

Work-in-progress

Working paper title:

Discretion, prediction and decision-making – an analysis of newborn child removals in the Norwegian County Social Welfare Board

Abstract

An involuntary removal of a child from their parents' care is an extreme intervention by the State into the private sphere. Removals of newborns directly from the hospital are particularly intrusive and complex, due to the uncertainty of facts and circumstances, the time sensitivity, the forming of attachment between child and the primary care giver and the vulnerability of the parties involved. If sufficient changes are not already instigated at time of birth, the best interest of the child may often be a permanent placement. How then are these decisions justified? What is the nature of these cases? Are some parents and conditions regarded possible to change and improve, and others not? These decisions are discretionary, and mainly concern predicting future parenthood.

In Norway, it is the County Social Welfare Boards (County Boards), court-like administrative decision-making bodies, that have the authority to decide to remove a newborn from its parents' care. Typically, the first removal is an emergency removal undertaken by the Child Welfare Agency, followed by ordinary case procedures by a full County Board a period later, with 2-3 days of hearings and case proceedings. This paper aims to investigate how decision-makers in the County Board reason when making predictions in ordinary newborn removals, and where a line of acceptance is drawn.

The primary data source for answering the research questions is all the written judgements decided in 2016 where a newborn child is removed directly from the hospital. Each judgement is about 12-20 pages, including a description of the undisputed facts, the arguments from the parents and from the child welfare agency, and the assessments and conclusion from the three decision makers in the county board.

Theoretically, I apply argumentation theory to understand justifications and reasons provided in the judgements, and the concrete exercise of discretion by the decision-makers (Toulmin 1958, Wallander and Molander 2014). My aim is to discover the nature of the case appearing in the child protection system and what arguments the judiciary decision makers use to justify the care decision. The core question is how the county board balances the rights of the parents against the rights of the newborn child.

Keywords

Norwegian child protection, newborn removals, discretion, argumentation, organizational horizons