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Summary

**Is Legal Protection in Child Protection Measures
Guaranteed?**

Evaluation of the Pilot for Free Legal Assistance in Child Protection

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The researchers are responsible for the content of the report. Making a contribution (as an employee of an organisation or as a member of the supervisory committee) does not automatically mean that the person concerned agrees with the entire content of the report. This also applies to the Ministry of Justice and Security and its minister.

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Summary

Introduction

In the Netherlands, child protection has been under pressure for years, and the social and political debate on this issue is ongoing. With the decentralization of the youth care system and the revision of child protection measures in 2015, the aim was to resolve various problems in the field of child protection. The Youth Act of 2015 was intended to simplify and make the youth care system more efficient and effective. The Act on the Revision of Child Protection Measures aimed to achieve a more effective and efficient child protection system, with the right of a child to healthy and balanced development and growth towards independence at its core. However, the final evaluation of this legislation in 2022 indicates that the goals of the Act on the Revision of Child Protection Measures have only been partially achieved. The conditions necessary for realizing the intended goals are under significant pressure and are inadequate. Moreover, many problems arise in practice.

The legal protection of parents when confronted with a child protection measure has also been a recurring topic in literature, politics, and the media in recent years. This has been partly in response to the childcare benefits scandal, where some affected parents faced the removal of their children from their homes. In general, there is a call to improve the legal position of parents, as the actual procedural position of parents is often not equal to that of the government. The termination of parental authority or the removal of a child from the home profoundly impacts the personal lives, family, and domestic life of both parents and children. Based on the principle of equality of arms, parents and their children have the right to a fair trial. A parent must be able to challenge the government's intervention in family life. However, parents sometimes face significant knowledge and skill gaps compared to other parties involved in the procedures. In this light, Bruning and colleagues argue that parents should receive more (legal) support than they currently do.

On November 18, 2022, the then Minister for Legal Protection sent an action plan to the House of Representatives to improve legal protection in child protection procedures. This action plan focuses on improving legal protection when a child protection measure is being considered or has been imposed. One of the components of the action plan was the establishment of a pilot program in which free legal assistance is provided to parents dealing with a procedure

regarding the termination of parental authority or out-of-home placement of children for a period of one and a half years.

As part of the pilot for free legal assistance in child protection, as of January 1, 2023, parents can receive free assistance from a specialized lawyer in procedures concerning the termination of parental authority. As of October 1, 2023, the pilot has been expanded to include free legal assistance for parents facing an initial request for (emergency) out-of-home placement of children. The duration of the pilot has been extended by six months at the beginning of 2024, until January 1, 2025. At the end of the pilot, a decision must be made on whether to permanently implement free legal assistance in such procedures. To enable the minister and his successor to make this decision, a process evaluation must be conducted. Pro Facto has conducted this evaluation on behalf of the Scientific Research and Documentation Center (WODC).

Research design

Research questions

This study focuses on the following research questions:

1. To what extent does the provision of free legal assistance, within the framework of the pilot for free legal assistance in child protection, contribute to the necessary (legal) support and legal protection of parents and children in procedures involving the termination of parental authority and out-of-home placement of children?
2. What are the implementation burdens, costs, and (side) effects of the pilot for free legal assistance in child protection?
3. In what way can (legal) support for parents and children in procedures involving the termination of parental authority and out-of-home placement of children (and in child protection in general) be structurally best organized?

Research method

To answer the central research questions, a combination of quantitative and qualitative research was used.

Quantitative Research

In the context of the quantitative research, quantitative data were collected on various indicators—provided by the Council for the Judiciary, the Legal Aid Board, and the Council for Child Protection (RvdK)—covering both the baseline situation before the start of the pilot in 2023 (over the period 2018-2022) and the pilot period in 2023-2024. This data includes, among other things, the number of cases in the first instance and on appeal, the number of legal aid certificates issued during the pilot, the number of cases in which (foster) parents were or were not represented by a lawyer, and the outcomes by type of procedure. By comparing the baseline situation with the situation during the pilot, some insight was gained into the results of the pilot and possible differences compared to the period before the pilot. However, the data do not provide a fully reliable picture due to possible registration errors and inaccuracies, and the fact that for several indicators, there is still insufficient data available from the cases that started during the pilot.

Qualitative Research

The qualitative research focused primarily on the experiences and opinions of both parents and chain partners (the judiciary, the Legal Aid Board, RvdK, and Certified Institutions (GIs)) and professionals/participants in the process (judges, lawyers, youth protectors, council researchers) regarding the added value of (free) legal assistance and the extent to which this contributes to the legal protection of parents and children. The research also examined the implementation of the pilot, the operational burdens, and any side effects resulting from the provision of free legal assistance.

The qualitative research was conducted through a document and literature review, exploratory and in-depth interviews with parents and professionals, expert meetings, and expert interviews. In the first phase of the research, twelve exploratory conversations were held with chain partners and interest groups. Subsequently, a total of fifty-four in-depth interviews were conducted during the research, including with lawyers, judges, GI staff, and RvdK employees. Parents were also interviewed about their experiences with procedures regarding out-of-home placement of children and the added value of legal assistance in these procedures.

During the expert meetings, discussions were held with chain partners and participants in the process about the implementation of the pilot and emerging challenges (first expert meeting), the added value of (free) legal assistance in child protection procedures (second expert meeting), and the initial research results and considerations for shaping a potential permanent arrangement for providing free legal assistance (third expert meeting). Finally, four interviews with experts/academics were conducted to reflect on the preliminary research findings and to explore certain themes in greater depth.

Setup and scope of the pilot for free legal assistance

During the pilot, parents are offered free legal assistance in first-instance procedures related to an initial request for (emergency) out-of-home placement of children (Article 1:265b of the Dutch Civil Code) and requests for the termination of parental authority (Article 1:266 in conjunction with Article 1:267 of the Dutch Civil Code). Not every parent is entitled to free legal assistance under the pilot. In procedures regarding out-of-home placement of children, only the parent(s) with parental authority or third parties with guardianship who provide daily care and upbringing for the child as part of their family are entitled to free legal assistance. If there is any doubt about which parent or third party with guardianship is caring for and raising the child as part of their family, the child's registration in the Personal Records Database (Basisregistratie Personen) is decisive. This means that the parent with whom the child does not primarily reside falls outside the scope of the pilot. In procedures concerning the termination of parental authority, parents with authority or third parties with guardianship whose authority/guardianship is being terminated are entitled to free legal assistance.

The free legal assistance is provided by lawyers who are registered with the Legal Aid Board for the specialization in civil juvenile law and/or the specialization in family law and have indicated that they wish to receive assignments from the court within the framework of the pilot. The court assigns a case *ex officio* (by an order of addition) to a lawyer participating in the pilot who is based within the court district's boundaries. If parents have a preferred lawyer, for example, if they have previously been represented by this lawyer, they can inform the court, and this preferred lawyer will be assigned.

Added Value of Free Legal Assistance

Contribution of Legal Assistance to Legal Protection and Support

Based on the research, it can be concluded that legal assistance for parents is of significant added value in procedures concerning out-of-home placement of children and the termination of parental authority. The widely shared view — among both interviewed professionals (such as lawyers, judges, and employees of Certified Institutions (GIs) and the Council for Child Protection (RvdK)) and parents — is that legal assistance for parents makes an important contribution to the legal protection and support of parents. Thanks to legal assistance, there is a more balanced position between the parties in the proceedings (equality of arms), and parents can participate more effectively in the judicial process. Legal assistance in procedures regarding out-of-home placement of children and parental authority termination has added value before, during, and after the hearing with the judge.

Prior to the hearing, parents are better informed thanks to their lawyer. They have a clearer understanding of what to expect, such as the (course of the) procedure, the (legal) options available, and the likelihood of the request being granted or denied (expectation management). For parents, it is also very valuable to receive support from an independent person, to be able to share their story with the lawyer, and to feel that they are not alone during the process.

During the hearing, legal assistance helps ensure that the parents' perspectives are more clearly articulated. With the help of a lawyer, parents are better able to present a substantive defense, for example, by effectively bringing forward certain arguments and challenging points from the council's report. Additionally, a lawyer can facilitate a more solution-oriented approach, exploring what can be done to achieve a more sustainable situation. Moreover, the lawyer can provide emotional support during the hearing, help reassure parents, and give instructions or explanations during the proceedings.

After the hearing, legal assistance continues to be valuable as the lawyer can explain the judge's decision and clarify which aspects the judge did or did not consider in their ruling. This support can increase acceptance of the judge's decision, as parents feel better heard throughout the process with the lawyer's assistance. Furthermore, the lawyer can remain involved with the parents after the decision, for instance, by exploring possible next steps and determining what is needed to ensure that the child can return to the parents.

Added Value of Free Legal Assistance

Before the start of the pilot, parents were often not represented by a lawyer in procedures related to child protection measures. The research reveals several reasons for this:

- **Financial considerations:** Parents cannot always afford the personal contribution required for regular legal aid (or they find the contribution too high) and are not always aware that in some cases, the personal contribution can be (partially) covered by applying for special assistance. Additionally, for parents who earn just above the threshold for subsidized legal aid, there is a financial barrier because they must rely on legal assistance at a relatively high commercial hourly rate.
- **Lack of awareness:** Parents often do not know they are entitled to a lawyer or how to approach one.
- **Personal circumstances:** Due to their personal situation and challenges, parents are sometimes unable to arrange legal assistance on their own.

These reasons and obstacles have largely been addressed by the pilot for free legal assistance. Legal assistance for parents in procedures related to the termination of parental authority and out-of-home placement of children is better ensured in two ways:

- **Free legal assistance:** Financial capacity is not considered, and no personal contribution is required, allowing parents with limited financial resources to access legal assistance.
- **Automatic lawyer assignment:** A lawyer is appointed to the parent by the court, so the parent does not need to take the initiative to hire a lawyer.

Based on the available data from the judiciary for this research, it can be concluded that the number of cases in which parents were represented by a lawyer has indeed increased during the pilot. Notably, the number of cases involving the termination of parental authority where parents were represented has significantly increased: from 45% of cases in the period 2018-2022 to at least 77% of cases during the pilot. The figures also show an increase in out-of-home placement of children cases, but this number lags considerably behind compared to parental authority termination cases: from 41% of cases in the period 2018-2022 to at least 57% of cases during the pilot period. It is questionable whether, in reality, only 57% of out-of-home placement of children cases during the pilot period involved parents being represented by a lawyer. It is possible that due to registration errors and inaccuracies, the full picture of cases with legal representation is not reflected, and it is plausible—based on the interview data—that parents were represented by a lawyer in most out-of-home placement of children cases (and parental authority termination cases) during the pilot period.

Specialization of lawyers

The research does not indicate a clear difference between lawyers specializing in civil juvenile law and those specializing in family law in terms of the quality of legal assistance provided in procedures related to the termination of parental authority and out-of-home placement of children, the manner in which the lawyer conducts themselves in the procedure, or the lawyer's interpretation of their role. The perception is that differences are primarily observed at the individual level, regarding the way and style in which lawyers act and represent parents in a procedure. To ensure the quality of legal assistance, it is considered important to impose specific expertise and experience requirements on lawyers who are permitted to provide free legal assistance.

Position of the child

In the context of the pilot, only parents are eligible for free legal assistance, but there is no provision for (additional) support and assistance for children in procedures related to the termination of parental authority and out-of-home placement of children. As a result, the pilot contributes to the legal protection of parents, but not necessarily to the legal protection and support of children. Although lawyers do consider the child's best interests, parental legal assistance does not guarantee that the child's interests are always adequately represented. This is because parents are not only representatives of the child but also have their own interests, and the lawyer primarily advocates for the parent's position and wishes.

The decision to offer free legal assistance only to parents under the pilot, without simultaneously establishing a framework to ensure that the child's voice is represented in the procedure, leads to a less equal position for the child in terms of support during the procedure, according to various interviewees. The research shows that most participants believe that, in addition to providing free legal assistance to parents, it is also very important to improve support for children in procedures concerning the termination of parental authority and out-of-home

placement of children. Other studies have also found that support for children in child protection measures procedures is in need of improvement.

From an international perspective, the fact that children do not have their own legal representation in procedures involving the termination of parental authority and out-of-home placement of children is noteworthy. In many other European countries, for example, this is the norm. Support from an independent person who exclusively represents the child's voice, prioritizes the child's best interests, and can provide (emotional) support during the judicial process is considered crucial by many interviewees. Therefore, the support and assistance of children in procedures related to the termination of parental authority and out-of-home placement of children is a key consideration when designing a permanent framework for free legal assistance.

Implementation Burdens, Costs, and (Side) Effects

In the implementation of the pilot for free legal assistance, a distinction can be made between direct and indirect implementation burdens. The direct burdens are those directly related to the actual implementation of the pilot by the involved chain partners, particularly the judiciary. The (possible) indirect burdens are associated with the more frequent involvement of lawyers in procedures concerning the termination of parental authority and out-of-home placement of children, such as a potential increase in preparation time for participants, the duration of hearings, or the overall length of the procedure.

Direct Implementation Burdens

The research indicates that particularly the courts (including their registries) face additional direct burdens due to the assignment of cases to a lawyer. Court registry staff spend extra time on tasks such as assessing whether a case falls under the pilot, determining which parent should be assigned a lawyer, requesting additional or missing information from Certified Institutions (GIs) or the Council for Child Protection (RvdK), contacting a lawyer, checking if the lawyer is available and willing to take the case, sending documents, issuing the assignment, and responding to phone calls and inquiries from parents or lawyers. For other chain partners (the Legal Aid Board, RvdK, and GI's), the direct implementation burdens are perceived as (very) limited.

Indirect Implementation Burdens

At the start of the pilot, there was an expectation that providing free legal assistance might lead to significant (indirect) burdens for chain partners, such as the judiciary. However, this expectation has not materialized to a significant extent: interviews suggest that the effects of more frequent lawyer involvement on the time and capacity required are limited. There are no indications that more frequent lawyer involvement has had a significant impact on preparation time for participants, the duration of hearings, or the time needed to draft decisions. Although the research generally suggests that hearing durations have slightly increased since the pilot (as lawyers are also given the floor during hearings), interviews indicate that hearings tend to proceed more efficiently and effectively due to lawyer involvement. This is because lawyers typically focus on the substantively (legally) relevant points, better articulate the parent's position, and better prepare the parent for the hearing. The judiciary data (so far) do not indicate a (significant) increase in the number of appeals, procedure durations, or the number of scheduled hearings.

Costs

Similarly, costs can be divided into direct and indirect costs associated with the pilot. The direct costs are directly related to the provision of free legal assistance (the assignments issued) that are reimbursed by the Legal Aid Board. The indirect costs are associated with the implementation burdens for the chain partners. Since most chain partners do not have data on the (additional) time or capacity required due to the pilot's implementation, it is difficult to make an accurate estimate of the pilot's indirect costs.

Based on the number of registered assignments issued by the Legal Aid Board during the pilot, a cautious estimate of the pilot's direct costs can be made. For the period from January 1, 2023, to May 2024, the direct costs of the pilot—based on the reimbursement per assignment—would amount to slightly less than 3.8 million euros. A forecast of the total direct costs of the pilot for the period from January 2023 to December 2024 would amount to nearly 6.7 million euros. Compared to the situation before the pilot, these are additional costs due to the larger number of cases where parents are supported on an assignment basis and the elimination of the personal contribution. These additional costs should then be compared to the costs incurred before 2023 related to regular assignments. There is insufficient reliable data available on the number of cases where parents were represented by a lawyer (on an assignment basis) before and during the pilot to make an accurate estimate of the average annual costs before the pilot and, consequently, the additional costs of the pilot compared to the 'old' situation.

Side Effects

At the start of the pilot, various potential negative side effects were identified that could accompany the provision of free legal assistance. Based on the interviews, it can be concluded that most of these potential side effects have not materialized in practice. For instance, the pilot, according to the experience of interviewed participants, has not led to an (additional) legalistic approach in the procedure. The potential negative side effect identified by child protection services, where lawyers might challenge the entire pre-procedure care process during the hearing, potentially harming the cooperation and trust between child protection services and parents, may occasionally occur (depending on the lawyer's role perception). However, the general perception is that most lawyers limit their focus during the hearing to the facts and circumstances relevant to assessing the request and also consider what is best for the parents and child.

One negative side effect that did manifest during the pilot is that, in some cases, separated parents in procedures concerning out-of-home placement of children found themselves in an unequal position. According to the pilot regulations, only the parent(s) with authority and who provide daily care and upbringing for the child as part of their family are eligible for free legal assistance. In cases of doubt, the address where the child is registered in the Personal Records Database (BRP) is decisive. This means that there are instances where one parent receives free legal assistance while the other parent (with authority) does not. This situation is widely regarded as undesirable and difficult to justify. It also leads to confusion for the affected parent. Additionally, this creates challenges for the courts' registries, as it is not always easy to determine which parent should receive free legal assistance under the regulation, for example, in cases of joint custody, long-term involvement of foster parents, or when parents are still formally registered at the same address but no longer live together. Based on the research, it can be concluded that it would be preferable to offer both parents with authority the opportunity for free legal assistance separately.

In addition to potential negative side effects, the research also identified several possible positive side effects. For example, a trust bond may develop between the parent(s) and the lawyer, allowing the lawyer to continue assisting parents after the process and in any future proceedings (possibly on an assignment basis). Furthermore, good legal assistance could prevent future proceedings (e.g., appeals or termination of authority), and parental legal assistance might help avoid more drastic measures or ensure that more appropriate measures are taken. It is also possible that better connections are established between lawyers and child protection services, potentially strengthening their collaborative relationship. Based on the interviews, it is not yet possible to determine the extent to which these positive side effects have actually occurred.

Structural arrangement for free legal assistance

Scope of the arrangement for free legal assistance

The research indicates that converting the current temporary arrangement for free legal assistance in procedures related to the termination of parental authority and out-of-home placement of children into a permanent arrangement is broadly supported by both parents and professionals. Providing free legal assistance significantly contributes to improving the legal protection of parents. However, when designing and legally enshrining a structural arrangement for free legal assistance, there are some improvements needed compared to the current pilot arrangement.

Types of Procedures

The pilot currently only applies to initial requests for (emergency) out-of-home placement of children and the termination of parental authority. In other types of procedures—such as requests to extend an out-of-home placement of a child, requests for a supervision order, and appeals against a child protection measure—parents do not receive free legal assistance. Legal assistance in such procedures also plays a crucial role in ensuring legal protection, as it involves judicial procedures where a lawyer helps ensure a more balanced position between the parties and enables parents to present a more substantive defense and participate more effectively in the judicial process.

The research suggests that expanding the scope of the arrangement for free legal assistance could further improve the legal protection of parents. How this expansion should be implemented is a political decision. If financial resources were unlimited, it would be desirable to provide free legal assistance for all child protection measures, including requests for supervision orders, out-of-home placement of children, and termination of parental authority. With a more limited budget, it would be advisable to prioritize the procedures where (free) legal assistance has the greatest added value. This depends on factors such as: 1) the extent to which the requested measure impacts the family life of parents and children, and 2) the extent to which a lawyer can contribute to the legal protection and support of parents and children in a specific procedure, also considering the continuation of the care trajectory.

Based on the interviews, it can be concluded that it would be desirable for a free legal assistance arrangement to not only apply to initial requests for (emergency) out-of-home placement of children and termination of parental authority but also to requests for the extension of an out-of-home placement of a child. Decisions on extension requests are often significant for parents and children, particularly when considering the acceptable timeframe and whether the child's return is possible or in cases involving (indirect) assessments of the perspective

decision. These decisions have a major impact on the child's future. Therefore, free legal assistance is of great value in extension requests to better ensure the legal protection of parents. The research suggests that there is generally less perceived need to provide free legal assistance to parents in procedures related to requests for supervision orders, closed placements, and appeals.

Target Group

The arrangement can also be improved by broadening the group of people eligible for free legal assistance. As previously mentioned, parents in procedures regarding out-of-home placement of children may find themselves in an unequal position because free legal assistance is limited to the parent(s) with authority who provide daily care and upbringing for the child as part of their family (with the child's registration in the Personal Records Database (BRP) being decisive in cases of doubt). This can lead to situations where separated parents have one parent who is assigned a free lawyer while the other parent—who may still play a role in the child's upbringing—must arrange a lawyer at their own expense. Additionally, the research reveals that the current arrangement presents challenges in practice.

In a structural arrangement, it would be desirable for both parents with authority to be eligible for free legal assistance in procedures concerning out-of-home placement of children. The arrangement should stipulate that parents with authority and guardians who provide daily care for the child as part of their family should both be independently entitled to free legal assistance if needed. Additionally, consideration could be given to extending the possibility of free legal assistance to parents who do not have authority but do play a role in the child's upbringing (with "family life") and can be regarded as interested parties.

Support and Assistance for Children in Judicial Procedures

There is a widely shared view that improving the support for children in procedures related to child protection measures by providing assistance from someone whose sole task is to represent the child's voice and protect their interests would be of great added value. Therefore, it is desirable for minors to be routinely offered the opportunity to be assisted by a professional who acts as an advocate and process supporter for the child. Various forms of (professional) support are possible. The research indicates that there is particular value in more frequent assignment of a guardian ad litem and support from a pedagogue, an expert by experience, or a confidant.

The guardian ad litem primarily focuses on what is best for the child, can effectively bring forward the child's voice and wishes, and can also play a mediating role by holding discussions with all parties involved. Additionally, the guardian ad litem can support the child by explaining what is happening and what the options are, answering the child's questions, talking to the child, and providing socio-emotional support. However, opinions differ on whether a child should always have the right to assistance from a guardian ad litem. Some interviewees believe that this is not necessary in situations where, for example, there is no conflict or divorce between the parents, which means the child is less likely to experience a loyalty conflict. The added value or necessity of (routinely) assigning a lawyer to a child is less recognized, especially for younger minors.

In addition to assistance from a guardian ad litem, better facilitating support for children from a pedagogue, expert by experience, or confidant is also considered of great value. Although this is not legal assistance, this form of support is seen by interviewees as having significant added value. It is especially important that the child has someone who can guide them through

the procedure, explain everything related to the procedure, provide a listening ear, and help articulate the child's voice, wishes, and needs. It is desirable that the person providing support not only has substantive knowledge of the procedure but also possesses good communication and empathy skills to support the child socio-emotionally. This type of support does not necessarily need to be provided by a legal professional but could also be provided by a pedagogue, expert by experience, or confidant.

Considerations for Implementing the Free Legal Assistance Arrangement

The research indicates that there have been no significant issues or challenges in implementing the pilot for free legal assistance. The procedure for free legal assistance is largely carried out as intended (in accordance with the Temporary Policy Rule). However, some areas for improvement have been identified during the current pilot's implementation. In the context of a structural arrangement for free legal assistance, three areas, in particular, require attention:

Information Provision on Free Legal Assistance

Interviews with lawyers indicate that parents are not always aware of the possibility of free legal assistance and that a court-appointed lawyer will contact them. Therefore, effective information provision about the availability of free legal assistance and the option of choosing a preferred lawyer is essential. Written information alone is insufficient. It is important that parents are also informed verbally (where possible) about the free legal assistance arrangement and the option of a preferred lawyer, and that it is confirmed whether the parent understands the information provided. The GIs and RvdK, which submit the request for out-of-home placement of children or termination of parental authority, have a crucial role in informing parents, as do the courts.

Process for Assigning a Lawyer to a Case

From the moment a petition is filed, several steps must be taken before a lawyer is assigned to a parent and legal assistance is actually provided. Completing these steps takes time. In practice, it can take a long time for the lawyer to reach the parent, which reduces the lawyer's preparation time and the effectiveness of the legal assistance. In some cases, it is not possible to establish contact with the parent in time. The sooner a lawyer can be assigned to a parent at the start of a procedure for termination of parental authority or out-of-home placement of children, the more preparation time the lawyer will have, and the greater the contribution can be to the parent's legal protection and support.

A duty lawyer system could be an alternative method that speeds up the process of assigning a lawyer. This system has the advantage of making the assignment process more transparent and less labor-intensive and time-consuming for the courts (including their registries). However, it is worth noting that, at least for "regular" requests for out-of-home placement of children and termination of parental authority, there is no urgency requiring legal assistance to be provided on very short notice, unlike in existing duty lawyer systems in other areas of law (such as criminal, immigration, and mental health law).

Sharing the Case File with the Lawyer

The research shows that courts do not follow a uniform procedure when it comes to the timing of sharing the case file with the lawyer after a case has been assigned. To protect the privacy of parents, the formal procedure is that the file is only sent after the lawyer has contacted the parents to confirm that they want legal assistance. However, some courts already share the file with the lawyer as soon as they have agreed to take the case, even before contacting the parent. The advantage of this approach is that it saves time and allows the lawyer to be better

informed about the parent's situation at the first contact. If, in a structural arrangement for free legal assistance, the case file is shared with the lawyer before contact has been made with the parent and the parent has agreed to legal assistance, a legal basis must be provided in accordance with the General Data Protection Regulation (GDPR).

Support and Assistance Before the Judicial Procedure

In many discussions, the added value of support and assistance for parents and children during the youth care process before the judicial procedure in the voluntary framework was emphasized. This support can occur at various points, for example, from the moment a care trajectory is initiated, when a council investigation is conducted, or at the child protection table. The research suggests that support in the voluntary framework does not necessarily need to be provided by a lawyer because the focus is still primarily on care, and legal assistance is not required for good support of parents and children. Assistance from a client support worker or confidant, for example, can also be of great value. This research did not examine the extent to which existing support options are sufficient. However, based on the interviews, it can be concluded that there is considerable added value in (improving the information provision about) support and assistance for parents at an early stage of the youth care process. It is important to note that this support is not a substitute for free legal assistance in procedures related to child protection measures.

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