

Court Cases on Poor Children's Access to Normalcy

Näsman, Elisabet; Fernqvist, Stina

Veröffentlichungsversion / Published Version
Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Näsman, E., & Fernqvist, S. (2022). Court Cases on Poor Children's Access to Normalcy. *Social Inclusion*, 10(4), 53-62. <https://doi.org/10.17645/si.v10i4.5325>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY Lizenz (Namensnennung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier: <https://creativecommons.org/licenses/by/4.0/deed.de>

Terms of use:

This document is made available under a CC BY Licence (Attribution). For more information see: <https://creativecommons.org/licenses/by/4.0>

Article

Court Cases on Poor Children’s Access to Normalcy

Elisabet Näsman * and Stina Fernqvist

Department of Sociology, Uppsala University, Sweden

* Corresponding author (elisabet.nasman@soc.uu.se)

Submitted: 28 January 2022 | Accepted: 4 May 2022 | Published: 20 October 2022

Abstract

Poverty in childhood is associated with an increased risk of being marginalised and socially excluded, which is also the case in the Swedish welfare state. Poor parents often strive for their children to fit in among same-aged children, which is difficult for the poorest to accomplish. As the last resort for the poor, the welfare state offers the opportunity to apply for financial aid, but applications may be rejected. Parents can then appeal the rejections to an administrative court. In these decisions, the UN Convention on the Rights of the Child could be applied or referred to. The convention has been incorporated into Swedish law since 2020. This article is grounded in childhood sociology and aims to show how poor children, their needs, and rights are processed in the legal system, which sets the framework for the children’s access to material conditions needed for inclusion in a welfare state such as Sweden. The presentation is based on a qualitative content analysis of administrative court records concerning financial aid appeals. The results show that the appeal process confirms the adult orientation of financial aid and that a child rights perspective is, with few exceptions, missing in these records. When children are mentioned, a care perspective dominates and their right to participation is neglected.

Keywords

child perspective; child poverty; children’s rights; court records; financial aid

Issue

This article is part of the issue “New Approaches to the Study of Social Inclusion of Poor Children and Youth” edited by Anita Borch (OsloMet) and Kirsi Laitala (OsloMet).

© 2022 by the author(s); licensee Cogitatio (Lisbon, Portugal). This article is licensed under a Creative Commons Attribution 4.0 International License (CC BY).

1. Introduction

A life in poverty means an increased risk for children to become marginalised and socially excluded, also in the Swedish welfare state. Poor parents often strive for their children to fit in among same-aged children, which is difficult for the poorest to accomplish. As the last resort for the poor, the welfare state offers the opportunity to apply for financial aid. If the social services reject these applications, parents can appeal their case to an administrative court. In these decisions, the UN Convention on the Rights of the Child (UNCRC), which has been incorporated into Swedish law since 2020, could be applied or referred to.

In earlier research, several approaches have been applied to understand processes that reduce or enforce the impoverishment of children. Some studies analyse

child poverty on a structural level (e. g. Mood & Jonsson, 2016) and how general policy changes can affect child poverty (O’Brian & Salonen, 2011). Statistical annual reports in Sweden show the frequency and distribution of child poverty within the child population (Salonen, 2021) and others analyse how efficient Swedish policy has been in fighting child poverty (Lindquist & Lindquist, 2008). Some research has focused on poverty as a risk factor when it comes to children’s health and welfare. International, as well as Swedish studies, have shown how children are at risk of negative impact from their parents’ lack of resources both during childhood and in the long run, though it is not always clear whether it is a matter of causality or correlation (Mörk et al., 2015; Najman et al., 2010; Weitoft et al., 2008; Yngwe, 2004). In these studies, children are positioned as objects affected by poverty, which is in line with the tendency

to frame economic issues in general and household finances in particular as adult concerns that children should be protected from (Näsman & von Gerber, 1996; Pålsson & Wiklund, 2021). Research with children as subjects, focusing on poor children's experiences and everyday life, is still limited both in Sweden and internationally. In recent decades, several qualitative studies primarily based on interviews with children and their parents have shown how children themselves define and frame their situation and experiences of poverty in a welfare state (Andersson Bruck, 2020; Fernqvist, 2013; Harju, 2008; Hjelmtveit, 2008; Hölscher, 2003; Ridge, 2002). This research clearly shows that poor children are not only objects of adult concern, but are involving themselves in the household finances and use strategies to cope with their situation.

Only a few studies have addressed financial aid with a focus on children's rights. Näsman (2019) concludes in an analysis of the recommendations from the Swedish National Agency for Health and Welfare (NAHW), that there is ambivalence in addressing poor children's access to a normal childhood. Interviews with social workers show that they find it difficult to apply a child perspective in financial aid cases (Hjort, 2019). Social service professionals have a wide range of different and sometimes inconsistent interpretations of the meaning of a child perspective and its implementation (Pålsson & Wiklund, 2020). A study on children's participation in financial aid cases, based on a combination of local guidelines, case files and interviews, concluded that even though child participation was mentioned in most of the guidelines, the issue was left to the frontline workers to handle (Pålsson & Wiklund, 2021). The social workers, in turn, expressed hesitation when it came to meeting or listening to children as part of their decision-making process. They saw a risk of infringement on parents' integrity if children were to participate. Children were rarely present and when so, they were not regarded as social actors. Children's needs and participation were seen as the responsibility of child welfare workers, while financial aid is adult-centred since both investigations and services primarily target adults. This can explain why child participation is seen as alien to financial aid processes (Pålsson & Wiklund, 2021).

The social services do not have the final say when it comes to children's access to financial aid, since their decisions can be appealed to the administrative court. It has been argued that the UNCRC is not suitable for application in individual legal cases and cannot constitute grounds for demanding a particular right or benefit (Åhman et al., 2020; Holappa, 2020). There is, however, a lack of knowledge about the relevance of the UNCRC in these welfare state processes. We aim to address this issue by analysing if a child rights perspective is implemented in administrative court records when parents have appealed the social services' decisions on applications for financial aid. This approach, we argue, contributes to the understanding of children's access

to the material and social conditions needed for inclusion in society and provides insights into child perspectives applied in welfare state practices. It is of utmost importance to see how tensions between the national level and local practices play out when parents appeal rejections of their applications. Court records concerning financial aid can reveal both formally regulated practices and more subtle expressions of perspectives on children, both important to understanding children's poverty in affluent welfare societies. This article draws on an ongoing study of court records concerning financial aid appeals analysed against the backdrop of Swedish legislation, national recommendations and the UNCRC. The main research questions are: How are poor children, their needs and rights, framed in the context of financial aid appeals? Is a child rights perspective made relevant in the court records and if so by whom? Are children made visible as having rights and agency, and if so, how is that done?

The project has the sociology of childhood as its theoretical framework, which entails that childhood is seen as a life phase within the age order of society (Närvänen & Näsman, 2007). Childhoods are socially constructed and regulated by age-based norms on normality and deviance. Children are a subordinated social category in the age order, which distributes rights and obligations and regulates scope of action and social status (James & Prout, 1990). Alanen (1992) coined the term "familialisation" to conceptualise how children may be primarily viewed as components in a family, and secondly as acting subjects with rights of their own; within the family as well as in other contexts (see also Näsman, 1994). Children's needs in terms of financial and social resources may often be subordinated to parents' needs and claims, in social work practice as well as political discourse. This can be viewed as an expression of familialisation in practice (Fernqvist, 2011; Näsman, 2019). Children's perspectives on their own needs are often excluded in financial aid cases since decision-making processes are based on parents' and social workers' articulations of children's needs. The children are very rarely consulted (Näsman et al., 2009; Pålsson & Wiklund, 2021).

Childhood sociology furthermore analyses how children are positioned mostly as "human becomings" defined by their lack of adult capabilities (Qvortrup, 1994). This futuristic orientation is linked to the dominating "care perspective" in society, which stresses children's vulnerability and the need for adults to take responsibility for children's protection and provision (Eriksson & Näsman, 2011). That perspective is nowadays complemented by a "participation perspective" where children are acknowledged as actors with competence to have agency in their own lives. The UNCRC encompasses both perspectives, which could be seen as contradictory, but rather calls for a double gaze on children at risk as both vulnerable and acting subjects (Eriksson & Näsman, 2011).

2. Child Poverty and Legal Rights in Sweden

Sweden is often regarded as one of the most developed welfare states in the world, with a family policy prioritising universal kinds of support to families with children, in addition to income-related transfers such as parental leave benefits. The family policy aims to keep children out of poverty and to reduce income inequalities in society. The system for financial transfers contributes to a great extent to the income of households with children. During the last twenty years, however, the welfare state has receded by narrowing who is eligible for some kinds of support and by not raising benefit levels at the pace of the overall increase in incomes (the Swedish Social Insurance Agency [SSIA], 2022). The pandemic in 2020 contributed to a dramatic increase in households with children who had such a low income that they could be eligible for financial aid. Single parent households represented the largest increase. The proportion of families with children who, thanks to the family policy measures, had an income above the poverty line has decreased from two thirds in the year 2000 to one third in 2020. The income gap has increased both between households with and without children and between single and two-parent households (SSIA, 2022).

Sweden has a low rate of child poverty in an international comparison. The global poverty line based on survival is of no use if the aim is to understand income inequalities and what is seen and experienced as poverty in an affluent society. Consequently, poverty in the welfare state is related to social norms and standards of living which vary over time (Jonsson & Mood, 2017). In reports to the Swedish government, SSIA uses three measures which show the same ranking of poverty by type of household with children, where poverty is most frequent among single mothers and immigrated parents. Of households with children, 18% had a relatively low income, i.e., below 60% of the median income in the population (single parents: 38%); 6% were recipients of financial aid (single parents: 14%), and 8% had an income below their costs for basic needs (single parents: 17%). Of single mothers with immigrant backgrounds, 31% were recipients of financial aid (SSIA, 2022). These percentages underestimate the proportion of poor children since poverty increases with the number of children. Based on the income level for eligibility for financial aid, Save the Children concluded that almost 196,000 children lived in poverty in Sweden in 2019 (Salonen, 2021). The persistence of poverty is crucial. SSIA (2022) reports that 41% of the poor children had been poor for at least three years and Lindquist and Lindquist (2008) found that the chronically poor are primarily immigrant children.

When the general family policies fail in keeping children out of poverty, financial aid is the last safety net. This is a means-tested cash benefit and aims at ensuring a reasonable level of living and promoting self-sufficiency. The aid is administered by municipal social services. A national norm prescribes how much

and for which basic costs financial aid should be granted, related to household structure and children's age. The norm was supposed to constitute a minimum level, but research shows that it has become the ceiling for how much social services are willing to award (Hjort, 2019). There is a wide scope for discretion in social work practices. Each case should be assessed individually, and guidelines may be adapted to local circumstances. Johansson (2019) found that the payments are on average not more than 20% of the median income in the population, which means that some households may be seen as poor even when obtaining financial aid.

A general aim of the social policy in Sweden is social equality, but the level of living granted to those who get financial aid is mostly limited to what those who provide for themselves on a low income can afford. When it comes to children, there is a specific recommendation from the NAHW (2021) stating that in addition to the national norm, money may be granted when needed to make it possible for a child to take part in leisure activities. There is obviously a tension here between positioning poor children as part of the population segment with low income, who might not be able to afford costs for a leisure activity, and giving children access to what is considered a normal childhood in Sweden.

Children's access to aid is dependent on whether and for what parents apply, as children can only apply for aid themselves in exceptional cases. Principles of voluntariness and self-determination are paramount in the Social Services Act (Government of Sweden, 2001). This entails that financial aid has to be requested by the client and can never be enforced upon an individual, even if it could mean an improvement in a child's living conditions. Children's access to aid is also dependent on the entitlement of their parents. Access to financial aid is conditioned not only by low income but also by demands on the applicants' behaviour: to spend their money wisely, to provide information in time to the investigation conducted by the social services, to use all alternative options for income, and, not least, to actively strive for increased self-sufficiency, for instance, by taking part in education, vocational training, and applying for jobs. An application for financial aid from a parent who does not fulfil these demands may be rejected completely or partially, which entails the rejection of aid to other household members as well. Despite a rejection, the social services may provide aid for necessary temporary and urgent costs such as food for the day to children and temporary housing. This raises questions about how child poverty and children's rights should be tackled in the welfare state.

When the social services inform an applicant that the application is rejected, they are obliged to also inform them of their right to appeal the decision to an administrative court. Children are not parties in these cases, according to Swedish law, but a child rights perspective should, according to the UNCRC, be applied when the social services handle cases on financial aid. The NAHW

(2021), acknowledges that poverty may have several serious negative effects on children and advocates, based on the UNCRC, that a child rights perspective should guide the administration of financial aid when a child is affected. Reviews of the social services have shown very divergent practices and understandings of how the UNCRC can be applied in cases of financial aid involving children (NAHW, 2015).

The “child rights perspective” and the “best interest of the child” are, according to the NAHW (2021), both based on a combination of information from adult child perspectives (scientific knowledge, professional practices, and adults who know the child) and the child’s own perspective. How these sources of information should be weighed in relation to one another, or if they are compatible, is not clear (Näsman, 2019). The NAHW (2021) recommends a procedure for the application of a child rights perspective: (a) assess if an application for financial aid has relevance for a child, (b) investigate the child’s position in the household finances and how the child is affected, (c) evaluate what the child’s best interest is, (d) analyse the consequences a decision on the application has for the child and, based on these steps, (e) weigh the child’s best interest against other interests, and finally (f) come to a conclusion. The recommendation concludes that a child’s best interest is not decisive but should weigh heavily in the decision-making (NAHW, 2021). Although these recommendations are not used as a vantage point in our study, we find it useful to explore and analyse court records based on these six steps.

In recent years, scholars have called for studies exploring how key concepts originating from the children’s rights discourse and the UNCRC are implemented in professional practices. A national investigation on how well Swedish legislation and legal practice were adapted to the UNCRC concluded that the demands in the convention targeting poverty were fulfilled (Government of Sweden, 2020). A relevant question, then, is what that means when looking more closely at poor children’s needs and rights in financial aid cases.

3. Data, Coding, and Analysis

In the ongoing project concerning financial aid appeals, the total sample encompasses more than 500 court records where it is directly or indirectly evident that the case concerns a child. Court records were collected from all 12 administrative courts in Sweden via a database (JUNO, 2021). The article presents results from a sample of 102 court records on financial aid in 2021, where housing issues were at stake.

The court presents its cases in a short text, which is publicly available, as part of the democratic right to scrutinise the courts. The court is obliged to mention in its records all information deemed important for its rulings. When parents appeal a decision on financial aid, court records accordingly present the decisive information concerning the reasoning of the parties involved.

Court record texts are divided into several clearly separated and detailed parts. The front page provides information about the court, the applicant, the dates for the appealed decision, and the court ruling. This is followed by summaries of the decision and arguments from the social services, the applicant’s appeal, the social services’ reply, the applicant’s reply to the reply, the legal grounds for the decision, the court’s argument, the ruling and finally information about the right to appeal the court’s decision to the Administrative Court of Appeal. An analysis of court records thus offers an opportunity to study the interplay between three perspectives, though with the limitation that the court selects the information and produces the text. Another limitation of this study is that it does not provide information about parents’ applications for financial aid in general, since some applications, are, of course, approved and some, or perhaps even most, rejections are not appealed. We argue, however, that the broad variation regarding the applicants’ living conditions, the kinds of rejections they appeal and the outcomes of the process, is of relevance for our understanding of the positioning of poor children in financial aid cases.

The project has a qualitative content analysis approach. In practice, this entails that the court records have been closely read and broken down into codes with labels used to describe the core content in the segments of the records to which they refer (Saldaña, 2013, p. 3). The codes were reworked into broader categories that have been regarded as relevant based on previous research, our theoretical framework and the research questions (see Graneheim & Lundman, 2004). These categories have laid the foundation for the discussion in the following pages. The record excerpts presented in the article were translated by the authors.

4. Relevance of Family Background

Children should not, according to the UNCRC, be discriminated against, but their access to financial aid depends on their parents: their eligibility for financial aid and what they apply for. A crucial question is then what impact children’s family background has on their right to financial aid.

According to Swedish legislation, parents share the responsibility to provide for their children regardless of marital status. Couples who live together have to apply jointly for aid and are assessed together, but a single parent’s connection with the other parent is also scrutinised in the investigation by the social services. The resources of the other parent may be included in a decision about financial aid for a child. In several cases where an appealing single mother’s child mostly stayed with the father, the social services and the court shortly concluded that “her son’s basic needs are fulfilled since he lives primarily with his father,” without considering her obligation to provide for her child or the child’s own perspective. This is inconsistent with the general stress in Swedish family

policy on the importance of shared parenting (Blomqvist & Heimer, 2016) and with the national recommendation to attend to the needs also of children who do not live with the applying parent (NAHW, 2021).

Parents' immigration status was also made relevant in some cases. Parents without permanent residence in Sweden are only entitled to support concerning urgent financial needs, which in itself may be problematic for their children. We also found indications in the records of a lack of consideration for the special problems new immigrant parents face when they try to manoeuvre in a new complicated system of regulations. Language difficulties, lack of a social network, and care for many children were all arguments immigrant parents put forward to explain their difficulties in making a correct application for financial aid, getting a job or finding a cheap enough flat to live in.

Parental problems such as drug abuse, criminality, health issues, mental disability, and exposure to partner violence were neglected in some cases concerning social housing contracts but in other cases made relevant. Some rejections interfered with professional interventions regarding the parent's additional problems, which also had an impact on the child. A court ruling on the right of a young child to have regular contact with the father was jeopardised by a decision to reject his application for financial aid needed for the travel costs. Treatment of a father's drug abuse problems was counteracted by a rejection of his application for stable housing. The efforts the probation services made to reintegrate a parent after a prison sentence became more difficult since he was denied financial aid from the social services. In another case, a mother who had a protected identity due to abuse from the father was denied aid regarding housing for her and her children and recommended to apply for flats on the public housing market, which was problematic due to the confidentiality marking.

Non-familiar family structures seem to cause problems, which can affect children's right to financial aid. Polygamy is forbidden in Sweden but refugees may come from countries where it is legal. Three mothers who were married to the same man applied for financial aid for their separate households, but were all rejected since the social services "could not investigate their family situation." The court did not agree and returned the applications to the social services for further investigation and decision.

All in all, our analysis clearly shows that parental background factors may play a decisive role for children's access to the support they need and it could be argued that the right to non-discrimination due to religious, social, or ethnic background is thereby compromised.

5. Children's Visibility

The first step in the application of a child rights perspective is to decide if a case is relevant to a child. This

question was already highlighted when we selected the court records since the answer was not immediately clear. There is no standardised description of the appellants' household or possible responsibility to provide for a child. A careful reading of the court records revealed that the existence of children is downplayed or outright neglected in several cases. Children were then only made visible indirectly, for example when child allowance was mentioned as an income or lack of child care was a hindrance on the parents' way to self-sufficiency. The children are invisible as individuals when they are regarded merely as an aspect of the parents' financial situation. The word "child" was in other cases mentioned in the records, but only as a part of a standard expression such as in the label for a housing norm and did not refer to the appellant's specific child. The mentioning of a specific child was sometimes solely a way to define a parent, "the father of her child," which made the child an appendix to the parent rather than a subject in its own right (see also Alanen, 1992; Fernqvist, 2011). Several children were positioned only as objects the parents should provide for: "She is able to provide for herself and her child." Other children were subsumed under the appellant adult, such as when the court stated that a mother was not granted a reasonable level of living if the child did not have internet access. From a child rights perspective, the latter could have been formulated as a matter of the child's level of living, rather than that of the mother. All these examples illustrate that poor children were often invisible as individuals with needs and rights of their own. A child rights perspective seems to be missing.

Mentioning of specific children is unevenly distributed between the various parts of the records, with preponderance in the parts of the text where the parents' arguments are declared. Parents' attempts to draw attention to their children do not necessarily mean that the children are also made visible in parts of the record that focus on the perspectives of the social services and the court. In one case, the child was presented as an individual actor by the parent but only included in the family's collective of children by the social services as a way to define "the children's school." The same child was then made visible by the court as an individual again, labelled by the relationship to the parent, "the daughter," but only to later be used as part of a definition and therefore not addressed as an individual.

6. The Child in the Household Finances

The next two steps in the application of a child rights perspective are to investigate the child's position in the household finances and how the child is affected by financial vulnerability. The answers to this are found in descriptions of children's needs. They can, depending on how the parties or the court present them, be divided into individual needs of the child (such as a bicycle), shared needs (such as food), and collective family needs (such as safe housing). These categorisations can

be intertwined and change during the appeal process. One parent mentioned food as a common good for the family, but it changed into a need only for the child when addressed by the social services. A computer, described by a parent as a tool needed by both the parent and the child, was also by the social services reduced to a need of the child.

Some needs of children were on the other hand turned into needs of the parent such as when a child's contact with the parent was made possible if the parent was granted aid for travel costs. The court in some cases formulated the satisfaction of a child's needs as a need of the parents to be able to fulfil their parental duties, which was part of the reasonable level of living standard for the parents. This illustrates that children in some cases are treated as separate individuals with rights of their own within the family collective and in others are subsumed under the family umbrella or even "familialised" as characteristics of their parents and as objects for parenting actions (Alanen, 1992).

The connection between a child's needs and financial issues can be unclear. Some parents mentioned needs of their child which had no direct connection with the application but were used as explanations for the parents' actions or lack of actions when they argued against the social services' reasons for rejection. A parent argued that she was absent from a meeting because her child was sick and needed her attention. Other parents mentioned their child's needs as demanding for the parent in what seems to be a more general appeal to an understanding of the difficult situation the family was facing.

Connections between the child's needs and the need for financial aid were clear when parents argued that their child's health was affected by their poor housing conditions or uncertain financial situation. Some parents also argued that harm was inflicted on their children, or pointed at needs that could not be satisfied if financial aid was not granted: "As a consequence of the decision the family will become homeless"; "they need money to buy clothes for the children."

Food, clothes, safe housing and housing area, enough floor space to be able to move around, a room of one's own, electricity, hot water, furniture such as a sofa and a bed, Christmas gifts, internet connection, computer, glasses, leisure activities, regular contact with a parent the child does not live with, are some of the different needs of children parents have mentioned. Some parents also attributed their children's special needs to health problems such as special food or stable housing close to their school. Not all of these needs are mentioned as basic in the regulation of financial aid. Christmas gifts are for instance not included, though they are taken for granted in most Swedish children's childhood. Other needs should already be covered by the national norm, but some could motivate additional support if needed for a reasonable level of living.

Children's possible need for and right to participation is hardly visible in the court records. If or how chil-

dren are informed, consulted or taking part in decision-making is not mentioned (see Hart, 1992). Some parents make their children visible as actors by mentioning the children's school activities, which the court considered in one case and disregarded in two cases. A few parents gave voice to their children's opinions, which are at the heart of article 12 in the UNCRC. Some children did not want to move from their current home, but the court did not comment on the children's views.

Applications directly from children are rare and to grant children financial aid without their parents' consent should be an exception according to the law and national recommendations (NAHW, 2021). Two cases concerned young adults who moved away from serious conflicts and violence in their families. Since they were studying at secondary school and were under 21 years of age, their parents were still obliged to provide for them. The social services rejected their applications since they could be provided for by moving back to their parents, but the court ruled in their favour. These cases raise issues concerning children's social status, parental power, and children's right to support from society despite their parents' duty to provide for them, a right the court granted them, but not the social services. This indicates that these issues are ambiguous for the welfare state to handle.

7. Children's Rights and the Child's Best Interest: Balancing Perspectives

When a child's situation in the household finances is mapped and the effects on the child are analysed, this forms the basis for a decision on what the child's best interest is and for the conclusion about the consequences for the child of the decision to be made. Cases where concepts such as "child's best interest," "child (rights) perspective," or "child convention" are mentioned or alluded to, can be viewed as particularly critical to study since children's rights issues are put on the agenda.

References to a child perspective did not mean that children were always positioned as separate individuals. The social services and the court could still position a child as included in the household collective, subsumed under the appellant adults or not made visible at all in accordance with a process of familialisation. In some cases, the social services stated, without any specification, that they considered the "child perspective" or the "child's best interest" when they rejected the application. This may be interpreted as a way to just avoid critique.

The "child perspective" is, however, in other cases used to motivate the social services to reconsider their rejection and grant some basic aid to prevent or resolve a distressful and potentially damaging situation for the children, such as granting temporary housing or money for food. In some cases, money for food was granted only to the child, which shows that children are sometimes positioned as separate individuals within the family

context. It also implies an expectation that the parents do that as well, and only serve to the children the food they will purchase for that money.

The social services and the courts should weigh the child's best interest against other interests before they make a decision. It is relevant from a child rights perspective to ask to what extent the social services and/or the court, as part of that balancing process, comment upon the parents' arguments about the child's needs. It can make sense that the social services and the courts abstain from comments if there, as was the case in some records, was no connection at all between the mentioned needs of the child and what the application was about. Children's needs were, however, in many cases neglected altogether even when the parents' arguments concerning the child's problems and/or needs were clearly linked to the application, for instance in cases of overcrowding, homelessness or access to hot water and electricity. As mentioned earlier, there seems to be a tension between the aims of financial aid to foster self-sufficiency and to respond to the needs of children (Näsman, 2019). How that balancing act is accomplished is rarely described in the court records, but it becomes clear in some cases that the interests of a child are not prioritised: "The social services are aware of the situation of the family and their child's illness, but that does not in itself make the social services change their decision." In another case, the social services argued that "the decision is not compatible with the best interest of the child," followed by a description of all the ways in which the parent's behaviour was unacceptable. In that case, the household had lost access to hot water due to unpaid bills. From a child rights perspective, such a rejection concerning a child's best interest is not good enough since the arguments only referred to the parent.

In several cases the court argued that other interests take precedence over the interests of children: "What [the mother] has said about her daughter's health does not lead to another judgement since it is made clear that the mother is able to arrange housing for herself and her children." The fact that the mother was homeless and had not found any housing for herself and her five children was not relevant since the social services, despite the apparent outcome, assessed that she had the ability to do that. The focus here seems to have been to foster the parent rather than providing for the family's, or children's, needs (see also Swärd, 2019).

8. Outcome

The appeal process has several possible outcomes: that the social services reconsider their decision in parts or as a whole before the court's ruling; that the courts dismiss, reject, or approve the appeal in parts or as a whole and return the case to the social services for further investigation, reassessment or calculations. We found that the appeal process resulted in a change only in a minority of the cases. That was, however, more frequently the

outcome when the "child perspective," the "child's best interest," or the "child convention" were mentioned, albeit still to a limited extent. Of the six cases where the court mentioned any of these concepts, two cases were returned to the social service for emergency assessment and one case for a new investigation of the child's best interest. The latter is the only case where the court criticises the social services for a lack of implementation of a child rights perspective. A mother had applied for aid to move into a flat, which would allow her teenager to get a room of her own. The court concluded:

It is not clear from the documents in the case that any assessment on the basis of the child's best interest has been made concerning the decision to reject [the appellant's] application....It is neither shown that there are any hindrances for making such an assessment. The decision is further not of such a character that it can be assumed to be without importance for [the appellant's] daughter. Since [the social services] has not carried out any investigation on how their decision can affect [the appellant's] daughter, they have not fulfilled their obligation to take the child perspective into consideration.

The court continued by mentioning missing facts about the child, which made it impossible for the court to rule in the case. The court further stated: "When [the appellant] has mentioned that there is a child in the household, irrespective to which extent, it is the duty of [the social services] to investigate how that can affect the assessment."

Financial aid is supposed to grant those who are eligible for support a reasonable level of living, but when the parents did not fulfil the necessary demands, their application was mostly rejected partially or as a whole. In these situations, the question of children's rights in relation to obtaining financial aid is at stake. Our data does not tell what the result became for the children when the social services and the courts agreed to reject the parents' application for financial aid. In contrast to the living standard for children that the legislation aims for, the children may have had to live under unacceptable conditions with homelessness, overcrowding, or a home without hot water and electricity, since these were some of the conditions mentioned in cases where aid was denied.

9. Conclusion

It is clear from the court records that some children end up in financial hardship despite the welfare system in Sweden, a country which, in an international context, is often referred to as child friendly. This article has demonstrated many aspects of how the exercise of public power targets poor children. Some children's individual needs were under particular circumstances and, to some extent, catered to even though their parents

were not deemed eligible for financial aid, while other children's rights were neglected and the focus of the decision-making mainly or exclusively targeted their parents. The aim to foster and discipline parents and to give them incentives to become self-sufficient mostly takes precedence over the child's best interest to such an extent that some children run the risk of living under harmful conditions. This can be understood as related to traditional ways of categorising the poor as undeserving or deserving of support (see, e.g., Handler & Hasenfeld, 1991; Marston, 2008; Swärd, 2019). Even in cases where parents in some way caused their children harm, the social services neglected the legal opportunity to grant aid directly to the children. In these cases, the parental power over those children would have been preserved if the court had not ruled otherwise.

The centrality of adult perspectives in the appeal process confirms findings concerning the social services in earlier research. It is also evident that familialisation, rather than an orientation toward viewing children as subjects with rights of their own, to a large extent still guides welfare state practices (see Alanen, 1992; Näsman, 1994, 2019). A notable absence of a child rights perspective dominates the practices of the courts. In our view, the few exceptions where the courts argued in favour of children's needs or criticised the social services for not implementing a child perspective do not change that overall impression. When children were mentioned, a care perspective dominated and their right to participation was neglected. Although it could perhaps not be expected that the incorporation of the UNCRC would dramatically change the courts' decision-making, it has, as far as we can see, not had any significant impact on how accounts of children's rights and needs are discussed or handled by the administrative courts.

This article not only aims to report results from research. We hope that our presentation makes it clear that court records constitute a relevant source of information on real-life arguments and decisions concerning poor children. Analyses of court records have the advantage of giving insights into how both local social services and administrative courts respond to children's financial needs. This particular analysis has shown that a child rights perspective is more or less absent in this context, which ultimately may contribute to the further exclusion of poor children from the life conditions children generally have. The last safety net is supposed to grant children a reasonable level of living, but some poor children fall through that net. How that may happen, and which children it may affect, could be made visible by examining court records from the processes where decisions determining such outcomes are made.

Acknowledgments

The authors would like to thank the EmoJI research group at the Department of Sociology, Uppsala University for contributing to this article.

Conflict of Interests

The authors declare no conflict of interest.

References

- Åhman, K., Leviner, P., & Zillén, K. (2020). Inledning [Introduction]. In K. Åhman, P. Leviner, & K. Zillén (Eds.), *Barnkonventionen i praktiken* [The child convention in practice] (pp. 16–19). Norstedts Juridik.
- Alanen, L. (1992). *Modern childhood? Exploring the "child question" in sociology*. Jyväskylä University.
- Andersson Bruck, K. (2020). Child poverty in rich contexts: The example of Sweden. *Global Studies of Childhood*, 10(2), 95–105.
- Blomqvist, P., & Heimer, M. (2016). Equal parenting when families break apart: Alternating residence and the best interests of the child in Sweden. *Social Policy and Administration*, 50(7), 787–804.
- Eriksson, M., & Näsman, E. (2011). *När barn som upplevt våld möter socialtjänsten* [When children who have experienced violence have contact with the social services]. Gothia förlag.
- Fernqvist, S. (2011). Redefining participation? On the positioning of children in Swedish welfare benefits appeals. *Childhood*, 18(2), 227–241.
- Fernqvist, S. (2013). *En erfarenhet rikare?* [Rich in experience?] [Doctoral thesis, Uppsala University]. Uppsala University Press.
- Government of Sweden. (2001). *Socialtjänstlagen* [Social services act] (SFS 2001:453).
- Government of Sweden. (2020). *Barnkonventionen och svensk rätt* [The child convention and Swedish law] (SOU 2020:63).
- Graneheim, U., & Lundman, B. (2004). Qualitative content analysis in nursing research: Concepts, procedures and measures to achieve trustworthiness. *Nurse Education Today*, 24(2), 105–112.
- Handler, J. F., & Hasenfeld, Y. (1991). *The moral construction of poverty: Welfare reform in America*. SAGE.
- Harju, A. (2008). *Barns vardag med knapp ekonomi* [Children's everyday life in poverty] [Doctoral thesis, Växjö University]. Växjö University Press.
- Hart, R. (1992). *Children's participation*. UNICEF.
- Hjeltnveit, V. (2008). Langvarig økonomisk sosialhjelp i barnefamilier [Long term dependency on financial aid in families with children]. In I. Harslöf & S. Seim (Eds.), *Fattigdomens dynamik* [The dynamics of poverty] (pp. 148–170). Universitetsforlaget.
- Hjort, T. (2019). Vad får en soffa kosta? [How much may a sofa cost?] In T. Hjort, K. Hollertz, H. Johansson, M. Knutagård, & R. Minas (Eds.), *Det yttersta skyddsnetet* [The last safety net] (pp. 153–178). Studentlitteratur.
- Holappa, T. (2020). Barns rätt till social trygghet och skälig levnadsstandard [Children's right to social security and a reasonable level of living]. In K. Åhman, P. Leviner, & L. Zillén (Eds.), *Barnkonventionen i prak-*

- tiken [The child convention in practice] (pp. 200–219). Norstedts Juridik.
- Hölscher, P. (2003). "Immer musst Du hingehen und praktisch betteln." *Wie Jugendliche Armut erleben* ["You always have to go begging." How young people experience living in poverty]. Campus Verlag.
- James, A., & Prout, A. (Eds.). (1990). *Constructing and reconstructing childhood: Contemporary issues in the sociological study of childhood*. Palmer Press.
- Johansson, H. (2019). Socialbidrag ur ett europeiskt perspektiv [Financial aid from a european perspective]. In T. Hjort, K. Hollertz, H. Johansson, M. Knutagård, & R. Minas (Eds.), *Det yttersta skydds nätet* [The last safety net] (pp. 77–104). Studentlitteratur.
- Jonsson, J. O., & Mood, C. (2017). Sweden: Child poverty during two recessions. In B. Cantillon, Y. Chzhen, S. Handa, & B. Nolan (Eds.), *Children of austerity: Impact of the great recession on child poverty in rich countries* (pp. 242–275). Oxford University Press.
- JUNO. (2021). *A data base with Swedish court records*. <https://www.nj.se/juno>
- Lindquist, M. J., & Lindquist, G. S. (2008). *The dynamics of child poverty in Sweden*. Stockholm University.
- Marston, G. (2008). A war on the poor: Constructing welfare and work in the twenty-first century. *Critical Discourse Studies*, 5(4), 359–370.
- Mood, C., & Jonsson, J. O. (2016). Trends in child poverty in Sweden: Parental and child reports. *Child Indicators Research*, 9, 825–854.
- Mörk, E., Sjögren, A., & Svaleryd, H. (2015). *Hellre rik och frisk* [Preferably rich and healthy]. Institutet för arbetsmarknads- och utbildningspolitisk utvärdering.
- Najman, J., Clavarino, A., McGee, T. R., Bor, W., Williams, G. M., & Hayatbakhsh, M. R. (2010). Timing and chronicity of family poverty and development of unhealthy behaviors in children: A longitudinal study. *Journal of Adolescent Health*, 46(6), 538–544.
- Närvänen, A.-L., & Näsman, E. (2007). Age order and children's agency. In H. Wintersberger, L. Alanen, T. Olk, & J. Qvortrup (Eds.), *Childhood, generational order and the welfare state* (pp. 225–253). University Press of Southern Denmark.
- Näsman, E. (1994). Individualization and institutionalization of childhood in today's Europe. In J. Qvortrup, M. Bardy, G. Sgritta, & H. Wintersberger (Eds.), *Childhood matters*. (pp. 165–189). Avebury.
- Näsman, E. (2019). Barnperspektiv på ekonomiskt bistånd [Child perspectives on financial aid]. In T. Hjort, K. Hollertz, H. Johansson, M. Knutagård, & R. Minas (Eds.), *Det yttersta skydds nätet* [The last safety net] (pp. 247–268). Studentlitteratur.
- Näsman, E., & von Gerber, C. (1996). *Mamma pappa utan jobb* [Mum, dad no job]. Rädda barnens förlag.
- Näsman, E., von Gerber, C., & Fernqvist, S. (2009). *Berörd Beskriven Frånvarande* [Affected described absent]. Uppsala University.
- National Agency for Health and Welfare. (2015). *Beaktande av barnperspektivet vid handläggning av ekonomiskt bistånd*. [Considering the child perspective when working with financial aid]. <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/ovrigt/2015-1-46.pdf>
- National Agency for Health and Welfare. (2021). *Ekonomiskt bistånd Handbok för socialtjänsten* [Financial aid. Handbook for the social services]. <https://www.socialstyrelsen.se/globalassets/sharepoint-dokument/artikelkatalog/handbocker/2021-5-7389.pdf> 211105
- O'Brian, M., & Salonen, T. (2011). Child poverty and child rights: A New Zealand and Sweden case study. *Childhood*, 18(2), 2011–226.
- Pålsson, D., & Wiklund, S. (2020). Local translations of a universal concept: "Child perspective" in Swedish social assistance. *Children & Society*, 35(3), 412–427.
- Pålsson, D., & Wiklund, S. (2021). A policy decoupled from practice: Children's participation in Swedish social assistance. *British Journal of Social Work*, 52(2), 964–981.
- Qvortrup, J. (1994). Childhood matters. An introduction. In J. Qvortrup, M. Bardy, G. Sgritta, & H. Wintersberger (Eds.), *Childhood matters* (pp. 1–23). Avebury.
- Ridge, T. (2002). *Childhood poverty and social exclusion. From a child's perspective*. The Policy Press.
- Saldaña, J. (2013). *The coding manual for qualitative researchers*. SAGE.
- Salonen, T. (Ed.). (2021). *Barnfattigdom i Sverige* [Child poverty in Sweden]. Rädda barnen.
- Swärd, H. (2019). Det svenska socialbidragssystemets historiska rötter [The historical roots of the Swedish financial aid system]. In T. Hjort, K. Hollertz, H. Johansson, M. Knutagård, & R. Minas (Eds.), *Det yttersta skydds nätet* [The last safety net] (pp. 23–51). Studentlitteratur.
- Swedish Social Insurance Agency. (2022). *Barnhushållens ekonomi*. [The financial situation of households with children]. <https://www.forsakringskassan.se/wps/wcm/connect/128407a7-c262-4a9e-9d9b-61000a05acf8/barnhushallens-ekonomi-svar-pa-regeringsuppdrag-fk-2021-000490.pdf?MOD=AJPERES&CVID=>
- Weitoft, G. R., Hjern, A. Batljan, I., & Vinnerljung, B. (2008). Health and social outcomes among children in low-income families and families receiving social assistance: A Swedish national cohort study. *Social Science & Medicine*, 68, 14–30.
- Yngwe, P.-E. (2004). Forskning om ekonomisk utsatthet och barns livschanser [Research on financial hardship and children's life chances]. In Ministry of Social Affairs (Eds.), *Ekonomiskt utsatta barn* [Financially vulnerable children] (pp. 305–336). Fritzes.

About the Authors



Elisabet Näsman is professor emerita of sociology at Uppsala University. She is a childhood sociologist with a focus on children's rights and qualitative studies involving children. She has published studies on children's experiences of their parents' unemployment, drug addiction, violence, and poverty, as well as parents' work–life conditions and children's perspectives on everyday life financial issues.



Stina Fernqvist is a senior lecturer in social work, with a PhD in sociology, at the Centre for Social Work, Department of Sociology, at Uppsala University. Her research deals mainly with different aspects of economic hardship among children and families, and institutional interactions in the context of the late modern welfare state.