

The Practice of Zero-Tolerance

- Emergency placement by Child Welfare Services (CWS) in Norway

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Abstract

The present article discusses emergency placement of children by the Norwegian Child Welfare Services. We have interviewed nine mothers about their experiences with transfer of care of their children. Several of the mothers had their children removed due to an emergency decision. The article focuses on one of these stories and analyzes the way in which emergency placement can be seen as a form of communication and practice. The purpose of this article is to generate knowledge about how the concept of «zero tolerance» is used to legitimize emergency placements, and how this practice might cause more harm than benefits for individual children. The article's analytical perspective is grounded in the systems theory of Niklas Luhmann.

Keywords: emergency placement, child welfare services, zero-tolerance, violence, Niklas Luhmann, systems theory

Introduction

This article is written on the basis of interviews with mothers who have lost the care of one or more of their children due to action taken by the Norwegian Child Welfare Services (CWS). In several interviews, the mothers describe how their child was removed without prior notice because of an emergency decision. The practice was created in accordance with and justified

through the concept of «zero tolerance of violence». The point of departure for the article is one of these stories as told by one of the informant mothers. The story is intended as an illustration of the way that zero tolerance of violence might cause more harm and challenges than support for individual children and their families.

According to the Law on child welfare services § 4-6 (1992;2021), the administrative leader of CWS or the prosecuting authority can, without parental consent, make temporary decisions about placing a child outside the home if the child is deemed at risk of enduring significant harm if left in the home. In such cases, the child is transferred to a foster home or an institution. The report from The Norwegian Board of Health Supervision (2019) particularly criticizes CWS for its lack of collaboration with the children and their parents in the case of emergency placements. In particular, it points to the absence of consideration of how to minimize emotional damage in the case of emergency placement. The same is true in CWS assessments of whether less invasive action could have mitigated the situation (Storhaug et al., 2020). A study by Storhaug and Kojan (2017) similarly describes lack of collaboration with parents before, during and following an emergency placement. In the event of an emergency placement, the child and parents are often not given the chance to make a statement (Oppedal, 2008; Stang, 2018), and the speed with which these decisions happen also heightens the risk of erroneous judgment (Helm, 2011; Munro, 2012; Starcke & Brand, 2012; Gambrill & Shlonsky, 2000; Stang, 2018; Storhaug et al., 2020). The decision is not made on the basis of a formal investigation; instead, the investigation begins only once the placement has been made, which might cause subsequent requests for information from the parents to be met with mistrust (Aarset & Bredal, 2018).

Several people have noted the correlation between an increase in the number of emergency decisions (Skivenes & Søvig 2016; Aarset & Bredal 2018) and an increase in cases involving violence (Berg, mfl. 2017; Bufdir, 2014 i Aarset & Bredal, 2018) and what is referred to as «zero tolerance» in practice (Hauge, 2012; Sommerfeldt et al., 2014; Aarset & Bredal, 2018). Aarset and Bredal (2018) describe two different approaches to cases that involve violence; action taken is either based on the principle that ‘violence is violence,’ which is the basic tenant of zero-tolerance, or it takes a more nuanced approach with a greater degree of investigation into the

facts of the case. A concern has been that the nuanced approach can be perceived, and can also function, as a way to minimize the seriousness of violence (Aarset & Bredal, 2018).

Aarset and Bredal describe the process of emergency placement in cases when CWS has had no prior contact with the family. In such cases, emergency placement is often initiated as a result of a child relating incidents of violence to someone at school or daycare and then confirming the incidents with CWS or in an interview at a child advocacy center. In such cases, CWS will subsequently bring the parents in for separate interviews. Typically, the parents will deny the allegations of violence and will also decline any help. The child is then placed in foster care, often that same day, and CWS files a report with the police (Aarset & Bredal, 2018). Research on emergency placement has stressed the need for a broader and more nuanced definition of violence (van der Weele et al., 2011; Sommerfeldt, 2014; Mossige & Stefansen 2016), while the zero-tolerance approach finds broad support in public opinion (Aarset & Bredal, 2018).

There is only limited research on emergency placement by CWS in Norway (Burns et al., 2016; Havik et al., 2012; Bufdir, 2014; Aarset & Bredal, 2018; Storhaug et al., 2020), and even less available research on how parents experience emergency placement (Storhaug et al., 2020, 2022). However, the published report *Whose Emergency? Emergency work in municipal child welfare services* (Storhaug et al., 2020) provides a significant contribution to this field of knowledge. In line with previous research, the report shows that emergency placement is particularly damaging and traumatic for both the child and the parents (Redd barna, 2017; Baugerud & Augusti, 2016; Storhaug & Kojan, 2017; Haugen et al., 2017; Storhaug et al., 2020; Slettebøe et al., 2021), and perhaps more than the placement itself, it is the *method* that causes the greatest trauma. The fact that these placements happen without warning and without giving the child a chance to prepare for what is happening and why it is happening creates a sense of terror. Studies show that, among other things, the child lacks information about what will happen to them next and what will happen to their parents and siblings (Haugen et. al., 2017; Redd Bana, 2017; Slettebø, 2018; Slettebø et al., 2021).

Several studies describe the decision to initiate an emergency placement as the direct result of a specific incident, independent of whether or not the family has had prior contact with CWS

(Christiansen & Anderssen, 2011; Skotte, 2016; Dickens, 2007; Storhaug & Kojan, 2017; Slettebø et al., 2020). In cases where the family has had prior contact with CWS, the reason for the emergency decision is often not entirely new, but CWS often uses a triggering event as grounds for action. The goal is to ensure that the child has a safe place to live while allowing time and space to prepare the case for the County Board (Storhaug et al., 2018; Redd Barna, 2017; Pedersen, 2016). The decision to remove a child is described as easier to make when the social worker can refer to a triggering event, such that the decision seems less dependent on individual and subjective judgment (Skotte, 2016; Christiansen & Anderssen, 2010).

In this article we explore the practices of emergency placement of children in accordance with CWS' mandate. The purpose is to generate knowledge about how the concept of «zero tolerance» is used to legitimize emergency placements, and how this practice might cause more harm than benefits for individual children. The question we pursue is: How is the concept of "zero tolerance of violence" reflected in the communication and practice of CWS' emergency placements? We use one story from Norway as an example.

Zero-tolerance

The zero-tolerance approach refers to a practice of absolute and immediate action. The concept is defined in the Norwegian Academy's Dictionary as "no tolerance, which is demonstrated in particular through immediate and consistent action taken against (even minor) crimes or transgressions," as well as "objection to behavior or situations that are deemed unacceptable (Det Norske Akademis Ordbok 2021, own translation). In *Prisons of Poverty* (1999), Loïc Wacquant writes about the ideology of zero-tolerance and its rapid spread across the world and how the language it uses has led to forceful action against what is considered disruptive elements in the public space, whether that be disruptive poverty or criminals. According to Wacquant, zero-tolerance has served to legitimize legal and police-based interventions in the form of action taken against elements that cause discomfort in public spaces. I.e. initiatives to alleviate a sense of discomfort in the public sphere. The concept is similar to what *appeared* to be a success story where New York went from being the most violent city to becoming the safest city. Here, zero-tolerance was spearheaded as the central weapon in a war intended to give the streets back to the city's citizens (Wacquant 1999).

Taking New York City as their example, other countries have followed suit. In 1998, the president of Mexico launched a plan to use the politics of zero-tolerance to fight crime and introduce a broad range of initiatives described as the most far-reaching in the country's history. And a Brazilian governor similarly references the politics of zero-tolerance in his justification of 800 new police hires in the war against crime. In response to charges that prisons were already at full capacity, the proposed solution was to build more prisons. France, Italy and Germany have also declared their support of the zero-tolerance approach in their efforts to fight crime in their cities (Wacquant 1999).

Wacquant describes zero-tolerance as a legitimization of specific action, which renders the state's responsibility invisible. The state itself is not responding with heavy-handed and brutal measures to social unrest; instead, it is the politics of zero-tolerance that affirms and legitimizes the approach. This removes the state's responsibility, and it no longer sees itself as responsible for creating economic or social stability and safety. This responsibility is transferred onto the individual, and in particular onto those living in poverty in struggling neighborhoods (Wacquant 1999). It creates a practice that no longer needs nuance or reflection. Measured against the concept of zero-tolerance, any crime is seen as something to respond to with force. As an example, the approach does not discriminate between minor traffic infractions and more serious violent crime. Moreover, it leads to the introduction of routine sentencing based on standardized responses to anything that falls within the targets of zero-tolerance, which basically means the elimination of all unwanted unrest. New York City's zero-tolerance approach is held up as a universal solution to the evils of society (Wacquant 1999). In 2018, the American immigration authorities adopted the politics of zero-tolerance, which means the criminalization of anyone who attempts to cross the border illegally or without proper documentation. This allows the authorities to legally separate children from their parents without concern for the trauma this might cause the children (Monica et al., 2019; Physicians for Human Rights (PHR), 2019). Several studies show how the zero-tolerance approach resulted in human rights violations and how the policy led to the prosecution and arrest of innocent people (Kandel, 2018; Byers & Schapiro, 2019; McFadden et al., 2022). Rather than protecting against crime, zero-tolerance politics resulted in mass arrests where minor transgressions resulted in enormous repercussions for the individual. Moreover, it is pointed out that the recorded crime reduction cannot be

ascribed exclusively to the zero-tolerance policy, but that this trend existed before the implementation of the approach (Staples, 2012).

In Scandinavian countries, the zero-tolerance approach is often talked about in the context of a shift in the attitude towards the damaging effects of violent crime. Today, zero-tolerance serves as a normative baseline for how to respond to violent crime (Janson et al., 2011 in Sommerfeldt, 2014), which can also be seen in research on children's experience of violence at home (Sommerfeldt, 2014; Aarset & Bredal). The zero-tolerance approach to violent crime was written into law in 2010 when changes were made to The Children's Act § 30,3 to clarify that all forms of violence against children are illegal, also in the context of childrearing (Aarset & Bredal, 2018). The prohibition against violence has changed the way CWS operates (Sommerfeldt, 2014). If a reported incident involves violence, social workers now have the authority to make use of more invasive investigative strategies, which might disrupt the necessary dialogue with the family (Sommerfeldt, 2012, 2014).

Method

The article takes a constructivist-scientific approach. This means that, both with respect to the collection of data as well as the analytical process, we assume that reality cannot be perceived independently of our perception of it. We are intertwined with our object of study in particular ways, our understanding of reality is mediated, so that what we see depends on the way we see it (Pors & Hustad, 2020). Our goal has been to explore the way reality is observed and appears to us as a result of these observations. This also creates an opportunity for reflection. Since this practice is not static but dependent upon specific observations, the article simultaneously provides a way to consider how an alternative practice might have emerged.

Qualitative interviews

We have conducted nine interviews with parents that have had one or more children removed from their care. For some of the parents, this was a recent event whereas others spoke about events that had happened a long time ago. The interviews were conducted without the presence of an interview guide. Instead, a single question was used to guide each interview: *Can you tell us about your child's removal from your care the way you experienced it?* This was done to

ensure that the interviews would focus on the parents' concerns and the story they wanted to tell rather than the information we as researchers wished to extract. Thus, the empirical basis of the project is what the parents perceived as important to communicate to us, and this approach was in many ways unfamiliar to us. Usually, we lean on predefined research questions covering a range of topics we want to interrogate. However, we found that this new approach created a different kind of knowledge and that it contributed to an important transfer of knowledge. It provided access to information and knowledge we had not previously considered, experiences we could not have imagined asking questions about, and we were left with the sense of having been given the important task of handling the knowledge we were given. This article is an attempt to do so, and an example of themes we had not previously considered.

Recruitment of interviewees

We contacted the Norwegian Organization for Child Welfare Parents (OBF) and asked them to inquire among relevant parent members. The organization posted the invitation on its Facebook page along with our contact information so interested parents could contact us directly, and the organization's director also provided us with contact information for certain parents who had requested that they do so. We then contacted the parents and scheduled the interviews, which were all conducted in 2020.

Empirical material

As already mentioned, our empirical material consists of interviews with mothers whose child or children have been removed from the home by CWS. However, the way we interpret our empirical material will always to some extent be shaped by our specific perspective. Therefore, theory and empirical reality cannot be understood independently of each other (Andersen, 2021). Instead, to quote Niels Åkerstrøm Andersen, our theoretical perspective and empirical reality will always constitute two sides of the same coin (2021, p. 247). The empirical material must be selected in a way that allows it to serve as empirical material for the analysis. Much empirical material is not useful, some material is discarded, other aspects are perhaps never even discovered. Not until we observe the empirical material in a particular way, do we shape and create it in a way that fits our particular theoretical perspective and analytical strategy (Andersen, 2021). The empirical material creates the boundaries for what our theoretical perspective allows

us to observe. Not everything can be observed. But the empirical material does not define what we see. What we see is a result of a specific analytical strategy, and the same can be said about our theoretical perspective. The theory frames and creates boundaries for the formation of the empirical material but it does not define the empirical material. The empirical material that is chosen is precisely a result of a specific analytical strategy (Pors & Hustad, 2021).

For the purposes of this article, we have chosen a single case for our analysis. It is an example of the practice of emergency placement. We might have chosen a different case for our analysis. And yet, we have not chosen this case at random. The case we have chosen is representative of the other cases that makes up the empirical material and is similar to other stories of emergency placements described in the research (Sommerfeldt, 2014; Aarset & Bredal, 2018). It is an example of what we might refer to as a typical approach and has general relevance, not as representative of all emergency placements, but because of the questions it raises (Stake 1982; Ruddin, 2006). It points to general and typical aspects of emergency placements (Flyvbjerg, 2006). We are interested in the questions raised by the case rather than the case itself. The possibility of generalizing on the basis of the case thus depends more on the validity of the analysis than on the example's level of representativeness (Mitchell 1983).

Analytical Strategy

In terms of its analytical strategy, the article is indebted to Niklas Luhmann and his concept of observation. Luhmann defines observation as an operation, which creates a distinction by marking one side of the difference while leaving other side unmarked. The inside of the distinction serves as the observation's central focus whereas the outside of the distinction is that which it is seen as different from. It can be marked or unmarked (Luhmann, 1995, 2002).

Figure a

Observations provide us with access to the world. However, observation is not defined by the world or by “what is,” but by the observer. In order to obtain knowledge about “what is,” one has to define the observer and the way the observer observes.

Our analytical strategy can thus be described as second order observations (Luhmann, 2002; Aamodt, 2019; Andersen 2021). We observe a mother’s observation of her three children’s emergency placement. The mother’s first order observation is an expression of how the world *is*, ontologically, whereas second order observations seek to understand the underlying conditions for the first order observations (Pors og Hustad, 2021, s. 17). Rather than asking whether the emergency placement is made on the correct basis or whether the events did indeed take place the way the mother describes them, a second order observation asks about the place from which the observation is made, the specific assumptions it relies on, and the way specific observations play out in the narrative. In other words, second order observation does not inquire about being – what emergency placement is or should be – but how it is constructed (Pors & Husted 2020). Thus, we have looked at the position from which the observation is made, the assumptions it is based on, and the way that specific observations establish themselves. The question we ask is how emergency placements happen as a result of specific observations.

Specifically, we have read the case with the following analytical questions in mind:

- What are the conditions and assumptions that undergird the observations?

- How do they construct a particular understanding of emergency placements?
- What is the position from which the observations are communicated?

Ethical considerations

We have followed existing research-ethical guidelines for the use of data and have obtained approval from NSD. We have met existing requirements about the gathering, use and storage of data. Participation in the study is based on informed and voluntary consent. We have protected the anonymity of all participants and present all our results on the level of the group so that no individuals can be identified. All participants were told that they could withdraw their consent at any point if they changed their minds about their participation.

The Case of Lisa – mother of Carl, Camilla and Charlotte

Below we include an excerpt from an interview with Lisa, a mother whose three children were placed in foster care because of allegations of violence in the home. After almost two years, all three children were returned to their parents:

Hmm, where should I begin. My name is Lisa, I am a child welfare mom and yeah.... I have a lot to tell you guys. It's about three children who went through emergency placement in 2020. They were six, eight and nine years old. They were picked up from school and taken to a different town and interviewed at The Children's House. And based on their statements in these interviews, a decision was made to go ahead with emergency placement. The two older kids, the girls, were placed together in a foster home in one municipality and my son was placed in a foster home in a different municipality.

There had been two reports filed with CWS on the basis of some statements my girls had made. I don't know how much you know about children as relatives, but my husband had been seriously ill for a while and increasingly so toward the end. And this had affected our family for a long time. I asked the school nurse to talk to the children, because they were so upset, and I told her that I am not able to handle this situation on my own, and then one of the reports is filed by the school nurse. And two months go by from when they receive the report until they bring the children to the Children's House. And there hasn't been much investigated. When I think back ...

there's a lot to criticize, but I am thinking about what could have been done differently? The kids have not handled it well. It has been horrible for the kids. And I think that a lot of that could have been avoided if everything had been done in a way that protected the children more. Yes. I wish that CWS would have conducted an investigation, I feel like they ought to have done that.

(...)

I am just thinking how you can see something that isn't there? And the fact that they [CWS staff] have become so fixated on me and my husband that they have forgotten ..have lost eye contact with the kids and their needs. And my young son who's only six years old and who, if not on a daily then at least on a weekly basis, would come sleep in his parents' bed because he was scared of being alone, he can't find us, and he's even placed in a different municipality all by himself ... When the teacher found out what was going on, she asked to be included in the interview. So wonderful. So she ended up being a part of it, and she told her version of the situation. Same thing with the teacher who was with our son, and then also, of all things, the school nurse with the other sister. They explain that at the beginning of the school day, all three kids were in their classrooms, and then they were going to the school nurse to 'talk.' The school nurse then tells them that they are going to (a different municipality) because someone there really wanted to talk to them about how things are going at home. And then my girls said that we want to talk to the school nurse, why do I need to go to a different municipality to talk?

But in the end, they got the kids to go – two of them in one car and the other in a second car. And as far as I understand, these were undercover police officers in undercover police cars; I am not sure, but that is my understanding. One of the girls was very quiet and shut down during the car ride, the other sister who was with her brother in the other car ... they were playing clapping games the way we often do on car rides. And then they arrived at the Children's House – I am putting this together from what the children have said and what the people accompanying them have said – they arrive at the Children's House, the children are each asked to stay in a room, and then the appointed guardian arrives. I assume it was him since the kids talked about 'Uncle Y.' He talked to each of them alone and told them that they were going to have to talk to some people, and that it was the police, and that they were trying to find out what was going on at

home, and that it was completely safe to say bad things about their mom. I don't think those were his words, but this is how the kids remember it.

Then we get to something that I find completely horrible. They are sent in for a medical examination, they undress all the way down to their underwear, they check their hair, look into their mouths, they have to straddle, they are examined while completely naked. They are photographed from the front and from the back holding up their hair in a specific way (...) And then they are sent in to be interviewed. When the interview is over, they are told that they won't be going back home. And the teachers say that they had already left the Children's House before the kids were informed about this. Only the school nurse was still there, because she could be present and transport the kids to the foster homes that they were being sent to. And the CWS staff describes the children's reaction by saying, "yes, they cry a bit, but they quickly calm down," whereas the children tell me that the boy's cries were so loud that they thought the windows were going to shatter. The girls were allowed to accompany him to the foster home where he would be staying, and then they were taken to another municipality. Did I even answer the questions you asked?

Discoveries and analysis

In accordance with our analytical strategy, we have focused on the assumptions communicated in the interview, the way that the observations construct a particular understanding of emergency placement, and the position from which the observations are communicated (Pors & Husted 2021)

Concern for the child

Lisa's narrative continually expresses concern for the children. She not only talks about how she herself consider their needs, but also how she expects this concern to take precedence for CWS and others who are with the children following their emergency placement. She is looking for an explanation as to why CWS does not seem to perceive the children's needs: "*And the fact that they [CWS staff] have become so fixated on me and my husband that they have forgotten ... have lost eye contact with the kids and their needs.*"

She assumes that CWS, like her, works to ensure the children's wellbeing above anything else, and that something must have happened to blind them to the children's needs.

Her narrative continually returns to her son's needs. She describes how he used to come into the parents' bed and that he sometimes felt scared about being alone. She considers the fact that he is placed alone, without his siblings, in a strange home as more than what he could handle. She says, *"The kids have not handled it well. It has been horrible for the kids."*

She also describes how her son cried so loud the girls thought he would shatter the windows, and how the girls had to accompany him to his foster home. She stresses the importance of the fact that the girls got to be with him, but also of his need to have someone with him at the Children's House.

It was important for Lisa that the teacher had insisted on accompanying the son to his interview, because she felt that he needed to have someone there who was known to him. And in her description of the medical exam, she once again stresses the children's perspective. She says, *"Then we get to something that I find completely horrible. They are sent in for a medical examination, they undress all the way down to their underwear, they check their hair, look into their mouths, they have to straddle, they are examined while completely naked. They are photographed from the front and from the back holding up their hair in a specific way."* Lisa consistently articulates concern for the children and expects CWS to act in accordance with a similar concern. In terms of analytical strategy, the following figure shows Lisa's observation:

Figure b

Lisa sees her children's emergency placement as created by a perspective that does not consider the child's needs. Instead, concern for the child has been placed on the outside of the distinction.

Insufficient preparation and information

Lisa's narrative constructs a specific understanding of emergency placement. It seems as if she understands that the children need to be placed in foster care. It might also be that she is operating within a discourse where it appears natural for action to be taken when there is an allegation of violence. In any case, rather than posing the question of whether the children should be placed in foster care, Lisa's narrative questions the process by which it happens: "*And I think that a lot of that could have been avoided if everything had been done in a way that protected the children more.*" Lisa speaks to the fact that CWS could have acted with more care and asks what might have been done differently: *When I think back ... there's a lot to criticize, but I am thinking about what could have been done differently?*

She wishes that CWS had sought out more knowledge, information and documentation before initiating the emergency placement of her children: "*I wish that CWS would have conducted an investigation, I feel like they ought to have done that.*" Lisa might be suggesting that if CWS had obtained more information, they might not have considered it necessary to remove the children. She articulates what other parents have also expressed: that the case has not been sufficiently investigated and that the basis for the emergency placement is either lacking information or incorrect information, and that additional information might have rendered the action unnecessary (Aarset & Bredal 2018).

In this case, as has also been observed in previous research (Storhaug et al 2020), it takes a long time from the allegation of violence was made for CWS to contact the children. However, as soon as they contact the children, the placement happens very quickly. The mother reports that the allegation made by the school nurse was filed two months earlier, but that the emergency placement took place on the day CWS interviewed them. In this way, Lisa's narrative is similar to cases reported in previous research. The placement happens quickly, the child is not given a chance to say goodbye to the parents, and CWS struggles to carry out the placements in a way that feels safe for the children (Aarset & Bredal, 2018; Storhaug et al., 2020).

Lisa's observation can be illustrated like this:

Figure c

A narrative without subjects

Lisa's narrative leaves an impression. It is not difficult to imagine a mother's alarm in her description of how terrifying the experience must have been for her children. And her narrative might be a particular cause for reflection, because it is a story in which she as a mother is left on the sidelines. She had no control or influence over what happened. She is not a participant in the story she tells. The only time she appears with any agency in the story is when she says, "*I asked the school nurse to talk to the children, because they were so upset, and I told her that I am not able to handle this situation on my own.*" The rest of the narrative is told from an outsider's

perspective. She describes the way her children are transported in undercover police cars, the way they were interviewed, their medical exams, and their placement in foster homes. It happened to her children, but without her being there to help them. She articulates her sense of powerlessness, a sense of helplessness in a situation in which she had no influence, control or definitional power. Lisa's narrative is similar to several of the other stories told by mothers in our study. These stories all describe the events as something that *happens to them* rather than something they are a part of. Existing research similarly describes the lack of parental involvement as a particularly unsettling aspect of emergency placements (Aarset & Bredal, 2018; Slettebø et al., 2020).

The children are also described as bystanders with no influence on the events. They are given information and instructions, but they are not described as having any recourse to influencing what is happening. Lisa notes that the children had tried to protest. Her daughter asked why they had to travel to a different municipality to talk, and the son had cried. It is difficult to know whether CWS asked the children for their opinion, but the narrative suggests that the children's objections were not taken into consideration. Elsewhere in the research, CWS is criticized for not including the child's opinion, or by contrast, for uncritically including the child's opinion without providing or considering any context for that opinion (Aarseth & Bredal, 2018).

Moreover, the narrative does not describe CWS staff as significant actors. They, too, do not appear in the story as active subjects. The only exception is the teacher who insisted on accompanying the son to the interview because he understood what was happening. The communication of zero-tolerance places the subject on the outside.

This can be illustrated in this way:

Figure d

Zero-tolerance is at the center of the observation whereas its subjects reside on the outside of the distinction.

Zero-tolerance as communication and practice

The practice of zero-tolerance appears powerful, decisive and with the capacity to act. We might even refer to it as unbending. In cases of suspected violence, CWS is required to proceed according to prescribed procedures. This procedure allows for children to be picked up from daycare or school without prior warning. The child needs to be interviewed alone and before parents are notified. If the child confirms the allegations of violence, they are to be transported to the Children's House for further interrogation. If the child repeats the story here, CWS is instructed to place the child in foster care. For children who live in rural districts and who must travel significant distances to get to the Children's House, the trip sometimes involves staying over at a hotel both before and after the interview.

The practice is standardized and without need for reflection. In accordance with the law, CWS must obtain proof, documentation and verifiability, and this process is seen as straightforward and routine. The practice of zero-tolerance is not a story about dilemmas.

This perspective can be illustrated in this way:

Figure e

If we look at the right side of the figure, we see that concern for the child, participating subjects and information that might affect the decision have been placed on the outside of the distinction, whereas the inside of the distinction marks the standardized procedure established by the practice of zero-tolerance. The standardized procedure subsequently serves as the medium for any concern for the child and comes to define its potential realization.

Zero-tolerance does not produce dilemmas and as a practice, it does not seek out professional judgment and concrete findings. Instead, reflection, uncertainty and judgment have been placed *outside* the communication of zero-tolerance. Zero-tolerance creates a practice that has no need for nuances, which means that not only does its communication and practice appear certain and unwavering, but also uncomplicated. It is a practice that allows staff to know how to act irrespective of specific subjects. The subject has been placed outside. According to Wacquant (1999), the rhetoric of zero-tolerance legitimizes the concrete practice, which creates a practice where no one can be held accountable.

The zero-tolerance practice communicates the idea that, as a society, we do not tolerate violence against children. In that way, the policies of zero-tolerance are based in concern for the child. Emergency placement is considered a necessary tool in the effort to keep children safe, and zero-tolerance serves as a forceful expression of our values. And because of that, the practice does not ask questions about what *concern for the child* really means. That is a given. This means that concern for the child is placed both *inside* and *outside* the communication of zero-tolerance. Concern for the child becomes the basis and objective of the communication whereas the specific

content of the concern is considered irrelevant. The normative basis of zero tolerance (Janson et al., 2011), like the apparent success of the New York story, is a self-evident practice.

In the communication of zero-tolerance, neither the views of the child, the parents or the social workers are considered relevant. And in that way, zero-tolerance creates communication without subjects, with no room for individuals. Child, parents and CWS staff are all placed on the communication's outside, and the question is whether this does not create a similar displacement of responsibility in our example of the logic of zero-tolerance as the one Wacquant points to in his analysis of New York's "success" story. When no one can be held accountable, the only place to look to is the initial reason for the action, which means the statements made by the child. Thus, the politics of zero-tolerance is founded not only in concern for the child, but also concern *because of* the child, and this seems perhaps like an overly weighty responsibility for a child to have to carry.

The consequences of the child's statements are far-reaching in the sense that they contribute to the creation of a practice without reflection or thought. Individual statements initiate a domino effect that leaves no possibility for thought or pause. When a child's statements are considered without any context in a system where no one can be held accountable, the risk of violence trumps everything else. It forces aside all other concerns, even the overall concern for the child.

Concluding remarks

The practice of zero-tolerance is not a practice of self-reflection. There is no attention given to the content, importance and effects of zero-tolerance. This makes it difficult to measure the effects of it on children and parents. The goal of the practice seems to be to signal a value. *We have zero tolerance for anything that might harm a child.* The rhetoric of zero-tolerance speaks to the risk of not acting more than it focuses on providing needed help. From the perspective of zero tolerance, what caused someone to hit a child is irrelevant. The only relevant question is the fact that someone hit a child.

CWS parents often do not have strong social networks, suffer worse health outcomes, have lower levels of education, experience financial instability, and are often from low-income backgrounds

(e.g. Andenæs, 2004; Kojan & Storhaug, 2021). Knowing this should make such conditions relevant in situations when children and their parents need help, a fact that is continually emphasized in research on child welfare (Andenæs, 2004; Kojan & Storhaug, 2021). And yet, the zero-tolerance practice remarkably continues to produce contextless questions and answers. The *connection* between living conditions and care competence (Dencik & Schultz Jørgensen, 1999) is rendered irrelevant by the perspective of zero-tolerance.

For CWS, concern for the child serves as the legal justification of the zero-tolerance approach. The article shows how this concern creates a practice that is beyond reproach and how the zero-tolerance approach, whose obvious focus is a concern for the child, thereby ends up establishing a practice that undermines the very concern it was established to protect.

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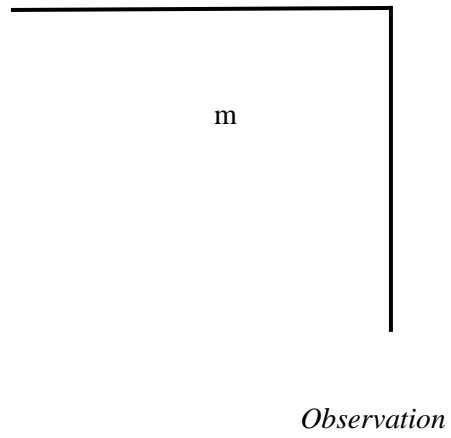


Figure a

Alt text

A line marks the distinction between what is observed as opposed to everything outside.

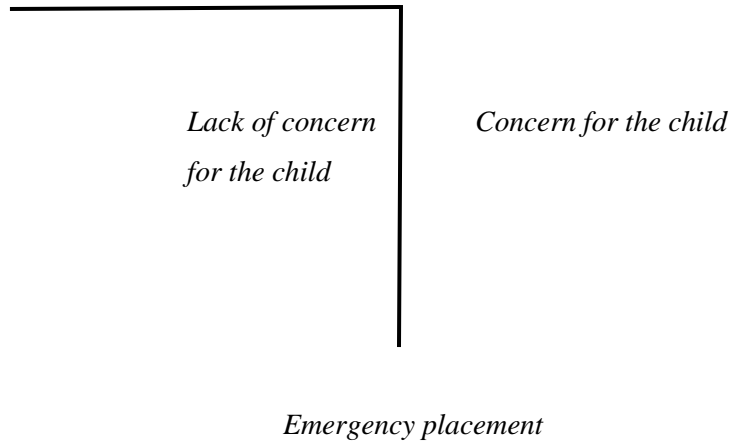


Figure b

Alt text

A line marks how consideration for the child is excluded in the observation

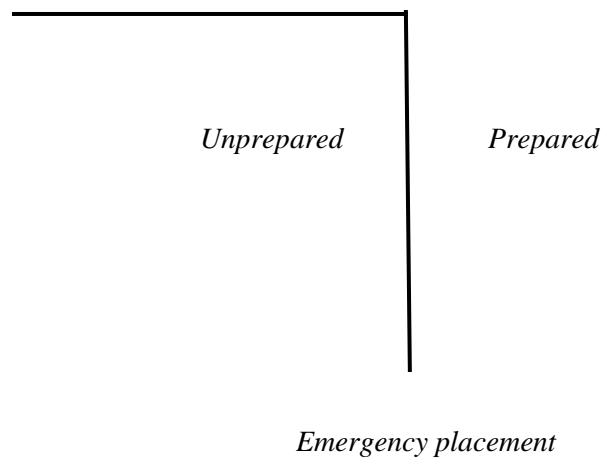


Figure c

Alt text

A line marks the difference between unprepared and prepared placements

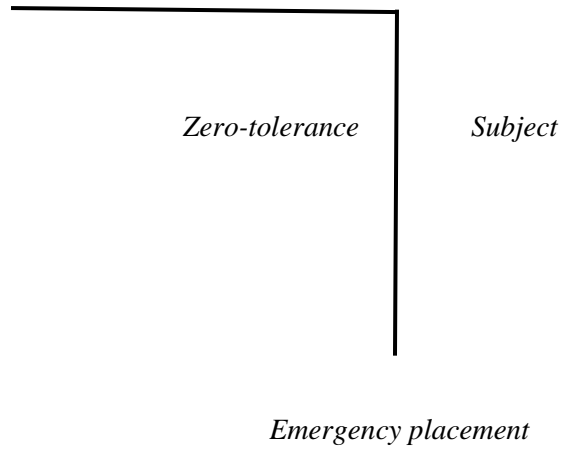


Figure d

Alt text

A line marks the difference between zero-tolerance and the subject

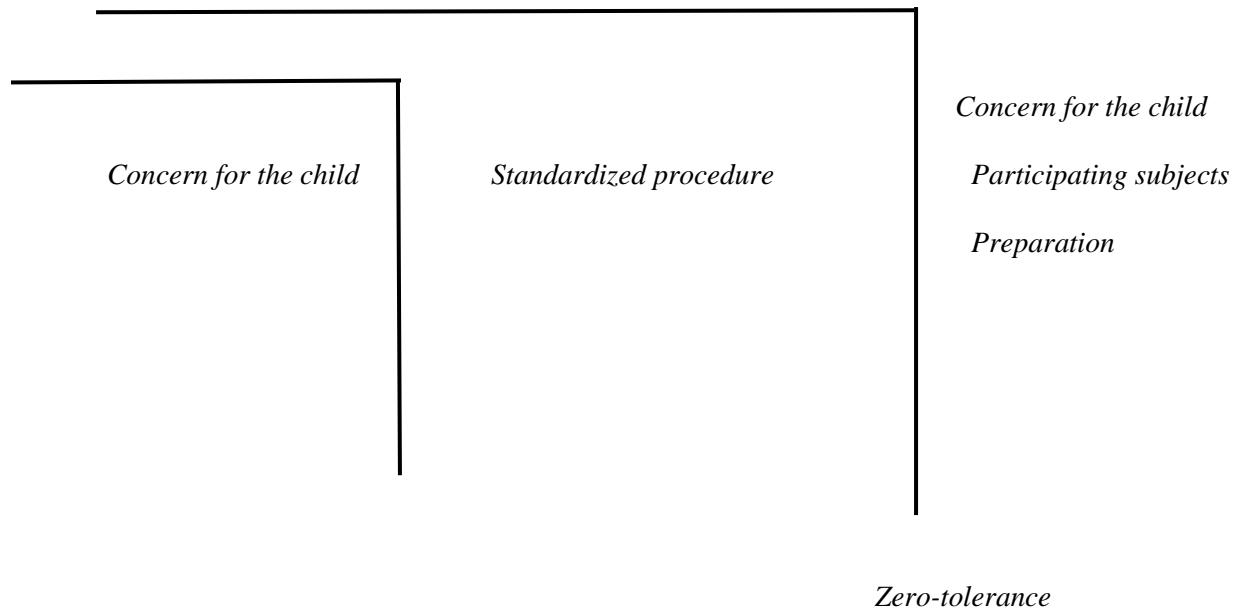


Figure e

Alt text

A line marks the concern for the child, participating subjects and preparation on the outside of standardized procedure. Then a new line marks how this observation determines the content in the interest for the child

