

## **Child care**

In the year 1996 scientist Joar Tranøy wrote a report to the University in Stockholm, about Norwegian child care departments and the methodology of the psychologists who are entitled to write official reports about whether or not parents are fit to raise their children. Tranøy scrutinised the reports in 37 cases, where parents had contacted him, and found several methodological weaknesses.

Lack of criticism of sources: In 32 out of 37 cases sources had not been scrutinised; Allegations against parents were uncritically adopted. The conclusion in 18 of the cases referred to second hand information i.e. from the Departments of Children's Care. In 16 reports, the psychologists made use of pure slander.

Non scrutinised information was uncritically referred to as facts in 18 cases. Tranøy found decontextualisation in 28 of the 37 reports. Decontextualisation may imply that facts relevant to descriptions of persons, is not being mentioned. It may also mean that statements and actions are separated from its context, so that those who are reading the report may easily misinterpret the situation.

Tranøy also found citation errors in disfavour of biological parents - and biased statements. An example of a biased statement is the following remark from a report: *“Dad occupies the whole dining table with his hobby activities and there is quite untidy and somewhat dirty in the house”*.

The psychologist observed this during quite short time (15 min, according to parents). According to the neighbours of the children, they often participated in the hobby activity, building up model planes, together with their father, which created a certain disorder. The psychologist did not examine this.

In his report, Tranøy describes general legal protection problems in the child care system. One can compare the report in child care cases with the task of a police investigator. Both are supposed to find the relevant facts, and ask questions like; “should the accused be found guilty”? Or; “should the child be removed from its family”?

The role of the police investigators is regulated by law. Child care cases are different. There are no rules at all concerning collection of information. The child care workers are deciding themselves, whether or not discussions with the parents, or witnesses, shall be taken by phone or face to face. Telephone is often used. The parents are not presented with what the psychologist write down, and the information is often written down without control questions being asked.

Child care cases often rely on “information” from anonymous sources. It may prove impossible to defend yourself against anonymous sources. One never knows who the sources are, and whether the sources are reliable. Or whether the sources possess first hand information, or are pure rumours.

We never know whether there is a possible clash of interest present, between the source and the parents. In criminal cases this kind of use of anonymous sources is by law illegal. In a letter the Public Prosecutor has warned against the use of anonymous sources, mentioning that these cases very often are driven by revenge, envy, or malice.

The psychologists in the child care cases are often taken from lists made by the Department of Children's Care, or they may have close relationship to the department. Psychologists operating in several child care cases - are very often present during the meetings in the department, without the presence of the parents, and thereby they only get a one sided information.

Another problem is the swift change of roles in child care cases. Sverre Kvilhaug has long experience being a lawyer in child care cases. He is a critic of the role of the experts in child care cases. Kvilhaug poses the question whether the demands for a fair trial are fulfilled:

*“Article 6 in The Human Rights Convention entitles everyone to a fair trial. This is also the case in a child care case in county organs or in courts - when the issue is whether parents shall lose or regain the care for the children. In these cases psychologists have a special role. They are paid by the department to influence the outcome. In this way they frequently change their hats. The extent and economical importance of this practice, makes it reasonable to ask whether their reports and votes, are influenced by their interest in getting renewed their assignments from the department. This question does not seem to have bothered any county bureaucrats, courts or the department. In criminal cases such a change of hats would never have been accepted, nor even conceived”.*

Sverre Kvilhaug continues:

*“I shall illustrate the extent: In the year 2001, a psychologist in Nordfjordeid (Western Norway) informed us that she had been an appointed expert paid by the Department of Children's Care in at about 40 cases. In 50 cases she had been an expert member of two different committees. One year later, she had had 11 assignments for the department and 5 for the county committee. She had also been an expert member of the county jury. Can we rely on that one single expert, who is as economically dependent on the department, as in this case, be trustworthy able to give the private part in a child care case, a fair treatment? Wouldn't most people tend to believe that these psychologists would support the department in nearly 100% of the cases? And isn't that just what we're seeing experts actually are doing? Would anyone believe that an expert voting against the department would be able to get renewed their assignments from the department?”*

One example can serve to illustrate the way many psychologists act in child care cases. Lawyer Herman Berge found the following pattern in the work of a central psychologist connected to FOSAP (Forum for Psychological Experts):

*By examining the 33 decisions I found at Lovdata [an official law website] you will find no decision where Poulsson has not concluded in favour of the assigning authority. You may safely conclude that Poulsson consequently has been concluding in favour of the Child Care Department. In my opinion Poulsson's work has no scientific value, and is worthless, not to say detrimental, concerning child care cases”*