



'Well, the Child Can't Choose, Right?': Foster Children's Participation Experiences of Child Protection Removal Practices

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Abstract

According to the United Nations Convention on the Rights of the Child, children have the right to voice their opinions and participate in decision-making in matters affecting their lives. Furthermore, professionals working with children have the responsibility to always make the best interests of the child the priority when contemplating decisions that have an impact on the child, including by ensuring that the child's concerns are paid attention to and their opinion is taken into consideration. However, studies indicate that the opposite occurs in practice and that decision-making in child protection cases often excludes children's views, especially in alternative care. In this qualitative study, 31 foster children's perspectives were gathered through in-depth semi-structured and focus group interviews with the aim of exploring the children's participation and perspectives based on their lived experiences within the context of child protection removal practice in Estonia. Findings indicate several obstacles that hinder children's meaningful participation, including not receiving adequate or truthful information about their removal and placement. Furthermore, they had no trustworthy adult to talk to and, therefore, they lacked opportunities to discuss their views or concerns with someone capable of acting on them. These findings suggest that children's active and meaningful participation in alternative care requires more attention and implications in practice.

Keywords Alternative care placements · Child participation · Child protection removal · Estonia · Foster children

Since the adoption of the United Nations Convention on the Rights of the Child (CRC) in 1989, children's rights have become an increasingly important topic in the field of modern childhood research, including in research on child protection removals. The Convention sets two central but controversial commitments: children have the right to participate in decision-making processes (article 12) and the right to have their best interests taken into account in all actions and decisions that concern them (article 3). There has been an ongoing debate about balancing these two commitments and confusion from specialists concerning how to adhere to these commitments in practice (Archard & Skivenes, 2009a, b; Fortin, 2006; Thomas & O'Kane, 1998).

Even though various models have been constructed to better define "participation" and to support its implementation

in practice (see for example Hart, 1992; Lundy, 2007; Shier, 2001), children's right to participate is still conditional, especially in child protection and welfare services, including in child protection removals (Cossar et al., 2016; Holland & Scourfield, 2004; Saarnik, 2021; Saarnik & Sindi, 2021; Strömpl & Luhamaa, 2020; Vis et al., 2012). Studies indicate that decision-making in child protection cases has excluded children's views and children's participation continues to be rather formal (Collins, 2017; Toros, 2021; Vis & Thomas, 2009). Furthermore, there are indications that children who are seen as particularly vulnerable, such as children going through child protection procedures and those in alternative care, are excluded from decisions regarding their lives (Garcia-Quiroga & Agoglia, 2020; Mason et al., 2003; ten Brummelaar et al., 2017; Tregeagle & Mason, 2008). Child protection workers (CPW) outline various reasons why it is often not reasonable to involve children who have experienced trauma in decision-making processes.

The most common justification is the obligation to protect children from reliving painful memories (Archard & Skivenes, 2009a; Toros & Falch-Eriksen, 2021). Furthermore, adults tend to consider children unable to express

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their wishes clearly and see children as not being mature enough to understand the issues and therefore think about their best interests in the long term (Archard & Skivenes, 2009a; Garcia-Quiroga & Agoglia, 2020).

Despite the lack of good practice, it is still strongly emphasised within the social work profession that the children are the centre of child welfare and their views have particular importance when decisions are taken concerning their well-being (Kennan et al., 2018). Findings suggest that interventions can be more effective when children are encouraged to express their opinions and have their views acted upon when appropriate (Barnes, 2012; McLeod, 2007). Furthermore, children's active participation facilitates self-esteem, a sense of empowerment, and adaptive skills – all features that help children develop emotional strength and resilience (Burgund Isakov & Hrnec, 2021; Saracostti et al., 2015). Additionally, giving children an opportunity to participate in decision-making ensures that services are more effective in meeting the needs of the child (Lancaster, 2007). For these reasons, children's voices need to be heard to improve the decision-making process. The current study contributes to giving voice to children's perspectives and aims to explore their opinions and participation through their lived experiences within the context of child protection removal practice in Estonia. The main research questions of this study are: (1) what are foster children's experiences participating in and influencing decisions regarding their placement and time spent in alternative care? and (2) what are the greatest obstacles to achieving healthy participation for foster children?

The Context of the Study

Prerequisites for Children's Participation and the Child Protection Removal Regulation in Estonia

Embedding children's participation in policy legislation is an important prerequisite for achieving meaningful participation in child protection practice (Bouma et al., 2018). Estonia ratified the CRC in 1991 and it has proved an effective step in promoting children's rights. Estonia's child-protection paradigm shifted when the reformed Child Protection Act (CPA, 2014) entered into force in 2016 with the aim of shifting from risk-oriented child protection systems toward a child-centric child protection orientation (Gilbert et al., 2011; Linno & Strömpl 2020). Although the principle of the child's best interest is sometimes labelled as an abstract principle within children's rights discourse and practice, the renewed CPA (2014, § 21) makes a clear connection between the child's best interest and child participation, emphasising the child's fundamental right to be heard and the importance of communicating and

listening to the child's opinion throughout child protection processes:

The best interests of the child as the primary consideration: To ascertain the best interests of the child, it is necessary to explain the content and reasons for the planned decision to the child, to hear the child in a manner which takes into account his or her age and development and to include the child's opinion based on his or her age and development as one of the factors in determining the best interests of the child. Furthermore, if the decision about what is in the best interests of a child differ from the child's opinion, the reasons must be explained to the child.

Thus, these two important principles, the child's best interest and child participation, were strengthened significantly when the provisions from the CRC on the best interests of the child and child participation were incorporated into the CPA in 2014. Ultimately, children's best interests should be the focus when state authorities, including CPWs, intervene in family situations and/or decide to remove a child from their birth parents. In accordance with CRC Article 12, the Estonian CPA stresses that children should be able to express themselves freely in juridical and administrative proceedings, as appropriate depending on the age and maturity of the child. The CPA does not set an age limit for children's free expression throughout child protection decision-making processes, although the Estonian Code of Civil Procedure (§ 552¹, 2005) states that the court has an obligation to hear a child who is at least ten years of age. In Estonia, children can participate directly in child protection decision-making meetings, including in court proceedings where decisions about removal are made. Alternatively, children can participate indirectly through a legal representative e.g., the child expresses their views to a child protection worker or advocate, who then represents this view in the court either orally or in written form (CRC Committee, 2009; Linno & Strömpl 2020).

Researchers argue that despite these requirements, children's participation rights are not well-established in Estonian child protection practices (Arbeiter & Toros, 2017; Lauri et al., 2020; Toros & LaSala, 2018). Even though child participation in Estonian child protection services has been researched, it has mainly been presented through the eyes of CPWs, and the children themselves have not had sufficient opportunities to express themselves on this issue. It is therefore important to explore children's and CPWs' experiences and viewpoints separately (Strömpl & Luhamaa, 2020).

Alternative Care Services for Children in Estonia

Since early 2018, the Social Welfare Act (SWA) provisions have specified the purpose and different forms of alternative care services for children: family-based care in a foster

family and residential care in substitute homes (SWA, 2015). The current study includes children from both of these forms of alternative care. A foster family can include up to four children at a time, including the caregiver's own children (under 14 years old) and other people who need care; substitute homes can vary based on size, length of stay and other characteristics. Alternative care services for children are coordinated by CPWs in the local government; CPWs are obligated to visit all children at least twice a year (SWA, 2015).

Foster care placements are increasingly the preferred method of providing alternative care. Only when placement in a foster family is not considered to be in the best interests of the child are other options, such as residential care, considered (SWA, 2015). However, there are currently discussions taking place in Estonia about whether residential care may sometimes be the best option for some children due to negative experiences in a family setting, in order to keep siblings together, or to provide specialised care and treatment.

Once a child is removed from their biological family and placed in alternative care, the relevance of the care order decision as well as the placement should be assessed regularly, at least once a year (SWA, 2015). This means that during the placement, the CPW has to visit the child's foster or substitute home and make regular assessments, cooperate with the child in care, their caretakers and birth parents, and update the case plan in line with the care-order assessment. In general, the relevance of the care order decision as well as the placement should be guided by the principles of the child's participation and the best interest of the child.

Method

A qualitative approach was chosen to understand children's subjective experiences of removal from birth families and placement in alternative care. This study focuses on the extent to which children understand and participate in child protection processes. Children are acknowledged as experts on their own lives and whose experiences are worth investigating.

Participants

The sample for the study included children aged 10–16 years old who are living in foster families or substitute homes in Estonia; both of these groups are designated as foster children in this research. The choice of the children's age range was based on the assumption that children aged 10–16 could understand interview questions with the same wording, which would make the analysis of the results more

consistent. The researchers also took into account the fact that the subject being studied was a sensitive one and may have raised questions for children in a younger age group. According to the requested information from the Estonian Social Insurance Board, on the 18th of February, 2021, there were 55 children in the desired age group living in foster families and 468 children in substitute homes.

A total of 31 children participated in the study, of which 22 children lived in four different substitute homes and nine living in five different foster families. Fifteen children were girls and 16 were boys, with ages ranging from 10 to 16 years (mean age of 13). They all lived in different municipalities in Estonia and therefore had different CPWs responsible for their care plans. All of the children spoke Estonian, even though nine of them were of Russian origin.

Interview Design and Data Collection

The information about the study was shared via institutions and organisations working with or for foster families or substitute homes in Estonia. The invitation was sent out to 12 substitute homes and to all foster families that are listed as members of representing organisations. Two types of documents outlining information on the study were provided: one for direct caregivers (educators, birth family and foster parents) and another for children (in child-friendly language). Four foster homes and four foster families reported a willingness to participate in the study. After visiting these foster homes and families, the interviewer invited participants to share information about the study among their contacts who were also foster carers, which resulted in one more foster family being recruited into the study. One foster carer shared her positive experience and information at an unofficial foster parents' support group, where she got critical feedback from foster parents who were concerned that the theme of the study – children's rights (not obligations) – could create more challenges in their daily lives. Furthermore, they emphasised the importance of privacy. Children's experiences and perspectives were gathered through in-depth individual semi-structured interviews ($n = 5$) and focus group interviews ($n = 5$); ten interviews were conducted in total. A qualitative interview guide was developed based on the literature on research on child participation and national laws (for example, the CPA, 2014) to gather children's perspectives on how the regulations on child participation in child welfare activities take place in practice. Researchers used a simple three-dimensional definition of participation by Bessell (2011): (i) a child has sufficient and appropriate information to be able to take part in the decision-making process; (ii) a child has the opportunity to express their views freely; and (iii) the child's views affect the decision. These topics were covered in three different life stages: (i) separation from the birth family, (ii) placement in alternative care, and (iii)

while living in alternative care. Sample questions included, ‘What information did you have about your new home, and did you have the chance to visit the family/foster home in advance?’ ‘Have you been asked for your opinion regarding foster care arrangements?’, ‘Regarding the family separation and placement to alternative care, who was there to support you?’, and ‘What could have been different?’.

All ten interviews were carried out from June through July 2021 by the first author. According to the children’s wishes, five interviews were conducted in focus groups. One focus group interview was with children living in one foster family (4 participants) and four focus group interviews were with children living in substitute homes (groups of 4, 7, 8 and 3 participants in each of the focus groups). Five other interviews were individual in-depth interviews, as desired by the children.

It appeared that children living in substitute homes were more comfortable having interviews in a group setting and children living in foster families preferred to have an individual conversation with the researcher. It was also clear that in some substitute homes, children were told by the manager that it was mandatory to participate – even though there were clear instructions given to managers and children that their participation was optional. Therefore, child-friendly informed consent was verbally obtained and signed before the interview. At the beginning of the interview, the children were informed that their participation in the research process was voluntary and that they could choose not to answer any question, or to withdraw from the study at any point without an explanation. The children were also assured that the information shared during the interview would be kept anonymous. After the informed consent was signed, the interviewer started with a short explanation about children’s rights, including children’s right to participate (or not) in the following interview.

The interviewer acknowledged the differences in different kinds of interviews and settings. There were no time limits to any interviews, but the focus group interviews were longer, and the questions were repeated several times to give every participant a chance to answer. Not every child in the focus group wanted to answer all the questions, but that was allowed and explained to children. Children who were interviewed individually were comfortable answering all the questions. The majority of interviews took place in children’s homes (foster families or substitute homes). Two participants, who were the only children in their foster families, expressed their wish to talk via Zoom. Due to the COVID-19 pandemic, children were accustomed to home-schooling and video calls, therefore, researchers did not see any disadvantages to conducting interviews online. To build a rapport, the interviewer started the conversation by introducing herself and her interest in researching the topic. It was emphasised that the child’s honest and direct opinion

was very important. During the video call, the researcher was careful to enunciate clearly, the child’s facial expressions were carefully observed, and a response was made when the child showed signs of discomfort. Furthermore, to avoid differences in participation due to children’s age, the interviewer paid extra attention to child-friendly and age-appropriate language so that all children could understand the questions. Therefore, no differences were observed in children’s participation and understanding of the questions. Children were not compensated for their participation. During all interviews, the atmosphere was relaxed and enjoyable, which allowed them to discuss their experiences openly. Children were respected and allowed to talk on their own terms. The aim was to minimise the interviewer’s directing or shaping of the children’s responses. Children relayed their opinions and stories from the perspective of their own lived experiences, which eventually allowed for an understanding of the children’s perspectives (Christensen & James, 2008).

Data Analysis

A thematic analysis was used to identify and analyse the qualitative data as an appropriate way to perceive people’s experiences in particular contexts (Clarke & Braun, 2013; Ezzy, 2002; Terry et al., 2017). Thematic analysis as a method for analysing qualitative data was chosen because it enables researchers to identify themes within the data that were not specified prior to conducting the research (Ezzy, 2002). In this study, the data analysis was conducted as described by Terry et al., (2017).

All interviews were audio recorded by the interviewer and transcribed immediately afterwards. The average length of the interview was 57 min, the longest group interview lasted 1.42 and the shortest was an individual interview via zoom, which lasted 38 min. At the beginning of the analysis, the interviews were first transcribed using the transcription software oTranscribe (153 pages) anonymised and read several times by the first author, followed by a process of initial open coding to identify themes or concepts present in the data. After the transcription of the data, recorded files were deleted and the transcriptions were sent to the second author for initial coding. When initial codes were compiled, the two authors compared and discussed the findings to form a common list of codes. The authors constructed themes, first independently and then together, by reaching a consensus. Themes were then further shaped and clarified together with the third author. Eventually, four main themes were developed through data analyses (see Table 1), which are presented in the following section and illustrated with children’s citations. The interviews were conducted in Estonian, as were the transcription and the analysis of the data. All material was subsequently translated into English by the first author to ensure the authenticity of the information. The

citations that are used in the manuscript were proofread by a professional language editor and the second author.

Ethical Considerations

This study was approved by the Ethics Committee of Tallinn University (Decision No. 9, 2021). Informed consent was prepared, explained verbally and signed both by children and their guardians (local municipalities) prior to the interview. Consent forms included information about the aim of the study, interview process, data analysis, the use of the data, how children's valuable views contribute to the study, and confidentiality and anonymity regarding records and study participants. The children's consent form was worded in child-friendly language: short and simple sentences. Consent was preserved throughout the whole interviewing process. At the beginning of each interview, it was once more explained to the children that their participation was voluntary, they did not have to discuss any topics they were not comfortable with and they could stop at any time throughout the interview. One of the children terminated the interview in the middle of the process, explaining that they were bored. Children, guardians and direct caregivers were given the contact number for the principal investigator (first author) in case of any further questions they might have regarding the study. The names of the participants are submitted as pseudonyms.

Results

Children's awareness of their rights is another precondition for their participation. Based on the data, children in the present study were generally aware of their rights, even though they did not mention in particular the rights related to the provision of alternative care or participating in the decisions made about their lives. Children spoke most

about the right to protection (from abuse), the right to be cared for (a place to live and food) and development (go to school). Most of the interviewed children were aware of these basic rights, which can be seen as a fundamental justification for family separation and alternative care since many children had heard about these rights from their CPW. Almost no mention was made of their rights to autonomy and participation, including the right to have adequate information or the right to express themselves freely. After introducing children to CRC Articles 3, 12 and 13, they agreed that in most cases they had not been able to exercise these rights, and they found that generally, adults made decisions regarding their lives for them.

Not Enough or Any Information

Not only did the children in the study feel they had been excluded from many decisions made about their lives, but they also described having been provided with inadequate information about what was going to happen to them or why decisions were being made. It should be clarified that the participants included children who had undergone a one-time experience of removal from their biological family, but there were also children who had experienced multiple placements. The lack of information was particularly relevant when children first entered care. Most children knew nothing about their new home or the people living there. Some children remembered that they had heard some descriptions of their new foster family or substitute home, while only two of the children, who were moved to foster families, had visited it before. One girl shared that she had Googled the institution she was going to be taken to and got some information that way. Most of the children experienced separation from their families as something that happened unexpectedly, with mixed feelings and thoughts:

Table 1 Foster children's participation regarding their placement to alternative care

Not enough or any information

Separation from the family – children did not have the reasons explained; Happened very suddenly; Intervention was unexpected; Did not have information about what was going to happen; Children were not given an explanation of where they were being taken

No opportunity to express their views freely

No trustworthy CPWs; Children's point of view was not requested; Former life was lost; All surroundings were new; Did not understand the language; Impossible to express due to language differences; Impossible to talk about important matters

Choices in the decision-making process

Choice between two undesirable options; Choice to wait or leave; Wish to go someplace else; No vacancies; Choice to live in an unsafe home or go to a substitute home; No choice at all; A child can never choose

Child's participation when reviewing the care order decision

Short visits; No secure environment or trustworthy relationship; Talking about problems; Children do not talk to the CPW individually; Need to have proper contact with the CPW; Being constantly unhappy with life in care; Nobody is interested in how the child is coping; Long-lasting conflict relationship with caregivers; Children running away; Children placed in closed child care institution service; Visiting more than just the necessary short-term visits; Communication and building trust

Lisa (15): *'Somebody could have come before and explained that they were going to take us away. Instead, they just crashed the place unexpectedly.'*

Mary (13): *'Same...I think it was around 10 people who came and barged into our home...we couldn't even take our things with us...and they said not to take anything.'*

Rebecca (15): *'I think it is weird to come to our home for no reason and just say: "Ok, now we are going to substitute home" ...and that's it.'*

As these quotations indicate, removal from their families was an unexpected event for most of the children. They shared their experiences of not being allowed to take their belongings with them, even though they would have liked to. Furthermore, children who had experienced multiple placements told the same story of repeatedly being told nothing at all. For example, Mary (13) explained:

I remember when I was taken away from my home. Then I went to some kind of shelter and then all the people who are currently in charge of this substitute home came. They came with the educator and took me away and I came here. I only remember that, and I don't remember being told anything at all.

A few of the children even revealed that they had been lied to about where they would be taken: *'I was asked if I wanted to go on holiday to the countryside and I said yes. I thought I was going to my aunt's place. Well, then I saw that I wasn't going there, but that place was also nice'* (Sally, 10). It is clear that, in these situations, the responsible professionals had deliberately manipulated the children.

Children were also asked whether they remembered being told anything about the reasons for their removal. Many children assumed that the removal had something to do with their parents: *'I assumed it was something related to my parents'* (Matt, 13). However, the children said that no one had explained to them exactly what the situation was regarding their parents. Some children who had experienced multiple placements mentioned that they had been told they were going to a new substitute home because there was no space in the existing one: *'We were told that since there was no room here, we would be taken to X [name of Estonian city], to another substitute home'* (Jane, 13). Similarly, one boy explained that when he had to leave the previous substitute home, he was told that the institution would soon be closed:

It was said that we were going to a new substitute home because the old one would be closed soon, even though it was still open a little longer, a whole year. We could have had Christmas there, even though I left in the summer (Andy, 15).

Based on the children's experiences, it can be questioned whether CPWs were giving children adequate explanations about the issues and reasons for separation from the children's biological parents and the harm the parents had done. Children's subjective opinions may differ significantly from the officer's opinion, and therefore it is crucial for the CPWs to explain these specific decisions and give children the opportunity to be involved. However, we noticed that information was more often shared about decisions and situations where the child's opinion was not relevant, for example, in circumstances where the decision was to change substitute homes because the old one was closed. This indicates that while formal circumstances may still be discussed, when relationships or issues related to harmful relationships were the concern initiating the removal, any discussion was avoided and the reasons were not explained to the children. As a consequence, this can, or perhaps already does, create an environment of child protection practice in which there is talk of formal living conditions but the importance of social relations in shaping human development and feelings is downplayed. Additionally, while talking about the reasons for removal from the birth family, several children blamed themselves and believed that it was their bad behaviour, rather than their parents' actions, that had led to the removal:

Interviewer: *'Did the CPW explain why you needed to come here?'*

Matt (13): *'Nobody told me. I knew it myself: because I was "bored" and I cannot be at home.'*

Simon (10): *'I caused too much trouble.'*

Data indicate that when children are not able to openly discuss the difficulties in their lives and maltreatment they have experienced, they often blame and have difficulty interpreting events, which can directly impact their development. Most of the children did not remember anyone speaking with them at all about the reasons why they had to be separated from their families or where they were going, demonstrating that children were prevented from exercising their rights to contribute to decision-making.

No Opportunity to Express Views Freely

Children's rights to express their views in decision-making processes and have them given due weight is vital, both for their sense of being involved and heard in their own case and for the aim of reaching the best decision (GC No. 12, 2009). Children's perspectives should be an essential element in determining their best interests, allowing for decision-making that is cooperative rather than paternalistic. Exploring data from the current study reveals two important and related topics.

Firstly, the children emphasised that there was no trustworthy adult to talk to; CPWs or police officers were rather *strangers* or *unfamiliar*, an issue resulting from professionals changing positions often in Estonia. Some children recounted that their CPW had changed frequently. One discussed having had more than three since she was removed from her family and had entered care. This instability negatively impacted children's ability to form meaningful relationships with professionals. Meetings with *strange* or *unfamiliar* professionals were one of the main factors influencing children's opportunities to express their views freely. Furthermore, most of the children stated that nobody had asked them about what they wanted or wished for and they did not know whether they had the right to express their opinions. None of the children remembered anyone asking them about what their needs were regarding their further care, nor were they consulted about their wishes concerning leaving their friends and school.

The importance of children's identity, heritage, and sense of belonging is the second important topic that concerns their participation in decision-making and opportunities for them to express their views freely. Many children explained that when they first met their foster mom or saw their new place of residence, they did not know anything about their new family, home or the surrounding area. At once, all that was familiar to them in their former life was lost and all that surrounded them was new. The situation was especially difficult for children with Russian heritage, for example, two Russian boys, who did not speak Estonian and whose foster mother did not speak Russian, faced a very complicated situation, since they couldn't ask any questions about their new situation and couldn't talk to their caregiver about matters that were important to them.

The interviews revealed several cases where Russian-speaking children were placed in a family or substitute home where they then forgot their native language. In one case, a girl was no longer able to communicate with her relatives and her older brother had to translate conversations between her and her grandmother.

Choices in the Decision-Making Process

The children were also asked whether they were given any choices during decision-making processes. When some of the children were offered choices and had the opportunity to express their views, they said that their only options were not preferable, even though they were offered a choice. For example, one child wanted to return to a substitute home where he had lived for 10 years and was close to his aunt's house, before being moved to a foster family where he was abused, but he was told that there were no vacancies there and he had to choose between the two unwanted options:

Alex (13): *'I could choose – to stay there and wait or to move here. I chose to come here.'*

Interviewer: *'Did you have any other options?'*

Alex: *'Well, I wanted to leave. I would have liked to be back in my previous substitute home, but there was no room, so I was taken here instead.'*

This kind of situation happened with other children as well; even though they expressed their desire to go to someplace else, the CPW did not find any vacancies for years and kept the child waiting. One girl said that she was given the option to stay with her parents in a very unsafe home or to go and live in a substitute home that had already been chosen for her. Although the girl being given a choice appeared to indicate positive practice, her story reflects the rather arrogant attitude of the professionals involved, and one might conclude that the child had no choice at all. In another case, a child was able to choose whether to stay with a foster family, where he was unhappy due to harsh treatment severely restricting his actions (the child could not communicate with family and friends) or to move to a new foster family. However, he was given no information about the new placement and the caregivers were unknown, and because the child lacked experience and information about the new foster family, he could not make a choice.

Nevertheless, most of the children explained that they did not have any choices. Some children even expressed their understanding that children can never choose: *"I couldn't choose the substitute home myself. Well, the child can't choose, right?"* (Andy, 15). Furthermore, some children said that during the decision-making process, they seemed to be given a choice between two options, such as going to a foster family or a substitute home, but at the same time experienced an authoritative adult clearly trying to influence their choice by talking about the consequences of one choice or another. For example, Harry (13) talked about how the mother of the foster family where he and his sister had lived temporarily after being removed from their birth family had offered them choices, but at the same time had tried to scare them with possible consequences:

Ah wait, X (name of foster parent) threatened us, she said that ... [he was thinking and making frequent pauses]. Anyway, she said that if I came with her, I would have a better life, but if I went with my sister and brother, we would be separated... Then she promised me we could talk to my brother and sister all the time, even though she took the phones from me and sister, she didn't let us go outside or on the computer, so we couldn't communicate with our brother and sister.

It is understandable that if a child had experience with one option (for example, staying in the current home) but did not have experience with another option (for example, a new foster family), then they would have difficulty deciding what

to do. Due to the lack of experience, the child would have needed information, explanations, discussions and, if possible, meetings with prospective parents. The children's stories allowed us to conclude that the choices they were offered were superficial and what one or another option would mean for the child was discussed very little.

Children's Participation in Reviewing the Care Order Decision

When talking about participation in care order decision meetings, the children made a clear distinction between the CPWs who visited them once or twice a year and those who were more interested and did more for the children than just the necessary short-term visits. The inattentive child protection workers were mentioned very little by children. However, recognition of the attentiveness was seen as important in relation to the child's participation in and sense of being heard when reviewing care order decisions.

Most children described their CPW as a *stranger* who came and visited them once or twice a year and talked with them for about 20 minutes. They did not feel that such visits provided them with a secure environment or trusting relationship to talk about their needs and concerns. Some children said that their CPW only contacted them if there was some sort of a problem or issue (with the child themselves or with their parents), and generally, CPWs' first question was: *'Have you been getting into any trouble recently?'* The children also mentioned that in foster families, they did not talk to the CPW individually, but that the foster parents mediated the conversation between the child and the CPW. This demonstrates that children do not participate directly in meetings where decisions about their care orders are discussed. Children even admitted that they did not know their CPW's telephone number and needed to ask their foster parents. Furthermore, children in substitute homes felt more of a *need* to have proper contact with their CPW but found it extremely difficult to reach them and usually forgot about the issue before they could have a conversation.

It also appeared from the children's stories that they did not like it when the child protection worker suddenly spoke with them outside the foster family or institution. One child shared an example where a CPW had conducted the assessment when meeting with the child while walking past the skate park where he was spending time with his friends. The boy did not like that at all, because he did not want to talk about his issues in front of his friends or be seen with the CPW. Anyhow, children with more attentive CPWs who had better relationships with them felt more comfortable developing an open and communicative relationship. Even though, it was common among the children to feel distrust toward their CPW because they discussed the children's lives with staff or foster families.

Additionally, some of the children expressed that they were constantly unhappy with their life in care but nobody, including their CPW, had any interest in their wishes, concerns or feelings. The children had not experienced care order meetings where they had been listened to. As a consequence, children shared stories where they had to fight for their views to be heard. For example, one girl (14) was physically abused in her substitute home by other children and when she addressed this issue with her CPW, the response was: *'There is nothing to be done and you just need to survive'*. This girl was not able to cope and decided to run away. As a reaction to the child's behaviour, the CPW placed her in a closed child care institution service. In another case, two siblings were not allowed to contact their siblings or have phones, nor were they given an allowance, despite having an abundance of chores to complete in the home. These children talked about their situation repeatedly to their CPW, but the situation did not change and they decided to run away. After that, they were placed in another institution. Thus, problems related to the absence of children's participation in care order decision meetings created issues including long-lasting relationship conflicts with caregivers, running away and being placed in closed child care institutions.

Alternatively, some children shared stories where their CPW involved them in discussion meetings and showed interest in other ways, such as visiting them on their birthdays, bringing gifts and talking to them via the Facebook messenger application. Children appreciated when their CPW reacted to their messages and solved or tried to solve their problems as fast as possible:

Hannah (15): *'I like the CPW I have now. The previous CPW... when I asked her something... if she reacted at all, then it happened at least few weeks or months later. For example, I asked her to help me find my biological father. The last CPW said it was not possible, but the new one arranged a meeting with my father only a day after I asked her.'*

Children explained that they understood that it is not possible to solve or eliminate all the problems in their lives, but they truly appreciated if CPWs paid attention to their needs and wishes regularly during and outside of care order meetings.

Discussion and Concluding Thoughts

Foster children's experiences participating in and influencing decision-making regarding their placement in alternative care are particularly important because children have often been excluded from participating in research, due to adult-centric perspectives on protection work (Garcia-Quiroga & Agoglia, 2020; Mason et al., 2003; ten Brummelaar et al.,

2017; Tregeagle & Mason, 2008). Nevertheless, researchers and practitioners stress the importance of supporting children's participation and ensuring that their participation is active and meaningful. Several models and guidelines have been created to transform the ways in which the views and experiences of children across the world are heard meaningfully in the decisions that affect their lives (Lundy, 2007). However, the results of this study and previous studies (Gallagher et al., 2012; ten Brummelaar et al., 2017; Van Bijleveld et al., 2015) indicate that foster children experience a lack of active and meaningful participation in decisions that are most important to them. There is a demonstrated lack of attention paid to supporting children's agency and autonomy, resulting in children feeling uninvolved or excluded throughout child protection removal processes. When children in this study were asked whether their opinion should be considered in child protection practice, the response was unanimous – foster children clearly wish to have increased participation in decisions made about their lives and care orders. While foster children are occasionally provided with a chance to participate in decisions during alternative care regarding everyday activities, they mainly experience a lack of opportunities to participate in decisions regarding their admission to alternative care, transition or the care inspection process. Thus, children's active and meaningful participation in this field requires more attention, and the information gained in this study has implications for practice.

The results of this study demonstrate that it is important for children to have a trustworthy adult in order to be able to fully participate in making decisions with honest and meaningful considerations, however, it seems that a CPW might not always be the best person to fill that role (Banham et al., 2011; Berrick et al., 2015). As stated by the children, CPWs change often and children described their CPWs as strangers with whom they had superficial conversations and who did not appear trustworthy enough to address their deepest thoughts and concerns. The children in the interviews suggested CPWs show more care when listening and reacting to children's concerns and issues. Children also acknowledged that adults tended to provide more extensive explanations in situations that neither they nor children cannot control and were easy to explain, for example, concerning vacancies in substitute homes and the reasons why children could not stay there. Sensitive topics regarding why children had been separated from their families or reunification were not discussed and the children did not have the opportunity to express their views about their situation with their biological family. This kind of behaviour from CPWs can be explained by efforts to balance participation and protection, one of the dilemmas CPWs have highlighted (Garcia-Quiroga & Agolia, 2020; Toros & Falch-Eriksen, 2021). This could, however, be a false dilemma, given that participation can itself be a protective measure for vulnerable children (Cossar

et al., 2016; Powell et al., 2018). Enabling children to have a voice in matters that directly affect their lives is not only a question of their rights; providing significant information and insight into their perspectives and experiences enables adults to make more informed decisions, leading to more effective interventions and outcomes (Johnson & West, 2018). Participation also enhances children's understanding and trust in decision-making procedures (Bouma et al., 2018; Pečnik et al., 2016). Furthermore, scholars emphasise the importance of participation for children's development, especially for children in care (Cossar et al., 2016; O'Hare et al., 2016; Seim & Slettebø, 2017).

Even though Lundy (2007), Mitchell et al., (2010), Bessell (2011) and several other scholars have emphasised the importance of giving children adequate and truthful information as a precondition of children's active and meaningful participation, this study indicates that the opposite occurs in practice. Most of the children divulged that they were not given any information about their placement or care plan or, for some children, the truth was distorted. This kind of behaviour, where children are not allowed to be active agents in their own care and are instead positioned as powerless victims of adult's decisions could have damaging effects on children's self-esteem, affecting future decision-making after leaving care (Burgund Isakov & Hrnčnc, 2021; Saracostti et al., 2015).

Additionally, obstacles to active and meaningful participation are closely related to the issue of children's maturity and best interests. CRC (1989) Article 12 states that the views of the child should be considered according to their age and maturity, even though several authors believe that age is not a good indicator of competence (Archard & Skivens, 2009a; Gorin & Jobe 2013; Reisel, 2017). Different studies have revealed various reasons why CPWs do not allow children to participate, for example, if a child is not mature enough for meaningful communication or involving them could be harmful (protectionism factor) (Vis et al., 2012; Garcia-Quiroga & Agolia, 2020; Toros & Falch-Eriksen, 2021; Archard & Skivens, 2009a) believe that if a child can demonstrate that they are mature enough, then their views need to be regarded as authoritative. Some of the children in this study felt compelled to take extreme action when their concerns were ignored in order to convince CPWs to listen and take action based on their wishes and needs. Simply talking to CPWs did not get the results the children asked for. Nevertheless, some children knew their rights and were resilient and dared to stand up for themselves until the situation changed, behaviour that could be interpreted as children showing maturity and understanding of their best interests. As cases from our research showed, when a child did not wait and attempt to cope with the situation but rather acted in the way they thought would best get the attention of their CPW, their desired results could be

achieved. However, the outcome may not always be positive for the child – the results of our study showed two possible “consequences” in such situations: a positive result, in which the CPW chose to take the child’s views into account, and a negative result, when the child’s behaviour led to a referral to a closed child care institution service.

The apparent lack of ability or desire on the part of CPWs to act according to children’s requests might be explained by CPWs’ extremely high workload causing them to not have time to notice a child’s maturity level or encourage children to participate. According to Reinomägi et al., (2021), in 2019, one full-time child protection worker in Estonia had an average of 986 children under their jurisdiction. A high workload and lack of time could also be the reason why it is difficult for CPWs to fulfil the demand stated by the CPA to meaningfully visit each child at least twice a year. Furthermore, systemic support, including emotional and practical support from professionals and building quality relationships, was desired by the children in our study. Support and supportive relationships with professionals are seen as the basis for improved permanence, stability, positive navigation through negotiating difficulties and successful transition to adulthood, long term well-being, and promoting the resilience of children/youth in care (Bakketeig & Backe-Hansen, 2018; Boddy et al., 2020; Häggman-Laitila et al., 2019; Kaasinen et al., 2022).

The results of this research indicate that there is clearly a gap between theory and practice regarding children’s participation in child welfare proceedings, especially in alternative care, where it is highly important to encourage children and support their self-esteem and sense of self-worth. Feedback from children and young people is also required to understand whether practice meets the desired standards and meaningful participation is really happening. In order to get a complete picture, the perspectives of young adults who have already left alternative care should also be studied, as they could retrospectively discuss whether the CPWs they interacted with during their care found a balance between listening to their wishes and ensuring the actual best interests regarding future decisions. Therefore, it is important to continuously enable children and young people to participate in research and support their active involvement.

The authors acknowledge the limitations and benefits of this research. Firstly, this study does not claim to be representative of the experiences of all children and young people in care. Even though the findings cannot be generalised, they raise important issues and provide critical insights into children’s experiences. Secondly, there are some limitations due to the different ages of participants, which varied from 10 to 16. The scope of the discussion may differ based on the age since the older children may have had a longer experience longer to reflect than younger children. Thirdly, different data collection methods were used (such as focus groups and

individual interviews), including interviewing via Zoom, which can impact the interview environment (for example, building rapport, child’s openness, and questions of trust). By choosing different data collection methods based on children’s preferences, child participants were given control on how it was most convenient for them to openly discuss their experiences. This way, children and researcher were both ‘collaborative learners’ (Christensen & James, 2008), and this methodological approach is closely linked to social changes in the status of children described at the beginning of the article.

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Declarations

Conflict of interest The authors declare that they have no conflict of interest. The authors have no relevant financial or non-financial interests to disclose.

Ethical Approval This study was performed in line with the principles of the Declaration of Helsinki. Approval was granted by the Ethics Committee of Tallinn University (Decision No 6-5.1/9, 31/03/2021).

Informed Consent Written informed consent was obtained prior to the interviews from all individual participants included in the study and their legal guardians.

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