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# Should we take their children? Caseworkers' negotiations of 'good enough' care for children living with high-conflict parents

## Skal vi ta barna? Barnevernansattes forhandlinger om «god nok omsorg» i saker med fastlåste foreldrekonflikter

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### ABSTRACT

Few studies have explored caseworkers' perspectives on children's safety and emotional wellbeing in high-conflict families. Based on focus group and individual interviews with 31 Norwegian child protection services staff, this research concentrated on caseworkers' assessments when they worry about the intensity of interparental conflicts and their ability to identify the right thresholds for interventions. While the participants agree that excessive conflict is a significant risk factor for children, the findings demonstrate that caseworkers have difficulty assessing the gravity of conflict and potential harmful effects on children, especially when the conflicts are the main cause for concern about the children's wellbeing. This challenge is related to these professionals' trouble with understanding how much parents' behaviours towards each other are normal post-marital conflict and how disputes can affect parenting abilities. The results also show that caseworkers, despite long-lasting concerns, tend not to make care order applications to social welfare boards even if this step is considered. The conclusions include that parents' higher socio-economic status denotes resilience, overshadowing intense conflict as a risk factor for children's wellbeing. This perspective combines with the difficult task of deciding what constitutes emotional neglect versus poor parenting abilities to influence caseworkers' discretionary reasoning and professional convictions.

### ABSTRAKT

Få studier har undersøkt saksbehandleres beslutningsprosesser i saker som kjennetegnes av fastlåste foreldrekonflikter i barnevernet. Basert på fokusgruppeintervjuer og individuelle intervjuer med 31 ansatte retter artikkelen søkelyset mot saksbehandlerens skjønnsvurderinger i saker med fastlåste foreldrekonflikter og forhold som virker inn på deres risikoforståelser. Mens deltakerne er enige om at høykonflikt er en betydelig risikofaktor for barns utvikling, viser funnene fra denne studien at saksbehandlere har problemer med å vurdere konfliktenes alvorgrad og dens potensielle skadevirkninger for barnet, spesielt når konflikten blir beskrevet som den primære bekymringen. Dette er knyttet til saksbehandlerens utfordringer med å trekke genser mellom normale og ikke normale konflikter i forbindelse med et samlivsbrudd, og hvordan

### KEYWORDS

Parental conflict; child protection; discretion; emotional neglect; parenting

### NØKKEORD

foreldrekonflikter; barnevernet; risikoforståelser; omsorgssvikt; skjønnsutøvelse

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konfliktene påvirker foreldrenes omsorgsevne. Resultatene viser også at saksbehandlerne vegrer seg for å fremme sak om omsorgsovertakelse til tross for at de, i et flertall av sakene, vurderer det som nødvendig for å beskytte barnet. Studien viser videre at foreldrenes høye sosiale status forbindes med resiliens, noe som bidrar til at saksbehandlerne bekymringer for konfliktens skadevirkninger for barnet overskygges. Saksbehandlerne arbeid kompliseres ytterligere av at det er et uklart skille mellom skadelig foreldre praksis og dårlig men ikke skadelig foreldre praksis, noe som påvirker saksbehandlerne skjønnsutøvelse og profesjonelle autoritet.

## Introduction

Assessing concerns and assisting children of high-conflict families are known to be particularly difficult for caseworkers in child protection services (CPS) across Western countries (Jevne & Ulvik, 2012; Saini et al., 2012; Saini et al., 2019). These difficulties are related to CPS professionals' struggle to understand the nature of conflict, uncertainties about exposure to conflict's connection to children's emotional harm and failures to protect offspring caught up in their parents' conflicts (Saini et al., 2019). In addition, factors such as values, resources and competencies appear to influence decisions on whether official notifications are dropped during intake procedures (Rød et al., 2013).

Parental conflict is here defined as prolonged, hostile and intense disputes involving post-separation parents, in which they argue about parenting and residence issues and access to and time with children (Cashmore & Parkinson, 2011). Another complicating aspect is that high-conflict cases tend to consist of highly functioning parents who differ from the more typical child protection cases caseworkers encounter in their daily practice (Houston et al., 2017).

Children in families fraught with parental conflicts have higher reported rates of emotional harm than those from households involved in non-parental disputes. These children appear to be at risk for developing long-term adjustment problems such as depression, anxiety, school problems, anger and aggression, low self-esteem and difficult relationships with their parents (Amato & Afifi, 2006; Harold & Sellers, 2018; Kelly, 2000; Rhoades, 2008). Although research has confirmed that children exposed to parental conflict constitute a vulnerable group, limited knowledge exists on how this conflict affects parenting abilities and how it impacts children's emotional wellbeing and development. Among other things, variations in how children respond to conflict depend on age, personal disposition and direct involvement in conflicts (Camisasca et al., 2017). Studies have further highlighted that conflict might affect parents' emotional and psychological wellbeing, which can create parenting issues, including limiting the ability to parent with emotional presence (Krishnakumar & Buehler, 2000).

High-conflict cases are frequently opened by CPS (Houston et al., 2017), but scholars and professionals continue to debate the most effective treatment approaches (Polak & Saini, 2019). To date, academics have paid little attention to caseworkers' discretionary reasoning, namely, how caseworkers differentiate between normal post-marital parental conflict from disputes that pose a risk to children. More research is also needed on factors that might promote or hinder caseworkers' decisions.

The present study's primary goal was thus to explore factors that influence caseworkers' judgments and the way that they reach decisions in high-conflict cases raising concerns about child neglect. The research question addressed was as follows: What do caseworkers perceive as child protection-related problems in cases in which the main cause of concern for children's wellbeing is parents' high levels of conflict? The research explored this question based on individual and focus group interviews with 31 caseworkers from the Norwegian CPS.

The next section begins by presenting the Norwegian CPS context before briefly outlining the concept of discretion and previous research on decision-making process within CPS. The subsequent

sections present our methods and findings. The paper concludes with a discussion of the factors influencing caseworkers' understanding of neglect in high-conflict families.

## Study context

### *CPS work with high-conflict families in Norway*

In Norway, the government highlights CPS's responsibility to investigate concerns and assist children who might be at harm because of their parents' prolonged and intense conflicts or are at risk of being abused, neglected or harmed or whose parents are unable to provide adequate care or protection (BLD, 2013). Caseworkers are obligated by the Child Welfare Act (1992) to investigate reports of child abuse and neglect to address the need of the child and thresholds of services before they can intervene on families. CPS professionals can also involve psychologists with expertise on child related issues to assess family relationships and parental practices to help them reach an informed decision in complex child protection cases (BLD, 2007).

The Norwegian CPS is a family-oriented system emphasising prevention and support, and to improve the child's outcome caseworkers can provide voluntary in-home services, in order to help parents reduce their level of conflict and raise these adults' awareness of how conflict might harm their children (BLD, 2013). Likewise, caseworkers can offer families help at family state centres. In Norway, family state centres function as a CPS voluntary assistance measure in cases involving grave concerns about the children's situation. Psychologists, family therapists and specialised caseworkers observe families and work together with parents to improve the family's ability to function and develop these parents' competences to solve their problems themselves (Bufdir, 2011). CPS professionals do not, however, have the authority to refer a parent to mental health professionals for assessment and diagnosis.

When interparental conflict is considered to harm the children significantly, CPS professionals may submit a proposal to the Fylkesnemnda or County Social Welfare Board (hereafter, the Board) for compulsory assistance measures or a care order to place a child in foster care or institution, independent of the parents' consent. Care orders give local authorities parental responsibility and duty to carry out the contact arrangement between a child and its parents set by the Board (NOU, 2016). According to Article 4–12 in the Child Welfare Act (1992), the Board may take compulsory assistance measures or enforce care orders if any of the following are true. '[T]here are serious deficiencies in the daily care received by the child or serious deficiencies in terms of the personal contact and security needed by a child of his or her age and development,' 'the child is ... [mistreated] or subjected to other serious abuse at home' or 'if there is a probability that [the] child's health or development may be seriously harmed because of the parents' ... [incapacity] to take adequate responsibility for the child' (Article 4–12, Child Welfare Act 1992).

Compulsory assistance measures give caseworkers the authority to help parents change their neglectful parenting patterns under supervision while the children live at home. The adults are legally obliged to abide by the order's terms and the parents cannot resist the interventions. In addition, the aforementioned act requires that the measures be professionally and ethically grounded (BLD, 2016). The government has established a high threshold for state intervention into family life, based on the assumption that the children's welfare is best promoted within the family while under parental care. Norwegian welfare legislation also stipulates that out-of-home placements can only be made when in-home services are deemed insufficient or incapable of preventing the children's abuse and neglect (Article 4–12, Child Welfare Act 1992).

The act's wording is, however, rather generalised, so the government has developed guidelines to help caseworkers identify thresholds of abuse (NOU, 2012). These standards suggest that emotional abuse and neglectful parenting involve ignoring children's need for support and other emotional requirements due to parents' emotional unavailability and failure to act on or notice their children's needs. The same guidelines suggest that parentification of children is another potential risk factor,

such as when offspring are pulled into arguments or issues between the parents. Other harmful situations are when parents use their children to gain power over the other parent or when the offspring are given too much responsibility for their age and maturity level.

The government's examples of deficient parenting coincide with the United Kingdom's CPS guidelines (DfE, 2018). These define emotional neglect as '[t]he persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health and development'.

### ***Discretion and decision making in child protection practices***

Juridical documents are broadly formulated, so caseworkers must use their discretionary powers to diagnose each family's problems and decide on the level of services. In the literature, discretion is defined as a liberty to exercise powers given to caseworkers so that they can judge, decide and act under conditions of uncertainty in order to provide proper services adjusted to fit each individual case (Molander, 2016). Thus, discretion comprises reasoning processes and cognitive activities that involve diagnosing, drawing conclusions and administering treatment (Abbott, 1988). To classify families' problems accurately, CPS professionals need to combine information on the families' situation, judgments based on caseworkers' values and professional knowledge about child abuse and neglect and interpretations of what they hear and see (Molander, 2016; Wallander & Molander, 2014).

When diagnosing problems and making judgements about acceptable ways of parenting, CPS caseworkers deal with ambiguous phenomena since a professional consensus has not been reached on what constitutes abuse and neglectful parenting (Hacking, 1999; Munro, 2002; Wolfe & Mclsaac, 2011). Caretakers' and professionals' understanding of child abuse is based on their society's beliefs and norms related to childcare and childrearing, so CPS's work is highly value-laden. Thus, perceptions of child abuse and neglect are, according to Hacking (1999), culturally and historically grounded. In Western countries, for instance, the definition of child abuse has widened over the last 50 years, causing the standards of childcare to rise (Munro, 2002). The problems inherent in reaching a clear definition of child abuse and neglect pose great challenges to caseworkers in their everyday efforts to define the boundaries between poor parenting practises and emotionally abusive parenting posing harm to children (Munro, 2002; Wolfe & Mclsaac, 2011).

### ***Previous research on discretionary reasoning***

Research on CPS decision-making processes has revealed errors and biases in caseworkers' judgements and decisions regarding how they assess peoples' troubles (Backe-Hansen, 2004; Horwath, 2007). These processes are described as complex and problematic, and studies of caseworkers' interpretations of families' problems, rationales and arguments have found that many factors influence these professionals' decision making. Significant factors include their personal knowledge, values and experiences, as well as CPS's organisational structures (Christiansen & Anderssen, 2010; Munro, 1999).

Researchers have also reported that caseworkers lack a clear understanding of how child neglect occurs, struggle to balance risk and resilience factors and tend to use their moral opinions in the absence of professional competence (Christiansen & Anderssen, 2010; Wilkins, 2015). These professionals' decisions often involve bias with regard to families' socio-economic status, so caseworkers may identify neglectful parenting and offer assistance measures accordingly. Rather than focusing on helping out poor parents with money, CPS professionals concentrate on housing, jobs, psychological difficulties, childhood trauma's effects, or histories of drug and alcohol use. Studies have also found that caseworkers' experiences of working with parents are given considerable weight in their assessments of how the children are faring. Thus, children's troubled behaviours may be interpreted as the

result of poor or neglectful parenting, thereby ruling out explanations that may have to do with the children themselves (Woodcock, 2003).

Backe-Hansen (2004) reports that caseworkers either construct their arguments for out-of-home placements around a trump card, that is, an obvious concern such as drug misuse or psychological illness. When no single prominent case characteristic exists, these professionals tend to combine various arguments often consisting of criticism of parental practises and personal characteristics to justify out-of-home placements. Kojan (2010) asserts that caseworkers tend to file care orders for what can be described as high-status families only when significant evidence is found of children's adjustment problems. In socio-economically marginalised families, CPS staff are more likely to apply for care orders before any significant evidence surfaces. After another Norwegian study, Aadnanes (2017) observed that concerns for children of middle-class families tend to slip into a grey zone of neglect. These findings coincide with results reported for the United Kingdom, where researchers have found that caseworkers face challenges when identifying and addressing emotional neglect and neglectful parenting in affluent families (Bernard & Greenwood, 2019).

## Method and analysis approach

The present study's sample consisted of 6 focus groups and 7 individual interviews with 31 caseworkers from 9 agencies in Norway. The study had an explorative design and the interviews' purpose was to clarify how caseworkers understand the CPS's roles and areas of responsibility. The participants were recruited by interview invitations sent out to a randomly chosen group of CPS managers and each agency was represented by a group or individual interview. Six of the agencies functioned in average-income counties, 2 agencies operated in areas characterised by deprivation, and 2 agencies were located in high-income areas. Of the 31 participants, 28 were women and 3 were men. Seven participants were managers and constituted two of the focus groups while one focus group was a mix of caseworkers and one managerial worker. The six individual interviews were conducted with caseworkers only and none of these caseworkers participated in focus groups. All participants held bachelor's degrees, 29 of them in social work and 10 caseworkers had more than 10 years of experience from CPS. One caseworker held a master's degree in family therapy, while five caseworkers were specialised in substance misuse and trauma treatment.

The interviews were conducted after the research project was approved by the Norwegian Centre for Research Data. The sessions took place at the participants' workplace and lasted an average of 70 min. The type of interview was adjusted to the participants' work situations to permit the recruitment of participants. All interviews were semi-structured, with a guide directing the course of the sessions. The broader research plan was clarified to the participants and they gave consent to participate. To contextualise the interviews, the guide focused on broader questions about organisational structure and participants' education and position within their organisation. The guide also contained questions covering caseworkers' experience of working with different types of family problems. The individual interviews were designed to give CPS professionals' opportunities to speak freely in detail on issues related to the topics of the guide about their experiences, while the focus groups provided unprompted opportunities for discussing and negotiating narratives about experiences of CPS's roles, responsibilities, and interventions. The group and individual interviews both produced insights into participants' experiences and challenges when working with complex situations such as high-conflict families. Thus, there are several ways to combine methods and for this study, the first individual interviews were used to come up with topics for group discussions while the later sessions made caseworkers elaborate on certain topics in greater detail. The sessions were all audio recorded and transcribed. For ethical reasons, the participants are given fictitious names in this paper.

The interview and focus group data were analysed together and involved repeated reading, coding, and classifying of the interview data across the transcriptions. Early in this process, caseworkers' accounts of working with high-conflict families surfaced as a central theme, so the excerpts dealing with these families were collected into one document and coded selectively. The further

analysis involved thematically coding that resulted in three main themes concerning different aspects of the interviewees' experiences of working with high-conflict families. For this paper, the analysis drew repeatedly upon the concept of discretionary reasoning and previous research on decision making in order to make sense of how caseworkers formulate judgments and arrive at conclusions. The questions that guided the analysis were as follows:

- How do caseworkers address child neglect in high-conflict families?
- How are the families' conditions weighted?
- What factors come into play in the decision-making process?

## Findings

The first part of this section focuses on caseworkers' interpretation of interparental conflicts. The second part sheds light on how these professionals weight the evidence available and construct their arguments in relation to out-of-home placements.

### *Ambiguous nature of conflict*

The results show that caseworkers consider children who are exposed to intense interparental conflict to be at high risk for emotional neglect. These professionals argue that these children need protection because of the conflict's extent and severity. In interviews, caseworkers gave examples of cases in which offspring have been exposed to their parents' conflicts for many years. The discord can arise over parents' hostile and poorly resolved disagreements about child rearing, children's clothing and parental arrangements.

According to the interviewees, some children were deeply involved or caught up in their parents' conflicts, which was a cause for concern. The children's observed behaviour was different from that expected of children of a similar age. The caseworkers mentioned that some offspring lose their appetites, others are reserved and show little joy, and some tend to suffer in silence. In addition, these professionals noted that a specific segment exhibit behavioural problems or high levels of anxiety that require treatment. Caseworkers related their concerns to how conflict can interfere with the children's ongoing social and behavioural development. One interviewee said:

It's very harmful when parents are engaged in conflicts. So yeah, they cannot continue to live with conflict for the rest of their childhoods. That's what Magne Raundalen [a Norwegian psychologist] says too: abuse can cause brain damage and ... [so can] high-conflict cases. Being in stressful situations, being afraid, [and] experiencing fear, it's very harmful to the child.

In the present study, most CPS professionals highlighted their responsibility to help high-conflict families. Caseworkers experienced few significant changes within these families and deemed voluntary measures insufficient in most cases. A large number of interviewees also assessed these cases as having reached the required level for out-of-home placements, but others wondered whether compulsory assistance measures should be employed to force parents to cooperate in finding solutions in the children's best interest. According to Norway's CPS guidelines (BLD, 2016), caseworkers can apply for compulsory measures if they have reason to believe that the children are at risk for significant harm and in need of protection.

The caseworkers interviewed linked parents' conflicts to emotional neglect resulting from dysfunctional family dynamics and poor parenting abilities. Most interviewees thus defined high levels of conflict as a significant risk factor that warranted out-of-home placements, yet caseworkers also talked about the ambiguous nature of conflicts and the difficulty of assessing neglect's emotional dimension. Even though most of these professionals defined conflicts as an important risk factor, the findings include that conflicts, despite their severity and chronic nature, do not meet the criteria for out-of-home placements in accordance with Article 4–12 in the Norwegian

Child Welfare Act (1992), which clearly mentions a dimension of ‘severity’ or ‘seriousness’. An interviewee stated, ‘of course, you can discuss whether the conflict has caused damage to the child. However, there must be something else for us to intervene, [such as] that the child has mental struggles.’ Another caseworker spoke of a similar experience:

You never know when to put your foot down and tell them, ‘enough is enough. You have fought long enough. You can’t continue like this.’ It is so difficult. We never do that, and the cases are so serious. Something wrong always happens. There’s always a weekend that goes wrong.

As the above extracts show, various CPS professionals struggled with how they should interpret the official guidelines (BLD, 2013), which highlight the necessity for caseworkers to intervene at the point when parental conflict has become severe and chronic. Two interviewees explained that they had discussed the duration of conflict and its harmful effects on children with colleagues they meet at seminars. The following excerpt is from a focus group session:

Heidi: We asked about this in our last seminar: whether there are guidelines on duration of parental conflict. ... Was it two to four years?  
 Elisabeth: It’s three to five years.  
 Heidi: Yes, three to five years. ... [T]hen one can start thinking about whether this has to do with a lack of potential for change in one or both parents.  
 Elisabeth: Mental illness.  
 Heidi: Yes, mental illness.

Thus, caseworkers debated when parents’ conflict has crossed the line from normal conflict to conflict harmful to a child and whether lengthy conflict impairs parents’ ability to care adequately for their children.

### ***Caseworkers’ challenges in making judgements about parenting practices***

CPS professionals’ decision-making processes are further complicated by the challenge of making sense of parents’ actions and/or behaviours. While some post-separation families go through a stressful period with little or no need of CPS services, other conflicts reflect that families and parents are and probably have long been dysfunctional before the marriage’s collapse. Caseworkers respond to parents’ disputes by trying to understand what is causing these conflicts. Interviewees, however, described how difficult interpreting parents’ habituated disputes and actions is, as well as determining how the hostile co-parents’ relationship affects the adults’ behaviours and parenting practices. A caseworker said, ‘it’s difficult to tell which of the parents is the best or the worst.’

As the above example demonstrates, these professionals face the task of determining what suffices as good enough care versus neglect and abuse. According to the caseworkers interviewed, some parents contact CPS to get help to change the other parent but they are not as interested in making adjustments themselves. The caseworkers reported that parents often blamed one another for the conflicts, so CPS staff end up investigating parents’ allegations and counter allegations.

Hence, a crucial question for caseworkers is whether parents are breaking the conventions of good parenthood. Based on the interviewees’ descriptions, these parents seem to have both the knowledge and capacity to participate in their children’s life and conduct their parenting appropriately in Norwegian contexts. Many parents are depicted by caseworkers as closely involved with their children. These adults appear to be competent caregivers and loving people who have sensible thoughts about parenting and – despite their interparental conflict – are supportive and responsive to their children’s development. Therefore, caseworkers have difficulty determining when children’s home environment lacks supportive, sensitive parenting behaviours. An interviewee asserted, ‘they are good caregivers, but then you have the conflict that destroys everything.’

Johanna, who worked in an office located in a high-income area, related that many conflicts occur in resourceful and normal-appearing families in which ‘things are in order, yet everything is not as it

should be'. In contrast to the more typical socioeconomically marginalised families caseworkers usually deal with, some children of high-conflict families are given good living conditions materially speaking. In addition, the parents are apparently able to provide structure to their children's life despite the hostility the adults exhibit towards one another. In these families, both parents seem to fight for their parental rights and want to have a say in child-related issues.

The interviewees said that most of these parents have middle-class incomes from jobs ranging from professionals to managers in the public or private sectors, while others are physicians and lawyers with a high income. CPS professionals also related the parents' middle-class backgrounds directly to the parents' conflict. Elisabeth pointed out that 'the conflicts appear more often when parents are highly educated'.

According to two caseworkers, this tendency is related to parents easily feeling that their rights are violated and being aware of their equal rights as parents, as well as how to use the welfare system, and caseworkers noted that it was not the CPS system that necessarily habituates parents to conflict, but the parents' attitude to conflict in general. In many cases, interviewees noted that the parents are further involved in conflicts with teachers or caregivers in preschools. In these particular cases, the parents proclaim that they know their rights and that they are not at all afraid of conflicts. In addition, the parents appear to have the economic means to pay for lawyers to represent them.

The staff interviewed further reported that some parents tend to use their resources to set the agenda in CPS meetings and seek to influence caseworkers' decisions by filing formal complaints or criticising decisions when the parents disagree with caseworkers. According to one caseworker, 'this is where we get into trouble.' Concurrently, the interviewees observed that these parents' higher socio-economic status does not necessarily confer wisdom in parenting. A group panel's members contributed the following:

- Janette: They can be extremely resourceful parents, but the conflict still affects the child.  
 Stella: But they are not necessarily resourceful. I mean, there's a difference between being resourceful and being a 'good enough' mother.  
 Lone: Good enough, yes, there's the thing. That's true. ...  
 Lucy: It's the sociocultural [dimension] ... that disposes them to become involved in conflict because they've got cognitive skills. These parents often have higher education and high-status occupations.  
 Janette: And then it becomes worse ...  
 Lucy: Oh, God, yes, then they'll bring lawyers.  
 Janette: They are quite explicit about it, right? 'God, I'm resourceful.'  
 Lucy: Yes, resourceful ... (mimics a parent). 'I know more than you do. I've more work experience than you have.'

The gendering of parenthood in the above quote is interesting, but this excerpt is included here because a conversation about interparental conflicts turned into a dialogue about the parents' disrespectful and threatening attitudes towards caseworkers. The managerial worker, Stella, makes a distinction between parents' material resources and the mothers' inability to understand how conflicts may harm their children. To Stella, having access to resources does not guarantee that mothers are capable of being a 'good enough' parent.

This example shows that some caseworkers dismissed the common sense idea that parents' higher socio-economic status buffers emotional neglect. For example, an experienced CPS professional noted that parents who have lost control over their emotions have thus weakened their parental authority and ability to make good choices for their children.

The data also revealed that many caseworkers ascribed conflicts to either one or both parents' undiagnosed personality disorder, primitive defence tactics and mental struggles, which make parents taking responsibility for their own behaviours difficult. This interpretation did not, however, seem to convince caseworkers to apply for a care order. By contrast, when these professionals could ascribe the conflict to clear evidence of parents' general dysfunction and/or mental disorders that potentially could harm the child, applying for a care order appeared easier. For example, the caseworkers noted that, in one instance, the disputes reflected a father's Asperger's

syndrome, which he tried to hide from CPS professionals. According to Tracie, the father was emotionally disconnected from his child, which negatively affected the child's wellbeing and ability to function. The father's dysfunctional parenting due to Asperger's was the trigger for a decision to seek an out-of-home placement. In other words, this type of factor seemed to make caseworkers more comfortable with constructing arguments for a care order in high-conflict cases. However, previous research has shown that this is not a common decision when high-conflict families are involved (Sudland, 2019).

### **Lack of professional confidence**

In most high-conflict cases, caseworkers make many attempts to better the situation for the children through voluntary in-home services. The interviewees deemed these attempts insufficient to improve the families' situation, and most caseworkers reported having to use compulsory assistance measures to protect the children from further harm or to force parents to cooperate in the children's best interest. Despite these statements about the gravity of the children's situation, CPS professionals mentioned being unsure as to how best to proceed and a lack of professional authority with which to act on their serious concerns. An interviewee stated, 'we often observe signs that this is not quite optimal. But what do we do then? We don't have good answers to that.'

The following extracts show that caseworkers tend not to investigate further when they sense that something in the parent-child relationship is not working. Another additional finding is that the interviewees lack juridical arguments to justify compulsory measures, which can hinder them from proposing a care order or supervision order. A caseworker said the following:

- Amy: [This has not happened, n]ot to my knowledge, but we have talked a lot about ... cases where the children appear high-functioning but where the level of conflict is high. It's been discussed in several cases.
- Interviewer: When do you consider the severity of conflicts to be so harmful that you'll apply for a care order to the board?
- Amy: Sometimes we could have made that decision. The county governor said that we could be tougher and stand up for it, and then the case could have been brought before the Board.

Supervision orders and out-of-home placements require clear evidence that the family situation is of significant harm to the children. When involuntary measures are involved, the onus is on caseworkers to show that the threshold criteria for out-of-home placements have been met, and the CPS professionals must provide a report to the court. In these cases, caseworkers take the stand, and they may be cross-examined on their report by solicitors and barristers. In other words, caseworkers need strong convictions about what is necessary for the children's protection, but the caseworkers interviewed have both implicitly and explicitly experienced that this conviction is missing.

As the first extract above shows, some interviewees have sought to achieve professional legitimacy by referring to a Norwegian child psychologist to substantiate arguments that parental conflict can significantly harm children. Other caseworkers have considered asking psychologists whom they consider to have more expertise on high-conflict homes to help them evaluate parents' level of functioning and parent-child relationships. Other CPS staff members have contemplated asking for second opinions from professionals they believe have the authority to support the caseworkers' judgments.

According to one interviewee, Charlotte, caseworkers who worked in a different office had discussed referring some families to state family centres. In a focus group interview, two caseworkers discussed whether they should apply for a care order to the board in order to enlist the judge's help to set the level of risk in high-conflict families:

- Amy: I have a case I'm deeply concerned about. I don't know, but the child struggles a lot because of the conflict, and that's where I believe the Board might be able to rationalise a care order.
- June: It would have been nice to try [to send an application to the Board] just to see what the Board decides – whether it approves a care order.

Interviewer: What do you emphasise in order to classify conflict as abuse?

June: When conflict becomes harmful to a child [and] when a child shows signs of unhappiness and abuse, but it's quite bad that we must wait for a child to develop adjustment problems. Children with internalisation problems – the silent ones – they tend to slip under the radar. We never receive notifications about them.

In another interview, a caseworker voiced concerns about both the CPS staff's lack of professional confidence and risk in high-conflict families. She talked about whether caseworkers should hand over their evidence to a legal representative considered to have more authority than themselves to judge the severity of high-conflict cases. The interviewee said, 'I'm pretty sure that if we had discussed these cases with the legal adviser, I believe they might have said that these cases meet the criteria for care orders (laughs).'

Caseworkers related some uncertainties to the absence of familiar case characteristics. According to these professionals, few parents appear to exhibit the kinds of troubles signalling substance misuse, mental health issues, violence and extreme poverty usually found among families targeted for CPS interventions. Caseworker, Laurine, commented, 'I find these cases extremely difficult. It's a lot easier to give recommendations if there's drug abuse or other things that may be harmful to the child.' As mentioned previously, when parental conflicts are accompanied by substance abuse and adults with mental health issues, caseworkers find classifying the children as high-risk easier and make recommendations with more confidence to take custody of the children.

## Discussion and conclusion

This study sought to provide insights into how caseworkers reason, construct arguments, and arrive at decisions about high-conflict families. The findings reveal that CPS professionals perceive high-conflict parents as inadequate caregivers. The intense disputes are often perceived as so harmful to children that they need out-of-home placement, with caseworkers relating parental conflict to more than just poor parenting, including worries about probable emotional neglect and neglectful parenting practices. These professionals also assume that parental conflicts are caused by the dysfunctional personality traits of one or both parents.

However, this research uncovered an important feature, namely, that caseworkers tend to adopt what Woodcock (2003) terms 'a surface-static notion of parenting'. This approach means that caseworkers do not deal with the problems underlying parents' behaviour even if CPS has identified factors that indicate these problems exist. Caseworkers also tend to focus on understanding and judging parents' behaviours rather than finding out what the conflicts do to the children. These professionals' constructions and fantasies about arguments for out-of-home placements revolve around parents' undiagnosed dysfunctions and personal problems, parenting practices, and other factors that might have caused the interparental conflict. The results further show that caseworkers hardly ever refer to the severity of conflict approach mentioned in the research literature when structuring their understanding of high-conflict families. Instead, they refer to their practical knowledge gained from experiences of working with high-conflict cases.

A general guideline for CPS cases is that staff members should evaluate parents' ability to safeguard and care for their children and support the children's daily emotional, intellectual, and physical development (NOU, 2012). However, a central question raised by CPS interviewees is whether parents are breaking good parenthood conventions and how caseworkers can draw the line between poor parental practices and parents' emotional negligence. The present study's results show that these professionals often find themselves at an impasse, and their concerns do not result in actual out-of-home placements of children.

An overall finding about CPS casework is that staff members define and interpret chronic interparental conflict as harmful to any child. Nonetheless, the evidence found relating to parents with higher social status conflicts with other studies that have confirmed that children's problems are one of the

key factors causing caseworkers to consider a care order application (Christiansen & Anderssen, 2010; Kojan, 2010). This divergence is probably related to how caseworkers report not having significant cause to decide whether the above cases meet the criteria or stringent conditions for care orders. In addition, these professionals appear to lack psychologically informed strategies to respond to potential parenting problems when the parents embroiled in prolonged conflicts appeared wealthy and high-functioning.

The results instead show that caseworkers face the difficult task of negotiating an understanding of risks in high-conflict families, in a context of the parents' probable resilience because they are simultaneously high-functioning, wealthy and intellectually capable. Thus, these professionals struggle to determine what suffices as 'good enough' care compared to emotionally negligent parenting, as described by CPS guidelines (NOU, 2012). Caseworkers' struggles are exacerbated by the absence of typical factors associated with high risks for children in high-conflict homes. These professionals have to negotiate the presence of conflict as a social norm as opposed to conflict harmful to children.

The duration of conflict is, therefore, an essential factor in caseworkers' decisions. The interviewees discussed how much conflict involving children should be tolerated, that is, what defines the conflict's tipping point. Conflict, however, does not appear to play a central role in caseworkers' construction of arguments for care order applications even if these professionals consider out-of-home placement necessary because the children are vulnerable and in need of protection.

In addition, caseworkers share an underlying understanding that conflict takes so much of parents' energy and attention that they have little left for their children. High-conflict parents are capable of helping their children structure and make sense of their inner worlds simultaneously, as well as to regulate their emotions to help children manage difficult feelings. These abilities make caseworkers' assessments more difficult, but CPS staff do not appear to take actively into consideration how parents' socio-economic status and ability to provide for their children might buffer conflicts' potential for harming children.

Caseworkers' challenges when judging parents' behaviours can be understood as what Howitt (1993) calls 'templating'. The cited author suggests that caseworkers understand others through a process of checking each person's characteristics against a social template to determine whether he or she fits a familiar pattern. These professionals' lack of confidence when applying for care orders in high-conflict cases could indicate that caseworkers are faced with an unfamiliar phenomenon of neglect for which a consensus has not been developed about how interparental conflict should be interpreted and diagnosed. These findings might explain why CPS staff members struggle to construct arguments that follow an appropriate juridical format (Backe-Hansen, 2004).

Although this study's small sample limits the findings' generalisability, they indicate that caseworkers deal with complicating factors such as parents' undiagnosed disorders, socio-economic status issues and emotional neglect in relation to high-conflict families. Therefore, the present study's results point to the importance of interdisciplinary collaboration to strengthen caseworkers' interventions and help them provide a comprehensive perspective and assessment of high-conflict families. Here, involving psychologists, state family centres and developing systems for caseworkers to make referrals to health professionals for assessments and diagnosis of parents, appear to be appropriate solutions to caseworkers' concerns and barriers of working with high-conflict parents.

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

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