**Child Welfare workers’ experiences of assessments and handling of suspected violence in the context of a family law conflict**

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**Abstract**

Suspected violence is often challenging for Child Welfare within the Social Services to investigate. If the parents are simultaneously involved in a family law dispute concerning custody, residence and/or parental contact, previous research has suggested that it may be even more challenging for Child welfare workers to assess the information about suspected violence. However, how these challenges come into practice, as assessments and handling of suspected violence, has been studied only to a limited amount, especially from the Child welfare workers’ perspective. Therefore, the aim of this article is to analyze investigating Child welfare workers’ experiences of how they assess and handle suspected violence against a child when the child’s parents are simultaneously in a family law dispute. The study will specifically examine how regulative, normative and cultural-cognitive elements (Scott, 2014), such as legislation and the Child welfare workers' values and underlying assumptions, influence how they assess and handle information about violence in these cases. To achieve the aim of the study, 4-5 group interviews, comprising a total of approximately 20 Child welfare workers, will be conducted. Since data collection will commence in March, no results or conclusions can be presented at this point.

**Introduction**

Child Welfare workers within the Social service faces challenges in investigating and handling suspected violence against children because the work is characterized by uncertainty, making it difficult to determine whether violence has occurred and who the perpetrator might be (Munro, 2006; Mattsson, 2017). Since violence and abuse often occur in the home with no one present except the family, it can be particularly challenging for Child welfare workers to determine what has happened (Gelles, 2000; Munro, 2019). However, if the child's parents are simultaneously involved in a family law dispute concerning custody, residence and/or parental contact, previous research indicates that this may further complicate an already difficult investigative process.

When Child welfare workers make investigations and the parents are simultaneously in a family law dispute, Child welfare workers describe the work as even tougher due to several reasons. They describe these cases as more demanding and take more energy and time resources. The parents disclose a lot of information about one another and file many reports and counter-reports against each other. Furthermore, the parents are perceived as more challenging and demanding to handle as they have higher education and socio-economic status than other parents. Moreover, it is difficult to assess whether the concerns expressed by the parents are genuine or presented as a way to gain advantages in court. Child welfare workers also find it difficult to assess the child's statements as they may be manipulated by a parent (Saini et al., 2012; 2019; Houston et al., 2017; Laing et al., 2018). However, these studies primarily rely on Child welfare workers' experiences with so-called "high-conflict cases”, and therefore, we have less knowledge about their experiences of cases where the focus is suspected violence while family law processes are ongoing. This is nonetheless important knowledge to gain since several studies show how district courts deciding in family law matters, marginalize violence and regularly decide that it is in the child's best interest to have continued contact with both parents, thus enabling continued violence towards both the child and the parent (Holt 2015; Radford & Hester, 2006). Therefore, safety is something that must be addressed concerning this group of children, and long-term assistance is important as the children may find themselves in a difficult situation long after a separation (Eriksson et al., 2007).

That “high-conflict cases” are perceived as more demanding by Child welfare workers might, but not necessarily, mean that it affects their professional practice. Previous research has highlighted the difficulties that Child welfare workers experience in cases of high conflict, but their experience on how they actually use their discretion in cases involving violence and family law dispute, are less researched. Therefore, we have less knowledge about the actual professional practice, meaning how information about violence is handled and assessed, and what decisions are made by Child welfare when there is an ongoing family law dispute. In the limited research available, two studies show that investigations involving disputes significantly less often result in continued support or placement outside the home than cases without disputes. At the same time, these cases are re-actualized more than three times as often. This may suggest that Child welfare do not sufficiently investigate the family's needs but dismiss them as “conflict cases” (Black et al., 2016; 2021). However, this is just hypothetically, and these studies do not provide answers to what leads to these decisions in Child welfare investigations and how the expressed concerns have actually been handled and assessed.

In one study of written assessments of violence in Child welfare investigations when parents were simultaneously in a family law dispute, it was found that the violence was not dismissed but assessed in all investigations. However, an assessment of the family law dispute was also included, which meant that in the final assessment, the child's needs were primarily assessed to be parents, despite reports of serious violence, should cooperate and communicate. This meant that the suspected violence, in the end, tended to disappear in favor for the conflict (Knutsson & Källström, *under review*). However, we lack knowledge about Child welfare workers' own perspectives on how information about violence is handled in these cases, how assessments are made, and decisions are reached. There might be other factors that affect the handling and assessments of the child’s needs and best interest that it is not possible to capture in written investigations.

Previous research thus indicates, in summary, that family law disputes can affect the handling and assessments of suspected violence made by the Child welfare, but we require additional insight into why the dispute may, or may not, influence it. We need further understanding of how various factors, such as legislation and the Child welfare workers' values and underlying assumptions, influence how they assess and handle information about violence in these cases. The **aim** of this study is therefore to analyze investigating Child welfare workers' experiences of how they handle and assess suspected violence against children in a context of a family law dispute. Particularly, one aim is to analyze, through institutional theory, which factors influence Child welfare workers' assessments and decision-making in these cases.

**Swedish context**

This study has been conducted in Sweden. It is not limited to solely understanding how Swedish Child welfare handles and assess suspected violence but given that the empirical data is collected in Sweden, a description of the Swedish system is required to understand the results of the study. In Sweden, the primary responsibility for children lies with their guardians. However, the ultimate responsibility to support and protect vulnerable children lies with the Child Welfare within the municipal Social Service. This responsibility is regulated by the Social Services Act (SSA, SFS 2001:453) and the Care of Young Persons (Special Provisions) Act (CYPA, SFS 1990:52). From 2014 to 2022 Child welfare *had to* initiate an investigation in all cases involving reports of violence. Even though this regulation has been removed, according to SSA, Child welfare still has an obligation to investigate the child’s situation if they become aware of potential harm to a child, which is usually the case if there are notions about violence. Sweden’s social system is usually described as *family-oriented*, focusing on preventive work with a lower intervention threshold and on cooperation with parents (Gilbert 1997; Heimer et al., 2017). Swedish research has criticized that in this family-oriented model, the child is given a more peripheral role due to a strong emphasis on voluntarism and cooperation with the parents. Child welfare adopts parents' descriptions of problems instead of those of the children when they differ from each other (Heimer et al., 2017; Münger, 2016).

When families are simultaneously in family law disputes, other judicial systems also become involved. If parents don´t agree on their joint children’s custody, residence and/or parental contact, they can turn to the *district court* to settle their dispute. Before making a decision, the social service must, according to law (Parental code, SFS 1949:381), be given the opportunity to provide information to the court about the family and if necessary, appoint someone to conduct a investigation. Since most Swedish municipalities organizationally consist of specialized units (Perlinski, 2010), these tasks are usually handled in a specialized function within the social services, the so-called *Family law section*. The family law section works with both court-ordered investigations and voluntary interventions such as cooperation meetings, counseling, and legal agreements on custody, residence, and parental contact. When the Family law section works with investigations, these are ordered assignments directly from the court and is thus decoupled from the social service’s investigative responsibility (Ewerlöf et al., 2004). Therefore, this investigation is not the same as an investigation that are conducted in the Child welfare, which are carried out according to the SSA. This means that a family can undergo both a Child welfare investigation and a Family law investigation simultaneously, which is the case for many families (Rejmer, 2003).

The assessments and decisions of the district court and the Family law section in Sweden, like in other Nordic countries, are characterized by a strong emphasis on cooperation and communication between parents, as well as contact between the child and both parents. This applies regardless of allegations of violence, which has been criticized as it can lead to continued violence against the child as well as against a potentially abused parent (Eriksson et al., 2007; Bruno, 2016). However, how these assessments and decisions made by the family law system may affect Child welfare workers’ professional practice of handling suspected violence has not yet been studied in Sweden.

Parents experiences of Child welfare handling of violence in the context of a family law dispute

Parents experiencing domestic violence describe how Child welfare did not want to get involved in their cases since there was an ongoing family law dispute. Parents also describe how Child welfare did not take their concerns about violence seriously and instead treated them with suspicion. They could have been believed before the dispute but as soon as the family law process were started, their concerns were only seen as a way to gain favor in the court (Hughes & Chau, 2012; Buckley et al., 2010; Hughes et al., 2011). However, other parents describe how Child welfare workers took their concerns seriously and used their discretion to assist them (Hughes & Chau, 2012; Buckley et al., 2010; Jevne, 2017). These are important indications of how Child welfare workers can both utilize or avoid their discretion in these cases. However, as previously mentioned, there is limited knowledge from the perspective of Child welfare workers on how they handle suspected violence in the context of a family law dispute and how they perceive and reason about these cases. Research in this area, focusing on Child welfare workers' perspectives, primarily examines their experiences in so-called "high-conflict cases" (Saini et al, 2012; 2019; Houston et al., 2017), with fewer studies specifically addressing cases involving violence. In studies focusing on violence, the focus is solely on domestic violence (Laing et al., 2018), thus excluding other forms of direct violence against children. Therefore, we need further understanding of Child welfare workers’ experiences of these cases and how they handle and assess all kinds of suspected violence against children.

**An institutional perspective**

To understand how a human service organization such as Child welfare operates, it is essential to recognize that they are dependent on their institutional environment for legitimacy (Hasenfeld, 2010). An organization is thus both built upon and constrained by institutional forces, making it important to analyze the institutionalized aspects of organizations (Scott, 2014). According to Scott (2014), institutions are upheld by regulative, normative, and cultural-cognitive elements. Although each element is important and sometimes one dominates, they typically operate in combination. Regulative elements consist of laws, rules, and administrative procedures with visible formal purposes. Normative elements are more informal and based on values and established expectations. The normative element emphasizes the influence of social beliefs and norms that are both internalized and imposed by others. Cultural-cognitive elements are underlying assumptions taken for granted and rarely questioned. They are described as shared perceptions of social reality that create frames of understanding through which meaning is constructed. Thus, the emphasis is on internal interpretive processes shaped by cultural frameworks. Both normative and cognitive elements may be based on moral values perceived as common sense and therefore not questioned. These institutional elements influence both the thinking and actions of organizational actors (Scott, 2014). Therefore, the theory is relevant to understand how Child welfare workers reason about, handle and assess suspected violence against children in a context of a family law dispute and the factors behind why the dispute may sometimes affect this handling and assessment of violence. The theory is relevant to understand how the regulative elements, such as legislation and other policies, as well as the normative and cognitive elements, such as social workers' values and underlying assumptions, can influence Child welfare workers’ handling of violence in these cases. Since Child Welfare also encounter the Family law system which are influenced by a different history, culture, professional groups, and legal system (Hester, 2011) the theory can also be useful for analyzing Child welfare’s professional practice when they encounter another institution upheld by other regulative, normative, and cultural-cognitive elements.

**Method**

**Study design**

To capture the experiences of Child welfare workers, this study will employ a qualitative research design involving qualitative interviews. This study can be understood as deductive because the interview guide and subsequent analysis are theoretically driven. However, the study also adopts an exploratory approach, with openness to other aspects that may emerge during the interviews and analysis which the current theory cannot clarify. Ethical approval for the study has been obtained from the Swedish Ethical Review Authority (Dnr 2023-01033-01).

**Group interviews**

To answer the aim of the study we are going to conduct 4-5 group interviews with approximately 20 Child welfare workers. The group interviews aim to resemble focus groups, but we will not conduct an analysis of the dynamics within the group regarding identifying who in the group dominates or drives different perspectives (Kitzinger, 1995; Kidd & Parshall, 2000). Group interviews have been chosen based on the likelihood that the interaction among group members will provide the best information (Creswell & Creswell, 2023). Participants can argue with each other and question each other's opinions. Participants thus need to reflect on their perceptions; an individual can modify and expand their response when hearing what others have to say, and the individual can also agree with something they hadn't considered before without hearing the others (Kidd & Parshall, 2000; Kitzinger, 1995). The interaction and the ability to question and confirm each other can generate complex and detailed information about the topic and more realistic descriptions of what the group participants actually think and feel (Bryman et al., 2022). Since the method allows participants to explore each other's reasons for holding a certain opinion, it can also create an understanding of why people think the way they do. In group interviews, the group leader needs to relinquish some control to the participants, which may increase the likelihood that questions that are meaningful to them will surface (Kitzinger, 1995).

Since the goal of group interviews is to elicit participants' perspectives and perceptions, the interviews will be semi-structured and cover a number of themes. Given the responsiveness to the research subjects that the method requires, follow-up questions may need to be asked. Both authors will participate in the group interviews, with the first author taking on the role of the group facilitator while the second author focuses on taking notes on speaking order and body language. After each session, both authors will discuss what emerged during the interview that could impact the analysis, such as dominant or silent participants, what went well and what didn't, and whether any changes to the interview guide are needed (Kidd & Parshall, 2000).

If necessary, the group leaders will also present a vignette. This will be presented if the discussion does not progress or if the discussion repeatedly focuses on something other than the purpose of the study. The vignette can then be a way to guide research participants to the relevant topic. The vignette is designed in three different steps, with more and new information added at each step.

**Data collection and participants**

We have used a convenience sampling method where we contacted the social services with which we have established contact. For practical reasons, the social services will be located in Central Sweden. The municipalities will represent diverse areas, including large cities, urban areas, and sparsely populated regions. The Child welfare workers who will participate should have experience in handling cases involving suspected violence against children aged 0-12 years, where the child's parents have been involved in a family law dispute either previously or concurrently. Violence includes both physical, sexual and psychological violence, as well as exposure to domestic violence. The Family law dispute include both cases in the district court and/or contact with the family law section. The age limit of maximum of 12 years was chosen because they are not yet teenagers and still in a position of significant dependence on their parents.

**Analysis**

The interviews will be analyzed with a qualitative content analysis, which can be either manifest or latent (Graneheim & Lundman, 2004; 2017). In our analysis, we are going to use both approaches. Initially, we will read through the transcriptions several times to gain an overall understanding. Next, we will condense meaning units and assigned them with codes. The codes will be compared based on similarities and differences and sorted into sub-categories and categories, which constitute the manifest content. Subsequently, we will focus on the latent content, the underlying meaning, of these categories, which will be further developed into themes (Graneheim & Lundman, 2004).

In the analysis of our group interviews, we will follow Kidd and Parshall's (2000) recommendation to consider both the individual participants and the group itself as the focus for analysis by adopting an analytical approach that is sufficiently flexible to identify undue influences of the group on any individual participant, and vice versa, before drawing any conclusions. Therefore, in the analysis, we will not only look for categories that capture the participants' statements but also identify areas where agreements or contradictions arise to understand how a phenomenon is understood by the group. Consequently, the material will be analyzed both by coding the actual content, what they actually say, and by coding larger chunks of text that capture the group's discussion instead. This type of cross-coding can increase the researcher's ability to make assessments regarding whether individuals' statements arises due to the participants' genuine perceptions or are influenced by group interaction (Kidd & Parshall, 2000). As previously described, we will not analyze group dynamics per se, but the described analytical method will solely be used to assess whether group effects have influenced when the group reaches consensus.

**Results**

No result yet to be presented.

**Discussion**

No discussion yet to be presented.

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