

Regional Leading Models of Foster Care: Features of Organization

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Abstract Universal declaration of human rights, the UN Convention on the Rights of the Child, enshrines international standards in the field of protecting the rights of the child to special care and assistance. Family for the child is the immediate social environment and the basic link in the system of education, socialization, training, vocational guidance. However, not all children have the right to live and be raised in a family, and the topic of social orphan hood continues to be an acute one. Therefore, in modern society there are various forms of organization of orphans and children left without parental care - guardianship, guardianship, adoption, foster family. In addition, foster care is a relatively new type of practice that is governed by regional law. Today, considerable experience has been gained in improving the system of work in the field of guardianship and guardianship of minors. The article summarizes and analyzes the successful regional experience of foster care; the authors presented models of interaction between authorities, children and educators, allowing to create conditions for the formation of a socially responsible person, focused on the values of education.

1 Introduction

The development of society is directly related to the young generation, which after a while will begin to create new economic, national, value, cultural conditions in its country, region, and world (Bauer et al. 2018). The Convention on the Rights of the Child, which Russia acceded to in 1990, states that the states that signed it undertake an obligation according to which “a child who is temporarily or permanently deprived of his family environment or who, in his own best interests, cannot to remain in such an environment, has the right to special protection and assistance provided by the state.” However, not all children have the right to live and be raised in the family. According to official data, at the end of 2017, 154 children's homes were functioning in Russia, in which 7774 children were brought up, including 3543 children left without parental care, and orphans. In general, the dynamics is positive, since a year earlier there were more such houses, as well as the number of children in them (table 1). It is noteworthy that among all children, the proportion of orphans and children without parental care in their first year of life was 44.5% (2016 - 45%; 2015 - 48.8%).

Table 1. Dynamics of the number of children's homes and the number of children

Year	Number of orphanages	Number of children in orphanages	Number of children left without parental care and orphans
2016	161	8 575	4 170
2017	154	7774	3543

Source: State report on the situation of children and families with children in the Russian Federation (2017)

A number of researchers believe that the family institution is developing rapidly: along with guardianship families, professional substitute families appear (Proskuryakova 2012). One of these forms is foster care. Each region independently determines the procedure for creating a foster family, the requirements for foster parents (caretakers), provides financial support for this form of family structure, and monitors the living conditions and upbringing of the child. To attract the attention of the Russian public to solving urgent problems of minors, the years 2018 - 2027 were declared the "Decade of Childhood."

2 Discussion

The significance of studying the institution of the family is confirmed by the recent appearance of dissertation research by Alekseeva (2009), Bannikov (2007), Gribkov (2010), Kurbatsky (2002), Lapina (2010), Tsvetkov (2005), revealing the issues of socio-pedagogical, legal support of various forms of family structure. The problem of evolution and development of forms of organization of children, the availability of organizational and legal instruments for regulating the institution of foster care was discussed on the pages of periodicals by scientists – Aleksandrov (2018), Gadzhieva (2010), Kosova (2010), Lutoshkina (2013), Matyusheva (2011), Orfinskaya (2007), Sosnina (2008), Salakhedinova (2007), Stefanovich (1997), Fetisova (2007) and others.

An analysis of the scientific literature, the work of scientists, researchers dealing with the problem of increasing the efficiency of the organization and legal regulation of various forms of family structure, revealed a tendency towards sustained interest in these issues (Pogrebnaya et al. 2019).

Among the authors there is no unanimity regarding the periodization of the formation of the charity system for orphans in Russia. So, researcher Gadzhieva (2010) considers the institution of a foster family an effective legal tool that provides education for children without parental care and identifies five stages of practice:

- 1) 1764 - 1797 - the period of the emergence of the practice of transferring educational homes of newborns to nurses in village families. At this time, the babies of exclusively educational homes in St. Petersburg and Moscow were transferred under a contract for remuneration to the nurse, to village families, where they were kept for up to 9 months (later 2-3 years), after which they returned to the educational house.
- 2) 1797 - the middle of the 60s. XIX century - At this time, patronage is determined by an independent form of the device of children to raise a family until they reach the age of marital capacity.
- 3) mid 60s of the XIX century - 1918 - the period when a single centralized body regulating the issues of placing children in a family ceased to exist in the country; The term of the child's stay in a foster home (in different provinces from 8 to 13 years) was shortened, after which the children returned to foster homes or other educational institutions.
- 4) 1928 - 2008 (with a break in 1969 - 1987) - a period in which the creation of family-type homes was proclaimed as a priority in the fight against orphan hood, and urban residents also received children to bring up families.
- 5) since 2008 - the period of the introduction of new legislation, according to which the foster family is recognized as a kind of guardianship (guardianship) of the child.

One of the leading researchers in foster care Lapina (2010) in the development of legislation on the placement of children in foster families also identified five stages, which, according to the author, indicate a developed system of social charity under state control

- 1) At the first stage (16th -17th centuries), the development of the charity system for orphans was of a church-state character. Gradually, norms began to appear that established not only requirements aimed at providing housing and food, but also the need for training in crafts, as well as for further employment. In the 16th century, the possibility of transferring children without parental care to families for a fee was fixed.
- 2) The author characterizes the second stage (18th-19th centuries) as the period of legal consolidation of family forms of placement of orphans and children left without parental care in the family.
- 3) At the third stage (late 19th – early 20th centuries), in the activities of various kinds of institutions for charity of minors, there was a tendency to strengthen foster relations, the author believes. Until the October Revolution, the Russian Empire developed a fairly developed system of social charity for orphans and children left without parental care, operating under strict state control, the researcher believes.
- 4) At the fourth (1917-1987) stage, the institutionalization of the educational process led to the elimination of the practice of transferring children to the family and the organization of orphanages as a new model of collective education.
- 5) In the author's works, it is noted that at the fifth stage (since 1988), the family model of raising children who were left without parental care returns with the advent of the first family-type orphanages, where it was supposed to provide a more complete combination of social, collective and family forms of education.

Currently, laws supporting the patronage have been adopted in 43 of 85 constituent entities of the Russian Federation.

Table 2. Regions applying foster care legislation

1. Altai Territory	2. Arkhangelsk region
3. Bryansk region	4. Vladimir region,
5. Volgograd region	6. Ivanovo region
7. Irkutsk region	8. Kaliningrad region
9. Kaluga region	10. Kostroma region
11. Krasnodar Territory	12. Krasnoyarsk Territory
13. Kurgan region	14. Kursk region
15. Moscow	16. Moscow region
17. Murmansk region	18. Nizhny Novgorod region
19. Novgorod region	20. Orenburg region,
21. Perm region	22. Primorsky Territory
23. Pskov region	24. The Republic of Adygea
25. The Republic of Bashkortostan	26. The Republic of Dagestan
27. The Republic of Kalmykia	28. The Republic of Karelia
29. The Republic of Mari El	30. The Republic of Chuvashia
31. Ryazan region	32. Samara region,
33. Sakhalin region	34. Smolensk region
35. Stavropol Territory	36. Tambov region
37. Tver region	38. Tomsk region
39. Tyumen region	40. Udmurt Republic
41. Khanty-Mansi Autonomous Okrug	42. Chita region
43. Yaroslavl region	

Source: Adoption in Russia

However, in regional practice we also do not observe unity regarding the definition of concepts. Table 2 presents some formulations of the term “foster care”.

Table 3. The experience of the regions in the definition of "foster care"

Title of the document	Definition
Law of the Moscow Region "On Patronage"	Foster care
The law of the Orenburg region "On foster care"	Foster care is a form of device for orphans and children left without parental care, in which the child is transferred to foster care and upbringing.
Perm Region Law "On Foster Care"	Foster care is a form of placement of children in need of state protection in a foster care family, provided that the powers to protect the rights and legitimate interests of children are differentiated between the guardianship and guardianship and foster care.
The Law of the Republic of Bashkortostan "On Foster Care in the Republic of Bashkortostan"	Foster care is a form of placement of a child (children) in the care of a guardianship and guardianship body to raise a foster care in the family while maintaining the duties of a guardian (curator) in relation to a child with a guardianship and guardianship authority.
The Law of the Republic of Adygea "On Patronage"	Foster care - custody or guardianship of a child or children, carried out under the foster care agreement concluded between the guardianship and guardianship authority and foster caretaker

Source: Simakova (2019)

The content of the concept reflects the organizational conditions for the implementation of foster care in the region. In addition, the scientific literature presents various points of view on the nature of the foster family agreement.

3 Results

Using historical, comparative and concrete historical methods, we come to the conclusion that the Russian system of social charity took into account the national historical, natural, religious and other features of the state.

The main stage in creating a foster family is the conclusion of an agreement on the placement of a child in a foster family, through which contractual relations are drawn up between the parties. The existence of such an agreement is the legal basis for the professional escort of the child by the guardianship authorities, an organization for orphans or an organization that carries out the placement of children throughout the entire period of his stay in the family. Both the child and the foster care are guaranteed free legal, social, psychological and any other help - depending on the needs of the family.

Modern regional legislation regulates the issue of registration of contractual relations with foster caretakers in different ways. Analyzing various approaches to the definition of the term "foster care", as well as the features of the organization of relations between authorities, children and their caretakers, we agree with the opinion of Simakova on the allocation of the following models of foster care (Simakova 2019):

- 1) Foster care - a form of placement of a child in foster care in the family on the basis of a tripartite agreement providing for the differentiation of rights and duties to protect the rights and legitimate interests of the child (children) between the guardianship and guardianship organizations, the organization of which the child is a foster child, and foster care (for example, the Law of the Irkutsk Region, the Law of the Republic of Bashkortostan), the delineation of powers in relation to children transferred to foster care, between the institution for the organization of patronage Nata, an authorized body of guardianship and guardianship and foster care (the Law of the city of Moscow, the Law of the Chukotka Autonomous Region of the Russian Federation);
- 2) Foster care - a form of placement of a child into foster care in the family on the basis of a bilateral agreement providing for shared responsibility between an organization for orphans and children left without parental care and foster care (for example, the Law of the Republic of Adygea, the Law of the Ivanovo Region) ;
- 3) Foster care - identical to the foster family. The basis for the transfer of the child to the family of the foster caregiver with this form of device is a bilateral agreement between the guardianship and guardianship authorities and the foster caregiver (for example, the Law of the Ryazan Region, the Law of the Trans- Baikal Territory, the Law of the Krasnodar Territory, the Law of the Tver Region);
- 4) Foster care - a form of device in which foster caretaker is in labor relations with the guardianship and authorities (for example, the Law of the Kurgan region).

4 Conclusions

Institutions of family law are called upon to protect the interests of a child without parental care: adoption, guardianship, guardianship, foster family. Foster care is a relatively new practice.

Foster care has some distinctive features in front of other forms of family structure: it is regulated by regional law; contains the distinction of rights and duties between parents, the guardianship authority and foster care (depending on the model of organization); carried out in the presence of a service professionally engaged in foster care; the period of patronage depends on the situation in which the child is; often used as a transitional form to guardianship (adoption) or adoption. A foster family is a promising form of placement of children without parental care and has certain advantages over other forms of placement, as it allows you to realize the right of children left without parental care to live and be raised in a family that, for certain reasons, cannot be brought up in the adoptive family , guardian (trustee) or adoptive parent.

In the scientific literature, four organizational models have been identified that take into account the principle of interaction between foster care participants on the basis of an agreement that provides for the delineation of rights and obligations to protect the legitimate interests of the child.

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