

An Evidence Review on Social Services Workforce Decision-Making Processes

El Salvador

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This report was commissioned by SOS Children's Villages International as part of a four-country study on the decision-making process for placing children in alternative care.

Principal Author of the El Salvador case study: Dr Paola Maria Navarrete

Associate researcher: Dr Carolina Lucero Morán

International Researcher: Dr Chrissie Gale

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1. Background

Gatekeeping and the decision to place a child in alternative care are significantly influenced by two factors in particular: the circumstances the child is living in, and the decisions that are taken by those with responsibility to make safeguarding decisions. The latter is highly dependent on the functioning of the child protection system in which social service providers work, as well as their personal attributes, training, understanding, knowledge, and skills.

International guidance relating to decision making in respect of child protection, alternative care, and 'gatekeeping' is outlined in a number of international documents including the UN Guidelines for the Alternative Care and accompanying Handbook, 'Moving Forward' . This guidance incorporates the principle of 'necessity' meaning no child should be placed in alternative care unless a rigorous multi-sectoral and participatory assessment indicates a child is at risk of harm and is used to inform decisions taken by well trained professionals. The second principle requires decisions and solutions that are the most suitable for each child. All decisions should be in the best interest of the child and uphold their rights. Emphasis must be on the primacy of prevention of separation of a child from their parents and placement in alternative care used only as an action of last resort and for the shortest time possible.

While some academics and practitioners alike have identified challenges related to decision-making and child protection and alternative care, there are indications that much of this research has predominantly emanated from high-income countries thus leaving a gap in our knowledge of decision making practices in low and middle income countries. To address this concern, SOS Children's Villages International has initiated a research series that focuses on the drivers of child-parent separation in different regions of the world. Knowledge about the situation of children at risk of, or already placed in, alternative care and how decisions were reached to place them there is of crucial importance to social service providers like SOS Children's Villages International, governments and other relevant bodies. Such evidence can provide insight into decision making by professional stakeholders holding responsibility for child protection and alternative care and help inform future programmes that increase the efficacy of decisions being taken.

In order to address some of the gaps in knowledge as identified above, a short study of decision-making in relation to placement of children in alternative care has been completed in four countries, El Salvador, Denmark, Kenya and Lebanon. Below are the findings from El Salvador. These findings will contribute to a consolidated report that will provide the combined evidence from all four countries.

2. The research questions

The aim of our research was to investigate the following research questions:

- What does the literature say about the efficacy, subjectivity and objectivity of decision-making undertaken by the social services workforce working within the functioning of the national child protection system, and in particular, decisions to remove a child from parental care and place them in alternative care in El Salvador

- What are the factors that influence social services workforce decision-making in El Salvador
- What are the main findings and recommendations?

3. Research Methodology

Desk Review

A systematic desk review of literature related to the efficacy, objectivity and subjectivity of social workforce decision making has been undertaken in El Salvador. The review briefly considered the functioning of the national child protection system including legislation, policy and statutory guidance, and the decision making process by social service workforce personnel working for and within a national child protection system.

A systematic search was undertaken for books and articles utilising a set of search terms.¹ The search was conducted in Spanish and English. The following numbers of studies were sourced:

Spanish	4
English	19

A total of 14 studies were considered relevant to this research.

Semi-structured interviews

A series of 10 semi-structured interviews have been conducted with members of the social services workforce, judiciary and other decision makers in relation to child protection and alternative care placements.

Purposive sampling

A purposive sampling approach has been applied to the selection of professionals identified as being key decision makers in terms of placement of children in alternative care in El Salvador. Purposive sampling is a methodology widely used in qualitative research and will be utilised as it allows for intentional selection of knowledgeable participants that will generate theory and understanding of a specific social process and context.² Interviewees have been selected based on the researcher's knowledge of key professional stakeholders in El Salvador.

Reliability and rigour

Careful attention has been given to reliability and rigor throughout the process of generating, recording, analysing and presenting data. This incorporated careful research design and implementation including consideration of: use of varied and standardised methods for collating data, careful consideration of respondent selection; careful transcription; and awareness of

¹¹ 'decision making' AND 'child protection' AND 'EL SALVADOR'; 'decision making' AND 'social work' AND 'children' AND 'EL SALVADOR'; 'subjectivity' AND 'decision making' AND 'child protection' AND 'EL SALVADOR'; 'objectivity' AND 'decision making' AND 'child protection' AND 'EL SALVADOR'; 'child protection assessment' AND 'effectiveness' AND 'EL SALVADOR'; 'effectiveness' AND 'child protection' AND 'EL SALVADOR'; 'attitudes' AND 'child protection' AND 'EL SALVADOR'; 'decision making' AND 'social workers' AND 'EL SALVADOR'; 'decision making' AND 'judges' AND 'EL SALVADOR'; 'child protection practitioners' AND 'decision making' AND 'EL SALVADOR'; 'social services workers' AND 'decision making' AND 'EL SALVADOR'

²² Arber 2006; Ritchie et al. 2006; Robson 2002

respondent bias. In addition, all steps of the research process have been explained in an open and transparent manner.

Research ethics and informed consent

All elements of the research process have been designed and conducted in a manner guided by professional standards and ethical principles. Informed consent has been sought from all research participants. All participants were informed of the context and purpose of the research, as well as issues related to confidentiality and use of information they provide. It was made clear to all participants that their participation in the research is voluntary and they could withdraw from the process. To this end, Information Sheets and Consent Forms were provided.

Research participants have been guaranteed anonymity and write up of research findings does not contain names or identifying features. Any personal data has been securely stored and will be disposed of in accordance with GDPR.

Limitations of the research

The desk review on the efficacy of social workforce decision making was conducted over a very short period which placed limitations on the time to gather literature covering the breadth of relevant topics from countries around the world. The search was predominantly restricted to seeking academic literature but we do recognise there is a considerable body of grey literature that would bring additional information to the topic of child protection systems and the impact this has on social workforce decision making.

The Research Framework

The research framework was developed in a manner that allowed exploration of decision making in relation to children's placement in alternative care. The framework was based on the premise that the placement of children into alternative care is particularly influenced by the decisions made by those with responsibility for child safeguarding and alternative care judgements as well as any influence posed by the national child protection system they work in. It is recognised that professionals make decisions to place children in alternative care that are not always protection related but may be based solely on decisions related to access to residential 'social care' i.e. offers education and health services, food, clothing etc. International guidance is clear that children should not be placed in care solely for reasons related to poverty. We recognise however, that research respondents made reference to children's cases for whom 'social care' decisions are being made and this information has been included in this report where relevant.

A well-functioning child protection system requires a coordinated and holistic approach to investing in, developing, and sustaining, all the necessary components as illustrated in Figure 1. This includes a suitable normative framework and programmes and services built on rigorous data collection and analysis. Suitable structures and resources that allow for delivery of services that protect children and help mitigate the multi-sectoral factors placing them at risk are also required.

The system should be well-resourced including adequate numbers of skilled work force, It is important that there is well-coordinated, inter-sectoral partnership working between the State, families, communities, NGOs, and the private sector, as well as advocacy and awareness raising on child rights and protection. Gatekeeping processes and the use of case management tools have also been recognised as assisting well-informed decision making.

Figure 1. Components of a national child protection system



4. Research Findings: Factors impacting decision-making in relation to placement of children in alternative care in El Salvador

4.1. Findings from the literature review

Although the articles that were sourced contained information on child protection in El Salvador they but did not include any evaluation of decision making. Therefore, although the chosen literature were not necessarily fully pertinent to this subject, it helped create context for the areas of research interest. Furthermore, much of the literature that emerged during the search focused on thematic areas of concern regarding child protection. This included for example, those associated with disasters induced by climate change³. and exploring children's participation in reducing risks during disasters⁴. Additionally, there is significant attention to migration, particularly concerning unaccompanied child migrants⁵, their access to protection⁶, and examining resilience in migrant children⁷. Also, migration and child protection mechanisms and considerations for the best interests of migrant children through policies and proceedings⁸.

Other topics that surfaced in the search included access to sexual and reproductive health services, reporting child mistreatment and sexual abuse⁹, and evaluations of parenting¹⁰. Another factor contributing to the lack of literature and documentation is the recent implementation of a new law. Currently, there hasn't been sufficient time to assess its applications, as it came into force in January 2023, replacing the previous '*Ley de Protección Integral de la Niñez y Adolescencia*' (Law for the Comprehensive Protection of Children and Adolescents), commonly known as Lepina.

The present law is titled '*Ley Crecer Juntos para la Protección Integral de la Primera Infancia, Niñez y Adolescencia*' (Grow up Together for the Comprehensive Protection of Children and Adolescents).

Although the novelty of this legal framework may explain the limited research and documentation available at this early stage of its implementation, it is crucial to note the lack of information and evaluation of the past law. This suggests a gap in assessments or evaluations and the law's process, application, and functioning. Notably, no identifiable studies served as a basis for the creation of the new law.

³ Tanner 2010; Tanner and Seballos 2012a; Tanner and Seballos 2012b; Peek, 2008

⁴ Tanner, 2010; Tanner and Seballos 2012a; Tanner and Seballos 2012b; Peek, 2008

⁵ Silva et al 2022; Navarro 2017

⁶ Thronson, 2018

⁷ Tort-Sanchez undated

⁸ Stinchcomb 2020; Wolozin 2016

⁹ Salloum et al 2020

¹⁰ Choate and Engstrom 2014

Challenges in the Child Protection Systems of El Salvador

Examining studies related to the previous Lepina law can provide valuable insights into implementing the child protection system and the challenges encountered. Gaining a historical perspective on the system's functioning might illuminate persistent issues that could transcend into implementing the new legal framework. One of the few studies evaluating the Lepina law¹¹ identified some problems in its application.

The Protection Boards are a government agency that continues to be a part of the current law. These boards are responsible for safeguarding the rights of children and adolescents and issuing protection measures at the local level¹². Studies have noted that despite having established a system and standardized internal protocols for processing cases, the Protection Board couldn't comply with the established timelines due to the high volume of cases.

Another critique of the Protection Boards is their departmental, rather than municipal, structure, limiting the decentralization of their functions. The number of boards has proven insufficient to address the population, particularly in the most populous departments, such as San Salvador's capital¹³. In addition to the protocols, the study¹⁴ highlighted a lack of structured protocols for other agencies. This led to the creation of improvised and unstructured protocols to address new cases, impacting the functioning of the protection system. It was also noted that a disconnection between legal theory and practices created communication obstacles in the system.

The decentralized nature of the system resulted in the independent handling of cases, leading to isolated interpretation of the law, different resources, and limited effectiveness in case solving. Morlchetti (2012) also emphasized that incorporating the judiciary component as another actor within the Protection System should be accompanied by mechanisms for harmonization with the actors of the administrative component to achieve common purposes. There should be an explicit specification of the powers of the specialized judges for children and adolescents to strengthen their competencies.

Parada et al. also noted a lack of experts in child protection, putting children's rights at risk. Additionally, there is a lack of understanding of the system, creating difficulties in communication and generating delays in the resolution of cases.¹⁵

11 Parada. al. 2023

12 Ley Crecer Juntos para la protección integral de la primera infancia, niñez y adolescencia, 2023

13 Morlchetti 2012

14 Parada et al. 2023

15 Parada 2023

4.2. Findings from interviews

Decision makers

Primary data has been collated through semi-structured interviews conducted with 10 research participants including two members a lawyer and a social worker of a Child Protection Board, five judges, three members of a family court technical team, a social worker, a psychologist, and an educator.

'Juntas de Protección de Niñez y Adolescentes' (Child and Adolescent Protection Boards) (Board) are the administrative institutions that guarantee the protection of child rights in the new 'Ley Crecer Juntos' (Grow Together Law) dictates to guarantee the protection of child rights. There is one board for each of the 14 departments of the country. They are responsible for establishing protection measures and coordination to ensure their execution and impose sanctions. These measures are mandatory and can be of support and coordination or 'acogimiento' (foster care) of family or institutional.

They are an administrative institution, so they must rely on other entities to act. As one board member explained,

'the protection boards are merely administrative entities, this means that they do not belong to the judicial body, but rather... They are administrative courts... (that) issue an administrative resolution in which measures are issued. These measures usually involve coordination with other institutions.'

Each board comprises three members: a lawyer, a social worker, and a psychologist.

'It is a collegiate administrative body. They make the decision based on the best interest of each girl, boy or adolescent who enters the protection system, they decide what is their best interest.'

These institutions are part of a 'Sistema de Protección Integral de la Niñez y Adolescencia' (National Integrated Protection System for Children and Adolescents), in which different institutions are part.

'We are integrated into a Protection System. The Protection System includes the Police, the Prosecutor's Office, the Ministry of Health, the Ministry of Education, and the Judicial Body, through its specialized court(s). It is a big Protection System. All the actors involved in child and adolescent protection are there.'

One of the judges confirmed this relationship, commenting regarding the actions taken when identifying a violation of children's rights in one of their cases.

'...With the novelty today of the Grow Together Law, we, the officials who work with children and adolescents, are obliged to foresee, to report any violation or any threat to children and adolescents.'

But the decision to separate a child from its family is only made as a last resource. As one of the judges explained, this measure only happens if necessary.

'Changing a child's environment is only allowed in extremely necessary cases, such as when their rights are violated.'

'But it is very important that all decisions that the Protection Board make are always aimed at protecting rights. It's true that the law contemplates a separation from the family environment, but this separation will be decided by the members of the Board based on research. Also based on the recommendations of the Technical Team, which state that this separation is imminent or necessary. It will always be based on technical studies; it will not be based on subjective criteria or some other whimsical decision.'

Decision-making processes

To decide to separate a child from their family, it must previously be evaluated by the Protection Board or a Judge. For this, they need evidence and information to support their decision.

'Documentary, experts, and testimonial evidence contributed to the process.'

Technical or Multidisciplinary team assessments was one of the most mentioned ways of obtaining and gathering information to help guide the decision. Most of the time the Board assigns the investigation to a technical team to search for information that may help them understand the environment and the context in which the child lives. A judge can also instigate an assessment through a team attached to the court.

'The Multidisciplinary team assigned to the Court, after studying and analyzing the environment from an educational, psychological, and social approach, captures a 'Diagnosis or psychosocial study' of the adolescent in a document, which is a valuable input that provides important information for decision-making.'

'The Multidisciplinary team assigned to the Court analyzes the environment from an educational, psychological, and social perspective.'

'...when a girl, boy, or adolescent enters the protection system, the corresponding investigations are carried out. As a Protection Board, we have a multidisciplinary team comprising a psychologist, a social worker, and a lawyer. In which they initially investigate the situation, and it is through the analysis of the board members that a decision can be made.'

'The recommendations of the specialists of the multidisciplinary team are taken into account to know if the family or guardians of the minor are placing them in a situation of risk or vulnerability so that they can be separated from that environment immediately.'

'This diagnosis focuses on identifying the social, psychological, and educational aspects surrounding the children by visiting their homes and communities.'

Interviewing and observing the family, ways of interaction, and surroundings in their communities and schools.'

As one of the team commented 'We do documentary review, we do home visits, we do interviews, we apply observation.'

'...documentary review, home visit, interview, participant observation and then being able to compile the synthesis of what we have captured in the interviews, to integrate it into a social study.'

This document is essential for those making decisions include members of the Boards and Judges.

'The main thing is an observation and a diagnosis, conclusions, and recommendations, from each professional according to their field of study. So, the psychologist observes certain things, the social worker observes certain things, or the lawyer observes certain things.'

'... based on the recommendations of the technical team in which it is stated that this separation is imminent or necessary. It will always be based on technical studies. It will not be based on subjective criteria or some other whimsical decision.'

Information sharing

Although there isn't an online or virtual system to facilitate information, a legal system is in place to provide information between institutions that are part of the Child Protection System. This is a component of the new law and applies to the members of the Protection Board.

'Yes, we are not linked in a system, so to speak, digital, but we coordinate with other state entities that can provide us with this information through a collaboration request.'

'We can at least investigate certain data about the parents or some violator with the DUI number (Unique Identity Document). We can also access the database that the RNPN (National Registry of Natural Persons, where the identity document is issued) can provide us. It is not like we were from the registry institution, but we have access.'

Child protection case management tools

When mentioning the process and the tools they take to gather information, it was mentioned that there aren't governmental tools dedicated to providing additional information on the cases or persons involved.

As some judges mentioned,

' There aren't any government tools that facilitate a network of information'

'There are no government tools in this sense, the Judge must verify the information to make a correct decision using his own sound judgment (Sana crítica).'

Technical teams also mentioned other governmental tools they considered having to do their work, particularly having access to case files and other resources.

'No (we don't use a governmental tool), we work with the case file.'

'...We have tools that the Supreme Court of Justice gives us, for example, for psychologists, the tools we need are the battery of psychological tests.'

But decision-making for judges and board members is also based on national laws, the Constitution, international agreements, and human rights, looking for children's best interests.

'The legal situation of children and adolescents is analyzed in the framed of international agreements, in the laws that protect fundamental rights and guarantees, and the best interests of children and adolescents'.

'...the Constitution, Grows Together Law, we also use international regulations, the International Convention on the Rights of the Child, the observations of the Committee on Rights of Children...'

'To frame the legal situation of children and adolescents, in the Constitution of the Republic, international agreements such as the Convention on the Rights of the Child, Declaration of the Rights of the Child, United Nations Minimum Rules for the Administration of Juvenile Justice (Rules of Beijing), United Nations Guidelines for the Prevention of Juvenile Delinquency (RIAD Guidelines), Grow Together Law, Juvenile Criminal Law.'

'All this training framework in specific family legislation, the analysis of the articles of the Family Code, which rights have been violated taking into account the Law on Childhood and Adolescence, Convention on the Rights of the Child, International treaties...'

As well as Grow Together Law, established in January of 2023, other national special laws may also be used.

'Yes, some special laws could be used, apart from the Grow Together Law, such as the Special Law on Violence against Women. I don't know if I'm wrong, but special laws also include Family law, Family procedural law, Civil law and the procedural.'

Sound judgment and reality

Judges also mentioned that their decision-making process was based on 'sana crítica' or 'sound judgment', as mentioned before:

'...the judge must verify the information to make a correct decision using his own sound judgment (sana crítica).

'Those contributed to the process, based on Law and own sound judgment (sana crítica), are valued.'

'Under the rules of own sound judgment ('sana crítica') in response to the child's best interests.'

'She is within her right, therefore, to base herself on what she considers most convenient, for each case that she goes to her hearings, that she has truth and on her criteria, in which she includes the new laws that we have, for example, the law grow together.'

'Sana Crítica' defines the system of evaluating evidence that prevails in El Salvador¹⁶. It is a method that applies the rules of logic, psychology, and common experience, expressing, rationalizing, and justifying the probative value granted and the decisions made.¹⁷

Judges base the decision on their own common logic, identification of causes, and their experiences in the court. Additionally, they emphasize that decisions must be grounded, reflecting the actual occurrences.

'...and most of all, pure analysis in social reality.'

'Reality will speak then, that reality is what is going to determine for us what type of measure we are going to take, always based on the best interest of the boy, girl, and adolescent. What interests us, is that the child is guaranteed his rights.'

'What influences decision-making the most is reality. It is very difficult to say that there is going to be a bias. Because, in matters of childhood and adolescence as a vulnerable group, a professional who is observing a situation of vulnerability or lack of protection, that would act negligently. I believe that all of us who are within the protection system know when a child has been violated. By listening to them.'

Technical teams assessments research

One of the most crucial pieces of information in the decision-making process is the research reports provided by the multidisciplinary team. Boards and judges rely on the information and recommendations they are provided by different technical teams that have conducted assessments. They consider it the most used source to inform their decisions.

'In any case, a social study must be ordered urgently.'

¹⁶ Corte Suprema de Justicia. (n.d.) Valoración de la prueba.
<https://www.jurisprudencia.gob.sv/DocumentosBoveda/E/1/2010-2019/2018/10/D7F9C.HTML>

¹⁷ Corte Suprema de Justicia. (n.d.) Reglas de la Sana Crítica.
<https://www.jurisprudencia.gob.sv/DocumentosBoveda/E/1/2010-2019/2018/02/D1881.HTML#:~:text=Al%20respecto%2C%20cabe%20se%20B1alar%20que,concedido%20y%20la%20decisi%C3%B3n%20tomada.>

'Social work and psychological expertise..., multidisciplinary evaluation.'

'The information is collected through research, that is ordered to be collected from neighbors and family members.'

The technical teams of the Protection Boards are composed of lawyers, social workers, and psychologists. In court there is a slight difference; the technical teams are formed by social workers, psychologists, and educators.

'The judge is assisted by a team of specialists assigned to the juvenile court (multidisciplinary team), made up of: a social worker, a psychologist, an educator; who make a home visit to the minor's home to find out what conditions they live in, visit their educational center and conduct interviews with the minor and her family group. With this, they make a preliminary diagnosis and let the judge know the situation in which the minor is.'

It's the responsibility of the technical team to review and see the conditions in which children live. They are also responsible for writing a report and making recommendations to the judge. But they are not the ones that directly decide whether to separate the children from their family members, as mentioned by technical team members.

'In this system, the judges are the ones that have the final say, whether to separate or not a child from their family.'

'It is not up to me directly to make the decision, it's a specific competence of the judge.'

'Generally, everyone writes a study, a psychological study, the social study and if there is an educational one, then the educational study, and here (in the court) it is very important. But the most medullary part, let's say the spinal column, is the legal part. The total decision is of the judge that decision binds us, but she is the one who makes the decision when she says: it judicially proceeds.'

But their reports, recommendations, and suggestions are necessary for the judge or the board to decide.

'It could be said that our advocacy role so that this girl, boy, and adolescent can be mobilized to another alternative family is through the recommendations that we give with the expert report.'

'The judge doesn't decide just because it occurs to her, but because she has knowledge thanks to the studies of the multidisciplinary knowledge team, because sometimes the demands don't tell the truth, and that is why all this is done.'

'Our recommendations are through the research, and the judge relies on it. Because we are the ones who have gone (to the fieldwork). So, she has the power and the decision to link the recommendations from the social work, psychology, (and) education team.'

The information provided by the team not only allows the creation of a picture of the context in which the child is living but also a way to verify the information provided by family members. While making the report, the technical team elaborated their research by doing fieldwork, going to the houses and the communities the family lives in, and asking the families to go to the courthouse to interview them or visit the school.

'... in the case of social work in situ, in the place, what the factors are? and explore the environment. What has the life situation of the children been?'

'(we) make the respective evaluations of the person, let's say the alternative family, where it is thought that this little person would be moving in with them. And when the boy, girl or adolescent already has the capacity to discern, they are also listened to.'

For the psychologist team member, this research involves interviewing children, adults, and family members. The process includes personality tests, clinical observation and interviews.

'This investigation involves the entire process that has to do with a study of the personality of the people involved. (...) And then also the study of children's personality. And based on that, make my report to illustrate to the judge how the situation is for adults and children.'

'Carry out studies on adults involved in caring for a child or a group of children...

'...with structured psychological interviews, which are very basic and evaluative... and psychological tests are applied, which are generally projective personality tests and are also questionnaire type in different situations of feeling, emotional or attitudinal reactions.'

In education, they obtain information by interviewing teachers, visiting the schools, observing the children's interactions with other students in the school, and information on grades and if the parents go to parenting the school.

'...I give the teacher an instrument that asks about some of the competencies or area that need to be developed.'

What affects the decision making process

One of the problems revolving around the decision process involves who has the final say in separating the children from their families. As commented by the technical team, the final decision is on the judges.

'The total decision is the judge's, that decision binds us, but she is the one who makes the decision itself when she says: it judicially proceed.'

Even though they can give recommendations and provide evidence, the judge's decision will not necessarily be based on those recommendations.

'We can recommend, but that's it. If she takes the recommendations, she does, and if she wants, she won't take them.'

'Not always the technical teams, what we can recommend are not always taken into account. Because we do not decide, but we recommend for the decision, but they cannot always take it into account.'

Those who have contact with the families aren't the ones who make the decision of whether the child stays with their families.

'The studies are binding to the judicial resolutions, because we have spoken with people for much longer, we have gone to know their environment, we know more. So it is wise to take those recommendations.'

'Sometimes the Judge does not consider it and makes his or her own decision. So there are already cases in courts where we say 'Who took the children? And why were the children left there?' So there is a bit of frustration sometimes, when sometimes they are not considered.'

'...but a bias is that if they want, they do not take them into account (the recommendations), they go to pure legislation and the litigation of the parties' lawyers, and then children's rights can be violated.'

When the decision making process involves lawyers

In court some of the technical teams that conduct assessments mentioned that the situation becomes more complex when lawyers are part of the process.

'...they go to pure legislation and litigation by the parties' lawyers, and then children's rights can be violated.'

'One party has a lawyer that they are paying, and they want to win their case and the other party also has the lawyers that they are paying, and it is like a war of who can present more evidence and documents. At a given moment, there is a ruling, but that does not mean that sometimes there are no rulings that could affect the child. That is why we say that the technical teams are the human part of the processes because we see beyond the law.'

'But when we identify that there are lawyers involved... Then we get into it much more deeply, and we have a complex case, and we put more battery into it in order to be able to illustrate the judges better, and always looking for the best interest of the boy and the girl.'

'There are cases where there is manipulation of information about reality. ... So there are times, very often, lawyers propose things that are not, they even give wrong addresses so that one does not get to the place so that one does not find the place and interview the people.'

Making the right decisions

In terms of decision-making and its consequences, the right decisions are often made in most cases.

'Yes, generally, that has been found.'

'Yes, according to the protection of the best interests of children and adolescents' I say that here, in this case, almost always. In most cases we have tried to ensure that the children are where their integrity is protected, yes.'

Sometimes, the best decision is not immediately apparent, especially during emergencies. However, efforts are made to find a more suitable placement for the child over time.

'Possibly in an initial process at an early stage, one can make an emergency decision. There was a shock decision, as if to say, in an imminent violation of the rights of children and adolescents, to make a decision, but when analyzing the case, when going deeper into the case, we can say, well, then we are going to modify this measure because that is no longer the most beneficial, but it is going to be this plus this, so, as we explore, we can see how that decision is improved. But initially, we will always look for the most beneficial.'

Others mention that sometimes, 'social or political pressures' hinder them from making the best decisions. Additionally, human error may play a role, and it might take time to determine if the right decision was made. The interviewee which was a judge did not elaborate on what they meant by political measures.

Sometimes, the answer was simply no; the right decision is not always reached.

'The right decisions are not always made, human beings make mistakes sometimes.'

'No, I couldn't answer that. As I repeat, realities are changing. And sometimes until the end you cannot know if it was the right decision or not, if it was appropriate or not.'

Time and overwork

The time taken for the process varies depending on the urgency of the circumstances. If the child is in danger or there's evidence of a violation of rights, the Board or the judges can order an immediate separation of the household.

'But the judge gives the comprehensive protection measure immediately when there is a situation of imminent danger.'

'As soon as the best interests of the child and adolescent are unprotected.'

'In cases of urgent need, the law requires that it be in the shortest possible time.'

'We talk about hours.'

'...and family judges are thus extremely effective when a boy or girl or a newborn is in a dangerous situation, the measure is immediately issued.'

But not all cases have an immediate danger. With the Board, the law dictates the time they can spend with the cases, which must be no more than a year.

'Our procedure cannot last more than 1 year if a child has no family members. We must inform the court within 15 days. After informing the specialized searcher, we could request an extension that would be 30 or 90 days. It depends on the case's complexity and the professionals' analysis. But for no reason could this case spend 1 year with us.'

Judges have also commented that the bureaucracy of the processes and paperwork and waiting for evaluation results can sometimes delay immediate actions.

'I think they are taking too long; they should act immediately. The bureaucracy of the procedures has a lot to do with the delay.'

'According to the delivery of evaluation results.'

'However, it is about when they talk about prompt and fulfilling justice, although it is true, it is not given so quickly, but at least we try to speed it up...'

Researching and writing the report for the multidisciplinary team is a time-consuming task, but often, the process is delayed by various factors. Team members have expressed a lack of sufficient time, citing very short deadlines and the extensive amount of information they need to include.

'Perhaps the only complexity is the deadlines, which are sometimes very short. (It is) a historical, familiar approach. You have to make an approach, a knowledge of the background, the current situation, and what is likely to happen.'

The short deadlines are usually accompanied by the number of cases and workload of the team members since they must fill up a lot of cases, having to give priority to those that are more urgent.

'The team here, with this case, took us more than a month to make. We have a huge volume of cases, but it is also a priority to see which cases I will plan and which are the most emergent (urgent). A divorce for separation of more than 1 year is not urgent, but personal care because there is a possible situation where integrity is being affected. I prioritize it.'

'...the number of files people handle anywhere, because those boxes are files (behind us are boxes stacked to the ceiling of stored files). So family and childhood are cases that are always saturated.'

Not only the number of cases but also the lack of human resources and the oversaturation of their responsibilities.

'So, there are times that the deadline and the amount (of personal) are very short. For example, there are three social workers, and I am the only educator. And I must go with everyone. I go with a social worker and a psychologist. And then I go with another (team member). And I also must make room for the parent school and the divulgation because that is a monthly obligation.'

'Most social workers have more work and cases to view simultaneously, and they are overworked and burden'.

Resources are also part of the problem; courts usually lack sufficient resources or travel expenses to navigate the country.

'Scarce human, technical and budgetary resources; and the inefficiency of available resources.'

'...but as the number of cases grows, it will be necessary to have more personnel and training.'

'The complete consolidation of an interior takes us less than a week of work if you have a vehicle. Right now, we don't have it. For example, I am going to go out on my personal motorcycle, to Zacate to a school, on my personal motorcycle.'

Some places are far away, particularly in poor, remote areas.

'Imagine other difficulties too. There are cases that are from other departments. Right now, I'm opening with a case that comes from Lourdes. ¡Without a vehicle, to Lourdes Colón! (...) And without a vehicle. How do I get there?'

Training

Training is considered a necessary aspect of the job, and members receive constant training from the institution to which they belong. This is also a crucial component of the policies being implemented.

'My coordinator is excellent in that sense; she is constantly making calls to go to training; recently, we did a diploma in the Growing Together Law, the new law provisions. She's constantly sending us (information of training). That makes what we can execute more dynamic and more effective.'

'It is important, of course, that institutions train their staff. Because it depends on the policy the public administration tries to implement, this is how the training will be.'

Since not knowing might result in the inability to recommend or act correctly and keep up to date with the newest disposition of the new law, it is recommended to update on the current laws and procedures.

'But training and updating are necessary. Because otherwise, we can also violate rights in a recommendation, which we give incorrectly (by not being up to date).'

'So right now, I'm practically on my way out. Right now, I feel that young people need (it more). In my case, I feel that the training I have already received is helping me carry out my research.'

'Yes, you must be in constant training due to the law reforms that are taking place.'

But also identify what type of training they should receive from the technical team. It was mentioned that training sensitization on judges would help them to make the best decisions.

'But I feel that the sensibilization part, I think there is a lack of training for judges and prosecutors.'

'The part of sensitizing the officials, more than training, because they have a lot of training.'

Some of the training they receive includes topics such as the rights of children and adolescents and the International Convention.

'For example. We receive training about the rights of children and adolescents. Same as the International Convention and observations. What we see and what we are being trained on is, above all, the child and adolescent protection system. Of course, it is good, but it would be good if more were implemented; we have already received them. We receive training.'

'We also receive training on psychological tests, techniques...'

'...more evaluation techniques, treatment technique. Even in addition to the brief crisis (interventions) and critical interventions.'

However, for some, the existing training is not sufficient, and they feel that additional training would be beneficial.

'I think training falls short, and even more so now with the new judges and appointed officials who have little or no training and awareness in this regard.'

'I think it could be reinforced with courses or seminars.'

'I believe that for the moment, it is sufficient, but as the number of cases grows, it will be necessary to have more personnel and training.'

Bias

Bias regarding gender and ethnic groups were not so apparent during the interviews; when mentioned or asked directly, they denied that this occurred since the law prohibited it from happening.

'The only factor to separate children from their parents or family environment is a situation of serious violations of rights.'

'There is a Convention, which is the Convention on the Rights of the Child. In it, the child's Best Interest is determined above all rights. In this context, added to the individual guarantee that we are all equal before the law, without distinction of race, ethnicity, social class, etc., a boy or girl could never be separated for these reasons. Nor can it be separated by poverty.'

One of the board members commented it could not be biased since they worked on the cases in the order they arrived.

'The processes are worked on in the way they arrive, according to an order of entry.'

It was also commented that they haven't heard about colleagues who made decisions with biases.

'I don't know (any case), but there may be cases in which training, perhaps professional commitment (are the causes). ...But it won't be a whimsical decision or a decision that I can pull out of my sleeve and say I'm going to do it because I don't like this person.'

What appears to influence decision-making more is the ability to pay a lawyer and his capacity to access evidence that proves in favor of his clients, particularly in cases involving lawyers.

'It should not (influence). But in El Salvador, as in any country, power always tramples on the weakest... If the one with power loves the child, even if he is bad, he keeps the child. He only has to prove that he has the conditions, and the judge will rule in his favor. It's all in the evidence.'

However, some elements of gender identity are considered when deciding where to place the child; some biases were shown as a part of the process.

'For example, when there are cases of homosexuality in the family and if a child has no one to be with, and if there is only one homosexual uncle, for example, that affects. The child's best interests are affected, so practically what we have found that affects is the family itself.'

Same-sex marriages are illegal in El Salvador, and there is still a social stigma of LGBTQI+ community members, deemed morally wrong for cultural and religious reasons. Consequently, even if the only family member capable and suitable for taking care of the child is homosexual, this member might not be taken into consideration.

5. Conclusions

In conclusion, it is apparent that there is a lack of research in El Salvador that specifically evaluates the efficacy of decision making in relation to child protection and alternative care decision making. In this respect there is much more to learn about the degree to which objectivity and subjectivity is applied to decision making and the influences within society and the profession that affect this process. Furthermore, there is a need for research that evaluates the impact of decisions that are being taken with the aim of informing future development of skills and processes. Overall, the findings from the interviews suggest those responsible for different elements of information gathering and decision making do understand the principles of determinations that are in the child's best interest as promoted by legislation and policy. However recent changes on the legislation have obligated the system to adapt and change. Decisions making is negatively impacted by several factors the lack of child protection case management diagnostic tools, a severe shortage of workers, high caseloads, potential biases, lack of training on the current law, and deepen sensitivity to children needs, and insufficient financial resources to facilitate their work.

6. Recommendations

- **Training:**

Training was one of the most requested aspects that could help to make better decisions, particularly in helping to create more awareness and sensibilization towards decision-makers, but also to reinforce the new law and implementing policies to protect children.

'More training and Sensibilization.'

'All the people who are involved in case management. To make the decision to move infancy, childhood, and adolescence, whether for adoption or in alternative or substitute homes, they must be constantly trained in the awareness part. Seeing the human being within that life story and how a wrong action can change their life. For better or worse.'

'Constant training.'

'The first thing would be (the) commitment of the professional and therefore a training that the institution could provide aimed at how this national Protection Policy will be implemented. That would be the main thing, training to be able to implement this Protection Policy.'

Other mentioned trainings were more specific to their respective areas, for example, providing intervention training for social workers in the field.

'...a little more intervention. More than anything, give a little more treatment to families, a social treatment that can be validated.'

For some, the best recommendation is to apply the law, such as the Grow Together Law.

'Apply the corresponding Law, Grow Together Law.'

Some believe that merely applying the law is not enough.

- **Additional human and other resources**

Interviewees argue that additional staff, social workers, personnel, and resources to handle the increasing number of cases that come in every day.

'Because look, the law is there. What legally enables you to decide is already there. There are the institutions, everything. But we are having an excessively large flow of cases.'

'That there were at least three court houses (in the area), not just one, with triple the staff.'

- **Evaluation of decision making processes**

Interviewees also recognize the decision to separate a child from their family should not be taken lightly since this may cause damage if not done correctly.

'When making decisions about the alternative care of a child or adolescent, as a judge, you must be very careful because the damage they may suffer is irreversible and attributable to the specialized judge.'

To be accountable for this, it is recommended to create a system that can provide a way to review the decisions made by the Protection Board and Judges by evaluating past cases. Evaluating the work of these professionals should be deemed necessary for future decision-making, focusing on finding effective ways to assess their commitment.

'a review of the professional's decisions and commitment'

'Other complementary evaluations should be incorporated.'

'...that perhaps they could make an evaluation of how we implement that knowledge acquired in daily life.'

'Yes, one would be the professional commitment of each public servant. Besides, it would be a review of the decisions. I cannot say that all the decisions are made correctly. There will be a small percentage in which it could have been another decision that would have been made and not that one. This is why a review of the sentence by this body, or this specialized court is necessary because they can modify our resolutions or sentences for the benefit of.'

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