 293-305, DOI: [10.1080/2156857X.2021.1972329](https://doi.org/10.1080/2156857X.2021.1972329)

To link to this article: <https://doi.org/10.1080/2156857X.2021.1972329>



Published online: 31 Aug 2021.



Submit your article to this journal [↗](#)



Article views: 436



View related articles [↗](#)



View Crossmark data [↗](#)



Citing articles: 1 View citing articles [↗](#)



Child protection investigations of child custody cases in Norway: caseworkers' obstacles and coping strategies

Cecilie Sudland

Department of Social Work, Child Welfare and Social Policy, Oslo Metropolitan University, Oslo, Norway

ABSTRACT

In Norway, Child Protection Services (CPS) is responsible for investigating concerns about children at risk of being harmed by their parents' conflicts. This study focuses on caseworkers' experiences of investigating cases involving long-lasting custody disputes between parents, and presents the findings of qualitative research engaging 31 CPS caseworkers. CPS is required to investigate cases involving parental conflicts, and the findings show that caseworkers consider custody disputes to be harmful to children. Many of these families have had limited experience with public services before the marriage breakdown, and parents give contradicting stories about their situation to caseworkers. Consequently, caseworkers are pushed to position children as key informants, which violates the child participation principles set out in the United Nations Convention on the Rights of the Child. These children are, moreover, described as loyal to their parents, and often refuse to participate. The data analysis draws on Lipsky's concept of 'street-level bureaucracy' to shed light on how caseworkers manage conflicting goals and demands when conducting investigations. The findings suggest that a system needs to be developed to provide caseworkers with resources and knowledge to help them investigate and to work with these complex family situations in a better way.

KEYWORDS

Child custody disputes; child protection services; investigations; assessments; coping strategies

Each year, 20,000 children in Norway experience parental separation and divorce. In approximately 10% of these families, children are exposed to long-term conflicts between their separated parents, who may disagree on issues of residence, contact arrangements, and child-rearing, or who may have concerns about the other adult's parenting abilities, mental health issues, potential for violence, and drug misuse (Bergman and Rejmer 2017). Such conflicts, or parental disputes, may involve a high degree of emotional reactivity, and the parents' interactions can be driven by their hurt feelings, anger, disappointment, blame, hostility, and desire for revenge (Anderson et al. 2010). Sometimes, both parents bear significant responsibility for creating and maintaining the conflict, whereas at other times one of the parents might be the primary initiator (Birnbaum and Bala 2010). Parents may also react to conflicts in different ways, so that either one, or both, of the parents may engage in problematic behaviours including avoidance and verbal aggression. They may, finally, draw the child into the conflict, prevent the child from seeing the other parent, solicit the child's support against the other parent, and/or sabotage contact arrangements (Bergman and Rejmer 2017; Rhoades 2008).

Long-term conflicts between parents might expose children to excessive levels of stress, putting them at risk for developing anger, aggression, depression, anxiety, school problems, and difficulties in relationships with their peers and parents (Camisasca et al. 2017; Harold and Sellers 2018;

Rhoades 2008). In recent years, the Norwegian government has emphasized that child protection services (CPS) has the responsibility to investigate concerns about children at possible risk due to their parents' conflicts, and to provide adequate help to support those at risk and to promote the children's welfare (BLD 2012–2013, 2013).

However, caseworkers face many difficulties working with child custody cases, which are different from other child protection cases (Saini et al. 2019). Among other things, this is related to the challenges of balancing between, on the one hand, identifying families that need help and, on the other hand, avoiding drawing families inappropriately into the CPS system (Jevne and Ulvik 2012). In caseworkers' experience, in the many situations where each parent may provide adequate care when alone with their child, assessments may still be needed to evaluate the potentially harmful effects on the child of the parents' conflictual and aggressive interactions with each other. Connectedly, caseworkers often struggle to define their role or to find ways of helping distressed and warring parents to focus on their child's needs (Jevne and Ulvik 2012; Rød, Iversen, and Underlid 2013; Sudland 2020). Parents tend to blame each other, and caseworkers often spend their time pondering whether parents' allegations and counter-allegations may be part of their internal fight regarding the child's residence and contact arrangements, finances, cooperation difficulties, and disagreements on child rearing, or whether they reflect actual concerns about the child's care in the other parent's guardianship (Bergman and Rejmer 2017; Saini et al. 2019). As a result of these ambiguities, caseworkers' understanding of CPS involvement in child custody cases varies among the agencies (Rød, Iversen, and Underlid 2013).

In Norway, parental responsibility, the child's residence, and contact arrangements after separation are regulated by the Children's Act (1989), and parents' post-cohabitation arrangements and disagreements are handled through compulsory mediation at local family counselling offices (BLD 2015–2016). Mediators are supposed to help parents negotiate and reach an agreement, but they cannot make decisions on their behalf. Parents who are unable to reach an agreement can apply to have their differences resolved in court. However, many of these parents may have repeated encounters with the court system and they take considerable resources without yielding positive results for the children involved (Bergman and Rejmer 2017).

Because conflicts involved in custody disputes may affect children's wellbeing and development, it is crucial to expand the knowledge of how CPS can provide proper help to families that might need its support. It is, therefore, important to further explore how caseworkers conduct investigations and formulate recommendations to help the child. Based on focus groups and individual interviews with 31 Norwegian CPS caseworkers, the present article explores caseworkers' experiences in investigating notifications on children who are exposed to custody disputes, and outlines the ways they direct their investigations so as to produce a comprehensive picture of the child's care.

The article first describes the investigative practices in Norway and goes on to review previous research on CPS investigations in general. It then presents the contribution of Lipsky's notion of street-level bureaucracy before discussing the methods and analysis. The article, finally, presents the findings of the study and concludes with a discussion of the challenges and dilemmas caseworkers face.

CPS investigation practises in Norway

One of the most important functions of CPS is to identify when a child is at risk of significant harm because of neglect due to custody disputes; to assess the levels of risk in order to identify the services required; and, ultimately, to improve the child's outcomes and welfare in the best interest of the child (BLD 2019; NOU 2016:16 2016, , p. 122). The Child Welfare Act (1992) points to the importance of securing adequate measures at the appropriate time. Through a systematic collection of information, moreover, caseworkers must seek to develop a comprehensive overview of how well the children are being cared for and how custody disputes affect them (BLD 2013).

Identifying emotional neglect and abuse is a complex task in child protection casework and requires knowledge of child development in general as well as knowledge of particular families' dynamics. To provide evidence, caseworkers must engage family members through interviews with parents and children, and they must make direct observations of family interactions to understand and assess the family's strengths and needs (NOU 2012). In child custody cases, state guidelines issue that both parents should be included in the investigation and that children's situation should be assessed in both households (BLD 2013; NOU 2016:16). The Child Welfare Act (1992) also gives caseworkers the authority to collect evidence from parties collaborating with the families, such as schools, kindergartens, primary care doctors, and public services. These informants can help caseworkers estimate the probability of neglect or maltreatment (NOU, 2016:16).

Caseworkers must carry out the investigation within three months of the initial notification. However, in particularly complicated cases, such as when families resist CPS inquiries, the government allows caseworkers to extend the period to six months. In such cases, the agency manager must propose an extension to the county governor, who supervises and monitors the local CPS authorities and who makes the final decision. Thus, the government's procedures stipulate that local authorities must judge whether the circumstances meet the guidelines' criteria.¹ The county governor may also impose fines on CPS agencies for missed deadlines (section 6-9 of the Child Welfare Act).

Furthermore, children's welfare is the paramount consideration and children's views have a central role in CPS's decision-making. According to section 6-3 of the Child Welfare Act (1992) and Articles 3 and 12 of the UNCRC (UNCRC 1989), children over seven years old should be asked about their views on issues affecting them, and these views are to be given due weight in decisions concerning them. Because these articles contend that understanding children's perspectives is important for making decisions in their best interest, they place considerable weight on caseworkers' ability to inform children, to facilitate their formation of views, and to avoid making them feel pressured to speak. Children are not, however, obligated to express their views, and have the right to refuse to participate in conversations initiated by caseworkers (BLD 2009).

Previous research

Studies of CPS decision-making show that many factors influence caseworkers' assessments. In an overview of the British CPS, Munro (2002) found that caseworkers tend to depend on clear evidence in making decisions and that they have difficulty adjusting their first impressions to incorporate new information. For instance, studies show that parents' behaviours influence caseworkers' decisions, so that parents perceived as calm, open, honest, and cooperative are more likely to be listened to (Egelund 2003; Vis et al. 2020). Other researchers have similarly reported that, lacking sufficient competence and knowledge about socio-psychological matters, caseworkers tend to base their decisions on personal moral opinions and intuitive thinking (Broadhurst et al. 2010; Munro 2002; Wilkins 2015). Concurrently, factors such as time pressures, caseloads, and a lack of information on families' situations have been found to reduce the quality of caseworkers' decisions (Heggdalsvik, Rød, and Heggen 2018). Munro (2002) argues that, to resolve this, CPS caseworkers should have a role in determining the length, complexity, and necessity of individual assessment.

Research regarding children in custody disputes that would attend to the area of child protection is limited. Researchers have, however, studied barriers to children's involvement in CPS decision-making processes in general. These studies have shown that various factors may impair children's participation, such as caseworkers' understanding of the role children should play. Researchers have shown that some caseworkers tend to pay more attention to parents, while other studies have found that caseworkers are generally committed to listening to children (Archard and Skivenes 2009). Research further reports that interviews with children tend to be one-off meetings, after which the children's opinions are treated as factual claims and

confessional statements about intimate family issues and used to help caseworkers arrive at decisions (Hennum 2011). These findings highlight a need for CPS case processing to be more child-friendly by allowing enough time for children to develop a trusting relationship with caseworkers (Archard and Skivenes 2009; Ferguson 2017; van Bijleveld, Dedding, and Bunders-Aelen 2015; Vis, Holtan, and Thomas 2012).

Researchers from the mediation field report that children whose parents are in the process of divorce want mediators and judges to take their views into account (Cashmore 2011; Rejmer and Bergman 2016; Rød, Ekland, and Thuen 2008). Yet, children are seldom heard in court proceedings (Höjer and Röbbäck 2009; Tisdall 2016). This may be related to assumptions that they do not need to be heard, or that children who express views are given too much responsibility in relation to the conflict, or that court proceedings can put stress on children. As a result, judges tend to order reports to obtain children's views (Höjer and Röbbäck 2009; Tisdall 2016).

Theoretical framework

To understand caseworkers' handling of cases regarding serious concern for the children of parents in child custody disputes, Lipsky's (2010) theorizations of the specific organizational contexts for caseworkers' investigations are particularly useful. Most prominently, Lipsky's contribution is sensitive to how institutional conditions frame and influence – and are influenced by – caseworkers' actions and knowledge. Here, CPS caseworkers are what Lipsky (2010) has categorized as 'street-level bureaucrats' who serve as an interface between government policies and citizens, and who are given extensive discretionary powers in the performance of their work.

Although many street-level bureaucrats in welfare bureaucracies, such as the caseworkers in this study, are supposed to help families to solve their problems in accordance with professional and ethical standards of decision-making, experiential knowledge shows that many caseworkers feel they are not given the organizational support and resources to conduct their work appropriately (Ferguson 2017; Lipsky 2010; Mik-Meyer 2017). Hence, street-level bureaucrats negotiate conflicting and ambiguous expectations imposed on them by their governments, agencies, and clients. This intersects with the growing demand for services in many welfare bureaucracies, and with massive caseloads and time pressures alongside demands for quick decisions (see also Munro 2002). In many Western countries, this ties in with welfare organizations' incorporation of management systems inspired by the market economy and the New Public Management philosophy to ensure quality of professional practice (Ekland, Bergem, and Myklebust 2019). Consequently, welfare organizations such as CPS put strong emphasis on routines, procedures, efficiency, performance measures, and documentation (Munro and Hardie 2019; Sletten and Ellingsen 2020).

Thus, chances are high that street-level bureaucrats develop strategies to cope with the unendurable cross-pressures in order to fulfil their responsibilities within the limits imposed on them by the structure of their work (Lipsky 2010). In addition, street-level bureaucrats may structure interactions with clients so as to process clients effectively, to control procedures, and to protect themselves, often at the expense of treating cases on their own terms (Gilson 2015; Munro and Hardie 2019). They may also restrict clients' access to services, teach them to behave appropriately, and categorize and stereotype clients as either more or less deserving, as mentally ill, or as not fitting the design of services – ultimately favouring those who are likely to cooperate or change (Dahl et al., 2020). In other words, clients who accept responsibility for their behaviours tend to be rewarded, while those who reject the organizational client role offered to them – or who express anger, take up time, or complain about street-level bureaucrats' decisions – might be categorized as unworthy (Egelund 2003; Lipsky 2010). Although the coping strategies help street-level bureaucrats to manage their work tasks, they may undermine or conflict with policy goals and standards for good social work practice. As we shall see, many of these coping strategies are depicted in this study.

Methods and analysis

This article is based on a qualitative research study contextualized within a social constructionist epistemology, which assumes that people's social realities are negotiated through relationships, language, and culture (Berger and Luckmann 1967). Focus groups and individual interviews were chosen as the method of data collection. Focus group discussions provided data on shared opinions and identified salient dimensions of conflicts and agreements by asking participants to draw on their knowledge and experience (Morgan 2010). Individual interviews, by contrast, were designed to give participants the opportunity to talk in greater detail about their opinions and experiences related to the interview guide's topics, which, in turn, were intended to capture the participants' different perspectives in relation to CPS's overall roles and responsibility. Both interview forms proved well suited to gaining insight into participants' experiences and meaning-making process (Holstein and Gubrium 1995).

The interviews took place at the participants' workplaces. Each participant was interviewed once for approximately 70 minutes. This research was exploratory, so, to contextualize the interviews and the participants' perspectives, I asked questions related to their educational backgrounds and workdays. In addition, the sessions covered their organization's structural constraints, CPS interventions and interdisciplinary collaboration, and the participants' views on CPS's functions regarding different types of family problems. The focus groups allowed participants to hold discussions and generate ideas, while the individual interviews were used to ask the participants to elaborate on certain topics in greater detail. This combination of data collecting methods – which contributed to a nuanced understanding of participants' views and of their ways of investigating concerns reported for children in long-term custody disputes – shaped how the data analysis was conducted.

A total of 31 CPS employees participated, with their consent. Twenty-six of them held caseworker positions, two were agency managers, and four were team managers. All participants, including management-level workers, had experience with child protection casework, although this qualification varied by the length of time and roles within their organization. Six focus groups and six individual interviews were conducted. Two focus groups involved exclusively management-level workers, another was a mixture of caseworkers with one managerial worker, and three focus groups were limited to caseworkers only. One of the focus groups that comprised only management-level workers met a year after the other groups and interviews. This final session with three management-level workers was used as a follow-up interview to explore and elaborate on how caseworkers plan and conduct investigations in relation to child custody disputes.

There are different ways to analyse interview data (Morgan 2010) and, for this article, the analysis focused on the verbal content of the participants' viewpoints and discussions. In addition, the interview and focus group data were analysed together by repeatedly reading and open coding, as described by Corbin and Strauss (1990). Early in this process, participants' narratives about their work with custody cases surfaced as a central theme in relation to CPS's roles and responsibility, and excerpts concerning these particular cases were gathered into one document for further analysis. The next stage involved thematic coding (Braun and Clarke 2006) to identify and construct patterns in which themes occurred, and the transcripts were coded into three main categories for additional analysis. To address this article's objectives, participants' descriptions of how they conduct and steer their investigations of child custody cases were explored. Because the analysis revealed that caseworkers and management-level workers held similar views on how they approach and intervene in custody cases, no analytical distinction is made between their experiences.

Lipsky's (2010) contribution on street-level bureaucracy, previous literature on CPS assessments, and research on custody disputes were utilized to make sense of how the participants conduct their inquiries. The term 'custody disputes' – used in the literature to denote complex family situations (Bergman and Rejmer 2017) – was applied in the present research to participants' descriptions of post-separation couples who had major disagreements on child custody issues and whose interactions were characterized by the parents' hostility, anger, distrust, and desire for revenge. Child

custody disputes may also include domestic violence and abuse (Birnbaum and Bala 2010). These cases, however, did not play a central role in the participants' descriptions, which may indicate that they are categorized differently.

Findings

The first part of this section sheds light on caseworkers' concerns and on their understanding of CPS's investigative practises in relation to custody disputes. The second and third parts discuss the various obstacles caseworkers must overcome when they conduct investigations.

Caseworkers' concerns about harm and neglect

The analysis revealed that most of the caseworkers define parental conflicts as harmful to children and consider CPS to be responsible for investigating reports of children who are at risk due to high levels of custody disputes. Caseworkers' concerns relate to the stress that exposure to the parents' conflicts can generate for children throughout their lives. They explained that conflicts can arise in the presence of offspring in different ways. In one case, siblings were exposed to their parents' hostile text messages on their iPads, while in other families children witnessed daily screaming, contempt, and hostile arguments. Caseworkers also reported that the children tend to be pulled into conflicts and forced to take sides. One observed that a child was used as a messenger by the parents and involved in their dispute, which forced the child to take an inappropriate role within the family and made the caseworker concerned for the child's wellbeing:

When it really goes wrong, we see that the parents have very different qualities, and the child needs both. Yet, the child can't really say "I want to see dad or mom" because [then] they [the child would] have to side with one of them.

Another caseworker mentioned that the formation of alliances or the exclusion of the other parent means children lose one parent's support and guidance – in one specific case, the father, whom the caseworkers considered to be important to the child. This child's involvement in the parents' conflict troubled this caseworker, who stated, 'then it becomes especially difficult for the dad to manoeuvre [through] the terrain'. Caseworkers also expressed concerns about how these disputes indirectly affect the children and their wellbeing, and whether disputes put pressure on the parents, affecting the quality of their parenting and thus the parent-child relationship. According to caseworkers, many of these parents were preoccupied with their own emotional responses, which in turn could make them inconsistent, less supportive, and ineffective monitors of their children's activities, or could diminish their authority and capacity to parent.

Investigation practises

Notifications about children exposed to custody disputes are usually reported to CPS by the children's schools, the police, and, in most of the cases, the parents themselves. However, caseworkers said that family counselling offices seldom raised concerns for children of these families. Parents' fears are often linked to disagreements over child-rearing and custody; to worries about abuse, carelessness, and neglectful parenting; or to anxiety about the other parent's mental health. Notifications from schools are typically related to concerns about how children's exposure to a high level of conflict could potentially harm them. Caseworkers explained that these parties' reports routinely lead to investigations, while parents' allegations, despite caseworkers' grave concerns, may only raise questions about CPS's responsibility.

While two caseworkers emphasised the importance for CPS to investigate notifications from parents, participants from three agencies debated whether parents' complaints should not be ignored. As one caseworker said, 'Yesterday, I got a call from a parent in one of those high-

conflict families and I discussed with a colleague whether CPS should initiate an investigation when parents themselves apply for help'. Two caseworkers said that they redirected parents to their respective lawyers or informed them about proceedings in Civil Court, while another caseworker pointed out that:

If the parents take their conflict to court, it will cost them a lot of money, and some risk becoming indebted if they pursue a child custody case regulated under the Children's Act and not the Child Welfare Act. In our system (CPS), the parents will receive free legal assistance, whereas, in the Civil Court, they must pay for legal aid. Therefore, I sometimes think CPS should assist these families and remove the child when we consider the conflict to affect the child.

Some agencies look into these cases by following traditional investigation procedures – as one caseworker asserted, 'we investigate as we usually do'. This process involves checking up on parents and children in meetings and conducting home visits and observations of the parent-child relationship. Information is also collected from schools, health clinics, kindergartens, primary care doctors, local mental health services, and/or social services that have had contact with the families. Some caseworkers said that they adjusted each investigation to reflect concerns about the parents' conflicts, while caseworkers in another agency used internally developed risk assessment tools for all types of families to help identify risk factors and the children's needs.

Despite the different investigative practises, an important finding is that all participants gave imprecise, vague descriptions of how they investigate concerns and formulate recommendations regarding child custody cases:

Interviewer: How do you assess whether the conflict is harmful to the child? Managerial worker: We examine how the child experiences being caught in the conflict's crossfire. Interviewer: How do you assess the wellbeing of the child? Managerial worker: That's a good question. We talk to the children. Another managerial worker: We talk to the children.

As the previous excerpts demonstrate, caseworkers' conversations tend to slip into whether they should engage with the cases or encourage parents to take their disputes to court. Here, they are caught not only between two legislative areas regulated, respectively, by the Child Welfare Act (1992) and Children's Act (1982), but also, as this paper will discuss shortly, in an impasse due to difficulties in gaining information.

Ambiguous and unconfirmed evidence

An important finding is that caseworkers face challenges when investigating possible child neglect and abuse. In general, families involved in custody disputes seem to have little contact with public or mental health services that might provide caseworkers with background knowledge about the parents' current parenting capacity. Caseworkers described the majority of parents as high-functioning individuals with above-average incomes and academic qualifications who appeared to have provided good or adequate care to their children when their relationships were intact.

In other words, these parents are portrayed as apparently in control of their lives and seldom in contact with public services or family doctors before the marriage breakdown, which seems to generate difficulty for caseworkers seeking to collect information about the parents' level of functioning. One caseworker said, 'we do not get [what we need.] . . . We can gather information from the family doctor who may have seen something, maybe [laughs], during the short consultations addressing physical complaints'. In Norway, family doctors provide medical care, diagnosis, treatment, and ongoing care for a wide range of conditions for families in their communities. They also maintain patients' records from specialists and health institutions, evaluate patients' medical history, and educate patients about wellness and disease prevention (HOD 2012).

Various caseworkers ascribed the long-lasting disputes to the parents' unconfirmed personality disorders and atypical individual traits. Thus, the caseworkers' experiences suggested that, due to mental health issues, these parents did not seem to have insight into their children's wellbeing, or

that the parents appeared to be able to hide these issues. In some cases, caseworkers observed that parents' behavioural issues did not seem serious enough to qualify for an evaluation, let alone treatment in local healthcare facilities. Consequently, their mental health problems would go unrecognised by the family doctor and by other professionals who would usually provide caseworkers with significant information.

In Norway, professionals are mandated by the Child Welfare Act section 6–4 (Child Welfare Act 1992) to report suspected child abuse and neglect and, if necessary, to share information with CPS without the family's consent. However, in child custody cases, caseworkers experience professionals to be apprehensive about raising concerns about children when the disputing parents appear to be high functioning. One caseworker explained:

The boy was hospitalised in a psychiatric unit at the age of 12, but not even then did anyone send a notification to CPS. Then it suddenly turned into a conflict between the parents and BUP [Children and Adolescents' Psychiatric Polyclinic Services] because the mom wanted to use medication and, according to the dad, there was nothing wrong with the boy. It was because of a movie he watched. It made him sick. The parents chose a private psychologist. There was a conflict with BUP. And *no one* referred the family to CPS.

The findings further establish that caseworkers' investigative process is complicated by what they perceive as parents' non-cooperative and manipulative behaviours. These cases' ambiguity is related to, among other things, the parents' contradictory stories about what is happening in their family life. In most cases, caseworkers find that parents usually blame each other for the conflict and try to make the other person look bad; as this caseworker said, 'you get these different stories from the parents, and both parents are trustworthy'. The caseworkers explained that they receive repeated allegations and counter-allegations from the parents in the form of numerous phone call transcripts, emails, and screenshots of text message correspondences.

In contrast to other child protection cases described by the caseworkers in this study, a commonly reported experience in child custody disputes was that the parents would use doctors' or psychologists' statements to oppose and question caseworkers' recommendations and to reject their official assessments. In one case, a father said to the caseworker, 'I saw a doctor, who stated that there is no need for treatment [mimics the father's mannerisms].' Other families appeared to have the financial wherewithal to consult private clinics or psychologists to deal with their children's behavioural or emotional difficulties.

Parents also claim their rights and take caseworkers' time, making it difficult for caseworkers to structure the meetings and collect significant evidence. For example, caseworkers may have to arrange separate meetings when the parents refuse to come if the other parent is present. According to caseworkers, these meetings can cause misunderstandings between the parents, which results in them or their lawyers calling the caseworkers to clarify what was said. Most of the parents involved are articulate people who tend to give plausible explanations for their behaviour and/or for the other parent's concerns, so caseworkers have great difficulty assessing the credibility of parents' statements and allegations. In one agency, a team manager observed that an experienced, highly qualified caseworker was unintentionally drawn into the parents' conflict and persuaded by the mother to support her claims. According to the managerial worker, the mother, nonetheless, lost custody of her children in civil courts some years later. The parents' attempts to score points against each other appear to make building rapport and taking accurate accounts of their histories particularly challenging. As one caseworker asserted, 'we feel we're being used by the parents.'

The caseworkers also reported that parents are more likely to stop them from talking to the child if they feel that they are not being supported by the caseworkers or if they think that the quality of their parenting is being questioned. In cases of limited cause for concern, the difficulties of assessing children's level of risk in custody cases seemed to make some caseworkers reluctant to investigate or make recommendations. In addition, some caseworkers suspected that the parents instruct their children to tell stories about their family life, which, according to a managerial worker, complicates

caseworkers' ability to rely on the children's statements. This also shows that children are constructed as unreliable, since they are assumed to be susceptible to parental influence or prone to changing their minds.

Children's voices and caseworkers' Dilemmas

The present study's analysis also shows that caseworkers face difficulties in collecting information on the children. Despite the high level of conflict between the parents, some children display only mild signs of distress or none at all. The caseworkers reported that children who suffer in silence tend not to be identified by teachers or school nurses as needing help. One caseworker stated that they often 'do not have much evidence', which makes them use, as another participant put it, their 'common sense and intuitive thinking' to form judgements about these families.

Contrary to previous studies' findings that professionals tend to render children in post-separation families silent (Höjer and Röbbäck 2009; Tisdall 2016), a large number of the caseworkers interviewed for the present study stated that they wanted these children to have a voice. Caseworkers highlighted the importance of meeting the children in person and eliciting their perceptions of the conflicts to assess how they were affected, how they interpreted disputes, and how they related to the parents. A team manager from the final focus group explained that, at their office, caseworkers always had conversations with the children about the notifications received.

The caseworkers seek to provide the children with information on CPS's concerns and reasons for investigating their family life. Another caseworker talked about the importance of building trust and helping children express their feelings and make sense of their experiences:

Even if we do not know the child that well, we talk with them. Then I say that I've talked to children in similar situations who live in split households—to talk to the child about other children's experiences of divorce. I often see that children can relate to other children's experiences. In this way, they can share their experiences and share what they prefer. However, such conversations may create a loyalty conflict in children.

As the excerpt shows, this caseworker tried to create opportunities for conversations and help the children articulate their own take on experiences. She related children's participation rights to involvement through dialogue and saw children as competent actors. Another caseworker reported that some of the children explicitly asked for support. In one case, a child asked the caseworker to help his parents find ways to cooperate and overcome their conflict. The child's parents had avoided communicating with each other for years, making their seven-year-old carry his bags across a traffic diverter between two neighbourhoods to have the other parent pick him up alone.

Concurrently, the findings show that, because of the difficulties in finding evidence that can prove or disprove what the parents say, caseworkers tend to use conversations with the children mainly to collect evidence to back up formal decisions, thereby assigning the children the role of case informants. One caseworker said, 'the stories from the children give us something to hold onto', even if she and other caseworkers also experienced that such conversations could put excessive pressure on the children. The caseworker continued, 'I think that's the most difficult part of these cases. You put too much pressure on the child. You wish you didn't have to do that,' while another stated, 'unfortunately, they become informants in such cases. It's awful, considering what we know about children who are pressured to choose between the parents.' Here, despite the caseworkers' awareness of the problem, organizational demands for evidence turned children into informants, to the detriment of their protection.

Nevertheless, caseworkers noted that many of the children declined to participate in conversations initiated by caseworkers or that they said little in the meetings. Caseworkers said that these conversations created conflicts over loyalty between the children and parents, which made eliciting the children's perspectives and wishes especially difficult. For instance, one caseworker described how a child found conversations about the conflict emotionally painful and refused to see the caseworker and his therapist. These children and, in particular, those with divided loyalties were

portrayed as more loyal to their parents than the children whom caseworkers typically encounter. As another caseworker said, ‘in many of these cases . . . well, my experience is that, in child custody cases, the children are more loyal to their parents’.

Discussion

The aim of this article has been to provide insight into CPS caseworkers’ investigative practices and to examine how they formulate recommendations involving concerns for children in custody disputes who might need services. The findings reveal that caseworkers consider long-lasting custody disputes to be particularly harmful to children and, in contrast to previous findings (Rød, Iversen, and Underlid 2013), most of the caseworkers emphasize CPS’s responsibility to investigate notifications concerning children exposed to long-lasting custody disputes. However, the analysis clearly shows that investigations of child custody cases place a high demand on caseworkers. While the ideal decision-making process ensures that CPS actions are based on in-depth knowledge and assessments of the risk of harm to children (Munro 2002; NOU 2016:16), caseworkers in this study faced obstacles in conducting their work adequately.

An overall finding is that families involved in child custody disputes differ from the families caseworkers typically encounter. This seems to pose great challenges to caseworkers in categorizing and making decisions on how they can help the families. As Huston et al. (2017) found in their study of Canadian CPS caseworkers’ involvement with child custody cases, many of the parents appear highly functioning, with limited prior involvement in public services. Some children also restrict the information they give caseworkers or are assumed to be susceptible to parental influence, and caseworkers’ assessments of a family’s strengths and needs are limited to information from interviews with parents and direct observations of the family dynamics. Although caseworkers explicitly said that the children are the central focus of the assessments, far fewer accounts were given of working with the children than of working with the parents. This imbalance indicates that caseworkers struggle to maintain a child-focused approach.

Despite their grave concerns, caseworkers appeared uncertain as to how they should conduct investigations and assess a family’s circumstances to determine the level of risk. For instance, caseworkers’ assessments are based on tacit reasoning and personal and moral opinions instead of a reliable procedure for identifying and balancing the risk and resiliency factors in relation to the child. They also relate parents’ disputes to the parents’ personality traits and mental illness, despite limited evidence to support these assumptions.

In line with previous research (Broadhurst et al. 2010; Wilkins 2015), caseworkers seem to suffer from shortcuts or a ‘faulty design’, manifest in the fact that even complex cases tend to be categorised quickly in order to satisfy the performance measures and demands for fast and informed conclusions. Moreover, caseworkers’ investigations are complicated by what they, in most cases, interpret as both of the parents’ confusing and manipulative behaviours, which in turn seems to make it difficult to assess their parenting ability and the child’s care situation. While caseworkers seek to categorise and diagnose the families to determine the appropriate level of services (Munro 2002), the parents may not give their consent to the client role the CPS agency seeks to place on them. Furthermore, these parents do not seem to accept responsibly for their behaviours and reject caseworkers’ understandings of their problems. In these cases, parents blame each other, and they want help from CPS primarily to change the other parent. The parents also seem to demand their rights, expect services and benefits appropriate to them as individuals, as well as express anger and dissatisfaction over caseworkers’ decisions. In other words, the parents represent clients who, according to Lipsky (2010), do not adapt to the system’s customs and routines.

Thus, the descriptions of the encounters and tensions between caseworkers and parents can be understood as caseworkers’ unsuccessful attempts to process these cases efficiently through what Lipsky (2010) describes as street-level bureaucrats’ routinization, where they would control clients and induce them to cooperate by structuring the context and interactions with clients and teaching

them the client role and how to behave accordingly. In sum, these challenges might explain why caseworkers tend to stereotype the parents as troublesome and difficult people. As Lipsky (2010) points out, a common strategy for street-level bureaucrats is to blame clients for their organization's failures and inadequacies.

The analysis shows that, to deal with their challenges, caseworkers develop coping strategies, using children as case informants with whom they conduct what Hennem (2011) calls 'confessional conversations'. This means that, in an effort to reach an informed conclusion in line with the Child Welfare Act (1992), caseworkers steer conversations and encourage children to acknowledge and create stories about their parents' conflicts and lives – contrary to common interpretations of the UNCRC (1989) Articles 3 and 12 and the Child Welfare Act section 6–4, which emphasize children's rights to participation on their own terms.

Given the pressure put on caseworkers to meet their organization's targets (e.g. deadlines) and make informed decisions (BLD 2013, 2019; Lipsky 2010), even the most dedicated, child-centred caseworker can feel the need to prioritise performance demands over the children's right to express their views on their own terms. These findings illustrate that caseworkers may need to make their work look good on paper instead of relying on values derived from social work theory (Marthinsen et al. 2020). As previous researchers point out (Ferguson 2016; Munro 2002), caseworkers are in a dual relationship because they are expected to reach informed conclusions and provide appropriate services in accordance with the CPS system's procedures and performance measures and, at the same time, to build trustful relationships with parents and children. These two ideals put strain on caseworkers, some of whom raised concerns about balancing the need to make informed assessments and, at the same time, to facilitate conversations with the children on their own terms.

In conclusion, the incorporation of management systems and procedural-focused practice seems to lead caseworkers to focus on 'doing things right' in terms of following procedures required by the system. This, in turn, reduces their focus on building rapport with children and parents, and they fail to gain a clear picture of how parents' disputes impact the welfare and development of the children. The findings suggest that caseworkers should use the authority given to them by section 6–9 of the Child Welfare Act (1992) to ask county governors to extend the duration of investigations. The findings also support a need for caseworkers to gain knowledge about the complexity of child custody disputes and of parents' interactions. This would help them observe family relationships and identify the relevant risk and resiliency factors for each child more easily and, thus, make more robust assessments.

Note

1. <https://bufdir.no/Barnevern/Fagstotte/saksbehandlingsrundskrivet/#92>

Acknowledgments

I would like to thank Cecilie Basberg Neumann, Monica Kjørstad, Todd Herrenkohl, Anne Blumenthal and Hilde Fiva Buzungu for their helpful comments on earlier drafts of this paper and for the feedback of the anonymous reviewers.

Disclosure statement

No potential conflict of interest was reported by the author(s).

References

- Anderson, S., S. A. Anderson, K. Palmer, M. S. Mutchler, and L. Baker. 2010. "Defining High Conflict." *The American Journal of Family Therapy* 39 (1): 11–27. doi:10.1080/01926187.2010.530194.

- Archard, D., and M. Skivenes. 2009. "Hearing the Child." *Child & Family Social Work* 14 (4): 391–399. doi:10.1111/j.1365-2206.2008.00606.x.
- Berger, P. L., and T. Luckmann. 1967. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. London: Anchor Books.
- Bergman, A.-S., and A. Rejmer. 2017. "Parents in Child Custody Disputes: Why are They Disputing?" *Journal of Child Custody* 14 (2–3): 134–150. doi:10.1080/15379418.2017.1365320.
- Birnbaum, R., and N. Bala. 2010. "Toward the Differentiation of High-conflict Families: An Analysis of Social Science Research and Canadian Case Law." *Family Court Review* 48 (3): 403–416. doi:10.1111/j.1744-1617.2010.01319.x.
- BLD. 2009. "Snakk Med Meg! En Veileder Om Å Snakke Med Barn I Barnevernet." [Talk to me! A guide to talking to children in Child Protection Services]. Oslo: Barne- og likestillingsdepartementet.
- BLD. 2012–2013. "Prop. 85 L: Endringer I Barnelova (Barneperspektivet I Foreldretvister)." [Amendments to the Children Act]. Oslo: Barne-, likestillings- og inkluderingsdepartementet.
- BLD. 2013. "Forholdet Mellom Barnevernloven Og Barneloven. Barneverntjenestens Rolle Der Foreldrenes Konflikter Går Utover Barnets Omsorgssituasjon." [The relationship between the Child Welfare Act and the Children's Act]. Oslo: Barne-, likestillings- og inkluderingsdepartementet.
- BLD. 2015–2016. "Meld. St. 24. Familien—ansvar, Frihet Og Valgmuligheter." [Consultation paper. Family—responsibility, freedom, and choice]. Oslo: Barne-, likestillingsdepartementet.
- BLD. 2019. "Høringsnotat—Forslag Til Ny Barnevernslov." [Consultation paper. Proposed amendments to the Child Welfare Act]. Oslo: Barne- og likestillingsdepartementet.
- Braun, V., and V. Clarke. 2006. "Using Thematic Analysis in Psychology." *Qualitative Research in Psychology* 3 (2): 77–101. doi:10.1191/1478088706qp0630a.
- Broadhurst, K., D. Wastell, S. White, C. Hall, S. Peckover, K. Thompson, A. Pithouse, and D. Davey. 2010. "Performing 'Initial Assessment': Identifying the Latent Conditions for Error at the Front-door of Local Authority Children's Services." *The British Journal of Social Work* 40 (2): 352–370. doi:10.1093/bjsw/bcn162.
- Camisasca, E., S. Miragoli, P. Di Blasio, and J. Grych. 2017. "Children's Coping Strategies to Inter-parental Conflict: The Moderating Role of Attachment." *Journal of Child and Family Studies* 26 (4): 1099–1111. doi:10.1007/s10826-016-0645-9.
- Cashmore, J. 2011. "Children's Participation in Family Law Decision-making: Theoretical Approaches to Understanding children's Views." *Children and Youth Services Review* 33 (4): 515–520. doi:10.1016/j.childyouth.2010.05.008.
- Child Welfare Act (1992).
- Children's Act (1982).
- Corbin, J., and A. Strauss. 1990. "Grounded Theory Research: Procedures, Canons, and Evaluative Criteria." *Qualitative Sociology* 13 (1): 3–21. doi:10.1007/BF00988593.
- Dahl, S. L., E. M. Andenes, and J. Y. Dahl. 2020. "Questioned Parents and the Professional Gaze. Negotiating the Organizational Narratives of the At-risk Parent." *Journal of Children's Services* 16 (1): 1–12. doi:10.1108/JCS-01-2020-0001.
- Egelund, T. 2003. "'Farlige' Forældre: Den Institutionelle Konstruktion Af Dem, Der Afviger Fra Os." In *At Skabe En Klient: Institutionelle Identiteter I Socialt Arbejde. [Constructing a Client: Institutional Identities in Social Work]*, edited by M. Järvinen and N. Mik-Meyer, 59–81, København:Hans Reitzels Forlag.
- Ekeland, T.-J., R. Bergem, and V. Myklebust. 2019. "Evidence-based Practice in Social Work: Perceptions and Attitudes among Norwegian Social Workers." *European Journal of Social Work* 22 (4): 611–622. doi:10.1080/13691457.2018.1441139.
- Ferguson, H. 2016. "What Social Workers Do in Performing Child Protection Work: Evidence from Research into Face-to-face Practice." *Child & Family Social Work* 21 (3): 283–294. doi:10.1111/cfs.12142.
- Ferguson, H. 2017. "How Children Become Invisible in Child Protection Work: Findings from Research into Day-to-day Social Work Practice." *The British Journal of Social Work* 47 (4): 1007–1023. doi:10.1093/bjsw/bcw065.
- Gilson, L. 2015. "Lipsky's Street Level Bureaucracy." In *The Oxford Handbook of Classics in Public Policy and Administration*, edited by S. J. Balla, M. Lodge, and E. C. Page. Oxford:Oxford University Press.
- Harold, G. T., and R. Sellers. 2018. "Annual Research Review: Interparental Conflict and Youth Psychopathology—an Evidence Review and Practice Focused Update." *Journal of Child Psychology and Psychiatry* 59 (4): 374–402. doi:10.1111/jcpp.12893.
- Heggdalsvik, I. K., P. A. Rød, and K. Heggen. 2018. "Decision-making in Child Welfare Services: Professional Discretion versus Standardized Templates." *Child & Family Social Work* 23 (3): 522–529. doi:10.1111/cfs.12444.
- Hennum, N. 2011. "Children's Confidences, Parents' Confessions: Child Welfare Dialogues as Technologies of Control." *Qualitative Social Work* 11 (5): 535–549. doi:10.1177/1473325011408175.
- HOD. 2012. *Forskrift Om Fastleggeordning I Kommunene [Regulations on Family Doctors in Municipalities]*. Oslo: Helse- og omsorgsdepartementet.
- Höjer, I., and K. Röbäck. 2009. "Constructing Children's Views in the Enforcement of Contact Orders." *The International Journal of Children's Rights* 17 (4): 663–680. doi:10.1163/157181808X401457.
- Holstein, J. A., and J. F. Gubrium. 1995. *The Active Interview*. London:Sage.

- Houston, C., Bala, N., & M. Saini. (2017). Crossover cases of high-conflict families involving child protection services: Ontario research findings and suggestions for good practices. *Family court review*, 55(3), 362–374. doi:10.1111/fcre.12289
- Jevne, K. S., and O. S. Ulvik. 2012. “Grensearbeid: Barnevernets Møte Med Foreldrekonfliktsaker [Boundary Work: Child Welfare Work in High-conflict Custodial Cases].” *Fontene Forskning*, no. 2: 18–32.
- Lipsky, M. 2010. *Street-level Bureaucracy: Dilemmas of the Individual in Public Services (30th Anniversary Expanded Ed.)*. New York: Russell Sage Foundation.
- Marthinsen, E., G. Clifford, H. Fauske, and W. Lichtwarck. 2020. “Professional Values Challenged by Case Management—Theorizing Practice in Child Protection with Reflexive Practitioners.” *Social Sciences (Basel)* 9 (4): 44. doi:10.3390/socsci9040044.
- Mik-Meyer, N. 2017. *The Power of Citizens and Professionals in Welfare Encounters: The Influence of Bureaucracy, Market and Psychology*. Manchester: Manchester University Press.
- Morgan, D. L. 2010. *Focus Groups as Qualitative Research*. London: SAGE.
- Munro, E. 2002. *Effective Child Protection*. London: SAGE.
- Munro, E., and J. Hardie. 2019. “Why We Should Stop Talking about Objectivity and Subjectivity in Social Work.” *The British Journal of Social Work* 49 (2): 411–427. doi:10.1093/bjsw/bcy054.
- NOU. 2012:5. Bedre beskyttelse av barns omsorg. Ekspertutvalgets utredning om det biologiske prinsipp i barnevernet. [Better protection of children’s care]. Oslo: Barne-, Likestillings-og inkluderingsdepartementet
- NOU. 2016:16. Ny Barnevernslov. Sikring Av Barns Rett Til Omsorg Og Beskyttelse [The New Child Welfare Act: Securing Children’s Rights to Care and Protection]. Oslo: Barne-, Likestillings-og inkluderingsdepartementet.
- Rejmer, A., and A.-S. Bergman. 2016. “Barnkonventionens Implementering I Svensk Lagstiftning Och Praktik—barns Bästa Och Barns Rätt Att Uttrycka Sina Åsikter Vid Vårdnadstvister [Implementation of the Convention on the Rights of the Child in Swedish Legislation and Practice—the Best Interests of Children and the Right of Children to Express Their Opinions in Custody Disputes].” *Barn (Trondheim, Norway)* 37 (3–4). doi:10.5324/barn.v37i3-4.3380.
- Rhoades, K. A. 2008. “Children’s Responses to Interparental Conflict: A Meta-Analysis of Their Associations with Child Adjustment.” *Child Development* 79 (6): 1942–1956. doi:10.1111/j.1467-8624.2008.01235.x.
- Rød, P. A., A. C. Iversen, and K. Underlid. 2013. “The Child Welfare service’s Assessments in Custody Cases that Involve Minors.” *European Journal of Social Work* 16 (4): 470–488. doi:10.1080/13691457.2012.709484.
- Rød, P. A., T.-J. Ekeland, and F. Thuen. 2008. “Barns Erfaringer Med Konfliktfylte Samlivsbrudd: Problemforståelse Og Følelsesmessige Reaksjoner [Children’s Experiences of Conflictual Parental Breakups: Understanding and Emotional Reactions].” *Tidsskrift for Norsk Psykologforening* 45 (5): 555–562.
- Saini, M., T. Black, E. Godbout, and S. Deljavan. 2019. “Feeling the Pressure to Take Sides: A Survey of Child Protection Workers’ Experiences about Responding to Allegations of Child Maltreatment within the Context of Child Custody Disputes.” *Children and Youth Services Review* 96: 127–133. doi:10.1016/j.childyouth.2018.11.044.
- Sletten, M. S., and I. T. Ellingsen. 2020. “When Standardization Becomes the Lens of Professional Practice in Child Welfare Services.” *Child & Family Social Work* 25 (3): 714–722. doi:10.1111/cfs.12748.
- Sudland, C. 2020. “Challenges and Dilemmas Working with High-conflict Families in Child Protection Casework.” *Child & Family Social Work* 25 (2): 248–255. doi:10.1111/cfs.12680.
- Tisdall, E. K. M. 2016. “Subjects with Agency? Children’s Participation in Family Law Proceedings.” *The Journal of Social Welfare & Family Law* 38 (4): 362–379. doi:10.1080/09649069.2016.1239345.
- UNCRC. 1989. *The United Nations Convention on the Rights of the Child*. Geneva: United Nations.
- van Bijleveld, G. G., C. W. M. Dedding, and J. F. Bunders-Aelen. 2015. “Children’s and Young people’s Participation within Child Welfare and Child Protection Services: A State-of-the-art Review.” *Child & Family Social Work* 20 (2): 129–138. doi:10.1111/cfs.12082.
- Vis, S. A., Ø. Christiansen, K. J. S. Havnen, C. Lauritzen, A. C. Iversen, and T. Tjellflaot. 2020. *Barnevernets Undersøkelsesarbeid—fra Bekymring Til Beslutning: Samlede Resultater Og Anbefalinger [The Child Protection Services Investigations—from Concern to Decision: Overall Results and Recommendations]*. Oslo: Bufdir.
- Vis, S. A., A. Holtan, and N. Thomas. 2012. “Obstacles for Child Participation in Care and Protection Cases—why Norwegian Social Workers Find It Difficult.” *Child Abuse Review* 21 (1): 7–23. doi:10.1002/car.1155.
- Wilkins, D. 2015. “Balancing Risk and Protective Factors: How Do Social Workers and Social Work Managers Analyse Referrals that May Indicate Children are at Risk of Significant Harm.” *British Journal of Social Work* 45 (1): 395–411. doi:10.1093/bjsw/bct114.