

# INFORMING THE NORWEGIAN DEBATE ON CHILDREN'S REPRESENTATION IN CHILD PROTECTION

## REPORT TO A SCOPING REVIEW<sup>1</sup>

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## About the Centre and project

The Centre for Research on Discretion and Paternalism is an international research centre at the University of Bergen, Norway. The Centre addresses core themes in the social sciences by examining the government's use of power toward its citizens and the justifications of state interventions into people's lives. Important areas of empirical focus are child welfare and children's rights and the research at the Centre is comparative between nations, systems and individuals. The Centre is interdisciplinary, with researchers from across the world and from many disciplines – including political science, sociology, law, philosophy, psychology and social work. We use multilevel data sources in our approach, including interviews with experts, laws and regulations, and court judgements. We apply multiple research methods, including interviews, observation, text analysis, survey vignettes and survey experiments. The Centre works to communicate research-based knowledge about child welfare, children's rights, the welfare state, discretion and state power. Our researchers regularly participate as lecturers and frequently appear in the media. News and research results are also published on our website, Twitter and in our monthly newsletter. We also host and co-organize guest lectures, seminars and conferences. For more information, visit our webpage: <http://www.discretion.uib.no>.

This report is for the Children's Right to Participation project (PARTICIPATION). PARTICIPATION is a collaborative knowledge project to promote children's right to participation in child protection-related processes in Norway. It is a partnership between researchers at the Centre for Research on Discretion and Paternalism (DIPA) at the University of Bergen and four partners representing the Norwegian child protection system: the Change Factory (experts by experience in the Norwegian child protection system), the Child Welfare Tribunal, the Norwegian courts and their administration, and Bergen municipality. PARTICIPATION weaves together different perspectives and experiences to generate new knowledge, develop measures and produce research expertise that enables society to address the challenge of children's participation in child protection-related processes. Findings from the report was presented and discussed at a workshop on March 7, 2024, with participants from all partner organizations. The author thanks the participants for comments and feedback.

## Content

About the Centre and project.....	2
Summary .....	4
1. Introduction.....	5
2. Background.....	6
Children’s participation per the UNCRC.....	6
Children’s representation.....	7
3. Methods and sample.....	8
4. Thematic analysis .....	9
Children’s assessments of representation .....	10
Representatives’ roles .....	10
Child—representative contact.....	11
Value of representation .....	12
Other assessments of children’s representation.....	14
Representatives’ roles .....	14
Child—representative contact.....	17
Value of representation .....	19
5. Discussion .....	22
Expertise/competence of representatives .....	22
Representation VS child protection/social workers .....	23
Dilemmas with representation.....	23
Are children fully informed about information being shared?.....	24
Representation – a hindrance to direct participation? .....	24
References.....	25
Appendix.....	29
Table A.1. Publications included at the full-text stage.....	29
Table A.2. Publications excluded at the full-text stage.....	32

## Summary

Children have a right to participate in child protection decision-making and can do so by having their views and (often) best interests conveyed through representatives. This report is based on extensive and systematic searches for research examining what we know about children's representation in child protection decisions (Haarberg, 2024). The report's primary focus is to go in-depth into what research tells us about dimensions of children's representation that is especially relevant to the Norwegian debate about representation arrangements for children in child protection proceedings. The Norwegian and international debate centers around questions such as what expertise/background and mandate/formal role representatives (should) have and how representatives (should) meet and build relationships with children. Through a thematic analysis of various dimensions of children's representation examined in the existing research, I analyze children's assessments of representation as well as the assessments made by others (e.g., representatives, decision-makers, child protection workers, and evaluations). The findings are discussed in light of the Norwegian debate about a suggested new representation arrangement (NOU 2023: 7).

## 1. Introduction

Children across the world have a right to participate in child protection decision-making. Participation could take the form of representation, meaning that children's views and (often) best interests are conveyed to decision-makers indirectly through representatives (Lundy et al., 2019, p. 404). This report is based on a scoping review examining what we know about children's representation in child protection decisions (Haarberg, 2024). Through extensive and systematic searches for literature, I have identified 51 studies on how children's representation in judicial and non-judicial child protection decisions are carried out and perceived. The report's primary focus is to go in-depth into what existing research tells us about children's representation that is especially relevant in a Norwegian context, in which there is an ongoing debate on arrangements to represent children in child protection proceedings.

The basis for the report is a journal article laying out the scoping review, written by the author of this report (Haarberg, 2024). Compared to the journal article, this report consists of a richer thematic analysis of selected dimensions of children's representation. The thematic analysis discusses various dimensions of children's representation examined in the existing research, including representatives' expertise and independence, dilemmas with representation, how representatives' roles are understood, relationships and meetings between children and representatives, as well as the value of children's representation for decision-making processes, outcomes, actors' satisfaction, and children's direct participation. The research mapped in this report is international and interdisciplinary, employing various research methodologies and emphasizing the perspectives of actors such as children, representatives, and decision-makers.

This scoping review addresses a glaring gap: There is no systematic overview of children's representation in child protection decision-making. An international scoping review that maps out what we know about children's representation is significant for researchers, policymakers, practitioners, and decision-makers engaged in child protection and associated disciplines (Haarberg, 2024). Determining the research base aids in shaping and prioritizing novel research, validating current insights, and establishing arrangements conducive to children's well-being (BarnUnge21, 2020). Representation arrangements for children require specific attention as they are a central way for children in vulnerable situations to have their views and interests heard and a topic characterized by ongoing debates.

Representation is debated in countries such as Norway. In a recent official report (NOU 2023: 7), an expert committee has suggested a new representation arrangement for children in child protection, marking an arguably radical change from the current Norwegian representation system. For example, it has been suggested that the same representatives follow children over time to ensure increased continuity and safety for building relationships. In addition to forwarding children's views, it has also been proposed that representatives give their assessment of children's best interests. The committee suggested that representatives have child welfare expertise but work with lawyers if legal expertise is needed in parts of the child protection proceedings. The Norwegian debate showcases especially three central questions surrounding children's representation:

1. What expertise or backgrounds do and should representatives have? A central question is whether representatives (should) have legal or social work backgrounds and what knowledge or skills are needed to adequately represent children's views and best interests in child protection decisions.
2. What mandate and formal role do and should representatives have? Crucial here is whether representatives (should) forward only children's views or also assess children's best interests and what are dilemmas with the two. Another issue is how representatives are distinguished from child protection workers, e.g. in terms of their independence and value, and how well key actors (such as children, child protection workers, and decision-makers) understand representatives' roles.

3. How do and can representatives meet and build relationships with children? Children, representatives, and other professionals might have different views on what is important for relationship-building and meetings between children and their representatives.

These are all questions that can be and have been answered differently, reflected in a considerable international variation in how children's representation is arranged (Mol, 2019; NOU 2023: 7). Furthermore, it is of central importance to map central actors' experiences of and perspectives on representation, as a representation arrangement can work "on paper" but not in practice (Mol, 2019, p. 67).

The report is structured as follows: The background section elaborates on children's right to participate in child protection decision-making, focusing on children's representation and some concerns regarding representation. The methods section briefly describes the data collection, analysis, and material. The analysis section goes in-depth into what we know about children's representation in child protection decisions and how it is carried out and perceived. Finally, I discuss the findings from the analysis and tie them to the current Norwegian debate about children's representation.

## 2. Background

### Children's participation per the UNCRC

In most of the world, children have a legal right to participate in child protection decision-making due to the United Nations Convention on the Rights of the Child (UNCRC) (1989) ratification. The UNCRC is "a leading international instrument for promoting children's rights" (Tisdall & Punch, 2012, p. 259) and promotes children's participatory rights in Article 12. The article has been regarded as contentious within the Convention, given that it underscores children's (partial) agency in assessing their own needs and wishes (Skjørten & Sandberg, 2019, p. 302). Now, Article 12 is widely accepted (Parkinson, 2001) and one of the Convention's rights that are most commonly integrated into domestic law (Lundy et al., 2019, p. 398), Norway being one of the countries that have incorporated children's participatory right in its constitution and national law.

Article 12 reads:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, **either directly, or through a representative or an appropriate body**, in a manner consistent with the procedural rules of national law. (My emphasis)

In its second paragraph, Article 12(2), the Convention outlines direct participation and representation as the two primary avenues for children to be heard (Parkes, 2013). Direct participation involves children engaging directly with decision-makers, while representation, the focal point of this report, involves a representative conveying children's views and (often) best interests to decision-makers (Haarberg, 2024). In General Comment no. 12, the Committee on the Rights of the Child (the CRC Committee) elaborates on children's participatory rights. The CRC Committee (2009, p. 12) recommends that all children be given the opportunity to direct participation, arguably signaling that children's direct participation is favored over representation.

## Children's representation

General Comment no. 12 gives some direction on how states can organize children's representation. It states that if representation is used as a way to hear children, it is central that representatives correctly transmit children's views to decision-makers (CRC Committee, 2009, p. 12). It further states that children's representatives "must have sufficient knowledge and understanding of the various aspects of the decision-making process and experience in working with children" (CRC Committee, 2009, p. 12).

However, Article 12(2) gives states considerable discretion in determining arrangements for children's representation (Mol, 2019), resulting in large variation across and within countries. As Mol (2019) has demonstrated, there can be several representation arrangements within one jurisdiction, where, for example, case type and child-related requirements influence what representation is available to children. The Convention and Article 12 are imperfect tools (Dalrymple, 2002, p. 291). For example, the CRC Committee (2009, p. 12) mentions that representatives could be lawyers or social workers. Still, there is no criterion in Article 12(2) or General Comment no. 12 regarding what expertise representatives should have. Furthermore, children's right to participation can also be undermined as parents could, in some instances, be representatives (Freeman, 2000, in Dalrymple, 2002, p. 291). Still, the CRC Committee underlines that there, in many cases, can be a conflict of interest between children and parents and that representatives "must be aware that she or he represents exclusively the interests of the child" (2009, p. 12).

A central argument for *independent* representation for children is a conflict of interest between parents and children (Friðriksdóttir, 2015). Importantly, children have their own interests, distinct from their parents, who "may have difficulty seeing their child's needs and interests as separate from their own" (Taylor, 2009, p. 614). Admittedly, this does not mean their interests are always conflicting (Taylor, 2009), but they could sometimes be. Furthermore, "[l]ooked-after children are less likely to have family members who can speak up for them or act on their behalf, as would be the case for the majority of children in the population" (Wood, 2017, p. 133), and representatives can thus play a key role for children in child protection decisions.

Many states have guardian or guardian-like representatives who are independent of children's parents or caregivers as well as the child protection services and decision-making bodies, aiming to be impartial representatives for children without any personal or organizational stakes in the case (Hill et al., 2003). It is essential that representatives are independent not only of caregivers but also of state authorities, as the latter may also struggle to sufficiently represent children's views and interests in decision-making (Ross, 2013, p. 333). The independence of representatives is important from the viewpoints of decision-makers, children, and representatives themselves, which the analysis in this report will show. A universally accepted definition of guardians is challenging to establish, given the international presence of diverse guardian arrangements (Bilson & White, 2005). Guardian representation can also be organized in widely different ways, even when comparing countries with similar child protection systems, such as the Norwegian and Finnish systems and their spokesperson arrangements, explored in a study by Enroos et al. (2017).

Children's representation can be seen in both a negative and positive light. On the one hand, children's representation is sometimes tied to paternalistic and protectionist attitudes and practices. Simply put, paternalism is often viewed negatively as a limitation of children's autonomy (Corby, 2004) and means that person A (thinks he) knows better than person B what is in B's best interests (Vetlesen, 2012, pp. 87–88). Furthermore, protectionism is "[w]hen what is done in the name of protection goes at the expense of children's participatory rights" (Vis et al., 2012, p. 19). The intention behind having children represented by guardians could be to protect children from more direct types of participation, grounded in a belief that courtrooms are not child-friendly (Parkes, 2013). Additionally, the appointment of representation "based on the notions of vulnerability and complexity may reflect a concept of the child as incompetent and incapable of active direct participation or self-advocacy" (Friðriksdóttir, 2015, p. 66). On the other hand, providing various participation options could empower children to select their preferred mode of



involvement, which is significant due to the substantial distinctions in participation types, as emphasized by Sutherland (2012, p. 28). Although some studies have found that children are positive about talking directly with decision-makers (see, e.g., Daly, 2017), this is not always practiced and might not suit all children. For example, guardian representation might be the preferred participation type for children with strong distrust in the child protection services or the option most adjusted to children's abilities, for example, if younger children have difficulties instructing direct legal representatives (Parkes, 2013).

There is tension between two central articles of the UNCRC, namely Article 12 on children's right to participate and Article 3 on children's best interests (Archard & Skivenes, 2009a; Thomas & O'Kane, 1998). While relevant for children's participation in general, the tension between children's views and best interests is seen in debates about arrangements for children's representation. Malempati argues that "[p]aternalism is the driving force behind the best-interest model" (2013, p. 123) because it entails that representatives make judgments of children's best interests. The paternalistic tendency is amplified as representatives typically have much discretion, following lacking guidelines on assessing children's best interests (Malempati, 2013). Evaluating what is in the best interests of unique children is not straightforward. The professional can encounter two main problems: indeterminacy and cultural differences (Thomas & O'Kane, 1998). Also, a crucial question is how children's views should play into best interest assessments. The CRC Committee (2009, p. 12) requires that representatives correctly transmit children's views to decision-makers, which implies that their views must be obtained and forwarded.

Representing and forwarding children's views is not a straightforward task either. Arguably, a more or less explicit objective behind children's participation is to establish what children really mean about the particular child protection case, with decision-makers wanting children's expressed views to reflect their current outlook on the situation (Archard & Skivenes, 2009b). When a representative, a medium, conveys children's views orally or in writing, it is crucial to acknowledge the potential influence of the adult medium's agenda, which might inadvertently filter children's expressions (Bruce, 2014, p. 519). Representatives are not mere recipients of children's expressions but interpret children's meaning behind what they express (Taylor, 1971, p. 5). Representatives must read their interactions with children and might misinterpret children's expressions (Taylor, 1971, p. 22). This could be due to representatives' prescription of unjust low credibility to children's expressions due to prejudice toward children or children struggling to express themselves in an adult forum (Fricker, 2007). To end this background section, Mnookin has raised pressing questions relating to children's representation, which are still relevant today:

Children need advocates because, in most circumstances, young persons cannot speak for and defend their own interests. And yet, because children often cannot define their own interests, how can the advocate know for certain what those interests are? More fundamentally, how can there be any assurance that the advocate is responsive to the children's interests, and is not simply pressing for the advocate's own vision of those interests, unconstrained by clients? (Mnookin, 1985 in Appell, 2008, p. 605).

### 3. Methods and sample

A scoping review, chosen for its ability to comprehensively cover the "breadth and depth of a research field" (Haarberg, 2024, p. 4), stands out as the most suitable among several methods for reviewing the literature (Arksey & O'Malley, 2005; Aromataris & Pearson, 2014; Khalil et al., 2021; Munn et al., 2018; Peters et al., 2015; Peters et al., 2020b). Notably, scoping reviews are versatile in exploring research with various study designs within a field (Arksey & O'Malley, 2005; Colquhoun et al., 2014). Extensive searches were conducted in six databases/search monitors in August 2022: Web of Science, ProQuest, and PsycINFO for research written in English; Idunn, Oria, and Google Scholar for research written in



Norwegian. The study inclusion was based on four criteria: language, publication year, publication type, and research focus. Only English and Norwegian peer-reviewed journal articles from January 1990 to August 2022 were included. Research focusing on the representation of children’s views or best interests in child protection decision-making were included. Only the representation of children through guardians and guardian-like representatives was focused on, excluding studies focusing on the direct legal representation of children, meaning client-directed/pure lawyer representation.<sup>2</sup> Studies from all geographical locations were included. The initial search resulted in 11,569 articles, 7,803 of which were unique. The articles that were reviewed at the full-text stage is in the appendix. The data screening process resulted in 51 studies matching the criteria and being included in the scoping review. Using the thematic analysis framework outlined by Braun and Clarke (2006), I identified and generated themes that captured the findings of the included studies regarding representation. The thematic analysis discusses various dimensions of children’s representation examined in the existing research, and the report’s primary focus is to go in-depth into the thematic analysis. For a detailed account of the methods for this scoping review, including the search strategy, inclusion/exclusion criteria, data screening, and analysis, see Haarberg (2024).

The 51 studies included 29 qualitative studies, mainly based on interviews aimed at in-depth exploration of the views of small non-representative samples, 15 quantitative studies, and seven mixed-method studies. Most studies examined representation from the viewpoint of representatives (n=31) and children (n=14). The majority of studies were from the United Kingdom (n=18), the United States (n=16), and Norway (n=6). The representatives in the included studies had different formal roles: 17 studies concentrated on representing only children’s views, while 36 focused on the dual representation of children’s best interests and views. This means that in most of the arrangements studied, the representatives had a broader role and responsibility than the limited function of, e.g., the current Norwegian spokespersons. The 51 studies focused on two main decision types: ‘judicial decisions’ (i.e., made within courts or court-like systems) (n=38) and ‘pre-/post-judicial decisions’ (i.e., made before or after a case progresses to court) (n=13). A detailed description of each study is found in the appendix to Haarberg (2024).

#### 4. Thematic analysis

This section lays out the results of the thematic analysis of the included studies. Existing research has examined various dimensions of children’s representation, including: *Representatives’ roles*, discussing perceptions of representatives’ expertise, the independence of representation, dilemmas with representing children’s views and best interests, and how well representatives’ roles are understood; *Child—representative contact*, discussing the relationships and meetings between children and representatives; and *Value of representation*, discussing whether representation matter for decision-making processes and outcomes, involved actors’ (e.g., children and decision-makers) satisfaction with children’s representation, and representation as promoting or hindering children’s self-advocacy and direct participation. In the following, children’s assessments of these dimensions of representation are analyzed before the assessments made by others (e.g., representatives, decision-makers, child protection workers, and evaluations). Note that since the thematic analysis in this report is based on the analysis in the article (Haarberg, 2024), focusing on the same data material and dimensions of representation,<sup>3</sup> there is overlap between these two works.

<sup>2</sup> “Direct legal representation is excluded because it, in principle, implies treating children like adult clients (Birnbaum et al., 2013), with children instructing their lawyers under confidentiality and without best interest assessments.” (Haarberg, 2024, p. 3).

<sup>3</sup> The article (Haarberg, 2024) analyzes and discusses some additional dimensions that are not included in this report. This includes children’s access to representation. Support to representatives, meaning resources to execute their roles, has been discussed in the Norwegian context concerning a lack of training and guidelines for conducting the conversation and report writing (Proba, 2021, p. 5). Support to representatives is discussed in the article but not in this report. Also, the confidentiality of representation is not

## Children's assessments of representation

### Representatives' roles

#### *Children's views on representatives' expertise*

As for children's views on expertise, one study found that they wanted representatives with characteristics such as a good record representing youth and training to work with foster youth, emphasizing communication and contact as both important and feasible (Miller et al., 2018). The 31 children included in the study rated different statements, with those related to representatives' legal skills being regarded as the least important and those related to representatives' foster care knowledge being regarded as the least feasible to attain. However, statements were rated against each other, and children did not deem legal skills and foster care knowledge as unimportant and unfeasible, but less important and feasible compared to statements related to, e.g., communication and contact.

#### *Is the independence of representation important to children?*

As indicated by a few studies focusing on non-judicial decisions, children viewed the independence of representation as important (Boylan & Ing, 2005; Dalrymple, 2002, 2005). Children expressed appreciation for the independence of representation from social services (Boylan & Ing, 2005). They believed that having independent representatives facilitated their participation and were instrumental in ensuring they were respected in planning/review meetings. This was perceived as a remedy for feelings of powerlessness and marginalization, enabling their voice to be considered in decision-making processes. Children saw the independence of representatives as important, avoiding interest conflicts similar to those children encountered with social workers (Dalrymple, 2005). The offer of an independent advocate was also valued by children in situations where they lacked natural advocates, such as when children felt powerless within their families (Dalrymple, 2002).

#### *Dilemmas with representation of children's views*

Dilemmas with representation of children's views (and their best interests) were mainly studied from the perspectives of representatives, but a couple of studies highlighted children's views on dilemmas with the representation of their views. Children appreciated voicing their concerns to representatives but also worried about asserting rights as it could make them vulnerable (Barnes, 2007, 2012). Children mentioned dilemmas with making complaints about carers and not telling representatives what was wrong because they were aware that life could be difficult if their views were represented without considering context, as this could jeopardize their care and cause unstable care and repercussions.

#### *Children's understanding of representatives' roles*

Studies on children's understanding of representatives' roles pointed to variation (Barnes, 2007; Bourton & McCausland, 2001; Boylan & Braye, 2006; Dillon, 2021; Ruegger, 2001; Stötzel & Fegert, 2006). Stötzel and Fegert (2006) found that most of the 52 surveyed children demonstrated appropriate and nuanced understandings of the role of representatives. Based on interviews with 28 children, Bourton and McCausland (2001) showed that 50% of children possessed a comprehensive understanding of representatives' roles, with some having a sophisticated understanding of the difference between what they wanted and making best-interest assessments. However, the remaining 50% had a more limited understanding, particularly of representative tasks that they had not observed. Three other studies shed light on children's incomplete role understanding. Boylan and Braye (2006), interviewing 39 children, found some confusion regarding how representatives 'fit into the system' with professionals with similar short-term involvement. Children had a less clear understanding of representatives' confidentiality than that of social workers and over half assumed total confidentiality about the information they shared. For most of those

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included as a separate subdimension in this report, but some elements relating to confidentiality are integrated into the analysis. All the studies in the analysis in the article are not included in this report due to the slightly different focus.

who were aware of representatives' limited confidentiality, knowing that they could not speak in total confidence compromised the representatives' function – children felt unable to voice to anyone their concerns. When asked about representatives' roles, most children interviewed by Ruegger (2001) highlighted representatives listening and explaining to them court proceedings, and all expressed an understanding that representatives conveyed their views to court. However, some were unaware that representatives offered their own perspectives as well and that they might disagree with children. This unawareness raised concerns for Ruegger (2001) about whether representatives minimized their responsibility to evaluate children's best interests to children to circumvent friction. Dillon's (2021) interviews with six children indicated that they did not know how representatives used children's information and which parties got insight into what children said. Children had vague responses to what the role of representatives was. Another interview study of 20 children suggested that representation and social work seemed similar to children (Barnes, 2007).

## Child—representative contact

### *Children's views on relationships with representatives*

Several studies indicated that children put emphasis on the relationship between them and their representatives (Barnes, 2007, 2012; Bourton & McCausland, 2001; Boylan & Braye, 2006; Boylan & Ing, 2005; Dalrymple, 2002, 2005; Knight & Oliver, 2007; Miller et al., 2017, 2018; Ruegger, 2001; Stötzel & Fegert, 2006). Children saw the ability to listen first and explain things second as the most important qualities of ideal representatives (Bourton & McCausland, 2001). Most children thought representatives were good listeners and understood children's wishes, and children also perceived representatives as interested in them, good explainers, time-giving, and easy to talk to. 45 out of 47 children interviewed by Ruegger (2001) talked positively about "having been listened to by people who were interested to know what they thought and what they wanted to happen" (p. 139). 45 of the children also thought that representatives were fair and supportive. In the interview study by Boylan and Braye (2006), children valued talking to representatives who listened to them and cared about them. Analyzing responses to open-ended survey questions, Miller et al. (2017) found that the surveyed children (N=100), for quality relationships and effective communication, wanted representatives to advocate for them (connected to representatives understanding them and what they wanted), involve them in the court process, which included knowing the representative, having representatives there for them, understanding legal proceedings, being explained what was going on, and be helpful and caring. Miller et al. (2018) found that foster youth viewed communication, such as the representative listening and correctly representing children's concerns, as the most important and feasible/achievable, and contact as the second most important and feasible (over attitude about foster care, youth/representative relationship, foster care knowledge, legal skills). The weight put on communication meant that children desired to hear from their representatives promptly and appropriately. Dalrymple (2002) found in their study of family group conferences instances where children described representatives as "someone who was there" (p. 293) and to talk to. Barnes (2007) found that children wanted representatives to be caring, listening, responsive when contacted, respecting them, treating them as equals, and valuing them. Barnes (2012) found that children perceived representatives as more caring than social workers, which the author found paradoxical since social work "is often termed a 'caring profession'" (p. 1282). Most of the children interviewed said that representatives listened to them, were responsive, and were easy for them to contact. Children expressed a wish to be treated as equals and involved in decision-making about their lives, and they felt as if representatives did treat them as equals. Knight and Oliver (2007), who focused on representation for disabled children, found that children perceived representatives as someone who sees who children are. Children in Dalrymple (2005) saw as key features that representatives listened to children, had time for them, and treated them respectfully, which they experienced.

Some of the studies on children's views on relationships narrowed in on representatives as friendly and fun (Barnes, 2007, 2012; Boylan & Ing, 2005; Dalrymple, 2005; Knight & Oliver, 2007; Ruegger, 2001; Stötzel

& Fegert, 2006). Dalrymple (2005) found that children described their representatives in friendship terms, which the author said indicated balanced adult—child relationships, drawing on concepts like regard and loyalty. Children in Ruegger (2001) frequently commented on representatives playing with them. Children appreciated representatives being friendly and fun (Barnes, 2007) and felt as if representatives were friendly to them (Barnes, 2012). Knight and Oliver (2007) found instances of children seeing representatives as fun to be with. However, Stötzel and Fegert found that only a couple of children described representatives as their friends and experienced sympathy/friendliness was not a strong factor in children's satisfaction with representatives. Children in Boylan and Ing (2005) did also not see representatives as friends or sources of enduring support.

Some of the studies highlighted the time aspect of the relationship between children and representatives (Boylan & Braye, 2006; Boylan & Ing, 2005; Dalrymple, 2005; Stötzel & Fegert, 2006). Children's perception was that representation often had limited duration and was reactive to crises and specific situations (Boylan & Braye, 2006; Boylan & Ing, 2005). They expressed a need for representatives to assume ongoing roles, a need representation fell short off. Believing that developing familiarity and trust was essential for them to be able to share their problems, children wanted lasting relationships with their representatives. Children who had contact with representatives believed it had an impact, especially when the engagement was prolonged, leading to the establishment of lasting relationships or trusted friendship, which in turn facilitated respect (Boylan & Ing, 2005). In Dalrymple (2005), children compared their relationships with representatives and with social workers, emphasizing that the former were short-term and task-centered relationships. However, Stötzel and Fegert (2006) found that children were less satisfied the more time representatives spent with them. Still, the authors thought this could be because more time indicated more complex cases or more developmental or relationship problems for children.

### ***Children's meetings with representatives***

Children's views on meeting representatives were elaborated on in a couple of studies, highlighting the importance of planning and privacy (Bourton & McCausland, 2001; Ruegger, 2001). It was found that children appreciated being prepared for visits in advance, having the flexibility to choose visiting time, and having their representatives arrange for a final goodbye visit (Bourton & McCausland, 2001). They were disappointed when visits were scheduled without much thought and happened at times when they did not feel free to talk openly with representatives (Bourton & McCausland, 2001). In their accounts on where to have meetings, children appeared to value privacy but several reported meeting their representatives in places where others could interrupt or overhear them (Ruegger, 2001). Children found comfort in having family members present during meetings, such as siblings or foster parents, and suitable meeting locations included their own home (uninterrupted) or parks. Many younger children had met representatives at school and most, but not all, thought this was a good place. Several children had been out for tea with their representatives and, while enjoying casual outings, they drew a line between the fun times and the business part of the relationship and talking about the case. An additional study indicated that children appeared to think that two to three meetings facilitated meaningful and effective relationships (Dalrymple, 2002).

## **Value of representation**

### ***The value of representation for decision-making processes***

From children's perspectives, representation had value for decision-making processes (Boylan & Ing, 2005; Dalrymple, 2002, 2005; Sanders & Mace, 2006). Representatives played a crucial role in addressing power imbalances and bringing the attention of social welfare practitioners/service providers to children's needs (Boylan & Ing, 2005). Representation arrangements could increase children's voices by representatives speaking for children (Sanders & Mace, 2006). Representation in family group conferences impacted children in three ways: it strengthened their personal position, strengthened their position within the family network, and empowered them to engage more actively in decision-making (Dalrymple, 2002). Assisting

children in gaining a sense of personal power within the family, representatives would speak on children's behalf, represent them when children were not present in meetings, or provide support when they chose to leave. Representatives assisted children in gaining control within the system by facilitating planning, exiting meetings without experiencing a sense of defeat, and ensuring that children understood what was happening and why. Representation was also an opportunity for children to reflect on their situation, examine their feelings, and agree on and control what information to present and how. Representatives shared knowledge and thus power rather than creating distance, but children still experienced a sense of powerlessness within the systems (Dalrymple, 2005).

Some of the identified studies also illuminated the opinions of children regarding representatives' reports or their ownership to them (Bourton & McCausland, 2001; Dalrymple, 2002; Ruegger, 2001). Interviews with 28 children indicated their awareness that representatives talked about their wishes in court, yet they did not know about the written reports (Bourton & McCausland, 2001). The study by Ruegger (2001) found that most children interviewed felt comfortable confiding in their representatives. However, several also talked about negative feelings when discovering that their parents learned about their conversations through representatives' reports, and either regretted their disclosures or wished they were warned. Several children were unhappy that their statements were held against them. Ruegger (2001) commented that the findings suggest that representatives should inform children about what will be done with the information they give and consider involving children in decisions on what should be in reports. Some children had seen or helped write the section on their wishes and views, and none of these children felt that representatives had betrayed their trust. Corroborating this, Dalrymple (2002) found that children wrote their own words on paper, it provided a means for representation to be precise.

### ***Representation – promoting children's self-advocacy?***

From children's perspectives, representation could support children's self-advocacy and direct participation in decision-making (Barnes, 2012; Dalrymple, 2002, 2005; Knight & Oliver, 2007; Ruegger, 2001). Children felt more listened to and empowered to voice their opinions during meetings, attributing this to representatives' involvement (Knight & Oliver, 2007). Children expressed that they could gain confidence to self-advocate by having representatives' support (Dalrymple, 2002), had acquired self-advocacy skills through their collaboration with representatives (Dalrymple, 2005), and representatives motivated them to participate in decision-making and meetings (Barnes, 2012). However, Dalrymple (2005) also found that children valued when representatives conveyed what they said, despite children themselves being quite articulate. In Ruegger's (2001) interview study, 35 out of 47 children reported that they were not asked whether they wanted to attend court, and the 9 that were asked all opted to attend. 17 said they would have liked to attend court, grounded in wishes to talk directly with the judiciary or be more involved.

### ***Does representation matter for decision-making outcomes?***

Children's views on the value of representation for decision-making outcomes were barely addressed in the research. One study found that there was frustration among some children about representatives' limited influence on care plan details and contact levels, suggesting a lack of thorough exploration or prioritization of these matters (Ruegger, 2001). Still, several children held that representatives were influential in court and in addressing concerns related to contact levels and other matters with social workers.

### ***Children's satisfaction with representation***

Studies discussing children's satisfaction with representation gave somewhat mixed indications (Bourton & McCausland, 2001; Boylan & Ing, 2005; Miller et al., 2017; Ruegger, 2001; Stötzel & Fegert, 2006). In Stötzel and Fegert (2006), 30 of the 52 children were in an open-ended question exclusively positive to their representatives in judicial decisions, two formulated only criticism, and 12 mentioned both. Children's positive accounts were mainly on assistance and support by representatives, personal characteristics of representatives, and relationships to representatives, while negative accounts were of difficulties with representatives, betrayal or insecurities in representation, ineffectiveness of representation, personal



characteristics of representatives, too many personal questions, and lack of dedication from representatives. Children were more satisfied the more they said that representatives supported them during hearings with the judge and expressed their opinions clearly to court.<sup>4</sup> In another study, 50% of the 28 interviewed children gave only positive comments about their representatives (Bourton & McCausland, 2001). Furthermore, children thought representatives understood what they wanted, and they felt that representatives were able to represent their interests in a court setting. Related to being understood and listened to, children believed representatives knew them well enough to reflect their views and wishes accurately. Children interviewed by Ruegger (2001) were overall highly satisfied with their representation, mentioning representatives listening to them and explaining court proceedings. Children described relationships with representatives in post-judicial decisions as extremely positive, and thought were powerful individuals who used their power to help children (Boylan & Ing, 2005). However, Miller et al.'s (2017) study showed that the surveyed children (N=100) were somewhat ambivalent about their satisfaction with representation, as the two highest rated statements (both equivalent to neither agreeing nor disagreeing) were "Overall, I was satisfied with the outcome of my court proceedings" and "My lawyer could have done a better job representing me during my time in foster care".<sup>5</sup> The study pointed to children having more contact (by phone or in person) with their representatives being more satisfied with their representation.

## Other assessments of children's representation

### Representatives' roles

#### *Representatives' expertise*

Some studies elaborated on the viewpoint of professionals on representatives' expertise (Hill et al., 2003, 2017; Thomson et al., 2017). Hill et al. (2003, 2017) in particular delved into the perspectives of professionals, like decision-makers and frontline social workers, concerning the expertise of representatives, and particularly representatives with backgrounds in law or social work. Judges were confident that representatives were experts and some judges admitted to lacking the confidence to make decisions without their expert opinions. On the other hand, social workers exhibited more reservations regarding representatives' expertise (Hill et al., 2017). They highlighted unknown qualifications of representatives and questioned whether representatives' recommendations were appropriate. Many social workers, along with some judges, expressed concerns about representatives with legal backgrounds. Representatives with legal backgrounds were believed to have limited understanding of child development/attachment, minimal contact with families, no training to communicate with children, and a tendency to misinterpret children's views while using formal language difficult for children to understand. Social workers also thought representatives were regarded higher than them by judges because of their legal training. Judges, impressed by the written/oral presentation skills of legally trained representatives, generally believed representatives were better at obtaining children's views than social workers. Discussions concerning legally trained representatives raised issues related to appropriate values and ethical concerns about whether legally trained representatives were neutral as they advocated strongly for one side. This conflicted with the overarching aim of hearings, which was to achieve consensus. Court stakeholders worried about whether lawyers possessed the skills and knowledge to interview children in order to represent them, with experienced private lawyers also being worried (Thomson et al., 2017). However, sheriffs who were surveyed by Hill et al. (2003) stated a preference for legally-qualified representatives, highlighting their ability to ensure children's interests in proof-hearings. Administrators responsible for overseeing panels of representatives emphasized the significance of understanding and relating to children and families as the most pertinent expertise for representatives, prioritizing report-writing skills next. Although understanding of hearings held significance,

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<sup>4</sup> Note that the children were sampled through their representatives, likely causing a positive bias (Stötzel & Fegert, 2006, p. 208).

<sup>5</sup> In the study, children's guardian-like representatives were lawyers.

familiarity with the law and court proceedings was considered less essential in the selection of appropriate representatives.

The existing research also addressed representatives' views on expertise (Hill et al., 2003, 2017; Miller et al., 2020; Pugh & Jones, 1999; Ross, 2013; Strömpl & Luhamaa, 2020). Representatives in Hill et al. (2017) they provided something others could not, although some acknowledged that they did not have specialized skills in child communication. Representatives in Hill et al. (2003) held divergent views on the necessity of legal training for court work, largely influenced by their respective backgrounds. Those with legal backgrounds mostly deemed it necessary, while representatives from other fields, such as social work, deemed their existing knowledge sufficient. There was consensus among representatives that effective representation of children demanded distinct skills/knowledge than when representing adults, and representatives thought experience with/exposure to children was valuable and complemented by training (Ross, 2013). Representatives felt that more training was needed and generally agreed that training in child development, communication with children, and developing rapport was necessary. Representatives suggested that the representation of children required training (but also personal qualities) and that they lacked training in working in child protection. Strömpl and Luhamaa's (2020) research showed that representatives with legal backgrounds were not familiar with means for engaging with children from ethnic minority backgrounds or those with special needs, and linked difficulties in hearing children to special needs. 94% of them also reported a lack of utilization of child-friendly written communication. However, another study demonstrated that representatives with legal training regarded representation as competent (Miller et al., 2020). One study on representatives with social work backgrounds showed that only some reported the possibility of matching Welsh-speaking children with Welsh-speaking representatives and there was no formal and reliable way of knowing when to seek a match (Pugh & Jones, 1999). Representatives expressed that having some knowledge and competency in Welsh eased communication, most believing that children's linguistic background should be taken into account when making decisions about their future. Yet, representatives had considerable discretion in deciding how and when to take account of language, leading the authors to conclude that the representation service fell short of meeting children's needs.

In a survey study of 792 foster parents, Miller et al. (2019) found that foster parents believed representatives with legal training had inadequate contact with the children they represented. Additionally, foster parents did not express a clear agreement or disagreement regarding representatives being competent.

### ***Independence of representation***

Several studies emphasized the importance of the independence of representation, from the perspectives of representatives and professionals (Brennan et al., 2021; Burns et al., 2018; Dalrymple, 2005; Enroos et al., 2017; Hill et al., 2003, 2017; Ross, 2013). Hill et al. (2017), exploring the viewpoint of 122 judges and 62 representatives through surveys and interviews, found that they assessed the perceived independence of representatives in contrast to social workers. They regarded representatives as independent experts, unlike social workers, whose neutrality was viewed with skepticism. Representatives' contribution was perceived as particularly valuable because of their independence (combined with their expertise). Hill et al. (2003) conducted a comprehensive survey and revealed unanimous agreement among all the groups surveyed—including administrators of panels of representatives, decision-makers, reporters, social workers, and representatives—that representatives should maintain independence, devoid of any personal or organizational case interests. However, they pointed out that this independence raised concerns about monitoring representation, quality control of the service, supporting representatives, and ensuring their professional growth. Some representatives emphasized the value of having an independent third party assessing best interests (Ross, 2013). Representatives conveyed to children (and caregivers) that they were independent of child protection services, emphasizing clear and early communication of this aspect of their roles (Enroos et al., 2017). Judges (n=8) interviewed by Burns et al. (2018) underscored the importance of representatives holding independent views, even if those views aligned with evidence presented by social



workers. While representatives operated in an independent role, social workers were seen by judges as partisan participants to proceedings, with an interest in court outcomes. Solicitors interviewed by Brennan et al. (2021) highly valued representatives' independence, which children in voluntary care agreements in Ireland missed out on due to not having representation. Commissioners of representation services also saw independence as key (Dalrymple, 2005).

### ***Dilemmas with representation of children's views***

The existing research pointed to some dilemmas related to representing only children's views (Barnes, 2007, 2012; Dillon, 2021; Føleide & Ulvik, 2019; Knight & Oliver, 2007). Knight and Oliver (2007) emphasized that the most challenging circumstances for representatives were exploring the wishes of children without speech, with communication impairments, or with severe learning disabilities. This caused tension between putting children's views across and acting in their best interest, with some representatives taking a best interest or rights stance when it was implausible to know what children thought. Taking a rights model of representation meant that representatives could not say something directly on behalf of the children but said what they (like any child) would be entitled to. This was valuable when children were not present in meetings, or it was difficult to obtain their views. Representatives also reported challenges caused by disabled children, having grown up in a culture that valued passivity, "not used to being asked for their views" (Knight & Oliver, 2007, p. 423). Barnes (2007) found contradictory representation principles – representatives were supposed to act as the voice of children but got children's best interests in mind. In her 2012 study, Barnes pointed out that some representatives admitted that they made best-interest judgments. Others did not admit this but were selective about the issues they 'took to the top' for children, leading the author to assume that they probably had best interest principles in mind in this selection. Dillon (2021) found confusion about ascertaining children's opinions. Some representatives had the understanding that wishes and feelings were something 'to do' and for children to give them at a certain point in the proceedings. Others maintained that it was throughout the whole process. Føleide and Ulvik (2019) also addressed different views among representatives of children's views – some emphasized children's subjective experiences, and others instructed children to tell the truth, attempting to unveil their single view or the truth of what children felt.

### ***Dilemmas with dual representation of children's best interests and views***

Studies also addressed dilemmas with dually representing children's best interests and views (Bala et al., 2013; Duchschere et al., 2017; LeVezu, 2018; Parkes et al., 2015; Ross, 2013). Representatives were uncomfortable with best interest representation with children who were older and expressing clear views (Bala et al., 2013). Some representatives assumed the role of direct legal representatives and disregarded their role to assess children's best interests. These representatives informed parents and the court that they considered their best interests while in fact being instructed by children. Best interest representation was challenging because no one was instructing them (Ross, 2013). Several representatives favored representing the best interests of children instead of providing direct legal representation. However, they relied on the assistance of experts and emphasized the need for better training in their role, possibly suggesting role discomfort. According to Ross (2013), representatives were found to not always link children's best interests to their views and did not consistently accentuate children's wishes in their determinations as best interest representatives. This could result in courts disregarding matters significant to children. Representatives did not have guidelines to determine what was in the best interests of children, which meant their assessments were based on representatives' personal opinions (Duchschere et al., 2017). Representatives considered their roles to be subjective in deciding what was in children's best interests, but they considered both best interests and children's views in every case. Representatives thought it was important to consider both children's best interests and wishes and felt that what children wanted could also be what was in their best interests. Representatives in Parkes et al. (2015) raised several challenges with their dual role of representing children's best interests and views. These challenges included the inherent duality itself, the potential for losing sight of children's interest amidst the adversarial court proceedings, and a supposed obligation to maintain a calm

atmosphere during proceedings. LeVezu (2018) conducted an evaluation of court hearings and found that representatives conveyed their preferences to court in only 25% of hearings, a trend potentially associated with younger children having best interest-representation. It was found that in instances where representatives did not relay children's preferences, their parents often did instead, suggesting that children may have had preferences the representatives did not share. When children's preferences *were* relayed to court by representatives, only in 30% of cases did representatives provide arguments in favor of children's preference, implying that children's wishes aligned with their best interests. Notably, aspects such as who the children were living with, what their needs were, and their well-being in their placements were not consistently addressed in all hearings. In some cases, representatives were present but not given the opportunity to speak by judicial officers.

### ***Understanding of representatives' roles***

Studies discussing professionals' understanding of representatives' roles showcased divergent views (Sanders & Mace, 2006; Thomson et al., 2017; Knight & Oliver, 2007; Litzelfelner, 2008; Parkes et al., 2015). Thomson et al. (2017) interviewed court-related workers and uncovered frustration about who was best suited to represent children's best interests. While child protection services asserted their role in this regard, other stakeholders expressed doubt and requested additional efforts to ensure children's representation. Sanders and Mace (2006) investigated an arrangement for representation of children's views and found that some social workers expected representatives to dissuade children from actions that were against their best interests, whereas others said this as contradictory to the purpose of representation. When role differences between social workers and representatives were unclear, tension between them could arise, particularly when social workers lacked understanding of representatives' roles or felt that representatives took over some of their responsibilities. Several social workers in Parkes et al. (2015) pointed to tensions between their and representatives' roles, connected to a perceived role overlap. Similarly, another study found confusion between representation and social work, with the roles seeming similar to social workers (Knight & Oliver, 2007). Both roles entailed focusing on children, talking to them, getting them to express their views, and writing them down, leading some social workers to question the demand for representatives. However, despite the possible confusion between representation and social work, others believed these roles differed and complemented each other. Representatives could focus on children's views, freeing up social workers' time to focus on families' needs, and bridge residential staff and social workers. Litzelfelner's (2008) study indicated that judges, attorneys, child welfare workers, and parents had clear understandings of representatives' roles. Furthermore, child protection chairs generally had few difficulties working with representatives in the context of child protection conferences, appreciating their clear roles.

That some children seemed to (partly) understand representatives' roles, as shown in the previous section on children's assessments, could suggest that representatives clarified their roles to children (Duchscherer et al., 2017; Enroos et al., 2017; Føleide & Ulvik, 2019; Stötzel & Fegert, 2006). Children who exhibited greater knowledge had been given more in-depth information regarding the legal basis and appointment of representatives by judges (Stötzel & Fegert, 2006). One study indicated that representatives provided information about their role and case proceedings, using child-friendly language, examples, analogies, metaphors, and avoiding manipulative language to gain children's understanding (Duchscherer et al., 2017). Norwegian representatives told children they would forward children's views (Enroos et al., 2017; Føleide & Ulvik, 2019), and Finnish representatives explained their role using child-friendly language (Enroos et al., 2017).

## **Child—representative contact**

### ***Relationships between representatives and children***

The existing research pointed to representatives seeing relationships to children as important (Barnes, 2012; Duchscherer et al., 2017; Føleide & Ulvik, 2019; Healy & Darlington, 2009; Orlebeke et al., 2015; Ross, 2013;

Strömpl & Luhamaa, 2020). Strömpl and Luhamaa (2020) found that surveyed representatives expressed great confidence in their ability to listen to children. Another study found that representatives stressed the importance of children speaking freely (Føleide & Ulvik, 2019). Furthermore, representatives suggested that innate personal qualities was necessary and natural warmth and capacity to listen made for effective representation (Ross, 2013). They appreciated the importance of the process, with caring, listening, and positive relationships as important elements of their work, and highlighted being available, reliable, and efficient in their representation (Barnes, 2012). Representatives were asked about the importance of representation tasks for achieving positive and timely court outcomes for the represented children, with 53% seeing establishing and maintaining relationships with children as very important (Duchschere et al., 2017). Representatives pointed out that listening to each child was key and important if representatives had different views from children of what was in their best interests. Representatives in Healy and Darlington (2009) pointed to transparency being critical to reduce confusion and build trust, as representatives were concerned about potentially causing unrealistic expectations about children's participation. Representatives also highlighted establishing relationships, maintaining them, and being culturally sensitive as crucial to their work (Orlebeke et al., 2015). As for others' views on the relationship between children and representatives, Miller et al. (2019) found that in their survey study to 792 foster parents, the contact, relationships, and quality of communication between children and representatives were perceived as insufficient and requiring attention.

Some of the studies highlighted representatives' views on the time aspect of their relationships with children (Duchschere et al., 2017; Knight & Oliver, 2007; Ross, 2013). Representatives in Duchschere et al. (2017) asserted that building rapport and trust was crucial to effectively connect with children and gain insights into their lives. Knight and Oliver's (2007) small study found that developing high-quality relationships with children necessitated spending time with children, consistently and in different settings, a practice reported by representatives. Still, some representatives faced challenges in building these relationships due to limited time and concerns about systems abuse (Ross, 2013).

### ***Meetings between representatives and children***

The existing research has touched upon meetings between children and representatives, with most centering on the dual representation of children's best interests and views and pointing to large variation (Dalrymple, 2002; Enroos et al., 2017; Ross, 2013; Strömpl & Luhamaa, 2020; Thomson et al., 2017; Walsh & Douglas, 2011). Strömpl and Luhamaa (2020) found that only 67% of representatives reported that they met often or almost always with children, meaning that representation often happened without representatives meeting children. Ross' (2013) study also showed that not all representatives met with children. Walsh and Douglas (2011) found that many lawyers and community service providers believed representatives should get to know and establish rapport with the children but felt that they did not do so, mentioning representatives not meeting with children. In Thomson et al. (2017), a key indicator of quality representation of children was that representatives had spoken to the children they represented, though it was believed by court stakeholders that this did not consistently happen. Contrary to this, Finnish representatives held 2-4 meetings with children in their everyday environments, with rare exceptions where meetings did not occur (Enroos et al., 2017). Representatives emphasized the significance of the initial meeting, considering it crucial for establishing trust before delving into discussions about children's experiences and opinions on the case. Furthermore, representatives in Dalrymple (2002) pointing to two to three meetings for meaningful and effective relationships.

Some studies touched on meeting frequency and length being influenced by factors such as children's ages and representatives' backgrounds (Bala et al., 2013; Enroos et al., 2017; Ross, 2013; Ruegger, 2001; Vis & Fossum, 2013). As for children's ages, Bala et al. (2013) showed that representatives used more time (i.e., number/length of meetings) on older children. Ross (2013) found that some limited their meetings with younger children (under age 10) or did not meet them (under age 5), out of concerns of doing more harm.

Ruegger (2001) found that older children tended to spend more time with their representatives. As for representatives' backgrounds, in Finland, representatives with social work backgrounds met children more often than those with law backgrounds (Enroos et al., 2017). Additionally, limited funding and protective concerns could reduce meeting frequency (Ross, 2013). Focusing on the same Norwegian arrangement for representing (only) children's views, Vis and Fossum's (2013) representative study found no reported instances where children did not want to meet representatives, and Enroos et al. (2017) found that the seven interviewed representatives usually met children once in children's homes, spending from 15 minutes to three hours with them.

## Value of representation

### *Decision-making processes*

The existing research highlighted the value of representation for decision-making processes by bringing information to decision-makers, pointing to varying views (Bourton & McCausland, 2001; Burns et al., 2018; Hill et al., 2017; Parkes et al., 2015; Weisz & Thai, 2003). Social workers (n=30) interviewed by Burns et al. (2018) and Parkes et al. (2015) were of the perception that more weight was attached to the opinions of representatives than social workers, and some expressed that representatives contributed to unnecessary duplication of efforts, and led parents to believe that judges mistrusted the best interest assessments made by social workers (Burns et al., 2018). Social workers questioned the value of representation in providing new evidence, suggesting that representatives merely reiterated the information already provided by social workers, thereby offering little additional value to their efforts and causing delays in decision-making processes (Hill et al., 2017). Still, most judges, representatives, and social workers agreed that representatives were a valuable resource to court-like hearings, representatives having special skills in identifying and presenting important added information and perspectives otherwise unavailable. Some judges and representatives in Hill et al. (2017) observed that reports from representatives did not necessarily introduce new information or result in changes to decisions. Nonetheless, the reports were instrumental in bolstering recommendations put forth by social workers and assisted parents and their representatives in accepting or feeling more confident about decisions. Judges thought that representatives were beneficial and provided additional info (Weisz & Thai, 2003). Professionals saw major contributions of representation, including bringing new information and highlighting issues (Bourton & McCausland, 2001).

Several studies narrowed in on representatives bringing information to decision-makers through their reports (Enroos et al., 2017; Føleide, 2021; Føleide & Ulvik, 2019; Goldman et al., 1993; Leung, 1996; Selwyn, 1996; Vis & Fossum, 2013). According to Selwyn's (1996) evaluation, their reports could significantly benefit the court by articulating children's views clearly through numerous quotes and detailed interview accounts. Representatives' reports were also supported by evidence and explanations of how representatives reached their conclusions and could be powerful and lengthy with descriptions of historical events. However, there could be a focus on historical events over details regarding children's wishes and feelings, and as for religious and cultural upbringing, representatives' reports did not contain more than passing references, and children's views on this were not recorded. Vis and Fossum's (2013) evaluation showed that, in approximately two-thirds of cases, representatives' reports included children's views on visitation, while in over 90% of cases, children expressed their preferences regarding where they wanted to reside. Goldman et al. (1993) found that representatives did a consistent job of bringing information to judges via their reports and most frequently included information about children's safety, interactions between children and parents, and personality characteristics of parents. Goldman et al. (1993) commented that representatives "place high importance on the child's emotional well-being as well as their physical safety when representing child's best interest to the court" (p. 231). Representatives less often (in slightly over half of the cases) reported on conflict in the home, which the authors found somewhat surprising. Through 22 interviews, Føleide and Ulvik (2019) identified two stances among representatives regarding the



content of reports: some believed that previously established information should not dominate reports, while others viewed it as a chance for children to articulate their experiences of past events. Leung (1996) found that judges (n=5) thought the written reports of representatives were clear. Representatives had different views on the process of checking their notes and reports with children for their agreement (Føleide, 2021; Føleide & Ulvik, 2019). Some representatives read back and discussed the information from children with them before writing reports to ensure children agreed with the content (Enroos et al., 2017).

In addition to informing decision-makers, studies indicated that representation held other significance in decision-making processes (Barnes, 2012; Bourton & McCausland, 2001; Føleide, 2021; Knight & Oliver, 2007; Vis & Fossum, 2013; Parkes et al., 2015). Representatives worked to improve the treatment of children within the system (Barnes, 2012), and collaborated with residential staff to ensure that children's daily needs and privacy were respected, leading to an increase in cared for children's respect and dignity (Knight & Oliver, 2007). Føleide (2021) emphasized the importance of representatives in facilitating joint meaning-making with children. Furthermore, judges interviewed by Parkes et al. (2015) expressed that representatives could promote creative forms of participation, such as allowing children to express themselves through letters. Representatives also ensured that attention was brought to children (Bourton & McCausland, 2001) and their views were communicated (Vis & Fossum, 2013).

### ***Does representation matter for decision-making outcomes?***

Existing research has touched upon the value of representation for decision-making outcomes (Bourton & McCausland, 2001; Brennan et al., 2021; Dalrymple, 2002; Hill et al., 2017; Orlebeke et al., 2015; Walsh & Douglas, 2011). Orlebeke et al. (2015) found that 38% of 123 surveyed representatives strongly agreed that they impacted case outcomes. In a small interview study, Dalrymple (2002) found instances of representation impacting the decisions made. Another study (Bourton & McCausland, 2001) showed that 26 of 82 professionals (in 15 out of 21 cases) thought outcomes would be different if representatives had not been involved. Representatives' involvement was less significant when outcomes were clear-cut and more when issues were contested: Representatives' involvement led to non-contested proceedings. Similarly, Hill et al.'s (2017) study emphasized that representatives could acknowledge parents' position and, in turn, reduce appeals, and there was a belief that representatives should be appointed when there were difficult decisions/especially complex cases. Many of the interviewed representatives in Walsh and Douglas (2011) articulated the challenge faced by magistrates in making decisions in children's best interests without sufficient evidence regarding children's views and wishes. Representatives believed representation was essential for fast, fair, and appropriate case resolution. Another study found that representatives' involvement was seen to greatly impact contact arrangements and care plan details (Bourton & McCausland, 2001). Because representatives recommended services for children, solicitors in Brennan et al. (2021) believed the lack of representatives in pre-judicial decision-making in Ireland disadvantaged children regarding resource allocation.

### ***Representation – hindering children's self-advocacy and direct participation?***

Studies addressing representatives' perspectives on children's self-advocacy and direct participation pointed to potential barriers (Augsberger et al., 2016; Bala et al., 2013; Birnbaum et al., 2013; Healy & Darlington, 2009; Ross, 2013). Bala et al. (2013) found that representatives did not suggest to children direct participation. Representatives in Birnbaum et al. (2013) reported that children they represented rarely met with judges, although it was somewhat more common in a province with best interest representation than a province with direct legal representation. Most representatives said that they did not advocate for the children they represented to have meetings with judges, which led Birnbaum et al. (2013) to comment that representatives could be "powerful gatekeepers to how and whether a child will have access to the court process" (p. 475). Asked when it was appropriate for judges to meet children and at what age, most representatives expressed that it was rarely appropriate and not at any age. Representatives reported that they are sometimes involved in child protection cases where judges interviewed children. In these cases,

representatives were sometimes present, and most representatives reported that judges never shared interview transcripts with the parties. According to Birnbaum et al. (2013), many of the barriers to children meeting judges were based on representatives' beliefs and assumptions of what children wanted and needed, "preventing children from having a full range of choices about how to communicate with the court" (p. 480). Although Augsberger et al. (2016) found that most representatives saw benefits in children's self-advocacy and court appearance, some did not think it was necessary/appropriate for children to attend court or they did not believe children wanted to due to school/extracurricular activities and the court being seen as a negative place. A smaller interview study found that most representatives favored forms of participation that did not involve children appearing in court (Ross, 2013), while others encouraged it if children themselves expressed an interest. Few representatives made any connection between the information representatives provided and children's understanding of the different participation options available to them. Representatives interviewed by Healy and Darlington (2009) were skeptical of involving children younger than five in decision-making, emphasizing that children had a limited understanding of decision-making and participation could expose them to hostile meeting environments. However, representatives were more likely than other professionals to see it as appropriate to include children in meetings, although under monitoring. In one study, judges were interviewed and reported seeing value in representatives when "direct child participation in the court might be inadvisable" and "to advise the court as to whether a child wishes to participate directly" (Parkes et al., 2015, p. 440). Lastly, an evaluation of court hearings showed that only 7% of represented children were present at judicial hearings (LeVezu, 2018).

### ***Satisfaction with children's representation***

Like with children, studies discussing representatives' satisfaction with children's representation were somewhat mixed (Bala et al., 2013; Cooley et al., 2019; Duchschere et al., 2017; Miller et al., 2020; Orlebeke et al., 2015). A survey study of 553 representatives showed that the second most prevalent reason they became representatives was to advocate for children and be their voice, a motivation the authors labeled as altruistic or selfless (Cooley et al., 2019). 69% of representatives strongly agreed that their work representing children was rewarding (Orlebeke et al., 2015), and representatives expressed deep satisfaction with their work, despite challenges and beliefs that the compensation was poor (Bala et al., 2013). However, Miller et al. (2020) found that representatives gave the lowest rating to the quality of representation among various factors, only "somewhat" agreeing that children were getting quality representation. Additionally, a small interview study of five representatives indicated discontent among some of them regarding demanding caseloads, insufficient salaries, and the emotionally draining nature of the cases they handled (Duchschere et al., 2017).

The existing research also elaborated on how satisfied decision-makers and others were with children's representation (Berrick et al., 2019; Hill et al., 2003; Litzelfelner, 2008; Miller et al., 2019; Parkes et al., 2015). Decision-makers from four countries surveyed by Berrick et al. (2019) were asked whether children typically had representation that properly safeguarded their interests in care order proceedings in their systems, taking into account children's age and understanding. They found that decision-makers from England and California were highly confident that children were properly represented, while those from Finland and Norway were less so. The authors attributed the high score in England to the judiciary's favorable opinion of guardians and the lower agreement in Norway to the limited role of spokespersons and in Finland to a reliance on written documents. Litzelfelner (2008) found that surveyed judges and attorneys expressed the highest overall satisfaction with representatives who in the studied arrangement were volunteers, whereas child welfare workers and parents scored lower. Three statements fell below agreement, stating that volunteer representatives "provide an objective opinion," "visit the children regularly," and "understand the child welfare system." The highest agreement was on statements specifically on court procedures, posed only to the judges/attorneys, stating that representatives "are prepared for court hearings," "are valuable to the courts," and that it is important for representatives "to attend court hearings" (with ratings between agree and strongly agree). In Parkes et al. (2015), professionals' attitudes towards representation varied with

their experiences, with solicitors more positive to the appointment of representation than, e.g., social workers. Professionals pointed to differing quality in representatives' practice, and some attributed this to the vague delineation of representatives' roles and responsibilities, which was perceived as a deficit in representation. Representatives themselves also acknowledged this unclarity. Hill et al. (2003) found that professionals were satisfied: They reported in surveys that representatives usually/always demonstrated good case knowledge (95% of 338 panel members) and were normally helpful (70% of sheriffs). Reporters and social workers also thought representatives were mostly helpful, but several were critical and suggested that representatives did not provide sufficiently detailed reports, grasp the important issues, or "keep an open mind about what is best for a child" (Hill et al., 2003, p. 11). However, the study suggested that (dis)satisfaction was not being communicated to representatives: Of representatives surveyed, only two of 83 replied that they had been appraised in their role and only 12% got regular feedback, suggesting that it was difficult for them to know if they performed well. The representatives interviewed said that feedback on reports and their input to proceedings was always informal. Few administrators had experience with formal complaints about representatives, and the most common response to inadequate representatives was to not use them again. One study looked at foster parents and found that older foster parents rated representatives lower – this could be because they were more knowledgeable about court procedures or more experienced, causing higher expectations (Miller et al., 2019). Foster parents with children in their care, when surveyed, also rated representatives lower – this could be because of higher stress due to providing care and interacting with child welfare professionals or because foster parents without children in care had positive recollections of previous engagements.

## 5. Discussion

The primary focus of the report is to, through thematic analysis, go in-depth into what existing research tells us about how children's representation in child protection decisions is carried out and perceived. Overall, the research gaps in this crucial area are tremendous, which is first and foremost linked to a prevalence of small-scale interview studies on children's representation. This has also been pointed out in previous reviews of research on children's more general participation in child protection (see, e.g., Delgado et al., 2023; Toros, 2021a, 2021b). Although we need a more thorough examination of several dimensions of representation, there are some tendencies in the existing research that are of relevance to debates about children's representation. In this section, I tie findings from the analysis to the Norwegian debate about a suggested new representation arrangement (NOU 2023: 7).

### Expertise/competence of representatives

Appropriate representatives must be competent (Lundy et al., 2019, p. 427), have sufficient knowledge of decision-making processes, and be experienced in working with children (CRC Committee, 2009, p. 12). The CRC Committee mentions that representatives could be lawyers or social workers, but there is no criterion regarding what expertise representatives should have. In many of the representation arrangements examined in the studies analyzed in this report, representatives have backgrounds as lawyers *or* social workers. The research reviewed indicated that there were different viewpoints on whether representatives should have legal expertise, with decision-makers being more positive about this type of competence than social workers. Some concerns were whether representatives with legal backgrounds had a sufficient understanding of child development, training to communicate with children, skills/knowledge to interview children, and appropriate profession-related values. Generally, competence that appeared important from the research were understanding child development and hearings, using understandable/child-friendly language, obtaining and correctly interpreting children's views, having good written/oral presentation skills (including report-writing skills), sufficient training in child communication, and the ability to understand



and relate to children and families. In Norway, a recent official report has suggested a new representation arrangement in which representatives have child welfare expertise but cooperate with lawyers if legal expertise is needed in parts of the child protection proceedings (NOU 2023: 7, p. 100). Thus, the representation arrangement is mainly based on child welfare expertise but introduces elements of legal expertise. Child welfare expertise is defined as having competency in relationship-building communication, an understanding of how neglect can affect children, and training in talking with, involving, and obtaining children's views (NOU 2023: 7, pp. 101, 112). Part of the backdrop of the new arrangement is that the current Norwegian spokesperson arrangement has been criticized on the basis that many representatives have little experience and inadequate/varying training concerning their task (Proba, 2021).

## Representation VS child protection/social workers

Existing research indicated that some children were confused about the roles of representatives and how they differ from the roles of frontline social workers. Some social workers also shared this confusion, felt like they partly gave away their role to representatives, and were uncertain if representatives added new information compared to what social workers themselves brought forward. Still, the studies pointed to decision-makers and representatives being more positive to representatives' value to the decision-making process by bringing information to decision-makers, and decision-makers and others seemed to understand representatives' roles well. Concerning the suggested Norwegian arrangement (NOU 2023: 7), some critics have emphasized that representatives might undermine child protection services and child protection workers and that there might be role confusion between representation and child protection work (Adults for children, 2023, p. 6; Bergen municipality, 2023, p. 2)<sup>6</sup>. Yet, a crucial distinction between representatives and child protection workers is that the former have an independence that the research showed are valued greatly by central actors such as children and decision-makers.

## Dilemmas with representation

Studies pointed to dilemmas with representation, whether that be representation of only children's views or also children's best interests. As for the representation of children's views, the research pointed out that representatives sometimes assessed best interests and there were dilemmas regarding children not expressing their views and different perceptions of what it meant to ascertain children's opinions (Haarberg, 2024). As for the dual representation of children's views and best interests, research pointed to dilemmas such as representatives' discomfort with the best interest role, the role being ambiguous, and a risk of losing focus of children (Haarberg, 2024). Some studies also indicated that with dual representation of children's best interests and views, representatives did not always meet with children. The CRC Committee's "requirement that 'the child's views are transmitted correctly to the decision maker by the representative' does not appear to tolerate a best interests model whereby a representative does not meet with the child to obtain his or her views" (Lundy et al., 2019, p. 429). A general concern of best interest representation is that it can become paternalistic, particularly if representatives do not have guidance on how to assess children's best interests (Malempati, 2013). Concerning the Norwegian debate, some have criticized the suggested new representation arrangement in Norway for going from representing only children's views to also assessing their best interests, with the critique mostly related to instances where disagreement between children and representatives might arise (see, e.g., Change Factory, 2023; LFB, 2023). Yet, central to the Norwegian suggested reform (NOU 2023: 7) is that a best-interest checklist shall be introduced, and the same representatives shall follow the same children over time. Some studies showed that the time aspect of representation was important for children's relationships with their representatives, with children wanting

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<sup>6</sup> <https://www.regjeringen.no/no/dokumenter/horing-av-barnevernsutvalgets-nou-20237/id2968371/?uid=865dfe92-9632-4c2d-9f9f-d9a44fc130ee>

[https://www.regjeringen.no/contentassets/8611dd4092d145ce9a61f6f0d58c4dae/bergen-kommune.pdf?uid=Bergen\\_kommune](https://www.regjeringen.no/contentassets/8611dd4092d145ce9a61f6f0d58c4dae/bergen-kommune.pdf?uid=Bergen_kommune)

representatives to fulfill ongoing roles for them to develop trust to share their problems. If independent representatives follow children over time, they might be better equipped to assess children's best interests than the child protection services and decision-makers. Still, it is a valid concern that representatives may assume paternalistic roles as children's protectors (Leviner, 2018, p. 143), which the studies showed was a dilemma with both dual representation and representation of only children's views.

### Are children fully informed about information being shared?

Several studies pointed to representatives and their reports being valuable in the sense of bringing information to the courts and decision-makers. Yet, children's understanding of their conversations with representatives not being confidential and children's knowledge of and ownership of reports is somewhat unclear from the existing research. An important prerequisite for and part of children's participation is that they are informed (Haarberg et al., in preparation; Lundy et al., 2019, p. 401). Further investigation is needed to explore whether children are fully informed about and understand that the information they give to representatives is forwarded and forwarded not only to decision-makers but also to case parties such as their parents. It is of central importance that children know about representatives' reports and that they accurately reflect children's views. As has been highlighted by the Change Factory (2023, p. 24)<sup>7</sup> in their consultation response to the expert committee's report on the Norwegian child protection system and other reports (e.g., Change Factory, 2021), children must be informed about the sharing of information *before* they express themselves, as it can otherwise create unsafe situations for children and worsened relationships with their family.

### Representation – a hindrance to direct participation?

Some studies indicated that representation and representatives could limit children's opportunities for direct participation. This is unfortunate as the CRC Committee recommends that all children get a chance to participate directly wherever possible, independent of proceeding type. In a commentary on Article 12, Lundy et al. (2019) states that "it makes sense to demand that a decision maker should hear directly from the child as opposed to an intermediary where there is always the risk of the child's views being partially conveyed or misinterpreted even when the intermediary acts with the best of intentions" (p. 242). The existing research hinted to children not being able to choose how to participate, with representatives as gatekeepers hindering children's direct participation and court attendance. In the Norwegian child protection act (2021, § 14-13), direct participation and representation are equal options when a case is processed in the Child Welfare Tribunal. Yet, it follows from the Norwegian directive on children's participation (2024, § 12) that the individual child's opinion on participation type shall be accorded much weight, implying that they should know their options and have a say in this.

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<sup>7</sup> <https://www.regjeringen.no/no/dokumenter/horing-av-barnevernsutvalgets-nou-20237/id2968371/?uid=1143364d-7fc0-4bd3-bada-6a75dccc12362>

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## Appendix

**Table A.1. Publications included at the full-text stage.**

From original search
Study
Augsberger, A., Lens, V., & Hughes, A. (2016). "I didn't know you were fighting so hard for me": Attorneys' perceptions of youth participation in child dependency proceedings. <i>Family Court Review</i> , 54(4), 578–590. <a href="https://doi.org/10.1111/fcre.12244">https://doi.org/10.1111/fcre.12244</a>
Bala, N., Birnbaum, R., & Bertrand, L. (2013). Controversy about the role of children's lawyers: Advocate or best interests guardian? Comparing practices in two Canadian jurisdictions with different policies for lawyers. <i>Family Court Review</i> , 51(4), 681–697. <a href="https://doi.org/10.1111/fcre.12060">https://doi.org/10.1111/fcre.12060</a>
Barnes, V. (2007). Young people's views of children's rights and advocacy services: A case for 'caring' advocacy? <i>Child Abuse Review</i> , 16(3), 140–152. <a href="https://doi.org/10.1002/car.977">https://doi.org/10.1002/car.977</a>
Barnes, V. (2012). Social work and advocacy with young people: Rights and care in practice. <i>British Journal of Social Work</i> , 42(7), 1275–1292. <a href="https://doi.org/10.1093/bjsw/bcr142">https://doi.org/10.1093/bjsw/bcr142</a>
Bourton, A., & McCausland, J. (2001). A service for children and a service for the courts: The contribution of guardians ad litem in public law proceedings. <i>Adoption &amp; Fostering</i> , 25(3), 59–66. <a href="https://doi.org/10.1177/030857590102500308">https://doi.org/10.1177/030857590102500308</a>
Boylan, J., & Braye, S. (2006). Paid, professionalised and proceduralised: Can legal and policy frameworks for child advocacy give voice to children and young people? <i>Journal of Social Welfare and Family Law</i> , 28(3–4), 233–249. <a href="https://doi.org/10.1080/09649060601119417">https://doi.org/10.1080/09649060601119417</a>
Boylan, J., & Ing, P. (2005). 'Seen but not heard' – young people's experience of advocacy. <i>International Journal of Social Welfare</i> , 14(1), 2–12. <a href="https://doi.org/10.1111/j.1468-2397.2005.00334.x">https://doi.org/10.1111/j.1468-2397.2005.00334.x</a>
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Cooley, M. E., Thompson, H. M., & Colvin, M. L. (2019). A qualitative examination of recruitment and motivation to become a Guardian ad Litem in the child welfare system. <i>Children and Youth Services Review</i> , 99, 115–124. <a href="https://doi.org/10.1016/j.childyouth.2019.01.031">https://doi.org/10.1016/j.childyouth.2019.01.031</a>
Dalrymple, J. (2002). Family Group Conferences and youth advocacy: The participation of children and young people in family decision making. <i>European Journal of Social Work</i> , 5(3), 287–299. <a href="https://doi.org/10.1080/714053160">https://doi.org/10.1080/714053160</a>
Dalrymple, J. (2005). Constructions of child and youth advocacy: Emerging issues in advocacy practice. <i>Children &amp; Society</i> , 19(1), 3–15. <a href="https://doi.org/10.1002/chi.828">https://doi.org/10.1002/chi.828</a>
Dillon, J. (2021). 'Wishes and feelings': Misunderstandings and missed opportunities for participation in child protection proceedings. <i>Child &amp; Family Social Work</i> , 26(4), 664–676. <a href="https://doi.org/10.1111/cfs.12847">https://doi.org/10.1111/cfs.12847</a>
Duchscherer, J. E., Beck, C. J., & Stahl, R. M. (2017). Guardians ad litem and children's attorneys in Arizona: A qualitative examination of the roles. <i>Juvenile and Family Court Journal</i> , 68(2), 33–52. <a href="https://doi.org/10.1111/jfcj.12093">https://doi.org/10.1111/jfcj.12093</a>
Enroos, R., Helland, H. S., Pösö, T., Skivenes, M., & Tonheim, M. (2017). The role and function of the spokesperson in care order proceedings: A cross-country study in Finland and Norway. <i>Children and Youth Services Review</i> , 74, 8–16. <a href="https://doi.org/10.1016/j.childyouth.2017.01.017">https://doi.org/10.1016/j.childyouth.2017.01.017</a>
Foster, H. R., Barter, C., Stanley, N., & Churchill, H. (2021). How child-focused are child protection conferences? <i>Child Abuse Review</i> , 30(5), 458–472. <a href="https://doi.org/10.1002/car.2710">https://doi.org/10.1002/car.2710</a>



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Hill, M., Welch, V., & Gadda, A. (2017). Contested views of expertise in children's care and permanence proceedings. <i>Journal of Social Welfare and Family Law</i> , 39(1), 42–66. <a href="https://doi.org/10.1080/09649069.2016.1272781">https://doi.org/10.1080/09649069.2016.1272781</a>
Knight, A., & Oliver, C. (2007). Advocacy for disabled children and young people: Benefits and dilemmas. <i>Child &amp; Family Social Work</i> , 12(4), 417–425. <a href="https://doi.org/10.1111/j.1365-2206.2007.00500.x">https://doi.org/10.1111/j.1365-2206.2007.00500.x</a>
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Miller, J. J., Donohue-Dioh, J., Duron, J. F., & Geiger, J. M. (2019). Examining legal representation for foster youth: Perspectives of foster parents. <i>Children and Youth Services Review</i> , 104, 1–7. <a href="https://doi.org/10.1016/j.childyouth.2019.06.015">https://doi.org/10.1016/j.childyouth.2019.06.015</a>
Miller, J. J., Donohue-Dioh, J., & Owens, L. (2020). Examining the legal representation of youth in foster care: Perspectives of attorneys and attorney guardians ad litem. <i>Children and Youth Services Review</i> , 115, 1–8. <a href="https://doi.org/10.1016/j.childyouth.2020.105059">https://doi.org/10.1016/j.childyouth.2020.105059</a>
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O'Mahony, C., Burns, K., Parkes, A., & Shore, C. (2016). Child care proceedings in non-specialist courts: The experience of Ireland. <i>International Journal of Law, Policy and the Family</i> , 30(2), 131–157. <a href="https://doi.org/10.1093/lawfam/ebw001">https://doi.org/10.1093/lawfam/ebw001</a>
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Pugh, R., & Jones, E. (1999). Language and practice: Minority language provision within the guardian ad litem service. <i>British Journal of Social Work</i> , 29, 529–545.
Pösö, T., & Enroos, R. (2017). The representation of children's views in Finnish court decisions regarding care orders. <i>The International Journal of Children's Rights</i> , 25(3–4), 736–753. <a href="https://doi.org/10.1163/15718182-02503009">https://doi.org/10.1163/15718182-02503009</a>
Ross, N. M. (2013). Different views? Children's lawyers and children's participation in protective proceedings in New South Wales, Australia. <i>International Journal of Law, Policy and the Family</i> , 27(3), 332–358. <a href="http://dx.doi.org/10.2139/ssrn.2329652">http://dx.doi.org/10.2139/ssrn.2329652</a>
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Selwyn, J. (1996). Ascertaining children's wishes and feelings in relation to adoption. <i>Adoption &amp; Fostering</i> , 20(3), 14–20. <a href="https://doi.org/10.1177/030857599602000305">https://doi.org/10.1177/030857599602000305</a>

Stötzel, M., & Fegert, J. M. (2006). The representation of the legal interests of children and adolescents in Germany: A study of the children's guardian from a child's perspective. <i>International Journal of Law, Policy and the Family</i> , 20(2), 201–224. <a href="https://doi.org/10.1093/lawfam/ebi023">https://doi.org/10.1093/lawfam/ebi023</a>
Strömpl, J., & Luhamaa, K. (2020). Child participation in child welfare removals through the looking glass: Estonian children's and professionals' perspectives compared. <i>Children and Youth Services Review</i> , 118, 1–11. <a href="https://doi.org/10.1016/j.childyouth.2020.105421">https://doi.org/10.1016/j.childyouth.2020.105421</a>
Thomson, L., McArthur, M., & Camilleri, P. (2017). Is it 'fair'? Representation of children, young people and parents in an adversarial court system. <i>Child &amp; Family Social Work</i> , 22, 23–32. <a href="https://doi.org/10.1111/cfs.12226">https://doi.org/10.1111/cfs.12226</a>
Vis, S. A., & Fossum, S. (2013). Representation of children's views in court hearings about custody and parental visitations—A comparison between what children wanted and what the courts ruled. <i>Children and Youth Services Review</i> , 35(12), 2101–2109. <a href="https://doi.org/10.1016/j.childyouth.2013.10.015">https://doi.org/10.1016/j.childyouth.2013.10.015</a>
Weisz, V., & Thai, N. (2003). The court-appointed special advocate (CASA) program: Bringing information to child abuse & neglect cases. <i>Child Maltreatment</i> , 8(3), 204–210. <a href="https://doi.org/10.1177/1077559503254140">https://doi.org/10.1177/1077559503254140</a>
<b>From forward/backward citation search</b>
<b>Study</b>
Berrick, J. D., Dickens, J., Pösö, T., & Skivenes, M. (2019). Children's and parents' involvement in care order proceedings: A cross-national comparison of judicial decision-makers' views and experiences. <i>Journal of Social Welfare and Family Law</i> , 41(2), 188–204. <a href="https://doi.org/10.1080/09649069.2019.1590902">https://doi.org/10.1080/09649069.2019.1590902</a>
Birnbaum, R., Bala, N., & Bertrand, L. (2013). Judicial interviews with children: Attitudes and practices of children's lawyers in Canada. <i>New Zealand Law Review</i> , 3, 465–482.
Brennan, R., O'Mahony, C., & Burns, K. (2021). The rights of the child in voluntary care in Ireland: A call for reform in law, policy and practice. <i>Children and Youth Services Review</i> , 125, 1–11. <a href="https://doi.org/10.1016/j.childyouth.2021.105989">https://doi.org/10.1016/j.childyouth.2021.105989</a>
Brocius, H., Trawver, K. R., & Griffin, R. (2021). Supporting and expanding statewide CASA programs. <i>Juvenile and Family Court Journal</i> , 72(2), 41–58. <a href="https://doi.org/10.1111/jfcj.12198">https://doi.org/10.1111/jfcj.12198</a>
Burns, K., O'Mahony, C., Shore, C., & Parkes, A. (2018). What social workers talk about when they talk about child care proceedings in the District Court in Ireland. <i>Child &amp; Family Social Work</i> , 23(1), 113–121. <a href="https://doi.org/10.1111/cfs.12390">https://doi.org/10.1111/cfs.12390</a>
Hill, M., Lockyer, A., Morton, P., Batchelor, S., & Scott, J. (2003). Safeguarding children's interests in welfare proceedings: The Scottish experience. <i>Journal of Social Welfare and Family Law</i> , 25(1), 1–21. <a href="https://doi.org/10.1080/0964906032000086223">https://doi.org/10.1080/0964906032000086223</a>
LeVezu, A. (2018). Alone and ignored: Children without advocacy in child abuse and neglect courts. <i>Stanford Journal of Civil Rights &amp; Civil Liberties</i> , 14(2), 125–164.
Miller, J. J., Duron, J., Washington, E., & Donohue-Dioh, J. (2017). Exploring the legal representation of individuals in foster care: What say youth and alumni? <i>Children and Youth Services Review</i> , 78, 142–149. <a href="http://dx.doi.org/10.1016/j.childyouth.2017.05.010">http://dx.doi.org/10.1016/j.childyouth.2017.05.010</a>
Parkes, A., Shore, C., O'Mahony, C., & Burns, K. (2015). The right of the child to be heard? Professional experiences of child care proceedings in the Irish district court. <i>Child and Family Law Quarterly</i> , 27(4), 423–444.
Pert, H., Diaz, C., & Thomas, N. (2017). Children's participation in LAC reviews: A study in one English local authority. <i>Child &amp; Family Social Work</i> , 22(S2), 1–10. <a href="https://doi.org/10.1111/cfs.12194">https://doi.org/10.1111/cfs.12194</a>
Ruegger, M. (2001). Seen and heard but how well informed? Children's perceptions of the guardian ad litem service. <i>Children &amp; Society</i> , 15(3), 133–145. <a href="https://doi.org/10.1002/chi.623">https://doi.org/10.1002/chi.623</a>
Walsh, T., & Douglas, H. (2011). Lawyers, advocacy and child protection. <i>Melbourne University Law Review</i> , 35(2), 621–650.

**Table A.2. Publications excluded at the full-text stage.**

From original search	Main reason for exclusion	
Study	Wrong publication type	Wrong research focus
Ainsworth, F., & Hansen, P. (2013). Behind the closed door: A guide and parents' comments on the workings of the New South Wales children's court. <i>Children Australia</i> , 38(2), 47-53. <a href="https://doi.org/10.1017/cha.2013.2">https://doi.org/10.1017/cha.2013.2</a>	✓	
American Bar Association Child Custody and Adoption Pro Bono Project. (2007). Hearing children's voices and interests in adoption and guardianship proceedings. <i>Family Law Quarterly</i> , 41(2), 365-392.	✓	
Bala, N., & Birnbaum, R. (2018). Rethinking the role of lawyers for children : Child representation in Canadian family relationship cases. <i>Les Cahiers de droit</i> , 59(4), 787-829. <a href="https://doi.org/10.7202/1055256ar">https://doi.org/10.7202/1055256ar</a>	✓	
Barn, R., Di Rosa, R. T., & Kallinikaki, T. (2021). Unaccompanied minors in Greece and Italy: An exploration of the challenges for social work within tighter immigration and resource constraints in pandemic times. <i>Social Sciences</i> , 10(4), 1-17. <a href="https://doi.org/10.3390/socsci10040134">https://doi.org/10.3390/socsci10040134</a>	✓	
Baron, S. (1997). Dependency court mediation: The roles of the participants. <i>Family &amp; Conciliation Courts Review</i> , 35(2), 149-159. <a href="https://doi.org/10.1111/j.174-1617.1997.tb00455.x">https://doi.org/10.1111/j.174-1617.1997.tb00455.x</a>	✓	
Beckett, C., & Dickens, J. (2014). Delay and anxiety in care proceedings: Grounds for hope? <i>Journal of Social Work Practice</i> , 28(3), 371-382. <a href="https://doi.org/10.1080/02650533.2014.925861">https://doi.org/10.1080/02650533.2014.925861</a>		✓
Beckett, C., Dickens, J., Schofield, G., Philip, G., & Young, J. (2016). Independence and effectiveness: Messages from the role of Independent Reviewing Officers in England. <i>Children and Youth Services Review</i> , 71, 148-156. <a href="https://doi.org/10.1016/j.childyouth.2016.11.003">https://doi.org/10.1016/j.childyouth.2016.11.003</a>		✓
Beckhouse, K. (2016). Laying the guideposts for participatory practice: Children's participation in family law matters. <i>Family Matters</i> , 98, 26-33.	✓	
Bell, M. (2002). Promoting children's rights through the use of relationship. <i>Child &amp; Family Social Work</i> , 7(1), 1-11. <a href="https://doi.org/10.1046/j.1365-2206.2002.00225.x">https://doi.org/10.1046/j.1365-2206.2002.00225.x</a>		✓
Berrick, J. D., & Durst, W. (2014). Teaching Note—CASA volunteerism: Preparing MSW students for public child welfare practice. <i>Journal of Social Work Education</i> , 50(1), 176-183. <a href="https://doi.org/10.1080/10437797.2014.856247">https://doi.org/10.1080/10437797.2014.856247</a>	✓	
Berrick, J. D., Dickens, J., Pösö, T., & Skivenes, M. (2018). International perspectives on child-responsive courts. <i>International Journal of Children's Rights</i> , 26(2), 251-277. <a href="https://doi.org/10.1163/15718182-02602011">https://doi.org/10.1163/15718182-02602011</a>		✓
Boshier, P., & Steel-Baker, D. (2007). Invisible parties: Listening to children. <i>Family Court Review</i> , 45(4), 548-559. <a href="https://doi.org/10.1111/j.1744-1617.2007.00170.x">https://doi.org/10.1111/j.1744-1617.2007.00170.x</a>	✓	
Boylan, J., & Dalrymple, J. (2011). Advocacy, social justice and children's rights. <i>Practice</i> , 23(1), 19-30. <a href="https://doi.org/10.1080/09503153.2010.536212">https://doi.org/10.1080/09503153.2010.536212</a>	✓	

Brady, B., Kennan, D., Forkan, C., Tierney, E., Jackson, R., & Holloway, R. (2019). The participation of children and young people in care: insights from an analysis of national inspection reports in the Republic of Ireland. <i>Child Care in Practice</i> , 25(1), 22-36. <a href="https://doi.org/10.1080/13575279.2018.1537257">https://doi.org/10.1080/13575279.2018.1537257</a>		✓
Bright, M. A., Shovali, T. E., & Cooper, A. (2016). Reasons for discontinued service among Guardians ad Litem. <i>Children and Youth Services Review</i> , 61, 230-236. <a href="https://doi.org/10.1016/j.childyouth.2015.12.026">https://doi.org/10.1016/j.childyouth.2015.12.026</a>		✓
Brophy, J., & Bates, P. (1998). The position of parents using experts in care proceedings: A failure of 'partnership'? <i>Journal of Social Welfare and Family Law</i> , 20(1), 23-48. <a href="https://doi.org/10.1080/09649069808410229">https://doi.org/10.1080/09649069808410229</a>		✓
Bruce, M. (2014). The voice of the child in child protection: Whose voice? <i>Social Sciences</i> , 3(3), 514-526. <a href="https://doi.org/10.3390/socsci3030514">https://doi.org/10.3390/socsci3030514</a>		✓
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<i>Note.</i> Only the main reason for exclusion is reported. An article of both wrong publication type and wrong research focus is reported as excluded based on the former.		