



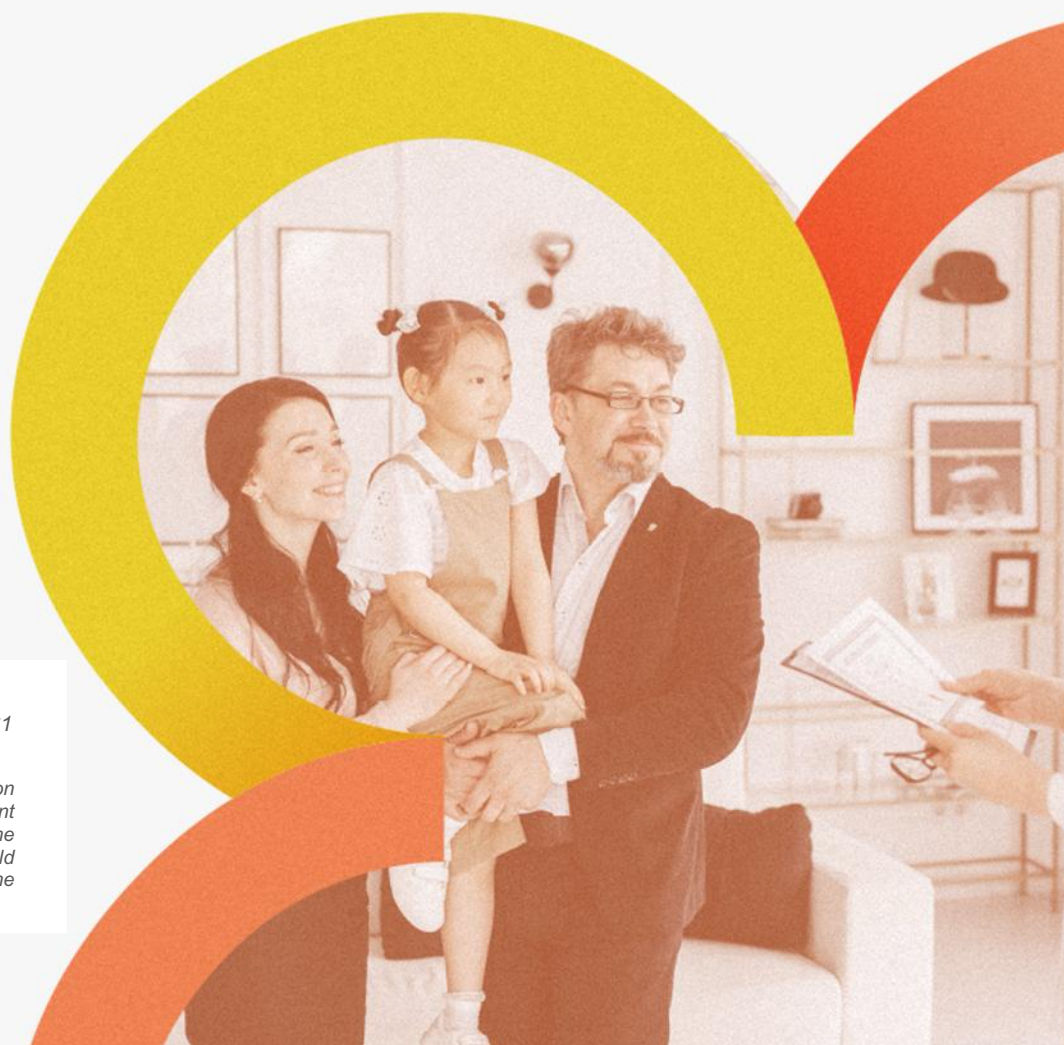
CREATING CARE

Safe Environments for Children in Need of Foster Care

Transnational Report

The PROJECT NUMBER: KA220-ADU-CCFCCA61

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1. Introduction

For a wide variety of reasons, parents may be unable or only partially able to care for their child(ren) in an appropriate manner. However, the help and support services available to these families are often insufficient to improve conditions within the family, so in many cases consideration must be given to placing the child in foster care. Across the EU, there is a common goal of gradually de-institutionalizing the placement of children and adolescent minors in need of protection. Foster families offer an important alternative to placement in a social pedagogical structure, even if the individual countries are still at different distances from this achievement.

The framework conditions for foster care vary in the European countries and regions. The aim of this research is to give a short comparative overview of the specific situations, preconditions for foster families and involved institutions in the project partner countries.

The situation becomes more complex when we link the issue of Unaccompanied (Refugee) Minors (URM) with the issue of foster parenting. Not all EU Member States hold sufficient data or relevant studies on this topic. In addition, the current situation has changed dramatically in recent months due to the war in Ukraine, and there is no reliable data and numbers of unaccompanied minors yet either.

As stated by the EMN (European Migration Network) in January 2022 (that is, before the war in Ukraine), the presence of migrant children in the EU has decreased in the past few years. Nevertheless, the number of migrant children, including unaccompanied minors, registered in the EU remained high.¹ According to Eurostat 2021, EU Member States and Norway received some 13 550 asylum applications from

¹ European Migration Network (2021): Children in Migration. EMN report on the state of progress in 2020 of the European Commission communication on the protection of children immigration from 2017", Jan. 2022, p.5. (This EMN report maps the progress made by EU Member States and Norway in 2020 in the implementation of the recommended actions laid down in the 2017 Communication on the protection of children in migration, see Communication from the Commission to the European Parliament and the Council: The protection of children in migration, COM 2017). Online source: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf.

unaccompanied minors.² But not all unaccompanied minors arriving in the EU apply for asylum. Data on the number of unaccompanied minors who do not apply for asylum is not collected systematically across the EU. However, it should be noted that this finding does not yet include the massive flight movements from Ukraine since the start of the war at the end of February this year, so that the current figures have risen strikingly: According to www.unhcr.org, of the 4.8 million individual Ukrainian refugees recorded in Europe, 3.2 million have registered for Temporary Protection or similar national protection schemes. It is known that among these refugees are also unaccompanied children and adolescents, but reliable figures are not yet available.

In any case, this situation makes us aware of how quickly global conditions can change, requiring new analyses and practical approaches.

Unaccompanied Refugee Minors (URM) are a particularly endangered group. The European Migration Network (EMN) distinguishes three groups of children migrants:

- Accompanied minor: A minor who is accompanied and effectively taken into the care of an adult responsible for them by law or by the practice of the Member State concerned. Families with children: minors who are accompanied by one or both parents or by their legal or customary primary caregiver
- Separated child: A child under 18 years of age who is outside their country of origin and separated from both of their parents or their previous legal/customary primary caregiver. These may include children accompanied by other adult family members
- Unaccompanied minor: minors who arrive on the territory of an EU Member State unaccompanied by the adult responsible for them by law or practice of the EU Member State concerned, and for as long as they are not effectively taken into the care of such a person; or who is left unaccompanied after they have entered the territory of the EU Member State. ³

² Eurostat 2021, Asylum applicants considered to be unaccompanied minors by citizenship, age and sex – annual data (rounded). Online source:
https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en.

³ https://ec.europa.eu/home-affairs/pages/glossary/unaccompanied-minor_en.

While there are voices claiming that URM⁴s are now the most protected refugee group with a large, influential lobby,⁴ nevertheless the situation in some member countries seems different at second glance. A parliamentary question by the NEOS (liberal party) in Austria, for example, revealed the alarming fact that 764 of 1467 URM ("refugee orphans") disappeared in 2020, that is 52 percent. (The number of those declared to be of age - 265 - has already been deducted here). So their whereabouts are unknown to the authorities. In some cases, this can be due to the fact that some have "gone underground" because of restrictive circumstances, disappeared from municipal shelters and escaped the control of the authorities. In many cases, however, other causes such as child abduction, abuse and exploitation etc. must be suspected. The situation is similar in other EU countries.

To protect refugee children from these risks, the 2017 EU Communication recommends that Member States focus their efforts on strengthening guardianship authorities and institutions to ensure the rapid appointment of guardians for all unaccompanied minors. The Communication goes on to say that guardians can help prevent minors from disappearing or becoming victims of trafficking and play a crucial role in ensuring access to rights and safeguarding the interests of all unaccompanied minors, including those who do not apply for asylum.⁵

In addition, the 2017 EU-Communication called on Member States to ensure that a range of alternative (non-institutional) care options are available for unaccompanied children. It noted that while family care/ foster care placements for unaccompanied children have expanded in recent years and have proven successful and cost-effective, they are still being underutilized.

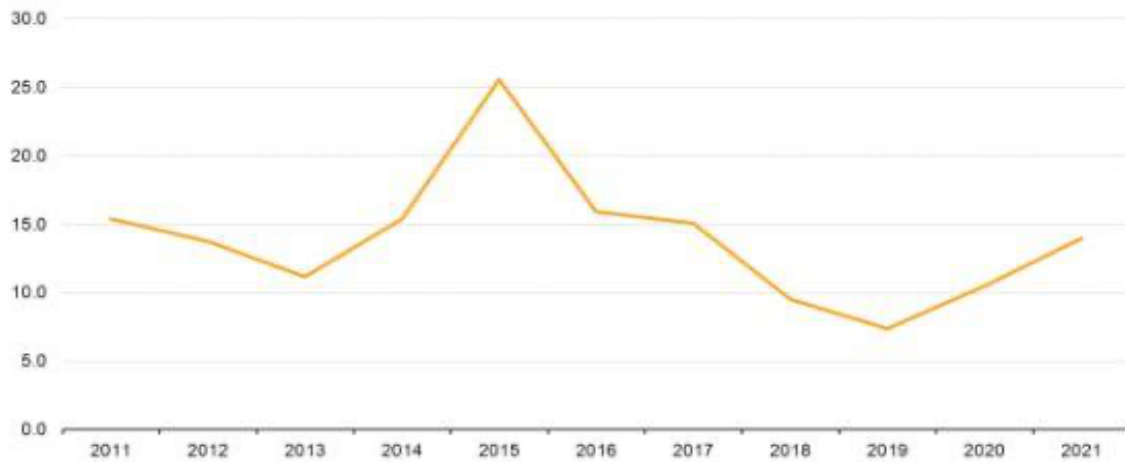
The charts on the next pages show some EU-wide statistical data on underage asylum seekers, of whom at least 13.9 percent are unaccompanied minors. However, as mentioned, there are no or no reliable statistical data on URM⁴s who have not applied for asylum.

⁴ Studie von Asylkoordination Österreich zur kinderrechtlichen Situation *begleiteter* Kinderflüchtlinge und ihrer Familien: www.asyl.at/de/themen/kinderfluechtlinge/studiezursituationbegleiteterkinderfluechtlinge/

⁵ EMN (2021), p. 7.



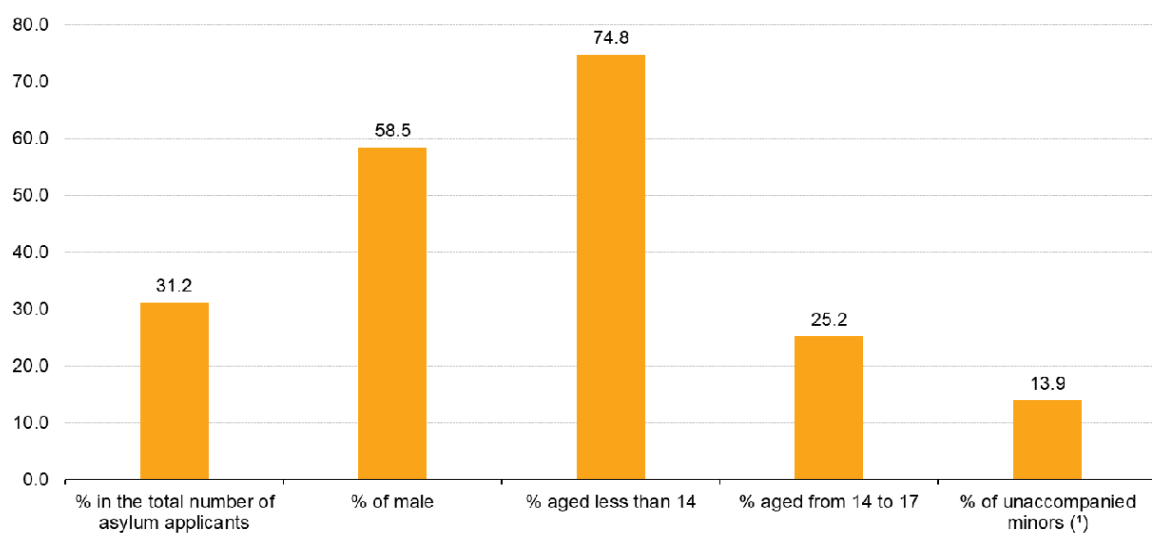
Share of unaccompanied minors in the total number of first-time applicant children in the EU, 2011-2021 (%)



Note: EU totals are calculated based on available Member States:
2011: missing data for Croatia, Hungary, Austria and Finland.
2012: missing data for Croatia, Hungary and Austria.
2013: missing data for Austria.
Source: Eurostat (online data codes: migr_asyunaa, migr_asyappctza)

eurostat

Main characteristics of the first-time asylum applicants aged less than 18 in 2021, EU (%)



(*) The share was calculated using 2020 data on unaccompanied minors for Lithuania and Portugal.
Source: Eurostat (online data codes: migr_asyappctza, migr_asyunaa)

eurostat

First-time applicants aged less than 18 years old in the EU and in the Member States, 2011-2021

(number)

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total 2011-2021
EU	59 080	71 290	94 240	137 870	360 055	377 195	193 670	176 155	192 240	129 670	166 760	1 958 230
Belgium	7 640	4 950	3 210	4 100	12 120	4 970	4 710	5 860	7 180	4 575	7 240	66 555
Bulgaria	135	255	2 195	3 305	5 470	6 530	1 140	830	710	1 105	3 700	25 375
Czechia	95	120	110	210	250	240	235	245	260	100	170	2 035
Denmark	1 125	1 600	2 075	3 005	6 300	2 395	1 165	1 100	995	425	725	20 910
Germany	16 630	24 385	38 790	54 990	137 480	261 375	89 200	78 295	71 420	55 335	73 280	901 180
Estonia	5	10	10	15	70	60	75	20	35	10	20	330
Ireland	385	275	260	260	385	580	840	860	1 090	355	665	5 955
Greece	555	515	1 015	1 300	2 420	19 635	19 670	21 575	25 165	10 665	7 035	109 550
Spain	440	435	520	1 140	3 720	3 710	7 730	11 040	21 715	15 490	9 185	75 125
France	12 165	13 420	14 870	13 940	13 590	15 240	20 960	24 525	32 440	19 550	25 765	206 455
Croatia	:	:	135	15	20	460	165	220	505	745	1 245	3 510
Italy	3 135	2 030	2 185	4 340	7 175	11 080	15 505	8 535	4 300	2 685	5 925	66 895
Cyprus	125	205	265	350	510	675	685	1 085	1 160	580	1 080	6 720
Latvia	50	25	25	55	85	120	135	40	40	30	175	780
Lithuania	70	70	30	95	60	160	180	120	305	90	925	2 105
Luxembourg	760	770	230	315	725	805	610	580	760	500	520	6 575
Hungary	:	:	1 375	11 670	45 315	8 455	1 590	345	240	45	25	69 060
Malta	170	240	545	305	375	420	440	445	495	175	160	3 770
Netherlands	3 560	2 835	2 795	4 680	10 205	5 875	3 850	4 845	5 200	2 950	5 995	52 790
Austria	:	:	:	8 085	31 655	17 370	11 630	6 390	5 905	5 580	11 460	98 075
Poland	1 955	3 550	6 975	2 145	4 780	4 810	1 385	1 055	1 200	455	1 955	30 255
Portugal	55	55	145	75	145	140	250	300	320	135	330	1 950
Romania	100	235	375	375	295	525	1 575	520	515	1 565	2 655	8 735
Slovenia	90	85	60	115	80	420	515	790	815	775	1 905	5 650
Slovakia	50	75	60	50	90	30	35	45	40	15	35	525
Finland	:	780	720	810	7 590	1 710	1 325	910	870	430	475	15 620
Sweden	9 785	14 370	15 265	22 125	69 155	9 400	8 075	5 580	8 555	5 300	4 115	171 725
Iceland	:	:	:	:	:	270	175	170	215	155	280	1 265
Liechtenstein	:	:	:	:	:	15	50	25	10	5	20	125
Norway	2 235	2 360	2 660	2 365	10 300	1 230	1 070	790	600	355	450	24 415
Switzerland	5 060	6 955	5 125	6 490	11 155	8 940	6 610	5 775	5 885	4 635	6 090	72 720

: data not available

Note: EU totals are calculated based on available Member States:

2011: missing data for Croatia, Hungary, Austria and Finland.

2012: missing data for Croatia, Hungary and Austria.

2013: missing data for Austria.

Source: Eurostat (online data code: migr_asyappctza)

Source of the tables above: Statistics Explained (<https://ec.europa.eu/eurostat/statisticsexplained/>)
 - 04/05/2022

Note: All links to online sources in this transnational report were last checked in June 2022.

2. National Concepts and Developments: Austria (AT), Czech Republic (CZ), France (FR), Greece (GR), Italia (IT), Portugal (PT), Romania (RO)

2.1. Common Definitions

The **general definitions of foster care** in the partner countries are similar and, with regard to unaccompanied minors, partly consistent with the concepts of the European Union and its relevant institutions (e.g. EMN) explained in the introduction. An overall understanding of foster care means – in contrast to adoption - taking a child into permanent but temporary care by foster parents/ a foster family for a certain or indefinite period of time. **Foster parents** can be selected persons (both married couples and families and, under certain conditions, single persons), who meet the mandatory personal and socio-economic criteria of the respective countries.

In most cases, foster care concerns children from difficult social circumstances who cannot be cared for in their own family. Contact with the family of origin is maintained as far as possible. According to an official definition of UNICEF (2022) foster care means “situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children’s own family that has been selected, qualified, approved and supervised for providing such care.”

A distinction is made in the partner countries between **short-term emergency aid** and **long-term foster care**. Furthermore, foster care can be granted at the request and with the consent of the natural parents or the legal guardian, but it also can be ordered by the court.

Unaccompanied children or **unaccompanied (refugee) minors (URM)** are a heterogeneous group of foreign minors in the EU receiving countries. According to a definition of the UNHCR (2004) these are “children who are separated from both parents and other family members, and who are not cared for by any adult who has a legal or customary responsibility to care for them.” Their social and legal situation remains complex and often precarious in the host countries.

2.2 National Specifics and Statistical Data

The national concepts, procedures and developments of the foster care system in the project partner countries show similarities in many respects, but also differ in some details.

AT: In Austria, it is emphasized that the primary goal of out-of-home care is to return the child to his or her family of origin as soon as the parental situation there improves. Foster parents should therefore be prepared to have to separate from the child again. However, if it is in the child's best interest, a parent-child relationship has been established, or a return to the family of origin is no longer possible, foster parents can also apply for full custody or seek adoption.

The custody of asylum-seeking and non-asylum-seeking **unaccompanied minors** follows specific rules: If a minor whose parents are unknown is found in the federal territory, the child and youth welfare agency assumes custody (§ 207 ABGB). As clarified by the Austrian Supreme Court in its decision of 19 October 2005, this principle applies to all minors regardless of their age and without distinction between Austrian and foreign nationals. But adolescents between 14 and 18 years of age who come to Austria without parents or parents or other guardians, are currently largely on their own. As a rule they have no accompaniment during their questioning by the police, the decision on whether to apply for asylum, medical examinations and any other examinations including age diagnosis. Only their accommodation in a basic shelter and their legal representation in the asylum procedure are guaranteed. Not until the young people are admitted to the asylum procedure, the child and youth welfare service becomes active. This can take several weeks or months.⁶ In Austria,

⁶ UNHCR Österreich 2019: Empfehlungen zur Obsorgesituation von unbegleiteten Kindern und Jugendlichen in Österreich. www.unhcr.org/dach/wp-content/uploads/sites/27/2020/10/Infofolder_Obsorge.pdf

unaccompanied minors become capable of contract when they reach the age of majority (18) and are no longer entitled to custody. In addition, they must move out of the special care facilities for unaccompanied minors.

Statistical data reveal: More than 12,500 children and adolescents in Austria were not living with their biological parents as of December 2021. Around 5,000 of them live in foster families, while the rest are placed in residential communities, children's villages, homes or crisis centers run by child and youth welfare services. (Source: Wiener Zeitung, Dec. 4, 2021) Concerning different age groups, foster care placement dominates among the youngest up to age 6, but residential care placement predominates from age 6.

Overview 2020: Children and adolescents in full care in social pedagogical institutions and with caregivers (Source: Statistik Austria, Kinder- und Jugendhilfestatistik 2020)

Quantity			Percentage %	
Total	Residential homes	Foster care	Residential homes	Foster care
12678	7762	5061	60,5	39,5

In **2022, 2,940 unaccompanied minors** applied for asylum in Austria by the end of May. Extrapolated for the year as a whole, the number of applications is expected to rise for the fourth year in a row to approximately **7,060**. (Source: de.statista.com)

CZ: As other partner countries Czech Republic prioritizes the possibility of placing the child in *foster families* over the option of residential (institutional) care whenever it is possible. A legal act (No. 363/2021) was agreed, allowing the placement of a child under 3 years of age in residential care only until 12/2023. In line with this intent, a wide network of supporting organizations is created to actively help families who have opted for foster care. The national **statistical data** are reported as follows:

FOSTER CARE x RESIDENTIAL CARE						
	2016	2017	2018	2019	2020	2021
Foster care total	10922 (1892)	11362 (1935)	11643 (1767)	11931 (1722)	12094 (1564)	12351 (1656)

(new arrivals that year)						
Temporary foster care	692	730	671	703	616	665
Residential care total	6593	6677	6527	6799	6436	6173

FR: In France, becoming a *family assistant* (foster parent) is a highly regulated activity. In order to obtain the approval the family assistant has to meet some preconditions (explained beneath in chapter 6). He or she is an employee of the Department or of a childcare association and is paid by the department according to the number of children cared for and the duration of their presence. Finally, the parents generally retain parental authority and the family assistant must ask them for authorizations concerning the child's life (vacations, medical consultation, going out ...).

Statistical data: According to the URM mission of the Ministry of Justice, in 2020, there were 9,501 minors entrusted to the Departmental Councils by decision of the judiciary in 2020, compared to 16,760 in 2019, this is a decrease of 43%. Of these URM, very few seek protection through asylum. In 2019, only 755 URM were asylum seekers.⁷

GR: As stated in the Greek Civil Code, in *foster care* “the legal relationship between the minor and his/her natural family or guardian and in particular the competences of parental care of guardianship remain unchanged, unless otherwise specified in the law.” The child's return to its biological family is the goal, if it is in the child's best interest.

Foster care can be categorised based on the following: Method of constitution (contract between foster and biological parents or guardian, court decision or prosecutorial provision); Foster parent's status (relative or professional ...) Duration (long- or short-term); Type of child's need it covers (emergency, daily, hospitality foster care, relief foster care ...); Applicability in the context of criminal law (as reformatory

⁷ Source: [Mineurs non accompagnés : éclairage statistique \(forumrefugies.org\)](https://forumrefugies.org/)

measure, therapeutic measure, by order of prosecutor based on recommendation of juvenile probation officer ...)

Statistical data: According to the latest data in 10/2021 relating to fostering and adoption uploaded in the information system www.anynet.gr, there are currently 1.505 minors living in shelters, 589 of whom are eligible for foster care. 447 foster placements have been completed (as of 7/2020) and 274 applications for foster care have been filed (up to 4/1/22).

IT: In Italy, out-of-family placements are regulated by Law 184/1983 as amended. There are three main placements for children in need of **temporary out-of-home care: children's homes** (small residential services with professional caregivers, mostly social workers and social pedagogues); **non-professional foster families** (families or single people who care for a child in their home, without direct payment from the welfare system but with some income support); and **professional foster families** (families with one or both parents paid as professional caregivers, usually employed by a Voluntary Organization). Generally, the main characteristics of foster care are temporariness; maintaining relations with the family of origin; the forecast of the return of the minor to the family of origin. Unlike legal adoption, which is a commitment for life, fostering is for **limited period** of up to **24 months**, with the possibility of a **24 month extension** on the order of a judge; and ideally contact with the child's family of origin is maintained throughout. In addition, the law stipulates that by December 31, 2006, no minor may be placed in an institution, with preference being given to foster care or, as a secondary option, placement in a family-type community.

Unaccompanied minors are facing special risks: These children - having no means of subsistence - are almost fatally pushed into the arms of organizations, criminals active in human trafficking or other forms of exploitation.

Statistical data: In 2019, 708 children entered the pre-adoption foster care in Italy. Between 2010 and 2019, the largest number of minors in the pre-adoptive phase was registered in 2013, when 1,126 infants were assigned to their potential future families. In 2019, 1,239 children were declared adoptable by the Italian Juvenile Court.

PT: According to the Portuguese Social Security (2021), *foster care* has a wide-ranging responsibility for the development of the children and young people

concerned. It is seen as a protective measure that consists in the placement of the child or young person to a family or a person, qualified for this purpose, in order to provide the children or young person with integration into a stable family environment that guarantees them the adequate care to their needs and their well-being, as well as the education and affection necessary for their integral development. The goal is to provide the child or young person with: conditions for the proper satisfaction of physical, psychological, emotional and social needs; the establishment of affectionate, safe and stable bonds, acquiring skills for their personal, social, educational and professional development; conditions that contribute to the construction of the child's or young person's identity and integration; promote the acquisition or strengthening of the competencies of fathers and mothers and/or holders of parental responsibilities so that they can exercise them with quality in the best interests of the child or young person. The application of the foster care measure is favoured over residential care, in particular for children up to six years of age (Law 147/99, updated by Law 26/2018).

Statistical data: Analysing the numbers of foster care children in the last years, we can observe a 70% decreasing between 2009 and 2018 (ISS, 2019). Some authors define this phase as a “regression” phase of the foster care evolution, as a consequence of the lack of awareness campaigns, technical support and initial training for the caregiver candidates and foster families (Delgado, 2013; Magalhães & Batista, 2021). In 2017, of the 7,553 children placed, only 246 were in foster families. In addition, it should be noted that only 18 of the 885 children under 6 years of age were in foster families, representing only 2% of this age group. Despite a reduction of almost 25% in the total number of children with protective measures, institutionalization increased from 91% to 97%, compared with foster care that went from 9% to 3%. Numbers from 2020 show that a total of 6706 children and youngsters were placed in some kind of protective measure. From this total, 5787 were placed in residential care and only 202 were placed in foster care (that consist in a 6% growth from 2019) (Social Security Institute, 2018; 2020).

RO: In Romania, the **foster family** is a family certified by the competent authorities and willing to provide protection to the child for a certain period of time. **Child placement** is a special protection measure, which can be disposed to: a person or a family (with priority to the extended family), a maternal assistant (foster carer), or

residential service. The foster family can be part of the child's extended family. The **professional foster carer (maternal assistant)** is a certified person, who ensures through his/her work at home or in the home, the care and education necessary for the harmonious development of children in foster care. In general, **special protection of the child** is a national concept defined as the totality of social assistance benefits and social services, as well as programs, measures and actions aimed at the care and development of children who are removed from parental care or who cannot be placed in their care in order to protect their interests.

Statistical data: In Romania, the number of children placed in *foster care centers* has decreased in recent years as an overview between 2017 and 2019 shows.

2017	2018	2019
18,197	17,096	15,572

However, a comparatively large proportion of children at risk are placed in foster care and only a smaller number in institutional/ residential care.

	Numbers of 09/2021
Children in foster family care	32.700 (out of which 17.177 to foster carers and 11.267 to the extended family)
Children in residential institutions	13.097

2.3. Organisations Involved in the Recruitment

AT: The **Child and Youth Welfare Agency** in Austria is responsible for questions of child welfare and guardianship; contact partners are the local authorities in the federal states. The tasks of these authorities are manifold. In regard to foster care they include: Selection, preparation and assistance – The placement of a child under 16 years of age in foster care shall be appropriately prepared according to its importance for the development of the minor. Besides the responsible selection of foster parents and contact mediation to the foster child, the youth welfare services have the task of

providing foster parents (foster carers) training and further education and counselling assistance to them as well as to the foster child and the family of origin. *Care Supervision* - The youth welfare agency shall check at appropriate intervals, but at least once a year, whether foster children under the age of 16 are being provided care and education as defined in the General Civil Code. Those responsible for the care and upbringing of the foster child shall enable the foster care supervision.

CZ: In Czech Republic **OSPOD** (authority for the social and legal protection of children) and its local offices are the very first place to be contacted by persons interested in being a foster caretaker. Social workers of OSPOD also evaluate living conditions before the application. **Regional authority** - at this level, the psychological character of the applicant and the overall family relationships are evaluated, as well as the aspects of where the foster child will be placed. Also at this stage, the applicant must successfully pass courses for foster families. If all results are good, the applicant is added to the list of potential “fast-track foster parents”. **Court** - after the applicant is connected with the foster child, the court makes a decision to transfer the child into the foster parent's care.

FR: As already mentioned above, becoming a family assistant is a highly regulated activity in France. It is necessary to obtain an agreement, to follow a training and to pass a diploma. The request for this approval must be made to the **General Council of the Department**. Several organizations are involved in the recruitment of foster families, such as the **Social Services of the General Council**, associations or medical institutions. The family assistant is an *employee* of the Department or of a childcare association. To obtain this permission, several conditions are required, which will be explained later.

GR: The following organizations and institutions are responsible in connection with the recruitment and implementation of foster care in Greece:

- **Children's Social Protection Units** which belong to the Social Welfare Centres which are under the jurisdiction of the Greek Ministry of Labour and Social Affairs: responsible for the foster care of minors under their protection and the assessment of prospective foster parents.

- **Private Child Protection Institutions**, responsible for the foster care of minors under their protection in collaboration with the Regional Social Care Directorates (responsible for the assessment of prospective foster parents).
- **Juvenile Public Prosecutors** in collaboration with the Prosecutor and the Juvenile Court: responsible for issuing an order regarding children's removal from their biological environment or other placement to a safe environment (institutional or family care).
- **Public Social Services** (Departments of Social Solidarity of the Public Health and Social Care Directorates and Municipality Social Services, Public Law Centers of Social Welfare for the children living in their accommodation facilities): responsible for conducting social research and investigating the environment and the capacity of a potential family on providing foster care. Public Social Services are accountable for the supervision of fostering with house visits and writing of reports to the legal authorities.

IT: The **Social Service** proposes and implements the custody, i.e. by the technical-administrative structure in charge of the child protection service. It becomes effective through the intervention of a judicial body (juvenile court). The foster care project is prepared based on the child's needs, his specific family situation and the problems he presents.

The relevant local Social Services have the task of performing promotional functions in the local community and contributing by creating a culture of family trust, including awareness-raising and promotional initiatives; increasing the knowledge of the (potential) foster family through information courses, individual and group training on the necessary, social and psychological aspects of the intervention; to accompany and continuously monitor the foster families before and during the foster care; to create a foster care plan, to build, manage and update the household database and the database of custody applications; to create spaces for training, reflection, exchange of experiences.

PT: The **Child and Youth Protection Commissions (CPCJ)** apply the family care measure and supervise its implementation according to the terms of the support and protection agreement. The implementation of the foster care measure, decided in a judicial procedure, is directed and supervised by the court, which appoints the specific

teams provided for in the law. The institutions and bodies named in the foster care and protection agreement or in the judicial decision shall determine the intervention plan and implement it with the director of the procedure for the child or young person.

The **Institute of Social Security** and the **Santa Casa de Misericórdia of Lisbon (SCML)** are responsible for the administration of the foster care system. Responsibilities: Managing foster care vacancies, awareness campaigns and promoting applications to host families; establishing guidelines for the selection and evaluation of host families; developing a common plan for the initial training of foster families, conducting the annual survey of training needs, etc. (Decree-Law No. 139/2019, of September 16).

RO: In Romania, the **Ministry of Labour and Social Protection** is the central public authority that develops social assistance policy and promotes the rights of the family, the child. The ministry establishes national and sectoral social development strategies, coordinates and monitors their implementation, provides financial and technical support for social programmes and exercises control over the provision of social assistance benefits and social services. Moreover, this institution consults with central and local public authorities responsible for the financing and delivery of social services and with representatives of civil society active in the field.

Moreover, **local government authorities** are responsible for the administration and delivery of social assistance benefits and social services. One of them is the **General Directorate of Social Assistance and Child Protection**. They develop the county or local strategy for the social services in the medium and long term, in accordance with national strategies and identified local needs, in consultation with public and private providers, professional associations and organizations representing beneficiaries, and are responsible for its implementation.

Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție (National Authority for the Protection of Children's Rights and Adoption) - ensures the respect for the rights of the child by intervening, in accordance with the law, in administrative and judicial proceedings.

2.4 Protocols for Recruitment of Foster Families

AT: Anyone in Austria wishing to take in a foster child under the age of 14 needs a foster care permit from the local **Child and Youth Welfare Agency**. As in the case of adoption, applicants are **checked** for their **suitability** (ability to raise a child, ability to cope with stress, state of health, living and income conditions, etc.). The **foster care permit** is always issued for a specific child only. There is no official minimum age requirement for foster parents, but a certain amount of life experience and experience in dealing with children is required. The age difference between foster child and foster parents should ideally not exceed 40 years. Single persons can also take in foster children if they are otherwise suitable. In some federal states, it is possible to be *employed* as a foster parent under certain conditions. This involves further training, counselling, social security (pension, health, accident and unemployment insurance) and a salary just above the marginal earnings threshold.

CZ: In the Czech Republic, the procedure begins with submitting an **Application** for Inclusion in the Register of Applicants Suitable to Become Foster Parents. The municipal authority will then carry out a **social investigation** directly at the place of actual residence of the applicant. When it has collected the necessary documentation (a report on health, property situation, etc.), it forwards the application (plus evaluation of the research) to the relevant regional authority. This is followed by an **assessment** by the regional authority, which will provide psychological examination as well as the assessment of application by an expert. They will also place applicants in **preparatory courses**. During the expert assessment, the characteristics of applicant personality and mental and health condition will be mainly considered with regard to the prerequisite for raising a child. The office will also be interested in motivation for foster care, the quality of applicant's relationships and the stability of the family environment. The attitude of other family members is also ascertained. Based on the findings, the office will then issue a **decision** on inclusion or non-inclusion in the register of applicants.

The regional authority also keeps a list of children whose situation requires placement in foster care. The choice of a particular family then depends on the needs of the child and the abilities of the future foster parents. As soon as the selected family

is approached by the regional authority and acquainted with all the necessary information regarding the child in detail, personal contact is mediated.

FR: The processing of the **application** for approval as a foster family takes **4 months** in France and requires several actors. First of all, it begins with a collective information meeting and continues with a **social and psychological investigation** carried out by the social services of the general council, the **PMI (Protection Maternelle et Infantile)** and the **ASE (Aide Sociale à l'Enfance)**.

Then, several visits by a childcare worker and a social worker take place at the home of the future family assistant, as well as an interview with a psychologist. These actors will make sure that the family assistant is willing to make a long-term commitment, that he or she has a good command of French, and that the home is suitable and large enough. In addition, they will evaluate the qualities and capacities to welcome children and young people under the age of 21, the communication skills, the environment and the accommodation, and the capacity to adapt and organize themselves to various situations. Finally, if all the conditions are met, the approval will be delivered for **5 years** and renewable.

These actors remain in contact with the foster family to ensure that things are going well, through regular visits and evaluations. If ever the foster family encounters difficulties with a child or young person, the latter can be directed towards a new family.⁸

GR: The Law 4538/2018 established a National Registry of Candidate Foster Parents and Special Registries of Candidate Foster Parents for the first time in Greece. For the **registration of foster parent candidates** in the Special Registries, the following steps are required:

- Submission of an application of interest by the candidates accompanied by the necessary supporting documents. After the documents have been checked, a certificate of approval of the necessary eligibility requirements is issued.
- Social research/ investigation exploring the environment of prospective foster parents. It includes meetings with a social worker in the office and in candidates' home, meetings with other specialists, such as psychologists, meetings with

⁸ Source : [Comment devenir famille d'accueil | Dossier Familial](#).

the family's children and close relatives, and also, recommendations from persons proposed by the family. A suitability report is then produced by the body in order to complete the registration in the Special Registries.

- Attendance of a training course provided by specialists, such as lawyers, psychologists and social workers. The duration is 30 hours and it is implemented during 5 to 8 meetings. After successful completion of the programme, a certificate of attendance is issued and registration in the National Registry is completed.

IT: In Italy, foster care can be ordered towards a family (preferably with minor children) or even a single person, as long as they are able to provide the child with the maintenance, upbringing, education, and emotional relations he or she needs. The law provides that in the event that foster care of the child is not possible, the child shall be placed in a family-type community or, failing that, in a public or private care institution. The latter must be based in the place closest to that in which the family unit of origin permanently resides, so as to ensure its effective proximity to the family of origin, in line with the inspirational rationale of the entire reform.

An amendment to the Law (No. 149 of 28.03.2001) prescribes measures to fully realize the **right of the child to his/her own family**, by which is meant both the natural family of origin and the one to which the child may be entrusted due to the difficulties of the family of origin. With the present law, the child is expressly granted the right "...to grow up and be educated in his or her own family", for which the State, the Regions and the local authorities provide support and/or assistance measures to overcome any difficulties related to the neediness of the parents or the parent exercising sole parental authority.

As mentioned above, Italian law provides that **by December 31, 2006, no minor may be placed in a residential care home**, with preference given to placement in a foster family or, as a second option, in a family-like community. Placement in a foster family will continue to be ordered by the local social services department unless the parents or guardian have given their prior consent and have consulted the child who has reached the age of twelve and, where appropriate, the younger child, taking into account his or her capacity to judge.

PT: Interested families in Portugal contact the Social Security Institute and, after receiving the **expression of interest**, an **informational interview** is scheduled. It is the responsibility of the administration of the vacancies, in collaboration with the framework institutions, to select the most suitable foster families for the child or adolescent to be admitted and to notify the Children and Youth Protection Commissions (CPCJ) or the court of the start of the admission. Registration of foster families is recorded in a database, and the framework facilities are responsible for ongoing communication with families.

Upon application, the framework facility conducts a **psychosocial study** of the applicant family. This examination allows the institutions to analyse whether the family is able to respond to the needs of children and adolescents, and to verify that home conditions, hygiene and adequate security are in place. The psychosocial study can be conducted through interviews, visits to the family, observation of family dynamics, and other technical procedures. At the end, the decision to accept or reject the application is communicated: If the decision is accepted, a **foster care certificate** is issued. If the decision is not accepted, the family can appeal within 10 days and resubmit the application and submit new documentation. (Social Security Institute, 2021).

RO: According to the **Regulation No. 26/2019** of the **Ministry of Labor and Social Justice**, the person/family wishing to provide care services must submit an **application** to the service provider and attach the relevant documentation (copies of civil status certificates, education certificates and criminal records). After the documents are reviewed, the initial **assessment process** begins. The assessment is conducted by specialized professionals who are responsible for hiring, evaluating, training, and monitoring the applicant. The initial assessment is carried out through various visits to the applicant's household, assessing the following aspects: material conditions, health status, and parenting skills.

Upon completion of the initial assessment, an **interim assessment report** is prepared and the **training and instruction process** is initiated. In addition, applicants participate in a mandatory training program in accordance with the framework developed by the **National Authority for the Protection of the Rights of the Child and Adoption**. Upon completion of the mandatory preparatory modules, a **training**

report is prepared. The report contains information on the completed modules, the results achieved by the applicant and comments on the person's behaviour during the training process. Based on the assessment report and the training report, a **final assessment report** is attached to the applicant's application.

2.5 Individual Steps for Becoming a Foster Family

AT: Interested parties have to **apply for a foster care permit** at the **Child and Youth Welfare Office**, but this permit can only be issued for one specific child at a time. This means that if this child has returned to his or her family and you want to continue being a foster parent, you will have to submit a foster care permit for another child. Anyone who is interested in taking in a foster child will receive precise **information from the social workers** at the child and Youth Welfare Service about the prerequisites and requirements for a foster relationship. For example, regardless of their previous education, foster parents must complete a **foster parenting course**, work closely with the child and Youth Welfare Services, and provide them with insights into their family life. The Child and Youth Welfare Services not only regularly check whether the child has integrated well into his or her new foster family, but also provide advice and support in challenging situations. For example, foster parents are accompanied by a specialist at the beginning of the foster relationship.

Regarding **Unaccompanied (Foreign/Refugee) Minors** the process is similar: In order to take in unaccompanied children, the family must be examined. This so-called **suitability check** is carried out by the local Child and Youth Welfare Office. Depending on the place of residence, this is the district administration or the magistrate. The Child and Youth Welfare Services meet all persons living in the household, inquire about the motivation for taking in a child and carry out a home visit to confirm that the living quarters are suitable for accommodating a child. From a legal point of view, taking in unaccompanied refugee children is a matter of foster parenting, too. Foster families are supervised and accompanied by expert organizations as described above.⁹

⁹ www.asyl.at/de/themen/kinderfluechtlinge/fluchtwaiseninfamilieaufnehmen/

CZ: In the Czech Republic, first an **application** must be made for inclusion in the register of applicants suitable for admission as foster parents. Subsequently, the municipal authority will carry out a **social investigation** (property, background, integrity, etc.), forward the application and the results of the investigation with its opinion to the relevant regional authority. This is followed by an assessment by the regional authority. During the **expert assessment**, the characteristics of personality, mental and health condition will be mainly considered with regard to the prerequisite for raising a child. The office is also interested in the motivation for foster care, the quality of the applicant's social relationships and the stability of the family environment. The attitude of other family members is also ascertained. In addition, the applicant participates in **preparatory courses** for the admission of a child to a foster family. Then the office decides on inclusion or non-admission in the register as an applicant. Just as the regional authority registers applicants for foster care, it also maintains a list of children whose situation requires placement in foster care.

FR: In France, it is necessary to **obtain a license**, complete training and obtain a diploma. The **application** for this authorization must be submitted to the **General Council of the Department**. Several organizations are involved in the recruitment of foster families, such as the social services of the General Council, associations or medical institutions. As mentioned above, there are a number of requirements for the granting of this authorization. The processing of the application for approval takes about four months. It begins with a **collective information meeting** and continues with a **social and psychological examination** conducted by the Social Services of the General Council, the PMI (Protection Maternelle et Infantile) and the ASE (Aide Sociale à l'Enfance). Several visits are then made by a child care worker and a social worker to the home of the future family assistant, as well as an interview with a psychologist. If all conditions are met, the **license is granted for 5 years** and can be renewed.¹⁰

GR: The regular steps in Greece for becoming foster parents/ a foster family are the following:

- Filling in an **application** on anynet.gr and attach the required documents

¹⁰ Source: [Comment devenir famille d'accueil | Dossier Familial](#)

- When checked by the competent social workers, a **social research investigation** takes place.
- When this screening is successfully completed, prospective foster parents undergo **training** and are added to the **National Registry of Prospective Foster Parents**.
- Candidates are put in **contact with children** who are considered suitable to be placed in that environment. The contact involves several meetings, always under the responsibility of the child protection unit that has the care of the child. A multidisciplinary team consisting of scientists from the foster carer's supervisory body and the supervisory body of the child.

IT: People (couples or individuals) interested in learning about custody can firstly contact the local Social Service or the voluntary associations that deal with foster care for **initial information**. Those who decide to give their availability to the assignment turn to the Social Service of the area of competence to initiate the necessary procedures. In this way, a **path of learning and exchange** is to be followed. In addition, families can also turn to the Associations that deal with this form of custody for **information, support and guidance** on the way to and during foster care. Moreover, in these associations it is possible to exchange experiences and get in touch with other families who live or have lived the daily life in a foster family.

PT: The recruitment of foster parents or host family in Portugal is regulated in the following way: The **application** is formalised in the framework institution of the candidate's area of residence, through the presentation of a request, available on the websites of the managing bodies or framework institutions, accompanied by the following **documents**:

- Proof of civil, fiscal and social security identification numbers;
- Declaration of the household's residence;
- Medical declaration, for the purpose of determining the state of health
- Last annual declaration of household income or other document proving the financial autonomy of the household;
- Criminal record certificate for the foster carer and other members of the household over the age of 16

- Declaration under oath that none of the members of the household are, or have been, limited or inhibited, totally or partially, from exercising parental responsibilities over their children
- Declaration, under oath, that the person responsible for foster care is not, at the date of submission of the application, a candidate for adoption;
- Proof of attendance of an informative session, or exemption from the same, concerning the members of the household who assume responsibility for the children and youth to be fostered.

The **assessment of the application** is based on a **psychosocial study of the family**, which aims to ensure that the applicant family meets the necessary conditions and is carried out through psychosocial interviews; home visits; application of other complementary technical evaluation tools.

The **selection of the candidate** to become a foster family is carried out by the institution that checks several criteria partly mentioned above:

- Availability for the management of daily life with children and young people;
- Socio-family stability and acceptance of the foster family process by all members of the household;
- Suitable motivation for foster care;
- Willingness to collaborate and promote the maintenance of the relationship between the child and his/her family of origin;
- Willingness to maintain a close cooperation with all the technicians intervening in the process;
- Availability to participate in the initial and continuous training actions;
- Adequate conditions of habitability, hygiene and safety for the reception of children and young people.

The favourable selection decision gives rise to the issue of a **foster family certificate** issued by the frame work institution, and the person responsible for the foster family is notified.

RO: In Romania too, the application process is strongly regulated and there is a multi-step process to go through. As described in the previous chapter, any person or family wishing to provide caregiver services must **submit an application** and attach the **appropriate documentation**. After the documents are reviewed, the process of initial assessment begins. The **assessment** is carried out by specialized professionals, for example, through various visits to the applicant's household, assessing material conditions, health and educational abilities.

After that, an **interim report** is prepared. Then, applicants participate in a **mandatory training program**. Upon completion, a **training report** is prepared. This contains information about the modules completed, the results achieved by the applicant and comments on behaviour during the training process. Based on the initial assessment report and the training report, a **final assessment** is attached to the candidate's application.

2.6 Recruitment Criteria and their Evaluation

AT: In addition to the basic conditions such as personal integrity, health and stable living conditions, the specific criteria vary across the Austrian provinces. There is no official minimum age required for foster parents, but a certain amount of life experience and practical knowledge in dealing with children is assumed. The age difference between foster child and foster parents should ideally not exceed 40 years. Single persons can also take in foster children if they are otherwise suitable. On the homepage of the Vienna Municipality, some criteria for "ideal foster parents" are formulated this way:

- Experience in raising and caring for children.
- Desire to accompany a child who needs more time and support for successful development.
- Lifestyle and household are adjusted to children.
- Being free from life crises, financial worries or other problems.
- Resilient and able to cope with crises.
- Resolve disputes and disagreements well.

- Acceptance of a foster child is desired by all family members living in the household.
- There is a harmonious, warm-hearted, child-friendly and understanding family climate in the family.
- Positive attitude towards the foster child's right of contact with his/her biological family
- Willingness to accompany a child on his or her return to the birth family, and
- To work closely with the social workers of the Child and Youth Welfare Services.¹¹

Evaluation practice: Prospective foster parents are examined by experts from the Child and Youth Welfare Services for their parenting skills, ability to cope with stress, state of health, living and income conditions and other factors. Processes and procedures may differ in the various federal states. Details will be provided to the applicants in the specific case by the responsible authorities.

CZ: Basic requirements for foster parents in Czech Republic: He or she provides guarantees of compliance with the duty of care, has his or her residence on the territory of the Czech Republic, agrees to place the child in a foster family. It is not necessary to be married or have a partner. If the applicant meets the other requirements, the child can also be entrusted to an individual. However, in the case of joint custody by both partners, marriage is a requirement. A child may also be placed in the care of relatives (grandparents, etc.). The following general conditions must also be suitable.

Family situation:

- stable and peaceful family environment
- stable partnership (> 5 years living together without current conflicts)
- meeting the needs of children in the family must not be affected by the possible admission of children to foster care
- families in middle age with grown children (over 15 years old) seem to be the most suitable
- the family has sufficient capacity to attend to the child whom it will receive for a temporary period

¹¹ www.wien.gv.at/menschen/kind-familie/pflegefamilie/voraussetzungen.html.

- a sufficient period of time has passed since the arrival of the last child in the family in the form of adoption or classical foster care (usually at least 2-3 years) and all children in the family have created a safe and solid relationship with their parents (foster parents)
- it is assumed that families with children with special needs (ADHD, autism, serious educational problems, adverse health conditions, etc.) no longer have the capacity to care for another child in foster care
- driving license, respectively they should be active drivers

Life security and housing:

- the nature of the housing, quality, amenities and stability – the housing conditions allow the creation of sufficient space for the admitted child and ensure adequate privacy
- one of the temporary foster parents should be ready to leave his job at the latest when hiring the first child
- the socio-economic level of the family is stable, the initial current situation is without serious problems (without ordered execution or significant debt)
- the environment in the applicant's household must be safe for the adoption of a child

Health:

- the applicant's state of health in mental, physical and sensory terms must be such that it does not prevent the care of the foster child
- addictive diseases (drugs, alcohol, etc.) excluded in the anamnesis

Evaluation practice: After submitting the Application, there is a social worker from OSPOD personally visiting the family interested in foster care – evaluates the living conditions and relations within the members of family where the child would be placed. If the situation is considered as favourable, then the caretaker must pass successfully a psychological test and interview, also the other family members are being interviewed to ensure, that the foster child would be welcomed by all members.

FR: In order to obtain the approval which is delivered by the services of his department, the family assistant will have to meet the following **conditions:**

- Be a French citizen, a citizen of the European Economic Area (EEA) or have a valid residence permit authorizing the exercise of a professional activity
- Not have been convicted of any offence related to children
- Pass a medical examination to ensure that the assistant's state of health allows him/her to care for children
- To present conditions of reception guaranteeing the safety, health and development of the children (physical, intellectual and emotional)

In addition, applicants must attend some information sessions and preparatory courses in advance, which have already been listed above.

Evaluation practice: Several home visits and a social and psychological examination are held conducted by the Social Services of the General Council, the PMI (Protection Maternelle et Infantile) and the ASE (Aide Sociale à l'Enfance). The responsible authorities will make sure that the family assistant is willing to make a long-term commitment, that he or she has a good knowledge of French, and that the apartment is suitable and large enough. In addition, they will evaluate the qualities and abilities to host children and adolescents under 21, communication skills, environment and housing, and the ability to adapt to and organize different situations.

GR: In Greece the placement of a minor in foster care is allowed if the following **conditions** are cumulatively met:

- the foster parents meet the age limits (25 to 75 years of age) and have an appropriate age difference (18 to 60 years of age) from the foster child. The age limitation does not apply in the case of foster care by relatives.
- the foster parents (as well as the people living with them) are in good mental, intellectual and physical health, and in particular do not suffer from any infectious diseases.
- the foster parents (as well as the people living with them) have not been convicted or are not subject to criminal proceedings for offences.
- the foster parents have proven ability to meet the basic costs of the foster child's maintenance, education and medical care.
- the foster parents are registered in the National Registry of Candidate Foster Parents

IT: (Re)knowing the **motivations** of foster caregivers is important both for those who intend to give their availability, so as to understand and comprehend the profound aspects of an option that involves the intimate and the history of each person, discerning risks and dangers (and perhaps second thoughts) as well as opportunities and resources, but also for the services that must search for the foster family best suited to that specific removal situation. Proper matching is indeed critical to successful foster care and is a phase that is all too often underestimated by services (even if this sometimes happens because of the urgency of the measure); therefore, it is important to find the "right" family for that child, whereas an ideal family is not needed (and does not exist).

The **qualifying "characteristics"** of a foster family are necessarily linked to its value system, which is not abstract, but consists of "concepts-concrete" that allow for guidance in the delicate management of foster care:

- The value of "**person**" consists in the fact that everyone is a unique subject who finds his essence in himself, but also in the relationship and recognition by others; one becomes a person when feeling welcomed, when given the opportunity to develop one's identity and an active role in life;
- The value of "**family**" lies in the call to strong bonds, to trust, to attunement, to affectivity, to care, to responsibility; the family is thought of as a place of dialogue, of community, of identity growth, as a testimony of fidelity to a common project
- the value of "**affectivity**" in the host family is based on respect, not possession;
- The value of "**welcome**" is linked to the value of "**sharing**" and is neither natural nor easy for the couple. It means "feeling" together the abandonment, the neglect or violence suffered; it means being able to overcome contradictions, the doubts, the tensions; it means changing decisions of daily life and orienting them to the needs of the welcomed child;
- The value of "**everydayness**" is that of a normality with a horizon that consists not only of the days that pass, but of getting used to being together through the renewal of impulses and perspectives;
- The value "**temporariness**" does not refer to the instability of the relationship, but to its intensity; to be a parent for a short time means to be definitively

committed to the goal of fostering and the interest of the welcomed child, knowing that the quality rather than the duration of the relationship can influence the possibility of growth and identity development..

A balance must be found between the foster family's choice of its "life project," and the needs of the received minor child.

PT: In Portugal, anyone who meets the following **basic conditions** can apply to be a foster carer:

- Must be over the age of 25;
- Not be an applicant for adoption;
- Have physical and mental health conditions, proven by a medical declaration;
- Have an adequate home with hygiene and safety conditions for the reception of children and young people;
- Must be suitable for foster care;
- Not have been indicted, accused, sentenced or convicted by the judicial authority, even if not yet judged, for a crime against life, physical integrity and personal liberty, or against sexual freedom or self-determination;
- Not have been inhibited from exercising parental responsibilities, nor have their exercise limited, because they pose a threat to the safety, health, moral upbringing and education of the child.

The Evaluation practices of foster candidates and foster families in Portugal are manifold and include:

Psychological Evaluation

The psychosocial assessment aims at getting to know the foster family applicant and family members, in order to support the evaluation of the application submitted. The objectives of the psychosocial assessment are

- To evaluate the family structure, dynamics and functioning;
- to know the health situation of the various members of the family
- to evaluate the economic stability of the family household
- to analyse the family and social support network;
- evaluate in-depth the expectations and motivations of the family in relation to reception;

- to analyse the degree of motivation of the group and of each individual and detect any discrepancies in terms of acceptance (e.g., between spouses, between parents and parents and children).

Home Visits

The home visit aims to observe the conditions of the house, the available space, the equipment and furniture, the tidiness, the hygiene, the comfort and safety and the surrounding context.

In this way, the objective is to verify living conditions, namely

- accessibility of the dwelling: by stairs, lift, existence of ramps;
- the type of dwelling (e.g., flat, villa, terraced house)
- existence of basic sanitation, water, electricity and gas;
- number and type of rooms;
- hygiene of the space;
- existence of a dedicated room for the client;
- to evaluate the management and organisation of the space (e.g., conditional use of certain spaces, limited use of certain spaces, concerns with storage);
- Evaluate the conditions of the surrounding space - safety, accesses, existing problems in the surrounding area;
- to explore the degree of social integration of the family in the environment.

RO: The person or family receiving a foster child must be domiciled in Romania and be assessed by the Directorate General for Social Assistance and Child Protection on the moral guarantees and material conditions they must meet to receive a foster child. The **requirements** regarding the recruitment of foster carers usually differ from one region to another according to each General Directorate for Social Assistance and Child Protection, but there are some general guidelines that need to be considered:

- Have full capacity to practice
- By their social behaviour, state of health and psychological profile, provide a guarantee of proper fulfillment of parental duties in the upbringing, care and education of their children
- Have housing that meets the food preparation, hygiene, education and recreation needs of their users, including children who are to be taken into care or custody

- They don't engage in paid activities
- They have participated in training courses organized by the public service for child protection or by the approved private institution that conducts the evaluation for the issuance of the certificate as a professional child care worker.

A person *cannot* be a caregiver if he or she has been convicted of an intentional criminal offense by a final court judgment, or if he/she is a parent who has been deprived of parental rights by a final court judgment or a person suffering from chronic communicable diseases.

2.7 Support of Foster Families, Monitoring and Communication

Assistance and support is provided to foster families in all partner countries. There are organizations that offer training, exchange of experience and technical assistance. Financial aid is also provided. However, these vary according to the degree of professionalization of foster care and can range from regular subsidies to employment on a salary basis.

AT: Care Supervision -The youth welfare agency shall check at appropriate intervals, but at least once a year, whether foster children under 16 years of age are being granted appropriate care and education. The persons responsible for the care and upbringing of the foster child have to make the care supervision possible.

Help for the consolidation of the foster relationship - Foster care of a child under the age of 16 shall be prepared in accordance with its significance for the development of the minor. The Youth Welfare Office has to offer training and further education to foster parents as well as counselling support to the foster child and the family of origin.

Foster care allowance - Provincial legislation shall regulate the foster care allowance that foster parents receive upon their application to alleviate the burdens associated with foster care. Local conditions and maintenance costs shall be taken into account.

Communication with authorities: The above-mentioned offices of the Child and Youth Welfare Agency and the respective contact person at the municipal or regional level can be contacted for any questions or difficulties. In addition, home visits or meetings are held regularly, at least once a year, with the contact persons of the responsible local authority. Foster parents or persons who want to become one, can also turn to foster parent rounds offered by e.g. parent-child centres or municipalities all over Austria for exchange of experiences, assistance, etc.

CZ: In the Czech Republic, the control and monitoring of the foster family seems to be particularly intensive. **OSPOD** - authority for the social and legal protection of children – prepares for each child an **Individual child protective plan** which foster family follows with support from accompanying organizations.

Organizations accompanying foster families (“SPR”) – each foster family chooses an accompanying organization listed on www.nahradnirodina.cz/adresar. The family is assigned a person from the organization as the main collaborative partner and the foster care implementation agreement, which reflects the OSPOD Individual Child Protection Plan, is also signed. Foster family receives information materials, contacts to the SPR management, contacts in dealing with crisis situations, link to the SPR website, information on the possibility of filing a complaint, information on how to collect feedback, etc.

Caregivers and children are notified of the legal obligation of the **SPR** to cooperate with the **Social and Legal Protection Authority (OSPOD)** and to report on the course of the mutual cooperation. Contacts with caregivers or registered persons and entrusted children take place at intervals of two months. The key employee of the accompanying organization (**SPR**) cooperates with OSPOD, which evaluates the actual needs of the child and caregiver and updates an **Individual Child Protection Plan**. The key worker of the SPR, together with the caregiver, then draws up a Plan how to achieve the goals stated by OSPOD.

Even after a foster child has been admitted, there are regular contacts and visits to check whether the care situation is developing positively or whether problems are occurring. Every six months, the accompanying organization writes a **report to OSPOD**: The report describes how the child is doing, what progress foster parents

have made with the child over the past six months, whether the foster parents are fulfilling their legal obligations.

Other Support:

- Education plan - Foster parents are acquainted with planned professional seminars, topics of multi-day seminars, supervision meetings, etc. – 1 year plan period
- Professional help - mediation of psychological, therapeutic or other professional help at least once every 6 months
- 1 x in 14 days all-day babysitting of entrusted children (“respit”)

Besides OSPOD, there are also numerous Organizations accompanying foster families all over ČR that are the closest support of the foster caregiver. Once in every two months (or sooner if needed) is meeting with child and caregivers, follows child development, fulfilling the goals set by OSPOD and every six months prepares a report for OSPOD. Each family has a "key person" who provides professional support and responds to the actual needs of the child or caregiver.

FR: In France, the involved authorities remain in contact with the foster family to ensure that things are going well through regular visits and evaluations. If ever the foster family encounters difficulties with a child or young person, the latter can be directed towards a new family.

Communication and collaboration between foster families and official institutions such as the **Child Welfare (ASE)** are very important. The development of good communication promotes the effective integration of the young person and improves his/her well-being. It is very important not to pass judgment on the child or the family. The goal is to accompany the young person so that he/she can integrate in the long term. ¹²

GR: Regular and extraordinary meetings are foreseen with the foster family in Greece to make sure that the child is living in a safe environment. In addition:

¹² Source: [La collaboration lors d'un placement en famille d'accueil : une étude sur les interactions entre les adultes qui prennent soin d'un enfant placé | Cairn.info.](#)

- **Training** of foster parents by qualified experts to help families gain satisfaction from their new situation
- **Financial support** to the foster family to cover the needs of the child for the entire duration of the foster placement and for the period of schooling and military service, up to a maximum of 26 years of age. The financial support is exempt from any tax, fee or contribution.
- **Priority** is given to enrolment and free attendance at nursery schools, student halls of residence and children's camps.
- The body responsible for the supervision of foster care shall draw up and send a **report** on its activities to the competent public prosecutor for minors every six months, unless the need arises for exceptional information, in which case it shall inform without delay.

IT: Foster families can notify **Social Services** if they want **advice and assistance** by a particular association during the care period. This includes:

- to welcome the minor with them;
- to provide for his care, maintenance, education and instruction by taking the necessary psychological, emotional and material attention;
- to guarantee respect for the history of the minor, their significant relationships, their affections and their cultural, social and religious identity;
- to ensure the utmost confidentiality regarding the situation of the minor and his family of origin;
- to look after and maintain relations with the family of origin and with all the other subjects involved, facilitating the return of the minor to their family, according to the indications contained in the foster care project;
- to participate in the verification meetings on the assignment arranged over time by the services, according to the methods and deadlines specified in the project;
- to participate in the support and training activities carried out by the Family Custody Service to promote opportunities for comparison and discussion.

Moreover, general and educational **preparation trainings** are provided. They serve for orientation, experience, skills and reflection to develop competencies, maintain

motivation and participation in the **support network** with and for families. Through discussions, foster families can learn to see the different situations they find themselves from other perspectives. The basic task of the group is to collect and take up experiences and emerging problems, so that their processing is not done from theory, but through what is experienced in daily life. In addition to supervision, shared experiences and training, the network offers: organizing and conducting group activities, vacation and recreational initiatives for families and children, advising families in dealing with institutions.

PT: The organisation and implementation of initial and **continuous training actions** are aimed at providing the host families with the necessary skills to perform the functions and activities they are responsible for and as a strategy to promote the quality of the service they provide. In terms of **technical support** needs in the initial phase of **family reception**, the following are identified:

- Support to overcome difficulties of integration and adaptation of the fostered client to the foster family and vice versa.
- Provision of family information about the context of the family of origin to the host family.
- Connection with health services (it is desirable to keep the specialists who have accompanied the client under care).
- Support and educational guidance with the aim of identifying strategies and practices suitable to the specific foster relationship
- Assist in the identification and processing of benefits and subsidies resulting from the signed admission agreement.
- Assist in the identification and treatment of accidents to the child in care.

The **monitoring mechanisms** include:

- face-to-face visits to the residential context of the host family;
- supervision of the child or young person's contacts with the family of origin;
- private moments with the child and young person, at least quarterly and to be carried out outside the context of the foster family;
- the living conditions and the existing emotional framework;

- the technical assistance needs of the child in care and the care giver's family or the needs identified by the technical team.

Communication practices: The person designated under Article 82a of the Law for the Protection of Children and Youth at Risk (LPCJP) will develop his/her activity in close coordination with the team of the framework facility and with the staff responsible for monitoring the family of origin, as well as with other agencies or services involved in the process. The responsible person will mobilize all available actors and resources to provide, in a comprehensive, coordinated and systemic manner, the support, services and monitoring of these children and their family of origin, which must provide information about the entire intervention developed. To our knowledge, the Portuguese law and the legal documents available to the public do not contain further information about the communication practices between foster families and official agencies.

RO: Social assistance services are a form of supplement or replacement of individual/family earned income to ensure a minimum standard of living, as well as a form of support to promote social inclusion and improve the quality of life of needy persons whose social rights are expressly provided for by law.

Each social service collaborates with **case managers** assigned for the children, who are in foster care/with *foster families* or the *professional maternal assistants*. The case manager's responsibilities related to the case monitoring process are:

- Coordination and delivery of the comprehensive evaluation of the child's needs
- Monitoring the situation of the child that is given into placement
- Elaboration of periodical reports regarding the situation of the child
- Facilitating the maintenance of child's relation with his family/relevant persons
- Monitoring of the child's rights

Around the child placed in foster care, there will be a team collaborating, made up of: the child's social worker, the foster carer's social worker, a psychologist, a pediatrician, a nurse and also the staff who provide educational services for the child outside the family setting (teachers a.s.o.).

2.8 In what ways are children's views taken into account?

AT: In Austria, general children's rights established by law are applied. They include:

- **Hearing rights:** From the age of ten, children must be heard by the court in proceedings concerning custody or contact rights. Younger children should also be questioned as far as possible; this can be done by the court, an expert or the family court assistance. The will of the child becomes more and more important according to his or her age. Child's best interests take precedence over the will in case of doubt. In principle, however, the older the child, the more likely it is that its wishes will be complied with.
- **Rights of petition:** From the age of fourteen, children have the right to file petitions in court independently, i.e. without the involvement of a parent, in proceedings concerning custody or contact rights.
- **Child advocate:** In proceedings concerning custody or contact rights, a child advocate can be appointed by the court. A child advocate is a psychosocially trained companion for children up to 14 years of age. His/her task is to inform him or her about the proceedings and to ensure that the child's will is heard and given weight in court. He may disclose the contents of the conversations to parents or the court only with the child's consent.

CZ: Prior to placing a foster child with a family, the Advisory Board meets to discuss the specific needs of each child and assess which family is best suited for the child. Beginning at age 12, the child's wishes and preferences are considered.

FR: Fostering involves major changes for the unaccompanied minors, and it is important to consider the interests of the child and his/her basic physical, intellectual, social and emotional needs. Everything must be done to ensure the child's well-being.

Most recruitment processes for foster families take into account the motivation of the minors, who are generally very keen on this type of care, which allows them to be well surrounded and supervised in a caring environment. It is also important to take into account the young person's opinion and to be certain of the compatibility of the

young person and the host family so that the integration process goes smoothly. Some young people do not wish to participate in this scheme and it is important to take their decision into account.¹³

GR: There is collaboration between the multidisciplinary team of the supervising agency of the foster parents and the supervising agency of the child protection unit responsible for the child, with the foster parents and perhaps the child, if the child is of age and able to express an opinion. The contact is made after the online connection through the “anynet” platform and involves several meetings with the parents and the child. Also, the agency is obliged to cooperate with the minor in foster care, to inform him/her systematically about his/her rights and how to submit complaints on his/her behalf, always in accordance with age and degree of maturity.

IT: The direct involvement of the minor is foreseen if he/she has reached the age of 12; for younger ages, it is necessary to identify the most appropriate forms of participation of the child on a case by case basis. How the care arrangement and project are to be implemented will be discussed with the foster family with the primary interest of the minor in mind.

The theoretical and operational model of "The World of the Child" is used, which represents the Italian adaptation of an English Assessment Framework, the result of a decade-long British government project aimed at making available to the country's protection and safeguarding services a shared and unified framework for analysis and intervention with families referred to protection services. The model proposes a comprehensive view of the child in his or her life context, through a highly differentiated model of important main and sub-dimensions that capture personal physical, mental, and emotional development of the children, as well as the closer and broader social context. (Cf. Milani et al., 2011; Serbati, Milani 2013). If the team has a common basis of ideas about what a child needs in the everyday life of a developmental process and especially during difficulties and abrupt changes, it is easier to also focus on the resources available in the child himself and in his living environment. Clarity about what may be lacking (risk factors) should also draw attention to what is already present

¹³ Reference: [Accueil des jeunes migrants : loin des leurs, ces mineurs étrangers retrouvent une famille dans le Val-de-Marne - Le Parisien.](#)

and needs to be strengthened (current and potential protective factors and resources).

PT: In Portugal, the initial investigation and characterization of a foster case focuses only on the essential aspects for a quick identification of a foster family with the appropriate profile. The analysis of the rest of the information, especially considering the development and perspectives of the foster child is done during the foster placement itself. In this scope, the following elements are considered:

- characteristics of the client/ child
- characteristics of the family household of origin;
- reason for application of the Family Fostering measure/reasons for request;
- health situation of the client;
- attitudes and reactions to Family Home on the part of the client;
- physical and functional capacity;
- client's habits/tastes and interests (meals; food; sleep; hygiene; clothing; visits to the doctor; leisure time occupation; recreational and/or cultural activities
- sports activities; spiritual and/or religious activities; interpersonal relationships; family relationships)
- emotional and behavioural development of the client;
- school situation;
- identity;
- family and social relationships;
- social presentation;
- ability for autonomy.

RO: According to Law no. 272/2004, a child who is capable of discernment has the right to freely express his or her opinion on any matter that concerns him or her. In addition, the child has the right to be heard in all judicial or administrative proceedings concerning him or her. It is mandatory for a child who has reached the age of 10 to be heard. However, a child who has not reached the age of 10 may also be heard if the competent authority considers it necessary for the resolution of the case.

2.9 Foster Care: Examples of Good Practice for Unaccompanied Minors

Not least, we want to present a few selected sources and examples on a better process of welcoming foster children and unaccompanied minors. In European partner countries, there are not very many sources and studies that explicitly address improving foster care recruitment, and even less regarding the often neglected group of unaccompanied minors. Below are some **examples from France** that might also be of interest in another national context. A few further sources from other partner countries (in the respective national languages) can be found in the appendix/ list of references (section 5.2)

In France, the recruitment of the host family can be done through an employment contract, a hosting contract or a moral contract. The following projects and their websites provide a more in-depth insight:

1- SESAME project "Solidarity: What if I host a foreign minor?"

In the department of Puy de Dôme, the association Atelier Logement Solidaire offers families to become a host family for a young URM for a period of 6 months to 1 year, renewable, or as a relay family for occasional hosting during vacations and weekends.

In order to put host families and young people in touch with each other in the best possible conditions, the association has set up this recruitment process:

- Participation in an information meeting to prepare the application file
- Interview to evaluate the conditions of reception, the motivations and the educational and civic capacities
- Follow-up of the training prior to the reception
- ALS/ASE Commission and meeting followed by a trial period
- Signing of an agreement and reception of the young person with accompaniment throughout the period of reception¹⁴

¹⁴ Source: [SESAME « Solidarité : Et Si j'Accueillais un Mineur Etranger ? » - Atelier Logement Solidaire \(atelier-logement-solidaire.org\)](https://www.atelier-logement-solidaire.org/).

2- The Loiret Department's solidarity family

Following the increase in the number of URMs, the Loiret Department wanted to develop the concept of supportive families. This support makes it possible to offer a new type of care adapted to the specific needs of URMs. This type of care contributes to the social integration of young people in the department. This approach is voluntary and the families do not receive a salary but can be reimbursed for certain expenses. The young people are also volunteers.

Here is their recruitment process:

- Information and assessment of the families.
- Information meetings are held each year where interested and willing individuals can submit a written request to the Department, which then reviews the files. An evaluation is done by the ASE (Child Welfare Service). Then, an interview is conducted at the person's
- home to ensure that he or she is capable of guaranteeing the child's physical, emotional, intellectual and social development and preserving the child's health, safety and morality.
- The decision to entrust the child
- The Department collects the child's opinion and makes sure that the child understands what the project involves. A fostering contract is then signed by the volunteer, the child and the President of the Departmental Council, specifying the actions, the terms of fostering and the duration.
- Establishing contact and providing support
- An initial meeting between the young person and the host family is organized, followed by a gradual reception according to the needs of the young person. Throughout the placement, the young person and the foster family are accompanied and monitored by the ASE in the form of interviews and home visits to ensure that the young person's needs are being met. Finally, a referent is available at all times to support, listen and discuss with the family.¹⁵

¹⁵ Source: [Le Département recrute des assistants familiaux, des familles solidaires et des accueillants familiaux | Conseil départemental du Loiret.](#)

3- Becoming a family assistant with the SDAF (Service départemental de l'accueil familial)

In the Pas-de-Calais department, it is possible to obtain a license and become a family assistant in order to take care of one or more children on a permanent basis in exchange for a salary. He or she can be recruited by the Conseil départemental or other employers provided that he or she follows the following process

- Jury made up of professionals working in the field of foster care and an interview with the couple of about 1h30
 - Visit to the candidate's home by the evaluator of the Bureau Recrutement et Formation de l'Accueil Familial (Recruitment and Training Office for Family Foster Care), including meeting the children and all the people living in the home:
 - The candidate's family functioning due to his/her training and professional experience
 - The place given to the child in the family structure on a material and emotional level
 - The potential resistance of the candidate and his/her family related to the reception of a child in pain
 - The capacity to welcome a child in a benevolent manner
 - Knowledge of the needs of the child entrusted to the ASE
 - Interview of the candidate, spouse and children with a psychologist to assess :
 - Motivations
 - Emotional and educational capacities
 - The candidate's ability to manage his/her emotions in order to accompany a child in pain
 - The candidate's ability to cope with separation
 - The candidate's ability to work with a third party and in a team
 - Prior to the reception of the child, a mandatory 60-hour training period is organized by the employer. A mandatory training course is provided and
-

financed by the employer and the family assistant. It lasts 240 hours over two years.¹⁶

4- The Solidarity Reception Network by the Foyer Notre Dame association

This is an innovative foster care system for URMs that offers an alternative to institutional placement. The host families are volunteers and are recruited in the following manner:

- Validation of the reception project through meetings organized by the Réseau d'accueil solidaire and the services of the Conseil départemental in order to assess the reception conditions offered
- The first meetings with the young person will be organized after validation of the project
- The signature of the agreement and the beginning of the hosting. After the introductory period, an assessment will be made to determine whether the young person and the host family wish to continue the fostering relationship on a long-term basis. A hosting agreement will then be signed with the Conseil départemental, setting out the framework, the duration and the commitments.¹⁷

5- Mission Accueil Solidaire of the Maine-et-Loire Department

This department has launched a call for solidarity and citizenship from its inhabitants in order to welcome an unaccompanied minor and provide him/her with a serene and secure relational environment. These volunteers can host a young person on a permanent or occasional basis (holidays and weekends) and will sign an agreement in exchange for compensation.

- Apply by contacting the Maine-et-Loire department
- Participation in a collective information meeting
- Evaluation of the conditions of reception, motivations, educational and citizenship capacities during an individual meeting

¹⁶ Source [Devenir Assistant Familial / Enfance et famille / Solidarité & Santé - Pas-de-Calais le Département \(pasdecals.fr\)](http://DevenirAssistantFamilial/Enfanceetfamille/Solidarité&Santé-Pas-de-CalaisleDépartement(pasdecals.fr)).

¹⁷ Source: [Accueil Solidaire | Réseau d'Accueil Solidaire | AFND | France](http://AccueilSolidaire|Réseaud'AccueilSolidaire|AFND|France).

- Organisation of a first meeting with the young person, followed by a one-week stay with the family
- Signature of an agreement between the host family, the young person and the department
- Regular support is provided to the foster carer, the family and the young person by a child protection professional.¹⁸

3. Comparative Conclusions

Due to binding legal regulations, foster care is a concept that is similarly defined in the EU partner countries. In general, foster families offer an important alternative to placement in a social pedagogical structure of residential care. Placing a child with a foster family allows the child to grow up in a family environment, to experience trust, security and affection in order to develop appropriately, to become independent and self-confident. In this regard, it is also important that contact with the family of origin can be maintained as far as possible and - at least in the longer term - the return to the family of origin is aimed for.

In all partner countries, there are some more or less strict, binding criteria for recruitment and deployment, as well as government support measures, training and official controls. However, from the brief national reports of the project partners, some gradual differences can also be seen, i.e. the national situation of foster families in the partner countries also has some specificities.

While most countries prefer the placement of children in foster care rather than in residential institutions, this is still not always the reality, as statistical data show (cf. chapter 2.2). In **Austria**, for example, about 40 percent of children in full-time care live with foster families, while 60 percent are in residential care. The **Czech Republic** has introduced a law according to which infants under the age of 3 will no longer be allowed to be placed in residential homes from the end of 2023. And as the national statistics show, *private care* clearly outweighs *residential care* here. But *institutional care* predominates in **Greece**, where the proportion of institutional care to family care is

¹⁸ Reference: [Accueillir un mineur non accompagné - Maine-et-Loire \(49\)](#).

about 3 to 1. In **Italy**, on the other hand, the law stipulates that no minor may be placed in an institution until December 31, 2006, with preference given to foster families or, as a second option, placement in a family-like community. Other countries have not achieved this yet. But **France** has currently taken some considerable steps of improvement (cf. Chapter 5.1). Legal regulations allow the accommodation of children and adolescents in hotels only until 2024. Unlike other countries, France provides also special support measures for young adults between 18 and 21, such as preferential access to social housing - in contrast to countries where young people regularly drop out of institutional support measures when they reach the age of majority and are left to cope on their own. In **Portugal**, children up to the age of 6 are given priority placement in foster families by law. However, figures from 2020 show that not even 3% of children were placed in foster care, compared to 97% *in residential care*, despite a nearly 25% decrease in the total number of children in protective care. Between 2009 and 2018, Portugal actually experienced a 70% *decrease in the number of foster families*, which was seen as a result of a lack of information campaigns, technical assistance, and initial training for foster parent candidates and foster families. In **Romania**, the number of children placed in foster care has also declined in recent years. Nevertheless, only a *smaller proportion* of children in Romania are placed in *residential homes*, and almost *two-thirds* are placed with *foster parents* or in extended families.

There are also differences in the role and authority of foster parents in the project partner countries - not only in relation to the relevant authorities, but also in relation to the child's birth parents or family of origin. While in **France** the role of the care giver as a "family assistant" is highly regulated and involves institutional and paid employment, in other countries foster care is less professionalized. The focus is on the foster parents' personal efforts and own contributions, although they receive some financial support to cover costs. Therefore, the economic situation of the applicants plays some role in the selection process. In **Greece** for example, foster parents must prove that they can pay for the child's education, training and medical care. But at the same time, a tax free financial support is provided to cover the costs, as well as preferential access to recreational and vacation facilities and other offers (even up to the age of 26). Aside from that, the personal requirements are formulated quite openly in Greece, including the age limit for caregivers.

In **France**, birth parents retain extensive authority in daily matters, meaning that caregivers must seek their permission for many decisions concerning the foster children (school, leisure, health, travel, etc.). In other countries, such as **Austria**, **Romania**, or **Portugal**, foster parents appear to have somewhat broader authority in daily matters (at least in long-term care).

Also of interest are some differences in terms of time limits or the possible duration of the foster care relationship. While in most countries there is no explicit limit (apart from the age of majority, although this criterion also varies), in **Italy** the foster care period is limited to only 24 months of duration and can be extended for another 24 months. In **Portugal**, "protection period" can even be extended to age 25 under a 2017 law, and in **Greece**, care and official support are also available until age 26.

The great importance of recruitment criteria for prospective foster carers and foster families is made clear by the prominent scope they occupy in the country reports. Sometimes, different accents are set. In **Italy**, much emphasis is placed on foster children and foster families "fitting together," i.e., harmonizing well with each other, focusing on important cognitive and emotional values as important criteria for (future) foster parents (cf. chapter 2.6). These considerations are certainly of interest in other national contexts as well.

It is also noticeable that the selection and evaluation practices of caregivers in countries as **Portugal** or **Czech Republic** seem particularly regulated and comprehensive. As foster parents are held responsible for a broad area of support and development of the foster children, which is also regularly checked by the relevant authorities, they have to go through a rigorous selection, training and monitoring process, which, on the other hand, is combined with wide-ranging support and accompaniment.

In all partner countries, there is help and support for foster families from the authorities, but it gradually varies in scope and duration. For example, while in **Austria** young people who reach the age of majority (18) are dropped from many assistance programs, in **Greece** financial and other support can be provided up to the age of 26 as mentioned above.

Gradual differences in the partner countries can also be seen from the national reports with regard to the right of children to have a say in matters of guardianship and foster care. In principle, there is agreement that children also have a right to participate

in the decision-making process. However, this right of minors is not equally enshrined in law. In **Austria**, for example, the law provides for a voice of children from 10 years of age, while in the **Czech Republic** it is only from the age of 12. Irrespective of this, in day-to-day practice those responsible strive to take the perspectives of the children concerned into account. In **Greece**, it is pointed out that the competent authorities are obliged to cooperate with the children or adolescents concerned, to systematically inform them of their rights, how to make complaints - taking into account their age and stage of maturity.

So much for some comparative impressions from the project partners' country reports. What stands out overall: Although in most countries the placement in foster families is clearly given preference over institutional placement in homes, and the strengthening of foster family care arrangements is generally desired, especially for younger children, this is not yet standard practice in all countries. And most of all, foster care placement is not the normal case for **Unaccompanied Refugee Minors (URM)**. At least there seems to be a lack of adequate opportunities and willingness, also due to a lack of training and support. In general, foster families seem to play a subordinate role in the placement of unaccompanied minor migrants so far, even though the EU has encouraged a change in practice. Regarding the situation of unaccompanied minors in the flight and migration movements since 2015, it can be stated that these groups have a precarious status in European countries until now. Voluntary and structural offers of assistance are often undermined by restrictive legal frameworks and social exclusion.

However, there are indications that this situation is currently beginning to change as a result of the flight movements from Ukraine. On the other hand, unequal treatment of refugee groups by country of origin is already emerging. Further developments in this regard remain to be seen. In most partner countries, which are affected to varying degrees by the current refugee movements, there is currently *no solid statistical data* on the numbers and accommodation of the minors concerned, and therefore *no corresponding scientific studies*.

The national surveys summarized above therefore focus on the country-specific general frameworks and practices for recruiting foster families for children and adolescents in difficult life situations. They do not refer specifically to the placement of

unaccompanied refugee minors. In most countries these social group has long been treated separately. This makes it all the more clear that the structures of the foster care system should also be oriented toward improving the situation of unaccompanied minors in the future. In this regard, public awareness, training opportunities and further support are still desirable in many places.

4. Outlook: Non-institutional Care for Unaccompanied Minors

The European Union and its Member States have decided to deinstitutionalize alternative care of children and support their transition into family-based care. Children growing up in alternative care have very often experienced traumatic events before they entered care. It is well known that residential care, in particular, exposes them to additional risks if it is unable to provide them with the individualized care they need for healthy development and social integration. Children need stable and secure relationships with caring adults to thrive, and such relationships are much more likely to be found in a family setting.

This is equally and particularly true for a group that is often neglected in this regard: unaccompanied refugee or migrant minors (URM).

Enhancing the care and protection of unaccompanied children continues to be a priority in EU member states, including developments such as the review of standards of accommodation and care or specific approaches for certain age groups of minors, the placement of minors in specially adapted or expanded facilities to meet their needs, and increased training of police officers, children's services staff and reception systems.

New alternative (non-institutional) care options for unaccompanied children, particularly regarding family-based care/ care-families were introduced or improved. Non-governmental organisation's (NGO) research and projects moreover have highlighted the role of guardians in preventing child disappearances and the

importance of providing children in migration with access to information and free, quality legal assistance to enable them to access justice.

The 2017 EU-Communication encouraged Member States to ensure that a range of alternative (non-institutional) care options for unaccompanied children is provided. But it found that, while the use of family-based care/ foster care for unaccompanied children has proven successful and cost-effective, it is still not enough being utilised.

Suitable options could include accommodation with adult relatives or a foster family, accommodation centres with special provisions for children or other suitable places, such as closely supervised open reception centres designed to ensure the protection of children, or small-scale independent living arrangements for older minors. The United Nations Guidelines for the Alternative Care of Children constitute relevant standards in that regard.

The Children in Migration Report 2020 found that almost all Member States and Norway seek to locate family members early in the asylum procedure, typically during the initial interview phase, and offer alternative care options. The most popular alternative care option is foster or host families, which was found to usually be the preferred option for younger children. Most Member States and Norway aim to provide semi-independent accommodation for the older ones.

In Estonia, the Social Insurance Board has been working towards implementing family-based care in the case of unaccompanied minors, for example, in a foster home, instead of institutional care. In Latvia, a legal framework established a mechanism to cover the expenses of an out-of-family care provider, including in a childcare institution, foster family or guardian's family, for the accommodation of a minor third-country national who has been left without parental care and who does not have the status of an asylum seeker or a refugee or an alternative status in Latvia. Norway planned a project for alternative care and settlement for unaccompanied minors in care-families, to be recruited and followed-up by the private organisation 'Aberia'. The project was implemented in 2021 and will be evaluated by Social Research.

Interesting national insights from practice were also given by our project partners, as described in the chapters above. Generally all partner countries follow the goal of a deinstitutionalization of care measurements for children and young people.

Some have already come closer to this goal than others. However, the often neglected group of **unaccompanied minors** should also be explicitly included in these efforts, as shown by the good practice examples from France (cf. Chap. 2.9).

From this point of view, it seems particularly important to prepare and enable professionals how to deal, recruit and communicate with foster families considering their needs and the reality of the unaccompanied children. This also includes breaking down public prejudices and stereotypes, and adequately preparing future foster parents. An idea from the Italian country report may be useful in this context: Clarity about what may be lacking (risk factors) should also draw attention to what is already present and needs to be strengthened (current and potential resources and protective factors).

Given this, our project puts the inclusion of children at risk (with a special focus on unaccompanied children) at its core and pushes for alternative care measures as foster care environments by training and supporting both professionals and foster families, addressing stereotype and prejudice-based beliefs around foster care families and unaccompanied children in the foster care system.

In the following chapter, we provide an overview of the findings from the focus group interviews that are resonant with these insights, even though the road to adequate care for unaccompanied migrant minors in particular is still a long one in some countries.

5. Evaluation and Analysis of the National Focus Group Interviews

5.1 Introduction

In summary, the results of the *theoretical research* have shown that in all partner countries there are more or less strict, legally binding criteria for recruitment and deployment, as well as governmental support measures, training and regulatory audits

when it comes to placing children in foster families. However, gradual differences could also be identified from the national brief studies conducted by the project partners, i.e., the situation of foster families in each partner country also has some national specificities.

Based on the results of the research conducted by each partner organization, a *comparative analysis* was conducted to identify the specific situation, the conditions for foster families and the institutions involved in each country. In addition, *further research* was conducted to complement the individual studies and to make certain *trends* visible in a *pan-European context*. These include the placement of unaccompanied refugee children, some of whom are traumatized, vulnerable children who find themselves in difficult and precarious life situations and need special protection. The research in general and the analysis of the results of the individual focus group discussions in particular show that there are different approaches here with different emphases. It also shows that some countries have recognized the specific problems of refugee children and are trying to develop perspectives for dealing adequately with these children. In other countries, however, awareness of the situation of unaccompanied refugee children does not yet seem to be well developed.

The *evaluation and analysis of the interviews* conducted here with the focus groups in the project partner countries is therefore intended, on the one hand, to reflect on the theoretically gained insights from the perspective of professionals working in practice and to develop ideas about the extent to which these insights can be transferred to practice or whether they correspond to the practical working world. On the other hand, it is necessary *to work out* the commonalities and the national particularities, to draw conclusions for the future handling of foster children and foster parents, and to design appropriate and future-oriented (training) educational measures. From this point of view, it seems particularly important to prepare and enable professionals to deal with foster families, to recruit foster parents and communicate with them, and to include their interests, needs and expectations in conceptual considerations without ignoring the reality of foster children's lives. Conceptually, the approach of thinking together both specific perspectives, namely the situation of foster families and foster children, and developing conceptual, holistic and individual profiles from them seems to be meaningful. As was emphasized in all focus groups in a special way, these

considerations also include the reduction of prejudices and stereotypes in the public. With this in mind, the project focuses on the inclusion of vulnerable children (with a particular emphasis on unaccompanied children) and advocates for alternative forms of care such as foster care.

5.2. Thematic Summary and Evaluation

In order to gain a better insight into the practice of working with foster children and foster parents, targeted interviews were conducted in each partner country with professionals who work in this field and have many years of experience. For orientation, guideline-oriented questions were formulated, some of which had to be adapted to national as well as local conditions. In the evaluation and analysis, the basic questions formulated in advance are taken as a starting point to work out the country-specific and local characteristics, to draw conclusions for the future and to design adequate diversity-oriented and holistic training modules for professionals in the foster care system.

The set of questions includes: 1) Certification modalities of experts and training situation of foster parents, 2) Profile of the target group with whom the experts work, 3) The obstacles and ruptures that become visible in the process, 4) Making visible factors that can lead to a successful foster care system, 5) What tools and/or support the experts need, 6) Best concepts/practices used in the foster care system that may be relevant for the future of the foster care system, 7) What issues are raised by the experts that are important for training and education in this field, 8) What aspects have emerged in the discussion that are relevant for focus group.

1) Certification modalities of experts and training situation of foster parents

The comparison shows similar structural requirements, but also different approaches.

In Austria focus interviews were conducted with professionals in homes or residential communities where mainly unaccompanied refugee minor children or adolescents are placed. These placements would have only indirect or selective involvement with foster care. The professionals have mostly studied social work, but also educational sciences. In any case, the study must include 180 ECTS. These pedagogical personnel only have something to do with foster families if a family does not want to

continue caring for the child for various reasons and the child then has to be placed (again) in a shared apartment or in a home, or another foster family has to be found due to a home closure. In this case, the child and youth welfare system prescribes certain qualifications for foster caregivers. Only social pedagogues, persons with the 3-year training in a School for Social Professions, pedagogues, psychologists, social workers are allowed to work there. Under certain circumstances, teachers or kindergarten teachers are also employed. However, this seems to be problematic as they are not allowed to work night shifts according to the law. Caregivers are considered guardians, which is the same as foster families. Other people involved with foster care are outpatient/mobile caregivers. They are subject to the same criteria as residential caregivers. Applications for placement of children in a home or residential community are made by the youth welfare office. Additional training in counseling and experience in caregiving may be desirable.

In the Czech Republic, for example, the law stipulates that experts must have at least the professional qualification of a social worker and also possess individual skills in organizing and coordinating the necessary measures, as well as a certain relational ability, in order to work in this field.

The interviews with the experts in France focus on the group of unaccompanied refugee children and their particular situation. One gets the impression that no special qualifications are required from professionals in the field of refugees and that the situation of refugee children seems to be somewhat more difficult because there are many prejudices in this context that would prevent refugee children from being accepted into foster care.

Special requirements are also set in Greece, although not as formalized as in the Czech Republic. Experts should meet the requirements of a social worker or psychologist, although interviewees argue for further qualifications to be able to intervene effectively. They consider it useful to participate in further education and training, as the academic training of experts would not cover all aspects (holistic approach).

Although this was not explicitly expressed in the focus group interviews, it seems that also in Italy a training in social work with experience in foster care is required to work

in this field. It should be noted that none of the interviewees had ever had experience with foster families. This means that they have only formal qualifications but little knowledge about practice, which could lead to problematic decisions and situations in the actual work.

In Portugal too, professionals are usually required to have a degree in social work or psychology. The Portuguese professionals interviewed lament the lack of in-depth knowledge about the foster care system in Portugal, which is often accompanied by specific problems. In this context, it is of utmost importance to develop and promote public awareness of the situation of foster families and foster children.

In Romania, it is not clear from the focus interviews what qualifications foster care experts must have, and the interviews focused in particular on the adoption process. To this end, representatives of the National Authority for the Protection of Children's Rights and Adoption were invited for a focus interview.

2) Profile of the target group with whom the experts work.

By and large, the groups with whom the experts work in the individual partner countries differ in terms of their level of education, social status and family circumstances.

In Austria, the children and adolescents in question are refugee minors who are accommodated in homes or shared flats. They were unable to complete school in their country of origin or, in some cases, were unable to attend school at all. In Austria, depending on their age, they could then either go to secondary schools (middle school, grammar school, HLW/FW, evening HAK, etc.). One problem mentioned in this context is that it is not possible for refugee children and adolescents to attend the training programs supported by the individual federal provinces, which would hamper their chances. As soon as there is a positive asylum decision, things look better. As for the social background: In most cases, the children and young people were there without parents. The parents had either already died or had lost contact with the children.

In the Czech Republic, almost half of the children are taken in and cared for by relatives, which can lead to specific problem constellations. The focus interviews indicate that there may be different motives why foster parents take in children, ranging from families who cannot have children themselves, to families whose children are

grown and no longer live at home, to families who take in children for humanitarian reasons.

In France, the focus was on 44 unaccompanied refugee minors aged 14 who were not in foster care but in shared housing. The problem is that this facility is located in a rural area and is therefore quite isolated, which causes particular problems and has a negative impact on the living situation of the children concerned.

The largest group in Greece that takes in foster children are stable families that cannot have children themselves. According to the experts, special attention is paid to the particular circumstances of foster families, whether there are criminal backgrounds or whether the target group is psychologically stable.

In the focus interviews in Italy and Portugal, the special nature of the target group was not addressed. Instead, the focus was on other issues.

In Romania, the target group was families who had already adopted children.

3) Obstacles encountered by experts and foster parents in their work.

Again, the focus interviews address both obstacles that are encountered in all partner countries and those that appear to be country-specific.

The obstacles in Austria, especially for unaccompanied refugee children, are the restrictive legal frameworks that have a negative impact on their life chances. Refugee children and youth are often disadvantaged by the system. Homes or foster parents often have less financial resources available. Homes are inadequately resourced - in contrast to residential communities, where more native children live in terms of numbers. In addition, negative prejudices against refugee minors and against the foster families who take in such children would prevail, further complicating the situation of this vulnerable group. Apparently, it is not so easy for refugee children to find foster families. Therefore, they end up in homes where individual care is almost impossible, the interviews said. Another problem is the difficulty of building trust with traumatized children. Refugee children have experienced a lot of negative things and are often confronted with racist prejudices. In this context, the importance of relationship work is particularly emphasized. Furthermore, it is difficult if the foster

parents are not familiar with the asylum system. Everything is much more complicated. The pronounced bureaucracy is also complained about. In addition, trauma work, which is often necessary, is hardly possible because of the asylum procedure and the home placement. And young people would first have to learn the language and familiarize themselves with the conditions of the host country. Foster carers would have to complete their own complex training and also gain practical experience before taking in such a child. And that often seems too complicated for many potential foster parents.

There have also been particular developments, such as in the Czech Republic, that have created irritations and contradictions that the experts have had to deal with. Recently, laws in this area were changed in the Czech Republic without involving the institutions and individuals concerned in the consultation. The new law led to different and contradictory interpretations and made the professionals' interaction with foster families even more complicated. For this reason, the law is currently being revised. There is explicit reference to the lack of institutional cooperation between professionals and foster families. Another problem, which also occurs in almost all other partner countries, is the inadequate training of foster parents. In some cases, foster families are hardly prepared and not properly informed. In this context, it is pointed out that teachers, judges and employees of state authorities should be better trained so that they are able to deal appropriately with critical situations or with traumatized and vulnerable children. Well-trained and informed individuals can speed up the complicated process of placing children in foster care, so that children do not have to be placed in institutions for long periods of time.

In the focus group discussion in France, the main problem cited was that few families would be willing to take refugee minors into foster care. In addition, they said, there is a lot of prejudice against refugee children among the general public, which has a negative impact on their willingness to adopt.

In Greece, there is particular criticism of the bureaucratic hurdles that would often lead to delays in the admission process. The bureaucracy would often block the admission process and demotivate the foster families. There is also a lack of well-trained professionals, so that families who want to become foster parents often do not meet

the requirements and are ultimately excluded from taking in foster children. This refusal sometimes leads to emotional or psychological problems in the affected families that need to be addressed.

The main problem in Italy, it is said, was in the Cerignola region, where the focus interviews were conducted and where the issue of foster care is not widely known. Although some social workers had presented the topic publicly in schools and parishes, there had not been the expected response. Families in this region would generally be hesitant to take in children because of a lack of awareness about the issue. So far, no family has taken a child into their care. Another obstacle is that in this region there is a concept that only relatives are allowed to take minor children into care (grandparents, aunts or uncles). One of the main problems in this context would be the gap between generations if grandparents were given custody.

In Portugal, obstacles are mentioned that are also common in other partner countries: Overwork of professionals and related inadequate supervision of foster families. In addition, the lack of human resources and poor cooperation or communication between teams are mentioned. Another problem is said to be the difficulty of networking the various institutions in the foster care system in order to achieve positive synergy effects. An additional obstacle is related to the approval process: Many parents who apply to become foster families later decide otherwise, especially after the first interview, because they become aware during the first interviews of the difficulties that could arise in the future.

In Romania, the structural obstacles seem to be the greatest. The main factors mentioned are the rigid and inflexible legislation, the lack of a lobby to promote foster care, public awareness of the importance of foster care, traditional notions of adoption, and the long process of the adoption procedure.

4) Factors that can lead to a successful foster care system.

In this area, the focus group discussions mention similar factors that contribute significantly to a successful foster care system, factors that, taken together, could lead to positive synergistic effects.

The provinces of Tyrol and Carinthia in Austria, where the focus group interviews were conducted, offer a preparatory course for foster parents. However, this is not the case in all federal states of Austria and should be expanded, which is particularly emphasized. It is also pointed out that it would be useful to consider the needs and circumstances of the children when designing and organizing such courses. Neglected native children would have very different needs and interests than an abused child or a child who has fled. For adolescents and especially for refugee minors there is an urgent need to provide their own specific services, if only because of the legal framework. Another factor that prevents successful work is the financial resources of the homes and residential communities. The facilities are often understaffed, so that double staffing is not possible. For this reason, it is not always possible to do a good educational job. In addition, networking meetings or meetings for assistance planning are also of enormous importance.

In the Czech Republic, structural factors are mentioned first. In this context, constructive cooperation between all parties involved, adequate financial compensation for foster families, an appropriate legal framework and good preparation in the selection of foster families, adequate training of foster parents and regular therapeutic care for children are called for. In addition to structural factors, the importance of raising society's awareness of foster care and eliminating the stigma of being a foster child is also mentioned.

In the focus group discussions in France, the importance of adequate training and supervision of foster parents and adequate remuneration of foster families is first explicitly underlined. Furthermore, it is important to educate the population about the precarious situation of unaccompanied refugee children and to draw attention to the fact that these refugee children do not have the same rights and opportunities as local children and are partly traumatized by their flight experiences.

As mentioned earlier, the focus group discussion in Greece advocates for a low level of bureaucracy. In addition, adequate screening of the psychosocial condition of foster parents is suggested to ensure stable living conditions and arrangements. In addition, general knowledge of the child's life history and family background is considered

important to enable foster parents to adapt their interactions to the individual needs of the child.

In Italy, the importance of raising public awareness about the situation of foster children and foster parents is explicitly emphasized, especially in small regions such as the municipality of Cerignola, in order to increase the number of foster families in this way. Furthermore, adequate training for both professionals and foster families is advocated. In addition, the development of a good network is important for success, in order to better coordinate and effectively use collaboration and communication between all stakeholders.

The focus interview in Portugal suggests a holistic approach, a method that brings all processes and stakeholders together to intervene successfully. They advocate for good collaboration and communication between the different services that support children and families (court, health system, social services, etc.). Professionals should be highly skilled, receive ongoing training, and use evidence-based practices and strategies in assessment and intervention. As it is a very demanding task that requires a high level of commitment, appropriate working conditions, specific training and close scrutiny of professionals are required.

From the focus group discussions in Romania, three factors emerge that would make a successful foster care system: a) regular training for staff is needed where current methods, concepts and perspectives are discussed and applied, b) focus should be on local authorities, structures and circumstances, c) more public awareness campaigns.

5) What kind of tools or support would facilitate the work with foster parents?

In this area, too, various aspects are mentioned in the individual partner countries that could have a supportive effect on the work of professionals with foster parents.

The expert interviewed in Austria criticized that there would be hardly any or only selective contacts with foster families in care facilities. From the experts' point of view, case management training would be useful. This is an approach to prepare professionals for change processes and their design in order to ensure an effective

and efficient coordination of services and to be oriented towards the needs and special life situations of the persons concerned.

In the Czech Republic, in addition to financial support for accompanying organizations and raising public awareness of the situation of families and children, the importance of academic training for professionals is also highlighted. In this context, professionals rely on research results from higher education to support their work and training. In addition, the importance of constructive teamwork between institutions is emphasized.

In France, the experts believe that an application tool containing all the important information for integrating refugee children could be of interest. The potential foster parents would need more information and education about the situation of refugee children (holistic approach).

In Greece, professionals emphasize the consideration of intercultural specificities and differences between the foster parents and the foster child. This mainly concerns religious differences and related behaviors and eating habits. In addition, it is important to reduce existing prejudices.

6) Best practices and methods

Different, partly country-specific methodological approaches and practices are mentioned that have proven to be effective in practical work.

In the focus group interview in Austria, the routine and informative procedures are explicitly emphasized and should be maintained in the future. In the homes where refugee children are accommodated, regulated procedures are provided. Case documentation is prepared there, constant contact is maintained with the institutions involved, reports are written and daily logs are kept. In addition, counseling sessions are held with the children. In the pedagogical work, methods of trauma work and art therapy are preferred. In the focus group interview in an assisted living community, the *concept of new authorities* was highlighted as a best practice. It is a systemic approach that enables respectful interaction with the affected children, emphasizes the positive and is resource-oriented. The main goal is to enable the children to lead independent lives.

In the Czech Republic, the relevance of an individual approach in practice is emphasized, which includes the needs, interests and particular experiences of the families in the considerations and in the practical work.

In France, the focus interview emphasizes the importance of informal conversations that have a positive impact on foster family relationships. Young people would visit families during the day and at specific times to informally exchange ideas and get to know each other. The home would then contact the families in question to learn more about the relationship between the family and the youth, their motivations, and their admission requirements.

In Greece, the importance of an individual approach is also stressed, pointing out that identifying the needs and expectations of foster families is very important for the assessment of the specific situation and for practical work, in order to allow individualized interventions. In this context, it was also important to carefully explore the psychosocial conditions of foster families and to form a care team to enable the sharing of effective and proven approaches, was said in the interviews.

In the focus group discussion in Italy, one good practice mentioned was the use of family mediation to closely follow all phases of foster care placement. One example was given in this context: By this measure, the increased awareness of a family led the family to adopt the foster child.

For the Portuguese context, it is important to ensure that practices, methods, and training are based on reliable sources and not on prejudices and outdated ideas or concepts, was said. Two other good practices, are transparency of concrete work and participatory design, which should include the perspectives and experiences of the families and children involved.

In Romania, the regular meeting of the staff of the Directorate of Social Assistance and Child Protection is mentioned as a good practice. Such meetings would lead to the establishment of a unified framework for the implementation of legislation and a uniform working procedure.

7) Topics raised by professionals for training and further education

The focus discussions in Austria favored approaches that are *life-world oriented* and adapted to the realities of foster children's and foster parents' lives. In addition, it was considered useful and forward-looking for such training to be redesigned and updated in response to societal changes (examples: families in pandemic crisis or currently the war-related refugee movements). It would also make sense to provide foster families with their own counselor or some kind of supervisor who can support them at any time. The issue of racism is also raised. Refugee children in homes or residential communities experience racism in specific situations. Special training is needed in this respect, was said in the interviews.

During the focus meeting in the Czech Republic, three real-life topics emerged that are important for both the training of professionals and the training and counseling of foster parents: 1) Trauma in the developmental phase of children, 2) Conveying as authentic a picture as possible of the reality of life in the foster family without idealization, 3) Careful selection of foster parents.

In France, professionals would like foster families to receive comprehensive and adequate training on the specific legal provisions for unaccompanied refugee children, but also on children's refugee-related traumatic experiences. In addition, foster families should be informed about intercultural specificities so that they develop an awareness of the problems that can arise when integrating these children into the family and into society.

In the focus interviews in Greece, firstly structural framework conditions were addressed. According to them, it is important for professionals to be familiar with the structural conditions, such as the legal framework, which are important for the foster care system in general and for the process of receiving a foster child in particular, in order to provide better services to foster families. Another suggested theme is that professionals should be more familiar with the intercultural field in order to more adequately assess the respective needs and interests of those involved in the process and to develop individual profiles. Several issues were identified whose joint consideration could lead to positive synergies. A *multidimensional* approach is proposed, addressing potential foster parents on the one hand and professionals on the other. In this context, it is important that foster families be carefully informed and

trained about the theoretical and practical as well as psychological and emotional aspects of such a decision. In other words, it is significant that those who choose this path are aware of what this decision might entail. In addition, when training professionals, care should be taken to foster skills that can accurately structure the care process so that an effective and trained team can be formed. To achieve positive synergy effects, the various institutions involved in the care system should work together.

In Portugal, the experts propose training courses that focus on the realities of disadvantaged, neglected children. In this context, professionals need solid information and knowledge about the impact of such life experiences on the needs of the children concerned. Training from this perspective could help ensure that appropriate decisions are made when selecting and caring for foster children. Another theme that was specifically mentioned in the focus interviews is the great importance of the legal framework, which encompasses various areas of protection and support. This expertise is also mentioned as an essential prerequisite for practical work with foster families. Moreover, all professional groups involved in the foster care system (judges, psychologists, social workers, social services) should participate in such trainings to enable better and coordinated cooperation. Last but not least, the importance of public relations was also emphasized. The population should be comprehensively informed and educated about the situation of foster care.

In Romania, two topics in particular were suggested as essential for the training of staff working with foster parents. It is important for professionals to be informed about new knowledge, methods, procedures and approaches that they can put into practice in their actual work. In addition, communication processes with the target group should be better coordinated and optimized.

8) General ideas for further future action.

Finally, all focus groups were asked to make a brief statement or offer suggestions. Here we list ideas that are or may be relevant to care systems in all partner countries in the future:

- (a) Creating an overall structure that systematically captures all areas and aspects and makes the interrelationships visible.
- (b) Developing an assessment system to check the social background of foster parents
- (c) Providing expertise in the area of family foster care
- d) Educating and sensitizing the population about the situation of foster children and foster parents in the respective partner countries
- e) Raising awareness that refugee children and youth have fewer rights and are often subject to racism
- f) Continuous education and training of professionals
- g) Familiarity with the respective legal frameworks
- h) De-bureaucratization of the foster family systems.

5.3 Conclusions: Brief Systematization and Further Ideas

In summary, three perspectives or dimensions that define the foster care system emerged from the focus group discussions:

1) Structural barriers: Lack of or rigid, inflexible legislation; restrictive laws in the area of flight; unnecessary bureaucratic hurdles; lack of cooperation between the institutions involved; inadequate training of foster parents; overwork of professionals; problems with licensing procedures; lack of regular training, education, and professional development.

2) Lifeworld aspects related to foster families and foster children: Focusing on the realities of foster parents' and foster children's lives; respecting the situations of those involved; taking the needs and interests of those involved seriously; not losing sight of intercultural characteristics; more insight into the realities of foster parents' and foster children's lives; relationship work.

3) Intervention possibilities (best practices) and further ideas: Creation of an application tool that contains all important information; Continuous family mediation; Participatory design of all processes; Sensitization of the population; Creation of a social awareness of the situation of children and families; Therapeutic care for traumatized children; Informal conversations; Methods of trauma work; Concept of New Authorities (systemic approach); Case management approach that focuses on the life situation of the participants.

Only if these aspects are thought together, adequate intervention methods can be developed and positive synergy effects can be achieved.

This requires training modules that incorporate the most important aspects of intervention into conceptual and methodological considerations:

The first step is a holistic approach that marks the most important structural obstacles, makes the lifeworld perspectives of those involved visible, and incorporates best practices into further conceptual considerations (integrative approach). Only then can appropriate individual profiles be developed depending on the situation. Another point that should accompany the entire processes is *diversity and resource orientation* in both institutional, theoretical and concrete work. This means that foster parents and foster children should not be seen as victims of their living conditions but as experts of their own practice. *Their ideas, perspectives, and experiences are to be respected, acknowledged, and incorporated into the intervention.*

6. Appendix

6.1 Notes on Legislation in the Partner Countries

In the following, we provide an overview of the legal framework of foster care in the partner countries. Since the legal structures differ and the relevant sources are mostly written in the local language and are very specific, not every piece of information is likely to be of equal use to the reader. Nevertheless, we have included them in the appendix.

AT: The legal basis and main regulations in the foster child system in Austria are:

Private law

General Civil Code (ABGB)

<http://www.ibiblio.org/ais/abgb1.htm#t1h3>

Last amendment in 2001: Child and Family Law Amendment Act

(KindRÄG)

www.ris.at/company/standesbeamte/download/kindraeg_2001.pdf

Administrative law

Federal Children and Youth Services Act 2013

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20008375>

Implementation laws of the federal states

<http://www.ris.bka.gv.at/> (online query: Legal Information System RIS)

If the respective requirements are met, foster parents are entitled to **financial support and social security**: Family allowance, Childcare allowance, Care leave, and Foster (parent) money to cover maintenance payments. The care (parental) allowance is regulated differently in the individual federal states. Foster children can be co-insured in health insurance with a foster parent.

CZ: The following legal framework exists in the Czech Republic.

452/1992 - Foster Care Act

The law regulates

- Who can become a foster parent
- Relations between the foster parent and the child (rights and obligations of the foster parent and the child) in foster cohabitation
- State contributions to cover needs of the child
- Reward for foster parent
- Details of the court decision on the placement of a child in foster care

359/1999 - Act on Social and Legal Protection of Children

Aside of many details of protection there is important part of it: Transitional provisions introduced by Act No. **363/2021** Coll. II - where is stated, that recent *residential care* (specified in § 42 359/1999) can be used *for children under age 3 years only until 12/2023* (This corresponds to the long-term effort not to place youngest children to the residential care).

FR: In France, the **Child Welfare Law** is generally applied and has currently undergone significant improvements: As a result of numerous issues raised through investigations or testimony from former children in care, the government passed a **new law** on **February 7, 2022 (the Taquet Law)** to:

- **Improve the situation of children in care and before placement**

By 2024, the text prohibits the placement of minors and young people entrusted to the Child Welfare (ASE) in hotels. In the meantime, the child will not be able to stay in a hotel for more than two months and will have to be accommodated in reinforced security conditions. Children from the same sibling group (brothers and sisters) will not be separated unless it is in the child's best interest. In addition, young people between the ages of 18 and 21 will be better supported by the department with priority access to social housing. Moreover, the child's voice will be considered much more and will be better represented by ad hoc administrators or defended by lawyers.

- **Better protect children against violence**

Professionals and volunteers who work with children will be subject to more checks before they start their work, but also during their work, in order to prevent people convicted of sexual offense from coming into contact with children. Social and medico-social institutions will have to implement policies to combat abuse and designate an

office to which children can turn if they have problems. In addition, minors who have been victims of prostitution will receive better psychological, educational and material support from the ASE.

- **Valuing the profession of family assistants**

The law will guarantee a better remuneration for foster families who accompany more than half of the children in the ASE. These foster families will also be better controlled from one department to another in the event that their approval is withdrawn, particularly for acts of violence.

- **Better management of child protection policy**

The state will reform child protection. Existing national agencies will be better coordinated by creating a single national agency to focus the public interest in child protection, adoption, and access to personal information/ dates of origin.

- **Reviewing the criteria for the distribution of unaccompanied minors**

The law on the criteria for the distribution of unaccompanied foreign minors in the country is amended. Instead of demographic criteria and geographical distance, the socio-economic characteristics of the departments (e.g. poverty level) and their measures in favour of unaccompanied foreign minors aged 18 (number of beneficiaries of young adult contracts) will be used. This change is intended to ensure a better distribution of efforts across all departments and to encourage support for young adults. It will also be *prohibited to reassess the minority status* of URM. Finally, each service must include the minority status assistance evaluation file (AEM).

Source: [Loi Taquet 7 février 2022 protection des enfants ASE | Vie publique.fr \(vie-publique.fr\)](#)

Legal framework for URM:

International law, protecting the Rights of the Child:

- The Hague Convention of October, 5 1961
- The International Convention on the Rights of the Child of November, 20 1989
- The Declaration of the Rights of Man and the Citizen of August 26, 1789
- The Universal Declaration of Human Rights of December 10, 1948

- The European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950

Source: *Immigration.intérieur.gouv*
[23 Etude PCN francais mineurs etrangers isoles \(1\).pdf](#)

GR: The provision of foster care in Greece was until recently regulated by Law 2447/1996 and Presidential Decree 86/2009. In 2018, the new **Law for the Promotion of Foster Families and Adoption 4538/2018** was adopted. Subsequently, **Ministerial Decision 4489/11/10/2018** was issued, establishing the new training and education programs for prospective foster parents, as well as the continuing education programs. The new law introduced the national registers for child candidates and recognized families, which are managed by the National Center for Social Solidarity. The novelty of the law is also that it includes other categories besides the typical nuclear family, such as persons who have entered into a civil partnership (with or without children), but also unmarried, divorced or widowed persons (with or without children) who may be related by blood to the foster child (kinship care). Based on **Law 4604/2019**, in addition, for each minor registered in the National Register of Minors, within ninety (90) days of his/her placement, an *individualized family rehabilitation plan* shall be prepared by the Child Protection and Care Department responsible for his/her registration, which shall include a reasoned proposal for his/her rehabilitation, taking into account the individual needs and best interests of the child.

IT: In Italy, foster care is governed by **Articles 2-5 of Law No. 184**, dating back to 1983 which regulates the temporary placement of a child with another family for the purpose of later reintegrating the child into the original family when the latter overcomes its difficulties. It is the first law dealing with out of family care and states that the child has the right to be educated in his/her own family or, if not possible, in another family or as a last resort in residential care. In other words, the adoption of this law allows limiting parental responsibility in situations where the children are at risk and need to be placed with a foster family, or in a community home or residential institution. The law recognizes that all children have human rights, and states that the family and the wider community are responsible for ensuring that children's developmental needs are satisfactorily met.

Law No. 149 of 03/28/2001 is an update, which establishes the closure of residential institutes and stresses the right of the child to grow up within a family environment. It stipulates that foster care can last no more than 2 years. The law stipulates that by December 31, 2006, no minor may be placed in an institution, with preference being given to foster care or, as a secondary option, placement in a family-type community. Foster care shall continue to be ordered by the local social service, except with the prior consent of the parents or guardian and after hearing the child who has reached the age of 12 years and, if appropriate, also the younger child in consideration of his or her capacity for discernment.

With the law under comment the child is explicitly recognized the right to "...grow up and be educated within his or her own family," in favour of which support and/or aid interventions are provided by the state, regions and local authorities, in order to overcome any difficulties related to situations of indigence of the parents or the parent who exercises parental authority exclusively.

PT: In Portugal, **Ordinance No. 278-A/2020, of December 4** defines the terms, conditions and procedures of the application, selection, training, assessment and recognition of foster families, as well as the terms and conditions of the framework institutions.

- **Decree-Law No. 139/2019, of September 16** establishes the system for the implementation of foster care.
- **Law No. 47/2019 of 8 July** - 1st amendment to the Foster Care Implementation Regime, approved by the Decree Law 11/2008, of January 17, establishing tax and labour benefits for foster families.
- **Law No. 23/2017 of 23 May** - 3rd amendment to the Law on the Protection of Children and Youth in Danger, approved by Law No. 147/99, 1 September, extending the *protection period up to 25 years*.
- **Law No. 142/2015 of 8 September** - 2nd amendment to the Law on the Protection of Children and Youth in Danger, approved by Law No.147/99, of 1 of September

Concerning **Unaccompanied Foreign Minors**, the Portuguese Asylum Law (Law No. 27/2008, with amendments to Law No. 26/2014 of May 5), concerted with the Law on

the Protection of Children and Young People in Danger (Law No. 147/99 of September 1), safeguards a specific reception framework for them in international protection.

RO: In Romania, **Government Decision no. 972/1995** - concerning the adoption of the national plan in favor of the child - was the first normative act proposing family-type alternatives as opposed to institutionalization.

- **Government Decision no. 205/1997** concerns organization of the work of the local public administration in the field of child rights protection.
- **Government Decision no. 217/1998** concerns the process of obtaining a certificate, certification procedures and the status of the professional foster carer.
- **Government Decision no. 539/2001** concerns the approval of the Governmental Strategy regarding the protection of children in difficulty (2001 – 2004) and the Operational Plan for the implementation of the strategy.
- **Law no. 326/2003** concerns the rights of children and adolescents protected by public institutions for the protection of children, protected mothers in maternity centers, and children placed in institutions and handed over to professional foster caregivers.
- **Law no. 272/2004** regulates the legal framework for respecting, promoting and guaranteeing the rights of children.
- **Law no. 292/2011** regulates the general framework or the organization, functioning and financing of the national social assistance system in Romania.

6.2 References and Selected Sources

General and Transnational Sources:

- Children in Migration: EMN report on the state of progress in 2020 of the European Commission communication on the protection of children in migration from 2017. www.emn.ie
- Children in alternative care: Comparable statistics to monitor progress on deinstitutionalisation across the European Union.

www.eurochild.org/uploads/2021/12/Children-in-alternative-care_Comparable-statistics-to-monitor-progress-on-DI-across-the-EU.pdf

- Eurostat: Children in Migration. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Children in migration - asylum applicants&oldid=562167](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Children_in_migration_-_asylum_applicants&oldid=562167)
- Communication from the Commission to the European Parliament and the Council: The protection of children in migration, 2017. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2017%3A211%3AFIN>
- Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019). www.coe.int/en/web/special-representative-secretary-general-migran-refugees/action-plan

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Information at national level:

- www.oesterreich.gv.at/themen/familie_und_partnerschaft/adoption/aufnahme_eines_pflegekundes (2006)
- www.justiz.gv.at › familienrecht
- asyl.at/de/themen/kinderfluechtlinge/fluchtwaiseninfamilieaufnahmen/

Specific Information regarding the Austrian federal states, see the following links:

- [Information on foster parents \(→Burgenland\)](#)
- [Information on foster parents and foster children \(→Kärnten\)](#)
- [Information on foster care \(→Niederösterreich\)](#)
- [Foster Parent Brochure \(→ Oberösterreich\)](#)
- [Foster Parent Brochure \(→ Salzburg\)](#)
- [Informatione on adoption and foster care \(→ Steiermark\)](#)
- [Foster Parent Brochure \(→ Land Tirol\)](#)
- [Information on foster child and foster parents \(→ Vorarlberg\)](#)
- [Department for adoptive and foster parents \(→ Stadt Wien\)](#)

CZ:

- www.ospod.cz/
- www.pestouni.cz/
- www.adopce.com/pestounska-pece/zakladni-pojmy/
- www.theses.cz/id/hud4c0/STAG88798.pdf
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- www.diakoniezapad.cz/
- www.mpsv.cz/statistiky-1
- www.penize.cz/slovník/nezaopatrene-deti
- www.mesec.cz/socialni-davky/statni-socialni-podpora/davky-pestounske-pece/

Sources on improvement of recruitment:

- www.nahradnirodina.cz/sites/default/files/metodika_pripravy_k_pestounstvi_a_malthea.pdf
- www.pravonadetstvi.cz/files/files/Zaverecna-zprava_kampan.pdf
- www.focus-age.cz/m-journal/aktuality/cesko-hleda-rodice--startuje-kampan-pro-nabor-pestounu_s288x9428.html

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- [Mineurs non accompagnés : éclairage statistique \(forumrefugies.org\)](http://forumrefugies.org/)
- [Comment devenir famille d'accueil | Dossier Familial](#)
- (Further **specific references and sources on tools for better recruitment** see chapter 2.9, On legal frameworks see chapter 5.1)

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- The Greek Ombudsman. (2012). *Organisation and operation of the institution of foster care*. www.synigoros.gr/resources/ek8esh-gia-anadoxh-2102012.pdf

IT:

- www.tavolonazionaleaffido.it/
- www.garanteinfanzia.org/
- www.minori.it/
- www.lavoro.gov.it/temi-e-priorita/infanzia-e-adolescenza/Pagine/default.aspx

Existing research and studies on tools for a better recruiting process

- www.alberodellavita.org/wp-content/uploads/2017/03/Vademecum-progetto-Affido.pdf
- www.lavoro.gov.it/temi-e-priorita/infanzia-e-adolescenza/focus-on/minorenni-fuori-famiglia/Documents/sussidiario-affido-familiare.pdf
- www.alberodellavita.org/en/foster-care/

PT:

- www.seq-social.pt/criancas-e-jovens-em-situacao-de-perigo



- www.unicef.org/eca/definitions
- www.seq-social.pt/familia-de-acolhimento-de-criancas-e-jovens
- Manual de processos chave acolhimento familiar:
www.seq-social.pt/documents/10152/13337/gqrs_acolhimento_familiar_processos-chave/8ae193b6-291a-4772-aafe-a559154f729f/8ae193b6-291a-4772-aafe-a559154f729f

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Ribeiro, G. (2021): Perceções e conhecimentos sobre o acolhimento familiar no contexto português: um estudo com uma amostra da comunidade. Mestrado em Psicologia Comunitária, Proteção de Crianças e Jovens em Risco. ISCTE-Instituto Universitário de Lisboa.

RO:

- Fundatia Agapedia Romania (2007) - Manualul asistentului maternal profesionist (available here: [manualul_asistentului_maternal_final.indd \(agapedia.ro\)](#))
- [Ordin 26 2019.pdf \(mmuncii.ro\)](#)
- [Plasamentul | Lege 272/2004 actualizată 2022 - Lege5.ro](#)
- [Legea asistenței sociale nr. 292/2011 actualizată 2022 - Lege5.ro](#)
- [Romania: children in foster care centers 2019 | Statista](#)
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