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Social investigations on children. A sociology of law study of legislative requirements, argumentation and consequences for the individual. English summary of Ph D. thesis "Social Investigations on Children. A sociology of Law Study of Legislative Requirements, Argumentation and Consequences for the Individual"

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Published in:

Sociala utredningar om barn. En rättssociologisk studie av lagstiftningens krav, utredningarnas argumentationer och konsekvenser för den enskilde

2003

[Link to publication](#)

Citation for published version (APA):

Friis, E. (2003). Social investigations on children. A sociology of law study of legislative requirements, argumentation and consequences for the individual. English summary of Ph D. thesis "Social Investigations on Children. A sociology of Law Study of Legislative Requirements, Argumentation and Consequences for the Individual". In *Sociala utredningar om barn. En rättssociologisk studie av lagstiftningens krav, utredningarnas argumentationer och konsekvenser för den enskilde* Sociologiska institutionen, Lunds universitet.

Total number of authors:

1

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English Summary

Social Investigations on Children. A Sociology of Law Study of Legislative Requirements, Argumentation and Consequences for the Individual

According to the Social Services Act (socialtjänstlagen, abbrev. SoL) each local authority is responsible for social services within its area. The local authority's duty in respect of the social services is carried out by a committee, usually a social welfare committee. Under SoL, the social committee is responsible in particular for ensuring that a child who risks developing in an unfavourable direction should receive the protection and support needed and, if considered to be in the child's best interest, care and upbringing away from home. The committee should principally provide for the child's care needs with the consent of the parents. Failing that, the committee, provided it considers that all other legal requirements have been fulfilled, must apply to the county administrative court for an order for placing young persons under care pursuant to the Care of Young Persons (Special Provisions) Act (lag med särskilda bestämmelser om vård av unga, abbrev. LVU), and given these powers, determine in what way care should be provided.

According to SoL shall the social welfare committee without delay open an investigation of matters which have been brought to its knowledge by application or otherwise and which may occasion action by the committee. The term *investigation* is applied in laws on care for all matters with the purpose of enabling a committee to reach a decision in a case in their hands. The concept is also used as a comprehensive term for the final documentation – a case document – in which the investigation results. The aim of the investigation is to provide the committee with a reliable foundation for decision-taking and to estab-

lish a basis for counselling work. It is this investigation process and the concomitant investigation methodology for case documents as the basis of coercive care of children which is studied in this paper. LVU differentiates between two groups of children and young persons, of which the primary concern here deals with children under the risk of developing in an unfavourable direction due to deficient conditions at home.

The Social Services Act is founded on free will and respect for the individual's self-determination. In normal cases this implies that the investigation be opened and carried out with the concurrence of those concerned. In a situation where the committee has reason to believe that intervention is required for a child's protection, the parents' consent is not a prerequisite to instigate an investigation and to implement those measures considered necessary for investigating the case. It is the child's care needs which are of primary concern in the investigation, and it is the child's needs which are given precedence over parental interests should these two factors be in conflict with one another. Equally, the committee should, to the best of its ability, carry out the investigation and provide for the child's care needs *in concurrence* with the parents.

This requirement, that the investigation procedure should, as far as possible, be carried out with the parents, is both a matter of principle and pragmatism. On the political and fundamental level it means that the social services' work must be adapted to the *democratic values and demands* on which society in general is built. This objective is reflected in SoL's introductory section which states both overall objectives and fundamental values for the social services' work and procedural directives for how its work should be formulated.

On the more pragmatic level it is a question of ensuring *effectiveness* in the social services' support and counselling work. The Social Services Act is based on a positive human approach in that each human being has the potential means to shape his own life. The work should be aimed at releasing these resources, which presupposes the individual's active co-operation. Moreover, in its work, the social services should assume an overall view which takes into account the individual's total situation and circumstances. In order that the picture of the situation be as complete as possible, the individual's own views and opinions must be taken into consideration. When these viewpoints are brought to bear in the investigation procedure, this implies that the child and parents are seen in relation to one another. The parents must be supported in fulfilling their obligations to the child. This support must be formulated in such a way as to strengthen and not weaken the parents' capacity as parents, which presumes their understanding of the family's problem situation and that the child's need of care is respected.

The social welfare committee is officially responsible for the investigation work but, in practice, an internal distribution of work exists within the social

welfare service which means that the committee delegates the case under investigation to an official, generally a social welfare secretary with social studies training. In his/her function as investigator the social welfare secretary represents the authority on whose behalf the investigation has been carried out. The social welfare secretary is employed by the authority and is assigned the investigation on the basis of his/her training in social work, and consequently also represents his/her profession – social welfare worker. Social welfare work is primarily described as counselling-oriented work carried out interactively between case official and client, and aims to alter the client's problem situation to one more beneficial. Such a viewpoint correlates to that expressed in SoL's preliminary outline in which social work methodology is defined as a co-operation between client and social worker in order to solve a problem, which aims, with the aid of available material and knowledge-based resources, to improve the individual's or group's circumstances in accordance with the objectives stipulated for the social services.

Social work methodology as a *problem-solving process* may be described in five stages:- problem formulation -> planning -> execution -> evaluation (and possibly) -> new problem formulation/planning. In practical work the problem-solving process is not linear with clearly-defined stages, but the investigation work is carried out parallelly with the counselling work. However, analytically it is practical to distinguish between the investigation's two objectives which are to provide the social welfare committee with a reliable foundation for decision-taking and to establish a basis for counselling work. This means that the investigation procedure may be studied partly as a *decision process* and partly as a *counselling process*.

The starting point for the study of the investigation as part of the decision process is that the results should lay the foundation for the decision according to a *rational objective decision model*. In this decisions are taken based on a conjecture of the decision's consequences which aim for an optimal implementation of given targets. The decision-maker's assessments are based on conjectures regarding the decision's effects and imply a standpoint in respect to causal relationships. This standpoint requires realistic knowledge. One of the rational objective decision model's implications for child care investigation is that the decision be built on a foundation which reflects, as far as possible, the real circumstances, with the aim of ensuring that the agreed care has the optimal effect.

The starting point for the study of the investigation as part of a counselling process is that it should aim to create a change for the better for the family, focusing on the parents' possibilities to, themselves, take satisfactory care of the child. The process of change should be directed towards releasing and developing the parents' own resources and building on respect for their self-determination and integrity. The objective presupposes a method of working which takes

into consideration the parents' need for influence and which takes the parents' views and wishes seriously.

Problems and aims

The Social Services Act's objectives and means framework should assist the social services in tailor-making solutions for individual cases. The Act does not detail standardised problem situations and tangible solutions, but states the overall objectives and fundamental values on which the work should be based, as well as procedural directives on how the work should be formulated. These procedural directives imply that the investigation and counselling work should, as far as possible, be carried out in collaboration with the parents and build on respect for their self-determination and integrity as well as releasing and developing the parents' own resources. This also means that the parents' own views and opinions should be taken into consideration in the investigation and that the choice of action and its execution should, as far as possible, be with the parents' consent.

The principal purpose of this paper is, from a critical perspective, to analyse and discuss how the legally-accorded procedural directives for the execution of an investigation, and therein the integrated support and counselling work, are adapted in the social services' actual investigation work in relation to the parents.

The investigation's double function means that it may be divided into two parts.

Part 1. Investigations as grounds for compulsory care of a child is (generally speaking) a result of disagreement between parent and investigator regarding what the family's problem situation is and/or the child's need of care. The basic principle that the social services' investigations concerning a child be carried out with parental co-operation should however, be upheld as far as possible. The law's underlying premise is therefore that the investigator and parents should reach a mutual agreement on the definition of, and solution to, the problem. In this sense the investigative action may be seen as a discussion between two parties with differing standpoints where the difference of opinion is demonstrated by both parties' argumentation with respect to their own standpoint versus the other's standpoint.

The demands placed on the investigation's documentation imply that not only the investigator's, but also the parents' standpoints and argumentation should be reflected in the case document. These demands also imply that the documentation should contain the content of the investigation and that which is pertinent to the case's completion. It should also show the handling of the case and what assistance in the form of support, care and counselling has been provided, and should contain information relevant to the specific case. The Act's preliminary outline stresses the importance that the documentation be objective and factual and that the information is accurately founded.

Equally it is the case that this type of case document has resulted in a standpoint that the child's need of care be met by a placement outside the home, and that this care should be accomplished with the aid of LVU. The case document should constitute the basis for an application to the county administrative court which makes the final decision in the case, if not appealed. Should the court reject the application, the investigator's duty to protect the child does not terminate even though conflict with the parents may often mean that the ability to fulfil this protective duty is exacerbated. Thus, for the investigator it is of the utmost importance that the application be approved, which presupposes that, through the submission of evidence and argumentation in the case document, he/she succeeds in convincing the judge of the need for care to be organized in accordance with LVU. The particular character of the investigation situation means that the investigator/social welfare secretary has three rôles to fulfil: As investigator he/she should ensure that the case document is factual and objective and that the information is accurately founded. As counsellor he/she should consider the parents' need for influence and that their views be put forward in the case document. As "prosecutor" he/she should present the evidence and argumentation as convincingly as possible.

In this part the purpose of the study is to demonstrate the relation between the conflict in-built into the investigation's execution and 1) the reasons given by the investigator for his/her standpoint and the way in which these reasons are presented in the case document and 2) the reasons given by parents for their standpoint and views regarding the investigation, as well as the way in which those reasons are presented in the case document, by constructing and analysing the *argumentation* in the case document text. In order to realize this second part of the aim, the analysis comprises a comparison of how two reconstructions of the parents' argumentation relate to one another. One reconstruction is based on written investigative material which constitutes the basis for an application under the LVU, whereas the second is based on the full text material retained in the case file (those sections pertinent to the question).

Part 2. An important task in the execution of an investigation is to clarify the parents' failings and resources as parents and what support measures they are in need of, to provide and evaluate these measures, to decide whether these should be extended, and/or to supplement with other measures etc. This work can be seen in relation to the investigation as part of the counselling process. At the same time, this process, through the various measures taken with the aim of clarifying and improving the parents' parental abilities, is also a process of social intervention in the parent's private and daily lives which affects their capacity to act.

The investigation can be seen as one link in a long chain of social interventions in the parents' lives, but also as a specific intervention into the parents' present stage in life which influences their capacity to act both for the present and for the future. Seen as a specific intervention in the parents' present situation, the decision to instigate an investigation which could lead to a resolution that the necessary care must be provided by placing the child outside the home, signifies a restriction of the parents' *scope for action*. The parents are driven into a *compulsory situation* where they can choose between co-operating or not in the investigation and care planning. Should they choose not to co-operate, or if they formulate their views in such a way that the committee considers it as a lack of consent, they risk the child being taken under the LVU. In such a situation the committee assumes the parents' responsibility of care, which in turn has consequences for what the parents can do, now and in the future, as parents. Should the parents choose to co-operate, this may often mean that they must accept examinations and counselling which may imply a relatively far-reaching intrusion into their private and daily lives.

The purpose of this part of the study is to demonstrate how the investigation and counselling processes are also a *process of intervention in the parents' private and social room for action*, which affects their capacity to act both as parents and individuals. Special interest is placed on the interaction between, on the one hand, the manner of the interventions and, on the other, the parents' reactions to these interventions, as well as how this influences the parents' capacity to, themselves, take responsibility for the child's needs. This is achieved, on the basis of descriptions in the documented investigations together with other text material in the case files, by reconstructing and analysing factors such as the parents' life-stories, the investigator's manner of describing the parents and assessing their ability as parents and which measures should be applied, the way in which the measures are carried out, the parents' reactions to the investigator's assessments and applied measures, and the investigator's reactions to the parents' behaviour.

The empirical basis

The problem has been studied through in-depth analyses of a selection of documented investigations as the basis for the social welfare committee's application regarding compulsory care in a local social services area in a Swedish municipality during 1997. In all it consists of 11 cases comprising case documents compiled in connection with immediate placing into care and/or the application for care under LVU due to deficiencies in the young person's circumstances at home during 1997. These include cases where LVU placing did not occur as a result of the county administrative court's rejection of the application.

Each case concerns a child, however, among these are two sibling pairs, which means that the case material comprises nine families or cases. The case documents deal mainly with small children: 6 children of 0-2 years of age, 3 children of 3-5 years of age, and 2 children of 9 and 12 years of age.

A classification of the cases according to the type of problem situation involved shows that in 7 cases the risk to the young person's health or development is related to deficiencies in care. The deficiency in care was linked in one case to a parent's mental illness, in one case to a parent's emotional immaturity, and in two cases to the parent being mentally impaired, and in three cases to the parent's abuse of substances. Results from earlier research show that those applications concerning mentally-impaired and emotionally immature parents have difficulty in gaining a hearing in the courts. This could be owing to the difficulties of proving, on the one hand, that the parent's condition is such that it constitutes a risk that the child's health or development may be impaired and, on the other hand, that the risk for harm to the child is not temporary or insignificant. It may prove difficult to show concrete circumstances which "speak for themselves" in respect to the child's need of care. This implies that when these problem categories constitute a basis for the social welfare committee's application, then increasing demands are placed on the case officer's – the investigator's – ability to construct credible arguments and to present an argument in such a way that the court should believe that such connections and risks exist. Thus, in this research material there are three cases belonging to the "difficult" categories and whose outcome in the county administrative court is, in the main, a matter of how the investigator is able to present his/her argument in the case document.

These three cases also highlight the problems of social intervention. The cases deal with children who were of a very young age when the investigations took place. In the two cases related to mental impairment, in one case the child was taken into care directly after birth, and in the other, a few months after birth. In the third case, related to emotional immaturity, which involved two siblings, the case took place when the younger was a few months old, but the child was first

taken into care at the age of three, together with its one-year-old sibling. During these three years the social services made several attempts to rehabilitate the parents before reaching the decision to apply for compulsory care. The first two above-mentioned cases are examples of interventions which directly and palpably alter the family's daily situation, whereas the latter exemplifies intervention with more subtle and long-term effects.

Method

The analysis is divided into two parts:

1. *The argumentation.* This part of the study looks at the investigation as an instrument in an administrative-legal decision process. The analysis illustrates how the investigation's argumentation define and construct the family's problem situation and the necessary care in relation to the requirement that the investigation procedure be built on co-operation with the client and on factuality and objectivity. Co-operation and factuality are no ends in themselves for the investigation, but a method by which to reach the "accurate basis" for a decision, which, as far as possible, reflects the individual's true problem and need situation.

The analysis of the the investigation's argumentation is based on a rhetorical understanding of the situation in which the investigator finds him/herself: the investigator is dependent upon the court in order to be able to implement what he/she considers to be necessary measures for protecting and supporting the child. It is therefore essential that the investigation's text formulates and presents the problem situation in such a way as to be able to sway the court towards the investigator's standpoint. The situation may be termed *rhetorical* as the investigator must firstly win over the court for his/her purpose before the planned measures can be implemented.

The argumentation analysis is structured in three phases:

Phase 1. Reconstruction of the investigations' argumentation

Phase 2. Classifying the arguments

Phase 3. Reconstruction of the parents' argumentation

The argumentation analysis comprises three different types of analysis models:

The traditional pro et contra model.

The so-called three-stage model developed by Toulmin (1958).

The narrative model devised by Labov & Waletzky (1967, Labov, 1972)

In the *first phase* the argumentation from the investigation texts is reconstructed using the pro et contra model and the three-stage model. The reconstruction starts with the pro et contra model by firstly identifying a thesis (abbrev. T) in the investigation text. The thesis in the investigation text naturally varies depending on the specific circumstances of the case, however, I interpret it always as the investigation's answer to the question regarding what it is in the home environment which may result in a palpable risk for impairment.

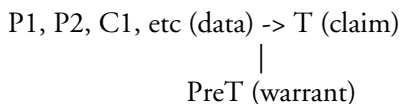
The next stage is to search for such arguments which directly support or conversely undermine the thesis, that is to say, the *primary pro-argument* in favour of the thesis (abbrev. P1, P2 etc) or alternatively, the *primary contra-argument* against the thesis (abbrev. C1, C2, etc). It is the content of the thesis which decides what information in the text shall be perceived as a supporting/undermining primary argument. Since the thesis is based on some form of reasoning which implies that the child risks developing in an unfavourable direction due to deficiency in care, the primary argument initiates the argument for or against the risk.

In this phase I also search for the connecting premise between the primary argument and the thesis which I term the *main premise* (abbrev. PreT). The concept "main premise" does not appear in either of the two models on which the argumentation analysis is based, but is of my own construction which has arisen in connection with the specific logic of the investigation: to investigate and define the young person's need of care and how this may best be provided, which presupposes that the investigator has some theory or notion concerning the child's needs and development. It is this to which the concept "main premise" refers. Thus, the main premise links the thesis and the primary argument, or, in other words, the main arguments, in the form of a notion or theory regarding the child's needs and development,

The introductory phase of the reconstruction thus implies an explanation of what is the thesis (T), the primary argument (P1, P2, C1, C2, etc) and the main premise. The reconstruction has followed the pro et contra paradigm which has resulted in what I term the text's *fundamental argumentation*. This has an operational function in the analysis as a guide for the subsequent reconstruction work.

The fundamental argumentation has the same logical structure of Toulmin's (1958) three-stage model. No particular statement is perceived as a thesis. Instead each argumentation is based on a *claim* which is supported by *data*, and a

warrant which connects both these elements. Schematically, the combination of both models appears thus:



Thus far the fundamental argumentation. Having been defined, the structuring continues in accordance with the pro et contra modal paradigm. The primary pro-argument for the thesis (P1, P2, etc) as well as the concomitant arguments are grouped together. Theoretically, this may imply long chains of statements which support/undermine the primary pro-argument (P1P2, P2P1, C1P2, etc), secondary pro-argument (P1P1P1, P2P1P1, C1P1P1, etc) and so on. The same *modus operandi* applies to the contra-argumentation. The primary contra-arguments against the thesis (C1, C2, etc) are grouped together. Subsequently, the statements supporting the primary contra-argument (P1C1, P2C1, etc) or refuting them (C1C1, C2C1, etc.) et cetera are defined.

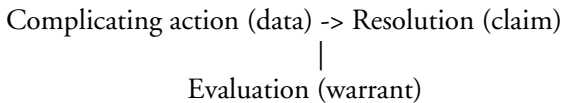
The *second phase* in the analysis is to classify the argument according to type. The point of departure for this part of the analysis is the rhetorical classification of argument through deliberative declamations (*probationes artificiales*) which the speaker himself must create, and through forensic declamations (*probationes inartificiales*) which in principle speak for themselves and are therefore not dependant upon the speaker's rhetorical skill for effect. The deliberative declamations/arguments are classified according to whether they may be applied to *logos* (the intellect and its rational ability to draw conclusions), *ethos* (the mild and more permanent feelings) or *pathos* (the strong and sudden feelings). The forensic declamations/arguments are treated in mainly the same way as the *logos*-type proof.

The starting point for the classification made here is Bergströms & Boréus' (2000) discussion on argument classifying according to type, that is to say, according to the type of premise which – often unspoken but implicit – connects the supporting/undermining argument to the argument to be supported/undermined, and which argument types may be profitable to work with; 1) *Symptom, cause and generalisation argument*, which usually belong to the *logos* type. 2) *Authority argument*, which, depending on what it is referring to, may belong either to the *logos* or *ethos* type. 3) *Motivation argument*, which belongs to the *pathos* type.

In the structuring and classifying of the investigation texts' argumentation one occasionally comes across an argument presented as an example in narrative form. This corresponds to the type of rhetorical evidence termed as *example narrative*. The example narrative is thus an argument (in the sense "proof"), but it

must first be analysed as a narrative before it (as an argument) may be classified according to type. As “means of proof”, the example narrative has a function corresponding to the *referential* information which Labov & Waletzky (1967) and Labov (1972) consider as fundamental for narratives in daily, oral statements. They define the narrative as means of recapitulating a course of events by matching a verbal sequence of clauses with the sequence of events as they actually occurred. The narrative also has a value structure or *evaluation* which shows the point of the narrative, which is related to that which the narrator wishes to recount.

The elements which constitute the narrative’s core may be summed up under the headings *complicating action*, *evaluation* and *resolution*. These three elements may be formed into an argument according to the three-stage structure. The complicating action (the problem to be solved) corresponds to data, resolution (solving a problem) to claim, and the problem’s evaluation to warrant.



The three elements in the narrative constitute a type of argument which I term *narrative argument*, and which, as mentioned, appear as example narratives in the investigation texts.

The *third phase* of the argumentation analysis focuses on the parents’ approach to the investigation and the care considered necessary by the investigator. This implies a reconstruction of the parents’ contra-thesis (CT) and the main premise (PreCT) for the contra-thesis, and of the argument for this standpoint which is ranked according to the pro et contra model paradigm. The main premise in the parents’ argumentation is linked to some kind of theory or notion about what is implied by being a parent and what is required so that parents should be able to provide for their child’s needs. Unlike the reconstruction of the investigation texts’ argumentation which is based solely on the documentation appended to the application to the county administrative court, the analysis in this third phase involves additional documentation in the case retained in the case file.

2. *The interventions.* This part of the study is concerned with the investigation as a basis for procedural work. The analysis shows how the investigation procedure, as a process of counselling, assessment, decision, etc., which has an imperative and intervening dimension in that it affects the parents’ capacity for action, adheres to the requirements that the social services’ work be formulated in such a way that it contributes to the individual’s *mobilization and liberation*. The ob-

jective presupposes a work approach which is usually summarised under the term *empowerment*.

The analysis' focus concentrates on the interaction between, on the one hand, the manner of the social services' interventions, and on the other hand, the parents' reactions to these interventions. The point of departure is that the present social services manner of intervention has structural similarities with the measures model codified in the Child and Young Persons Act of 1960: 1) Assistance measures (comprising counselling and support), 2) admonition and warning, 3) directives concerning the conditions under which the young person lives, and 4) supervision. If these methods proved to be ineffectual, there remained 5) placing into community care. The model, which is often termed the "thumbscrew model" because it implied a step-by-step escalation in the means of coercion, does not appear in the new legislation, but the system of measures which have been adapted, in practice build on the same principles. For example, the parents are given a warning by being informed that if they do not concur voluntarily with the care suggested by the investigator, the child may be placed in compulsory care. Another example is that the investigator may decide that the parents must admit themselves and the child into a community home for investigation and counselling, where the parents must submit to both supervision and the rules of the community for investigation.

The analysis of the parents' reactions to the social services' interventions has been basically modelled on Salonen's discussion (1998, with reference to Hirschman, 1970 et al) on what alternatives for action the social services' clients have. In his/her capacity as "client" within a community service institution, a dissatisfied client can choose between completely withdrawing from dealings with the social services, that is to say to "*exit*", or try to achieve an improvement in service by lodging a *protest*. Since the clients are typically in a state of dependency on the social services, their chances, in practice, of exiting or of achieving a change through protest are small. Instead, the alternative for action often becomes an *adaptation* to the rules and conditions which the social services impose in return for their support and assistance. The situation is similar for those parents who become the subject of an investigation which may result in a decision to place their child in compulsory care.

Results and conclusions

The argumentation analysis has clearly demonstrated that the *professional experts* (various representatives for other care institutions such as health care personnel, psychologists, etc) occupy a leading rôle in the investigation process (cf Hollander, 1985). Their knowledge regarding the parents' capabilities and the child's needs of care are documented in various evaluations and investigation reports (which are appended to applications for care), and lay the ground for the argumentation in the investigator's memorandum (M).

The content of these evaluations and reports is based on two different sources of information: 1) Assessments grounded on the systematic execution of examinations made into the parents' capabilities for care and relations with the child, or supervision of the parents' capabilities for care, which are carried out by persons with specialised professional qualifications for this type of examination/supervision. 2) Assessments based on the investigator's and the professional expert's experience of the parents in their daily environment and /or from meetings in the investigator's or expert's line of work. Both sources of information are linked to a specific investigative style which, using the concepts taken from Lundström (1993), have been termed *professional* and *pre-institutionalised investigative styles* respectively. The pre-institutionalised investigative style differs from the professional in that the investigator's and expert's conclusions concerning capabilities for care and need of care have not been validated through systematically executed specialist examinations/supervisions of the parents and child.

The relation between sources of information and investigative styles is reflected in the mode of argumentation. In the professional investigative style the argumentation is strictly of the logos category, and based on an academic interpretation model, which leads to an "academic approach" to the problem situation. This type of authority-based arguments which appear here are logos-oriented as the emphasis lies on the authority linked to the academically-controlled, systematic examination/supervision of the parents' capacities and the child's need of care. The argument suggests factors which speak in favour of the parents' suitability but which, above all, highlight their negative aspects.

In the pre-institutionalised investigation the argumentation is based around daily life, which implies that the parents' problem situation is "trivialised" at the cost of more academic interpretation models. The type of authority-based argument which appears here is ethos-oriented as the argument's emphasis is on the expert authority which is linked to the experts' professional status. The argumentation is biased towards the parents' negative qualities. Part of the main ar-

gument is narrative-structured and takes the form of the pathos-oriented motivation argument.

In M's argumentation is found *one* argument *against* the thesis which represents the parents' understanding of, or standpoint in the question of care. In the reconstruction of the parents' standpoints and argumentation on the basis of the full case material, the parents' arguments recur, but now as part of a relatively complex argumentation against the child being placed in compulsory care in an approved family home. The argumentation points to alternative solutions which could be worth trying before taking a decision to separate parents and child. In this argumentation may also be found arguments which point to critical elements in the investigations and which, as with the alternative solution proposals, imply that the tenability of the argument in favour of the child's being taken into compulsory care may be questioned.

The "*simplification*" of the parents' argumentation which occurs in the M:a implies that a certain argument is emphasised while another is suppressed. This simplification may be seen in relation to the rhetorical situation in which the investigator finds him/herself when the position on LVU care has been taken. This is reflected in M's argumentation, which may be described as a "battle" between the investigator and parents concerning what is the "accurate" picture of the family's problem situation and the child's care needs. In this struggle the parents find themselves at a disadvantage as the investigator has legally-sanctioned power over the case document's structure, content and information flow. On the basis of this hegemony the investigator can sift among the parents' counter-arguments and select and present them in such a way as benefits his/her own case.

The simplification may also be seen in relation to the fact that the standardised range of measures at the disposal of the investigator often does not provide tailor-made solutions in the complex cases with which this type of investigation deals. The simplest, and in the short term cheapest, solution is to take the child into compulsory care and place him/her in a family home. Since the parents disagree with this, the care should be arranged under LVU, and consequently, the argumentation must be directed by factors of legal relevance for such decisions. This implies a focus on the parents' failings, both as parents and as co-operative partners with the social services, and to dampen characteristics and circumstances which go against the fact that care must only be in the form of a family home placement and arranged according to LVU.

The intervention analysis has illustrated the asymmetrical relation between the parents and the social welfare committee's representative. The committee's responsibility for the child's protection entails a curtailment of the parents' right of self-determination and integrity. The parents can deal with this curtailment in two ways: they can accept the curtailment by adapting themselves to the de-

mands and conditions laid down by the committee, and as such, formally retain the right of determination over the child. They can choose to put their personal integrity first by exiting from all dealings with the social services which can then react by taking the child into compulsory care and, by that, assuming the right of determination over the child's care.

As shown in the analysis, not all exits are "voluntary", but there may also arise a form of "forced" exit, wherein it may be said that it is the social services who rejects the parents rather than vice versa. Such a choice may be seen in the form of decision not to make arrangements for certain examinations into the parents' capabilities and/or the decision not to provide certain support and counselling measures. The decision is based on the assessment that the parents are "untreatable". This implies a curtailment of the parents' scope for action from both a short and long term perspective. In the short term this means that the parents have no real opportunity, with the help of support and counselling, to alter their behaviour before the child is taken into care, but that the committee goes directly to a placement decision. In the longer term, it means that they have no access to support and counselling which may enable them to be reunited with the child, or to play a more active rôle in the child's care during the placement period. Instead the committee's planning is directed towards a more permanent period of placement which is guaranteed, amongst other things, by far-reaching restrictions on the parents' association with the child, which leads to a weakened relationship between the child and the parents. Considering the effects, these decisions are dysfunctional to the demands that the work should strengthen the parents' capacities both as parents and as individuals.

The definition of the parents as "untreatable" can be seen as a reduction and simplification of a complex problem situation. It may be viewed in relation to the social services' limited staff and material resources combined with the fact that the case concerning the child's need of protection and support often pertains to the "difficult", resource-demanding case type. Placement in an approved family home is (over the period of a few years) a cheaper alternative than spending time-consuming and continuous treatment work on parents. The definition of the parents as "untreatable" implies that the investigator relieves him/herself and the social services of the resource-demanding work related to the parents, and that these saved resources can be redirected to "treatable" parents, that is to say, parents with a better prognosis as regards time.

The analysis has illustrated that the investigator's advantage over the parents is applied in a repressive manner in the investigations. One way in which to strengthen the parents' position is to legally ensure that decisions resulting in parents and child being separated over a long period must be based on a specific investigation of the parental capabilities and /or the results from a consideration of the parents' capabilities for care. As these examinations and counselling con-

stitute a deep infringement on the parents' personal and social integrity, the right to be investigated and counselled must rest on free will.

Another way is to legally arrange for a support person for the parents during the investigation process, and, should the occasion arise, during the child's stay with an approved family. The right to a support person must also be based on free will. The support person must have knowledge and experience of social matters and be independent of the committee. His/her duty should be to safeguard both the parents' and the child's interests. The list of the support person's duties may be considerably long, particularly in a situation where the child has been taken into care. An important part of the assignment is to ensure that the child's and parents' common needs are considered by the committee, and to explain the possible alternatives to being placed in care and the resources needed for these alternatives to be carried out.

However, the proposal for a support person does not solve the fundamental problem in itself, which is related to the *actual possibilities* the investigator possesses in order to carry out the investigation and treatment work according to the legislator's intentions. The investigation methodology of social work is not a question which simply applies to the social services and which they alone should manage, but above all, it is a political question in which the main concern lies in the relation between society's demands and expectations and the *resources* it is prepared to invest in order to fulfil these expectations.