

# Foster Care and Reintegration: Different Portuguese Similarities

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**Abstract**— Foster care is a legally recognized family-community alternative in Portugal, designed to protect and care for children in situations where their rights are under attack. With the intent of expanding our knowledge of the Portuguese experience, through an intercultural dialogue between Brazil and Portugal, this article allows us to problematize what has happened with the process of family reintegration of those under care. To this end, we have used the content analysis methodology proposed by Bardin. It was possible to see that Portuguese foster care has been a residual protective social response if compared to institutionalization and reintegration has proved itself to be a complex challenge.

**Keywords**— Foster care; reintegration, rights.

## I. INTRODUCTION

Foster care has come as a formal alternative in current times, joining, in a singular way, the aspects relating to access to rights, protection, and continuous care that are necessary to child development (Delgado, Carvalho, & Pinto, 2014; López, Delgado, Carvalho, & Del Valle, 2014; FEC, 2014). It's a measure to be executed outside life's natural environment when the demand to remove a child from their family of origin is presented. The child must then spend a period of time in another family's house, named the foster, previously selected and trained for this activity. During the foster period, the strengthening of the origin or extended family is privileged, so the child can rejoin and later reintegrate.

Portugal established the foster care measure in 1979 (Decreto-Lei n° 288, 1979) and it's contemplated in the Lei de Proteção de Crianças e Jovens<sup>1</sup> em Perigo ([LPCJP] Guerra, 2016) [Law of Endangered Child and Youth Protection]. Since promulgation until current times, this legislation went through important changes to be put to practice. In 2015, the time of its second ratification, it was clear that its main assumption was that

<sup>1</sup> Children and youths are, according to the Lei de Proteção de Crianças e Jovens em Perigo, “subjects from 0 to 18 years old exclusively or until 21 years of age, exclusively, where their protective intervention was started before 18 years old”. The term “child” is used to address the whole of these ages through this period of time.

it was meant to be used for children between 0 to 6 years old, replacing residential care (Guerra, 2016, art. 46). For Guerra (2016), the law recognizes the importance of keeping small children in family environment due to their increased potential for development.

In this context, in order to better understand the foster care process in Portugal, the current article will show some of the steps experienced by family care in this country through some years, as well as problematizing the process of reunification and reintegration experienced by the children that go through such measure.

## II. METHOD

This article is part of a wider research. However, we opted for presenting a theoretical review of the theme, privileging the study's conclusions. It begun in Brazil, with the early research stages counted with the approval of two Ethics Committees presenting minimal risk and being based in resolution 466 from December 12 of 2012, which approves of directives and regulation norms for research involving human beings. Both semi structured interviews [the second and third steps] as well as the rest of the investigation were qualified by an examining board made by a professor from Universidade Federal do Rio de Janeiro (UFRJ) and two others from Pontifícia Universidade Católica do Rio de Janeiro (PUC-Rio). After qualifying, the instrument was appreciated and approved by the PUC-Rio Ethics Committee.

In Portugal, the research was submitted to approval by Social Security. Afterwards, the first author

participated in a video conference with representatives of different initiatives of foster care in the country with the intent of explaining the work to be done. After collective approval and adjusting the instrument to Portuguese reality, the first contact followed by interviews were initiated. Before initiating the process of collecting samples the term of consent was signed, ensuring all the necessary recommended ethics.

The interviews were transcribed and floating readings were made in intent of deepening the total content and preparation of the material. The interviews were isolated in analysis unities with different acronyms and each text was subdivided in specific unities, exposing manifest and latent content separately. The research corpus followed the exhaustiveness, representativeness, homogeneity, pertinence and exclusiveness having been evaluated as adequate.

In the final step, the results were treated through inference made from the deductions and conclusions from the responses collected. In this way, the interpretation and the discussion of the results was done in critical manner, in the sense of understanding the respondent's communication, relating it with the theoretical input.

Through all the process, the historical and social context of content construction was respected and the synthesis and integration of analysis' elements was made through establishing a relation between the whole and its parts through a dissertative text in the style of an article.

### III. RESULTS AND DISCUSSION

The current Portuguese economic and social policy has been the target of constant debates and reflections and the country is going through an economic rebalance with important aims for 2020. IN 2014, it got recommendations from many UN countries (UNGA, 2014) regarding endangered youths. In 2016, the new political directives were a part of these orientations, and among them is the eradication of poverty and social exclusion for a large number of people (CUE, 2016).

In this way, suggestions were made for family support; help the issues of childhood poverty and child homelessness; analyzing the human rights crisis, especially for the most vulnerable groups; strengthen childhood protection promoting financial resources for endangered children, suffering abuse or neglect, among others. In this perspective, the alternative of foster care seems to be aligned with the gap relating to childhood protection in the human rights guarantee protection.

Historically, institutionalization is seen as the oldest practice when seeking to protect children with

different difficulties. Despite the many issues caused by them, many institutions remained the only available survival resource. However, the vast majority of children who suffered a violation of their rights found themselves in environments that were more damaging, such as streets, irregular workplaces, wars and conflicts, intrafamiliar struggles and many others.

In current times, the international guidelines are based in juridical structures and policies where the family unity is recognized, as well as child participation and the child's best interest (IAGCR, 2016). Thus, the understanding of the need for preventive and protective action for children tends to advance every day (OMS, 2014; McCall, & Groak, 2015; Guerra, 2016) and the tendency in developed countries has been using protective alternatives focused in families. In this direction it is important to think of more individual support such as the one proposed by safe foster care (UNGA, 2010; Delgado, Lopez, Carvalho, & Valle, 2015; Guerra, 2016; Delgado, 2016a, 2016b; Baptista, Zamora, Vilhena, Novaes, & Rosa, 2017; Bertão, Delgado, Carvalho, & Pinto, 2017).

In this direction, the protective mode in question is the closest community alternative to what has been a precondition of several studies about the importance of living in stable continuous family environment (Winnicott, 1975, 1999; Dias, 2012; Gomes, & Melchiori, 2012). However, unlike other countries in Europe, in Portugal, family foster care has little social response if compared to institutionalization (Delgado, 2016b; Portugal, 2018; López et al., 2014). According to Delgado (2016a), in comparison with other fourteen countries, Portugal is placed last, with only 4% of its child population using foster families as a resource.

The reversal in relation to this possibility of alternative support shows how much the studied country needs to act alongside with normatives and international directives for protecting childhood (UN, 1989; Luna, 2010; Eurochild, 2010; Cantwell, Davidson, Elsley, Milligan, & Quinn, 2012; UNDP, 2014; FEC, 2014). However, to problematize this protective activity, it is necessary to go beyond the available data, understanding the steps lived by foster care along some years, and evidence, qualify and problematize what is reunification and reintegration.

The story of Portuguese foster care has its beginnings in the Rodas dos Expostos, following the consolidation of institutions as a form of protection network for children, being initially regulated by wet nurses, the first workers to provide this kind of service in this sense (Palacios, 2016). In this way, against what current statistics might say, the maintenance of children

in families has been a part of Portuguese culture during a certain time.

Today, beyond solidarity or financial expectations, there are striking characteristics in the Portuguese workforce whose legislative changes have shaped new nuances in social responses, reformulating the state of play. Thus, it is necessary to understand the three important moments in the Portuguese foster care system.

In the first time of institutionalization of foster care in Portugal (1979), family with many challenges had [Social Action] Ação Social with the state apparatus responsible for helping their difficulties with the children. However, the excess of labour for the workers ended up denouncing an impossibility to handle the necessary apparatus so this model of care works.

Around the 1980s, public authorities decided to delegate the field work to NGOS and [private institution of social solidarity] Instituições Privadas de Solidariedade Social [IPSSs]. At that moment the idea had become of a less intervening state, where such institutions would start to occupy spaces in a contractual manner, decentralizing some care. Such initiatives favored some families which could count with nearby and constant care because with this new format, local workers had begun to know care support for children.

From the union between the work from different institutions, the workers from IPSSs and Social Security began to share the responsibilities related to service. However, large difficulties remained relating to implementing and developing the work. Care was scarce and many workers had inadequate backgrounds, were often overloaded and had many other challenges.

At first this characterized a time that care was not done primarily by professionals. Once children were sent away from their environment, the new guardians were given maintenance grants for the children, to help with expenses.

In this way, families that showed interest in having the children were not formally prepared in the necessary manner for someone who would take the function of foster parent (Leschied, Rodger, Brown, Dunnen, Pickel, 2014). Such a reality brought consequences that were at times negative to the children. Thus, the lack of proper handling in some situations could at times damage the acceptance and understanding of the proposal.

Around 2000, Social Security evaluated foster families that were still permanent and found slightly negative results. The general opinion was that foster families caused problems. So, the recruitment and

selection of new interested members was stagnated so it was possible to reflect upon it and find safer ways to work.

At a following moment, after a few years that the Lei de Proteção a Crianças e Jovens em Perigo was ratified, from the Decreto-Lei 11 of 2008, a new phase began where the foster care role became a profession. The regulation of foster care today does not allow that the family keep the children as foster families.

From that point on, there was no longer the possibility of foster care for members of the extended family (ISS, 2009). Such a modification stimulated the decrease of foster families and, as such, many children migrated to institutions.

According to the Relatório Casa (ISS, 2017), with the 2008 regulations, there was a 70% decrease of children in foster care. From then on, Social Security, despite having the full theoretical and practical apparatus prepared for its acting (ISS, 2010), hasn't done anymore family selections.

The financial grant directed to this type of care has been diminishing at every year. In 2016, there were only 261 children in foster care, concentrated mainly, in the north region of the country, especially in Braga, Vila Real, Porto and Viana do Castelo (ISS, 2017). As time goes by, the number of institutions has increased in large amounts and children began to be largely sent to this way of social response.

Thus, the grant given to foster families has diminished and one of the consequences of it has been damaging, as being in a family, generally speaking, is better than living in institutions (Williamson, & Greenberg, 2010; UN, 1989).

A third moment brought a new change to the law, in 2015, when foster care was prioritized for children between 0 and 6 years old. However, even today there is a gap between the rewritten law and its execution, since regulation for it is still to come.

In this way, small children still live in institutions, even those who are considered fit for adoption. Then, faced with this reality, we can see that the number of foster children has decreased at every year while the number of children in institutions has risen (ISS, 2017). This means that in order to have better data on reunification and reintegration, there is a need to understand the legislative functioning regarding the interventions on families in Portugal.

Understanding the work of access to childhood and youth protective rights in Portugal (Gersão, 2014, 2015) is necessary when dealing with the scenario of reintegration. The policy of reducing judicial processes

intends to make matters easier to courts, since they don't always intervene in the decisions relating to keeping or removing the child from their natural environment. This gives some autonomy to work with families.

Guerra (2016) makes an analogy comparing the system to a pyramid where the people with competency relating to childhood and youth are at the base, acting, as prevention system, in case of danger. In this space, intervention is consensual, which means it only happens with family approval. Besides that, such entities cannot apply measures to promote and protect (Guerra, 2016, art. 35).

This where preventive work relating to child maintenance in their families. As a part of this system, the [Family Care and Parental Evaluation Centers] Centros de Aconselhamento Familiar e Avaliação Parental (CAFAP, & MDVIDA, 2017) follow systematically them to stimulate parental competence, work on reunification and help other more practical factors in regard to habitation, hygiene, among others.

In the second bit of the pyramid are the [Child and Youth Protection Commission] ([CPCJs], Portugal, 2018) acting in case the first step cannot solve the conflict situations, now with enough autonomy to apply protective measures. This intervention also can only happen with consent. The protective commissions have legitimacy in applying the measures they are not judicial commissions, but are para-judicial.

At the top of the pyramid are the most dangerous situations that must be solved with or without the consent of families. These are the issues raised to the courts in the Family and Minors sections.

For Delgado (2009), the difference of consensual or nonconsensual placing can make the relationship between the parts easier, and, as a consequence, the interaction between them. However, even with agreement, the contact mechanisms are challenging, especially between foster families and origin families (Delgado, 2016b; Atwool, 2013; Bertão et al., 2017).

Once the judicial dynamic is understood, we have to reflect on the challenges and possibilities of thinking about reunification and reintegration for those still in foster families and the few who join the system.

During research, the reports of insufficient data related to reunification and reintegration, externalized in the discourse of experienced professionals, has been disquieting. In the same way, the first contacts revealed a lack of reunification in foster care cases. However, further ahead it was possible to understand what the interviewed said about the moment that regards the category of *action time*, which was approached later.

For Wedge, Krumholz and Jones (2013), differentiating the terms is fundamental. The authors affirm that reintegrating goes beyond the fact that a child returned to their original environment. It is necessary to feel like one belongs and is wanted not only by their family, but by their community. As such, the concept of reintegration expands from simply returning to the environment they came from and can be understood as a process (Rise Learning Network, 2016). Before that fact, reunification is characterized as the return to a safe and stable environment, without the need for reintegration. These terminologies will be adopted so it's possible to better understand and problematize these processes.

On what concerns the return, the law (Guerra, 2016), in article 4, points out, first, the importance of remaining within a family: "whether biological or any other way of stable family integration" (p. 26), which means, at all times it is relevant to keep the children in some kind family unity as said in IAGCR (2016). Next, article 46 deals with the return to a family environment as an important goal: "family care has a place when following integration of the child or youth in a family is foreseeable." (Guerra, 2016, p. 103).

The assumption of foster care is that it is temporary while the matters that caused the separation are dealt with (Bertão et al., 2017; Delgado, Carvalho, & Pinto, 2014). Effectively, regulation in 2008 the proposal is that this measure is used for children and youths who have **reunification and reintegration as a perspective**.

It is clear that the judges have a position in relation to protecting the child's wider interest. Remaining in the family is above any possibility of returning to the first environment. As such, interventions operate in the sense of keeping the child within a family, whether their own or not (IAGCR, 2016; Del Valle, & Bravo, 2013). Therefore, the family reunification in the original context is not always possible. This means that in many cases, foster care stretches during many years in Portugal.

In effect, time appears as an undefined making foster care in Portugal a lasting social response, and at times permanent in the lives of many children and youths until their autonomization (Delgado, Carvalho, & Pinto, 2014). Which means, in practice the length of stay is unknown, as there is no specific time set for the stay with the foster care family.

This means that the lasting **bond** with foster families and the insignificant response rate by the families of origin makes so many children unwilling to leave. They can make themselves autonomous, until they can work, either in the country or abroad but they always return to that family unity that they consider their family.

With this, the possibility for **reunification** becomes, in many cases, very little, making some bonds stronger and others weaker.

This is justified as a professional perspective of foster families demands that this family acts in an active manner before the family of origin (Ducharme, 2016; ISS, 2010). For T8, the first have a fundamental role in reunification and later, the familiar reintegration.

There are controversies and criticisms about this action where, at times, families of origin end up feeling like the child's "owner", overruling the initial carers (Delgado, 2016b; Bertão et al., 2017). However, good practices in this sector have also contributed to strengthen and empower families of origin.

About the reasons for being sent away, neglect is the biggest cause for intervention. According to the Relatório Casa (ISS, 2017), the lack of supervision and family attention, the exposure to deviant parental role models, neglect about education, health or to risk behavior in children and youth are the most frequent reasons.

The reflections of the difficulties of leaving and returning (Delgado, Carvalho, Pinto, & Martins, 2016; Carvalho, Delgado, Benbenishty, Davidson-Arad, & Pinto, 2017) are also shown in the scepticism about the possibility to reverse the situations of the families of origin considering the allegation that generational compromised parental behavior repeats itself, which seems to make remaining after returning impossible.

The difficulties of reunification might be related, in the same way, to the fact that foster families are professionals with certain sets of skills and obligations, from which relationship conflicts with the families of origin might arise. The time before the removal, where the maintenance of the child stays in the natural family, might make the return more difficult later. Or even, once removed, their long stay in foster families. Especially once the scepticism of experienced professionals in the rebuild of the situation that caused conflict is considered.

For Delgado et al. (2016) what cannot be given up is the investment on safe and healthy contact between the parts, even if there is no reunification. The author claims that these encounters are the child's rights as well as one of the natural families, and when possible, it can happen after the child is taken in. In this perspective, healthy bonds might contribute to minimize the impact caused by separations and offer continuity at work with families and children, a relevant factor in keeping mental health.

Among the possibilities that refer to reunification and reintegration we find the development

of a resource whose target was redefining the life project for institutionalized children. This happened around 2007, when the decision was taken to reexamine the paradigm of institutionalization, removing some children from that environment and keeping some from entering the system. According to one interviewee, the DOM project is important because it is an attempt to deinstitutionalize and change the character of institutions.

The Plano DOM (ISS, 2012) qualified professionals, reducing the number of children for institutions, increasing the amount of adoptions and thinking of new life projects for those under institutions. According to a professional, the aim was not just redefining the intervention but to study the life project of those children so they might lead their own life project.

Another important resource, equally weakened, to deal with the impossibility of reunification and reintegration is civilian patronage (Carmo, 2016). This socioaffective alternative privileges stay in the family for those who cannot return to their initial environment or cannot be adopted. The parental responsibilities are directed to a family with significant bonds [here meaning foster family] without the family of origin being excluded from the child's life.

It is a more lasting social response which provides the stability of bonds in a juridical sense. The foster family holds the parental responsibilities without excluding the parents from information about their children, since they remain as rightful parents.

With that said, we see many challenges and some tangible possibilities for this way of working with the families. However, for possible advances to come, it is important to defeat the permanent forces in a culture where the institutions are broadly strengthened. Maybe it is possible to say that foster care has never been a Portuguese option.

Reintegration has to be understood in a broad sense, beyond the act of returning. Besides this, it is also the possibility of returning home, in some cases, and with the due support, respecting different realities, preparing, following up and evaluating results continuously (Rise Learning Network, 2016; IAGCR, 2016). In this way, reintegration is defined as a group action with many aspects, influenced by different variables that need to be evaluated and dealt with in their singularity.

#### IV. CONCLUSION

The results of the work can be understood as a contribution for a better understanding for the process of family reintegration for children in foster care. This investigation allowed us to glimpse into Portuguese

reality in what refers to the theme, revealing on one hand the fragility of reintegration work and on the other hand, pointing out the viable alternatives for this complex system.

Currently in Portugal lives a moment for political and social reconstruction with important targets to be met in the name of whole protection for children and youths. Foster care has been a residual social response if compared to institutionalization. Several factors, mentioned here, could contribute to the lack of investment.

We propose a reflection about the meaning of reintegration and its challenges faced with a reality that is not used to family care. Reintegration reminds us of a process initiated before the removal of the child of its family core, culminating in their return and stay in a safe environment. In this sense, the follow up and later monitoring can avoid new separations, making stay easier.

In the perspective of specialists in the matter, in fact, family care has shown its efficacy for some children and youths. However, the lack of investment in the media, the inherent difficulties to the process and the political issues seem to undermine the continuity of this alternative.

We can also point to the need of deeper theory about the possible and viable alternatives where the contact between the families can be preserved in safe conditions. Maintenance and rescuing of the feeling of belonging is an indispensable resource in reconstructing the trajectories of lives marked by so much conflict and separations.

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