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To Reform the Child Protection System in Portugal—Stakeholders' Positions

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Abstract: Notwithstanding the legal milestones observed in the Portuguese child protection system (CPS), several concerns call for political action to ensure the effective guarantee of children's rights. In this context, it is imperative to discuss proposals for reforming the CPS. Agreement on these proposals by the stakeholders in the system is key to validating and improving the system. Therefore, the main research questions of the present study are (1) what is the level of agreement among stakeholders in the CPS on certain proposals for child protection reform? and (2) what are the positions on those proposals? Mixed methods were conducted based on an online survey (n = 292), supported by Qualtrics, and eight focus groups involving stakeholders as former beneficiaries, families, practitioners and academics (n = 18). Findings show a harmonious alignment with the proposals, justifying an urgent reform of the CPS and the need to strengthen a child-centred system. Three themes emerged: promotion of quality family-based care and promotion of adoption; development of child-friendly terminology; and improvement of the CPS administration. The conclusions highlight implications for policy and practice.

Keywords: children's rights; child protection system; family-based care; de-institutionalisation; recommendations for policy



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1. Introduction

A child protection system (CPS) is composed of distinct entities and different stakeholders that work together to protect children and young people. The entities are formal or informal structures—involving law and policies, governance, monitoring, response services and care management—and the stakeholders include children and young people, families, communities and practitioners (United Nations Children's Fund, United Nations High Commissioner for Refugees, Save the Children and World Vision 2013).

At international and European levels, there is a plethora of legislation, standards and recommendations that underscore the significance of protecting and ensuring the optimal quality of life for all children and young persons. On the international scale, the Convention on the Rights of the Child (United Nations 1989), ratified by 196 countries, “requires countries to recognize their responsibility for the implementation of the right of children to protection” (Bruning and Doek 2021, p. 232). The European Commission and the Council of Europe delineate, at the European level, specific actions, recommendations and standards to fulfil the rights of every child and young person. This is achieved, inter alia, through the European Union (EU) Strategy on the Rights of the Child (European Commission 2021), the European Child Guarantee (Council Recommendation 2021) and the Council of Europe Strategy for the Rights of the Child, 2022–2027 (Council of Europe 2022). With regard to the CPS, both the EU Strategy and the European Child Guarantee

emphasise the commitment to establish a system that places children and young people at the centre, effectively addressing the needs of children, young people and their families.

Regarding the role of the state in protecting children and young people at risk, the Portuguese CPS had taken on some of the elements of a family service orientation, a typology of the CPS model characterized by [Gilbert et al. \(2011\)](#). In a family service orientation, the service team is multidisciplinary (e.g., social workers, psychologists and nurses), and there is a focus on the needs of the family, based on the assessment of the team, within a therapeutic approach. Thus, a strong relationship between practitioners and families is important for a successful intervention. Prevention is the aim of the intervention, and a child or young person is removed from his/her parents if the support provided by the services is not effective.

[Castro et al. \(2023\)](#) argue that a child-focused orientation—as defined by [Gilbert et al. \(2011\)](#) and advocated in the EU Strategy on the Rights of the Child ([European Commission 2021](#))—should be prioritised in Portugal. With the child-focused orientation, the “state takes on a growing role in terms of providing a wide range of early intervention and preventive services and also attempts to take into account the views and wishes of the child” ([Parton 2019](#), p. 26).

In Portugal, there were several legal milestones for a child-centred understanding of the CPS, namely, the approval of the Children and Youth in Danger Protection Law, in 1999 ([Law no. 147/99 of 1 September and Its Amendments 1999](#)) and of the Portuguese National Strategy on the Rights of the Child, in 2020 ([Council of Ministers’ Resolution no. 112/2020 of 18 December 2020](#)).

In this regard, the CPS currently has three levels of intervention, which are contingent upon the degree of risk that a child or young person is facing. At the bottom, the first level includes entities working on the matters of children and young people in the community (e.g., schools and health centres), which are responsible for promoting the rights of the child and providing prevention and early intervention based on the assessment of risk factors. When it fails and the framework of risk is still present, there is the second level, which is supported by the local Child Protection Commissions, under the coordination, monitoring and evaluation of the National Commission for the Promotion of the Rights and the Protection of Children and Young People ([Barros et al. 2023](#)). These local commissions are non-judicial and operate on a voluntary basis, so families must agree to the intervention service. At the top, the third level, is the judicial system, which intervenes mainly when the actions of the Child Protection Commissions have not been successful ([Sacur and Diogo 2021](#)). Furthermore, there is no ministry explicitly responsible for child protection ([Barros et al. 2023](#)).

However, this study underlines three main concerns in Portugal, as detailed in the facts and figures.

Firstly, it should be noted that when children and young people are deprived of parental care, a family-based alternative is not the predominant setting of care, as recommended by the United Nations General Assembly in its Guidelines for Alternative Care ([Cantwell et al. 2012](#), guideline 53). In 2022, of the 6347 children and young people deprived of parental care, 84.4% were in residential care, and only 3.6% were in foster care ([Instituto da Segurança Social 2023](#)). In Portugal, foster care legislation does not allow foster carers to have blood ties with the child or young person in their care.

With regard to the age distribution of children and young people deprived of parental care, 65% have an age range of 12 to 20 years old ([Instituto da Segurança Social 2023](#)). However, until 2022, the legal limit in Portugal for a child or a young person to be adopted was 15. Consequently, adoption was not an option for most of these children and young people.

A particular legal framework—the special guardianship—can provide long-term placement in a family environment when parents are unable to fulfil their parental responsibilities ([Law no. 103/2009 of 11 September 2009](#); [Decree-Law no. 121/2010 of 27 October 2010](#)). Nevertheless, the number of placements in special guardianship has been

remarkably low (Alfaiate and Ribeiro 2013; Ferreira 2019), with an average of seven special guardianships per year established between 2012 and 2023 (DGPJ 2024). Those who fulfil the role of special guardians do so on a voluntary basis. Several authors have highlighted the necessity for these individuals to receive support (Dias 2012; Ferreira 2019; Simmonds and Harwin 2020) to meet the child or young person's needs and to overcome the difficulty of attracting prospective special guardians.

Even when children and young people are placed in family-based care, for instance with a non-parental relative, they are subjected to less favourable conditions than those in residential care. Namely, a child or young person can ask to maintain the child protection intervention until the age of 21 (Law no. 147/99 of 1 September and Its Amendments 1999, article 63 (1d)). However, when a child or young person is placed in residential care (and studying), the support may continue until the age of 25 (Law no. 147/99 of 1 September and Its Amendments 1999, article 63 (2)).

These figures underline the concern of the Committee on the Rights of the Child regarding the continued widespread use of institutionalisation in Portugal (United Nations 2019). It is noted that there is a lack of investment in de-institutionalisation, which is not limited to children and young people leaving institutions. The de-institutionalisation policy focuses on both developing support measures to prevent the separation of children from their families and increasing family-based care placements to move children out of institutions (Davidson et al. 2016).

Secondly, the terminology employed in the CPS is not aligned with the Convention on the Rights of the Child (United Nations 1989), which defines a person under the age of 18 as a "child". Instead, the courts and legislation utilize the term "minor." The term "minor" is a legal designation that has been created by the law and does not accurately reflect the complexity of the human being who has not yet reached the age of 18 (Guerra 2021). In the broadest sense, the term "minor" can be defined as someone who is of little importance.

Moreover, the terminology employed to describe the measures implemented when children and young people are in need of protection—protection measures—does not align with the international concepts outlined in the Guidelines for Alternative Care of Children (Cantwell et al. 2012). With regard to the context in which a child is cared for, the above-mentioned guidelines make two main distinctions: (i) family and community-based care (an existing family is the care provider) and (ii) residential care (institutional care for children). In Portugal, protection measures are divided into (i) placement measures and (ii) measures in the natural environment (Law no. 147/99 of 1 September and Its Amendments 1999, article 35 (2)). What distinguishes the Portuguese terminology, however, is that in the first case, the child is not in the care of a blood relative or a familiar person, but can be in family-based care (such as foster care). As a consequence of this discrepancy, it becomes more challenging to undertake comparisons with other countries and understand the specific characteristics of the CPS.

Thirdly, the administration of the CPS is deficient in several respects. These include a lack of transparency regarding the collection, monitoring and analysis of CPS data (UNICEF Europe and Central Asia Regional Office and Eurochild 2021; Barros et al. 2023). Additionally, there is no children's ombudsman. Portugal is one of the few European countries that has not established a children's ombudsman, which ensures that a child and young person's rights are advocated and monitored by an independent body (Melton 1991).

Furthermore, the CPS lacks coordination of all the entities and stakeholders involved. Notwithstanding the presence of the National Commission for the Promotion of the Rights and Protection of Children and Young People, which performs coordination functions (Decree-Law no. 139/2017 of 10 November 2017; Barros et al. 2023), its role is confined to non-judicial aspects of the CPS (Law no. 147/99 of 1 September and Its Amendments 1999, article 12 (1)).

In addition to these three main concerns, other issues have been elucidated in the literature. These include a lack of professionalization of the local Child Protection Commissions' teams, the minimal reference to the rights of children in the Portuguese public

policy agenda, as well as the need for effective prevention (Castro et al. 2023). Although the discussion of these problems is relevant for the protection of children, it goes beyond the scope of this article.

Castro et al. (2023) argued that the CPS must be rethought and examined by the academic community and society at large. In line with this assumption, a collection of evidence-based recommendations was published in 2022 discussing the possibility of a CPS reform in Portugal (Diogo et al. 2022). Subsequently, only two amendments were made to the law. On the one hand, the age limit for adoption was extended from 15 to 18 years of age (Law no. 46/2023 of 17 August 2023). On the other hand, permission was given for a return to the CPS up to the age of 25, provided that a young person had been placed in either residential or foster care and had left the CPS voluntarily (Law no. 23/2023 of 25 May 2023).

Despite these advances, the Portuguese child protection policy continued to have shortcomings in the protection of children's rights. Consequently, it is still relevant to discuss proposals to reform the CPS.

Table 1 provides a comprehensive overview of a set of proposals to reform the Portuguese CPS, formulated in accordance with the recommendations of Diogo et al. (2022), as well as the current legal framework (Law no. 23/2023 of 25 May 2023; Law no. 46/2023 of 17 August 2023). The proposals were organised into three main areas to address the aforementioned concerns: family-based care and adoption; terminology; and administration of the CPS.

Table 1. Proposals for a reform of the Portuguese CPS (Diogo et al. 2022; Law no. 23/2023 of 25 May 2023; Law no. 46/2023 of 17 August 2023).

Proposals to Reform the CPS	
Family-based care and adoption	
<ul style="list-style-type: none"> ● A child or a young person in family-based care (other than in foster care), who has reached the age of 18 years and has decided to leave the CPS, can return to it and continue the intervention. ● A child or young person in family-based care with relatives or reliable and familiar people can have his or her child protection measure extended until the age of 21 or 25 because he or she is studying. ● Special guardians caring for a child or a young person in the CPS can be entitled to the following: <ul style="list-style-type: none"> - Specific training on a permanent basis. - Close psychological and social support during the permanency of the child or young person. - Labour and tax benefits. - Financial support to meet the child and young person's expenses. ● The age limit for adoption can be extended beyond 15, considering various possibilities: <ul style="list-style-type: none"> - Up to 18 years (this proposal was studied before the legislation amendment). - No age limit for siblings who have benefited from the CPS and one of whom has already been adopted by the prospective adoptive family. - No age limit, provided that a special relationship has developed between the person concerned and his/ her prospective adoptive family. 	
Terminology	
<ul style="list-style-type: none"> ● Replacement of the word "minor" with the words "child and young person" in all legislation. ● Renaming the specialised courts to "Family, children and juvenile courts" instead of "Family and minors courts". ● Renaming of four protection measures described in the legislation: <ul style="list-style-type: none"> - "Placement with another relative" instead of "Support with another relative". - "Placement with a suitable person" instead of "Entrustment to a suitable person". - "Placement with a foster family" instead of "Foster family". - "Placement in residential care" instead of "Residential care". 	
Administration of the CPS	
<ul style="list-style-type: none"> ● Establish specialised family, child and juvenile person courts throughout the country, namely in the three districts where they do not exist. ● Establishment of the children's ombudsman. ● Develop a coordination structure to ensure an integrated CPS. ● Production of an annual statistical bulletin with integrated data. 	

The present study aims to assess the level of agreement with the proposals to reform the CPS and explore the CPS stakeholders' positions. The research questions of this study (Blaikie 2010) include the following: (1) what is the level of agreement among stakeholders in the CPS on certain proposals for child protection reform? and (2) what are the positions on those proposals?

Stakeholders - namely adults who benefited from the CPS in their childhood, (referred to in this study as former beneficiaries), families, practitioners and academics—play a key role in the CPS. Therefore, they should participate in research and be heard in decision-making, considering the relevance of a child-focused approach and child participation in matters that affect them (e.g., Skaug et al. 2021; Smales et al. 2020). That is “not only essential from a child rights perspective, but also that it is associated with several positive outcomes from the individual to societal level” (Gottschalk and Borhan 2023, p. 3). The present study's relevance lies in the assessment of the stakeholders' perspectives on recommendations for CPS, thereby contributing to the ongoing discussion on the necessity of reforming the CPS.

2. Materials and Methods

2.1. Procedures

This study is part of a larger project about the Portuguese CPS (Sacur and Diogo 2021; Diogo et al. 2022), hosted by the Católica Research Centre for Psychological, Family and Social Wellbeing (CRC-W), whose board of directors assessed the study's compliance with ethical criteria.

The empirical research design consists of a mixed-methods design, within a quantitative and qualitative approach. As part of the quantitative approach, an online survey was developed to assess the level of agreement with the proposals to reform the CPS. It used the tool Qualtrics (Version: June 2023) to develop a survey, ensuring online security. A qualitative approach was subsequently used, through online focus groups, to explore the positions regarding the proposals to reform the CPS, as it is “likely participants express themselves more and go beyond their declarations than in individual interviews” (Flick 2013, p. 119). Online focus groups were a strategy for the study to be inclusive regarding participant convenience and geographically dispersed stakeholders (de Souza et al. 2024), particularly for former beneficiaries and families.

Data were collected between June and August 2023, first through an online survey and then by focus groups. The final question of the online survey asked participants to attend a focus group to discuss their views on the proposals. If they wished to attend, they were required to provide their name and contact details so that the research team could contact them.

Participants were recruited through professional and social networks and governmental and non-governmental entities involved in the Portuguese CPS. An email was sent by the researcher's team to potential participants from the aforementioned networks and entities, introducing the study (the main objectives of the research, the researchers' contacts) and its importance. The individuals were invited to complete the survey through the link provided, and requested to disseminate the study to potential participants, particularly former beneficiaries and families, who are often challenging to reach. The link to the survey was also posted on the CRC-W's LinkedIn and Facebook webpages.

With regard to the online survey, the eligibility criteria were the following: (i) being or having been a stakeholder in the CPS, distinguishing between four main groups—former beneficiaries, families, practitioners and academics; and (ii) being 18 years or older. Stakeholders who belonged to more than one group (e.g., being a researcher and a former beneficiary) were instructed to complete the survey by selecting the group that was more relevant to them. For the focus groups, the eligibility criteria included the following: (i) completion of the online survey; (ii) expressed interest in participating in the focus group; and (iii) providing a valid contact.

Participation in this study was on a voluntary basis. Informed consent was obtained at the beginning of the online survey, when participants selected the “yes” option to be included in the study and respond to the survey. For the focus groups, both verbal and written informed consent was obtained after a member of the research team explained the ethical issues inherent in a focus group (Sim and Waterfield 2019).

There was a total of 507 responses to the survey, and 215 were excluded due to one of two situations: (i) not all questions in the survey were answered; and (ii) the participant was under 18 years old. For the focus group, 55 participants were eligible, and a sample was recruited according to the following criteria: (i) maximum variation (Flick 2005, 2013) to obtain a heterogeneous sample of participants in terms of their role in the CPS (e.g., former beneficiaries, families, practitioners and academics; age; years in contact with the CPS) and to capture the widest possible range of perspectives; and (ii) the most frequent responses of the survey in order to facilitate comprehension of the positions. Each focus group included participants exclusively from one of the four main groups of stakeholders. To respect the availability indicated by participants and ensure a manageable online discussion (de Souza et al. 2024), each focus group involved between two and three participants. A smaller group format facilitated a more in-depth negotiation and co-production of meanings (Sim and Waterfield 2019). Moreover, it provided a superior level of confidentiality compared to the larger group format. This is due to the fact that the researcher has little control over what participants may communicate outside the group (Sim and Waterfield 2019).

2.2. Measures

The online survey comprises 18 items—based on the recommendations detailed in Diogo et al. (2022) and the current legal framework, as described in Table 1—in which respondents indicate their level of agreement, using a Likert scale with five options: “totally agree”, “partially agree”, “neither agree nor disagree”, “partially disagree” and “totally disagree”. Examples of the items include: “It is proposed to replace the term “minor” with “child and young person” in all legislation (in the Law for the Protection of Children and Young People in Danger and in all Portuguese legislation relating to minors under the age of 18)” and “It is proposed to establish specialised family, child and juvenile courts throughout the country”. There are also two questions, one on informed consent and a final question on availability to participate in focus groups at a later stage of the study.

An initial version of the survey was revised by a child protection practitioner and by a linguistic expert. A pilot study of the revised survey was conducted with a small sample to assess participants’ interpretation, and subsequent amendments were made (Moreira 2004).

The focus groups were prepared and facilitated by the researchers of the project. The guide of the topics was developed based on the proposals listed in Table 1, discussed and refined by the researchers. Eight focus groups were conducted, two for each stakeholder group.

Each group met digitally through the platform Zoom for between 90 and 120 min. Participants joined using both video and audio. At the beginning of the conversation, the project and the aim of the study were presented, as well as the ethical aspects. Initially, participants were invited to introduce themselves regarding sociodemographic information and their experience in the CPS. Then, they presented and discussed their positions regarding the proposals to reform the CPS. In a third moment, participants were given time to provide additional comments or other recommendations for the CPS.

Focus groups were voice-recorded (after having given permission) and transcribed verbatim using the software programme Voicemeans.ai, version 1.9 Saas, ClusterMedia Labs, Aveiro, Portugal.

2.3. Sample

The online survey sample consisted of 292 Portuguese child protection stakeholders: 10 former beneficiaries from the CPS, 17 families (adoptive, foster and special guardian-

ship families), 247 practitioners (judges, prosecutors, professionals from child protection agencies, psychologists, teachers, health professionals, lawyers, family mediators, among others) and 18 academics. As shown in Table 2, stakeholders were, on average, 47 years old and had been in contact with the CPS for 14 years. The majority of the stakeholders were female (n = 246).

Table 2. Online survey sample and focus group sample characteristics: descriptive statistics.

Sample Characteristics	Online Survey Sample N = 292	Focus Group Sample N = 18
Age (years); mean (SD; range)	47.23 (10.95; 20–73)	46.11 (12.53; 20–69)
Sex		
Female	246	14
Male	46	4
Years of contact with child protection system; mean (SD; range)	14.02 (9.23; 1–47)	14.89 (10.03; 1–39)

Focus groups involved a subsample of eighteen stakeholders: four former beneficiaries who received support from the CPS in their childhood; three foster families, a special guardianship and an adoptive family; as well as five practitioners; and four experts on the topic working in academia (Table 2).

2.4. Data Analysis

To answer the first research question, statistical analysis was conducted using Microsoft Excel 2019 software. Descriptive statistics were used to characterise the sample and to examine the level of agreement on the proposals.

Qualitative data from focus groups were analysed, supported by MaxQDA 2022 software and inspired by Braun and Clarke's (2006) work on thematic analysis. Firstly, coding and categorizing and then an in-depth interpretation of the data about perceptions and points of view were conducted for "underlying ideas, assumptions, and conceptualisations—and ideologies—that are theorised as shaping or informing the semantic content of the data" (Braun and Clarke 2006, p. 84). The six steps suggested (Braun and Clarke 2006; Maguire and Delahunt 2017) were conducted: firstly, becoming familiar with the data gathered in the focus group, secondly, generating initial codes, searching for, reviewing and defining themes, and finally, writing up this manuscript.

Three larger themes were researched, reviewed and defined at the end of the qualitative analysis. These themes were the following: "Promotion of quality family-based care and promotion of adoption", "Development of child-friendly terminology" and "Improvement of the CPS administration". These themes are distinct from those areas that organise the recommendations in the Section 1. These themes emerged from the empirical findings based on the meanings and the interpretative analysis of the stakeholders' positions on the recommendations. The empirical findings are presented below under these larger three themes.

3. Results

3.1. Level of Agreement and Positions on the Proposals to Reform the CPS

3.1.1. Promotion of Quality Family-Based Care and Promotion of Adoption

The proposal that a young person placed with relatives or reliable and familiar people who has decided to leave the CPS could return to it and continue the intervention, similar to a young person in residential care, was approved by 72.6%, n = 212, of stakeholders who totally agreed, and 19.1%, n = 56, of stakeholders who partially agreed.

Another similar proposal, whereby a young person placed with relatives or reliable and familiar people can have his or her protection measure extended until the age of 21 or 25 because he or she is studying, similar to what happens to a young person in residential

care, was totally agreed with by 76.7%, $n = 224$, of stakeholders and partially agreed with by 16.1%, $n = 47$, of stakeholders.

Regarding both proposals, the participants of the focus groups totally agreed with them. The main reason for this position was that all children and young people should have the right to equal protection, and any child or young person's welfare is paramount.

Regarding the first proposal, participants pointed out that regardless of the protection measures applied to his/her case, every young person should be given the right of retraction to leave the CPS. Faced with this situation, a young person, including those placed with his/her family members (parents, other family members, or a suitable person) should be allowed to return to the CPS and continue receiving its support.

In a similar perspective, discussing the second proposal, stakeholders said every young person should be given the right to have his/her protection measure extended until the age of 25 (if studying).

"Everything should be equal, equal in all dimensions". (Family 1, male)

Participants considered former beneficiaries to have a weaker social network in comparison with their peers. Thus, they are more vulnerable and may not be able to lead an independent and autonomous life.

"In the past, these young people had a vulnerable life, and now have a fragile social network". (Practitioner 4, female)

"What I think. . . nobody should be unprotected, should they? The system must ensure protection. They are still very immature...". (Academic 1, female)

Concerning special guardianship, 93.9%, $n = 283$, of stakeholders agreed (totally or partially) that special guardians should receive specific training to care for a child or young person in the CPS on a permanent basis, and 97.3%, $n = 284$, agreed (totally or partially) that special guardians should receive close psychological and social support during the permanency of the child or young person. Also, regarding special guardianship when integrating a child or young person from the CPS, 270 (92.5%) stakeholders totally agreed that special guardians should receive labour and tax benefits, and 205 (70.2%) stakeholders totally agreed that special guardians should receive adequate financial support to meet the child or young person's expenses when caring for a child or young person in the CPS.

Overall, participants in the focus group agreed with this proposal. The reason given was that, concerning foster carers, entitlement is granted to a range of benefits, so special guardians should have similar ones. Moreover, it was said a child or young person placed in this manner might have experienced abuse and trauma, similarly to those in foster care. Therefore, to address the needs of these children and young people, support is crucial. It was considered that the lack of support hinders prospective special guardians, and thus may restrict the number of children or young people placed in this manner, and it may also affect the quality of care provided by special guardians.

"They should be similar! Those families [special guardians] must be prepared and qualified for their role too". (Practitioner 3, female)

Stakeholders argued, once more, for the importance of equal treatment for every child or young person, regardless of the typology of care (family-based, residential, special guardianship, among others).

"Any measure applied to a child should have the same benefits. No matter what kind of measure...". (Family 2, female)

Nonetheless, there was not total agreement regarding this proposal. A participant argued that if financial support is provided, there is a risk that the solidary nature of special guardianship will be lost. Moreover, it was suggested that support should be requested by the special guardian as needed, and not be mandatory. Thus, support should be a right of special guardians, and a duty of the state.

“Free acceptance from the special guardian, as well as informed consent to accept support”. (Academic 2, female)

“Not to constrain a family... Supporting them is important, but also enabling them to develop a family environment”. (Former beneficiary 2, female)

The age limit for a child or young person to be adopted was considered in the proposals, with 70.2%, $n = 205$, of stakeholders totally agreeing and 19.9%, $n = 58$, of stakeholders partially agreeing with the age limit of 18 years of age. When considering proposals for adoption with no age limit for the child or young person, 90.1%, $n = 263$, of stakeholders agreed (totally or partially) in the case of siblings from the CPS, where one sibling has already been adopted by the adoptive family; and 89.4%, $n = 261$, of stakeholders agreed (totally or partially) when a special relationship has been established with the prospective adoptive family.

In the focus group, the age limit of 18 years old for a child or young person to be adopted was agreed upon unanimously. Participants argued that the age limit of adoption should be reconsidered regarding the CPS entitling support until 25 years of age.

It was said that extending the age limit is particularly relevant for preserving siblings' connections.

“It makes all sense to keep family bonds, right?! Siblings have suffered the same situations and processes, and they were in alternative care for the same reasons. Well, yes, I think that siblings should be kept together, in any situation!”. (Former beneficiary 2, female)

At a further stage, when asked about no age limit for adoption, participants were divided. On the one hand, several of them agreed, pointing out discrimination and social injustice in accessing rights. That position was reinforced after a real-life story was shared in a different focus group:

“I know a hilarious case. A family adopted a child and was impaired by law to adopt his sister' cause she was older than 15. So, currently there are two siblings living together in the same family, but having different family names, and having different inheritance rights... in accordance with the current law! They are divorced as siblings...”. (Family 1, male)

On the other hand, some participants—practitioners and academics—raised concerns about possible abuses. Moreover, they discourage no age limit for adoption as this could lead to false expectations about the chances of being adopted and inhibit a younger sibling from being adopted, in order to apply the principle of keeping siblings together.

“There are other legal institutes [national bodies of law in addition to adoption]. If adoption in those terms was authorised, there would be a conflict between legal institutes [national bodies of law]. And that would be complex... Incapacities, traditions... there must be a reflection about everything in terms of law, shouldn't there?”. (Academic 4, male)

However, everyone totally agreed that this proposal contributes to the de-institutionalisation of children and young people.

3.1.2. Development of Child-Friendly Terminology

The replacement of the word “minor” with the words “child or young person” in the legislation was supported by 217 (74.3%) stakeholders who totally agreed with this proposal and 30 (10.3%) who partially agreed.

Aligned with this result, 71.2%, $n = 208$, of the stakeholders totally agreed and 12.3%, $n = 36$, partially agreed with renaming the specialised courts to “Family, children and juvenile courts” instead of “Family and minors courts”.

The results of the proposals to change the names of four protection measures described in the legislation were as follows: 154 (52.7%) stakeholders totally agreed and 57 (19.5%)

partially agreed with the name “Placement with another relative” instead of “Support with another relative”; 154 (52.7%) stakeholders totally agreed and 53 (18.1%) partially agreed with the name “Placement with a suitable person” instead of “Entrustment to a suitable person”; 173 (59.3%) stakeholders totally agreed and 52 (17.8%) partially agreed with the name “Placement with a foster family” instead of “Foster family”; and 173 (59.3%) stakeholders totally agreed and 52 (17.8%) partially agreed with the name “Placement in residential care” instead of “Residential care”.

Focus group participants advocate the importance of developing a child-friendly terminology in the CPS. Therefore, to ensure consistency and an integrated system, they agreed to standardise the terminology, in the specialised courts, in the protection measures, and in every legal document.

“It is a question of harmonisation, isn’t it? Focus on children as the subject of rights, with their own autonomy”. (Academic 3, female)

The stakeholders agreed with the proposal to align the Portuguese terminology with international instruments (such as the Convention on the Rights of the Child) and to enable cross-country comparisons.

“Labels! For me, are just labels. However, I must say that we are living in Europe, so, Portugal should be aligned with it for comparisons in member-states”. (Family 1, male)

Furthermore, it was suggested to rename the specialised courts solely as the Family Court, as in other countries.

Replacing the term “minor” with “child and young person” was particularly relevant for the former beneficiaries as they did not like being nominated by minor. Furthermore, for every stakeholder, “child and young person” is inclusive and child-friendly; it recognises a child or young person as a subject instead of a simple object of rights.

“We are not just a minor. . . we are. . . a [particular] child or young person. We need this [child-friendly terminology]! It is more inclusive”. (Former beneficiary 1, female)

“Calling minor to a vulnerable child undermines him/her...”. (Former beneficiary 2, female)

3.1.3. Improvement of the Administration of the CPS: Specialised Courts, Children’s Ombudsman, Coordination and Data Collection

Regarding the improvement of the administration of the CPS, about 94.9%, n = 277, of stakeholders totally agreed with the establishment of specialised family, child and juvenile courts throughout the country.

This proposal was unanimously approved by every participant in the focus groups. They asserted that this shortfall throughout the country impairs equality and social justice among children and young people.

“It makes sense to treat each and every child equally! Even if in a particular part of the country there is only a single one, it will be imperative [to establish a specialised court]”. (Former beneficiary 4, female)

“It is fundamental to provide specialisation in this field, ‘cause it is in these courts that the people who make the most relevant decisions for the life of a child are located”. (Practitioner 4, female)

The participants are concerned about the effect caused by the shortage of this specialisation in courts, and the shortage consequently reducing the quality of the service. Therefore, they required qualified and sensitive professionals (namely judges) at every level of the judicial system, as this would ensure its adequacy, accessibility and response time.

The establishment of the children’s ombudsman was also supported by 209 (71.6%) stakeholders who totally agreed with this proposal and 47 (16.1%) stakeholders who partially agreed.

The consensus in the eight focus groups was clear: participants agreed with the establishment of this figure in Portugal. One of the reasons presented was the existence of several other ombudsmen in addition to the general ombudsman, such as a student ombudsman; a television viewer's ombudsman; and an animal's ombudsman, among others.

"Some say that it [the children's ombudsman] is unconstitutional because it collides with the role of the general ombudsman. For me sincerely, I think that... again the interest of children should prevail [...] the general ombudsman is completely unaware of the child's needs". (Academic 1, female)

"[...] or it [the children's ombudsman] could be a specialised department of the general ombudsman's institution, that is the one mandated to receive complaints about rights that were violated. I mean, regarding the small size of the country, perhaps it won't make sense to create an entire organisation. It happens the same in the scope of the courts... The Family Court and other courts are within the main court institution". (Family 1, male)

The children's ombudsman should be a figure specialising in the rights of children and young people and exclusively dedicated to their interests, considering their vulnerability. The desirable qualities of the children's ombudsman were also highlighted: a listener; accessible; committed, close to children and young people; someone who goes into children and young people's environments, such as schools; and gives them a voice. Additionally, political influence and lobbying are essential in this role. Nevertheless, independence and autonomy must be guaranteed to ensure the impartiality and stability of the service. Consequently, the participants suggested that the appointment of the children's ombudsman should be assigned to the stakeholders of the CPS.

"Someone who stands for them [children], that is close to them.—*He belongs to me; I may talk with him [the children's ombudsman]. He came to my school today and gave me his phone number. Someone who represents children and gives them voice! Yes, it makes sense to me*". (Practitioner 1, female)

However, the establishment of the children's ombudsman was considered a controversial topic in Portuguese society, especially in terms of the existing general ombudsman. There were concerns regarding a potential duplication of roles between two figures; a twofold solution could be to rename the children's ombudsman to a more acceptable terminology, or to aggregate this figure with the general ombudsman's institution.

The stakeholders also agreed with the development of a coordination structure to ensure an integrated CPS: 69.9%, $n = 204$, of the stakeholders agreed totally and 16.8%, $n = 49$, agreed partially.

When asked to consider this proposal, participants had two levels of agreement. In the first stage, they said that the development of a new structure was not necessary given the existence of various entities in the CPS. Therefore, as an alternative to creating a new entity, participants desired quality services; qualified professionals; and improved communication and cooperation between existing entities.

"Adding one more [entity]... it will not solve the problem in the short term... It will complicate it even more...". (Family 2, female)

Later, in the second stage of the discussion, on the advantages and disadvantages of developing a new coordination structure, participants totally agreed with a national level of governance to ensure an integrated system. The reasons stated were that it would provide wider information and prompt procedures, quality services and social cohesion across the country.

Moreover, in line with CPSs in other countries, it was suggested to strengthen the role of the municipalities in coordinating at a local level; to provide a one-stop-shop service for children and young people and their families; and finally, to create a new Ministry of Childhood and Youth to lead this coordinating structure.

“In my opinion, it makes sense! ‘This disorganization’ is... Sadly, leads to a child suffering twice, when he/she was abused by his/her family, and then by the system, because he/she is required to go through so many services... Today he/she is with the social worker at the Social Security, tomorrow he/she is at a court... The easier, the better. Entities must have complete information about a child and know each other’s roles and to be coordinated”. (Former beneficiary 1, female)

“We are talking about a structure similar to a ministry of childhood or a ministry of childhood and youth, no matter its name. What matters is its aims and to conduct a search about methodologies implemented in other latitudes”. (Practitioner 2, male)

Finally, the proposal to produce an annual statistical bulletin with integrated data from all CPS entities was totally agreed with by 247 (84.6%) of the stakeholders and partially agreed with by 26 (8.9%) of the stakeholders.

In their discussions about this proposal, the participants were in unanimous agreement about the importance of accountability and monitoring mechanisms. It is necessary to gather and analyse data in order to facilitate further reporting on the CPS. The gathering of exhaustive data is particularly relevant, namely in relation to the experiences of individuals after they cease to receive support and leave the CPS; for example, the situations of former beneficiaries who become involved in crime and homelessness after leaving care are not identified or reported. Therefore, extensive, detailed, reliable and updated information is required within an integrated publication. They suggested that it be accessible and easily legible.

“It is horrible! You need to be a qualified detective to find [where the] information [is]”. (Academic 2, female)

“Cross-sectional information to compare it... To identify children who were supported by the Child Protection System and later became involved in the justice system, in the juvenile or even in the criminal. And as well as reporting those former beneficiaries who became homeless”. (Academic 1, female)

The participants said a new global bulletin or an online platform would contribute to diminishing issues inherent to the cooperation between the CPS’s entities; would acknowledge the Portuguese context and facilitate comparative analysis with other countries; and would assess the quality of the services with the objective of strengthening them through the participation of all stakeholders. Accordingly, they advocated for the development of quality indicators that are unbiased, with the aim of facilitating an effective and transparent assessment.

“The question is... how will they present the data collected? Will they work to make it more appealing rather than real?”. (Family 4, female)

4. Discussion

The CPS stakeholders who participated in this study recognized that the CPS should seriously be given keen attention and adjusted, as argued for by authors (e.g., [Castro et al. 2023](#); [Diogo et al. 2022](#); [Sacur and Diogo 2021](#)). They tended to totally agree with the proposals to reform the Portuguese CPS. Even if not in total agreement, participants partially agree. They are aligned with the literature ([Bruning and Doek 2021](#)) that “there is a need for more guidance on what could or should be done in terms of concrete legislative, social, or administrative measures to implement and enforce the rights of the child” (pp. 12–13).

The participants discussed their positions on each of the proposals presented during the focus group sessions, and a profound comprehension was achieved about the rationale underlying the consensus reached. The mixed-methods approach enabled the acquisition of complementary and distinct perspectives.

Study findings identified a broad agreement on the necessity of promoting quality family-based care; a child-friendly terminology; and improvements in the administration of the CPS. This wide consensus highlights the necessity for a reform of the CPS, taking into consideration the enlarged number and diversity of stakeholders heard.

Regarding the theme that emerged, namely the promotion of quality family-based care and adoption, participants were significantly engaged in the discussion. One of the most frequently mentioned reasons for agreeing with the proposals was that the principle of equality should be guaranteed to every child or young person, as the basis for the right to enjoy equal treatment in protection. For the stakeholders, this means that a child or young person cannot be discriminated against on the grounds of his/her age; address; context of living; the protection measure applied; or caregivers' resources available. Article 2 of the Convention on the Rights of the Child (United Nations 1989) states clearly that state parties shall respect and ensure the rights set forth in that convention for each child or young person without discrimination of any kind. Furthermore, states shall take all appropriate measures to ensure that every child or young person is protected against all forms of discrimination. The literature indicates that the experience of violence is disempowering; thus, sensitive measures are needed to ensure that the child protection interventions do not further disempower children but rather contribute positively to their recovery and reintegration (Bruning and Doek 2021).

Despite these understandings, this study points out that the rights of children and young people are contingent upon the context in which they are living. Children and young people placed in residential or foster care (as mentioned previously, blood ties are not allowed in foster care) are entitled to additional rights compared to the others. For example, currently only those in residential or foster care have the right to return to the CPS whenever they wish if they decided to leave it voluntarily on their own; and the right to see their protection measure extended until the age of 25 (if studying). Therefore, in essence, the legislator appears to be discouraging the placement of children or young people in their own family context with relatives or reliable and familiar people, and this decision-making remains unexplained (cf. Law no. 23/2023 of 25 May 2023). The role of the state should be paternalistic, acting in loco parentis, but should seek to establish family-based care by foster care, kinship care, or adoption within a child-focused orientation (Gilbert et al. 2011; Parton 2019).

The findings highlighted that any legal guardian who cares for a child or young person in the CPS, including special guardians, should be entitled to support. This encompasses receiving specific training, close psychological and social support, labour and tax benefits, and adequate financial support to meet the child or young person's expenses. The literature points to the relevance of financial support for special guardians in Portugal (Dias 2012; Ferreira 2019). There are references to international experiences where the provision of preparation and ongoing support (Simmonds and Harwin 2020) aims to reduce post-permanency discontinuity (Rolock et al. 2020). However, participants advocated for more than financial resources, in light of the potential challenges guardians may face in managing behaviours and providing emotional stability to children or young people who often experience hardship in their lives.

As Smales et al. (2020) have previously observed, it was also reported in this study that vulnerable children or young people are more likely to experience trauma, have limited informal networks, fail to achieve academic success and experience other negative outcomes when compared to their peers. Therefore, it is expected for the state to effectively protect them, and to do so regardless of the context of care. Special attention is needed, according to stakeholders, to ensure both sufficient support during the transition to independent living and the preservation of sibling relationships in placement. This concern is aligned with the recent European Commission's recommendation on developing and strengthening integrated child protection systems promoting the best interests of the child (European Commission 2024), with a view to keeping siblings together.

Regarding the theme development of child-friendly terminology, the results stressed that the use of such terminology in the CPS reinforces the position that children and young people are subjects of rights, rather than mere objects. Furthermore, children and young people would be better able to comprehend the information when it is presented in a manner that is relevant to their own lives. The use of consistent vocabulary across all documents pertaining to children and young people's matters would facilitate the establishment of a coherent CPS. This should be approached from an international perspective, given the necessity of aligning international terminology to enable cross-country comparisons.

This study points out that stakeholders seek improvements in the administration of the Portuguese CPS, as emerged in the last results' themes. Firstly, specialised courts throughout the country, and qualified and sensitive professionals at every level of the judicial system, would enable suitability, equality and social justice among children and young people.

Secondly, the existence of a specialised figure, neutral and exclusively dedicated to matters of the child and young person, to ensure the rights of the child and young person, should be effectively translated into practice. This figure should be a neutral children's ombudsman, and this study supports that this person should be committed to this cause, close and accessible to children and young people, and an influencer through political lobbying. The literature on the establishment of a children's ombudsman in leading countries has recommended that independence and proximity are the keys to success (European Commission 2024; Flekkoy 1990; Melton 1991). To avoid controversy with the general ombudsman in Portugal, a twofold solution was presented by the participants: to rename the children's ombudsman or to include the role in the general ombudsman's institution.

Thirdly, the establishment of a coordination structure for the improvement of quality services and their cooperation towards an integrated CPS, as encouraged by the European Commission (2024), was highlighted. Participants desired improvements in communication and cooperation between existing entities, instead of a patchwork of services, as referenced by Bruning and Doek (2021). As a consequence of the poor sharing of information, parents have to report their problems multiple times to a variety of entities, all of which provide little support to address the root causes of those problems (Bruning and Doek 2021).

Portugal lacks coordination among all the entities and stakeholders involved. The literature points out that it is of great importance to clearly define the roles—of the state, municipalities and local entities of the CPS—that hold specialised experience in the fields of prevention and protection (Castro et al. 2023). In the 2023 update of the European Union Agency for Fundamental Rights (FRA)'s mapping of child protection systems in the EU, it is asserted that an "authority with coordination responsibility at the national level" (FRA 2024, p. 1) already exists in Portugal. Despite the notability of the National Commission for the Promotion of the Rights and the Protection of Children and Young People's work, currently, this is not the coordination structure of the whole Portuguese CPS. And its role is confined to non-judicial (Law no. 147/99 of 1 September and Its Amendments 1999, article 12 (1)) aspects of the CPS.

The reasons stated in the results regarding the agreement that there should be an establishment of this new structure are that it would provide wider information, promptness, and social cohesion across the country. To direct this new coordination structure, complementary suggestions emerged from the stakeholders contributing to knowledge advancement and its impact on the lives of children: strengthening the role of the municipalities for coordinating at a local level; offering a one-stop-shop service for children and young people and their families; and finally, creating a new Ministry of Childhood and Youth. In fact, it is recommended that to better respond to a child and young person's needs, the national CPS "should be context-specific, child-centred and implemented at the most appropriate level of governance. Member States should facilitate cross-sectorial cooperation and coordination between private actors, local, regional, and national authorities and Union institutions, bodies, and agencies [...]" (European Commission 2024, p. 3).

Finally, it is crucial to reinforce accountability and monitoring mechanisms within the CPS. Thus, exhaustive, detailed and reliable information is required to measure policy and practice regarding matters of the rights of the child and young person. Recommended methods include the development of quality indicators, data collection, analysis and publications with global output, such as a bulletin or platform. This would contribute as well as a response to the European Commission's recommendation about ensuring that CPSs are independently monitored (European Commission 2024). The international reviewing literature has raised concerns and has asserted that there are inconsistencies in the availability of reliable and valid data in several CPSs (Furey and Canavan 2019). Thus, it has been proposed that an independent human rights institution, such as a children's ombudsman, be developed; however, this was not suggested by the participants (Bruning and Doek 2021).

Furthermore, it was specially noted that former beneficiaries were acutely sensitive to the proposals and their foundations. Thus, they presented examples wherein the child and young person's rights were not adequately addressed. Furthermore, they offer suitable suggestions for improvements to the lives of those under the protection of the state. This highlights the relevance of ongoing consultations with children and young people about their experiences in order to improve the CPS and the importance of the different perspectives of adults and children and young people (Bruning and Doek 2021; Roesch-Marsh et al. 2017; Smales et al. 2020).

This study points out implications for policy and practice:

- (a) To reform and strengthen the Portuguese CPS. The reform should be evidence-based, namely on the proposals discussed in the present study. These include strengthening special guardianship and adoption; as well as developing an international child-friendly terminology in legislation and courts; and establishing specialised courts throughout the country, a children's ombudsman, effective coordination and a bulletin about the CPS. Decision-making on the reform should involve the CPS stakeholders, namely the beneficiaries and the former beneficiaries (Smales et al. 2020).
- (b) To guarantee that all children and young people are afforded the same rights within the system framework.
- (c) To raise awareness and provide training for CPS practitioners, with a particular focus on those working within the judicial system.

A reform of the CPS would facilitate the provision of quality family-based care, thereby contributing to the de-institutionalisation of children and young people in Portugal. This would align the CPS's approach with that recommended at the national level (e.g., the Council of Ministers' Resolution no. 112/2020 of 18 December 2020) and internationally (e.g., Davidson et al. 2016; European Commission 2024; United Nations 2019).

5. Conclusions

This research has been designed to give voice to the CPS's stakeholders—former beneficiaries; families; and practitioners and academics—regarding the shortage of these groups' participation in policymaking and practice, especially children and young people (Skauge et al. 2021; Woodman et al. 2023). The level of agreement regarding proposals to reform the Portuguese CPS and participants' positions were explored.

The main conclusion is that CPS stakeholders who participated in this study recognized critical concerns about the Portuguese CPS, which advocates for reform. Then, the stakeholders agreed with every and all proposals introduced in this study. And finally, the findings highlight the relevance of political action for promoting quality family-based care, namely towards strengthening special guardianship and adoption; developing child-friendly terminology; and improving the administration of the CPS. Therefore, it is suggested that specialised courts be established throughout the country, as well as a children's ombudsman, a coordination entity, and a bulletin with CPS data for the public domain.

Moreover, in addition to the selected research topics, the participants expressed a desire to discuss other concerns related to the CPS, for example, specialised support

for independent living. The findings reveal that those involved in the CPS have detailed insights into real cases that could inform improvements to the CPS if they are to be involved in policymaking.

Limitations of the study are acknowledged. Its empirical component is specific to Portugal; however, the discussion contributes to reflections in other international child and young person protection contexts facing the same issues. Moreover, this research draws on an unrepresentative sample due to its size. Given the exploratory nature of the study, the objective was not to obtain a representative sample, nor to present final conclusions. This study can rather contribute to the ongoing debate surrounding the potential reform of the Portuguese CPS. However, it was obtained from a heterogeneous sample of participants in terms of their role in the CPS, and the widest possible range of perspectives was captured (Flick 2005, 2013). Professionals were shown to be more aware and willing to participate than former beneficiaries or families; regarding the latter, they are not acquainted with the process to enrol in these discussions about the CPS. All groups were particularly committed and made a positive contribution to improving the quality of life for children and young people.

Further research is needed and should include stakeholders, particularly children and young people, to obtain different perspectives and a broader understanding, and to accomplish an effective CPS within a children's rights framework (Bruning and Doek 2021).

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