

Judicial Intervention in child and family at risk: Systematic analysis of case-files

Raquel Matos, Catarina Ribeiro, Cláudio Reis, Ana Almeida



Centro de Estudos em
Desenvolvimento Humano
Católicas Porto

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Abstract

Court intervention with children presents a set of characteristics that often result in difficulties and dilemmas for judges and other interveners, but also for the children themselves and their families. Emerging from an interface of Psychology and Law, this investigation aims to understand the dynamics of the issues and actions that eventually give origin to judicial intervention in family law matters. Some indicators reinforce the importance of examining the process of judicial intervention, including the interveners, their life contexts and the problems that led to judicial intervention, specifically in child abuse cases. Therefore in this research cases involving children, youth and their families with no specific scope of judicial action were analyzed using an exhaustive sample of two Portuguese family and youth courts. The methodology is mostly quantitative with a systematic analysis of 1465 cases pertaining to the year 2011 in both courts. In order to further expand the data on life contexts of both children and their families, a qualitative sample of the cases was collected and analyzed, specifically in child abuse cases. Results have allowed the construction of an integrated model for continuous and systematic collection and analysis of information on these case-files, a basis from which to carry out specific studies to accompany these case files and it is a starting point for the establishment of a Permanent Observatory of Children and Family Issues.

Keywords: Judicial intervention; children and family law; child abuse; psychology and justice.

Methodology

Aims

To characterize families and children implicated in judicial situations on Child and Family Courts
To understand the type of information collected in the early stages of judicial intervention
To uncover possible situations and dynamics of child endangerment.

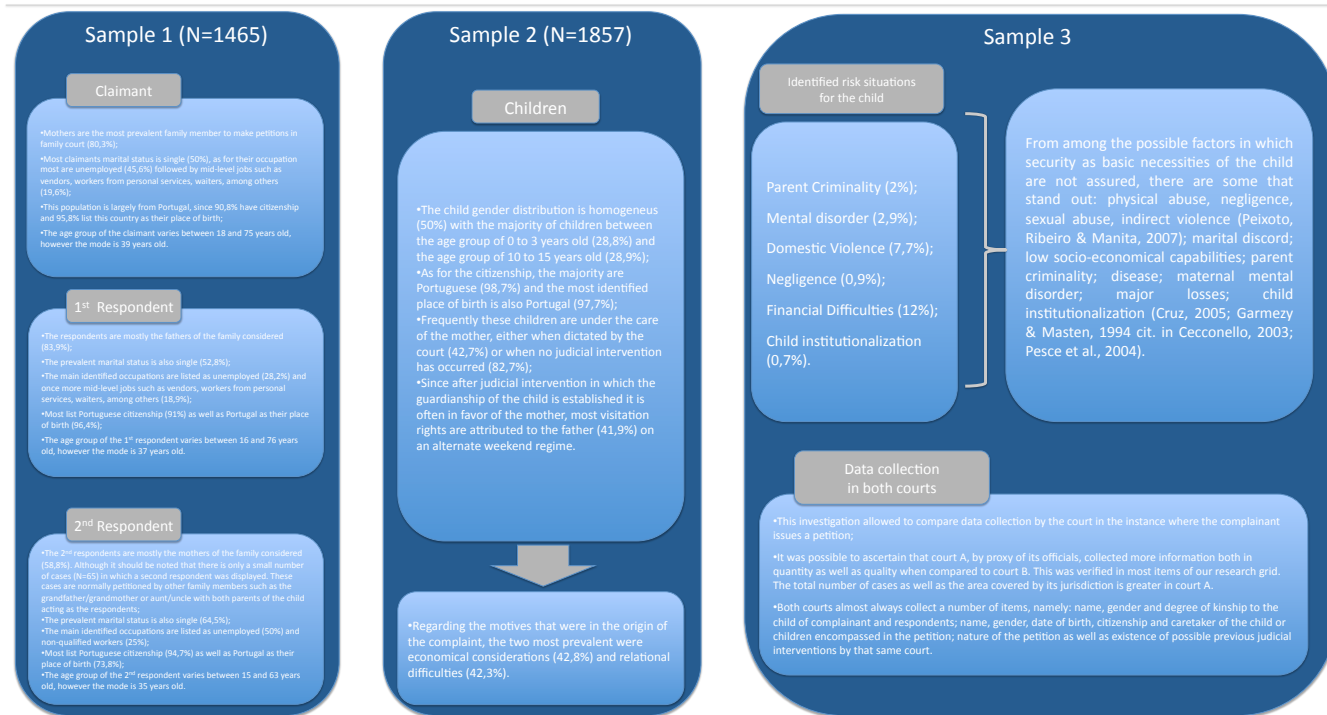
Samples

Three samples were created using data from two Portuguese child and family courts during the period of 2011:
- **Sample 1:** 1465 forms filled while petitioning judicial intervention;
- **Sample 2:** 1857 children mentioned in the forms;
- **Sample 3:** 712 qualitative statements included in the forms.

Procedures

Data was collected through the analysis of the case files, using an analysis grid. This procedure was followed by a statistical analysis using the SPSS software which yielded the following results.

Results



Conclusions

- The instauration of cases pertaining to child and family court are primarily requested by the mothers of the family in question;
- The majority of the population sampled has a Portuguese citizenship and also lists Portugal as place of birth. The age group of the population is extremely wide ranging from 15 to 76 years. The most predominant marital status identified was single;
- Pertaining to the occupation, there is an elevated number of unemployed and the major occupation type is mid-level occupations and unskilled.
- As for the children, there is also a preponderance of Portuguese citizenship and place of birth. In single parent families where there was no judicial intervention the primary caretaker is the mother. In situations where there was judicial intervention and a child guardian was established it is also primarily the mother;
- The most prevalent judicial intervention is the Regulation of Parental Responsibility in which certain aspects are established, namely alimony, child visiting rights, primary caretaker, among others. The second most prevalent judicial intervention has to do with failure to provide child sustenance/alimony;
- Most cases list as the catalyst for judicial intervention situations such as the severance of relationship/divorce, being unable and/or prevented from having contact with the child, and in a great number hindrance pertaining to child support/alimony.
- From among risk factors to the child there are a few most common such as domestic violence, precarious financial conditions, temporary abandonment and loss of contact with the progenitor that is not the caregiver.

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