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The Participation of Children and Adolescents in the Protection System: The Case of the Spanish Legislation

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Abstract: Children’s right to participation is enshrined in the Convention on the Rights of the Child (CRC), specifically in Article 12; however, the participation of children in the protection system continues to be a challenge. There is a need for a paradigm shift, in which children and adolescents (CA) are considered as active subjects of rights in all areas of their lives, and that means allowing them to participate in decisions that concern them. The study analysed 20 Spanish laws, both national and autonomous, that regulate child protection and the rights of CA in the protection system. It focuses on examining the participation of children in the protection system, divided into its three dimensions: the right to be informed, the right to be heard and the right to be involved. There is complexity in the different regulations. All of them are consistent with the CRC and provide for participation, but not all to the same extent. There is a lack of harmonisation between the legislation of autonomous communities, leading to practical difficulties for the professionals who have to implement the legislation on a daily basis.

Keywords: participation; child protection system; policy documents; children’s right; children’s perspectives; child centrism; child and family welfare



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1. Introduction

The adoption of the Convention on the Rights of the Child (hereinafter, CRC or Convention, interchangeably) in 1989 marked the full international recognition of children’s rights. The CRC represents a paradigm shift, positioning children and adolescents (hereinafter, CA) as the centre of everything that affects them, recognising them as active subjects with full rights to physical, mental and social development, and, in particular, the right to freely express their opinions. It thus overturns the dominant view of the child as a subject to be protected. To that end, Art. 12 of the Convention expressly enshrines the right to participation of CA, which is primarily reflected in their right to be heard.

The ratification of the CRC requires the adoption of the necessary measures for its effective implementation, often entailing a significant reform of the national legislation, in order to ensure that it is consistent with the principles of the Convention. Art. 4 stipulates that States Parties must take “all appropriate legislative, administrative, and other measures” necessary to achieve the rights recognised in the Convention.

However, implementing the principles of the Convention is not a task for the state alone; rather, it “needs to engage all sectors of society and, of course, children themselves” (General comment No. 5, [United Nations 2003](#), para. 1). It is therefore essential for the state to be able to adapt all the domestic legislation in order to make it compatible with the CRC, ensuring that “the Convention’s principles and provisions can be directly applied and appropriately enforced” (General comment No. 5, [United Nations 2003](#), para. 1).

Children’s participation as a key element has its starting point in the achievement of Article 12 of the CRC: children should be adequately informed and be encouraged to

express their views, and their opinions should be given due weight in decisions involving them. This child-centred perspective is increasingly common in policy, research and intervention in the child and adolescent protection system. We have found that child-centred policies have driven a groundswell of family preservation efforts with the aim of not separating CA from their family of origin; in cases where preservation is not possible and foster or residential care is ordered, there is a move towards intervention policies that ensure that the perspectives of children and adolescents within the child protection system are recognised as legitimate.

Based on Article 12 of the CRC, [Bouma et al. \(2018\)](#) propose the model of participation of children in the child protection system. This model shows the topics children should be informed about, the conditions which make children feel they are really listened to and the conditions enabling them to influence the decision-making process. The model has three levels: (a) informing—children should be adequately informed as a prerequisite for participation; (b) hearing—children should have the option and be encouraged to express their views; (c) involving—children's views should be considered when making decisions. A study by [Mitchell et al. \(2010\)](#), who investigated children who had gone through the system, shows that they want to participate more in the removal decision-making process regarding aspects that relate to their new home, visits with their biological family members and their school. [Goodyer \(2014\)](#) also shows that children and adolescents demand more participation in the removal decision and have an explicit desire to be consulted when a decision is made to separate them from their biological family.

A broader vision of the participatory approach in the field of protection considers participation as a central strategy in efforts to improve the ecosystem of services to prevent situations of child abuse, as well as to intervene when their safety and development are compromised. This ecosystem is the institutional space that shapes family relationships and the conditions that enable active participation: (1) in understanding the realities that affect them, (2) in the decisions that are made, (3) in the actions that are carried out and (4) in the evaluation of the situation resulting from those decisions and actions ([Lacharité et al. 2021](#)). CA are thus seen as beings with the capacity for understanding, interpretation, negotiation, conciliation and expression ([Lundy and McEvoy 2012](#); [Rodríguez-Pinto and Albuquerque 2018](#); [Templeton et al. 2019](#)) and, consequently, they become key actors in their lives ([Shier 2019](#)). According to ([Kosher and Ben-Arieh 2020](#)), it is essential to improve the effectiveness of protection services by giving children a voice but also by expanding their citizenship rights and ensuring their participation in all stages of the processes intended to protect them, including socio-educational actions ([Mateos et al. 2020](#)). This requires personalised case-by-case attention based on a child rights approach, which not only involves the child but also respects the general principles of the CRC, the evolving capacities of the child and the specific context ([Collins 2017](#)).

The study by [Cossar et al. \(2014\)](#) establishes three levels in the child's understanding of the processes of the protection system. First, with (A) minimal understanding, young people in this category know that they have a social worker who talks to them, visits and takes notes, but they do not know what the social worker's role is; if their parents go to meetings, they do not take notice of it. With (B) partial understanding, young people in this category know that their parents go to meetings, but they do not actually know why; they are trying to gather information, similar to solving a puzzle, and many of them say that they receive more information from their family (parents and older siblings) than from the professionals, and much of the information that they have is inaccurate. Finally, with (C) clear understanding, the young people in this category know the processes of the protection system well. This study shows that the children who are most likely to have a clear understanding are older children (ages 14–17 years), whereas the majority of the children have a partial understanding.

In conclusion, the participation of CA in the protection system is a field of international research that indicates the benefits of hearing and informing children and adolescents: (a) it ensures more positive and effective outcomes in protection plans (Schofield and Beek 2005); (b) encourages their recognition and understanding of the reasons for the separation (Pastor et al. 2020); (c) actively involves them in the fostering and reunification process, contributing to their stability (Balsells et al. 2017); (d) helps them to cope with the changes in their family situation and the changes that they themselves are experiencing (Mateos et al. 2017); and (e) reinforces their self-esteem (Schofield 2005).

2. The Case of Spain: Child and Adolescent Protection Legislation and Policies

As a consequence of the Convention's new approach, the child protection structures present in Spain and most developed countries since the end of the twentieth century have been reformulated, fully recognising that CA have rights and are entitled to exercise them. This evolution includes the reform of *Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, partially amending the Civil Code and the Civil Procedure Act (Ley Orgánica de Protección Jurídica del Menor—LOPJM, LE1)*, introduced by *Organic Law 8/2015, of 22 July, and Law 26/2015, of 28 July*, both amending the child and adolescent protection system and autonomous protection laws. They all reflect the desire to ensure that CA have an adequate legal framework for protection that is consistent with the different International Treaties ratified by the signatory countries, and in particular, the CRC.

The Spanish Constitution (*Constitución Española—CE*), the LOPJM (LE1) and the Spanish Civil Code (*Código Civil—CC, LE2*) construct a broad state legal framework for protection, which links all public powers and institutions, families and society in general. The imminent adoption of the *Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence (Organic Law 8/2021, LE3)* builds on the existing state framework, representing a great advance in children's rights; its markedly comprehensive, preventive and multidisciplinary nature makes it an international reference. Finally, the legislation of the different autonomous communities (hereinafter, ACs) that are part of the Spanish territorial and political structure, within the scope of their respective powers, supplement the current regulations on protection in Spain (Jiménez et al. 2019).

In Spain, the LOPJM (LE1)—in force since 1996 and amended in 2015 to comply with the Convention—addresses the protection of CA, considering them as subjects of rights and recognising their capacity to exercise those rights. It serves as the framework of reference and/or interpretation for all the existing protection legislation. Alongside this law, and at the state level, the CC (LE2) regulates the institutions for the protection of minors.

However, the legal protection regime applicable in Spain does not end with state laws. Rather, in accordance with the territorial, political and administrative structure of the Spanish State, the seventeen ACs—which have legislative powers—have extensively developed autonomous legislation to protect and promote the rights of minors. Thus, although the LOPJM (LE1) seeks to create a general framework for the protection of minors, it also respects the distribution of powers established by the CE.

In the exercise of their powers, all the ACs have developed legislation on the protection of CA, applicable in their respective territories. The details of the processes for detecting situations of risk, processing protection cases, declaring abandonment and determining and implementing protection measures vary from one AC to another.

The impact of this legislation on the reality of the Spanish protection system (Ministerio de Derechos Sociales y Agenda 2030 2020) is reflected in a total of 50,272 active cases of children in foster care. The most frequent reason for a child entering the protection system was neglect, which accounted for 44% of all cases, followed by emotional abuse (30%), physical abuse (19%) and sexual abuse (7%). Included in these cases are CA who are placed in care for behavioural or emotional reasons. With regard to foster care measures, in Spain, 23,209 children were in residential care (55%) and 19,320 in foster families (45%). Foster care in extended families is predominant, accounting for 12,600 of the foster care placements, compared to 6720 in other families (Ministerio de Derechos Sociales y Agenda 2030 2020).

This predominance of foster care in extended families may be justified by the principles and values of Spanish culture, which places a strong emphasis on family ties. The rate of family reunification in Spain is less than 20% of cases of children who have been in foster care, which means that more than 80% do not return to their biological family before they reach legal adulthood (Ministerio de Derechos Sociales y Agenda 2030 2020).

Analyses of the participation of CA in the Spanish protection system indicate that between 66.7% and 73.4% of affected children agree that entry into the child protection system was traumatic: it occurs suddenly, without them being consulted, and with very little information about where they are going, why they are going and what is going to occur (Montserrat 2014). This lack of information given to children adds greater anguish and confusion to the situation of being separated from their biological family, which is in itself traumatic. Inaccurate and incomplete information is a constant in the narratives of the participants in the study of Balsells et al. (2017). However, there is evidence that the participation of CA in child protection can influence outcomes throughout the process and increase the likelihood of success (Barnes 2012; Mcleod 2007; Schofield and Beek 2005).

The lack of participatory practices in the Spanish protection system makes it necessary to analyse the reality in a multidimensional way. The legal context is one of the necessary dimensions, as it makes it possible to critically observe the possibilities stipulated. This article seeks to provide an overview of the participation of children and adolescents in the legislation that shapes the protection system, from the moment when the risk or situation of abandonment is detected, to the moment when—after the abandonment has been acknowledged—the protection measure is finalised. The objective is to determine the moments—beginning when the lack of protection is detected and ending with their possible reintegration—when CA participate in the decision making that concerns them, as well as to identify legal loopholes.

3. Methods

3.1. Search and Filtering of Legal Texts

The legal texts analysed correspond to 21 laws passed for the protection of CA (see Appendix A). The territorial political structure of the state means that, in Spain, different laws regulating child protection and the rights of children in the protection system coexist. The LOPJM (LE1) is the framework of reference and/or interpretation for the regulations developed by the seventeen ACs, resulting from the distribution of powers established by the CE with the CC (LE2). The laws analysed are the main autonomous laws that regulate the rights of CA and the legal system for the protection of this group.

The study includes, given its importance, the Organic Law 8/2021 (LE3), which has recently entered into force.

3.2. Content Analysis Using a Category System

Content analysis was the fundamental methodology for analysing laws and was carried out as described below:

(A) A system of textual categories was developed through the coding according to the information provided by laws based on the proposal by Bouma et al. (2018) which divides the right to participation of CA into three different dimensions: informing, hearing and involving. This category system is partly based on the theoretical models of Hart (1992) and Shier (2001), which present a hierarchical scale of children's participation in two fundamental dimensions: hearing the child and giving them the opportunity to influence decision making. There is also a third dimension, which emerges from the observations made by the United Nations Committee regarding participation: informing the child. Thus, prior to hearing, the child has the right to be informed about their situation, the form and purpose of that hearing and the consequences of it.

The system of categories was reviewed and modified considering the conceptual contributions of the literature. Three researchers participated in the development of the system. The review of the legislation made it possible to develop sub-dimensions following a bottom-up approach in the textual analysis process. In the first phase of the textual analysis, significant paragraphs, passages and quotations were selected from the laws related to the three dimensions and the three rights that comprise them: the right to be informed, the right to be heard and the right to have their opinion considered in the decision made. The second phase, conceptual in nature, was a higher level of analysis where the sub-dimensions were created. These two phases were in continuous interaction during the analysis process. This made it possible to modify the degree of significance given to a paragraph at one moment in the analysis process and to deepen the level of conceptualisation. Figure 1 shows the dimensions and sub-dimensions of analysis. Each dimension has been studied in detail, filtering the state and autonomous legislation in order to specifically indicate each moment and situation in which CA can exercise these rights throughout the abandonment procedure.

(B) Once the category system was developed (Figure 1), each law was coded independently by two researchers. Elements of disagreement were searched for, and negative data were also coded. Subsequently, the discrepancies were analysed, and agreement was reached.

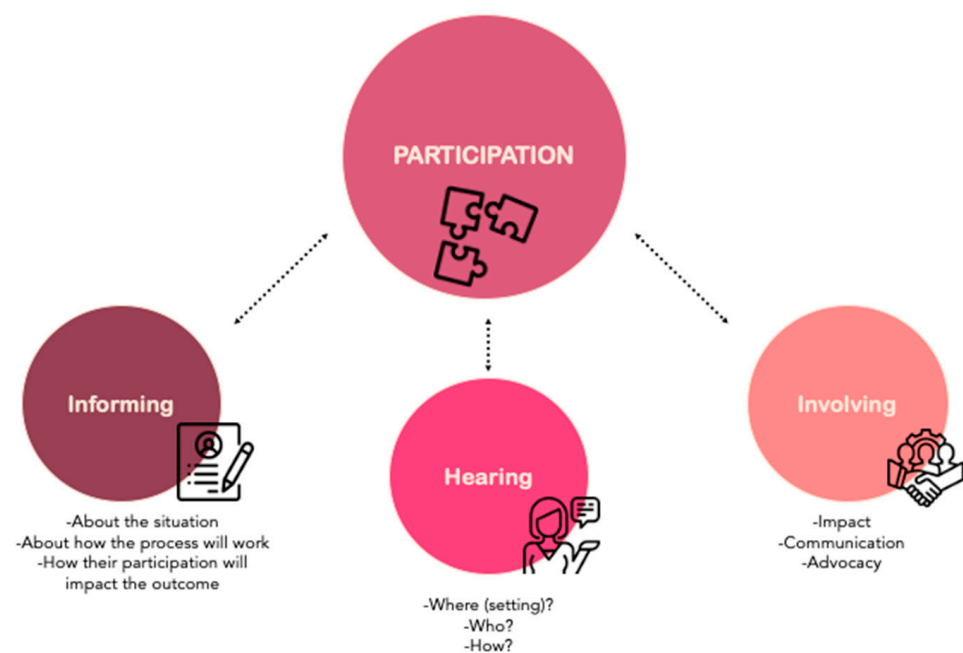


Figure 1. Participation and its three dimensions.

To guarantee the internal and external validity of the content analysis, the following actions were carried out:

- Consistency check: the description of the categories, the construction of the codes as well as the first exploratory content analysis (finding the text that belonged to the designed categories) were carried out by 3 researchers, separately and independently, for later verification of the degree of agreement. Each of the researchers encoded the text the same way, all with the same understanding of both the category and the laws.
- Credibility controls (validation of the codes by experts): once the categories and codes of analysis were designed, two researchers who carried out this process presented their proposal to two external persons for validation of the codes by judges, taking into account the theoretical framework on child participation (bottom-up analysis process).

4. Results

The analysis of the current legislation in Spain made it possible to observe that in the Spanish legislative texts, the term “right to participation of minors” is used with a double meaning. First, to recognise the social and political rights of CA and, second, to recognise the involvement of CA in matters that affect them directly and individually. Participation, in the strict sense, derives from their right to be informed, to express their opinion and be heard and to have their voice duly considered in matters that concern them, in accordance with their maturity and development. These three dimensions are formally enshrined in all the current protection laws for CA, although they vary in scope and effectiveness. Thus, while it is possible to state that the Spanish legal system—and in particular, child protection laws—increasingly reflect the conception of CA as active, participatory and creative subjects, their formulation does not precisely specify the different aspects of participation. Consequently, a first result of this analysis is that the current legislation does not guarantee that—in all cases—the will, desires or preferences expressed by CA will be valued and considered in the decision that is ultimately made. The fact that, in the Spanish legal system, the declaration of abandonment and, with it, the imposition of protection measures, is an administrative rather than a judicial process means that its implementation is the responsibility of the ACs, resulting in a great disparity in the effectiveness of recognising participation.

4.1. Informing. The Right to Information Is the First Step in Exercising the Right to Participation

The right to information, as the first dimension of participation, is the necessary tool for guaranteeing the effectiveness of their rights. The legislation establishes conditions that guarantee the understanding of CA; it stipulates that the information must be conveyed in “understandable language, in accessible formats tailored to their circumstances (...) without any discrimination based on age, disability or any other circumstance” and must address both “what they are being asked and the consequences of their opinion, with full respect for all procedural guarantees” (Art. 9.1 of the LOPJM, LE1). In the Balearic Islands AC, in addition to the information requirements, it is necessary to verify that CA have understood the information conveyed: “It shall be verified that the minor understands every statement or opinion” (Art. 23.1 Balearic Islands, LA13).

In turn, Art. 2.5 b) of the LOPJM (LE1) stipulates that there should be a “qualified or expert” professional responsible for conveying the information to the CA. This corresponds to a real need to properly interact with CA, recognising the necessary expertise of the professionals who deal with these situations: from social workers and educators to lawyers or judges. The growing importance and sensitivity towards this issue is reflected in the LO 8/2021 (LE3), which establishes the requirement for the training and expertise of the professionals involved.

With regard to the content of the information, the LOPJM (LE1) establishes that CA must receive information about the exercise of the right and the potential consequences of exercising it (Art. 9.1). As such, and considering their situation, the information should address all relevant aspects: the reasons for the abandonment, the process, the protection measures, their effects, their duration, their termination and their participation in all of them.

However, the information is not only provided at a single moment in the entire process but is cyclical and present in all stages. After being heard, CA must be informed again regarding the outcome of the process and how their opinions have been valued. Art. 9.1 of the LOPJM (LE1) clearly states that: “Decisions on the merits shall, where appropriate, indicate the outcome of the child’s hearing, as well as its considerations”. As such, the grounds of any decision that disregards the will expressed by the CA must be fully justified.

Therefore, the right to be informed should not be understood as isolated, compulsory interventions, but should instead be conceived as an ongoing process throughout the entire intervention process. This is explicitly stated in the legislation of two ACs (Art. 40.

b) Cantabria, LA3 and Art. 97. b) Balearic Islands LA13) within the framework of the relationship of trust established with CA.

4.2. *Hearing. The Right of CA to Be Heard*

The CRC specifies that CA must be heard in different areas and situations. Hearing is essential in order to correctly interpret and implement the best interests of CA in every case, valuing their desires, aspirations, expectations, feelings and opinions, and giving them a voice at the appropriate moments. Thus, the achievement of the right to be heard should not be limited to merely hearing, let alone establishing a process to guarantee it.

The legislation under analysis establishes that CA can express their opinions on all the matters that concern them: their relationship with their biological family, the abandonment order, the measures proposed, the foster care institutions, the foster families or visits. However, it must be kept in mind that some of their opinions will have to be expressed at a specific moment and in an unfamiliar and regulated environment, such as that of the administrative or judicial procedures involving the protection system. The Spanish legislation places great importance on the participation of CA in proceedings that directly affect them. Art. 9 of the LOPJM (LE1) enshrines the “right to be listened to and heard”, both in “the family environment and in any administrative, judicial or mediation procedure that affects them (the minor) and which leads to a decision impacting their personal, family or social sphere [. . .]”.

Following the reform of the LOPJM (LE1) in 2015, the procedures affecting children and young people were streamlined and clarified. Thus, considering that in the Spanish legal tradition, “being listened to” is fundamentally a procedure that does not imply the obligation to consider, whenever possible, the position of the person being listened to, the LOPJM (LE1) adds “and heard”, consistent with the CRC. The concept of hearing in the framework of the Convention is more demanding, as it does not only require passive hearing but also involves the adult’s interaction with the child, making the child a participant in the process of the reasoning, conclusions and decisions resulting from that hearing.

The legal texts analysed stipulate that CA can express their opinion in all situations that affect them. Specifically, in the area of the administrative abandonment order, Spanish child protection laws give children and adolescents a voice in the process and, in all cases, before the decision is made.

However, it is only unequivocally stipulated for children above the age of 12, with the understanding that they are sufficiently mature at that age. When the child is younger than 12, their right to be heard is subject to the decision of the competent authority. This difference based on age does not correspond to the spirit of the Convention, which proposes that all CA should be heard, regardless of their age, valuing alternative methods of hearing. Thus, bearing in mind that hearing is a means of ascertaining the will, desires and preferences of CA, the appropriate way to ascertain them must be pursued.

With regard to the manner of being heard, the LOPJM (LE1) proposes a suitable environment, with the assistance, if necessary, of qualified professionals or experts, preserving the minor’s privacy (Art. 9.1).

In the laws of the ACs, this is not always explicitly stated, but some of them go even further—as in the case of Andalusia (Art. 14.2, LA1), Aragon Art. 13.1, LA2), Catalonia (Art. 7.3, LA6), Galicia (Art. 42 n), LA12) and the Basque Country (Art. 16.1, LA16)—specifying that the exercise of the right must involve a suitable level of discretion, privacy, security and lack of pressure and be appropriate to the situation. CA should receive the support and security demanded by the situation, even ensuring that the right can be exercised without the presence of their parents, when necessary, for reasons of urgency or due to a conflict of interest with them (Art. 21.1 Cantabria LA3, Art. 12 Castile-La Mancha, LA4, Art. 22.2 Chartered Community of Navarra LA8).

Children can be assisted by interpreters (Art. 9.2 LOPJM, LE1) and even express their opinion through non-verbal forms of communication (Art. 9.2 LOPJM, LE1 and Art. 23.2 Balearic Islands LE13).

Thus, communication difficulties should not be an excuse to disregard it; those responsible for hearing must ensure that CA, “regardless of their communication possibilities”, can also be heard with the same guarantees as the rest of the population (Art. 13.1 Aragon, LA2).

4.3. Involving. The Right to Have the Opinion of CA Considered in the Decision to Be Made

Involving CA in decision making means that the desires, preferences and will expressed in hearing are considered in the decisions, measures or agreements adopted. In the context of child protection, this means that CA should be part of the overall process of identifying and investigating abuse, the intervention, and the monitoring and evaluation of interventions (Cossar et al. 2014).

Art. 9.3 of the LOPJM (LE1) establishes that “in decisions on the merits, the outcome of the child’s hearing and its considerations, if any, shall be stated”. Therefore, all decisions affecting the CA must reproduce the outcome of hearing and how that hearing has impacted the decision that was made.

Additionally, if the decision has diverged from the opinion of the minor, the rationale justifying it must be given; this is established in Art. 17.1 of the Valencian Community law (LA10).

The legislation only makes the opinion of CA binding for the purposes of ordering foster care or adoption; without the full consent of CA over the age of 12 (Art. 173 CC, LA2), it will not take place. If CA over the age of 12 express their opinion against the measure, it cannot be approved in either administrative or judicial proceedings. However, the opinion of children under the age of 12 shall be subject to the consideration of the administrative or judicial body, which shall decide based on their maturity and best interests.

Although the specification of the age of 12 years for respecting the opinion of CA does not fully correspond to the Convention, it should not be understood as a limitation to their participation, but as an imposition on the public authorities to respect their will in an obligatory and direct manner, from a certain age onwards. The law does not reject the participation of children under the age of 12 or the importance of their opinion, but it understands that doubts about their maturity dictate a cautious consideration of their desires and preferences.

5. Discussion and Conclusions

Spanish law, within the scope of the protection system, is inspired by the principles of the CRC, expressly granting the right of participation to CA. The LOPJM contains the state legal framework for protection, recognising that CA have the right to participate in all decisions that affect them directly and personally. According to the review carried out by (Skauge et al. 2021) on the concept of child participation, the terms “collaboration”, “cooperation”, “consulting”, “involvement” and “engagement” are frequently used as synonyms for the child-centred perspective. In this analysis, it was found that different meanings for the concept of participation also appear in the legislation. It is understood as a social and political right but also as a characteristic of the intervention. In the article, the second meaning was analysed, as it was the object of investigation.

A first contribution of this study concerns the complexity of the Spanish protection system; the Spanish case is not confined to a single legal text, as the seventeen ACs have developed their own regulations on the protection of minors. This leads to a broad range of regulations, with a consequent diversity of measures and procedures. Nevertheless, the fact that the autonomous regulations are subordinate to the LOPJM (LE1) should ensure that CA are informed, heard and involved in any decision throughout the entire protection procedure, in a specific way, paying special attention to children with disabilities, and providing them with individualised support to enable them to enjoy their rights (Verdugo

Alonso et al. 2018)—from detection, through abandonment, to the adoption of the relevant measure and, if appropriate, reintegration with their family (Cortada 2017). To understand the details of the autonomous regulations on the protection of CA, it is not enough to examine the law of each territory as, in most cases, they coexist with detailed regulations and far-reaching childhood programmes. Despite this, the fact remains that all the ACs, in accordance with the LOPJM, comply with the Convention in terms of the design of both the protection system and process. Specifically, in terms of recognising and facilitating participation. However, a significant imbalance between the different legislation under analysis is noted, as some are very active and advanced (Valencia, Balearic Islands) in respecting and implementing the right to participation, compared to others whose respect is formal (Extremadura, Andalusia, Asturias, Galicia).

Another contribution of this study concerns the information that CA should have during their experiences in the child protection system, regarding the reasons for abandonment, the process, the protection measures, their effects, their duration, their termination and their participation in all of them. This is in line with the studies of Jiménez et al. (2010, 2013) who defend the need for children to have access to information and preparation at each stage of the protection process with the objective of being able to face the changes that occur in their family situation and those that they themselves experience. Despite being legislated, these five aspects are commonly not shared (or appropriately shared) with children when they start a fostering process: (a) information about the reasons for family separation; (b) information about the process prior to the foster care decision; (c) information about their rights as fostered children; (d) information about the characteristics of the foster placement where they are going to live; (e) information about the visitation schedule with their biological family (Pastor et al. 2020).

The third contribution shows how hearing is a right that is related to specialised training. There is a need for professionals to develop good practices to adequately inform children. As the literature has highlighted, professionals have a key role to ensure that children are informed and participate in their fostering process (Bell 2002; Husby et al. 2018; McCarthy 2016; Mcleod 2007; Pölkki et al. 2012; Van Bijleveld et al. 2015). Children must know the truth and the complexity of the whole situation in order to be able to adapt to it. Thus, it is important that professionals inform children of each aspect outlined above, taking into account their age and capacity for understanding (Muench et al. 2017; Murphy and Jenkinson 2012; Pölkki et al. 2012) but also show empathy and emotional support, as observed in the results. These findings are in line with the recommendations of Husby et al. (2018) about getting closer to children to communicate and explain information to them.

Finally, the right to have the opinion that was expressed taken into consideration makes it necessary to give reasons for the decision made, weighing the different interests at stake and, if it is not taken into consideration, stating the specific reasons why it diverges from the will declared. The binding opinion of CA is particularly important for the purposes of ordering foster care and adoption measures, which cannot be imposed without their consent. However, the investigations of Mateos et al. (2017) and Urrea-Monclús et al. (2020) suggest how the adjustment of children to the measures can be influenced by the lack of information and participation in the process and suggest that policies that encourage children's attendance at dependency hearings are viewed positively by and are not harmful to children.

The investigation suggests three lines of future research. First, legislating on the crucial dilemma in regard to child participation is what occurs when the child's perspective contradicts the professional opinion about what is his/her primary interest (Archard and Skivenes 2009). In this sense, Chan et al. (2011) argue that the opinion and understanding of children on issues of child abuse and neglect serve to inform and improve the work of child protection, even if they do not match those of adults, and they must be heard in any child protection work. In the other hand the harmonisation of the main point of the state legislation for the protection system, preserving the system of powers of the different ACs. This would facilitate the interdisciplinary and interterritorial work of the

professionals involved in the protection system, in order to achieve uniform treatment for all CA. Finally, it is advisable to promote specific training actions by professionals, such as the programme *Caminar en Familia* (Balsells et al. 2015) which includes specific forms to promote the participation of the whole family using group methodology in order to improve parental competences to achieve reunification. In addition, the authors are working on the development of tools to enhance family participation during foster care and family reunification processes in the framework of an R&D research project, which will be published soon. This work advances in a line of action for concrete intervention, pursuing a modification of the existing legislation. Work is also being done on the development of multimedia resources to provide legal information to affected families in a more comprehensible way.

The main limitation of this study, as we have already pointed out, lies in the difficulty of identifying existing legislation on the protection of CA in Spain, where, apart from national legislation, each AC has the power to legislate on this matter. As a result, there is a wide range of regulations, which, together with the diverse content of protection, constitutes an added difficulty. As strong points, both the novelty of the study's approach and the methodology used stand out, both for the detailed analysis of the participation of CA in all of the laws on the protection of children and adolescents—in their dimensions and sub-dimensions—which make up the Spanish legal system, and for their multidimensional treatment, which is rare in the field of legal research. Finally, it is worth highlighting the political and practical impact that the research can have.

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Appendix A

Table A1. Analysed Spanish legislation laws.

Identification Code	Scope	Autonomous Community	Law
LE1	State	-	Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, partially amending the Civil Code and the Civil Procedure Act
LE2	State	-	Royal Decree of 24 July 1889 publishing the Civil Code
LE3	State	-	Organic Law 8/2021, of 4 June, on the comprehensive protection of children and adolescents against violence
LA1	Autonomous	Andalusia	Law 1/1998 of 20 April, on the Rights and Care of Minors

Table A1. Cont.

Identification Code	Scope	Autonomous Community	Law
LA2	Autonomous	Aragon	Law 12/2001, of 2 July, on Childhood and Adolescence in Aragon
LA3	Autonomous	Cantabria	Law 8/2010, of 23 December, on the guarantee of rights and care for children and adolescents
LA4	Autonomous	Castile-La Mancha	Law 5/2014, of 9 October, on the Social and Legal Protection of Children and Adolescents in Castile-La Mancha
LA5	Autonomous	Castile and León	Law 14/2002, of 25 July, on the Promotion, Care and Protection of Children in Castile and León
LA6	Autonomous	Catalonia	Law 14/2010, of 27 May, on rights and opportunities for children and adolescents
LA7	Autonomous	Catalonia	Law 25/2010, of 29 July, in the second book of the Civil Code of Catalonia, relating to the person and the family
LA8	Autonomous	Chartered Community of Navarra	Chartered Law 15/2005, of 5 December, on the promotion, care and protection of children and adolescents
LA9	Autonomous	Community of Madrid	Law 6/1995, of 28 March, on Guarantees of the Rights of Children and Adolescents in the Community of Madrid
LA10	Autonomous	Valencian Community	Law 26/2018, of 21 December, on the rights and guarantees of children and adolescents
LA11	Autonomous	Extremadura	Law 4/1994, of 10 November, on the protection and care of minors
LA12	Autonomous	Galicia	Law 3/2011, of 30 June, on support for the family and coexistence in Galicia
LA13	Autonomous	Balearic Islands	Law 9/2019, of 19 February, on the care and rights of children and adolescents in the Balearic Islands
LA14	Autonomous	Canary Islands	Law 1/1997, of 7 February, on Comprehensive Care for Minors
LA15	Autonomous	La Rioja	Law 1/2006, of 28 February, on the Protection of Minors in La Rioja
LA16	Autonomous	Basque Country	Law 3/2005, of 18 February, on the Care and Protection of Children and Adolescents
LA17	Autonomous	Principality of Asturias	Law 1/1995, of 27 January, on the protection of minors
LA18	Autonomous	Region of Murcia	Law 3/1995, of 21 March, on children in the Region of Murcia

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