

# YOUTH-FRIENDLY VERSION OF THE GUIDELINES FOR THE ALTERNATIVE CARE OF CHILDREN



SOS CHILDREN'S  
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INTERNATIONAL





I MATTER

This youth-friendly version of the Guidelines for the Alternative Care of Children was developed by members of the *I Matter* International Youth Council from SOS Children's Villages International.

This document does not use the legal text of the Guidelines (which can be found here: <http://www.sos-childrensvillages.org/about-us/publications/childrenandyouthinalternativecare/guidelines-for-the-alternative-care-of-children>), but rather, is an interpretation from members of the International Youth Council.

# PURPOSE

## WHY WERE THE GUIDELINES DEVELOPED?

- **The guidelines were developed** to ensure the well-being of children and young people deprived of parental care or at risk of losing it and to promote their rights. The best interests of the child are the primary consideration.

## WHAT ARE THE GUIDELINES?

- The Guidelines for the Alternative Care of Children is a United Nations document that was **developed** by government authorities, UN bodies and NGOs<sup>1</sup>, in consultation with children and young people.
- The Guidelines offer guidance on making the rights of children without the care of their parents or at risk of losing this care a reality.
- **Status:** Unlike the UN Convention on the Rights of the Child, these Guidelines are not “legally binding”. This means that states do not HAVE to follow them, but rather should use them as a guiding document.
- **Date created:** 20 November 2009.

It is recommended that states take these Guidelines into account and ensure that executive, legislative, and judicial bodies and other stakeholders are aware of them.

## THE GUIDELINES ARE DESIGNED TO

- emphasize the role of the family of origin as the primary environment for children and young people. The family of origin should promote their full and harmonious development.
- ensure the most suitable form of alternative care for children who cannot be cared for in their own family.

## WHO ARE THE GUIDELINES FOR?

- YOU (Children and young people who can no longer live with their parents)
- Your family
- Your peers – people who are just like YOU!

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<sup>1</sup> NGO (non-governmental organisation)

# SCOPE

## IN MORE DETAIL, THE GUIDELINES PROTECT YOU IF YOU ARE...

- a child under 18 or a young person<sup>2</sup> leaving care
- a young person who is already in alternative care in need of continuing support as well as support after reaching the age of majority
- a child who has lost parental care
- a child who is not in the overnight care of at least one parent
- siblings who have lost parents or guardians and wish to stay together. In this case, the eldest sibling should be willing to head the household and is considered capable of doing so
- a child at risk of being separated from your family
- a single and adolescent parent (your children, born either in or out of wedlock are also protected by the Guidelines)



2 The United Nations defines a young person as an individual between the ages of 15 and 24.

# GENERAL PRINCIPLES

## YOU AND YOUR FAMILY

Your family ensures your growth, well-being, protection, support and care, promoting your full potential!

For you to become an empowered citizen, the state must:

1. support the family and provide assistance to families who find themselves in a vulnerable situation
2. when alternative care is necessary, make every effort to ensure your protection, taking due account of your background, sex, culture, health and other status

The State protects and supports families.

Remember! YOU have a voice in your family.

**In the family environment, you should be protected from:**

- violence, torture and cruel, inhuman or degrading treatment
- exploitation in all its forms
- psychological, sexual and physical abuse, as well as neglect



## ALTERNATIVE CARE

If you are no longer able to live with your family, alternative care should be arranged with respect to your best interests:

- as close as possible to your usual place of residence
- in areas with a similar culture, religion and education system
- without discontinuing your contact with your family and friends and with the possibility for going back to your family
- in principle, during alternative care siblings living together should never be separated as a result of an alternative care placement

The government policy on care-related issues should try to reduce dependence on residential care facilities and develop family-based care options.

## IMPLEMENTATION OF THE PRINCIPLES

To make sure the Guidelines can be implemented, the state should cooperate with

- organisations, facilities and specialists providing care
- families of origin
- foster families and other forms of family-based care
- other stakeholders

# PREVENTING THE NEED FOR ALTERNATIVE CARE

- If you live in your family, your individual situation should be evaluated; information on your family and their specific circumstances should be analysed.
- **All decisions are based on your best interests.**
- Only competent authorities<sup>3</sup> can remove you against the will of your of parents, if this complies with the laws.
- You and your family should be able to participate in decisions.



<sup>3</sup> The people working for the government who have the power to make such decisions.

# FAMILY REINTEGRATION

If you live in alternative care, your return to your family should be the goal, whenever this is possible and in your best interest. Reintegration with your family of origin requires the following:

- Carers should develop, support, and monitor regular contact between you and your family.
- The situation of you and your family has to be regularly evaluated and you should be involved in this process.
- If it is decided that you and your family are ready to live together, the process of your moving back to your family has to be properly planned. You should be fully informed and agree to this process.
- Once you live again with your family, there should be support measures in place to make sure that this remains the best place for you to live.







## SUPPORT FOR THE CARER

Carers (relatives, friends or other persons) should inform the competent authorities of your care arrangement in order to receive financial and other kinds of support to ensure your well-being and protection.

The best care provides you with the safety, stability and support you need.

# DETERMINING THE MOST APPROPRIATE FORM OF CARE

**Remember! Frequent changes in your environment are harmful for your development.**

Therefore, the following steps need to be followed before you are placed in alternative care:

1. An individual care plan should be developed for you and with you to ensure the safety, stability and support you need.
2. The state should ensure that both you and your parents can exercise your right to appeal against the decision to place you in care.
3. There should be a regular review of your situation (your developmental characteristics, your ethnic, cultural, linguistic, and religious background, family and social environment, medical history, and any special needs).
4. If you are placed in temporary care, you have a right to a thorough review of the quality of the care provided. This review should be conducted every three months.





## PROVISION OF ALTERNATIVE CARE

All countries should develop policies and legal frameworks based on the Guidelines for the Alternative Care of Children. This should be done to ensure your rights and the rights of families who are at risk of being separated.

If you are in care, your care provider should provide you with:

- protection from mistreatment, neglect, child labour and exploitation
- adequate food and accommodation (appropriate to your age)
- the possibility to stay in touch with your family
- access to information on the situation of your family members if you are not in contact with them
- access to education and health care
- private space respecting your needs
- psychological advice
- links to organisations providing services
- assistance in family tracing



States should make special efforts to tackle discrimination on the basis of your background, sex, ethnicity, health status and special needs.

- You should have access to a person of trust whom you can turn to in total confidentiality.
- If you are in care and your parents cannot take decisions for you, you should have a person (or in some cases an organisation) who can take decisions instead of your parents. This person (or organisation) should ensure that you have access to legal advice and representation.
- You should be able to complain about the condition of your placement or how your carer treats you.
- You should receive support in case it is decided (also taking YOUR best interest into account) that you will live with your family.

ALL prohibited behaviour management measures, such as

- physical and psychological punishment and violence,
- torture, abuse, cruel, inhuman or degrading treatment, isolation,
- restricting contact with family, etc.

must be prohibited and punishable, and you have the right to make a legal complaint.

## INSPECTION AND MONITORING

The state should train carers and provide capacity-building support for agencies involved in care provision.

**An independent monitoring mechanism should be established in all countries to:**

1. oversee the realisation of children's rights
2. develop recommendations for governmental authorities
3. submit proposals and recommendations concerning legislation
4. prepare an independent report on the implementation of the Convention on the Rights of the Child



## AFTER-CARE SUPPORT

After-care life planning for each one of you should be undertaken well in advance, while you are still in care!

You have a right to

- access to financial support
- access to education
- access to housing
- access to employment
- access to social, legal and health care services

You should have dedicated support from a mentor to support you in becoming independent!

Your preparation for leaving care is a set of activities enabling you to become an empowered and active citizen.

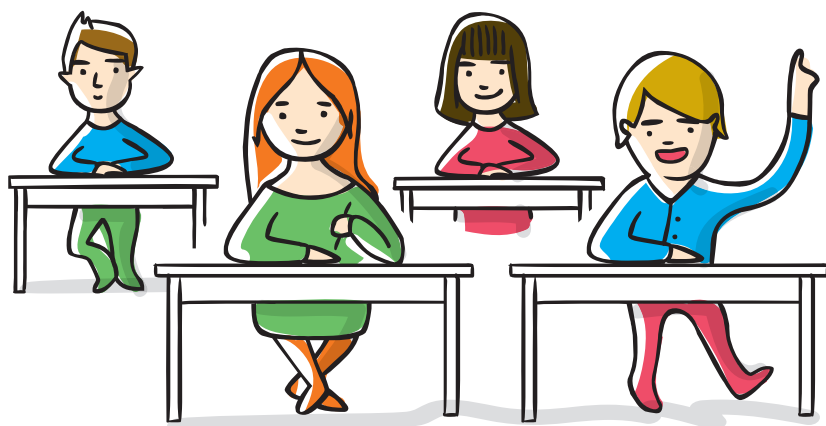
By the time you leave care you should have:

- formal and/or vocational education
- the necessary skills to find suitable employment
- an individual development plan
- life skills

# PROVISION OF CARE FOR CHILDREN ABROAD

To protect your rights when you are not living in your country of origin, governments should ratify the Hague Convention<sup>4</sup>:

- If you are a victim of trafficking you should not be prosecuted.
- Care arrangements should be appropriate to your background even if you are outside your country of origin.
- You should receive family tracing assistance.
- You should only be returned to your country of origin if this does not place you at risk.



<sup>4</sup> The Hague Convention on Parental Responsibility and Protection of Children is a document which covers measures for the protection of children at international level.



# CARE IN EMERGENCY SITUATIONS

If you find yourself in an emergency situation (conflict, natural disasters, etc.) you:

- should not be moved to a country other than that of your usual residence simply to be placed in alternative care,
- should receive family tracing assistance, and
- under such circumstances families should have access to all necessary support such as food and medications, as well as other services, including education.

If possible, the government should avoid placing you in residential care facilities during emergency situations. Even if there is an emergency, first of all you and your siblings should be placed in a family, rather than being placed in a residential care facility.

# A LOVING HOME FOR EVERY CHILD

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