

Children at Risk

A Multifaceted View

English version

Research on children at risk has been attracting growing interest. As stated, it is a window that opens up to the world of childhood, or that opens up for many possible childhoods in the world, and to children's existential conditions (Martins, 2010, *editor's translation*). Or, we would say, research focused on children at risk offers a perspective on how the relationship of people and institutions with children has changed in time and space, following the process of global and cultural transformation.

Child at risk and abused and neglected child are distinct though related concepts. The concept of abused and neglected child, as it is legally defined, implies the existence of one of the following conditions: (a) The child is abandoned or lives in his/her own right; b) The child suffers physical or mental abuse or is a victim of sexual abuse; c) The child does not receive age appropriate or personally relevant care or affection; d) The child is in the care of third parties, during a period of time in which a strong connection was established, while simultaneously the parents failed to exercise their parental functions; e) The child is obliged to carry out work activities that are excessive or inappropriate to child's age, dignity and personal situation or harmful to child's development; f) The child is subject, directly or indirectly, to behaviors that seriously affect his/her safety or emotional balance; g) The child behaves or engages in activities or consumptions that seriously affect his/her health, safety, education or development without the parents or the legal guardians objecting it in an appropriate manner (Law no. 142/2015, of 8 September).

Therefore, while the concept of abused and neglected child has full recognition in the law, the concept of child at risk requires psychological evaluation and it means that the child is experiencing potential danger. As D. Frey describes, in psychological assessment the term "at risk" "indicates a high probability that an individual will develop specific behavioral syndromes or mental health problems". In certain circumstances the maintenance or exacerbation of risk factors may lead to dangerous situations in the absence of protective or compensatory factors (Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens, 2017).

The topic of children at risk that the Soroptimist International Club of Tavira¹ has decided to

¹ The Soroptimist Internacional Clube de Tavira was legally created on March 28, 2015. In the scope of its activities, special attention is given to the themes Women, Health and Education. Specifically on the theme of this book, the same association organized the international colloquium Children at Risk - a Multifaceted View, which took place in Tavira on August 5, 2016.

address in this book has been gaining increased academic interest as can be attested by the number of publications dedicated to this topic. For example, research carried out on March 10, 2017 in the Portuguese Scientific Open Access Repository (RCAAP) using as a keyword 'children at risk' resulted in a total of 4,575 documents, of which 1,751 are master's dissertations, 1,596 are articles, 697 are PhD dissertations, 175 are final graduation dissertations and 134 are conference papers. In particular, we observe a growing, almost uninterrupted, trend concerning the number of PhD dissertations: 34 in 2007; 34 in 2008; 49 in 2009; 44 in 2010; 48 in 2011; 50 in 2012; 67 in 2013; and 222 in 2014 (Portuguese Scientific Open Access Repository, 2017). These figures document the recent investment in disseminating scientific research in Portugal related to this topic. In addition, these figures reflect a commitment to contribute to a more effective intervention, seeking to reduce the breadth and consequences of risk factors that jeopardize a child's full development (and as a consequence, ultimately call into question the future of the country).

Media often publicizes cases of children who are victims of violence. These cases appear to have been cut off from stories of the past, and some are associated with failures of the abused and neglected child's protection system. This news has a profound impact on public opinion. In Portugal where the divorce rate in 2013 reached 70.4% (PORDATA, 2017), every year an average of 19,000 cases of parental responsibility regulation are discussed in court (Bastos, 2017). Every year 73,000 processes of promotion and protection of children are open; these processes are examined by 308 commissions for the protection of children and young people, which, in 2015, involved 5,388 technicians (Rodrigues, 2017). Nevertheless, available statistical data show that since the beginning of this century, the number of children and young people living in tutelary institutions has been decreasing, especially concerning age groups 12 to 15 years old. Figures also point to a decrease concerning the age group of 16 years old and above, except for the period of the most recent Portuguese financial and economic crisis (INE, 2017). These data suggest that the relationship between the social impact of known cases of abused and neglected children and the dimension of the phenomenon may not be a direct one.

In this respect, it should be remembered that the scientific literature has revealed a "spectacular decline of violence for the last seven centuries", the most visible aspect of which is the reduction of murder and infanticide in Western Europe. This trend may have resulted from the repression of a culture of virile honor, which implied the use of bloody violence as a form of interpersonal and intergroup conflict management, associated with the strengthening of Church and State powers and the extension of universal education based on growing scientific knowledge aimed at educating young people's customs and behaviours. The process was long, but it produced relevant

results (Muchembled, 2014). In this long process, murder and infanticide have gone from inevitable and invisible to avoidable and intolerable, and their authors started to be classified as inhuman as or less than human.

The Portuguese State played a central role in the above mentioned process of declining violence. In the 19th century, diminishing peoples' risk of death became a goal and responsibility of the State. And accordingly many actions centered on the prevention of infanticide, malnutrition and epidemics that mainly decimated children were implemented. The relative success with these actions and the political and cultural transformations of the country throughout the nineteenth century required the reformulation of the concept of children at risk, as can be seen from the historical perspective offered by **A. Anica** in this book.

Taking a look at contemporary socioeconomic transformations, **M. Freire** explores the relationship between the process of urbanization, development, inequality and living conditions of children and their families. In addition, she explains the importance of public investment to ensure quality care in child support, especially in the Portuguese case, given the situation of Portugal in the international context.

The text by **D. Frey** deals with the definition of the concept of child at risk from a mental health perspective and its behavioral consequences and presents a multidimensional model of risk factors in children (maternal, nutritional, environmental, traumatic and stress), considering the different contexts -- community, family and individual. His text further clarifies the type of interventions that should be promoted to reduce the risk factors in children with disruptive behavior disorders.

P. Piedade & L. Picoito characterize how domestic violence affects children in Portugal, as well as the lawful processing of this type of violence. **S. Rufino** uses the current model of promotion and protection of children and young people to analyze how this model was implemented in the concrete case of the municipality of Tavira. Focusing further on the analysis, **I. Castelo** presents a case study to elucidate how the clinical psychologist in the exercise of her professional activity accompanies an abused and neglected child. Finally, **M. Horta** relates a case she experienced as a childhood educator, to exemplify how, in a kindergarten class context, it is possible to contribute to overcoming the disruptive behavior of children at risk.

In short, the present work aims at contributing to a multidimensional view of the child at risk, articulating the diachronic perspective, centered on the relationship between the process of (re) structuring the concept and the process of socioeconomic and cultural transformation in the contemporary era, with the synchronic perspective, favoring the contributions of the

psychological, legal and educational approaches to understand the phenomenon, both from a theoretical and a practical perspective.

References

Bastos, J. P. (14th April 2017). A mãe cuida, o pai sustenta. *Expresso*, p. 18.

Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens. WEB site, 2nd April 2017: <http://www.cnpcjr.pt/left.asp?13.02>

INE. (2017). Jovens internadas/os (N.º) em colégios de acolhimento para educação e formação e centros educativos por Sexo e Grupo etário; Anual (1). WEB site, 15th April 2017: https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indicadores&indOcorrCod=0007350&contexto=bd&selTab=tab2

Lei nº 142/2015, de 8 de setembro (3ª versão da Lei de Proteção de Crianças e Jovens em Perigo ed.). Diário da República, 1.ª série — N.º 175 — 8 de setembro de 2015.

Martins, P. C. (2010). A Proteção das Crianças e Jovens em Risco. Em P. Guerra, A. Leandro, & Á. L. Lúcio, *Estudos em Homenagem a Rui Epifânio* (pp. 317-334). Coimbra: Almedina.

Muchembled, R. (2014). *Uma História da Violência. Do final da Idade Média aos nossos dias*. Lisboa: Edições 70.

PORDATA. WEB site, 14th April 2017: <http://www.pordata.pt/>

Repositório Científico de Acesso Livre. (2017). WEB site, 10th Mars 2017: <https://www.rcaap.pt/>

Rodrigues, R. (24th February 2017). Em Defesa das Comissões de Proteção de Crianças e Jovens. *Público*.

1. Children At Risk: A historical perspective of the concept

Aurízia Anica

The recognition of the need for special protection for children took centuries to build in European societies. This process took place unevenly and at different rates in place and time and among social groups. A vast body of scientific literature has now been developed since Ariès (1960) launched the debate on this issue (King, 2007). The evolved perceptions of the child at risk and the responses that these made possible also changed over time (Lopes, 2002). The present chapter aims to contribute a historical perspective of this process in Portugal, focusing on the evolution of the concept of children at risk and the conceptualized objectives of the institutional responses which offered protection to these children in the period between 1867 and 1978, that is, during the evolution period of the current children and youth protection system.

1. "Exposed, helpless and abandoned minors" in the constitutional monarchy

Broadly, it can be said that in Portugal, since the end of the eighteenth century, but especially since the mid-nineteenth century, the development of a new culture valuing children has emerged. This new culture increasingly integrated more social classes in the processes of change and positively affected people's material and non-material conditions. As a result, in this period the living conditions improved, the population increased and urbanized, and mortality rates declined, particularly infant mortality. In addition, health and the management of population behaviors gained a central place in public policy priorities, which required the state-centralization of education and the monopolization of the use of violence by the state. In this context infanticide and homicide became more intolerable and anyone committing such acts was considered sub-human, a monster, or a "hyena" (Anica, 2010). The patriarchal violence exercised within the family began to be criminalized by the judicial system. In the interest of society, more attention began to be directed to women, especially mothers; and particularly, criticisms concerning parents' anonymity became widespread in response to an intensification of children abandonment practices (including leaving them in hospices).

Education and a concern for justice played a major role in this process: intervention was extended from the urban centers to the rural areas, effectively penalizing the mistreatment of women and children, which often resulted from a traditional "honor culture". At the same time, efforts were made to control, support and re-socialize, within the principles of domesticity, those women

considered likely to endanger the lives of their offspring (Anica, 2005).

It had long been understood that it was in the interest of the state to find a way to save the children who were deposited at the *Roda* (Wheel), who were often decimated by "scourges" of high infant mortality². The *Roda* was an anonymous drop-off device, a wheel-like apparatus connected to a foundling home, dating back essentially to the Old Regime. It was reformed in the late 18th century by the General Police Department and by Passos Manuel³, and it was subsequently re-adapted in order to conserve resources and to prevent exposure. In the Algarve, where the system had been reformulated in the years 1841 and 1862 (Anica, 2001), anonymity⁴ was, unfortunately, still an opportunity for children to be abandoned by anyone. In Portugal, the first attempt to extinguish this system (in 1867⁵) had the consequence to assert the primacy of parents' caregiving functions and to reinforce the mechanisms of control and public assistance to the women considered potentially "abandoning" that had been advocated since 1841.

The Regulation for Hospices of the Exposed, published on August 1, 1872⁶, replaced the *Roda* for Hospices, a new childcare system for the «exposed, helpless and abandoned minors» which included children up to seven years old. Hospices were under the responsibility of the Municipal authorities. From seven to eighteen years old, the childcare responsibility was attributed to a Court of Law. This system was accompanied by measures to control and assist the needy mothers for the purpose of preventing exposure and abandonment. These measures began to show positive results when the budgetary restrictions were softened (Anica, 2001). Later, the Regulation for the «exposed, helpless and abandoned minors» of 1888⁷ sought to standardize minors tutelary model based on the principle of controlled admission. This regulation applied to

² Child mortality rates varied greatly from year to year. Sometimes the number of victims (dead children) was higher than the number of children on the wheel (Anica, 2001). The greatest number of deaths occurred in the first year of life. In general about half of the children did not survive beyond seven years of age (Veiga, 2004:101).

³ The Circular Order of the General Police Office, dated May 24, 1783, had restructured the old wheels, assigning them the supervision of the Municipal Ombudsmen and, in the last instance, of the General Intendent of the Police. By decree of September 19, 1836, the wheels were supervised by the Administrative Districts and the central government, which had the sole authority of the decisions on the size and location of the wheel network and its budgets.

⁴ I. Sá placed in time the care system of abandoned children based on the anonymity of the abandoners that characterized the society of the Old Regime between the Manuelina Orders and the first attempt of extinction of the wheel in the country in 1867 by decree of November 21 of Minister Martens Ferrão (Lopes, 2016; Sá, 1992).

⁵ The 1st Civil Code (1867) assigns the guardianship of abandoned children and children of miserable persons to the municipal councils, who are responsible for deciding the amount of the allowance to be granted to the parents of the children in the latter case.

⁶ Regulation for the Hospices of the Exposed of August 1, 1872 and its amendment of August 26, 1873 (Anica 2001).

⁷ Regulation published by decree of January 5, 1888: Regulation for the service of exposed and helpless and abandoned minors. Official collection of Portuguese Legislation, year 1888, Lisbon, National Press, 1889.

the following situations: a) "exposed": children of incognito parents who did not provide a home to the children; b) "abandoned": children of known parents who disappeared without leaving their children in the care of others; (C) "helpless": the offspring of parents who, by death, imprisonment, deportation, advanced age or illness, could not feed themselves or had relatives who could do so. The process of replacing the *Roda* system with the Hospice system in the second half of the 19th century, which was the genesis of the contemporary children tutelary system, was slow, non-linear and non-uniform, as noted by Lopes (2016).

Public control and assistance to needy mothers and children, compulsory schooling and the professional training of children under the responsibility of public authorities are legacies of the Portuguese constitutional monarchy. Also, prolonged and heavy child labor, in which child's maltreatment was frequent, was regulated according to the conditions of its exercise and the workers' age⁸. The focus of the reformers was public health, especially the health and moral formation of the mothers, which the new science of Criminal Anthropology attributed the healthy growth of the children. In addition, new knowledge and resources were applied to this field; including childcare, pedagogy, vaccination, new hygiene habits, pasteurization (Rodrigues, 2013; Vaquinhas & Guimarães, 2011). So, at the end of the 1800s the decline of infant mortality rates reflects the improved living conditions, and also the process of focusing increased attention on the child and the vigilance and care of the needy and "unprotected" women, i.e., the women without a husband who could protect them; in this process doctors, pedagogues and administrative authorities took on prominent roles. Later in the First Republic, greater emphasis was given to the new strategies developed in the second half of the 1800s to reduce children's exposure and abandonment.

The economic, social, and scientific transformations that characterized the second half of the nineteenth century were reflected in the decrease of mortality rates and in the increase of the life expectancy from 36 years old in 1864-1874 to 43 years old in 1890-1900 (Ramos, 2010). The infant mortality rate fell from about 250 per thousand in the early eighteenth century to about 181 per thousand at the end of the nineteenth century (Veiga, 2004)⁹.

2. 'Irregular' and 'abnormal' minors in the First Republic

⁸ Regulation for the work of minors and women in industrial establishments of any kind or under any direction of 14 April 1891, followed by the decree of 16 March 1893, by the law of 23 March 1891 and by the decrees of 6 June 1895 and December 29, 1895.

⁹ The values presented conceal very marked regional variations, as reported by Lopes (2002) and Veiga (2004).

In the First Republic the family was “reorganized” from the legal viewpoint¹⁰ and public responsibility to defend and protect minors at risk was strengthened; children at risk were children identified as being “in moral danger, helpless or delinquent”. These situations were the result of the lack of (or perversion of) care that was owed to the children and that the State would have assumed. In these circumstances, the concept of risk was broadened to integrate the child's health or moral training¹¹. The decree of May 27, 1911 established for this purpose the *Childhood Tutors*, and the *National Federation of Friends and Defenders of Children*, institutions that would initially function on an experimental basis. Based on the child's interest, the *Childhood Tutors*, a special collective court, had the power to constrain parental or guardianship functions and to enact preventive and re-educational measures, “under the motto: education and work”. The *National Federation of Friends and Defenders of Children*, a “moral and voluntary legal” union of institutions, aimed at “building a true system of moral and social hygiene” aimed at preventing child abandonment and neglect and at collaborating with the *Childhood Tutors* in the resolution of the cases judged therein.

Following the adoption of the Geneva Declaration of the Rights of the Children (1924) by the League of Nations, the Portuguese report (which supported the Decree No. 10767 of 15 May 1925) stressed the diversity of characteristics found in the group known as “abnormal minors” and noted the difficulty of distinguishing between normal and abnormal children. This report considered that “abnormal minors” was a heterogeneous group whose elements were difficult to distinguish, while sharing a common characteristic, namely, their inability to receive instruction and education through regular means. So, the Decree No. 10767 of 15 May 1925 proposed three groups of “abnormal” or “irregular” children, classified according to the nature of their deviation from the norm, as described:

- 1) Irregular minors due to social causes: children without physical anomaly or affected by only slight anomalies, not requiring a special regimen: e.g., abandoned, despised, mistreated, and depressed by the social, family and school environment.
- 2) Irregular minors due to biological or physical causes: e.g. weak, sick and crippled, but normal from the psychological and moral point of view.
- 3) Irregular minors due to psychological and neuropsychological causes. In this group,

¹⁰ With the adoption of the family laws of November and December 1910, marriage becomes a “purely civil contract” dissolvable by divorce and the norms for pursuing the investigation of illegitimate paternity and motherhood became defined; the rights of illegitimate children became established as well as food and help for mothers of illegitimate children.

¹¹ Decree with force of law of May 27, 1911, articles 26 and 27

children can still be distinguished on the base of abnormalities of the senses, of the movements, of the intelligence and of the character¹².

This decree was influenced by the Lombrose's critical theories of criminal anthropology; it was largely based on the prevailing themes at the Second International Congress on Child Protection and on reflection of the experience that had been accumulated since 1911. This decree highlighted the role of prevention, education and training in child protection. Each of these components should apply to "abnormal minors", considering their particular characteristics and the specific cases. Penalties foreseen in the Penal Code ceased to apply to these children and were replaced by the application of specific measures, measures which might fall somewhere between admonition to detention for educational purposes, and placement into a supervised occupational/professional work program, varying according to the diagnostic made on entry into the system. The *National Federation of Friends and Defenders of Children* was replaced by the *National Federation of Institutions for the Protection of Children*, with more autonomy and resources¹³.

In addition, this decree (Decree no. 10767, of May 15, 1925) extended the application of the rights of the minors to all the municipalities and it diversified guardianship institutions as follows: a) refuges for temporary detention for observation and diagnosis; b) reformatories for disciplinary detention, where the principles of educational pedagogy (based on the methods of Pestalozzi) were applied; c) more specifically, corrective institutions of detention for the cases considered more serious. Nevertheless, this decree still allowed the inclusion of "morally endangered" children (as declared by youth courts) in educational establishments and child treatment and hospital care centers which were under the supervision of other ministries.

The amendments introduced by the legislation on "abnormal minors" during the First Republic resulted in a two thirds reduction of the number of children under 18 years of age who were sentenced by a lower court to adult prisons and close to a twofold increase of detentions in correctional institutions (Marques, Miranda, Rolo & Rodrigues, 1991).¹⁴

¹² Preliminary report to Decree No. 10767 of May 15, 1925, *Diário do Governo I Série*, nº 106, p. 510. The typology of "abnormal underaged children" presented in this decree corresponded to the classification adopted at the II International Congress on Child Protection that considered three orders of factors: social, biological and psychological.

¹³ This would only be extinguished by Decree-Law 95/2002 of 12 April "because its attributions were gradually absorbed by other public entities, namely by the Institute for Social Reintegration".

¹⁴ In 1909, 1405 children less than 18 years old of age were sentenced to prison by the lower court; in 1926 these children totalized 441 of such cases. In 1909, there were 435 reported cases of children at correctional institutions and in 1926, there were 728 such cases.

3. Victims of "ill-treatment" and "maladjusted" in the Estado Novo (New State)

It was not until the second half of the twentieth century that a new view of the child started to emerge, a view that recognized the child in its specific and complex attributes rather than as merely a human being in preparation for adulthood. The Declaration of the Rights of the Child (1959) recognizes the right to equality, the right to special protection for ensuring child's full development, the right to a caring, affectionate and protective environment, as well as the right to freedom and dignity and the right to play¹⁵.

No explicit reference to the principles stated in the Declaration of the Rights of the Child (1959) is found in Decree-Law No. 44288 of April 20, 1962, which reformed the children protection system during the *Estado Novo* (a period of the Portuguese history from 1933 to 1974). Nevertheless, aligned with the new decree the Tutelary Courts¹⁶ were endowed with both criminal and civil powers for the «protection, assistance and education» in the field of «criminal prevention» for children under the age of 16 (or children less than 18 years old, who presented a "severe maladjustment to the discipline of the family, of the workplace or of the rehabilitation/assistance program to which they had been assigned"). Children in the following situations fell under the jurisdiction of the Tutelary Courts: a) minors' maltreatment, neglect and abandonment which could endanger their health, safety or moral formation; b) minors having serious difficulty adapting to a normal social life; c) begging, vagrancy, prostitution or debauchery; d) minors who have committed any crime under criminal law¹⁷.

In an effort to adapt to the objectives which had been redefined under this law, the guardianship institutions were further diversified along the following lines: a) observation centers for diagnosis; b) medical-psychological institutes for observation and internment of the mentally handicapped or irregular; c) re-education in institutes of internment for the purpose of appropriate education and apprenticeship; d) semi-boardings homes that allowed a special regimen of freedom associated with residence in the community and education or occupation; e) semi-free homes,

¹⁵ Three decades later, the perspective of the child, that is, "every human being under the age of eighteen years", would be deepened as an active subject of his development, capable of influencing the environment in which he/she intervenes. In the Convention on the Rights of the Child (1989), approved for ratification in Portugal in 1990 (Resolution 20/90, of the Assembly of the Republic, published in DR no. 211, I series, 12/09/90), the rights previously recognized continued to exist and the right to respect children's views and respect for the principle of 'the best interests of the child'.

¹⁶ The Judicial Statute approved by Decree-Law No. 33547, of February 24, 1944, had changed the designation of childhood tutoring to Tutelary Courts.

¹⁷ Decree Law No. 44288 of April 20, 1962, Art. 17 and Art. 18. Government Diary I Series No. 89 of April 20, 1962

open houses designed to ensure the transition between boarding and freedom; f) patronage homes for former internees who temporarily lacked protection.

4. Rights of abused and neglected children at the dawn of democracy

Although the country's demographic, social, economic and cultural changes accelerated in the 1960s, it was only with the Constitution of the Portuguese Republic (1976) that the democratic regime has established the principles of universality and equality of citizens, including within the family context (Article 36). These constitutional principles implied the equality of rights and duties of the spouses and the equality between children born both within and outside of marriage, corresponding to profound changes of the Civil Code (**Decree-Law no. 496/77 of 25 November**)¹⁸.

The public pre-school system and the normal schools for the training of early childhood educators were created in 1977¹⁹. Shortly afterwards, freedom of education²⁰ was recognized and the public special education system was created for children and young people who, because of their special needs required a "specific service"²¹. Special education was directed towards "disabled persons, including those presenting organic, sensory, intellectual and/ or motor disorders".²² It was also required that these services should be carried out "wherever possible in regular educational establishments"²³. Thus, in these concrete directives the nature and the scope of the special education programs and distinct tutelary organization for children at risk was made clear.

To draw a picture of the transformations of Portuguese society in the 3rd quarter of the 20th century, let's review some indicators. The gross birth rate fell from 24 per cent in 1960 to 16.2 per cent in 1980, and the overall fertility rate fell from 95.7 per cent to 66.9 per cent over the same period. The means of birth control and family planning spread and became more effective. As the family's size became more subject to planning, the child became more socially visible and attracted more attention and more material and affective investment from the family. The infant mortality rate fell from 77.5 per cent in 1960 to 24.3 per cent in 1980. As a result, life expectancy at birth rose from 60.7 years to 66.4 years for men and from 67.8 years to 74.8 years for women. Compulsory education increased from four to six years and the principle of co-education was

¹⁸ And Decree-Law No. 496/77 of 25 November. *Diário da República I* Series N^o 273 of November 25, 1977.

¹⁹ Law no. 5/77 of 1 February and Law no. 6/77 of 1 February, respectively. *Diário da República* no. 26/1977, Series I of 1 February 1977.

²⁰ Laws 65/79 of 4 October. *Diário da República* no. 230/1979, Series I of 4 October 1979

²¹ Law 66/79 of 4 October. *Diário da República* no. 230/1979, Series I of 4 October 1979.

²² Law 66/79 of 4 October, Art.

²³ Law 66/79 of 4 October, Art

adopted in all public schools. In the same period, the illiteracy rate was reduced from 26.6% to 13.7% among men and from 39% to 23% among women (PORDATA, 2017). Following the revolution of 25 April 1974, the subsystem of secondary education was unified and pupils became part of the governing bodies in institutions of secondary and higher education. The school began gaining a growing space in the lives of children and families, as Vieira (2011) observed.

In this context, the children protection system was developed to adapt to the social and cultural changes and to practical needs. In 1978, the purpose of the Child and Youth Courts was defined in accordance with the Declaration of the Rights of the Child as, "the protection of minor under the law and the defense of their rights and interests"²⁴. The civil jurisdiction of these Child and Youth Courts, provided for in earlier legislation previously in force, soon passed on to the Family Courts²⁵. The role of social support services, technical assistance, minors' curatorship and the function of the judge in the implementation phase of the measures was strengthened. In addition to the above responsibilities, the Child and Youth Courts were made responsible for issues involving the abuse of alcoholic beverages and the illicit use of narcotic drugs²⁶. Adding to the existing guardianships institutions, specialized reception centers were set up to receive children who were found to abuse alcoholic beverages or illicit narcotic drugs, with the possibility of creating multipurpose centers (Epifânio & Farinha, 1987).

In summary, the long course of constructing institutional responses to children at risk began during the constitutional monarchy from the perception the "exposed, abandoned and helpless" children faced great life threatening situations. This threat started to be understood as a waste of human resources that undermined the physical and moral regeneration of the population and the survival of the Nation. This perception provided the basis of a system of management and public assistance that helped neglected (and potentially abandoning) mothers, whose roots go back to the 60's of the XIX century. This system produced positive results.

It was a slow, non-linear process, which showed great variation in time as well by region. Once the exposure and abandonment of newborns was brought under control and the very high mortality rate of abandoned children was reduced, attention then shifted to considering the risk of "abnormality and dysfunctionality" in childhood as these were seen as threats to the consolidation of the secular republican culture of the First Republic. Having put the problem in

²⁴ Decree-Law no. 314/78 of 27 October, article 2. Diário da República No. 248 I Series of October 27, 1978.

²⁵ Such as, for example, the regulation of the exercise of parental authority, adoption, inhibition and limitations to the exercise of parental authority. Decree-Law no. 314/78 of 27 October, Art. 146.

²⁶ Decree-Law no. 314/78 of 27 October, Art

these (national policy) terms, it was necessary to give it a systemic, flexible and appropriate response, one adapted to the diversity of situations that characterized it.

In the 1960s, the concept of a child at risk shifted towards the notion of children as a victim of "maltreatment" or the "maladjusted" child, a reality that would deprive the Motherland of energy and would challenge the authority of the *Estado Novo*. As a result, the Tutelary Courts focused on criminal and civil responsibilities, and guardianship institutions were again diversified to include criminal prevention and re-education.

Finally, at the outbreak of the Third Republic, the mistreatment of children and certain deviant behaviors started to be perceived as a challenge to the very foundations of the democratic rule of law and a violation of the rights of the child. In this new context, the Child and Youth Courts began to have as their purpose "the protection of minors and the defense of their rights and interests". This marks the beginning of a new period centered on the *Rights of the Child*, which was characterized by the formal recognition that the rights of the child are to be specifically protected by the adults and that children have to be given the opportunity to benefit from environments conducive to their full development with respect for their individuality.

References

Anica, A. (2001). *A Transformação da Violência no Século XIX. O caso da Comarca de Tavira*. Lisboa: Colibri.

Anica, A. (2005). *As Mulheres, a Violência e a Justiça*. Lisboa: Colibri.

Anica, A. (2010). Representações da violência criminal feminina em Portugal no discurso antropológico oitocentista. Em C. Bastos, I. Fonseca, & P. Godinho (Edits.), Jorge Crespo. *Estudos em Homenagem* (pp. 209-228). Lisboa: 100 Luz.

Ariès, P. (1960). *L'Enfant et la vie familiale sous l'Ancien Régime*. Paris: Plon.

Bastos, J. P. (14 de abril de 2017). A mãe cuida, o pai sustenta. *Expresso*, p. 18.

Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens. (2 de abril de 2017). Obtido de <http://www.cnpcjr.pt/left.asp?13.02>

Constituição da República Portuguesa. (1976). Obtido de <https://www.parlamento.pt/parlamento/documents/crp1976.pdf>

Declaração dos Direitos da Criança. (1959). Assembleia Geral das Nações Unidas. Obtido em 2 de 4 de 2017, de

https://www.dge.mec.pt/sites/default/files/ECidadania/Docs_referencia/declaracao_universal_direitos_crianca.pdf

Declaration of the Rights of the Child. (26 de September de 1924). UN Documents. Obtido em 10.03.17, de <http://www.un-documents.net/gdrc1924.htm>

Decreto-Lei nº 44288 de 20 de Abril de 1962. *Diário do Governo* I Série Nº 89 de 20 de Abril de 1962.

Decreto-Lei nº 496/77 de 25 de Novembro. *Diário da República* I Série Nº 273 de 25 de Novembro de 1977.

Epifânio, R., & Farinha, A. (1987). *Organização Tutelar de Menores (Decreto-lei N.º 314/78 de 27 de Outubro. Contributo para uma Visão Interdisciplinar do Direito de Menores e de Família*. Coimbra: Almedina.

INE. (2017). Jovens internadas/os (N.º) em colégios de acolhimento para educação e formação e centros educativos por Sexo e Grupo etário; Anual (1). Obtido em abril de 15 de 2017, de https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indicadores&indOcorrCod=0007350&ontexto=bd&selTab=tab2

King, M. L. (2007). Concepts of Childhood: What We Know and Where We Might Go. *Renaissance Quarterly*, 60, pp. 371-407.

Lei nº 142/2015, de 8 de setembro (3ª versão da Lei de Proteção de Crianças e Jovens em Perigo ed.). *Diário da República*, 1.ª série — N.º 175 — 8 de setembro de 2015.

Leite, J. C. (2005). População e crescimento económico. Em P. Lains, & A. F. Silva, *História Económica de Portugal* (pp. 43-81). Lisboa: Imprensa de Ciências Sociais.

Lopes, M. A. (2002). Crianças e jovens em risco nos séculos XVIII e XIX. O caso português no contexto europeu. *Revista de História da Sociedade e da Cultura*, 2, pp. 155-184.

Lopes, M. A. (2016). Assistência pública à infância após a extinção da Roda dos Expostos: Hospício dos Abandonados e crianças maiores de sete anos (distrito de Coimbra, 1872-1890). Em J. V. Capela, *Da caridade à solidariedade: políticas públicas e práticas particulares no mundo ibérico* (pp. 173-191). Braga: Lab2pt. Obtido de

https://estudogeral.sib.uc.pt/bitstream/10316/33343/1/Assistencia_publica_a_infancia_apos_a_ex.pdf

Marques, A. O., Miranda, S., Rolo, F., & Rodrigues, L. N. (1991). *Portugal da Monarquia Para a República*. Lisboa: Editorial Presença.

Martins, P. C. (2010). A Proteção das Crianças e Jovens em Risco. Em P. Guerra, A. Leandro, & Á. L. Lúcio, *Estudos em Homenagem a Rui Epifânio* (pp. 317-334). Coimbra: Almedina.

Muchembled, R. (2014). *Uma História da Violência. Do final da Idade Média aos nossos dias*. Lisboa: Edições 70.

Paulino, J. C. (2014). Os Expostos em Números. Uma análise Quantitativa do Abandono Infantil na Santa Casa da Misericórdia de Lisboa (1850-1903). *Atas do IX Encontro Nacional de Estudantes de História* (pp. 185-2015). Porto: Universidade do Porto, Faculdade de Letras.

PORDATA. (14 de abril de 2017). Obtido de <http://www.pordata.pt/>

Ramos, R. (2010). III Parte. Idade Contemporânea (Séculos XIX-XXI). Em R. Ramos, *História de Portugal* (4ª ed., pp. 439-777). Lisboa: A Esfera dos Livros.

Regulamento para o serviço dos expostos e menores desvalidos ou abandonados. *Collecção official de Legislação Portuguesa, anno de 1888*. Lisboa: Imprensa Nacional (1889).

Rodrigues, A. G. (2013). *Da Assistência aos Pobres aos Cuidados de Saúde Primários em Portugal: O Papel da Enfermagem 1926-2002*. Lisboa: Universidade Nova de Lisboa.

Sá, I. G. (1992). Abandono de crianças, Infanticídio e Aborto na Sociedade Portuguesa Tradicional através das Fontes Jurídicas. *Penélope*, 8, pp. 75-89.

Vaquinhas, I., & Guimarães, M. A. (2011). Economia doméstica e governo do lar. Os saberes domésticos e as funções da dona de casa. Em I. Vaquinhas, *História da Vida Privada em Portugal* (pp. 194-221). Lisboa: Círculo de Leitores.

Veiga, T. R. (2004). *A População Portuguesa no Século XIX*. Porto: CEPESE e Afrontamento. Obtido de <file:///C:/Users/Arnaldo%20Anica/Downloads/publication.pdf>

Vieira, M. M. (2011). Aprendizagens, escola e a pedagogização do quotidiano. Em A. N. Almeida, *História da Vida Privada em Portugal* (pp. 174-207). Círculo de Leitores.