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*Juha Hämäläinen, Brian Littlechild,
Oldřich Chytil, Miriam Šramatá,
Emmanuel Jovelin (Eds.)*

**Evolution of Child Protection and Child
Welfare Policies in Selected European
Countries**

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Selected European Countries**

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Index

*Juha Hämäläinen, Brian Littlechild, Oldřich Chytil,
Miriam Šramatá and Emmanuel Jovelin*

Introduction..... 7

Vanja Branica and Branka Sladović Franz

Child Welfare in Croatia: History and Current Position..... 11

Christos Panayiotopoulos

Past, Present and Future Prospects of Child Welfare in Cyprus 29

*Kateřina Cilečková, Monika Chrenková, Oldřich Chytil and
Marie Špiláčková*

Socio-legal Protection of Children in the Czech Republic 45

Niels Rosendal Jensen and Kirsten Elisa Petersen

**The Evolution of Child Protection and Child Welfare Policies in
Denmark 73**

Brian Littlechild and Caroline Meffan

**Social Work within Child Welfare and Protection Services in
England and Wales 91**

Inger Kraav and Siiri-Liisi Läänesaar

**Historical and Actual Aspects of Child Protection and Child
Welfare in Estonia..... 109**

Juha Hämäläinen

**Developments in Child Protection and Child Welfare Policies in
Finland 127**

Emmanuel Jovelin

The History of Child Protection in France 147

Heinz Kindler and Stefan Borrmann

Prominent Facets of Child Protection in Germany 161

<i>Gergely Fábián, Lajos Hüse and Katalin Szoboszlai</i>	
Modern Perspectives of Child Protection in Hungary	181
<i>Teresa Bertotti and Annamaria Campanini</i>	
Child Protection and Child Welfare in Italy.....	203
<i>Martine Noordegraaf and Frans van der Veer</i>	
From Entitlement to Youthcare: Toward an Entitlement to Support in Upbringing in the Netherlands.....	221
<i>Jorge M. L. Ferreira</i>	
Child Protection and Child Welfare Policies in Portugal.....	239
<i>Miriam Šramatá and Andrej Kállay</i>	
The Evolution of Child Protection in Slovakia.....	257
<i>Tommy Lundström and Marie Sallnäs</i>	
Sweden – A Family Service Model with Tensions	277

Child Protection and Child Welfare in Italy

Teresa Bertotti and Annamaria Campanini

Abstract

The chapter outlines the main features of the child protection system in Italy. It starts with a brief history of child welfare and it describes the legal framework and the changes related to the recognition of the child's right to be grown within his/her family as well as the right of being adopted when his/her family is deemed to be dangerous. It describes the related structure of the child welfare and substitute care system and it analyses the methods used in children and family social workers' practice. It highlights the recent trends of complex relationship with justice, of the increasing system's fragmentation as well as the ideological over value given to the family.

Keywords: child protection, children's rights, child welfare, legal framework, Italy

History of child protection

The history of childhood protection in Italy originates with the welfare state introduced by the Fascist regime. Fascism, in principle, used to recognize family as a fundamental component of the state, based on a strong separation of individual roles. The man, as the head of household, held the vital duty of income provider, the woman was called to guarantee the reproductive function, while ensuring children care and education. A fairly well-structured support system, based on a combination of dedicated family provisions (spending allowances, various forms of tax relief), was designed to favour population increase, in line with Fascism's expansionistic ambitions. However, in practical terms, the Fascist welfare system was actually placing on families in general, and on women in particular, the burden of children assistance.

The first welfare state authorities, such as: OMNI (National Institution for Maternity and Childhood), established in 1925; EAOLI (National Orphan Aid) and ENMPF (National Organization for Children Moral Protection), both born in 1941, also date back to the Fascism age. These bodies, though, by their own nature, could assist only some very marginal sections of the Italian population.

Even after Fascism's downfall the situation of minors in distress or disadvantage would remain for a long time unchanged. The national policy on childhood protection continued to be based on scattered forms of family support and on the placement of children in large institutions such as boarding schools, owned by both public and private bodies: a sort of massive, generic institutionalization for the most deprived children.

The first signs of a change of approach were associated with the enactment of the Italian Republican Constitution, which marked the beginning of a transition from a residual welfare model to a universalistic Welfare system, based on the right of citizenship.

A new approach, which began to challenge the undifferentiated approach followed by the large childcare institutions, was represented by the employment of the first professional social workers.

Three national conferences held respectively in 1954, 1955 and 1958 to discuss the approaches to develop public assistance to children turned out to be particularly relevant. The debate opened between the old institutional functionaries and the new helping professions (social workers, educators, psychologists), although ineffective to produce a real change in daily childcare practices, helped stimulate the start of a new childhood culture.

In particular, an entirely new approach emerged – later discussed far and wide – stating that all minors' needs had to be dealt with in the places where

they were manifesting themselves. To do so the establishment of a locally based social services could no longer be postponed and in the national development programme for the 1966–1970 five-year period, the establishment of Local Healthcare Units was decided.

As part of the above programme, the most serious issues of childhood and adolescence were dealt with, such as introduction to nurseries, family foster care, coping with social maladjustment, and management of physically and mentally disabled children.

In 1967, law no. 431 on special adoption shifted the main family focus from procreation (f.i., to ensure assets inheritance) to the minor's primary interest of being cared for and educated in a family environment.

The cultural turning point introduced by the movements of the 1970s favoured the direct involvement of social workers in the deinstitutionalization of childcare and the creation of alternative services as well as the improvement of legislation for minors.

In 1975 the institution of Family Counselling Centres (*Consultori familiari*) offered public services aimed at family planning, protection for motherhood and family, sexual education, women's health, counselling and mediation in family separation, foster care and adoption and, more generally, support to the family for relationship problems. After the law in 1978 legalised abortion Family centres have been required to give support and to authorize the choice of women and minors.

In the 1980s, Italy consolidated its welfare system in accordance with the model of the universalistic welfare state. Since 1978 the national health system has provided medical care to all children through a network of paediatricians and health visitors belonging to the public sector. For children at risk of psychological problems or disabilities, a network of paedo-psychiatric services is also available. At the same time, integration between social and health interventions was supported by the institution of local, community-based units (*Unità Socio-Sanitarie Locali*) where professionals of both sectors work together to respond to the needs of the population.

In 1983, a new law on adoption enforced the “*child first*” principle enshrined in the Article 30 of the Italian Constitution, by giving primary relevance to family relationships, considered as an irreplaceable resource for the development of the child's personality. The minor's right to grow within her/his own natural family implies for the State an obligation to favour the child's permanence in his/her familiar environment, by specific policies aimed at removing any potential obstacle which may prevent the natural parents from performing their functions aimed at ensuring their children's care, support, education and socialization, as well as their social and working integration.

In the 1990s, the national health system was profoundly modified, as it assumed the structure of a public company (*ASL – Azienda Sanitaria Locale*) and the operating principles that are typical of a private organization. The amount of social activities administered by the public health service was gradually decreased, while the health component got progressively strengthened. Consequently, while healthcare provisions are still being administered by the local units of the national health system, all social and educational services are now fully delegated to the municipalities. As result of all this, integration between social and health interventions, is significantly impaired.

The 1990s were also the years when important laws for child welfare were approved. In 1991 Italy ratified the UN Convention on the Rights for Children; in 1997, a National Observatory on children, together with a National Study and Documentation Centre, were established, with the specific mission of collecting data and monitoring the development of children's conditions and the expected implementation of the relevant laws (L.451/1997).

In 1997 the Law on "Right and opportunities for children and adolescents" (L-285/1997) was also issued. This represents the first Italian law aimed at addressing childhood with a global approach and it has been a foundation of law: it targeted its interventions at children in need, as well as at children who live under 'normal conditions' to ensure a preventive strategy. It also marked a cultural change: it is no longer just the family that is responsible for the care of the child: it is the responsibility of the entire community to meet the demands of education and socialization that come from the children. There was also a paradigm shift from the concept of the child as someone who will grow to become an autonomous adult to the idea of the child as an active subject, to be directly involved in actions that concern him/her (Bosisio, 2006).

In the year 2000, after more than 20 years of gestation, a new national law was finally issued to reform the whole social sector (Law 328/2000).

If this law designed a framework characterized by territoriality, the implementation of an integrated system of services and social interventions, with emphasis on the need to define minimum levels of assistance and homogeneous levels of social performance throughout the country, the change of political climate with the transition from centre-left governments to Berlusconi's centre-right era, has thwarted the implementation of this framework almost everywhere. The amendment to Title V of the Constitution with the additional autonomy granted to the regions has resulted in a '*spotted leopard welfare*' with a great differentiation between the north, where social services are more developed and the south.

In the XXI century, child welfare services have been caught in the separation between social and health services which involved the whole welfare

system, with the spread of managerial approaches in health services and the implementation, especially in some regions of the country, of neoliberal principles. The ASL are charged with planning and purchasing services which are provided by other agencies and tend to reduce its direct engagement in the provision of care; health services are provided by hospitals and private agencies, both profit and non-profit.

On the other side, due to the medicalisation of health services, social care for children and families is now more managed by the local authority, with a greater link with the local policies of housing, education and labour. In the second half of 2000, children's welfare services were split into two areas: health and social. With the centre-right governments the focus tends to move from the child to family which is valued for its 'private subjectivity' and its right to decide autonomously and freely; and the resources were shifted from services to families (i.e. provision of cash vouchers for the purchase of services on the 'market'). Nevertheless, today the main point of discussion is linked to the financial crisis and the spending cuts made on policies for children and family: what is being discussed is which minimum levels of care that should be guaranteed all over the country.

The legislation

Child protection in Italy is mainly ruled under the Civil Code in the articles dealing with the duties and the responsibilities of the parents. Following the article 147 the parents "have the right and the duty to support, train and educate their children, taking into account their capabilities, natural inclinations and aspirations". This article is read to husband and wife during the marriage ceremony. Powers of parents are limited where they behave in a way which produces "serious injuries" or which is "detrimental" to the child" (art. 330). In those cases the Juvenile Court is entitled to intervene with several protective measures: it can establish special obligations for the parents, such as treatments for them or the child or other kind of collaboration with social services; it can ask for a care order assigned to the local authority, and decide for the child's removal from the family; in the most severe cases it can remove the parents from their 'powers'. The Civil Code provides also that in case of emergency, when children are found to be reared in 'unhealthy or dangerous places', the public authority (which is normally the Mayor of the town) has the responsibility to protect the child with an emergency order, that must be subsequently confirmed by the Court (art. 403).

The *Juvenile Court* is a specialized court and it makes its decisions in collegial form, with a 'council chamber' composed of four judges, two mag-

istrates and two 'lay judges', expert in matters related to family and children. The court orders are compulsory: failure to comply, and the absence of improvements in the situation of the child can lead to the child's removal from parental authority and subsequent adoption. The Juvenile Court is divided into three different sections: the civil section which intervenes in the relations between parents and children, the penal section for minors who commit crimes, and the administrative section.

Since 1977 a strong connection between the Juvenile Court and the social and health system dependent on the local authorities has been established, within the framework of the belief that juridical actions in the area of the protection of children and adolescents should be rooted in the territory and in connection with local psychosocial services. Nowadays the only services which are allocated directly to the Justice system are those that deal with young delinquents placed in prison or arrested.

Since 1967 the law on child adoption states that adoption is a child's right, no longer a right of adults without children (and without heirs) to adopt, as before. In 1983 and in 2001 two new laws on adoption and foster care were issued which state that every child has the right to grow in his/her own family and, as already stated, the State, regions and local authorities hold the duty to support all families at risk. It also states that when the family is unable to provide the child with proper care and education, the child has nevertheless the right to live, grow and be educated in a family. If the difficulties of the natural family are just temporary and cannot be addressed by the public support provided, foster family care is provided. If the difficulties are not transitory and the lack of assistance is not due to *force majeure* of a temporary nature, the state of abandonment is officially assessed by the Court and the child can be adopted.

Foster care and adoption are distinguished from each other because of the different relationship expected between the child and her/his biological parents. Foster parents are requested to facilitate and support the relationship between natural parents and child, owing to the temporary nature of the placement; according to the law, foster care allocation should last for two years, whilst adoption calls for the right by the child to become a legitimate child of the new parents and to take on their family name. Formally, biological parents should not know where their child lives.

The adoption process is based on three subsequent steps of judgment. It starts with the formal declaration that a child was found in a 'state of moral or material abandonment'. Then, the judge enacts a number of prescriptions aimed at overcoming the existing difficulties. If no positive result is achieved, and in the absence of any other support which may come from other relatives, up to the 4th grade of kinship, the judge declares the "state of adoptability"

of the child. Natural parents can oppose to this judgement. Parents can oppose the judgement, by addressing the Court of Appeal and, eventually, to the Supreme Court.

According to the Italian legislation, specific acts deemed dangerous to children are equal to common crimes and ruled under the Criminal Code. Since 1997 the Italian code provides that all acts of sexual intercourse between an adult (an individual person above 18 years of age) and a children under 13 is deemed personal violence. In 1996 and 1998 two laws to protect children from sexual abuse and exploitation were issued: the law n. 66 that established that sexual abuse was a crime against the person and not only a crime against morality and the law n. 269 qualified the exploitation of prostitution, child pornography and sex tourism involving children as new forms of slavery.

Moreover, abuse of the means of correction or discipline (art. 571), “maltreatment in the family or towards children” (art. 572), “abduction of minors” (art. 573) and “violation of care and assistance obligations by the family” (art. 570) are also considered as crimes. Other laws address the issue of domestic violence: as an example, law 154/2001 allows for the compulsory separation of a violent person from his family. Furthermore, a more recent law (11/2009) established that stalking is a crime.

A *third area of legal protection* is linked to the court decisions on separation and divorce. The Italian law provides that the Ordinary Civil Court makes the decisions on separation and divorce of married couples. In the last few years, as result of the large increase in judicial separations, Courts have started to involve social services to regulate parental visits and supervise them in the relationship with the children.

Moreover, a law on “shared custody” was issued in 2006, establishing that courts must favour custodial responsibility to be jointly entrusted to parents, instead of one single parent (mainly the mother).

The separation of non-married parents is dealt with in the frame of Juvenile Courts, which are now more inclined to make decisions by looking at the interests of the child and to interact with social services and local authorities.

A last relevant area for child protection is the special treatment of *minors who commit crimes*. Children under 14 cannot be prosecuted. Moreover, in the light of the fact that every child is to be considered as an evolving individual, the law provides the probation system for all minors found guilty by the Court.

The administrative sector of the Juvenile Court is requested to decide upon some treatment measures for children under 14 who commit crimes or for those children or youngsters who are defined as 'irregular in conduct and character', whose parents are absent or unable to deal with them. The administrative sector of the Juvenile Court is also responsible for young adults who do not achieve the necessary level of independence and autonomy before the

age of majority (which is 18) when they are supposed to leave the childcare system; the law provides an opportunity to postpone the age of majority to the age of 21 in these circumstances.

The development of the infrastructure of child protection

The infrastructure of child protection in Italy is based on two different contexts of action: the first one that involves only the local health and social services system; the second one also implies judicial intervention. The administrative protection is based either on the unsolicited request of help by the family, or on the referrals of schools and other local agencies, backed up by parents' acceptance of support.

As stated above, judicial protection is ensured in every case when parents are found to behave in a 'detrimental way' for the child, or whenever the child is severely neglected. Local authorities are responsible for the deliverance of services to children, both under the administrative and the judiciary protection terms.

Although with some residual ambiguities, Courts base their action on a close connection with the system of local services. As already mentioned, the system of protection involves several steps: at first, whoever holds knowledge or suspicion that a child is in danger, or neglected, has the duty to report this either to local services or directly to the Court. Individuals in public service hold a firm obligation – not just the duty – to do so. Reports are made to the Public Prosecutor at the Juvenile Court, who has the task of evaluating the referrals, making further inquiries as necessary, and deciding whether to open a specific proceeding in the Juvenile Court. The Juvenile Court carries on additional investigations, by hearing parents and children and any other relevant subjects, requesting further assessment from local services or technical consultants at the Court (experts). Following those investigations, the Court may take the required measures of limitation of the parental powers, including child protection and care orders. For the execution of those measures, the Court involves local authorities, while charging the local child services to act in order to protect the minor and help parents within the framework of the court judgement. Local child and family services have the duty to report to the court the outcome of their intervention: on this basis, in combination with any other legal action, the Court makes its final decision.

Over time, the approach followed by the social services in charge of responding to the needs of children requiring protection and of collaborat-

ing with the judiciary organization has shifted significantly. Actually, we can identify three subsequent stages of change in the social and professional culture of child protection in Italy (Bertotti, 2010).

The awareness surrounding the problem of children in need of protection, especially for those being abused or maltreated in the family, developed from the 1980s, mainly due to the action of the AIPAI¹ Journal (*‘Il bambino incompiuto’*), which led to the first national child help line (*Telefono Azzurro*), and to the lively activity of CBM (Centre for abused children and treatment of family crisis)², an institution born in Milan in 1984, strongly supported by the local authorities, which has been one of the leading centres for the development of a child protection culture in Italy. Beside the CBM, a number of other centres were initiated in this period of time, to the extent that we can name this first stage as that of the development of “private specialized centres and beginning awareness on child abuse”.

Until then, in Italy, the phenomenon of child abuse did not appear to exist: as a matter of fact, the prevailing public feeling was bouncing from the passive acceptance of the facts, when taking place in chronically dependent, problematic families, all the way to criminalization of the parents, presented as ‘monsters’, for which only imprisonment was conceivable. The contribution of CBM was to propose a third way: child abuse is to be classified as a family problem that can be understood and treated (Cirillo Di Blasio, 1986), by following different steps, where the child’s protection requirements could be effectively guaranteed, while ensuring parallel support to family issues. CBM also developed models of intervention where the residential care of the child was strictly connected with the treatment of the family.

This new approach contributed to outlining a process of intervention divided into different phases: first of all, the detection and assessment of any potentially harmful action which could put the child in danger- this step was deemed indispensable to ensure the most adequate level of protection for the child; then, the evaluation of the actual possibility for parents to recover their parental capabilities and responsibilities. The intervention developed within the framework of the Juvenile Court orders and the whole system was rooted in tight collaboration between the Court and the local authority’s social services. This approach became a paradigmatic point of reference for the development of the Italian child protection services.

¹ AIPAI: Associazione Italiana Prevenzione Abusi (Italian Association for the Prevention of Children Abuse)

² CBM: Centro per il Bambino Maltrattato e la cura della crisi familiare (Centre for maltreated child and treatment of family crisis) www.cbm-milano.org

In the 1990s, together with a growing awareness on child welfare, specialized teams for abused children and child protection spread throughout the country, within the framework of the public welfare system, in tight connection with the local health agencies. This is the period of the public specialized protection teams (*unità di tutela dei minori*), delegated by the municipalities to coordinate and manage child protection interventions, in the judiciary context. The teams are multidisciplinary, comprising social workers and psychologists, and are responsible for the assessment, evaluation and treatment of both the child and the parents. In some cases, they are also in charge of children's placements.

The growing awareness of child abuse also led to the creation of a national network of professionals and services (CISMAI³), which operates on the basis of the ISPCAN's principles (International Society for Prevention Child Abuse and Neglect).

In those years, under the experimental stimulation offered by Law 285, specialized child protection teams were set up in many local health agencies. These teams developed significant professional capabilities in abuse detection, parental capacity assessment, as well as protection and assistance to children involved as victims. Many regions issued guidelines to support the activities of these professionals and regulate the relationship between services and Court.

In the second half of the 1990s, in addition to the already mentioned Law 285 on rights and opportunities for children, some very important laws were approved to fight sexual abuse. These laws clarified the obligation for professionals, as "public officers", to report any suspicion of sexual abuse to the Criminal Court and child sexual abuse began to be detected and taken to the Court.

As a result of this active involvement in child abuse situations, the service system was caught up in the arena of scandals where social workers were both accused of failures in detecting abuse, over-zealous protection, and even child abduction. Those accusations went together with an attack on the specialization and expertise of the teams, but in no cases were inquiry committees set up to verify the appropriateness of interventions in order to improve the services' organization. More often scandals were used only to feed political and ideological arguments on this subject, thus causing irrational repercussions on services' operating practices.

The third phase, in the 2000s, developed within the new framework of the law which reformed social welfare (L. 328/2000) and which attributed stronger responsibility to the municipalities and to the local government, in

³ CMAI: Coordinamento italiano servizi contro il Maltrattamento e l'Abuso all'Infanzia (Italian Network of agencies against child abuse and maltreatment)

the frame of separation between health and social care systems. Those two trends led, especially in the Northern part of Italy, to close the specialized child protection teams and return these functions to the municipalities. Because of that, this phase is named as “the withdrawal of delegation on local child and family services”.

The purpose of this new arrangement was to bring child protection in to a closer relationship with local agencies in the community and to ensure more effective preventive interventions. Another purpose was to foster stronger control over expenditures, especially those related to children in residential care.

The new local ‘child and family services’ have a wide range of functions and they should be involved in both the judicial matters and the normal support to families and children at risk. This implies that social workers frequently face the dilemma of reporting to the Juvenile Court cases of families they have been working with in a strictly voluntary context. Additional ethical conflicts arise from the fact that social workers happen to be also the same professionals in charge of providing protection for the children and deciding about their placement, while still trying to build a collaborative relationship with their family. The teams, made of social workers, psychologists and educators, operate under intensive networking collaboration with other agencies in the territory.

The lower level of specialization is causing some difficulties for the teams, when dealing with the most complex situations, such as sexual abuse, severe violence and sexual exploitation. In order to compensate for this type of deficiency, an effort is in place in various local areas to rebuild some kind of connection with health agencies.

Institutions and methods of substitute care

As already stated, institutionalization was one of the most common measures of protecting children until the 1970s. In the following years, during the 1980s and 1990s, a movement against big ‘total’ institutions led to the closure of many of those large institutions and to the establishment of two kinds of away-from-home care: the foster care families and the small residential units. Those units were called ‘comunità educative’ (education community) or ‘case famiglia’ (family homes) units, hosted a small number of children (10 approximately), were run by professional educators and were often located in ordinary houses.

In 2001 the second law on foster care and adoption reinforced this trend and stated that within five years all large institutions for children should be closed. This policy seems to have been especially successful in the North and in the Centre of Italy, while in some places, especially in the South of Italy,

large institutions survived, changed only in their formal structure (Solinas, Marcello, 2001).

In 2006, the number of children away from home was reduced and was estimated to be around 25 000 children, 10 200 of these in foster care and 15 000 in residential care, 7 500 of which were still in big institutions (Belotti, 2009). However, this trend did not continue in the following years: in a survey carried out in 2008, the number of children in care increased again up to 32 000 children, with a stronger increase of children placed in foster families (+65 %, 16 800) and a stable trend for children in residential care in family homes (around 15 000). Nevertheless this data corresponds to 3 children in every 1000, which is less than other European countries.

Following the order of the Juvenile Court, the decision on where to place the child relies on local social services that are also responsible for the protection of the child, as well as for the regulation of contact with the child's parents and for the family treatment programme.

Looking in general at the possible interventions for children, we can categorize them following Laura Fruggeri's definition (Fruggeri 1997, pp.151–156) that identifies five classes of intervention.

Facilitating interventions – These services can be oriented toward families in transition, helping with developmental tasks expected within their lifecycle. In this case, the facilitating intervention is used with families that are facing a critical event in their history, in order to enhance the internal resources of the family. Some typical examples of this type of intervention can be found in activities aimed at supporting parents, from the preparation for the birth of a child, to activities called “parent school” which can enhance their pedagogical competences and help parents to establish nurturing relationships with their children. Some interesting experiences related to this aspect are also seen in the so-called “family centres”, which aim to create relationships based on support and solidarity between these families, in a society where changes in the family structure and individualism can produce serious problems of isolation. Other initiatives, developed through law 285, are oriented towards all children as a preventive intervention: socio-educational centres, recreational centres, youth centres, and initiatives to make cities children friendly.

Support interventions – Their aim is to respond to unpredicted critical events by compensating for a lack of resources to face them. This lack of resources is seen to be only partial and includes resources existing in other sectors; therefore there is the opportunity or families to avail themselves of the latter. Economic benefits and pedagogical support for the child, both as domiciliary intervention or participation in day care centres, can be included in this category. As already stated, in the case of a serious lack of resources it is also

possible to use temporary foster care, either in family or in residential centres, where the child can be protected while the social worker is engaged in supporting the parents in the process of recuperating their parental competences.

Mediation interventions – In this case families receive intervention when they are unable to deal successfully with conflicts, especially during a separation where the children become an object of contention. It is assumed that the family has resources that the intervention aims to reactivate while they are temporarily stuck.

Control and protection interventions – These are interventions provided when violence, abuse or serious incapacity of a family to take care of its members occur. In these cases the social worker is required to present a report to the judiciary authority, and the intervention assumes a coercive nature. It is important to consider the complexity of this kind of intervention whose goal is not only to solve situations of violence but also to reactivate evolutionary processes for those people who are involved assuming, as a result, a therapeutic nature as well. One of the problems, which can become an ethical dilemma, is the balance between the children's rights to be protected and parent's rights to receive support in their problems. Because of their complexity and difficulty, these interventions should be developed through multidisciplinary assessments.

Therapeutic interventions – These respond to physical and/or psychopathological difficulties. Like the previous kind of intervention, therapeutic intervention is embedded in complex projects where usually many services (rehabilitation, paedo-psychiatric, social services) are involved. The target in relation to disability problems is to help children to reach the best level of autonomy possible and to maintain residual capacities. In the case of more psycho-pathological problems the aim is to modify the relational and interactive dynamics which caused the pathology, creating new relational conditions where the family can develop new resources.

It is quite interesting to underline that social workers involved in family problems are very often inspired in their practice by the systemic/ecological approach. This approach has been developed in Italy since the 1980s as a specific model for social work (Campanini and Luppi, 1988; Lerma, 1992; Campanini, 2002), following the tradition in family therapy that was introduced by the Milan team (Selvini, Prata, Boscolo, Cecchin). In this view the child is always seen as a part of the whole family and the dynamics are observed and considered in relation both to the extended family and to the social context. This approach can help social workers focus on all the elements – not only problems but also resources- that are present in the client, in the family, and in the community, looking at the global situation and avoiding any dichotomy between the child on one side, and all the rest of the family and social context

on the other. It is also possible to create projects in which different actors can be involved with an ecological perspective, in which the well-being of each person can be reached as a result of a good balance with the well-being of every other part of the system.

Trends and tendencies of child protection in modern societies

Three main trends and some conclusions can be traced in the current evolution of child protection in Italy. They concern the changes in the role of the court, the fragmentation of the welfare system, and the tendency to overvalue the role of the family.

In the late 1990s, together with the high number of 'scandals' on the placement of children and the criticism against professionals involved in child protection, the belief began to spread that social services had too much power, and that they had more power than the Juvenile Court. The idea that the rights of parents and families were not sufficiently safeguarded was equally widespread. These opinions encountered the movement of opinion that led in 2001 to the amendment of Article 111 of the Constitution and established the so-called "fair trial". These new rules were aimed at strengthening the right of the accused to a defence; however, it should be pointed out that these rules were approved in relation to processes where representatives of the centre-right government were accused of involvement with the Mafia criminal association.

These new rules have been transferred to the juvenile processes without any regard for the impact that this would have in proceedings on parental responsibilities, or the impact it would have on the whole system of protection of children.

From the point of view of juvenile judges, the idea spread that the courts should not be so close to the services, and that they should distance themselves from the views of the professionals. Some judges advocated a greater independence of the judiciary from administrative systems: requesting that the judge stop being a 'judge-administrator', and instead becomes a 'judge-guarantor', responsible for ensuring the correct application of the law and the making of the decision.

This change altered the tradition of the Italian juvenile's rights, which was based on a vision of the juvenile judge as a guarantor and a protector of the rights of children and, in parallel, has been particularly important for child protection services, who felt they have less legitimacy in the protective actions.

The new rules came into force in 2007, and are visible in the appointment of a lawyer for the child in all proceedings. However, different courts

in Italy apply the new law in different ways, and it is still unclear what the role that child protection services should play in this new scenario. On this basis, many argue for a framework law that, such as the 'children act' in other European countries, regulates the whole matter of the protection of children at national level (CISMAI, 2010).

Still on the side of Justice, another critical point is the dispersing of responsibilities on juvenile protection matters among multiple courts, as we saw in the previous paragraph. The establishment of a "Court for the Family" has long been discussed, which would encompass all the powers of the juvenile court and of the ordinary courts, on all matters of the child and family.

As yet no agreement has been reached, and the discussion is about what powers should be allocated to this court, which degree of specialization the judges should have, and what the connection should be with the system of local authority services.

A second issue concerns the fragmentation and lack of homogeneity of the service system. After 2001, the federal structure adopted in Italy provided that the regions and the local authorities had the power to make laws on the matters of education, health and social services. This was a staggered process in many different structures of the welfare system, giving rise to the spread of different localised approaches and to the inefficiency of the Italian system (Ferrera, 2005). In terms of child protection, this means that the opportunity for children to be helped and protected is unequally distributed throughout the country.

As mentioned above, an attempt was made to establish at a national level minimum levels of care that should be guaranteed in every region. However, the national framework law on "essential levels of care" has not been implemented in many regions. The matter of child protection is differently regulated following the different trends existing on the level of separation (or integration) between social services and the health system. Today, generally, in the South child protection teams are allocated within the health system, and in the north are allocated in the framework of the municipalities within the social system. Many local authorities are now trying to rebuild a connection between the health and the social services systems, following the tradition of the Italian system of child protection which was previously characterized by a comprehensive and systemic approach and a high level of connection.

Furthermore, the huge question of resources and sustainability of the whole protection system is on the table. In 2011 Italy approved the National Plan on Childhood and Adolescence, but this plan has not been financed. Although the number of children away from their family is around three per thousand, which is lower than in other European countries (Belotti, 2009), the general idea is that the costs for the protection of children are too high. It is

sometimes expressed that children are not adequately protected because of the shortage of resources, especially for those children needing residential care.

In some cases, recourse is made to the juvenile court for "making due" the rights of children, and to force the institutions to fund the necessary actions. Moreover, a certain tendency by the professionals has been noted, especially in large cities, to think of the out-of-family placement of the child to an extent now considered too high. But on the other side it can be observed that in cases where there was a delay in protection, in the hope that things will change, this caused a stronger impairment for the child. This is therefore a highly contested area in which the absence of a broad debate on common and shared rules still leaves a lot of room for discretion.

A recent study (Bertotti, 2010b) has shown that these changes have increased the number of dilemmas faced by social workers and have made more uncertain the criteria by which they decide 'what is good and what is right'. The same research shows that the decrease of resources and changes towards managerialism are bringing out a deep conflict between the professional mandate and the institutional mandate to the point that 'divorce of values' is a problem.

A third tendency is the orientation to strongly value the family. This is a highly ambivalent question: on one hand everybody (especially child protection professionals) can agree on the relevance of working for strengthening parental responsibility and supporting the family towards a possible autonomy. But facing a shortage of resources for social services, social workers denounce the risk that this approach creates: it could result in leaving families without the supports they need. The emphasis on empowerment, similar to what happened in relation to the activation policies, can be used to cover the lack of resources for family and children policies.

On the other hand, it is less clear which limit must be exceeded before parental support is interrupted, and the focus returns to the child's safety. Or rather, there is less agreement as to at what point society accepts and expects intervention in the private sphere of family life.

The increasing number of referrals of abuse rejected by the prosecutor's office is an indicator of this trend, and of the gap in the misalignment of expectations.

If on the side of the Court there is a decrease in the number referrals of children in danger on the side of social services there is a strong increase in the demand for support by families. Much more than in the past, parents raise awareness of the difficulties of doing their 'job' as parents, and their problems in performing educational tasks. Social services seem to sit between demands for "calls for justice" and the support for the restoration of civil rights violated inside the family but also outside.

Finally, there is greater emphasis on the value given to the development of the resources of the community. In addition, full attention should be paid to minimising the risk of privatising family suffering to them and the need for support, as well as the need of the child to be protected.

Against all the risks described we need to work in spreading a new awareness between social workers, social work managers and, more generally, at a political and societal level, of the idea that a culture based on the centrality of children's protection and education is an investment in our future.

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