

## CHAPTER 4

# Inclusion of Children and Youth in Foster Families: Aims, Challenges and Solutions

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**Abstract:** This chapter addresses aims and challenges in the processes of including children and youth in foster families and suggests a solution inspired by anthropological literature. I argue that the 'best interests of the child' are closely tied to staying in a stable foster home, which emerged in interviews with children in the Norwegian Child Welfare Services (CWS) and foster parents. I introduce anthropological approaches to kinship to discuss how successful foster care may be challenged by the cultural dominance of the biological principle as enshrined in the best interests of the child in both the Children Act (1981, amended 1997) and the Adoption Act (2017, amended 2022). It is suggested that reduced emphasis on biology and increased focus on sociality and attachment quality may increase the success of inclusion, or *kinning*, of children and youth in foster families. This resonates with developments in biomedicine and biotechnology, which inspire new ways of thinking about kinship and family that could result in a reconstruction of family and kinship, for instance inspired by anthropological literature.

**Keywords:** the best interests of the child, the biological principle, children, foster care, inclusion

## Introduction

Blood Is Thicker Than Water is not only axiomatic in studies of kinship, it is a fundamental axiom of European culture. Even if this axiom were true as a biological fact, even if the most extensive scientifically acquired evidence showed it to be true ... the point remains that culture, even were it to do no more than recognise biological facts, still adds something to those facts. The problem remains of just what the socio-cultural aspects are, of what meaning is added, of where and how that meaning, as a meaning rather than as a biological fact, articulates with other meanings ...

(Schneider, 1984)

This extract, from one of the most influential anthropologists of kinship, David Schneider, points to how the anthropological study of kinship, meaning a network of social relationships that usually, but not always, includes biological ties in one way or other (Schack, 2017, p. 17), reveals how cultural meaning ‘adds something’ to biological facts. Schneider’s text introduces the theme in this chapter: namely how the relationship between nature and culture, of kinship as a biological fact and/or a social construction, affects the way foster children and foster parents understand ‘family’ and experience inclusion in their foster family. Kinship relations often overlap with family relations, and I speak of family and kin interchangeably. This is in line with Alber et al. who argue that the distinction is ‘obsolete’ (2010, p. 46). They, together with Smart (2007), view a ‘kinship system’ as a dynamic, not a static phenomenon; as a system capable of change. This is also the position taken in this chapter, which suggests how alternative views of kinship and family, that is, a change, may ease inclusion of children and youth<sup>1</sup> in foster families.

The overarching frame for my discussion is the principle of the best interests of the child. Where children under the care of the Child Welfare Services (CWS) live should be a result of decisions made in the best interests of the child, as stated in the Children Act (1981, amended 1997) and

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1 ‘Children and youth’ and ‘young people’ are used interchangeably in this chapter.

Section 1(3) in the Child Welfare Act (2021, amended 2023). The most common decisions in Norway place children unable to live with biological parents in foster homes or in institutions, of which foster homes are usually tried before institutions. However, how a Norwegian CWS institution works is contextual; it may vary from office to office (CWS office), from municipality to municipality and from county to county.<sup>2</sup> I will discuss the themes of kinship and family and how these are represented in the Norwegian CWS and, in particular, in the institution of foster care, generally speaking. The backdrop is the assumption that during the last thirty years or so there has been an increased emphasis on the ‘biological principle’ for children’s belonging and identity construction, in that it is understood to be in the best interests of the child to respect biological roots in all matters that concern the child’s well-being (Jørgensen, 2001; Howell, 2006; Official Norwegian Report, 2012, 2023; Bunkholdt, 2017; Johnsen, 2019). I will discuss the implications of this emphasis on how children in foster care and foster parents may experience the child’s inclusion in the new family. Another overarching theme is thus how the significance of *biological* family challenges the inclusion process in foster families.

According to Signe Howell, the ideal of a good personal life in Norway can be expressed as ‘family life made up by mother, father, two or three children, surrounded by grandparents, uncles and aunts and seems to be what most young adults envisage. Such lived relatedness constitutes normality’ (Howell, 2006, p. 65). Years have passed since Howell wrote this, which probably have broadened many Norwegians’ ideas of ‘normality’, as many families today may consist of two fathers, two mothers, a single parent, etc. The cultural meaning of ‘family’ is contextual and dynamic, as is ‘kinship’, and the two terms overlap. There are, however, reasons to believe that biological ties, or imitations thereof (adoptees), are still at the core of Norwegian family structures. In the following I therefore address these questions:

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2 Most often, it is the municipality (*kommune*) that administers foster families. However, there also exist foster families that are administered by the central government, which cooperates with the municipality in these matters. There are some variations regarding payments and other arrangements between foster families organised by the central government and the municipality; but I do not believe that the nuances have vital implications for the arguments in this chapter.

- How is the idea of the best interests of the child represented in foster care, as tied to inclusion in families?
- In what ways is inclusion of children in foster families challenged by the biological principle, that is, implications of the saying ‘blood is thicker than water’?
- How can biomedical/biotechnological development combined with anthropological literature inspire a reconstruction of kinship and family in Norway?

The empirical points of departure for my discussions are twofold. Firstly, I have interviewed young people who have personal experience with the CWS. They have been or still are registered in the CWS system. Some have been registered in the CWS from the time of birth, which indicates that their experience of ‘family’ probably differs from children growing up in a biological family. Secondly, interviews with foster parents also make up the data material. The intention of the interviews was presented to both groups as an exploration of how they understood decisions made by the CWS and their experiences of the principle of the best interests of the child, with particular focus on how they viewed foster homes as family. Anthropological literature also informs my discussions (Marshall, 1977; Schneider, 1984; Meigs, 1987; Jørgensen, 2001; Howell & Melhuus, 2001; Howell, 2006; Alber et al., 2010; Schackt, 2017; Johnsen, 2019) and research on foster care (Bunkholdt, 2017; Children Act 1981, amended 1997; Official Norwegian Report, 2012; Nordby & Halså, 2020).

## Background

In Norway, it is usually the municipal CWS that organises foster care. The foster family is advised by the CWS to aim to include the foster child as if it was their biological child, which is also the aim of adoptive parents. The aim of inclusion of an adopted child and a foster child in a new family has obvious similarities but also significant differences. One main difference is that the foster parents are per definition only temporary parents. It is particularly emphasised in the new Child Welfare Act (2023) that reunion with the biological family is an overarching aim (Official Norwegian Report, 2023, Section 3.3.1). This is obviously not the case in an adopted family. This emphasis in the new Child Welfare Act (2023) also indicates how the importance of biological roots has

been reinforced over recent years. A second main difference is that foster parents are paid for their work while the parents of an adopted child do not receive this type of funding. A third main difference is that foster parents are not judicial parents – the biological parents are. This signifies the formal similarity of adopted and biological children, in contrast to foster children. A fourth difference is the labels used for family members, where adoptees use the same labels as a biological family, while foster children do not do this automatically but may end up doing so, as I will return to in later sections.

The main similarity between an adopted family and a foster family is that the new family aims to include the child in their family, as an equal member of the family/household. The adoptive parents do this as if it was their biological child, while this, although an aim, is not so straightforward in a foster family because it is uncertain how long the child will stay. It appears as if it is the biological family that is the model for how foster parents aim to include a foster child. How this inclusion takes place in a foster family depends upon two other factors: the age of the child and the kind of judicial decision that underlies taking the child into foster care. Regarding the first, according to an interviewed foster father (see the Methodology section) the younger the child, the easier it is to try and include it as if it was their biological child. Regarding the second, children may be taken into foster care in agreement with the biological parents (Child Welfare Act, 2023, Section 3) or by force (Section 6(2)). In both cases, the vital difference between an adoptee and a foster child is that the latter may be moved from the foster family if the cohabitation arrangement doesn't work or if the biological family becomes capable of taking care of the child themselves. This implies that the inclusion process is more fragile, vulnerable, difficult and challenging in a foster family compared to an adoptive family, which resembles a biological family in every respect except for the biological tie. However, according to Vigdis Bunkholdt (2017) and a foster father I interviewed, the level of conflict during a change of residence is lower when this is carried out in agreement with the biological parents. In some of these cases it appears easier for the child to become attached to the foster parents because the pressure of loyalty to the biological parents is lower. On the other hand, a hindrance to attachment is the lack of security regarding how long the child will stay in the foster family (Bunkholdt, 2017, p. 21). In sum, many variables are thus relevant in discussion of how foster children are included in a new family.

According to Howell, ‘biocentrism’ (referring first and foremost to biological roots and genes) in discourses about personhood and identity has increased during the last three decades, due to, among other things, knowledge developed in biomedicine (Jørgensen, 2001; Howell & Melhuus, 2001; Howell, 2006). It is not unreasonable to assume that this may have made it harder for some foster children to feel included in the family and feel ‘normal’, which is something foster children wish for (according to my informants, see later sections). Discussions on biological origin in discourses on identity have resulted in an increased focus on children’s early upbringing and psychological experiences (Howell, 2006; Johnsen, 2019). In line with this, the Norwegian CWS has shifted its focus from children’s behavioural problems to an awareness of traumas and an interest in both adoptees’ and foster children’s ‘backpacks’ (my informants; Howell, 2004; Johnsen, 2019). This shift of focus illustrates the increased attention given to biological/psychological dimensions and reflects the central position of biocentrism (Howell, 2006).<sup>3</sup> This situation was part of the reason why the Norwegian Government appointed an expert committee to investigate how better protection of children may be secured in decisions by the CWS, given the strong position of the biological principle (Official Norwegian Report, 2012). This committee, led by Magne Raundalen, introduced an alternative to the biological principle, based on attachment theory. They called this alternative ‘the development-supported attachment principle’ (*det utviklingsstøttende tilknytningsprinsipp*). In short, this emphasised the importance of emotional attachment between the child and the caregivers irrespective of biological ties. The committee concluded that awareness of the quality of attachment should be prioritised over biological kinship in decisions by the CWS. Their advice was not included in new legislation (see below), quite the contrary, because of biological parents’ increased judicial rights all over Europe. The European Court of Human Rights (ECtHR) put biological parents and biological family relationships at the forefront, which formed the basis of strong criticism from the ECtHR towards decisions made by the Norwegian CWS.<sup>4</sup>

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3 In this chapter I concentrate on the biological dimensions only.

4 <https://www.oslomet.no/forskning/forskningsnyheter/har-norsk-barnevern-ufortjent-darlig-rykte>

## The best interests of the child and the biological principle

The work of the Norwegian CWS, which also includes foster care as mentioned above, is based on six basic principles:

- The least intrusive intervention
- The principle of development support
- The principle of legality
- The best interests of the child
- The biological principle  
(Bunkholdt, 2017, p. 19).

All but the second principle are incorporated in the Norwegian legal system. As mentioned above, ‘the development-supported attachment principle’ did not get enough political support. I will implicitly return to the psychological principle but will first focus on the last two principles, which today are highly intertwined in CWS decisions, as indicated above. In Norway, the *principle of the best interests of the child* was enshrined in the Child Welfare Act and the Children Act (1981, 1997), in line with Norway’s ratification of the UN Convention on the Rights of the Child (1989) in 1991 (Bunkholdt, 2017, p. 43). The new Child Welfare Act (2023, section 1(3)) states the best interests of the child thus:

The best interests of the child must be a fundamental consideration in connection with all actions and decisions that affect and concern children. Measures imposed by the Child Welfare Service must be in the best interests of the child. What is in the best interests of the child must be decided on the basis of a specific assessment of the individual case. The child’s opinion is a key factor in the assessment of the child’s best interests.

The principle is normative and ambiguous in that it is not obvious what is in the best interests of a child at a particular moment (Bunkholdt, 2017; Rysst, 2020). The biological parents, a CWS professional, the foster parents and the child itself may disagree on the best interests of a particular child at a particular moment.

In current discussions in the CWS on the best interests of the child, the biological principle plays an important part in that awareness of biological parents and biological roots are taken into consideration in evaluation of the child’s best interests. However, this has not always been the case.

The development is reflected in the 1997 amendment of the Children Act (1981), as mentioned above, which, according to Tone Jørgensen, reflects a ‘biologization’ of this law (Jørgensen, 2001, p. 130). The present Children Act underlines the importance of biology or ‘the biological principle’ (Jørgensen, 2001; Bunkholdt, 2017). According to Jørgensen (2001), this started to happen because of the general development of gender equality and equity in Norway, giving biological fathers a higher status in the 1997 amendment of the Act than in the previous version. In addition, the developments in biomedicine and thus assisted reproduction have made it easier (20 for lesbians and homosexuals to become parents).

A similar development appears in the latest Adoption Act from 2017. From regarding an adoptee as ‘a naked child’, the focus has moved to biological roots and the child’s early experiences before the adoption (Johnsen, 2019). This emphasis on biology was not present in the previous Adoption Act of 1986. This Act reflects how knowledge about biological origin is believed to be important for the identity of adoptees (Johnsen, 2019). In her MA thesis in anthropology on Korean adoptees’ experiences of belonging and identity formation in Norway, Emma Laier Johnsen shows how these adoptees are ambivalent to the increased emphasis on biology. In their opinion, their kinsmen are their adoptive families, not the ones in Korea, and most of them are not interested in having contact with their Korean origins. It appears that many feel it is unnecessary and troublesome that they must relate to their biological roots. Johnsen also shows how the development of the adoption acts reflects how our society highlights biology in understanding identity and personhood today (Johnsen, 2019).

This increasing interest in biological roots appears to be connected to societies in the western hemisphere in particular. For instance, anthropological literature from all over the world shows variations concerning which people are categorised as ‘kin’, which may go beyond biological and marital ties. According to Marshall, sharing and sociality, in general, are more common in definitions of kinship worldwide than shared biological substance, such as genes (Marshall, 1977). Howell’s study (2001) on the return of adoptees from Korea is one illustration of this. Howell interviewed Koreans about adoption and was told that Korean parents and relatives did not have much interest in meeting their biological child. Once the child had been given away and had been absent from their family, that child did not belong to their family anymore. In the Korean way of thinking, this is because biological ties that are not nurtured by continuous, binding social



activity, fade in importance over time. In other words, kinship in Korea is based more on sociality than biological ties (Howell & Melhuus, 2001). Based on this information and knowledge about the worldwide variation in definitions of kinship, Howell constructed the concept of *kinning*, which means ‘the process by which a foetus or new-born child (or a previously unconnected person) is brought into a significant and permanent relationship with a group of people that is expressed in a kin idiom’ (Howell, 2006, p. 63). The child can also be an older baby or older child, as in adoption processes. One significant criterion for successful *kinning* is that kin idioms, or labels, such as mother, father, son, daughter, brother, sister, are used among those living together. Howell’s work is on adoptees and their families, where the adopted child enters *kinning* processes from the day the parents meet their baby and it arrives in the new family. *Kinning* refers first and foremost to everyday interactions between people living together. I find the concept of *kinning* interesting for analysis of inclusion of children in foster families, as the concept goes beyond just ‘inclusion’. It also denotes a significant and permanent relationship ‘with a group of people that is expressed in a kin idiom’ (Howell, 2006, p. 63). That is, the aim is to include the child *as if* it was their biological child. I will use the concept to shed light on the processes that take place when children are placed in foster families by the CWS.

## Methodology

The research design of the study from which data for this chapter is drawn is qualitative and based on the anthropological tradition of ethnographic interviews (Madden, 2010). The study is a small sub-project in a larger, international project entitled *Decisions and Justification in Child Protection Services*, financed by the Research Council of Norway.<sup>5</sup> The aim of this sub-project was to bring forth narratives on the best interests of the child, from the young people themselves and foster parents. The interviews are informal conversations structured around certain themes. This means that the study consists of discursive data, that is, data on what people *say*, and

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5 The project description states: At the core of the project lies the principle of the Best Interests of the Child (BIC) as expressed in the Convention on the Rights of the Child (CRC) and the UN Child Committee’s general remark no. 14 (2013) in which the BIC is described as a threefold concept: 1) a substantive right, 2) a fundamental, interpretative legal principle, and 3) a rule of procedure. See <https://app.cristin.no/projects/show.jsf?id=2493859>

in particular what people *say* they *do*, and not data on interactions and actual practices. The data were collected in 2020 and 2021.

Eight group interviews were conducted with a total of 16 young people (16–20 years of age), three boys and 13 girls, who are part of an ideal institution called *Forandringsfabrikken* (FF) ('Factory of Change'). These youth have the title 'barnevernsproff' ('CWS professionals') and their work consists of travelling around Norway talking to children and youth about their experiences of the CWS and encouraging them to tell their stories. They have been given this title because of their own experiences with the CWS. FF have published many reports which convey the experiences of CWS youth. I contacted FF for informants because I knew I would find many young people with CWS experience there.<sup>6</sup> As such, I have interpreted what the FF youth told me with an extra critical eye: what is their personal opinion and what are the FF's views? When I contacted a consultant in FF and asked for the possibility to interview a small group of young people, she was positive, but underlined that the youth probably did not want to talk about their own personal experiences, but would rather express the voice of the FF. However, every now and again, a personal opinion broke through and in this chapter I have only included utterances revealing their personal experiences, selected from where they used words such as 'I' or 'me'. This became even more important because a couple of months after the interviews were carried out, the FF was publicly criticised for influencing young people's views about the CWS system too much.<sup>7</sup> However, I understood them as quite outspoken about their own experiences and it never crossed my mind that these opinions were not their personal views. The interviews were conducted without any leaders present and I convinced the youth that nobody but myself should listen to the interviews.

The interviews all centred around the question, 'How do you understand what is meant by the principle of the best interests of the child?' as an introduction. From there, other themes emerged that were more explicitly related to my research questions. I asked questions such as 'If you want, you can tell how this principle worked in your life with the CWS' and 'What is family to you?'; 'Do you have any contact with your biological family?';

6 I also contacted *Landsforeningen for barnevernsbarn* for recruitment, but that was beyond their capacity.

7 These links present some of the criticisms: <https://khrono.no/dropper-samarbeid-med-forandringsfabrikken/714896>. [https://www2.bufdir.no/globalassets/global/nbbf/barnevern/ekstern\\_undersokelse\\_av\\_forandringsfabrikken\\_oppdatert.pdf](https://www2.bufdir.no/globalassets/global/nbbf/barnevern/ekstern_undersokelse_av_forandringsfabrikken_oppdatert.pdf)

‘Do you think the CWS satisfactorily considers and arranges meetings with your biological family, if that is what you want?’

In addition to the eight interviews with the young people, I interviewed 12 foster parents, three fathers on their own, eight mothers alone and one heterosexual couple. One mother was divorced and single, and one father was married to a man. The families live in various parts of eastern Norway and were recruited through friends, colleagues, *Norsk Fosterhjemsforening*<sup>8</sup> and the snowball method. Many of these parents were experienced as foster parents and had nurtured many children. All but one family were foster parents at the time of the interview. Most importantly, they were very competent about the foster care institution. As such, their knowledge and experiences have informed my discussions to a large extent. Two interviews were conducted via Zoom, while the rest were either carried out in the informants’ homes (3), at my office (4), at a café (1) or at the informants’ offices (2).

The project was approved by the Norwegian Centre for Research Data (NSD) and a user profile was set up in *Tjenester for Sensitive Data* (‘Services for sensitive data’) at the University of Oslo. This means that the data recorded were sent directly to this profile, where they are stored and inaccessible to all but me. All names and places have been anonymised so that it is not possible to trace anyone’s identity.

All the interviews lasted for about one hour and were transcribed by me. The data have been analysed through simple thematic data analysis: a manual search for answers to questions about a specific theme. The subheadings in italics below are concepts and expressions used by both children and foster parents; in other words, they are experience-near expressions.

## Results with discussion: aims and challenges

### Feeling safe (*trygghet, å føle seg trygg*)

The theme of safety was the most frequent theme that emerged among the youth when I asked about their opinion on *the best interests of the child*. Safety is also an overarching aim of the CWS in all matters. It was vital, one girl said, for the child to feel safe, otherwise she would not tell anything to CWS professionals. The informants spoke primarily on children’s

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8 <https://www.fosterhjemsforening.no/>

situations regarding family matters, where the significance of care or lack thereof from biological family and other caregivers had pivotal focus. Children and youth are often very loyal to biological family, even in cases of violence and sexual abuse, which may make it difficult for professionals to grasp the factual situation in homes. A home is usually the safest place to live, a situation that had been violated many times for the children interviewed. Carol Smart applies the expression ‘the haunting power of blood relationships’ (2007) to describe how these relationships can be destructive and binding, which Astrid Halså also understands to exist in young people’s narratives of a traumatic childhood (see Halså’s chapter in this book).

The CWS is, in general, aware of the importance of creating a safe atmosphere in order to get correct information from the children. The youth said that creating a safe atmosphere was easier with time and frequent meetings but could also be established if the CWS person had a certain personality. ‘The adult person must have a warm smile and warm eyes, and be kind,’ one girl said. It emerged that often the atmosphere of safety was not there and that vital information on the child’s situation was not told. However, when it concerns the issue of feeling safe, all the interviewed children agreed on the importance of safety. They also shared the view that many children did not tell the CWS their worst experiences, because it was too risky. The expression ‘feeling safe’ may be understood as an overarching theme of concern in all aspects of their lives: in their original home, their foster home, institution, school, leisure activities and peer group. In other words, feeling safe may be understood as a vital dimension in the conceptualisation of the best interests of the child regarding inclusion in new families and thus foster care in general.

The topic of feeling safe was also an aim among the foster parents, who have been trained by the Norwegian Directorate of Children, Youth and Family Affairs (*Bufdir*). Foster parents are trained by the CWS in introductory courses which emphasise that creating a safe atmosphere in the home is very important. According to this course, in order to establish a lasting foster home, the feeling of safety comes first. Therefore, foster parents and foster siblings work hard on this aim from the day the child crosses their doorstep. To make the foster child feel included and welcome is paramount from the very beginning. As such, the *kinning* process starts immediately in order to create the feeling of safety. Many foster parents also quit their jobs and stay at home in order to establish the feeling of safety for the child.

In many cases, the CWS expects the parents to stay at home because it is considered in the best interests of the child to have continuous care. Among the interviewed foster parents, three fathers had quit their jobs and stayed at home full-time.

Taking on a foster child also appeared to be a family project. One single foster mother with biological sons said that it was a family project to include and make the foster child feel safe as a sibling from the day he arrived. In other words, as already mentioned, the *kinning* process usually starts as soon as the foster child moves in. Implied in the *kinning* process is the assumption that the normal biological family, being the model of the foster family, is associated with being and feeling safe. All the foster parents expressed an ambition to include foster children on equal terms with their biological children, which I understand as *kinning* per se. The foster parents often spoke of good or bad matches between themselves and the foster child and explained that the CWS aimed to find good matches between foster family and child. The children themselves were not focused on biological roots in their talk of feeling safe, which may indicate how that theme may disturb the *kinning* process. They never brought up biological parents as a source of safety, or someone they wanted to see more of.

## Listening to children (youth) (å lytte til barn/unge)

All the children said that it was hardly possible to follow the idea of the best interests of the child without talking and listening to the children. As one girl said, “That they can make a “best interests of the child” decision without listening to my opinions is very strange. “How can you know what is best for me without listening to me?” kind of.”

In general, the FF informants had the opinion that the CWS did not satisfy the criterion of working according to the best interests of the child. Many had very bad experiences, like this girl, on being moved from a foster home to an institution:

It (the best interests of the child) sounds very good, because, like, it is a smart thing, it is obvious that it is good, but it has not been in my best interests, because I know what my best interests are. But then the CWS has done something stupid, really, and said it is in my best interests, and how can you write something like this (in her CWS record), when it actually has made my life much worse.

The children said that they did not believe the CWS followed the best interests of the child when children frequently had to move to a new family or to an institution. Some of the children had been cared for by the CWS since their birth and had lived in many families. They said it was a good thing to be moved if the children themselves wanted this, for instance when the foster family did not feel safe or was full of conflict. However, in general, the children wanted to stay permanently in one family, and in a foster family, not an institution. This is probably because living in a family is the norm for children, not institutions (see section below). They said they were moved because the foster family could not handle them, they were viewed as being, as they expressed it, 'too mentally sick' and 'too dangerous' to stay on. Many of the youth I interviewed said they had been moved from foster families and into institutions because the CWS regarded them as too mentally unbalanced to live in families. In these cases, the informants said they had not been asked about their opinion on moving. One girl said this:

No, I was in fact not asked about my opinion on moving. It was only decided that this was the best for me, I 'cannot live with other young people, I am too sick, I am too dangerous, I can ... It will not work'.

Another girl in the same interview followed up by saying:

It really is like this, that when you are said to be 'dangerous', then you are not asked for your opinion, they just decide, and say it is in the child's best interests. But then the child has not been listened to.

For the foster family, it is challenging to succeed in *kinning* children when the possibility of integrating them into their kinship network may be temporary. However, in the interviews with the foster parents it emerges that they try to do this from the start. This includes listening to them regarding preferences for things like food and clothes, but also which name they prefer in addressing the foster parents: first names, mum, dad and the like, to be discussed below. It also struck me how the CWS expected contact with biological parents to be bothersome, not the contrary.

### Being 'normal' (å være normal)

The general opinion arose among the youth that the label 'foster child' did not give peers positive associations, quite the contrary. It was their view

that associations such as ‘demon children’, ‘dangerous children’ or being ‘too mentally unbalanced’ to live in normal families emerged.<sup>9</sup> One girl said this:

I personally had to move from one school to another several times, and I nearly made an end of it all, really. Because when the other children became aware of me being a foster child, it was ‘over’ (*løpet kjørt*) for me. Then the harassment started, physical and psychological violence ... and, just because I was a foster child, they didn’t know the reason why I was a foster child, they didn’t know the reasons why I was moved, whose fault it was, they just thought ‘she lives in a foster home, then she must be a demon child (*djevelunge*).’

The fear of being stigmatised and bullied made many of the children, when meeting new people, talk about their foster parents as ‘mum’ and ‘dad’, in order to avoid further questions on family matters. This fact underlines the significance and ‘normality’ of biological family in our society. The young people interviewed said they just wanted to be ‘normal’, like the others in their school class, with a mum and dad. In my opinion, this illustrates how the cultural norm of biological family challenges the *kinning* process, because foster children will never achieve biological relatedness to their foster family, and thus, not be easily able to use kin idioms to address foster family members.

The issue of ‘normality’ may also be understood to emerge from the interviews with the foster parents. The following was a common response from many of them, as this mother said, ‘There are episodes when he calls me “his mum”, because then he doesn’t have to explain things.’ And the father of a 15-year-old foster child who has lived with them for seven years, said this:

She has begun to call us ‘mother’ and ‘father’, not to us, but to friends and outsiders, at school, because she feels so uncomfortable talking about her biological mother, telling about everything surrounding that. She also terms her older foster siblings as ‘brother’ and ‘sister’ to outsiders.

These efforts by the children to try and ‘hide’ the fact that they are not living with their biological family underlines the cultural meaning of ‘normal’

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9 It is interesting that peers did not accuse the foster children’s parents of doing a bad job, but the children themselves. This suggests that schools ought to inform students about social problems writ large.

families consisting of biological parents and their offspring. As Howell argues, the normal Norwegian family consists of parents and biological children (Howell, 2006, p. 65) and, as my informants indicated, deviations from this pattern often trigger questions from outsiders even today. According to the foster parents, the foster children in their families often experienced this and tried to avoid awkward situations by using 'biological' terms for foster kin.

Many of the young people told of difficulties with feeling socially integrated in their peer culture, and of difficulties in general in regard to relationships. The foster parents often also had stories about foster children having a hard time making friends, as some were damaged relationally (*relasjonsskadde*) and preferred to isolate themselves at home. Some also had cognitive challenges that put them at risk of stigmatisation and bullying. It was common among the foster parents to inform other parents and the school about the challenges faced by their child, and most of them referred to the foster child as 'my son/boy', 'my daughter/girl' in order to mark that these children were equal members of their families. In other words, considering *kinning*, these labels confirm that these processes are taking place.

## On 'family' and foster family

The biological principle and the view that *blood is thicker than water* were very evident in how the youth spoke about 'family'. The children said they wanted to live and present themselves as normally as possible and, as mentioned above, often spoke of foster parents as mum and dad in front of strangers, in order to avoid questions and explanations about how the family they lived in was set up. However, the children always included the biological family when I asked the question 'who is your family?'; even those who looked upon their foster family as 'my family now'.<sup>10</sup> Their original family became part of the new family or, as some foster parents said, 'We are an extended family.' Compared to how kinship is understood for instance in Korea, 'blood' is surely thicker than 'water' in Norwegian thinking on kinship when living together over time, while 'water', irrespective of biological ties, comes first in Korea.

<sup>10</sup> It is, of course, possible that they felt obliged to include biological origin, given this dominant Norwegian family structure.



How *their* (foster) family was defined by the young people clearly depended upon the length of stay in the family and how young they were when they moved in. Those variables, length of stay in the family and age when moving in, strongly influenced which name they used for their foster mother, foster father and siblings. The foster parents often let the foster child choose which name to use, mummy, daddy or their first name. According to my informants, however, even those children who arrived in the foster family when very young, tended to use a prefix on foster mother and/or biological mother, such as: Mummy-mummy (foster mother) and Mummy-Siri (foster mother), and just mummy for biological mother. In other words, in Norway today (at least among my informants) it appears almost impossible not to take biological roots into consideration when talking about family.

Again, depending on the length of stay in the foster family, thinking of that family as 'my' family varied. One girl was so used to being moved to a new family that she said she 'did not dare to think of foster family as "family"' in case she was moved again. One girl said that 'family to me is the people I love' and thus avoided taking a stand on her 'family' situation. However, it emerged from the foster parents that those children who had stayed with them for more than a year, in general, looked upon the foster family as their main family.

All the children, including those living with the foster parents interviewed, had contact with their biological parents. This is also strongly emphasised by the CWS and that foster parents should initiate such contact. The youth all said that the CWS were good at organising such meetings. It varied how often and for how long children met their biological parents. Interestingly, none of the interviewed children wished to see their biological parents more than they presently did. However, many wished to meet siblings more often, and it appeared that the CWS did not often organise contact between biological siblings. That the biological family often was included as part of the foster family's extended family came to light in cases of the child's confirmation (*konfirmasjon*) where they all participated. Still, the foster parents indicated that contact with the biological family could be challenging, and that the foster child could be very tense and uneasy for days before and after meeting their biological parents. As such, this is one consequence of the biological principle that may be understood to challenge the *kinning* process.

## Results with discussion

### Possible solution: a reconstruction of kinship and family?

As mentioned earlier, I view kinship as a system capable of change, not as a static structure (Alber et al. 2010; Smart, 2007). I have also discussed how the importance of biological roots for identity construction, judicial rights and presumed well-being has grown in Norway and is presently enshrined in the Children Act, which underlines the importance of biology or ‘the biological principle’ (Jørgensen, 2001; Bunkholdt, 2017). As already mentioned, Jørgensen has written about this development as the ‘Biologization of the Children Act’ (Jørgensen, 2001, p. 139) and argues that this has taken place because of the general development and emphasis of gender equality and equity in Norway, combined with developments in biomedicine and biotechnology. This development gives the biological father a higher status in the 1997 amendment to the Children Act (1981) than was the case previously (Jørgensen, 2001). In anthropology, it is common to distinguish between *genitor* and *pater*, the first being the biological father through semen, the other the husband of the child’s mother. Of course, these are often the same person, but need not be. The *Pater-est* rule defines the child’s (judicial) father as the one who is married to the mother, irrespective of genes. According to the 1997 amendment to the Children Act (1981), the father is determined through DNA tests. When biological fatherhood is determined, it is expected that he participates in raising the child, at least financially. In other words, the development of biotechnology has increased the significance of the biological principle and thus may have made it harder for foster children to experience kinship in their new families. At the same time, developments in biotechnology and biomedicine have revolutionised assisted biological reproduction, which may, ironically, open for a reconstruction of the definition of kinship and family. Out of empirical necessity, for instance new household and thus family constellations, the *Pater-est* rule may again become relevant in laws and family practice, as the following examples illustrate.

In Europe there exist different judicial acts that cover assisted reproduction. In Norway, a child has a (judicial) right to know their biological heritage from both mother (egg donation) and father (semen donation) when the child reaches the age of 18. In many other countries, assisted reproduction is fully commercialised. Eggs, semen and assisted fertilisation are bought

for money and the donors are usually anonymous. This means that a child conceived abroad, for instance by a Norwegian female, will not easily have access to its biological roots, and its social and judicial father will be the man living with the mother. I know of a case where both egg and semen are from unknown donors, where the mother had a fertilised egg implanted in her uterus. The baby matured in her body, and she is the child's social and judicial mother and the man living with her, its father. As such, she is also its biological mother in some sense, since the foetus has matured in her womb. She has nurtured this child through her body and blood. However, in this case neither the mother nor the father shares genes with their child.

A variant of the above are the various forms of surrogate reproduction, where the egg and semen may come from other persons than the social/judicial parents of the child. In more common cases of assisted fertilisation with donor semen only, it is the man (or woman) living with the mother who is the child's social and judicial father (or second mother). In other words, the *pater-est* rule exists in these cases where the biological roots are difficult/impossible/irrelevant to find. In addition, more than ever, as already mentioned, modern societies represent a vast number of family/household constellations in that equal judicial rights for lesbians, homosexuals and transsexual persons have increased. Biotechnological/biomedical developments and cultural change may thus necessitate thinking about new ways to define kinship and family in the future. In the words of Jon Schackt:

While modern biological science has made it possible, to a greater extent, to base judicial laws on biological kinship, modern biotechnology, which is grounded in the same science, has made it possible to create or construct new forms of kinship relations. (Schackt, 2017, p. 238, my translation)

I think these are fascinating thoughts, which may make anthropological insights on kinship more relevant for modern societies in the future. More precisely, the recommendation made by the Raundalen Committee (Official Norwegian Report, 2012) that 'the development-supported attachment principle' (*det utviklingsstøttende tilknytningsprinsipp*) should be prioritised before the biological principle resonates very well with the idea that sharing of things such as food, homes and sexual relations includes people in kinship relations, such as among the Buid people of Mondoro in the Philippines (Meigs, 1987). Here a person becomes kin with all the people he/she lives with and thus shares meals with; they become 'family'

irrespective of biological ties. In the New Guinea Highlands, biology is also not the sole basis for kinship. For instance, the Hua people believe that a substance of kinship, *nu*, attaches people and exists in all bodily substances (semen, menstrual blood, sweat, spit, etc.). ‘Children are “built” originally from menstrual blood and semen, and later from nurture’, which includes sharing food and eating together (Meigs, 1987, p. 117). As already indicated, sharing and sociality, in general, are more common in definitions of kinship worldwide than shared biological substance (Marshall, 1977) and, as mentioned, in the Korean way of thinking, biological ties that are not nurtured by continuous, binding social activity fade in importance over time. Cultural awareness of sociality, attachment and cohabitation constitutes ‘family’. If some of these ideas become dominant in the Norwegian understanding of kinship and family, downplaying biological roots and putting sharing, sociality, cohabitation and attachment theory up front, *kinning* of foster children *might* be made easier. According to Howell (2006) one significant criterion for successful *kinning* is that kin idioms or labels, such as mother, father, son, daughter, brother and sister, are used among those living together. I suggest that this will become easier for foster children if biological heritage is put in brackets. In other words, I suggest a change in the understanding of family, which Halså (see Halså’ chapter in this book) argues is the case to some extent among the young people in her study. Some of them started to call their mother’s boyfriend ‘father’ due to a lack of contact with their biological father and, as mentioned above, a girl in my study defined ‘family’ for her ‘as the people I love’. In other words, ‘family’ as a phenomenon is dynamic and capable of change.

## Conclusion

The first question I aimed to answer in this chapter was ‘How is the idea of the best interests of the child represented in foster care, as tied to inclusion in families?’ I have argued that this principle is closely tied to the biological principle and the arrangement of staying in a stable foster home, which is what the children prefer because it makes them *feel safe* and *normal*. They experienced *being listened to* in varying degrees but were most often asked their opinion. Foster families are also expected to be in dialogue with biological parents, which was often experienced as challenging for both foster parents and foster children. None of the children expressed a wish for more contact with their biological family; in fact, quite the contrary.

My second question was ‘In what ways is inclusion of children in foster families challenged by the biological principle, that is, implications of the saying “blood is thicker than water”?’ By applying the concept of *kinning*, I argued that a successful *kinning* process can be undermined by the cultural dominance of the biological principle as enshrined in the best interests of the child and in both the Children Act (1981, amended 1997) and the Adoption Act (2017, amended in 2022). This is so because it makes it difficult for the children to apply kin labels to members of the foster family and to *feel normal* among peers. They were easily bullied and stigmatised when it became known that they did not live with their biological parents. Because of the cultural awareness of biological roots, foster children are reluctant to consider foster family as ‘family’ but do so *via-à-vis* the outer world in order to appear ‘normal’ and avoid troubling questions about their heritage. The length of stay in the foster family and the age at which they moved in influence how they experience and think of the foster family. The longer they have stayed and the younger they were when they moved in, the more successful *kinning* appears to be.

My last question was ‘How can biomedical/biotechnological development combined with anthropological literature inspire a reconstruction of kinship and family in Norway?’ I have suggested that reduced emphasis on biology and increased focus on the significance of sociality, cohabitation and attachment quality for social inclusion may increase the success of *kinning* of foster children in foster families. I suggest a possible solution through a reconstruction of family and kinship as a consequence of innovations in biomedicine and biotechnology that often make it difficult and complicated to trace biological roots, and thus to prioritise ‘blood before water’. In addition, this development resonates well with new (old) ideas of family and kinship. As such, as a result of this development in artificial reproduction and thus cultural change, we *may* see a de-biologisation of the present Children Act (1997), Child Welfare Act (2023) and Adoption Act (2017, 2022) with the psychological principle included; in sum, resulting in new cultural meanings of ‘family’ and ‘kinship’.

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