



## Forensic Social Work in the Slovak Republic

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*The paper identifies the basic areas of forensic social work in the Slovak Republic. It defines the theoretical basis of forensic social work, its synonymous alternatives, and it describes actual performance in the crime-related social work practice. The aim of the paper is to report on the implemented research using an integrated research strategy in social and legal protection of children and social curatorship in the Slovak Republic. The research has identified this area as one of the most demanding in the Slovak environment through evaluating the social interventions used by forensic social workers in the forensic practice. The qualitative research focused on the identifying of other problem areas that in crime-related social work practice and on discovering a forensic social worker's possibilities and needs in Slovak social work. The results of the research indicated highly rated effectiveness of social interventions in the studied area, as well as an in-depth insight into the changes proposed by social workers.*

Keywords: forensic social work, social and legal protection of children, social curatorship, social interventions, Slovak Republic

## INTRODUCTION

The topic of forensic social work in Slovak conditions has been actively researched since 2016. Balogová (2016) offers the Slovak academic community new theoretical concepts directly related to the practice, thus stimulating reflection on innovation for social work in a global context. The division of social work into specialties (such as forensic social work, clinical social work, or school social, as recognized in Slovakia) helps to shape social work and specify its educational agenda. The paper describes forensic social work in relation to its theoretical and practical concepts in the Slovak Republic.

The historical roots of forensic social work are in the United States and Great Britain (Barker and Branson, 2000; Killian and Maschi, 2009), which is evident from the level of its development in comparison with Slovakia (Balogová, 2016; Šarišská and Balogová 2019a). The forensic area of social work is present in the Slovak practice from the very beginning, but this new terminology has not been used. The paper derives from the conceptual framework which is in more detail presented in our other works (Šarišská and Balogová, 2021a, 2021b; Balogová, Šarišská and Knurovský, 2021; Balogová, Šarišská and Hamadej, 2020a, 2020b).

Various research activities indicate that the Slovak practice in crime-related social work has its limitations. The research results, briefly discussed in the present paper, also support this claim. The findings identify differing competences of social workers in specific departments. The broad span of forensic social worker activities may hinder targeted use of contact, help, support, and overall care of forensic client. Based on the analysis of several sources such as Ondrejko (2001), Jacob (2011) and Lang (2010) we can argue that low contact with a family whose member shows signs of pathologizing behavior, proves to be ineffective. Selected effective interventions used in the Slovak practice of crime-related social work (for example social diagnosis, social anamnesis, parenting skills training, case management and more), available in the current practice, can solve forensic situations of clients not only at the individual level but also at the group (and therefore also family) and community levels.

As shown by previous research as well as real practical experiences of forensic social practice in Slovakia, the group and community forms are problematic due to few opportunities of contact; this causes a client to be drawn back into a risky way of life. We consider the role of a forensic social worker to be crucial in such situations. The question is whether the work and help of forensic social workers is possible considering what tools, methods and techniques are currently available in social work in Slovakia, which is declared by e.g. Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Curatorship. This is also one of the questions in the research under discussion.

The theory of forensic social work in the Slovak conditions is delineated within the ethics of social work (Balogová, 2020) penitentiary and post-penitentiary social work (Kleskeň, 2016), the concept of law for social work and, last but not least, in individual areas of practical performance (Šarišská and Balogová, 2019a). The paper also offers selected results of the conducted research in social and legal protection of children and social curatorship as one of the areas of crime-related social work practice in the Slovak Republic. The intention is to deal with social interventions in mention are of forensic social work in Slovakia, that has undergone both legislative and practical changes in their practice. In addition, attention is also paid specifically to forensic social workers and their professional discussion on the current functioning of practice in the area concerned, its potential for improvement in specific spheres.

## THEORETICAL INSPIRATIONS FOR FORENSIC SOCIAL WORK IN THE SLOVAK REPUBLIC

Lulei (2011) spoke about indeterminacy or chaos in defining forensic social work. Since then several authors (e. g. Balogová, 2016, 2017, 2020; Balogová, Tomášiková, Kášová, Poľáková, 2021; Levická, Patyi and Danišová, 2016, Šarišská a Balogová, 2019c, 2020; Boriščáková, Balogová and Hamadej, 2022) have dealt with forensic social work in Slovakia, namely with forming its theory and applying it in the academia, with changes

in practice, or they researched it. In the conceptual framework, ethics as a science is directly linked with what is necessary in working with a forensic client.

Human life is considered the most important concept in the forensic field of social work in connection with the solution of various forensic events such as problematic behavior among youth, committing criminal activity among youth or adult clients, neglect of parental responsibilities, and others (Balogová, 2020). A person's life is considered the highest value in connection with ethical categories, such as the good, life, welfare, justice, and others (Act No. 460/1992 Coll. on Constitution of the Slovak Republic; Act No. 23/1991 Coll. on Bill of Rights). In addition to this narrow view, it is also important to consider a wider concept of the environment. An environment significantly affects the life of a forensic client and their family. The narrow view considers the concept of person – family – environment.

The ethical dimension has been part of the social work agenda since its inception. The philosophical definition of the concept of ethics defines it as a discipline dealing with the study of morality. At the same time, ethics pinpoints the principles that are supposed to show a person what to do and how to behave towards other people. Ethics also includes the concept of the good that can be acted upon. Similarly, it believes in fellowship and human dignity (Bilasová and Geremešová, 2018; Jemelka 2008; Šarišská and Balogová, 2018).

In connection with ethical theories in forensic social work practice are analyzed primarily ethics of responsibility, ethics of social consequences, and ethics of justice. The ethics of responsibility offers a view of the ethical dimension primarily in relation to the forensic client. It can be applied, for instance, when a client is able to judge self-responsibility, while analyzing one's actions as possible consequences in terms of violation of standards. The social consequence, as part of consequentialism, denotes the human decision in the sense of the one's mere action. In the theory analysis, we specifically focus on responsibility that is fully present in forensic social work when working with a client. What is meant here is a client's responsibility for the social consequences of their antisocial behavior (in Slovak literature, antisocial behavior is defined in the typology of deviant behavior. Its content is primarily behavior that we refer that it is directed negatively against society, i.e. behavior that is already against social norms. It may also violate legislation (e.g. additional alcohol use with noisy behavior, disturbing the peace at night or verbal attack on family members) in terms of violation of standards. From a philosophical point of view, the ethics of justice focuses on areas, such as respect for legal norms, for the rights of others, and for civil relations (Bilasová and Geremešová, 2018).

In addition to ethics, the theory of forensic social work in the Slovak Republic is also dealt with in legislative standards determining its form, content, or performance. These include:

- Act No. 219/2014 Coll. on Social Work,
- Act No. 448/2008 Coll. on Social Services,
- Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Curatorship,
- Act no. 300/2005 Coll. on the Criminal Code
- Act no. 301/2005 Coll. on the Code of Criminal Procedure
- Order No. 38/2019 on social work in custody and imprisonment,
- Act No. 475/2005 Coll. on the Execution of a Prison Penalty.

The normative analysis of individual legal regulations can be found, for example, in the monograph on forensic social work by Šarišská and Balogová (2019a), in a paper by Šarišská, Balogová and Hamadej (2020b), and others (included in the Bibliography). All in all, it can be argued that these standards clearly declare who a social worker is, or they explain who a forensic social worker is. On the basis of legislative analysis, the mentioned authors present in the mentioned sources the field of forensic social work in Slovakia, which are social work in prisons, in social service homes, in dealing with the issues of mental health and crime, in centers for children and families, in resocialization and re-education facilities, and in other social work institutions. The analyzed specialized theories of forensic social work include anti-oppressive theories, ecological theories, socio-ecological theories, social intervention – sociotherapy. Socio-ecological approaches

(Šarišská and Balogová, 2019a, 2019b; Levická, 2017; Levická et al., 2012; Navrátil, 2001) constitute a structural concept for building and implementing forensic social work in practice. The concept of connecting a client and the environment in which they live is an integral part of the implementation of working with a forensic client.

Germain (1979) claims that socio-ecological approaches appear in many academic disciplines or professions, such as psychiatry, nursing, education, and psychology, but also social work. In general, he views ecology as the interlinking of relationships between people and aspects of the environment. The ecological perspectives provide an insight into what nature and consequences such interlinkage has for people and the social environment in which they operate. The perspective deals with the growth, development, and the potential of a human being, as well as with the characteristics of their environment that either support or do not support the expression of human potential. Similarly, social functioning in forensic social work is narrowed to an interest in the adaptive potential of people and the properties of their environment. Practice is thus aimed at improving transactions between people to enhance adaptation capacities and improve the environment for all who operate in it.

The above theoretical outputs are characterized by being targeted and directly applicable to work with a forensic client. The theory, practical application or legislation have found their place in today's Slovak forensic social work. Nevertheless, we consider it important to present the perception of forensic social work in theory and practice of social work in the next part of the paper.

## **THEORY AND PRACTICE OF FORENSIC SOCIAL WORK IN SLOVAKIA**

The objectives of forensic social work are defined primarily in relation to the client in the conditions of Slovakia. This includes tasks, such as (Balogová, 2016): 1. improving the client's social functioning; 2. promoting social justice through social policy; 3. linking clients with resources; 4. improving the availability of social services. In relation to workers, the purpose of forensic social work is to support a client whose problems are related to legislation (mostly related to insufficient social policy measures or to social and legal protection of children). Even though these goals are translated into Slovak forensic practice, we agree with Levická (2017) that forensic social work is not sufficiently established in the legislative and practical conditions of Slovakia. This assertion is somewhat true, but only to the extent of how it differs from foreign practice. Forensic social work is present in Slovakia, both in theory and in practice. This is substantiated by the presence of specific institutions and organizations of social work the professional activities of which fall within the semantics of the term forensic (e. g. Ministry of Labour, Social Affairs and Family of the Slovak Republic; Central Office of Labour, Social Affairs and Family; Local Labour Office, Social Affairs and Family; Center for Children and Families; accredited institutions with a resocialization program e. g. Gréckokatolícka charita Prešov, ReSocia, n.o. or civil associations for work with risky clients, such as The STORM association).

These activities include:

- Forensic social work in criminal law,
- Forensic social work in social and legal protection of children,
- Forensic social work in social curatorship,
- Forensic social work in mental health,
- Forensic social work in advocacy.

Such division of activities is carried out through institutions of forensic social work in Slovakia such as: offices of labor, social affairs and family – department of social and legal protection of children and social curatorship, centers for children and families, facilities for the execution of penalty and execution of detention, houses of social services, courts, and others.

Based on more extensive analyses, activities of forensic social work in Slovak conditions were also identified as (Šarišská and Balogová, 2019a, p. 22):

- focusing on target groups of persons who primarily committed a criminal offence, who are in criminal proceedings, or who are in or out of custody
- orientation towards a wide range of clients (without specification of demographic categories)
- the subject of interest in forensic social work is the social dimension of the person committing crime – namely the relationship framework of the client and their surroundings, the client's relationship to himself/herself, predictors presenting possible crime, circumstances of starting the crime
- the role of forensic social work consists in assessing and diagnosing the client in their criminal activity and then determining interventions in line with the results of the assessment
- professionals focus on accompanying, supporting, using social therapy aimed at dealing with the reality of imprisonment, analyzing the committed act, maintaining social relations, strengthening social functioning, and the ability to socialize again when released from prison.

Perhaps difference in the Anglo-Saxon and Slovak practice of forensic social work can be seen in the powers that forensic social workers have. Based on a qualitative interview with a social curator as an input social probe, the following differences were identified.

**Table 1: Differences in the powers of a forensic social worker in Slovak and foreign practice**

<b>The position of a forensic expert</b>	
<b>Foreign Practice</b> The forensic social worker acts in the role of a forensic expert (or expert witness).	<b>Slovak practice</b> “Neither the social curator nor the social and legal child protection worker acts as a forensic expert. For the purposes of court proceedings and criminal proceedings, professional forensic experts are trained and approached by the court or law enforcement authorities, and they prepare expert opinions for them. For the preparation of expert opinions, forensic experts receive the remuneration paid to them by the state (court or the PD). Lists of accredited forensic experts for the region are available in each court and the regional PD.”

**Additional Information**

This interviewee’s response is also supported by the legislation of the *Slovak Republic*, namely *Decree No. 228/2018 implementing Act No. 382/2004 Coll. on Experts, Interpreters and Translators and on Amendments to Certain Acts, as amended*. This decree contains a list of expert disciplines and sectors. While social work as a field of expertise or a social worker as an expert is missing, *related branches of social work* are included in this list. In relation to social work, it is primarily *psychology* (clinical – children and adults, counselling, psychology of sexuality, traffic psychology...), *health and pharmacy* (pathology, pediatrics, psychiatry), *criminology* (e.g. forensic toxicology), *and social sciences and humanities* represented by political extremism and religious extremism.

<b>Submitting the evaluation to the court</b>	
<b>Foreign Practice</b> The forensic social worker evaluates the client and then submits these evaluations to the court.	<b>Slovak practice</b> "At the request of the court or law enforcement authorities, a social curator or a worker of social and legal protection of children in the role of an under-tutor or tutor in criminal proceedings examines a child’s family conditions, housing and social conditions. For performing the role of an under-tutor in adjusting parental rights and obligations to a minor child, the SLP seeks information on the competence of both parents to take care of the child, the views of both parents on ensuring the child's needs....., the child’s opinion (Section 20 of Act No. 305/2005 Coll.). Then they prepare a detailed social investigation report and submit it to the court or law enforcement authorities."

**Additional Information**

In this context, we find common areas in practical interventions. The difference is that a forensic social worker takes a role of under-tutor who, as in foreign practice, submits reports to the court, if so requested.

<b>Submitting the results of criminal investigation to the court</b>	
<p><b>Foreign Practice</b> A forensic social worker may participate in the criminal investigation and present the results of the investigation to the court.</p>	<p><b>Slovak practice</b> The Social Curator does not investigate cases of criminal activity (as opposed to foreign practice). However, at the request of law enforcement authorities, they may be present during investigative acts in the case of interrogation of a person under 18 years of age. In addition, for the purposes of criminal proceedings, they prepare a report on social investigation in the child's household, and they submit it to the court.</p>

**Additional Information**

The difference between foreign and Slovak practice lies in the advanced powers of a forensic social worker to participate in the investigation of cases involving crime in the former. However, Slovak practice places the social curator in a significant position as a person who can obtain information through a visit to the family and conducting interviews with the child and their parents. These claims are also confirmed by the Slovak Republic legislation, namely by the Criminal Code No. 300/2005 Coll.

<b>Suggesting the problem resolution, penalties, or rehabilitation of clients</b>	
<p><b>Foreign Practice</b> A forensic social worker suggests ways of case resolution, penalties, or rehabilitation of clients found guilty of a crime to the court or other legal authorities.</p>	<p><b>Slovak practice</b> If a social curator or a social and legal protection officer participates in court proceedings, they have the right to ask questions and give a final speech containing the evaluation of their investigation and other findings through intervention methods. They also have the right to make recommendations to the court with a proposal on the case resolution, penalties in accordance with applicable legislation, but the decision is always made exclusively by the court.</p>
<b>Cooperation in the execution of a public service sentence</b>	
<p><b>Foreign Practice</b> A forensic social worker may communicate and advise public service persons on</p>	<p><b>Slovak practice</b> Slovak practice does not allow a social curator or a worker of social and legal protection of children to supervise the convicted person in the performance of a public service sentence.</p>

how to treat this client.	
<b>Mediation and Probation</b>	
<b>Foreign Practice</b> A forensic social worker may act as a mediation and probation worker.	<b>Slovak practice</b> There is a similar difference in the performance of the role of mediation and probation officer as Slovak practice does not allow a social curator or a worker of social and legal protection of children to perform this task. For the implementation of mediation or probation, special employees or court employees are appointed according to the applicable legislation, namely <i>Act No. 550/2003 on Probation and Mediation Officers</i> .

Source: original research

We conclude that the mentioned facts provide basic information about Slovak forensic social work and especially inform about the specific areas that are dealt with in crime-related practice in comparison with foreign practice. As we outlined in the introductory parts of the paper, based on political, social, and later legislative changes, several amendments were made in the legislation dealing with the selected area of forensic social work. It is social and legal protection of children and social curatorship, which is directly under the guidance of Act no. 305/2005 Coll. The following part of the paper presents the findings that are important for us, authors, but also for the practice of social workers in terms of the further need to identify problem areas and the possibility of setting operational changes for effective forensic practice.

### Subheading if Necessary

## METHODS AND RESULTS: FORENSIC SOCIAL WORK RESEARCH IN SLOVAKIA

Following the changes that took place in 2020 and 2021 in social and legal protection of children and social curatorship as one of the areas of crime-related social work practice in Slovakia, we are interested in whether the work in these departments has become more effective. We present the quantitative analysis, the aim of which is to map the effectiveness of selected social interventions of a forensic social worker when working with a forensic client. Through the questionnaire method, we evaluated 19 social interventions used in working with a juvenile forensic client, also declared by the above-mentioned law and other standards (e.g. advocacy, sociotherapy, case management, mediation, probation, prevention, case conference, networking, retraining, resocialization, streetwork, parental skills training, social skills training, medical history, specialized counselling, social assistance in terms of social benefits, social diagnostics, family remediation, family visit, accompanying the family, behavior management measures, assessment activities). The research sample contained 107 respondents from all regions of Slovakia, namely social curators working at the Departments of Social and Legal Protection of Children and Social Curatorship. As it was an original questionnaire, its piloting and measurement of the validity and reliability of individual scales was carried out.

**Table 2: Reliability of the questionnaire scales after its validation**

	Cronbach's Alpha	N of Items
<i>Scale of relationship between undesirable behavior and pathological family environment.</i>	843	5
<i>Scale of effectiveness of selected techniques used by a forensic social worker in interaction with a client with undesirable behavior.</i>	980	95
<i>Scale of effectiveness of selected techniques of forensic social worker when working with pathological family environment.</i>	984	95

Source: original research

Descriptive statistics were used to process frequencies, minimum and maximum values, mean values, and their comparison. Inductive statistics was used to determine instrument reliability (Cronbach's Alpha), verify correlation hypotheses (Spearman's correlation coefficient). To verify causal-comparative hypotheses, calculations of averages and their comparison (U Mann Whitney test) was used. The data were processed through the statistical software SPSS 17.

Out of the findings obtained, we mention only those that we consider to be most beneficial and relevant in relation to the topic of the paper. The assessed social interventions reached different levels of the mean score ( $\bar{x}$ ; min. = 9; max. = 21), which confirmed that the current forensic social work in the given departments considered the most effective tools when working with a juvenile forensic client to be a family visit ( $\bar{x}$  = 18.55), medical history ( $\bar{x}$  = 18.21), and specialized counseling ( $\bar{x}$  = 17.93). This result shows that these are social interventions that are used in the first stages of working with a client, when a forensic social worker creates direct contact, relationship, and trust with a client. It creates a space for open and honest communication based on understanding and interpreting the client's needs and the society's needs, on identifying problem areas in the client's social functioning and solving them. It was social interventions at this so-called first level that were assessed as highly effective. However, the surprising result was also that all 19 social interventions were considered time-consuming in the current performance of forensic social work in Slovakia. Statistically significant data were also confirmed by the qualitative questions of the questionnaire, which provided respondents with a space for their own reflection and free assessment of the current practice with a forensic juvenile client.

**Respondents' selected statements:**

"After the first year of intensive work with the client and their family, slight improvement in the functioning of the client and their family can be seen." ... "Systematic, almost everyday meetings and task achievement control." ... "If the client remains in the original pathological family or wider social environment, any professional intervention becomes ineffective." ... "An awful lot, but with that much agenda, it is not possible to provide 100% assistance to clients."...

"Sometimes a family visit is unnecessary, an interview at the office is enough." ... "Yes, in a family that is otherwise functional and there was one offense, it was necessary to bail out the family." ... Behavior management measures that need to be imposed on clients even if they are unwilling to cooperate and are thus ineffective." ... "Bureaucracy, paperwork and records when working with families. It is important to have personal contact with the client, an interview, etc. Not records and reports." ... "The problem here is the system as such – unnecessary bureaucracy instead of the possibility of spending more time with the client and family." ... "Excessive administration, lack of time, failing cooperation and communication between aiding bodies, sometimes reluctance to respond at all from specialist workplaces, etc." ... "Useless bureaucracy, a million statistics reports... I spend more time writing than working with a client." ... "Bureaucracy is extensive,



many obligations that we have to fulfill according to internal standards are unnecessary from our point of view, e.g. 6-page evaluation of the child's and their family's life situation." ...

This and other similar statements of the respondents helped to identify the following problem areas, which make the highly effective social interventions look unproductive. These include: the time-consuming nature of these social interventions, the pathological environment to which the juvenile forensic client returns after correction, and the high number of clients per worker.

## CONCLUSION

The present paper reports of forensic social work in Slovakia. The authors identified the basic theoretical starting points as well as the perception of forensic social work in local conditions. The above research findings briefly define the path that forensic social work research is currently taking and briefly identify other levels that deserve the attention of social research. On the theoretical-empirical level, forensic social work demonstrably points to the ever-present risk in the client's life, which to some extent culminates in antisocial behavior. The activities of social workers currently working with these target groups are clearly specified and supported by legislative measures.

Even though the work of social workers of the Department of Social and Legal Protection of Children and Social Curatorship is elaborated in detail in the structure of their tasks and powers, we still encounter the problems of clients that belong into their agenda. This fact is not perceived as a negative phenomenon caused by the workers themselves; on the contrary, their work is demanding, from our point of view, and should be appreciated. The negative ones are structural, organizational or personnel issues which on the one hand ensure the performance of this sphere of social work, but on the other hand contain gaps that are not secured. This causes the continuous occurrence of undesired behavior of a juvenile forensic client, pathological family environment, or specific anti-social behavior.

### Notes

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