



## **International Network for School Social Work**

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### **Child Endangerment in Germany: Facts and Responsibilities**

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#### **A meeting with class representatives of a primary school**

In Germany children have a legal right, based in the Child and Youth Welfare Act (SGB VIII), to assistance regarding social and personal disadvantage that may interfere with their development and well-being. To gain the children's perspective on this, I held a meeting with 30 class representatives from grades one to four (ages 6 to 10) at the school where I work as a school social worker in Bavaria, Germany. The aim of the meeting was to give the children a voice to explain from their point of view the terms *social disadvantage* and *individual disadvantage*. For them, children are disadvantaged or have problems when they are sick, when they are being abused, when they are not one of a teacher's favorites, when they do not have loving parents or when they have to live in a children's home. The children notice different signs that classmates need support, e.g. they cry, they don't have somebody to play with, they don't have something to eat during the break, they go to school unwashed or they do not laugh any more. A short verbal survey showed that 5 of them know schoolmates who are hit by their parents. Seventeen of them know children who have trouble at home and 9 of them know children who do not have enough money for a good and healthy breakfast. I will hold a further meeting with the class representatives early in the current school year to talk about measures that could be taken if they get the feeling that a classmate is disadvantaged or has problems.

#### **Parental rights and the state's duty to watch over them (*Staatliches Wächteramt*)**

German law (Article 6 of the Basic Rights in the Basic Law for the Federal Republic of Germany [http://www.gesetze-im-internet.de/englisch\\_gg/englisch\\_gg.html#p0034](http://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0034)) states that "The care and upbringing of children is the natural right of the parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty." Children may be removed from parents' custody by authority of the Family Court only if the parents or guardians fail in their duties or the children are otherwise in danger of serious neglect. The Youth Welfare Department (*Jugendamt*) is, however, entitled and obligated to take a child into custody on a temporary basis (1) when a child or a young person asks for custody, or (2) when a strong risk to the child's wellbeing makes it necessary and (a) their guardians do not disagree or (b) a decision by the family court can't be taken in time or (3) when a child or young person comes to Germany from a foreign country unaccompanied and there is no guardian available.

## **Statistics about child endangerment in Germany**

In 2013, almost 116,000 risk assessments were carried out by Youth Welfare Departments in Germany, a rise of 8.5% compared to the previous year. A risk assessment is done to evaluate the danger, when a Youth Welfare Department has credible information that the well-being of a child is in danger. 17,000 of these were assessed as an acute child endangerment and 21,000 as a latent child endangerment. 77,000 children were not considered to be in danger, although half of them had a need for support. 65% of the children who were involved in acute or latent child endangerment showed signs of neglect. In 26% of all cases there were signs of psychological maltreatment, in 23% signs of physical maltreatment and in 5% signs of sexual abuse. 12% of reports came from schools and other child day care centers. Further data on child endangerment in 2013 is available from the Federal Statistical Office at [https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2014/08/PD14\\_288\\_225.html](https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2014/08/PD14_288_225.html).

## **The school social workers' responsibility**

School social workers, whether employed through public or private providers, have a mandate regarding child protection, based on the Child and Youth Welfare Act, that also specifies the role of youth welfare. If employed through a public provider of youth welfare, the school social worker refers the case to the responsible specialist of the Youth Welfare Department for risk assessment. School social workers employed by a private provider under a contract with the Youth Welfare Department make a risk assessment and work with the family to ensure the child's safety. If this is not successful and with credible information that the welfare of a child is in danger, they are obligated then to inform the Youth Welfare Department.

## **Case description showing the role of the school social worker**

Nine-year-old Emily, an only child, told the school social worker that she has been hit by her parents (slapping her on the face and arms) for many years. Previously I had only met her during recess. After the contact had been intensified and I consulted with my supervisor, I decided to invite Emily's parents to meet. It was very important for them to meet in the late evening, as they did not want to be seen by school personnel. After some trust was built, the parents talked about their excessive demands in upbringing issues and lack of knowledge of how to discipline children, for example they slapped her for coming home half an hour later than agreed. They were able to see their need for support and so, with their permission and release of confidentiality (*Schweigepflichtsentbindung*), I set up a meeting with the specialist of the Youth Welfare Department. I accompanied them and an overview of available support measures was given. The parents applied for "social pedagogical help for families" (*Sozialpädagogische Familienhilfe*). This is a free service of youth welfare that specializes in helping families in their own home with child-rearing issues. I am still in contact with Emily to observe the situation continuously and to help ensure that she is protected. The activities of several professionals were coordinated in order to create the best possible situation for Emily.

## **School social work means advocacy for children**

The Republic of Germany seeks to protect the rights of children through universal health care, the Child and Youth Welfare Act described here and education for all. School social workers are an important part of this with advocacy activities on behalf of children and a mandate to promote children's right to protection against all forms of abuse and neglect.