

## Summary

The juvenile-court judge is entitled to place a minor under the supervision of the Youth Care Agency if the development of the minor in question is under threat and other methods of relieving this threat have failed or are expected to fail. Obliging the parents to accept this supervision is seen as a last resort. At the moment, a legislative proposal is pending that will refine the basis for these supervision orders. This proposal will ensure that the degree to which parents are willing to co-operate with voluntary family counselling is a major factor in the decision-making process of whether or not to impose/extend a supervision order. Within the framework of current legislation, this factor is implicitly taken into account. The suspicion is that supervision orders are currently being imposed or extended because non-obligatory family counselling is not available. The new legislative proposal will ensure that supervision orders will not be imposed if the parents are willing to co-operate with the family counsellors. There is currently no information regarding the degree to which this problem occurs.

By order of the WODC and the Dutch Ministry of Justice, DSP-groep has conducted research in order to provide insight into the following two factors: how often judges impose or extend supervision orders despite the parents being aware of the problems and willing to accept the non-obligatory family counselling; and the volume of available, long-term, non-obligatory family counselling services funded either locally, provincially or nationally, and any problem areas that may be preventing usage of these services.

A variety of investigation techniques will be used during the study.

A quickscan was performed in order to estimate the extension of supervision orders in cases in which the parents in question are aware of the problems and willing to accept voluntary family counselling. This involved 28 telephone interviews with the Youth Care Agency (YCA), the Child Care and Protection Board (CCPB) and the William Schrikker Group (WSG).

By means of document analysis, Internet searches and 20 telephone interviews with municipalities, care administration offices and the YCA's access department, we investigated the availability of long-term family counselling in five regions. In the same five regions, we conducted case studies (n=38) and 26 interviews with the CCPB and family supervisors from the YCA and WSG in order to investigate the reasons for the imposition/extension of a supervision order in cases in which parents are willing to accept voluntary family counselling.

Furthermore, juvenile-court judges in 17 of the 19 districts filled in questionnaires regarding all affairs on the day of the hearing and all issues and reasons that played a part in the decision to impose or extend a supervision order. In total, 134 cases were investigated.

It proved impossible to give an exact number of cases in which the juvenile-court judge imposed or extended a supervision order despite the parents being aware of the nature and severity of the problems and willing to accept family counselling. However, the investigation results allow us to make a rough estimate. With regard to the *imposition* of a supervision order, this is the case in just 100-300 of the 10,500 new supervision hearings per year. However, it is the case in 10 to 15% of extension hearings, which works out to 1900-2850 cases out of a total of 19,000 extension hearings per year.

When imposing a supervision order, juvenile-court judges particularly consider the severity, nature and persistence of the problem, the incapacity and limitations of the parents, and the family history. The willingness of parents to accept voluntary family supervision plays only a limited role. The failure of previous supervision or the suspicion that supervision will be ineffective plays a major role. The same response was also given by the CCPB and by family supervisors.

The main reasons given by family supervisors and the CCPB for the imposition of a supervision

order despite parents being willing to accept help are:

- The severity and nature of the problem and the size of the threat to the development of the child. This is the most decisive reason.
- Parents want to accept help but are unable to do so. In such cases, parents are initially willing to co-operate but in practise, they usually give up quickly, their motivation is inconsistent and/or they are unable to organise or co-ordinate the family assistance. The reasons for this include the incapacities and limitations of the parents, but also characteristics of the non-obligatory support available.
- Failure of voluntary family counselling. The voluntary family counselling available does not match the needs of these parents and families – it is not obligatory enough. Parents must complete a request for help, and are often unable to do so. The voluntary counselling is too short-term. There is not enough opportunity for co-ordination of care and case management, and the non-obligatory counselling is not extensive enough.
- Lack of suitable non-obligatory family counselling for specific target groups.
- With regard to supervision orders which include the distribution of parental access between both parents, family guardians believe that this has little added value. However, the juvenile-court judges endorse the importance of supervision orders when regulating parental access.

According to juvenile-court judges, the most important reasons given for the extension of a supervision order is the severity, nature and persistence of the problem, denial of parental access rights as the major deterrent, and grounds to believe that voluntary counselling will be ineffective. The same response was given by family supervisors. An additional reason given is the lack of long-term case management for non-obligatory counselling. The family supervisors indicate that during supervision order hearings, consideration is not given as to whether the family counselling can be made voluntary. The main factors investigated are whether the goals of the supervision order have been achieved and whether the development of the child is still under threat.

In the five regions investigated, there proved to be insufficient all-encompassing, long-term family counselling. There is practically no non-obligatory counselling available that corresponds to the tasks performed by family supervisors. In major cities and urban regions, municipally-funded family counselling is often available. This assistance most closely matches the work of family supervisors. The inventoried interventions particularly lack care co-ordination, or the care co-ordination is not clearly described. Further problem areas with regard to non-obligatory counselling are waiting lists and limited capacity, compartmentalisation in youth care, the fact that formal requests for assistance are required for a needs assessment, the lack of support for families with chronic problems and the lack of a consistent perspective throughout the process. Furthermore, the roles and responsibilities are unclear at all levels (local, provincial and national). The various sources of funding also complicate co-ordination of non-obligatory counselling.

Respondents from both compulsory and voluntary counselling largely identify the same problems with regard to voluntary family counselling. The most important problems mentioned are the lack of case management, care co-ordination and long-term support. There is a gulf between voluntary and compulsory family counselling. There is a clear need for a type of long-term voluntary assistance that is more obligatory and involves more forceful measures.