



“We are merchandise on a conveyer belt”: How young adults in the public child protection system perceive their participation in decisions about their care



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ABSTRACT

The aim of this study is to show young people's feelings about their experiences with participation in decision-making in public care. The study is based on semi-structured, in-depth interviews with eight young adults in the public child protection system in a northeastern state in the U.S. conducted between 2015 and 2016. All study participants had made both positive and negative experiences with participation. Most reported negative experiences at the point of their first entry into care, and most reported positive experiences when signing themselves back into the care of the child protection system when they turned 18. Further, we found barriers and pathways to participation at the individual child's or youth's level, including a child's or youth's ability to self-advocate, access to information, and age. Organizational-level factors that affected a child or young person's participation included the child protection agency's view of the child or youth; the agency's view of the parents; the quality of legal representation, and the type of rapport between social workers and children or young people in care. We discuss the implications of these findings on theory and policy.

1. Introduction

I think that it's important [to let children and young people participate] because you're dealing with [...] someone who [...] is going through the machine itself. I've always looked at foster care as a factory: [...] we are merchandise on this conveyor belt, and I feel like there is a tendency to use a cookie cutter method. What I would like to see is for the system to adjust that understanding and use different tools for different 'merchandise.' (Joseph)

In 2015 and 2016, we interviewed eight young adults who had been in the care of a public child protection agency in a northeastern state in the United States about their participation in decisions about their care. We asked the study participants why they thought that children and young people should participate in these decisions. Joseph, a 20-year-old Black man with a beaming smile who was studying at a community college at the time of the interview, first entered care at the age of 12 years because of abuse and violence in his home. Joseph's thoughtful answer to this question, which we quoted above, highlights how child protection agencies can either objectify children by treating them like merchandise, or, alternatively, empower them by respecting their opinions and wishes. Joseph's words are a call for treating children as

empowered subjects, not objects.

At the international policy level, this call was enshrined in article 12 of the 1989 United Nations on the Conventions of the Right of the Child (CRC), which stipulates children's right to express their views freely in administrative and judicial proceedings related to decisions that affect their lives, either directly, through their own voice, or through a representative (UNOHCHR, 2016). This call has been heeded by the child protection research community, which has provided extensive empirical evidence of the participation of children in child protection-related processes (see Van Bijleveld, Dedding, and Bunders-Aelen (2015) for a recent review of this literature). Our study, which builds on these policy and research platforms, explores how young adults who were placed in public care as children experienced participation in decisions that affected their lives. Here, we define 'participation' as children and young people having the opportunity to express their opinions and wishes about their care as well as the ability to influence or make decisions. Hart (1992) and Shier (2001) have discussed the ranges of participation, from tokenism/manipulation to empowerment. By 'opinions, wishes, and decisions about care', we refer to decisions about a child or young person being placed in care or staying with their parent(s); the kind and location of care during and after removal from

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home (with a specific caregiver or with siblings, for example); decisions about parental visitations, choice of school, and about signing themselves back into the system when they turn 18 years old. In the state where this study was conducted, children can voluntarily sign themselves back into public care once they reach maturity at the age of 18 (We will refer to the public child protection agency in that state as 'CPS.').

To make these youths' experiences with participation heard, this article addresses three research questions: (1) Why did the study participants consider it important for children to participate in decisions about their care? (2) What were the situations when study participants felt that they could/could not participate? (3) What were the barriers and pathways to participation they experienced? We believe that this study is important despite its small scale because of a dearth of recent in-depth research with a focus on children's and young people's participation in the United States based on the voices of children and young people in care. While a robust body of empirical research about children's experiences in care in the United States has grown since the publication of Festinger's (1983) landmark study of children in care (see Fox and Berrick (2006) for an extensive review of this literature), there are, as far as we know, only two empirical studies with a specific focus on children's and young people's participation in the context of the U.S. child protection system that draw on children's and young people's voices and have been published in the past 10 years; these studies focus on children's participation in dependency court hearings (Block, Oran, Oran, Baumrind, & Goodman, 2010; Weisz, Wingrove, Beal, & Faith-Slaker, 2011), not on children's and young people's experiences with participation in other situations such as removal from home, decisions about foster care, visitations with parents, etc. Our study therefore contributes to the literature by providing recent empirical evidence about young adults' perceptions of their participation in care and the meanings they attach to these experiences as young adults. This is not only relevant for academic purposes, but also serves as an assessment of the quality of the services that U.S. society provides to children and young people in care (albeit based on a small and localized sample).

2. Literature review

Prior research on children's participation in care-related processes in the United States has shown that children and young people experience a lack of information and communication (Block et al., 2010; Festinger, 1983; Hochman, Hochman, & Miller, 2004); a lack of opportunity to be heard in court (Block et al., 2010; Khoury, 2006), and a lack of power and control in decision-making about their case (Festinger, 1983; Fox & Berrick, 2006; Ponciano, 2013). On the positive side of the ledger, Weisz et al. (2011) found that children's attendance in dependency court hearings was not emotionally harmful to them, and that children who attended them (compared to children who did not) reported more positive feelings about the process. On another positive note, the young people interviewed who participated in Children in Care Councils (CiCCs) in London reported several psychosocial benefits of their participation, including "developing confidence and self-esteem, pride, independence and self-advocacy" (Thomas & Percy-Smith, 2012, p. 493).

Festinger's (1983) study examined the outcomes of young adults who had left public care in the areas of education, employment, health, family and community life. It also analyzed young adults' memories of their experiences in care. The study, which drew on interviews with 277 young adults who had left public care between the ages of 19 and 21 years in the metropolitan New York area between 1970 and 1975, highlighted the lack of children's inclusion in decisions that affected their lives, especially about visiting parents and siblings, where to move and which school to attend. Study participants also wanted more information and explanations about why they had been placed in care and why they were moved from one home to the next. The study also

pointed to the saliency of the quality of the professionals who work with children in care. The interviewees emphasized that they should be able to listen, be mature, responsive, direct, informative, knowledgeable and trained in helping children understand their experiences in care. Many study participants also said that they wished for the opportunity to meet with their workers without their foster parents present to be able to more openly communicate (Festinger, 1983). Festinger (1983, p. 281) summarized her findings about the lack of children's inclusion in decision-making like this:

A recurrent theme in their [study participants'] comments was the importance of consulting with children and allowing them to share in, and contribute to, decisions that need to be made. By age ten or the early teens "children should be able to have a voice in where they are placed ... if a kid is old enough to be transferred around like a ping-pong ball he's old enough to decide where he's happy ... children in foster care grow up very quickly." They advocated inclusion in decisions about the type of placement, changes in placement, visiting with or return to the biological family, and issues connected with their schooling. They suggested more input following trial visits in foster homes.

Hochman et al.'s (2004) study also found that children experienced a lack of information and explanation about what was going on when they were removed from their families and felt that their voices got lost. According to the authors (2004, p. 9), "from a child's vantage point, the regulations, timetables and language of foster care are impenetrable. Suddenly their lives are filled with new jargon and acronyms [...] and few opportunities to ask questions, voice opinions or receive age-appropriate guidance." Fox and Berrick (2006), who reviewed 23 research studies on the experiences of children in care in the United States that were published after Festinger's study, also highlighted foster children's and youth's exclusion from decision-making. The authors drew the following conclusions:

[...] although the goals of child welfare policy promote permanence, many children are excluded from participating in permanency decisions. In practice, of course, social workers' efforts to include foster children in case planning involve questions of degree and manner; the child's age and unique history are two critical considerations. In sum, though, the literature strongly suggests that children's voices should be given more serious consideration. (p. 48).

Block et al. (2010), who studied the knowledge, attitudes, and participation of children after dependency court hearings, found that 54% of children did not know the outcome of the hearing, and 37% of children felt not believed or unheard—a substantial proportion. Khoury (2006) developed practice recommendations for systemic changes to promote the participation of youths in court, suggesting a statute or court rule or, alternatively, an administrative court policy about the presence of young people in court. The authors stressed the importance of the quality of the youths' representation in court. They emphasized that it is vital that agencies make accommodations so that children and young people can participate in court hearings, set agency policy and training guidelines about youths' participation in court, and arrange for school accommodations so children can attend court hearings. Khoury (2006, p. 155) concluded by stating, "The more guidance attorneys and judges have on incorporating youth into their child welfare proceedings, the more likely the youth will have the opportunity to participate."

Studies on participation based on interviews with children and young people from other parts of the world – Australia, England, Finland, and Wales—have shown that children valued participation, but that their wishes were often not heard, and that they needed more information to fully participate. Children understand participation primarily as having a say and being supported; they value participation in case review meetings (Thomas & O'Kane, 1999a) and have distinct

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