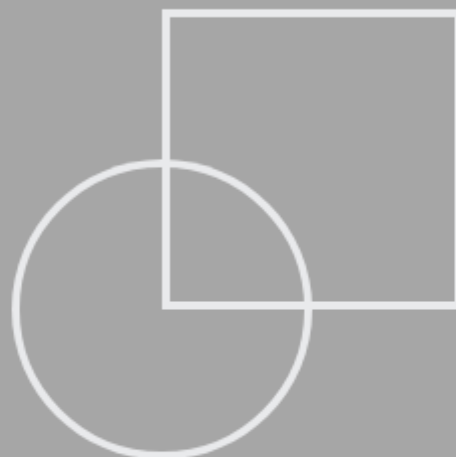


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The law of 5 March 2007: a structuring reform of child protection

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Introduction

Child protection is a central field of public action in France, at the intersection of social, medico-social and judicial issues. It is based on a fundamental requirement: to guarantee the safety, health, development and respect for the rights of minors in situations of danger or vulnerability. However, at the turn of the 2000s, this system appeared to be weakened by structural dysfunctions, revealed both by institutional analyses and by several dramatic cases that had aroused strong public emotion (the Outreau affair and the Angers affair).

It is in this context that **Act No. 2007-293 of 5 March 2007 reforming child protection**¹ comes into play, which constitutes a major reform. It is not limited to a technical adaptation of the existing system, but brings about a real conceptual change by placing prevention, early detection and the best interests of the child at the heart of public action.

Indeed, the State is gradually seeking to move away from a logic of reparation to a logic of prevention. The creation of the CRIP thus contributes to a better centralization of information of concern, to a more structured identification of dangerous situations and to a more coordinated management of the various forms of abuse.

The question therefore arises as to the extent to which this law marks a break in the history of child protection in France. To answer this question, it is necessary to analyse the conditions for the emergence of this reform, to examine its structuring contributions, and then to evaluate its effects and limits over time.

I. A reform in a context of crisis of the previous model

A. An institutional legacy marked by decentralization

The French child protection system is the result of a gradual construction, one of the major turning points of which was the decentralization laws of the 1980s. The latter have entrusted the departments with the main responsibility for child welfare, enshrined in particular in Article L.221-1 of the Code of Social Action and Families (cf. memo 5).

This transfer of competences has enabled a territorialisation of social policies, promoting a certain proximity with the public concerned and an adaptation to local realities and major social transformations:

- increase in single-parent families;
- economic precariousness;
- isolation of parents;
- weakening of social ties.

For example, a single mother, facing financial and psychological difficulties, can quickly find herself unable to meet the needs of her child. Before the reform, these situations were often identified late, when the difficulties were already aggravated.

However, this organisation has also introduced significant disparities between departments, both in terms of resources and professional practices. The lack of strong national leadership has contributed to a fragmentation of the system.

B. Structural dysfunctions revealed in the early 2000s

At the beginning of the twenty-first century, several institutional reports highlight the limits of the system. The identification of dangerous situations often appears to be late, due to the compartmentalization of the actors and the insufficient circulation of information. Professional secrecy, although necessary for the protection of privacy, is sometimes an obstacle to coordination.

¹ France. (2007, March 5). Law No. 2007-293 of 5 March 2007 reforming child protection. Légifrance. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000823100>

The confusion between prevention and protection is another major weakness. Interventions are frequently triggered when situations are already severely degraded, which reduces their effectiveness and increases the use of heavy measures, particularly judicial ones.

These findings are reinforced by high-profile cases involving child victims of abuse, which highlight shortcomings in reporting and care mechanisms as well as in the sharing of information. For example, the Outreau affair revealed miscarriages of justice but also dysfunctions in the processing of reports. For its part, the case of the Angers paedophile network has shown flaws in the detection of situations of abuse. She also highlighted the difficulty of taking into account the child's words and the way in which children are questioned, particularly in the Outreau case.

Under the effect of media pressure and the seriousness of the dysfunctions revealed, the State has been led to rethink the mechanisms for reporting, coordination and care in child protection.

In addition, society is increasingly recognizing the different forms of abuse. Psychological violence, neglect or educational deficiencies are now considered to be attacks on the development of the child.

This evolution reflects a change in perspective: the child becomes a subject of rights.

C. The emergence of a new child-centred approach

The 2007 reform is part of a broader movement to recognize the rights of the child, under the influence of the **International Convention on the Rights of the Child**. Article 3 of the Act affirms the primacy of the best interests of the child in any decision concerning the child.

This evolution reflects a paradigm shift: the child is no longer considered only as an object of protection, but as a subject of rights. Therefore, public action must adapt to its specific needs and guarantee the continuity of its course. Law 2002-2, explained in the previous memo, already reinforced the idea that the child should not suffer but be an actor in his or her situation and that he or she had rights.

In addition, the law explicitly enshrines the primacy of the interests of the child in all decisions that concern him. This orientation implies a global consideration of his needs, whether physical, emotional, psychological or social. It also reinforces the need for an individualized approach, adapted to each situation.

II. A refoundation of the system around prevention, identification and individualization

A. Prevention as a structuring principle

One of the major contributions of the law lies in the redefinition of the missions of child protection. Article L.112-3 of the Code of Social Action and Families, amended by the 2007 law, states that child protection aims to *"prevent the difficulties that parents may face"*.²

This orientation enshrines the transition from a curative to a preventive logic. It is no longer just a question of intervening in situations of proven danger, but of acting upstream, by supporting families and identifying risk factors at an early stage.

The implementation of regular health and development check-ups is part of this strategy. It reflects a desire to systematize the observation of the child's trajectories in order to anticipate difficulties. For example, for the PMI (Maternal and Infant Protection), the law of 5 March 2007 has strengthened its role without profoundly changing its structure. She especially emphasized their mission of early prevention, positioning them as essential actors in identifying difficulties in young children and supporting families. The PMI thus intervenes more clearly in the follow-up of children aged 0 to 6 years, with the aim of early detection of situations of fragility, whether medical, social or educational.

This reform has also improved coordination between the PMI and other child protection actors, in particular the Child Welfare Service (ASE), schools and health professionals. The idea is to promote better continuity in care and to avoid interruptions in the follow-up of children at risk. In this context, the PMI is fully integrated into the departmental system led by the departmental council.

In addition, the 2007 law has strengthened the procedures for identifying and transmitting situations of concern. PMI professionals are more involved in identifying children in danger or at risk of being so, and in transmitting information to the units for the collection of worrying information (CRIP), set up in each department. Finally, the reform clarified the conditions for sharing information between professionals, in order to allow for better cooperation while respecting the framework of professional secrecy. Thus, the 2007 law has above all made it possible to better integrate the PMI into the overall child protection system, by strengthening its prevention and coordination missions.

B. Improving the identification and treatment of dangerous situations

The law introduces a major innovation with the creation of units for the collection, processing and evaluation of information of concern, commonly known as CRIP (unit for the collection of information of concern cf. memo 5). The mission of these departmental structures is to centralise information on the situations of children in danger or at risk of being so, in order to ensure a rapid and coordinated assessment.

This reform is accompanied by a relaxation of the framework for the sharing of information between professionals, allowing a better circulation of data while respecting the requirements of professional secrecy. It thus helps to remove a major obstacle to the effectiveness of the system.

In addition, the concept of a child at risk is broadened: *"A minor is considered to be in danger if he or she is under 18 years of age and **his or her health, safety and/or morals are threatened** or the conditions of his or her physical, emotional, intellectual and social development are seriously compromised. In particular, they may be victims of **physical, sexual or psychological violence** by persons with parental authority (most often their parents) or by people living in their home. It can also be a victim of **deficiencies or neglect**,*

² Code of Social Action and Families, art. L.112-3, Law No. 2007-293 of 5 March 2007.

such as food or sleep deprivation. ".³ This new definition allows for earlier intervention and takes into account the different forms of vulnerability.

C. Diversification of care methods

The law of 5 March 2007 also aims to adapt responses to the specific needs of children. It encourages the development of more flexible care arrangements, such as day care or flexible placements. These measures make it possible to better reconcile the protection of the child with the maintenance of family ties.

The reform also promotes the use of trustworthy third parties, particularly within the extended family, in order to offer alternative solutions to institutional investment. This diversification responds to the desire to limit breaks in the child's career and to guarantee continuity in his or her support.

Family ties are systematically privileged. Indeed, if a solution of placement within the family is possible and suitable, it will be preferred to placement in an institution.

III. The consequences and limits of the reform

A. A recomposition of professional practices between rationalization and ethical tensions

The implementation of the law of 5 March 2007 has contributed to a profound transformation of professional practices within the field of child protection. By instituting a logic of prevention and strengthening reporting obligations, the legislator has encouraged an increased structuring of interventions, which are now more governed by formalized procedures and evaluation standards.

This evolution is part of a broader movement to rationalize public action, analyzed in particular by the work of Michel Chauvière⁴, who highlights a rise in managerial logics in the social sector. Professionals are thus led to objectify their practices, to formalize their observations and to include their interventions in protocol frameworks aimed at guaranteeing the traceability and security of decisions.

However, this increased formalization is not without giving rise to tensions. On the one hand, it can contradict the relational dimension of social work, which is based on trust and long-term support. On the other hand, professionals are confronted with persistent ethical dilemmas, particularly when it comes to articulating respect for professional secrecy with the imperatives of child protection. In this respect, the relaxation of information sharing introduced by the law has not completely removed the uncertainties, as highlighted by several reports by the National Observatory for Child Protection.

In addition, the increase in administrative requirements tends to increase the workload of the workers, at the risk of reducing the time devoted to direct support for children and families. This evolution is part of a feeling of loss of meaning sometimes expressed by professionals, caught between institutional injunctions and realities on the ground.

B. Consolidated institutional coordination but marked by territorial disparities

One of the major contributions of the reform lies in the creation of units for the collection, processing and evaluation of information of concern (CRIP), which have made it possible to structure the treatment of dangerous situations at the departmental level. By centralising information and organising its evaluation, these systems have helped to improve the readability and responsiveness of the system.

Institutional analyses, in particular those of the Court of Auditors⁵, underline that the implementation of the CRIPs has generally made it possible to reduce the loss of information

³ Department of Justice. (n.d.). The protection of minors at risk. Justice.fr. <https://www.justice.gouv.fr/justice-france/justice-mineurs/protection-mineurs-danger>

⁴ Chauvière, M. (2007). Too much management kills the social. The Discovery.

⁵ Court of Auditors. (2020). Child protection: A policy that is not adapted to the child's time.

and to strengthen coordination between the actors. It has also encouraged the emergence of more homogeneous practices in the processing of reports.

However, this improvement remains relative. The decentralized nature of child protection continues to produce significant differences between territories, both in terms of resources and organization. The departments have a significant margin of appreciation in the implementation of social policies, which is reflected in differences in processing times, evaluation methods and the intensity of the follow-up proposed.

These disparities call into question the principle of equality before the public service and reveal the limits of insufficiently restrictive national management. They have been regularly pointed out by the evaluation bodies, which call for a strengthening of coordination between the State and local authorities.

C. Individualisation of responses confronted with structural constraints

The diversification of care methods is another structuring axis of the reform. By promoting more flexible and modular systems, the legislator has sought to better adapt responses to the specific needs of children, in a logic of individualization of pathways.

This orientation is part of an approach focused on the fundamental needs of the child, developed in particular in the work of Marie-Paule Martin-Blachais⁶, who insists on taking into account the child's development as a whole. It leads to the preference for graduated interventions, combining support for parenthood and protection measures.

Nevertheless, the effective implementation of this diversification comes up against significant structural constraints. The lack of resources, whether in terms of reception places, foster families or qualified professionals, limits the ability of the systems to respond in a way that is fully adapted to the situations encountered. In this context, the use of placement remains frequent, sometimes by default, due to the lack of available alternatives.

Moreover, the balance between maintaining family ties and protecting the child remains difficult to establish. While the law affirms the primacy of the child's interests, its interpretation may vary depending on the situation, leading to heterogeneous practices. Some critical analyses thus emphasize the risk of excessive retention in the family environment, to the detriment of the child's safety, while others, on the contrary, denounce placements that are too rapid.

D. A founding reform part of a dynamic of permanent adjustment

Despite its contributions, the law of 5 March 2007 has not made it possible to resolve all the structural difficulties of child protection. The increase in the amount of worrying information, the saturation of the systems and the breaks in the path observed by some children testify to the persistent tensions that run through the system.

These limitations have led the legislator to intervene again, in particular with the law of 14 March 2016 on the protection of children, which aims to strengthen the stability of pathways and to better guarantee that the needs of the child are taken into account. The introduction of the project for the child (PPE) and the emphasis placed on support at the end of the schemes illustrate this desire to correct the inadequacies of the previous framework.

More broadly, child protection appears today to be a field in constant recomposition, subject to sometimes contradictory injunctions between the need for protection, respect for the rights of families and budgetary constraints. Recent reports by the General Inspectorate of Social Affairs highlight the need to strengthen resources, but also to clarify responsibilities between the different levels of intervention.

Thus, while the 2007 reform was undeniably a turning point, it is part of an evolving process that reflects the growing complexity of issues related to child protection.

Conclusion

⁶ Martin-Blachais, M.-P. (2017). Consensus Approach on the Basic Needs of the Child in Child Protection.

The law of 5 March 2007 constitutes a major reform of child protection in France. By introducing a logic of prevention, improving the identification of dangerous situations and diversifying the modes of care, it has profoundly transformed professional practices and the principles of intervention.

This reform is part of a context of profound social changes, marked by the weakening of family structures, the increased recognition of children's rights and a growing demand for protection against social risks.

However, despite its progress, the system still faces significant challenges, particularly in terms of resources and territorial equality. Child protection thus remains a constantly evolving project, requiring permanent adjustments to ensure adapted, continuous and equitable care for all children.

Bibliography

- Chauvière, M. (2007). Too Much Management Kills the Social: An Essay on a Discreet Trade. The Discovery.
- Court of Auditors. (2020). Child protection: A policy that is not adapted to the child's time.
- France. (2007). Code of Social Action and Families, Article L.112-3.
- France. (2007). Code of Social Action and Families, Article L.221-1.
- France. (2007). Law No. 2007-293 of 5 March 2007 reforming child protection. Official Journal of the French Republic. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000823100>
- France. (2016). Law No. 2016-297 of 14 March 2016 on the protection of children. Official Journal of the French Republic.
- General Inspectorate of Social Affairs. (2019). Evaluation of Child Protection Governance.
- Martin-Blachais, M.-P. (2017). Consensus Approach on the Basic Needs of the Child in Child Protection. Ministry of Solidarity and Health.
- Department of Justice. (n.d.). The protection of minors at risk. <https://www.justice.gouv.fr/justice-france/justice-mineurs/protection-mineurs-danger>
- National Observatory for Child Protection. (2022). Annual Report on Child Protection.
- United Nations. (1989). International Convention on the Rights of the Child.