

The documented layer of children's rights in care order decision-making

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Abstract

The recognition of children as rights holders is a true challenge for any policy and practice which involves children but it is even more so for making decisions about taking children into care. This article departs from the view that when children are perceived as bearers of rights, this should also be reflected in the institutional documents of decision-making. That is why the documented layer of decisions about taking a child into care is examined here. The empirical data consist of documents of hearings (pre-hearing and hearing reports) in which children (33) are asked to give their view about a proposed care order and placement in Finland.

The documented layers of involving children as rights holders are divided into two types: a minimalist type and a more individualised, thorough and detailed type. The former type represents children as rights holders in a routinized manner whereas the latter one treats them in a particularized manner: how this particular child in this particular hearing received and gave information and on what grounds her/his view rested. As the documents may have some controversial implications, the recording of children as right-holders should not be treated as an isolated and technical issue.

1. Introduction

The recognition of children as rights holders is a true challenge for any policy and practice that involves children (Lundby 2008; Gal & Duramy, 2015). It is even more so for child welfare in which participation, provision and protection rights are constantly negotiated in complex and problem-laden situations without any full certainty about how these rights can be best implemented in individual decisions. However, there is a consensus that in order to practise rights-based child welfare it is inevitable that children must be involved in decisions concerning them (Gal & Duramy, 2015; Backe-Hansen & Eriksen 2018). The children's right to express their views and have them

taken into account is vital in any decision-making, yet the responsibility for making decisions lies with the adults (Sandberg 2018). They cannot leave the decision to the child in the name of autonomy or for any other reasons (ibid).

The practice of the adults – child welfare practitioners in our study – making the decisions and taking into account children’s views and wishes is informed by national legislation and the Convention on the Rights of the Child (CRC) as well as national and local guidelines, agency practices and resources, and practitioners’ skills and values, among other similar factors.

Practitioner-related factors become important when assessing the child’s maturity to be involved in the decision-making and creating a solid communicative forum for the child to be included in (Lefevre 2015). There are also fixed age limits which determine when a child of a certain age should be included in the decision-making process. For example, according to the national legislation of some countries, the age of 12 or 15 gives children the opportunity to initiate voluntary removals processes (Burns *et al.* 2017, 230–231). The statutory context of child welfare also sets requirements on the process: children’s use of their rights needs to be documented in institutional documents. It is this documented layer of the involvement that is our empirical focus as recording children’s views is an integral, yet often narrowly understood, element of children’s participation in decision-making (Kennan, Brady & Forkan 2018). We argue that when children are perceived as bearers of human rights (Bessell & Gal 2009), this should be reflected in the documents of decision-making.

The practice we focus on is a part of Finnish child welfare decision-making in which children who are 12 years of age or older are asked to give their view on the proposed care order decision and the related placement in care. Their view has the same formal weight in the decision-making process as that of their parents’ as will be described in more detail later in the paper. As children are given a strong position as rights holders in this process, the aim of this article is to explore how children’s involvement in the decision-making process is recorded in the formal organisational documents. We are especially interested in the formal hearing in which a child’s view is heard and should be formally documented. In doing so, we highlight the documented layer of the children’s right to be involved and argue that the analysis of the documented layer sheds light on the organisational routines regarding children as rights holders, which may otherwise remain unseen (Prior 2003).

2. The documented layer of children's rights in the child welfare context

The documented layer of children's rights builds on documents written in child welfare. Documents and texts indeed have a foundational role in child welfare organisations and professional practices (Skehill *et al.* 2013). There are different kinds of texts and documents: on the one hand, there are case files of individual children written by social workers as well as decisions written for organisational, institutional and legal purposes, and on the other, there are regulatory texts such as legislation and guidelines which standardize and coordinate activities of child welfare workers, e.g. in care order decision-making processes (Skehill *et al.* 2013; Smith 2001). Texts and documents are not random or isolated from their social contexts; rather, they, as artefacts, represent the functions and negotiated order of the organisation as well as its division of tasks (Prince 1996) and are embedded in organisational and administrative routines (Scott 1990; Prior 2003). In Finland, for example, the child welfare documents are expected to follow professional, legal and administrative norms, and when doing so, they aim to provide legal protection for social workers as well as service-users when they record the decisions made.

In some views, the documents, and even their empty templates, are relevant to understanding institutional scripts embedded in the organisation since 'recording' notes about a child in a case file is 'recoding' the child's and family's life into the scripts of the child welfare institution (Gillingham 2013; Roets *et al.* 2017; Berrick *et al.* 2018). Writing documents is selective from the organisation's point of view: what is seen as being 'important' is recorded (Hennum 2011; Wastell *et al.* 2010). 'Writing documents' is also a skill taught to social workers (e.g. Healy and Mulholland 2010), demonstrating the importance of professionally relevant writing, different from other types of writing. Consequently, there is reason to assume that child welfare documents would include children as rights-holders and participants in the issues relevant to their life in detail when/if children's rights make an integral part of child welfare.

Documents are not only written they are also read. The documents and the views of children therein may be read and revisited several times by practitioners after they have been recorded (Askeland & Payne 1999). In addition, the child him/herself may read the reports later in life. The documents may include information about the child's life which is not available elsewhere (Vehkalahti 2016). Therefore, what is written for organisational purposes may serve to build a personal life-story in which the position given to 'me' as a child with rights in the child protection system is meaningful.

The documents may also support children, care-leavers in particular, in their campaigns for reparative justice (Hoyle *et al.* 2018).

It is often reported that children experience a loss of voice and power in child welfare decision-making (e.g. Leeson 2007; Vis & Fossum 2013; Bijleveld *et al.*, 2015; Tisdall 2016). When studying the documented layer of children's rights, the voice of children is textually represented by documents which are more or less indirectly related to face-to-face social work practice between children, parents and practitioners, and to children's lived experiences of involvement. In face-to-face practice and recordings thereof, one could expect to see the impacts of the rights-based frame for child welfare as can be read in the general comment by the Committee on the Rights of the Child (Stafford *et al.* 2017). It defines how to effectively realize children's rights to be heard as a process of steps to be taken (Article 12) (CRC/C/GC/12). These steps are the preparation (41.), the hearing (42–43.), the assessment of the capacity of the child (44.), information about the weight given to the views of the child and the feedback given to the child of the outcome of the process (45.) and complaints, remedies and redress (46–47.). From the point of view of the documents, the way how the given and received information is documented becomes an interesting indicator of right-based practice in addition to the child's documented view itself (Stafford *et al.* 2017; Munro and Turnell 2018; Hoyle *et al.* 2018; Skelton 2019).

3. Children's right to have their say about care orders: setting the context

The children's right to be heard and have their views and wishes considered is included in the Finnish Child Welfare Act (417/2007) with a clear message: all children should be involved in any decisions concerning them according to their age and maturity. This norm requires practitioners to involve all children and consider their views and wishes. In addition, there is also an age-specific norm: a child who is 12 years or older has a right to give his/her view on a care order proposal and a suggested placement and the view has an impact on the proceedings in the same way as that of the child's parents. If any party, a child or a parent, expresses their objection, the decision-making authority is transferred from social work to the court.

The strong impact of children's consent and objection on the decision-making process is based on the differentiation between 'voluntary' and 'involuntary' care orders in Finland (Pösö & Huhtanen 2017; Pösö *et al.* 2018). These two types of care orders are similar regarding their threshold and legal consequences but differ regarding the decision-maker. The court is involved only in those

care order proceedings where a party involved has expressed their objection. At the moment, such decisions constitute a minority – about 20 to 25 per cent – of all care order decisions (Pösö & Huhtanen 2017).

Consent or objection is expressed during an event called a ‘hearing’. Hearings are common practice in any sector of public administration with the aim of guaranteeing that the persons in question have the right to express their opinion about the matter that is being decided about (Pösö & Huhtanen 2017). Hearings are regulated by law: the invitations to a hearing have to be in written form – these documents function as evidence that the hearing invitation has been sent – and there has to be evidence that the invitation letters have been received; the parties involved, children and parents alike, should be given a full account of all the reasons for the care order proposal and they have the right to examine their case files and other materials which social workers possess about their case. In addition, the outcome of the hearing should be documented. The outcome of the child welfare hearing is whether the parents and children consent (or object) to the care order proposal and the proposed placement. The outcome may also of course be that other services will be provided to the family for support and that the care order proposal is thus dismissed.

Child welfare hearings are very much embedded in social work practice. The persons organising hearings are social workers – there are always two of them involved in each case – and the hearings take place in a child welfare agency or other locations relevant to the case (e.g. at home, in hospitals). As hearings are organised as part of lengthy care order preparations, the social workers organising the hearing have often worked with the family for a long period of time – months if not years – and have considered the family’s views and wishes in many ways. In this type of hearing, the very final consent or objection should be given and the next step of the proceedings is decided based on that. The hearings are thus a mix of social case work and public administration with considerable implications for the decision-making process.

Children’s say – just like that of their parents’ – regarding the care order proposal and the proposed placement manifests itself in two ‘ticks in the boxes’. The options are: ‘I do not object to the care order’ or ‘I do not object to the proposed placement’, ‘I object to the care order’ or ‘I object to the proposed placement’. Children – like their parents – are asked to sign a report of the hearing including these ticks. The report may also include the reasons for the objection or consent; in addition, it lists the information which was available for the parties to give their view. This report makes the hearing traceable and records children’s and parents’ consent or objection.

4. Data and method

In this article, the focus is on the hearing documents and how they establish children as rights-holders. We explore the position given textually to children as rights-holders from two angles: information given to the children and information given by the children as documented in the hearing reports.

The data consist of the hearing documents of 33 children taken into care in three Finnish municipalities. The hearing documents consist of pre-hearing documents and hearing reports which record the hearing events with the children. The hearing documents constitute part of a database of documents about care order decision-making which was gathered in three municipalities and which covers 54 children, collected as part of a larger study. Each municipality and the Ethics Committee of the University of Tampere had granted permission for the collection of data. Following the instructions given by the researchers, social workers and administrative staff collected the documents retrospectively from February 2018 backwards until a certain number of documents was collected. They also anonymized the documents. The number of cases reflects the number of care orders in the municipalities: 22, 17 and 15, respectively. The care order preparations were completed during 2012–2018; two thirds of all cases resulted in consent-based care orders (N=37) and one third in involuntary care orders because of the objection of one or more of the parties involved (N=17). Most children and their families had received child welfare services before care order proceedings were initiated. The majority of the children had been in out-of-home placements once or several times in the past. In addition, most children were in out-of-home placement (mainly by emergency order) when social workers decided to initiate care order preparations. There are documents of 19 girls and 31 boys in the data (the gender is unknown in four cases due to anonymization). The analysis focuses only on children who were 12 years or older when the hearing took place (33) and that is why the full data are excluded from the analysis.

The opportunity to attend the hearing had been used by all children who were 12 years or older, except one who had run away and was missing when the hearing took place. In the hearings (11) in which the care order proposal and/or proposed placement were objected to, the child was the only party who objected to the proposed measures in six hearings. The parents had given their consent in those six hearings. As the child objected, the administrative court became involved and examined the case from the court's perspective. In five hearings, children expressed their objection together

with their parents. In other words, these data do not include any cases in which the child gives his/her consent but the parents object. Five children expressed their objection to both the care order proposal and to the proposed placement. Five children objected only to the care order proposal and one child objected only to the proposed placement.

The *pre-hearing* data include invitation letters (N=13) sent to the children. These pre-hearing data in particular are incomplete as there were 33 children who had been invited to the hearing based on their age, meaning that 20 invitation letters are missing. The lack of invitation letters may be a sign that the invitation documents are not stored in the case files or that, despite the instructions, they were not regarded as important to share with the researchers to inform them about the preparations. The *hearing reports*, that is documentation of the hearing event (N=24), take two forms: they are either reports written on templates or they are free writing reports in the children's case files. Hearings were recorded in 18 cases using only templates, an account of the hearing event was recorded in the child's case file in two cases, and in four cases the hearing was recorded both using a template and in the child's case file. The templates were finalised in the hearing events as they required the signature of the child, whereas the other recordings were written afterwards by social workers. Similarly to the pre-hearing data, this type of data is not complete either as hearing reports are missing in nine cases. The hearing reports show that the majority of the hearings in these data involved the child and two social workers. In seven cases, there were four participants present including either an attorney, a legal representative of the child, mother, grandmother or a worker from a residential care unit. Apart from one, the reports do not include any details of the contribution of the other participants in the hearing.

The analysis departs from the view that hearings are represented 'as documentary realities' in these organisational documents and therefore their textual representation is of analytic interest (Atkinson & Coffey 1997). The analysis focuses on the patterns of recording the inclusion of children as rights-holders in the hearing process; more specifically, on the information given to children and by children in before and during the hearing, and the recording of the child's view of the care order proposal and the proposed placement. We considered every document through the following questions: how is the child viewed as a receiver of information, as a giver of information and how is the child's view recorded. The findings are presented in two sections based on the type of documents (pre-hearing vs. hearing), followed by a typology of two extreme patterns of documentation.

Limitations

There are certain limitations in this study. The focus on written documents obviously excludes many important elements of the decision-making process and hearings such as face-to-face interaction. As care order preparations are long and complicated, the hearing documents cast light only on a very limited layer of children's views. The narrowness matters even more as hearings have been neglected in Finnish research and there is no research available to use to reflect the findings. The existing research examines court practices and how children's views are considered in their documents (e.g. Korpinen 2008; de Godzinsky 2012; Pösö & Enroos 2017). Nevertheless, from the point of view of rights-based child protection, the focus of this study highlights an element in practice which may otherwise remain unnoticed but which could matter greatly to those involved.

A significant shortcoming of the study is the robustness of the data. Despite the instructions given by the researchers, the data collected by social workers and administrative staff did not include all types of documents requested and re-requested. A challenge for the analysis is that the three municipalities have very different documentation practices, including the templates and client information systems in use. There is also variation within the agencies regarding the style of writing documents. Instead of treating the variation as a weakness of the data, we treat it as a characteristic of the hearing documentation and a finding in its own right: there is no standard way to record hearing events apart from the key information about the choice between consent and objection expressed by those involved.

There were both ethical and pragmatic reasons as to why the researchers did not themselves gather the data. The issues of confidentiality and the protection of child welfare service-users were easier to solve and guarantee that way. At the same time, it could be argued that social workers may have gathered cases selectively. However, we do not have any reasons to suspect that any biased selection took place.

5. Findings

5.1. Pre-hearing documents: Invitation letters sent to children

The general nature of the invitation letters is formal with the purpose of inviting the child to a hearing taking place on a certain day and in a certain place. Most of the letters are written on a ready-made blank template with the official logos of each municipality and titled as invitations to

the hearing event. The length of the body text varies from 10 to 16 sentences. The style of the letters is quite similar from one case to another. It is particularly noteworthy that the letters sent to children do not differ significantly from the ones sent to adults which are also available in our data set. This means that, on the whole, there is not much child-specific personalization in the invitation.

Personalised topics consist mainly of the name and social security number of the child. There were, however, five invitation letters which marked the child as the receiver and reader of the letter in more detail. The child was called 'you' instead of 'You' – this is significant in the Finnish language as 'You' is used only in very formal contexts to express politeness – and the text was written in the active instead of the passive voice throughout the letter. The chosen style created the impression that the invitation was really sent to the child in question and that the hearing was really intended to be about his/her matters.

The invitation letters include both procedural and practical information about the hearing event. From the point of view of *procedural information*, the letters start noting the care order and placement as topics of the hearing. The content of the hearing is described by explicitly referencing the child's right to be heard in his/her own matter in the hearing event. Some letters mention the opportunity to discuss the proposal and the client plan with social worker(s) and for the child to familiarise him/herself with the documents which relate to the care order. Two letters explicate different decision-making procedures depending on the consent or objection given by the child and other parties, whereas the other letters are much more limited in their information about the decision-making protocol. The option of not attending the hearing is also mentioned in some letters. Furthermore, letters include references to legislation and in some cases to section details of the Child Welfare Act (417/2007) and Administrative Procedure Act (434/2004). However, the content and meaning of these legal provisions are not explained. From *the practical point of view*, the texts cover organisational details (the name of the responsible child welfare organisation and the exact office); practical information (the date and time of the hearing event, location, the names of social workers who are responsible for organising the hearing); how the child is allowed to express her/his views (written, oral or by using a representative) and how the decision-making proceeds after the views of all parties have been heard.

In sum, the invitation letters are very much formulated without taking the child reader into consideration. Children are portrayed as a group of readers similar to adults and, in particular, as adults who have the ability to understand the complicated content of the letter and who would actively look for more information about the legal paragraphs mentioned. One reason for the lack of

child-sensitivity could be that the invitation letters are viewed as formalities by the child welfare agencies: there is evidence of an invitation having been sent. Our discussions with social workers suggest that the letters are there just to fulfil the legal requirement to deliver the invitation by letter, and that the ‘real’ information and invitation are given to children by phone and in face-to-face meetings before the hearing.

5.2. Hearing reports

The purpose of the hearing – to give a platform for the child to express his/her views and wishes and to receive and discuss relevant information about the reasons behind the proposals and the implications of the care order and placement – was recorded either in the form of templates or free-text documents. The templates include boxes which children tick and separate slots in which children can write their arguments for consent and objection and their views and wishes. In its minimum form, the template only includes the child’s ticks in the boxes about consenting or objecting and the child’s signature. In this data set, only *two* children had used the opportunity to write their views and wishes in the hearing report. These wishes were about staying at home because of a pet at home and the distance to school from the suggested substitute home. In one template, the social worker had written a lengthy description of problems that the child had brought up in that particular placement to support the view he had given.

The signature is an important element of the hearing report and it typically follows a ready-set paragraph stating that

It has been explained to me what a care order and substitute care mean. The reasons and grounds for why I have been taken into care and put into substitute care have been explained to me. I have acquainted myself with my documents. I have also discussed my care plan.

When signing the template, the child thereby confirms that the legal purposes of the hearing have been met. However, the textual formulation is interesting as it implies the acts of giving and receiving information but it does not include a sentence to the effect of ‘I have understood the previous information’ or any other statement to confirm that the child has processed the information.

Hearing reports in the form of free text include information in some detail. The reports are separate minutes of the hearing and they are included in the general notes in the case-file of the child. In these free-text reports of hearing, consent and objection do not appear to be only simple choices for children as demonstrated in the following extract.

The girl says that she is debating whether to object to the care order. The girl decides to object to the care order.

Although the extract demonstrates the girl's hesitation, it does not, however, give the arguments for her hesitation or expressed view.

Some hearing reports contain descriptions of the content and progress of the hearing as well as the child's behaviour and involvement in the hearing event, including information given to the child and questions asked. In particular, they describe the social worker as a person actively giving information. That information covers the proceedings and aims of the hearing, how information had been given in the hearing event, the legal implications of a care order and its meaning for the child's everyday life, the option to discharge the care order, how the child can express his/her views and how the care order proceedings proceed depending on the hearing of the parties involved. In the extract below the social worker's explanation about the legal implications of a care order regarding the guardianship is recorded as follows:

The parents will still be girl's guardians but they will have limited guardianship. It is told to the girl which matters the parents and the social services have the right to decide about after the care order has been implemented. However, cooperation is important and the parents will be involved in the girl's matters and in decisions concerning her.

The same hearing report documents the child's view in the following way:

The hearing: the girl does not object to the care order nor the planned placement. The girl has nothing to add. The hearing report is signed. When asked, the girl replies that she has nothing to ask or to add. The social worker says that she will prepare the documents after the hearing events with her father and mother so that the social work manager can make the care order decision.

In this particular case, the major part of this free-text report of the hearing is about information given by the social worker to the child; the girl's views remain only vaguely represented despite her consent. This type of recording, focusing on the social worker's role, may suggest that the recording is done for the sake of the legal protection of the social worker: she has acted in the way required by legislation. This guarantee might be needed in appeal processes, for example, those in which the legality of the care order preparations will be examined. The legal requirement about the inclusion of the child as a rights-owner is documented in fewer words, which may give reason to speculate that the documents are written for the legal protection of the social worker rather than for that of the child.

5.3. The typology of children as rights-holders

We have seen above that the documentation of children's hearings varies considerably regarding the extent to which the nuances of how children as rights-holders are portrayed in the documents relating to the hearing. The findings of the analysis are now further transformed into a binary typology demonstrating two extremes of the ways children are documented as rights-holders in both pre-hearing and hearing documents. At the one extreme, there is the thorough and detailed involvement of children as rights-holders in the documented layer of hearing, and at the other extreme, the minimalist documentation of the children's involvement.

In the thorough and detailed documentation type, the invitation letter to the child is written to this *particular* child and the rights s/he has in this matter are particularised. This means that the formalities such as the implications of the care order decision are described with respect to the child's own case and concrete information is specific, including the descriptions of the place of the hearing event, names of the people present in the hearing and the detailed information about the substitute home suggested, all of which is in a style appropriate to the child in question. The hearing reports include the 'ticks in the boxes' for consent and objection followed by the reasons for consent and objections. This documentation type includes the doubts and questions which the child may have had when asked to give his/her view as well as the information given by social workers.

The minimalist documentation type, on the other hand, rests on documenting all the formalities included in this statutory process: there is the invitation letter sent to the child as well as a template-based report of the hearing with the child's signature and the ticks in the boxes for consent and objection. The hearing report may cover only the binary view of the child (consent vs objection)

whereas information about the child's reasoning and the information available to the child are missing or just shortly mentioned.

6. Conclusions

The documented layer of children's involvement in the hearing process demonstrates that children's rights are not easily translated from principle into practice and this is true of the practice of documentation as well (Tisdall & Davis 2004; Stalford *et al.* 2017; Skelton 2019). Although recording children as rights-holders has obviously become part of organisational routines, it takes many forms. The documented layers of involvement reveal that there can be a formal layer based on recording the basic requirements of the inclusion of the child (the minimalist type), and a more individualised layer of rights (the thorough and detailed type). Both types serve the organisational purposes as they record that the child has been invited to a hearing and heard. The latter type goes further as more nuances are included in the documents especially regarding information given to the child.

The documents studied for this article suggest that there is still some way to go until every child's views in the care order preparations are approached in a particularised rights-based way. The legal norm to hear the views of children regarding his/her consent or objection to the care order proposal has a long history in Finnish child welfare. Hearing the child resulted from the Child Welfare Act of 1983, which set the age limit first at 15 which was then lowered to 12 in 1991. The CRC was ratified in 1991 in Finland. These long-lasting legal incentives are only fragmentarily materialised in the recorded practices of the involvement of children. Self-evidently, this analysis does not shed light on how the children have been involved and heard as here we have only studied the documented layer. The minimalist layer does not necessarily imply that the child did not have an experience of being fully involved and vice versa. Nevertheless, the findings serve as a reminder that children as rights-holders are a challenge for organisational texts. Texts as part of statutory decision-making take an adult as the standard service-user to whom and about whom they are written even when the child is the service-user with similar rights as the adults as they are in the Finnish care order preparations studied here. In light of this, the texts written in organisations and for organisational purposes need to be reviewed and revised in a way similar as judicial proceedings have been to make them 'child-friendly' (Child-friendly justice 2017). In particular, the child as a reader of the documents as well as his/her legal protection should be acknowledged. This leads us to

suggest that there is a need to strengthen the rights-based documentation as part of rights-based child welfare. Participatory report writing (e.g. Roose *et al.* 2009) may be one step forward but more is needed. Among others, the emerging recordkeeping perspective on the information rights of children in the child welfare system is more than welcome (Hoyle *et al.* 2018).

There are, however, no straightforward recommendations as to how to strengthen rights-based documentation. As the documents have many readers, it might sometimes be in the child's best interest that not all his/her views and arguments are visible for all possible readers. If the child expresses his/her wish to stay at home because of a pet and not because of the mother, how would this influence the mother's relation with the child if the mother read the document? Or the child's wish to avoid a certain foster home in case the document is available to those foster parents? This is to say that there may be occasions when a minimalist style is a wise solution as the documented layer of children's rights is not free from power and the complex social relations of this particular decision-making context. Ethical and relational complexities are embedded in recording as they are in child welfare practice in general (Lonne *et al.* 2016, 181–192). Therefore, the recording of children as rights-holders should not be treated as an isolated and technical issue.

References

Administrative Procedure Act (434/2004). Retrieved from:

<https://www.finlex.fi/en/laki/kaannokset/2003/en20030434.pdf>

Askeland, G. & Payne, M. (1999) Authors and audiences: towards a sociology of case recording. *European Journal of Social Work* 2, 55–65.

Atkinson, P. & Coffey, A. (1997) Documentary Realities. In: *Qualitative Research. Theory, Method and Practice* (eds. D. Silverman), pp. 45–62. Sage, London.

Backe-Hansen, E. & Falch-Eriksen, A. (2018) Conclusion: Towards Rights-Based Child Protection Work. In: *Human Rights in Child Protection. Implications for Professional Practice and Policy* (eds A. Falch-Eriksen & Backe-Hansen, E.), pp. 245–253. Palgrave Macmillan, Basingstoke.

Berrick, J. D. & Dickens, J. & Pösö, T. & Skivenes, M. (2018) Care order templates as institutional scripts in child protection: A cross-system analysis. *Children and Youth Services Review*, **84**, 40–47.

Bessell, S. & Gal, T. (2009) Forming Partnerships: The Human Rights of Children in Need of Care and Protection. *International Journal of Children's Rights*, **17**, 283–298.

Bijleveld, G., Dedding C. & Bunders-Aelen, J. (2015) Children's and young people's participation within child welfare and child protection services: a state-of-the-art review. *Child and Family Social Work*, **20**, 129–138.

Burns, K., Pösö, T., & Skivenes, M. (Eds.) (2017) *Child welfare removals by the state: A cross-country analysis of decision-making system*. Oxford University Press, New York.

Child-friendly justice (2017) Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States. FRA – European Union Agency for Fundamental Rights. Retrieved June 10, 2019 from:
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-child-friendly-justice-children-s-perspective_en.pdf

Child Welfare Act (417/2007). Retrieved from:
<https://www.finlex.fi/en/laki/kaannokset/2007/en20070417>

CRC/C/GC/12 General Comment No. 12 (2009) The right of the child to be heard. Committee on the Rights of the Child 1 July 2009. Retrieved from:
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f12&Lang=en

De Godzinsky, V.-M. (2014) *Lapsen etu ja osallisuus hallinto-oikeuksien päätöksissä* [The best interest of the child and the child's right to participate in administrative court proceedings]. Oikeuspoliittinen tutkimuslaitos, Helsinki.

Gal, T. & Duramy, B. (2015) (Eds.), *International Perspectives and Empirical Findings on Child Participation*. Oxford University Press, New York.

Gillingham, P. (2013) The development of electronic information systems for the future: Practitioners, 'embodied structures' and 'technologies-in-practice', *British Journal of Social Work*, **43**, 430–55.

Healy, K. & Mulholland, J. (2010) *Writing Skills for Social Workers*. Sage, London.

Hoyle, E., Shepherd, E., Flinn, Ad. & Lomas, E. (2018) Child Social-Care Recording and the Information Rights of Care-Experienced People: A Recordkeeping Perspective. *The British journal of Social Work*. <https://doi.org/10.1093/bjsw/bcy115>

Hennum, N. (2011) Controlling children's lives: covert messages in child protection service reports. *Child and Family Social Work* **16**, 336–344.

Kennan, D., Brady, B. & Forkan, C. (2018) Supporting Children's Participation in Decision-Making: A Systematic Literature Review Exploring the Effectiveness of Participatory Processes. *British Journal of Social Work*, **48**, 1985–2002.

Korpinen, J. (2008) *Istuntoja institutionaalisen katseen alla: lastensuojelun suulliset käsittelyt hallinto-oikeudessa*. [Sessions under institutional gaze: child protection oral hearings in the administrative courts.] Tampereen yliopisto, Tampere.

Lefevre, M. (2015) *Communicating with children and young people. Making a difference*. Policy Press, Bristol.

Leeson, C. (2007) My life in care: experiences of non-participation in decision-making processes. *Child & Family Social Work*, **12**, 268–277.

Lundy, L. (2008) 'Voice' is not enough: conceptualizing Article 12 of the United Nation Convention on the Rights of the Child. *British Educational Research Journal*, **33**, 927-942.

Lonne, B., Harries, M., Featherstone, B. & Gray, M. (2016) *Working Ethically in Child Protection*. Routledge, London.

Munro, E. & Turnell, A. (2018) Re-designing Organizations to Facilitate Rights-Based Practice in Child Protection. In: *Human Rights in Child Protection. Implications for Professional Practice and Policy* (eds A. Falch-Eriksen & E. Backe-Hansen), pp. 89–110. Palgrave Macmillan, Basingstoke.

Prior, L. (2003) *Using Documents in Social Research*. Sage, London.

Prince, K. (1996) *Boring Records? Communication, Speech and Writing in Social Work*. Jessica Kingsley Publishers, London.

Pösö, T. & Enroos, R. (2017) The Representation of Children's Views in Finnish Court Decisions Regarding Care Orders. *International Journal of Children's Rights* **25**, 736–753.

Pösö, T., & Huhtanen, R. (2017) Removals of children in Finland: a mix of voluntary and involuntary decisions. In: *Child welfare removals by the state: a cross-country analysis of decision-making systems* (eds K. Burns, T. Pösö, & M. Skivenes), pp. 18–39. Oxford University Press, New York.

Pösö, T., Pekkarinen, E., Helavirta, S. & Laakso, R. (2018) 'Voluntary' and 'involuntary' child welfare: Challenging the distinction. *Journal of Social Work* **18**, 253–272.

Roets, G., Roose, R., DeWilde, L. & Vanobbergen, B. (2017) Framing the 'child at risk' in social work reports: truth-telling or storytelling? *Journal of Social Work* **17**, 453–469.

Roose, R., Mottart, A., Dejonckheere, N., van Nijnatten, C. & De Bie, M. (2009) Participatory social work report writing. *Child & Family Social Work*, **14**, 322–330.

Sandberg, K. (2018) Children's Right to Protection under the CRC. In: *Human Rights in Child Protection. Implications for Professional Practice and Policy* (eds A. Falch-Eriksen & E. Backe-Hansen), pp. 15–38. Palgrave Macmillan, Basingstoke.

Scott, J. (1990) *A matter of record*. Polity Press, Cambridge.

Skehill, C., Satka, M. & Hoikkala, S. (2013) Exploring innovative methodologies in time and place to analyze child protection documents as elements of practice. *Qualitative Social Work*, **12**, 57–72.

Skelton, A. (2019) Rewriting children's rights judgements – From academic vision to new practice. Book review. *International Journal of Children's Rights* **27**, 183–188.

Smith, D. E. (2001) Texts and the Ontology of Organizations and Institutions. *Studies in Cultures, Organisations and Societies* **7**, 159–198.

Stalford, H., Cairns, L. & Marshall, J. (2017) Achieving Child Friendly Justice through Child Friendly Methods: Let's Start with the Right to Information. *Social Inclusion* **5**, 207–218.

Tisdall, K. (2016) Subjects with agency? Children's participation in family law proceedings. *Journal of Social Welfare and Family Law*, **38**, 362-379

Tisdall, K. & Davis, J. (2004) Making a Difference? Bringing Children's and Young People's Views into Policy-Making. *Children & Society*, **18**, 131–142.

Wastell D., White S., Broadhurst K., Peckover S. & Pithouse A. (2010) Children's Services in the Iron Cage of Performance Management: Street-level Bureaucracy and the Spectre of Švejkism. *International Journal of Social Welfare* **19**, 310–320.

Vehkalahti, K. (2016) Dusting the archives of childhood: child welfare records as historical sources. *History of Education* **45**, 430–445.

Vis, S. A. & Fossum S. (2013) Representation of children's views in court hearings about custody and parental visitation – A comparison between what children wanted and what the courts rules. *Children and Youth Services Review*, *35*, 2012.