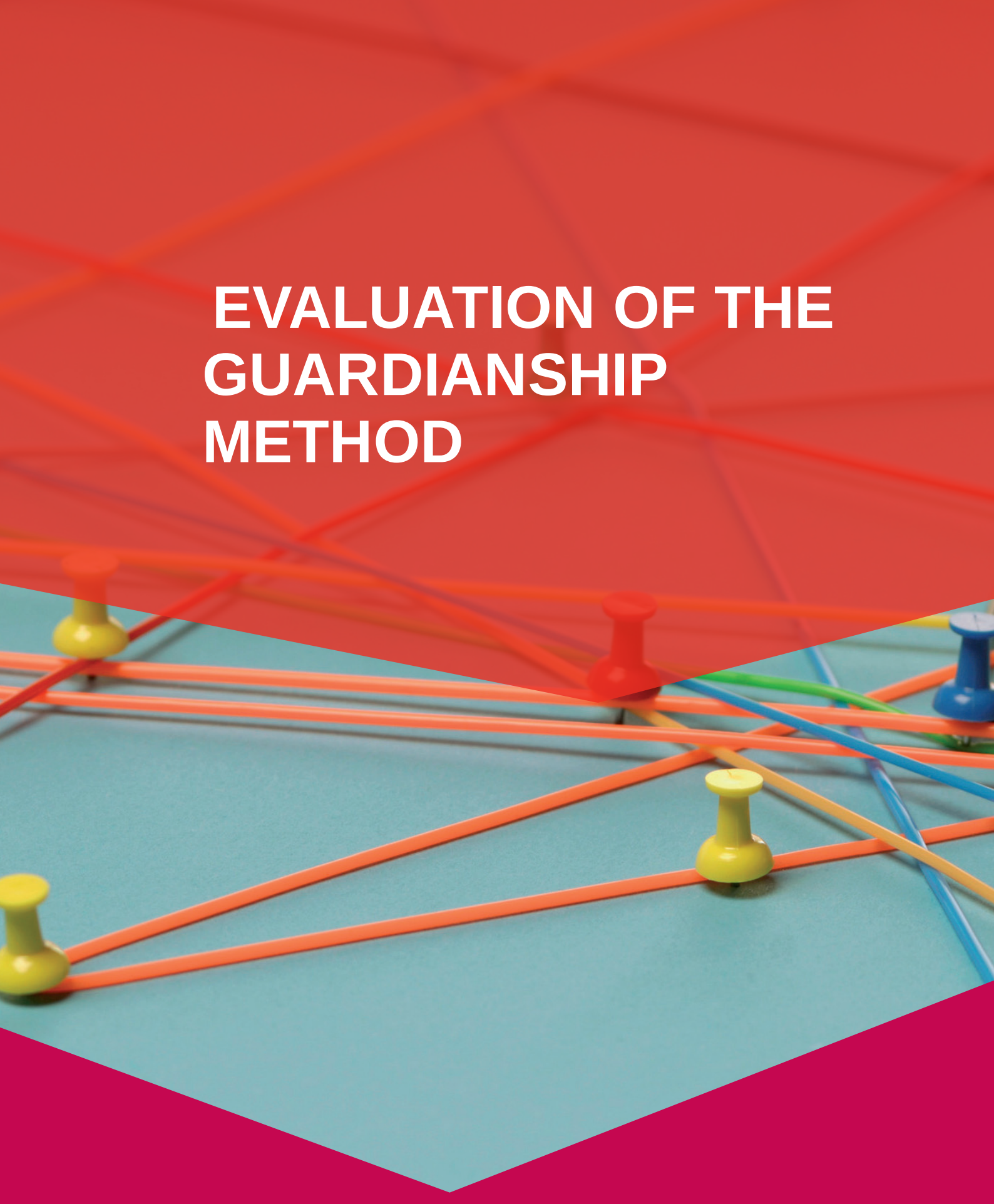
EVALUATION OF THE GUARDIANSHIP METHOD



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BELEIDSONDERZOEK

EVALUATION OF THE GUARDIANSHIP METHOD

- management summary -

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MANAGEMENT SUMMARY

Guardianship

Minor children (under 18 years of age) are considered legally incapacitated and dependent. In most cases parents exercise authority over their children. However, in a number of cases parental authority is absent or parents are deprived of parental authority by a court. In these cases, the judge pronounces a guardianship order. Guardianship may be granted to a natural person, for instance a family member of the child, or to an institution (Dutch Youth Care Agency (Bureau Jeugdzorg) or another institution responsible for the execution of guardianship). In the latter case, actual guardianship is assigned to a child protection worker, who is called a professional guardian.[1]

In 2003, the Youth Services and Youth Protection Inspectorate observed that there is no clear and unequivocal notion of the objectives and means of guardianship. Moreover, scientific reports on the subject did not pay enough attention to the theoretical and empirical foundations of guardianship. There was a need for a more systematic, and transparent work method, that could provide more guarantees for professional quality. Subsequently, in response to the policy programme 'Better Protected' ('Beter Beschermd') a 'guardianship method' ('methode voogdij') was developed and implemented.

Guardianship method

In 2010, Collegio and Van Montfoort developed the guardianship method. This method is partly based on the theoretical foundation 'Shifting custody' ('Verschoven gezag'), devised by Hermanns (2008). The guardianship method is largely set up around six domains, that relate to the child's life. The domains that have been distinguished in the guardianship method are: upbringing and care, medical and psychosocial care, safety of the child, development of the child and perspective, legal custody and finances. The professional guardian should pay attention to each of these domains by gaining insight into the state of affairs of the domains. If necessary, this may lead to the professional guardian taking action.

The pedagogical objective of guardianship is to find and create a new perspective for the child and a new child-rearing situation which is both stable and long-lasting and which enables the child to develop and participate in 'normal life' (again). Partly because of this reason, core parts of the guardianship method include mapping out and activating the network, organising perspective meetings in order to clarify the perspective of the child

[1] As of 1 January 2015, the Amendment of the Child Protection Act is in force, as is the Youth Act. The Amendment of the Child Protection Act entails that the measures 'taking away of parental rights' and 'divesting of parental authority' have been replaced by one child protection measure: 'termination of legal custody'. Furthermore, the Youth Act stipulates that guardianship is no longer transferred to the Youth Care Agency or another institution responsible for the execution of guardianship, but to a designated certified institution. The evaluation of the guardianship method was conducted before these alterations, and therefore, in the report we use the old terms and institutions.

and, if possible, working towards a guardianship transfer to natural persons. An important aim of implementing the guardianship method is that 5 years after the start of the implementation 30 percent of the guardianship outflow is the result of a guardianship transfer to a natural person.

Objectives of the study

The implementation of the guardianship method was started in mid-2012. Commissioned by the Research and Documentation Centre (WODC) of the Dutch Ministry of Security and Justice, Regioplan conducted a study with the aim to investigate (1) the extent to which people work according to the guardianship method, (2) the extent to which the intended results are achieved and (3) the experiences of the various parties involved in the guardianship method. To conclude (4), it has been investigated how the development of the number of children under guardianship and the number of guardianship transfers should be interpreted.

Design of the study

The study was conducted in the second half of 2014. In order to gain a complete view of the extent to which people work according to the method, what experiences people have with the method, and whether the intended results are achieved, the following three steps have been taken:

1. A nationwide inventory round conducted by telephone, mainly among child protection team leaders and/or behavioural specialists of sixteen institutions responsible for the execution of guardianship.
2. An in-depth study among a sample of nine institutions responsible for the execution of guardianship (six regional Youth Care Agencies and three national organisations responsible for the execution of guardianship). In this part of the study we spoke with fifty professional guardians about how they apply the method and the experiences they encounter. In order to obtain a wider view of how the method is applied 96 guardianship documents have been analysed.
3. To conclude, we held telephone interviews with six foster parents and three children under guardianship in order to determine how they experience parts of the guardianship (method), such as working towards guardianship transfer or adulthood.

Results of the study

Information transfer

In the study we only came across one instance in which there had been an official consultation with the Child Care and Protection Board to transfer the information resulting from the board investigation to the professional guardians. Professional guardians do not attach much value to such consultations when guardianship is the consequence of an earlier family supervision order. Often, they are already familiar with the case. However, not all guardianship cases result from a family supervision order. Moreover, the

study shows that when guardianship is the consequence of a family supervision order, in a quarter of the cases the family supervisor is not the same person as the professional guardian (although, in view of one of the basic principles of the method – offering continuity – this would be preferable).

The child in a social context: inventory of the network

With regard to child protection, the basic principle of the guardianship method is to look for positive strengths within the network of the child and to use these strengths as much as possible for the child's upbringing. Professional guardians, team leaders and behavioural specialists indicate that due to the guardianship method, more frequently than in the past attention is being paid to making an inventory of (and activating) the network of the child. This also becomes apparent from studying the documents: in a large majority of the guardianship plans the network of the child has been mapped out.

Organising a perspective meeting

According to the method, at the start of guardianship (and sometimes also during the process) a perspective meeting should take place. The aim of this meeting is to map out the actual child-rearing situation of the child and to clarify the perspective of the child. The study shows that the body of thought of the perspective meetings enjoys support from professional guardians, team leaders and behavioural specialists, but that in practice not even in a third of the cases a perspective meeting is organised. There are both practical and content-related reasons underlying this fact. Practical reasons are, for instance, that there is not enough time available to carefully prepare and organise such meetings (mobilising network and having preliminary talks) or that the members of the network are not proficient enough in Dutch. Content-related reasons are that the child has a limited or unreliable network or that the perspective of the child is already clear to the child him- or herself, the network and the child protector.

Formulating guardianship plans and attention to the six domains

All guardianship documents contained a guardianship plan, which in a majority of the cases was formulated together with the child and the network. It is the aim of the guardianship method that within the guardianship plans attention is paid to all aspects of the life of the child (the six domains). This entails that attention should be paid to the current state of affairs of the domains in question, as well as the strong and weak points of these domains.
The document study shows that with regard to the domain 'upbringing and care', this occurs in an average of 92 percent of the plans; with regard to the domain 'development' this occurs in an average of 90 percent of the plans; with regard to the domain 'safety' in 82 percent of the plans; and with regard to the domains 'medical and psychosocial care' and 'finances' both in an average of 69 percent of the plans. With regard to the domain 'legal custody', in fact no inventory is made of the current situation and strengths and weaknesses,

however, the possibilities for guardianship transfer are being investigated (see below).

Guardianship transfer, conditions and bottlenecks
The basic principle of the guardianship method is to work towards guardianship by a natural person (foster parent or voluntary guardian) if this is possible. This implies that during the guardianship process, the professional guardian examines whether guardianship transfer is a realistic option. Respondents indicate that this examination indeed occurs, however, the document study shows that it occurs more often when the child is in a foster family than when the child is in residential care. Due to the fact that children who live in residential care are not brought up in a 'natural family situation', it is harder to find a person who (at some point in time) might be able to become a guardian to this child.

From registration data it appears that in 2014 19,1 percent of the outflow from guardianship was the result of guardianship transfer to foster parents (compared to 10,5% in 2012 and 7,5% in 2013).

When guardianship transfer to foster parents is concerned, professional guardians believe it is important that the foster parents are completely committed to the child; that the place in question provides perspective; that the foster parents, in case this is necessary, know how and where to find assistance independently; that the foster parents recognize the importance of the network of the child (including the parents) and allow it to play a part in the child's life; and above all: that guardianship transfer is in the interest of the child. Even if the conditions mentioned above are met, in practice it turned out that objections and doubts of both foster parents and parents hinder (the possibility of) guardianship transfer. These objections and doubts mainly relate to the fact that after guardianship transfer, there is no longer an intermediary between foster parents and parents.

With regard to guardianship transfer to a voluntary guardian who is not a foster parent, it turns out that respondents experience this as a part of the method which has not been developed sufficiently, and as yet it leads to practical and content-related questions. This may explain why (according to registration data) guardianship transfer to a voluntary guardian practically never occurs.

Experiences with the method: added value and commitment
Professional guardians, team leaders and behavioural specialists are of the opinion that the guardianship method is of value. This is due to the fact that explicit attention is paid to the various domains; working towards adulthood is more specifically aimed at; there is more attention for the role and position of the parents; and the possibility of guardianship transfer is more consciously made a point of discussion. On the whole, this demands a larger commitment and effort from the professional guardians. The increasing attention for guardianship is experienced as positive, however, professional guardians

stress the importance that this commitment is also supported by the institutions, e.g. by putting it as an item on the agenda of internal meetings and by (refresher) courses and coaching. Equating the standard for family supervision orders and for guardianship (determining the caseload) is mentioned in connection to this.

Increasing number of children under guardianship
In the past few years, the number of children under guardianship has increased. This increase can be explained by the fact that the number of family supervision orders also increased strongly in previous periods, followed by a growing outflow in the periods that ensued. Due to the fact that a guardianship order often ensues from a family supervision order, ultimately an increase in the number of family supervision orders in a certain year leads to an increase in the number of children under guardianship in subsequent years. The growing outflow is connected to the implementation of the Delta Method for Family Supervision. The basic principle of the Delta Method is that the family supervision order is a temporary measure; therefore, more often than before the implementation of the Delta Method an appeal is made to the Child Care and Protection Board to take a measure that leads to guardianship.

In conclusion

The study shows that the method has been implemented in all organisations and that it is broadly based. Professional guardians formulate guardianship plans in which attention is systematically paid to the six life areas of the child (the domains). Compared with the situation observed by the Youth Services and Youth Protection Inspectorate in 2003, the work method of guardianship is to a larger extent systematic, standardized and transparent.

There are a few points of particular interest with regard to executing the method. These are: a lack of consultations with the Child Care and Protection Board, to transfer the information resulting from the board investigation; the limited number of perspective meetings that are organised; the focus on the ‘safety’ domain, with regard to which (based on the guardianship plan) there is uncertainty whether a safety assessment has been made; and the communication with the foster care institution or residential care homes regarding the safety situation. Transferring guardianship to voluntary guardians raises questions with professionals in youth protection that have not been answered (yet). Therefore, it is desirable to further develop the guardianship method on this point, and to investigate how the search for voluntary guardians, as well as the screening and education of these voluntary guardians can be organised.

In the past, guardianship periods usually lasted very long, and only ended when the child would reach majority. Our study shows that the guardianship method does not only contribute to working systematically during the period of

guardianship, but also to assessing the possibilities of guardianship transfer to foster parents more often (and periodically). From the most recent registration data it appears that guardianship transfer occurs more and more often.

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