

Eighth annual report

Submitted to Government and Parliament

Summary

The eighth annual ONED report is fully coherent with the mission set to the ONED by the law: to improve our knowledge of child protection so as to support and assist *département*-based policy-making (*Code de l'action sociale et des familles*, article L 226-6).

The first chapter focuses on an analysis of open-settings assistance measures (specifically the judicially-mandated *Assistance éducative en milieu ouvert*, or AEMO). This is but the first step in an extensive analysis of all the various interventions that take place in the family's homes, on the basis of an administrative or judicial decision. ONED will eventually publish a second report, focusing more on in-home care measures triggered by administrative decisions.

The second chapter of the annual report updates the estimation of the number of minors and young adults who are concerned by at least one protection measure. It also gives a general overview of the setting up of *département*-level observatories of child protection (*Observatoires départementaux de la protection de l'enfance*, or ODPE) 6 years after the law that instituted them.

Chapter 1- Open-settings educative assistance: overview and perspectives

The aim of the first chapter is to improve our knowledge of AEMO as a measure — since it remains rather unknown despite being a central part of the child protection system and quantitatively very important — and to analyse through this work the impact the March 5th, 2007 Law No 2007-293 has had on this measure. To this end, ONED has completed a literature review, conducted field visits, analysed the standard inter-agency circuits defined by *départements* as well as the relevant protocols and evaluation frameworks, and interviewed professionals and researchers.

Open-settings interventions represent a very significant part of the child welfare (*Aide sociale à l'enfance*, ASE) measures: 50% as of December 31st, 2011. Of this total, 69% are judicially mandated (AEMO).

From a legal and administrative point of view, AEMO is a judicial measure that regulates parental authority so as to put an end to a situation of danger as defined by article 375 of the *Code civil*. The legal framework of AEMO poses no real difficulty, at least in terms of procedure, but its legal grounds, contours and contents seem uncertain. The position of AEMO with regard to the notions of evaluation and action is examined, as well as its articulation with placement measures. AEMO is a measure meant at the same time to assist and to control. It specifically names the child, but in practical terms, it encompasses the whole family.

The March 5th, 2007 Law No 2007-293, which institutes the principle of subsidiarity regarding judicial intervention and puts parental authority at the core of all intervention (family being the first protective environment for the child) has transformed the general architecture of the child protection system in France. This has had particular consequences for AEMO. The diversification of benefits in the field of child protection has also had an impact on AEMO.

Through its analysis of the standard inter-agency circuits defined by the various *départements*, ONED has noted a strong will on the part of the *départements* — which are the local “leaders” of the child protection system — to give AEMO a new position and make it a more prominent part of their strategy. As a result of the last changes in legislation, the general councils (the *département*-level local authorities) wish to improve this measure’s legibility by making it more visible, establishing evaluation frameworks and protocols articulating the different child protection schemes. Protocols that articulate administrative and judicial intervention give a central role to parental authority. As a consequence, standard inter-agency circuits give an increasingly central role to the support and strengthening of parenting skills.

Regarding the practical developments of AEMO, the study of the work methods developed in its framework, both in terms of organisations and intervention procedures, uncovers a number of strong points, as well as interrogations that require elaboration and evolutions. AEMO as a measure relies on know-how with families and young people and involves working with a network of partners. It summons the judicial system inside educative care and is sustained by a specific work organisation and a specific experience of professional writings. Research has

shown how difficult it is for social workers to explain their relational activity to the families, which in turn raises questions on its theoretical underpinnings. Resistance by some actors to the setting up of protocols has been observed. Insufficient quantitative and qualitative knowledge of this activity, as well as limited means and resources given to open-settings interventions are two of the issues raised by our work.

On the basis of this general overview, a number of perspectives emerge for this scheme's future. Practices in the field of child protection are being diversified thanks to the input of social sciences.

Because of AEMO's prominent role in the child protection system, and because it is of utmost importance to put an end to the situations of danger children may experience, it seems necessary to promote research on AEMO practices and on the trajectories of children in the care system. Knowing who the beneficiaries are is also very important to accurately take into account their needs. The analysis presented in this report leads to a number of recommendations on different aspects.

Chapter 2- Quantified knowledge of children in danger

Estimated number of children in the care system, as of December 31st, 2010

There are an estimated 273 000 minors who are the object of at least one protection measure as of December 31st, 2010, which accounts for 19‰ of under-18s. The number of young adults receiving at least one protection measure is evaluated at 21 300 in France overall, which represents 8.7‰ of 18-to-21-year-olds. These estimated numbers of minors and young adults in the care system have increased slightly since 2009.

Placement and open-settings measures: evolution of the overall rate of care measures

For minors, the rate of open-settings measures (10.2‰, 146 700 minors) is slightly superior to the rate of placement measures (9.3‰, 133 700 minors). For young adults, there is a marked difference between the very low rate of open-settings measures as of December 31st (1.5 ‰, 3 700 young adults) on the one hand, and on the other the placement rate which reaches 7.4 ‰ (18 100 young adults).

Distribution of measures: between administrative and judiciary measures

For minors, the very slight decrease in judicial measures observed in 2009 continues at the same rhythm in 2010 for placement measures, but it remains stable for open-settings

measures; the subsidiarity principle that underpins the 2007 reform of child protection has so far not had a quantifiable translation in this regard.

For young adults, placement measures that are judicially mandated have practically disappeared as of December 31st, 2010 (0.7%, 120 measures). When it comes to open-settings measures, the proportion of judicial decisions continues to decrease sharply, with a seven-point differential between 2009 and 2010, from 19.4‰ to 12.6‰.

Six years after the law: overview of the setting-up of local-level observatories (ODPE)

Setting up an ODPE is a legal obligation stemming from the March 5th, 2007 Law (*Code de l'action sociale et des familles*, article L 226-3-1). According to the data collected by ONED, more than half of all *départements* have set up their observatory, and 19 should be created in the near future. However, out of 54 existing ODPE, only 18 have one or more full-time employee(s) manning them.

Most *départements* have set up an organisation that revolves around all or part of the following elements: a strategic steering entity sets up the operational framework; a technical committee or various issue-oriented committees give an overview of the field and emit a series of recommendations; a *département*-level conference convenes each year to present what has been done and follow the progress of setting up the inter-agency circuits. The issues on which to focus are determined at the same time as the tools and procedures to collect information are set up. Through the inter-agency work permitted by each of these entities, the ODPE gives a contextualised, territory-based analysis of child protection.

There is a positive trend in the setting up of ODPE inside the different *départements*. On the long run, this common approach implies setting up networks and provides for cooperation between observatories so as to articulate findings and methods.

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You can download the complete report (in French) from our website: www.oned.gouv.fr