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A quality standard in child welfare proceedings. The principle of soundness and justifiability and how to apply it.

Legal regulations and principles create the framework for all child welfare work. Despite the best intentions, proceedings, considerations and choices of measures and other decisions will not be lawful if not carried out within the margins of the law. The principle of legality and the principle of proportionality are also fundamental principles in the European Convention of Human Rights, and thus reflected in the Norwegian Constitution and national regulations.

In Norwegian public administration law, the health care law, and practice there exist from long time back in history, a principle of soundness and justifiability. The people shall be able to trust public services and administration and feel secure that their rights are properly taken care of, that case proceedings are conducted in due time with careful assessments of their claims, that the rule of law is being paid careful attention to in all matters affecting the individual's private sphere.

In 2013, a new provision was taken into the Norwegian Child Welfare Act, which implements the non-statutory principle of justifiability. The new section 4-1 goes: "Services and measures under this Act shall be justifiable." The Act does not specify the notion of 'justifiable'; and the drafts contain limited discussions and explanations of the word. Thus, it may stay unclear to practitioners in the field of child welfare work what is actually following from the quality standards set forward with the principle of soundness and justifiability. How to understand and apply such a principle in a sensible way?

The presentation will go more into debt of this overall principle and seek to conceal what it means more closely; both judicially and practically. The presentation will analyze the new Child Welfare Act provision and its intentions and give some examples from recent cases from the Norwegian Board of Health Supervision; the body which is the supervisory authority for the Child Welfare Services' practice.

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