

*PREPARATION FOR EVALUATION OF
AN AMENDMENT TO CHILD
PROTECTION LEGISLATION*

- summary and conclusion -

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SUMMARY AND CONCLUSION

Background, objective and research questions

The amendment of child protection legislation (effective as of 1 January 2015) aims to remove a number of bottlenecks in this legislation in order to realise a more *effective* and *efficient* child protection system. This means that the appropriate child protection measures are taken in good time. Another aim is to continue the child protection measure for a period that is as short as possible. The revised child protection legislation is coupled with monitoring and evaluation. This report is an account of a *preliminary* investigation into the way in which effects of the revised child protection legislation can be monitored. In addition, the report maps out the situation before and just after the introduction of the revised child protection legislation. Therefore, it is not an assessment of the system of child protection legislation as a whole, or the functioning of the bodies involved in the implementation of the legislation. The effectiveness of the child protection measures is not addressed in this study either.

The situation before the introduction of the amendment (baseline measurement) is mapped out on the basis of information on indicators accessed from registration systems that cannot be directly linked with any specific changes to child protection legislation. In addition, these indicators are affected by other developments such as the transition of youth care and innovation of child protection. Therefore, this measurement of the legal amendments cannot be regarded as a conventional pre-measurement. The state-of-affairs measurement, on the basis of information on indicators accessed from files and interviews, concerns the first six months following the amendment of the legislation and thus provides some insight into the performance, but not yet the impact and effects of the revised child protection legislation. The main focus was on testing the feasibility and robustness of the measurement as it is arranged. In addition, the results of this measurement, together with those of the baseline measurement, are helpful in interpreting the results of future measurements.

The study yielded three products or outcomes:

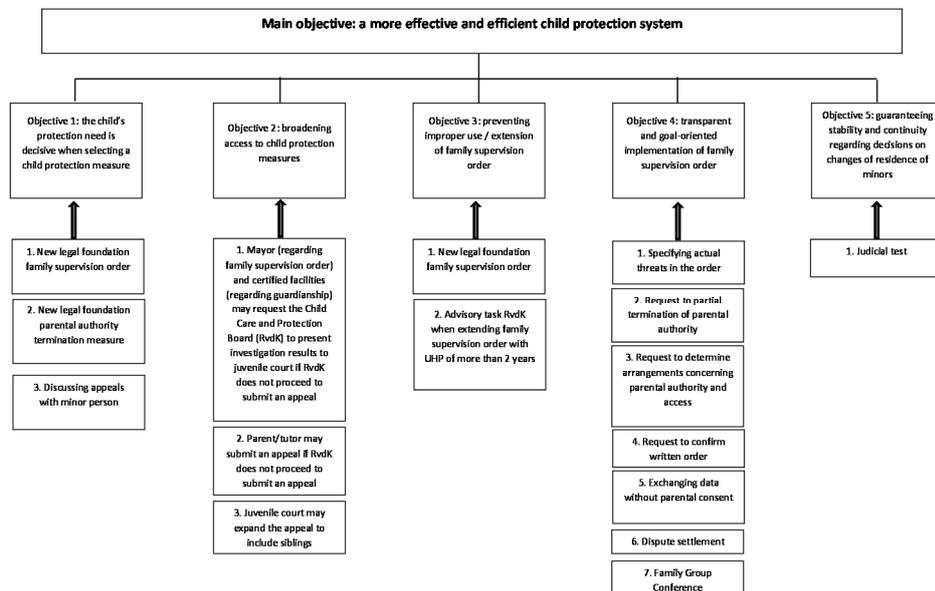
1. an evaluation framework and corresponding indicators (see Chapter 3) with which the revised child protection legislation can be evaluated.
2. an action plan in which the set-up of the evaluation measurements is explained (see Chapter 2, section 2.5 to 2.8 and Chapter 6).
3. an overview of the situation before the introduction of the amendment (see Annex 8), the implementation of the amendment (see Chapter 4) and the situation after the introduction of the amendment (see Chapter 5).

In this chapter a brief summary is given for each of the products and the chapter concludes with some points of interest for the future evaluation of the revised child protection legislation.

Summary products and outcomes

Evaluation framework

The first step in the study was to develop a framework for evaluation. Based on the legislative history in particular, we investigated the objectives that are pursued in relation to the revised child protection legislation and how these objectives should be achieved (resources). A summary of the evaluation framework is shown in the diagram below and detailed in Chapter 3.



Indicators

Subsequently, we started looking for indicators that are directly related to how the objectives of the revised child protection legislation are to be achieved. For each measure, one or more indicators were formulated and the access method was made transparent. With regard to the access method, a distinction is made between information that is accessed from registration systems, from files and from interviews. The complete set of indicators and an overview of the access method are included in Chapter 3. The indicators were subsequently made operational in analysis tools for the file study at the certified institutions (GIs) and the Child Care and Protection Board (RvdK) as well as in item lists for child protection workers and RvdK officials. The set of research instruments is presented in Annex 2 and 3. The final step in the preparation consisted of formulating an action plan for the assessment of the child protection legislation. The method chapter (Chapter 2, Section 2.5 to 2.8) in conjunction with Chapter 6 together comprise the action plan for follow-up measurements.

After determining the evaluation framework, including the set of indicators and the action plan, we examined how the revised child protection legislation was implemented and conducted a baseline measurement and a state-of-affairs measurement. The baseline and state-of-affairs measurement has shown that the information on nearly all the indicators could be accessed by means of the intended access method, with the exception of the indicator relating to the outcome of the advisory role of the RvdK concerning family supervision orders with UHP¹ for longer than two years. However, it is expected that with regard to this aspect the registration in the KBPS system (RvdK) will be exhaustive in the future.

The unabridged findings of the baseline assessment are included in Annex 8; they could not be summarised. The findings regarding the implementation of the revised child protection legislation and the state-of-affairs measurement are briefly summarised in the sections below.

Implementation of revised child protection legislation

The manner of implementation has been investigated by means of telephone interviews among all certified institutions (GIs), the RvdK, the judiciary and a number of municipalities. The results are described in Chapter 4. The implementation of the revised child protection legislation took place under high pressure of time. Insight was only gained into the final outlines of the legislation at a late stage and the implementation took place simultaneously with the implementation of the Youth Act (*Jeugdwet*). Shortly before 1 January 2015, employees of the GIs, employees of the RvdK and judges received training and after the entry into force of the legislation several education meetings with chain partners took place, and memos/information memorandums were disseminated that addressed a number of specific themes. Shortly after entry into force of the legislation, the following aspects needed additional attention: the Family Group Conference, the acceptable period and the decision within the framework of family supervision disorders with UHP (*verleningsbesluit*).²

State-of-affairs measurement

The state-of-affairs measurement is conducted by means of a file study at the GIs and the RvdK and interviews with child protection workers, RvdK officials, judges and municipal policy advisors. The results are described in Chapter 5.

1. A child's need for protection is paramount when selecting a child protection measure

The legal basis for the family supervision order includes two new elements of which the acceptable period for chain partners entails the greatest change. Chain partners endorse the introduction of the acceptable period from the viewpoint that family supervision orders should not be continued for too long. At the same time, it is mentioned that an excessively rigid interpretation is not

¹ UHP (*uithuisplaatsing*): placing in care in a foster home or a residential facility.

² This *verleningsbesluit* is provided to the RvdK by the municipality.

desirable. A frequently mentioned example is a mentally challenged parent who is just able to cope with the situation with the extra help and support that is offered within the compulsory framework. In a ruling, the Overijssel court specified a number of situations in which the decision to terminate parental authority does not necessarily apply, despite the lack of perspective regarding the child's returning home.

2. Broadening access to a child protection measure

The powers of the GIs and the mayor have been recorded in the cooperation agreements. During the investigation period, these powers have not been made use of and chain partners expect that this will not often happen in the future either. When differences of opinion about the necessity/desirability of a child protection measure occur, the parties will consult with each other. Furthermore, chain partners expect that the right of parents to submit an appeal will be used in divorce cases in particular. This carries the risk that the parent may use his right to appeal as a tool in the conflict.

3. Preventing improper use/extension of family supervision orders

See also the first section of this summary. With regard to the advisory role of the RvdK, findings reveal that during the period between January and June 2015, the GIs submitted 1,723 intentions to extend a family supervision order with UHP for more than two years to the RvdK. There is no insight into the outcomes of the advice, as the registration is currently (still) incomplete.

4. Transparent and effective implementation of the family supervision order

With the amendment of the child protection legislation, child protection workers were granted some new powers that they can use during the execution of the family supervision order, including: the request to partial termination of parental authority, the request to make or change the arrangements concerning parental authority and access, and the request to confirm the written order. During the research period, the powers were used once or several times. On the one hand, child protection workers are generally positive about the new powers. In situations where the process has stalled, the new means give the child protection workers the power to overrule. On the other hand, it is observed that using these means may put pressure on the collaboration with parents. In relation to the dispute settlement it is noted that practice will have to show in which situations the dispute settlement should, or should not, be invoked. The juvenile court is pleased that they are able to play a direct role in the implementation of the family supervision order by means of the dispute settlement. Finally, the interviewed child protection workers are of the opinion that the Family Group Conference, in which the family and the network itself may establish a plan, is often not feasible in practice and inappropriate within a compulsory framework. During the research period, in more than one tenth of the cases, the child protection workers have given the family or network the opportunity to establish a Family Group Conference.

5. Ensuring stability and continuity regarding decisions on changes of residence

Child protection workers vary in their opinions about the obligation to request permission from the juvenile court with regard to change of residence of the minor. On the one hand, it is good that the position of foster parents is strengthened and that the juvenile court takes an objective decision. On the other hand, this obligation entails unnecessary implementation costs, for instance in the frequently occurring situation in which the GI and foster parents have reached agreement on the transfer of the foster child.

General points of interest for future evaluation

In Chapter 6, a number of specific points of interest and suggestions for improvement were mentioned based on our experiences with the current measurements in order to perform the follow-up measurements. To conclude, below we describe a number of general points of interest for the evaluation of the revised child protection legislation.

For the follow-up measurement(s), it is very important that the same set of instruments is used, and, preferably, that the same organisations are approached. Particularly with regard to the disclosure of data in a qualitative manner, uniformity of the method of measuring (also: structured way of scoring) is important. It is also relevant to think about the timing of follow-up measurements. At the moment, we assume that the impact assessment should be conducted five years after the implementation of the amendment at the latest (2020). It is obvious that an interim measurement is conducted two years after the first measurement (2017). Within this period, changes in the implementation practice and concerning the intended objectives are expected to be measurable.

The follow-up measurement shows the new state of affairs with regard to the indicators. Assuming that a similar research method is used, the first state-of-affairs measurement (2015), and the follow-up measurements (2017, 2020) can reliably be compared with each other. To determine the extent to which the legislative amendment may have had an effect, we revert to the relationships between the means and the objectives that were substantiated in the evaluation framework. If the indicators with regard to means a) have been measured reliably and validly over time and the measured change is in line with the set objective, it can be assumed that means a) has led to objective a), provided that it can be shown that the causal relationship cannot in fact be explained by an external factor, and provided that the power of (undesirable) side-effects is not too large.

For the interpretation of the results it is important to look at the preconditions that were necessary to realise the objectives of the amendment. This may provide insight into the extent to which effects possibly (still) fail to occur due to the absence of necessary circumstances.

Finally, it may be valuable to discuss the results of the evaluation in an expert meeting (with field experts, experts from the judiciary and academic experts), in which the careful weighing and interpretation of the results take place.