

**Kingdom of Cambodia**  
**Nation Religion King**



# **Prakas on Procedures to Implement Kinship Care and Foster Care**

**May 2021**

Unofficial Translation

## CONTENTS

FOREWORD .....	ii
<b>Chapter 1 General Provisions.....</b>	<b>2</b>
Article 1. Goal.....	2
Article 2. Objective.....	2
Article 3. Scope .....	2
Article 4. Glossary .....	2
<b>Chapter 2 Core Principles and Rights .....</b>	<b>3</b>
Article 5. Principles for Service Providers .....	3
Article 6. Principles for Kinship and Foster Carers.....	3
Article 7. Rights of Kinship and Foster Carers .....	3
Article 8. Rights of the Child .....	4
<b>Chapter 3 Roles and Responsibilities .....</b>	<b>4</b>
Article 9. Ministry of Social Affairs, Veterans and Youth Rehabilitation .....	4
Article 10. Provincial Women’s and Children’s Consultative Committee (PWCCC) .....	4
Article 11. Department of Social Affairs, Veterans and Youth Rehabilitation .....	5
Article 12. District Women’s and Children’s Consultative Committees .....	5
Article 13. District Office of Social Affairs and Social Welfare .....	5
Article 14. Commune Committee for Women and Children .....	6
<b>Chapter 4 Conditions of Care .....</b>	<b>6</b>
Article 15. Kinship Carers.....	6
Article 16. Foster Carers.....	6
Article 17. Change of Circumstances .....	7
Article 18. Termination of the Placement in Kinship Care or Foster Care .....	7
Article 19. Death of a Child in Care .....	7
<b>Chapter 5 Implementation Procedures for Kinship Care and Foster Care .....</b>	<b>8</b>
Article 20. Implementing Procedures for Kinship Care.....	8
Article 21. Implementing Procedures for Foster Care .....	9
Article 22. Failure of Kinship Care and Foster Care Placement .....	10
<b>Chapter 6 Accreditation of Service Providers and Approval of Foster Carers .....</b>	<b>10</b>
Article 23. Accreditation of Service Providers .....	10
Article 24. Approval of Foster Carers .....	10
<b>Chapter 7 Final Provisions .....</b>	<b>10</b>
Article 25. Promulgation .....	10
Article 26. Contradictory Provisions .....	10
Article 27. Implementing Duties .....	10

## FOREWORD

Under the wise leadership of **Samdech Akka Moha Sena Padei Hun Sen**, Prime Minister of the Kingdom of Cambodia, the Royal Government has paid attention to the implementation of the UN Convention on the Rights of the Child and relevant international legal instruments to respond to the needs of children, and provide special protection for children to live in freedom, peace and development by issuing a range of measures, including the development of laws, policies, strategic plans and many other regulations.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) issued the 2006 Policy on Alternative Care for Children to ensure that children are thriving in the family and community and to promote “**residential care as a last resort and temporary solution**”. Through this policy, MoSVY has encouraged other relevant ministries and institutions to take part in implementing the alternative care related policy and programmes, build the capacity of officials who work with children and create a monitoring and evaluation system.

MoSVY also issued Prakas No. 616 MoSVY dated 22 November 2006, on Minimum Standards for Residential Care and Prakas No. 198 MoSVY dated 11 March 2008, on Minimum Standards for Community Based Care for Children. These two sets of standards detail the conditions and management of residential care, community-based care programmes, responsibilities, placement of children in care, complaint procedures and legal protection for children, as well as monitoring.

MoSVY issued Prakas No. 2280 MoSVY dated 11 October 2011 on Procedures to Implement the Policy on Alternative Care for Children. This aims to determine operational principles, procedures, forms, roles and responsibilities of relevant competent entities in implementing the Policy on Alternative Care for Children to uphold the best interests of the child, recognizing the right of the child to develop in a permanent family—particularly their biological family—in the community.

In 2015, the Royal Government issued the Sub-Decree on the Management of Residential Care Centres, aiming to support state-run orphanages and NGO-run residential care centres to effectively improve and strengthen the management of residential care centres, and to protect the best interests of the child. The Sub-Decree enhances the enforcement of the existing policy and legal frameworks related to alternative care for children, including family and community reintegration.

In 2016, the Action Plan for Improving Child Care with the target of safely returning 30 per cent of children in residential care to their families was developed to implement the Sub-Decree on the Management of Residential Care Centres and the Commitment of MoSVY towards reintegration. The Action Plan aimed to improve child care by promoting family preservation, de-institutionalization, reintegration and other options for alternatives to residential care.

In 2019, MoSVY initiated the development of the Prakas on Procedures to Implement Kinship Care and Foster Care. This is to ensure the best interests and protection of children separated from their biological parents and receiving kinship care and foster care, to allow for their full development in a warm, loving and happy family environment. The Prakas also determines the procedures, management, roles and responsibilities of relevant ministries, institutions, competent entities and service providers in implementing kinship care and foster care for children, complementing the existing Prakas No. 2280 MoSVY dated 11 October 2011 on Procedures to Implement the Alternative Care Policy.

In 2020, MoSVY issued Decision No. 060 MoSVY dated 01 September 2020. It was led by **H.E. Nim Thot**, Stand-By Secretary of State and **H.E. Chan Haranvadey**, Under-Secretary of State, with the participation of UN agencies, national and foreign NGOs, and relevant officials. They consulted and reviewed this draft Prakas in accordance with Cambodia's policies, standards and regulations to enable the implementation of kinship care and foster care.

MoSVY would like to thank the working group, ministries, relevant institutions, officials of DoSVY and NGOs who provided inputs and shared their experience related to the implementation of the family-based alternative care programmes to be included in the Prakas, with the aim of joining MoSVY to achieve common targets and promote and improve the quality of family-based care—particularly kinship care and foster care. MoSVY would like to sincerely thank the United Nations Children's Fund (UNICEF) for its financial and technical support in developing the Prakas on Procedures to Implement Kinship Care and Foster Care.

MoSVY is very pleased to promulgate the **Prakas on Procedures to Implement Kinship Care and Foster Care**, which is considered an important document for the promotion of more precise and better family-based care programmes, and in implementing the procedures, management and responsibilities of stakeholders to uphold the best interests of the child.

I would like to encourage all relevant parties to implement the Prakas in a highly responsible manner and welcome constructive feedback for its improvement and effective enforcement in future.

Phnom Penh, 08 June 2021

Minister

Vong Sauth

**PRAKAS**  
**on**  
**Procedures to Implement Kinship Care and Foster Care**

**Minister of Social Affairs, Veterans and Youth Rehabilitation**

- Having seen Constitution of the KOC;
- Having seen Royal Decree No: NS/RKM/0618/012 dated 28 June 2019 promulgating the Law on the Establishment and Functioning of Council of Ministers;
- Having seen Royal Decree No: NS/RKT/0918/928 of 06 September 2018 on the Appointment of the RGC of the KOC;
- Having seen Royal Decree No: NS/RKT/0320/421 dated 30 March 2020 on the Appointment and Revision of the Composition of RGC of KOC;
- Having seen Royal Decree No: NS/RKM/0105/001 of 17 January 2005 promulgating the Law on the Establishment of the Ministry of Social Affairs, Veterans and Youth Rehabilitation;
- Having seen Royal Decree No: NS/RKM/PRL/0912/1148 of 03 Dec 2009 promulgating the Law on Inter-country Adoption;
- Having seen Royal Decree No: NS/RKM/0508/017 of 22 May 2008 promulgating the Law on the Administration of Capital/Province and Town/District/Khan;
- Having seen Royal Decree No: NS/RKM/0301/05 of 19 March 2001 promulgating the Law on the Administration of Commune/Sangkat and Khan
- Having seen Sub-Decree No: 54 dated 24 March 2011 on Organization and Functioning of the Ministry of Social Affairs, Veterans and Youth Rehabilitation;
- Having seen Sub-Decree No: 34 dated 07 March 2017 on the Transfer of Management Functioning of State Residential Care to Municipal and Provincial Administrations; Inspection of NGO Residential Care to Municipal, City and District Administrations; Community Child Care Service Management to Municipal, City and Commune Administrations;
- Having seen Sub-Decree No: 119 dated 11 September 2015 on Residential Care Management;
- Having seen Sub-Decree No: 182 dated 02 December 2019 on Function and Structure of Krong Administration;
- Having seen Sub-Decree No: 183 dated 02 December 2019 on Function and Structure of Khan Administration in Phnom Penh;
- Having seen Sub-Decree No: 184 dated 02 December 2019 on Function and Structure of District Administration;
- Having seen the Prakas No: 217 of 26 April 2006 on the Enforcement of the Policy on Alternative Care for Children;
- Having seen the Prakas No: 616 of 22 November 2006 on Minimum Standards of Residential Care for Children;
- Having seen the Prakas No: 198 of 11 March 2008 on the Minimum Standards of Alternative Care for Children in the Community;
- Having seen the Prakas No: 2280 dated 11 October 2011 on Procedures to Implement the Policy on Alternative Care for Children;
- Having seen Prakas No: 3840 dated 22 September 2020 on the Establishment and Functioning of CWCC;
- Having seen the Explanatory Note on Domestic Adoption dated 8 December 2015;
- Upon necessity of the Ministry of Social Affairs, Veterans and Youth Rehabilitation.

## Decides

### Chapter 1 General Provisions

#### Article 1. Goal

The Goal of the Prakas is to ensure the best interests of the child and protect the basic rights of the child separated from his/her biological parents and receiving kinship or foster care, so that they are safe and thriving in a warm, loving and happy family environment.

#### Article 2. Objective

The Prakas aims to set principles, procedures, rights, conditions, roles and responsibilities of relevant competent ministries, institutions, entities and service providers to implement kinship care or foster care, complementing Prakas No. 2280 MoSVY dated 11 October 2011 on procedures to implement the Policy on Alternative Care for Children.

#### Article 3. Scope

The scope of the Prakas covers formal kinship care and foster care arrangements for orphans, child victims and vulnerable children who are under the oversight of MoSVY.

#### Article 4. Glossary

Key terms used in the Prakas are defined as:

1. **Orphans** refers to children who have lost one or both parents.
2. **Vulnerable Children** refers to children who are in need of assistance due to their difficult circumstances or challenges, and includes those in a situation of risk of harm.
3. **Service Providers** refers to legal entities, NGOs or associations that are authorised by competent institutions to implement alternative care.
4. **Family** refers to the child's biological parents, legal guardians, and blood relatives of the child who have a close relationship with the child.
5. **Formal Kinship Care** refers to a situation where a child is placed by a competent authority for the purpose of alternative care with the child's relatives who could be grandparents, aunts, uncles or other family members of the child.
6. **Formal Foster Care** refers to a situation where a child is placed by a competent authority for the purpose of alternative care in a family other than the child's relatives' own family, that has been selected, certified, approved and supervised for providing such care.
7. **Primero** is a secure web-based case management system.
8. **Best Interests of the Child** refers to rights and basic needs that the child should attain for his/her physical, mental, social and intellectual development.
9. **Do No Harm to the Child** refers to actions at all stages of child placement in kinship care or foster care that do no additional harm to the mental and physical wellbeing of the child (e.g. the child shall be protected from neglect, violence, abuse, trafficking and other exploitation).
10. **Family Group Conference** refers to a process whereby family members and relevant actors meet, discuss and make decisions on the placement of a child in need of care.
11. **Case Conference** refers to a meeting of stakeholders which aims to respond to and address problems faced by the child and his/her family.
12. **Permanency Planning** refers to efforts to provide a permanent family for a child using permanent kin placement, domestic guardianship and adoption, and inter-country adoption.

## Chapter 2

### Core Principles and Rights

#### **Article 5. Principles for Service Providers**

In their implementation of kinship care and foster care, **service providers** shall comply with the following core principles:

1. Prioritize family strengthening as a measure to prevent family separation and respond to risks that the child may face.
2. Make all efforts to undertake family reunification or place the child in a family in or near their community.
3. Uphold the best interests of the child, provide opportunities for the child to participate, and do no harm to the child.
4. Make all possible efforts to keep siblings together, unless this is not in the best interests of the siblings.
5. Maintain contact with parents, other family members and people who are important to the child unless this not in the best interests of the child.
6. Only place the child with foster carers whose names have been entered in the Register of Approved Foster Carers.
7. Have a future plan, including permanency planning, for all children placed in kinship care and foster care.

#### **Article 6. Principles for Kinship and Foster Carers**

**Kinship carers and foster carers** shall comply with the follow core principles:

1. Help the child experience care as if s/he is their own child.
2. The child's views, wishes and feelings are taken into account in all decisions concerning their life, care and future plans.
3. All decisions and information about the child's life circumstances are fully explained to him/her in developmentally appropriate language; and inform the child about how to obtain support and make a complaint.
4. Facilitate and support a good relationship between the child and their other family members so that the child receives protection, warmth, affection and care in accordance with their placement plan.
5. Promote a positive identity and values for the child.
6. Provide support for all aspects of the child's development, including education, health and physical, emotional and social wellbeing.
7. Promote the child's health through protection, prevention of the worst forms of labour, exploitation and all forms of abuse; treat the child in accordance with his/her individual needs, and when necessary obtain consent from the child, his/her family or caregiver.
8. Provide an environment and culture of good daily living to support positive behaviours, including life-skills development and psychosocial adaption that will prepare the child for independent living.

#### **Article 7. Rights of Kinship and Foster Carers**

Kinship and foster carers shall have the following rights:

1. Make day-to-day decisions necessary for the care, upbringing and development of the child under their care.
2. Receive respect for their reasonable privacy of home life, and not to be subjected to threats, harassment and undue intrusions by biological parents or family members of the child.
3. Receive information related to the circumstances, health and care of the child from competent entities and stakeholders.

4. Request to become the guardian of the child or adopt the child in accordance with the existing laws and provisions of the Kingdom of Cambodia.
5. Discontinue their kinship and foster care roles after consulting and agreeing with stakeholders.
6. Request a review of the competent authority's decision to terminate their kinship and foster carer roles.

#### **Article 8. Rights of the Child**

The child in kinship and foster care shall have the following rights:

1. Receive care, warmth, affection and support as if they are the carers' biological child.
2. Receive information and have contact with his/her biological family and other persons in accordance with the care plan.
3. Have access to education and attend school on a regular basis if he or she is of school age, and as far as possible have access to further education, life-skills and vocational training in accordance with the circumstances.
4. Express an opinion and have his/her views respected in all decisions affecting his/her life.
5. Communicate with and receive counselling and support from technical officials, social workers and relevant authorities whether or not the child continues to live under the care of the registered carers.

## **Chapter 3**

### **Roles and Responsibilities**

#### **Article 9. Ministry of Social Affairs, Veterans and Youth Rehabilitation**

The Ministry of Social Affairs, Veterans and Youth Rehabilitation shall have the following duties:

1. Develop a training manual for stakeholders on the procedures to implement kinship care and foster care, and other relevant regulations.
2. Provide technical support to the Department of Social Affairs, Veterans and Youth Rehabilitation (DoSVY), NGOs, service providers and stakeholders on procedures to implement kinship care and foster care.
3. Develop assessment forms, conditions and formalities for applications to be formal kinship carers and foster carers.
4. Coordinate and collaborate with relevant ministries, institutions and NGOs to enhance the effective and efficient implementation of kinship care and foster care programmes.
5. Develop and revise necessary regulations related to the implementation of family-based care programmes.
6. Monitor, evaluate and generate evidence related to kinship care and foster care.
7. Collect, compile and maintain information related to all kinship carers and foster carers in the case management system and produce reports for dissemination to stakeholders.
8. Organize quarterly, semester and annual meetings with service providers and relevant actors to share progress, challenges and solutions.

#### **Article 10. Provincial Women's and Children's Consultative Committee (PWCCC)**

The PWCCC shall have the following duties:

1. Lead and coordinate with DoSVY, District WCCCs (DWCCCs), District Offices of Social Affairs and Social Welfare (DOSASW) and Commune Committees for Women and Children (CCWC) in implementing and identifying needs, as well as looking for kinship care and foster care for children in need.
2. In collaboration with DoSVY, DWCCCs, DOSASW, CCWCs and relevant NGO partners, engage in monitoring the provision of kinship care and foster care services to ensure that the rights and basic needs of children are fulfilled.



3. Communicate and cooperate with stakeholders to engage in the prevention of unnecessary family separation.

**Article 11. Department of Social Affairs, Veterans and Youth Rehabilitation**

DoSVY shall have the following duties:

1. Provide technical support and training to officials of DOSASW on the enforcement of alternative care procedures, particularly kinship care and foster care.
2. Engage with DOSASW and DWCCCs in assessing and selecting kinship carers.
3. Provide and receive applications, conduct assessments, select and approve foster carers and keep a register of approved foster carers for the province, and provide a register to relevant districts.
4. Provide feedback and support on kinship care or foster care case plans prepared by DOSASW.
5. In collaboration with PWCCC and relevant NGOs, collaborate and coordinate with DoSVY in other provinces on cross-district cases to find financial, material and technical support for children and families.
6. In collaboration with DOSASW, DWCCCs and CCWCs, monitor the provision of kinship care and foster care services to ensure that the rights and basic needs of children are fulfilled.
7. Collect and maintain all information related to formal kinship care and foster care and produce reports for provincial administration and MoSVY.

**Article 12. District Women’s and Children’s Consultative Committees**

DWCCCs shall have the following duties:

1. Lead and coordinate with DOSASW, CCWCs and NGO partners in implementing and identifying needs, as well as looking for kinship care and foster care for children in need.
2. Collaborate with DOSASW to monitor the provision of kinship care and foster care services.
3. Communicate and cooperate with stakeholders to engage in the prevention of unnecessary family separation.

**Article 13. District Office of Social Affairs and Social Welfare**

DOSASW shall have the following duties:

1. In collaboration with DWCCCs, provide technical support for CCWCs in implementing family-based care procedures.
2. In collaboration with DoSVYs, DWCCCs, CCWCs and relevant NGO partners, conduct identification, assessment and selection of kinship carers.
3. Engage with DoSVY and relevant NGOs in identifying, assessing, selecting and terminating foster carers.
4. Identify the basic needs for the physical, mental and intellectual development of the children and coordinate with NGO partners and stakeholders to find support services for kinship care and foster care.
5. In collaboration with DoSVYs, DWCCCs and CCWCs, monitor the provision of kinship care and foster care services to ensure that the rights and basic needs of children are fulfilled.
6. In collaboration with DWCCCs and CCWCs, evaluate the strengths, weaknesses and needs of children and families at risk of harm.
7. In collaboration with DoSVYs, DWCCCs and CCWCs, make decisions on whether to close or continue cases of children in kinship care, based on the best interests of the child and the principle of do no harm to the child.
8. Collect and maintain information related to all kinship carers and foster carers and enter this into case management systems, including Primero where it exists.
9. Engage in the prevention of unnecessary family separation.

#### **Article 14. Commune Committee for Women and Children**

CCWC shall have the following duties:

1. Engage with relevant stakeholders in finding, identifying and selecting kinship carers and foster carers.
2. Join DOSASW to do regular visits to children placed in kinship care and foster care to identify and respond to their physical, emotional and intellectual development.
3. Instruct village chiefs or deputy chiefs to regularly visit and follow up on the livelihoods and situations of children receiving kinship care and foster care.
4. Collect data on children receiving kinship care and foster care.
5. Engage in identifying basic needs for the physical, emotional and intellectual development of children receiving kinship care and foster care.
6. Arrange for temporary placement of the child/children in a safe place before formal kinship care and foster care are possible.
7. Collaborate with relevant institutions, NGOs and other stakeholders to support family-based care services.
8. Participate and make suggestions on whether cases of children receiving kinship care and foster care can be closed or not, based on the best interests of the child and the principle of do no harm to the child.

## **Chapter 4** **Conditions of Care**

#### **Article 15. Kinship Carers**

Kinship carers shall meet the following conditions:

1. Be a blood relative of the children.
2. Have income and resources to care for their own children and the relative child, which include:
  - a. Shelter, food and appropriate clothing
  - b. Healthcare such as vaccinations, hygiene and treatment
  - c. Warm, loving, encouraging environment and age-appropriate participation in social and cultural activities
  - d. Formal and non-formal education, life skills and vocational skills.
3. Be healthy, with no communicable diseases.
4. Have good conduct/character.
5. Have basic knowledge on child rights and child development.
6. Have the agreement of other family members to care for the child (if they have family members).

#### **Article 16. Foster Carers**

DoSVY, in collaboration with DOSASW, shall work to recruit foster carers through regular meetings with stakeholders in the community and the provision of information to people interested in becoming foster carers. These people shall meet the following conditions:

1. Be a husband and wife or a single person and have the agreement of other family members. A single person must be an adult who can take care of the child.
2. Can take a maximum of two children to be under their care, except for sibling children.
3. For Cambodians, be ordinary residents in the district for at least two years and possess appropriate housing that ensures the safety of the child. For foreigners, she/he shall have been residing in Cambodia for at least five years and plan to extend their stay for at least another three years.

4. Be no younger than 25 years, shall be at least 20 years older than the children, and no older than 55 years of age on the date of the application.
5. Have proper employment. In the case of employees or civil servants, they shall have a letter of certification from their employer and financial resources to provide for their own family.
6. Have a certificate of good health with no communicable and chronic diseases.
7. Have a certificate of good conduct/character issued by the local authority where they are residing.
8. Have basic knowledge of child rights and child development.
9. Have references and support obtained from at least two neighbours.

#### **Article 17. Change of Circumstances**

1. A child placed with kinship care or foster care shall not
  - a. Have his/her name changed without the permission of the Court
  - b. Be taken out of the province or travel outside Cambodia without the written consent of the competent authority.
2. Carers shall notify the competent authority, caseworkers and stakeholders of any change of address within at least seven working days, and the authority, caseworkers and stakeholders shall check and learn the child's wishes.
3. Carers must immediately notify the competent authority and caseworkers of any risk to the child's safety and development.
4. If the marital status of the carer changes, the following shall be conducted:
  - a. Reassess as to whether the child can continue to receive the kinship care or foster care
  - b. Undertake an assessment of any new spouse or cohabitee living in the house to ensure they do not present a risk to the child.

#### **Article 18. Termination of the Placement with Kinship Care or Foster Care**

1. Termination of the placement happens for the following reasons:
  - a. When the child is abused, exploited, neglected or involved in the worst forms of child labour, and there is a failure in care
  - b. When the child is reunified with his or her parents or biological family, or placed in permanent kinship care, with guardians of the minor, or adopted
  - c. When the child expressed that she/he is no longer willing to live with the family
  - d. When the carer commits a crime or breaks the laws of Cambodia.
2. When the carer is involved in child abuse or misconduct, or breaks the child protection provisions, the carer shall permanently be removed from the registrar of approved carers.
3. For any termination of the carer's duties for reasons other than the above 2.a, the competent authority shall notify the foster carers of the termination decision in writing, and verbally inform the child within 10 days of the termination date.
4. When the child reaches the age of 18 or above. If the child is in full time education or training on reaching the age of 18, he or she may remain in care and continue to be supported until the age of 21, with the agreement of the carer.
5. When the kinship carer or foster carer dies and no other family members can provide care for the child.

#### **Article 19. Death of a Child in Care**

1. If a child in care dies for any reason, the carer shall notify the caseworker and competent authority to conduct a forensic examination.
2. Upon the death of a child, carers shall arrange to obtain a death certificate and provide it to DOSASW and relevant bodies.
3. The child's parents and relatives or guardians shall be informed about the death of the child and the cause of death within 24 hours.

4. Organize the funeral in accordance with the religion and culture of the child and his or her biological family.

## Chapter 5

### Implementation Procedures for Kinship Care and Foster Care

#### **Article 20. Implementing Procedures for Kinship Care**

Before placing a child in kinship care, DOSASW, in collaboration with service providers and stakeholders, shall make all efforts to prevent family separation and to reunify the child with their family. Kinship care placement shall follow the following procedures:

1. Identify the kin of the child and where they are living.
2. Convene a family group conference with the child's relatives to identify family members who are willing to take the child into their care.
3. Assess kin who put themselves forward as carers, and assess the needs of the child in order to identify the kin that can best meet the needs of the child.
4. Develop a case plan based on the results of the assessment, with their participation. The case plan should detail the financial, psychosocial and practical support to be given to the kinship carer.
5. Prepare the child and kinship carer for the kinship care placement, including organizing introductory visits of the child to the kinship carer family to make sure that the child and the family can adapt to each other and live together.
6. Officially place the child in the kinship care, based on an assessment of the introductory visits and the best interests of the child.
7. Find and provide psychosocial, financial and practical support for the child and kin when required.
8. Conduct follow-up and home visits to kinship care places as follows:
  - a. First visit: seven days after the child has been placed
  - b. Second visit: 28 days after the first visit
  - c. Next visit: every three months
  - d. In addition to the regular visits, visits shall be conducted when deemed necessary and when requested by the child or kinship carer
  - e. The child shall be met privately, direct observation shall be made during each visit and the child's views shall be taken into consideration
  - f. During the home visits, if it is found that the child is not safe, or that the child has been abused and the child's development is seriously compromised, this shall be reported to DOSASW and stakeholders within 24 hours. The placement shall be reviewed and a case conference shall be held to find appropriate solutions.
9. At all stages, prepare for permanency planning, prioritizing family reunification if the child has biological parents and can be reunified. In such a case, guidelines on reintegration shall be followed.
10. In case family reintegration or kinship placement is not possible, consider foster care options and follow the foster care procedures in Chapter 5.
11. Collect and record the data of children receiving kinship care and enter them in the case management system, including Primero where it exists.

For children who have already been placed in kinship care prior to the issuance of this Prakas, DOSASW, in collaboration with CCWCs, DWCCCs, DoSVYs and stakeholders, shall review existing kinship care documentation and the situation of the child and family, and if required procedures in this article shall be followed.

## **Article 21. Implementing Procedures for Foster Care**

Before making any decision to place a child in foster care, DoSVY, in collaboration with stakeholders, shall make all efforts to prevent family separation, reunify the family and place children in kinship care. Foster care placement shall follow the following procedures:

1. Identify the most suitable foster carers from the Register of Approved Carers.
2. Assess the identified foster families, including the child's needs, in order to match the child with the foster family that can best meet the needs of the child.
3. Match the child with foster parents based on an assessment; develop a support plan; make decisions and share information with social work experts, foster parents and the child's biological family. The match shall be discussed with the child (if s/he is old enough to express opinions), biological family and foster family and they shall be informed of the results of the match. If the child and foster parents agree with the match, both the child and foster parents shall be prepared to ensure that they can live together.
4. Develop a case plan with the participation of the child (if s/he is old enough to express opinions), foster parents and biological parents (if the biological parents are known).
5. Organize introductory visits for the children to the foster parents (except in the case of a child who is abandoned or in need of urgent care) to make sure that the child and the foster family can live together. Find and provide psychosocial, financial and practical supports for the child and foster family when required.
6. Officially place the child in foster care based on an assessment of the introductory visits and the best interests of the child.
7. After the official placement in foster care, plan to conduct regular follow-up and home visits as agreed by the foster parents, the child, social workers and service providers to ensure that the child is safely and happily living with the foster parents and receives his or her basic needs. Home visits to the child and foster parents shall regularly be conducted as follows:
  - a. First visit: seven days after the child has been placed
  - b. Second visit: 28 days after the first visit
  - c. Next visit: every three months
  - d. In addition to the regular visits, visits shall be conducted when deemed necessary and when requested by the child or foster parents
  - e. The child shall be met privately, direct observation shall be made during each visit and the child's views shall be taken into consideration
  - f. During the home visits, if it is found that the child is not safe, or that the child has been abused and the child's development is seriously compromised, this shall be reported to DOSASW and stakeholders within 24 hours, the placement shall be reviewed and a case conference shall be held to find appropriate solutions.
8. At all stages, prepare for permanency planning, prioritizing family reunification if the child has biological parents and can be reunified. In such a case, guidelines on reintegration shall be followed.
9. In case family reunification and kinship care are not possible, permanency planning shall be considered.
10. Collect and record the data on children receiving foster care and enter them in the case management system, including Primero where it exists.

For children who have already been placed in foster care prior to the issuance of this Prakas, DOSASW, in collaboration with CCWCs, DWCCCs, DoSVYs and stakeholders, shall review exiting foster care documentation and the situation of the child and family, and if required, procedures in this article shall be followed.

#### **Article 22. Failure of Kinship Care and Foster Care Placement**

In case the kinship care or foster care placement is not successful, DOSASW and stakeholders shall temporarily place the child in care facilities or consider other alternative care options, prioritizing family-based care.

### **Chapter 6**

#### **Accreditation of Service Providers and Approval of Foster Carers**

#### **Article 23. Accreditation of Service Providers**

Service providers (NGOs and associations) willing to implement kinship care and foster care programmes shall be accredited by MoSVY. The accreditation process shall be part of memorandum of understanding procedures of MoSVY.

#### **Article 24. Approval of Foster Carers**

For foster care placement, only foster carers approved by DoSVY can provide this type of care. Selection and approval of foster carers shall be implemented as follows:

1. Organize meetings with families in communities to inform about the recruitment of foster carers and provide information to families interested in becoming foster carers.
2. Receive and screen applications from those interested in becoming foster carers.
3. Upon receiving the application, DoSVY, in collaboration with DOSASW and stakeholders, shall complete the selection of the foster carers within no more than 60 days. The selection process is as follows:
  - a. Undertake a home visit to assess the required conditions and capacity of the applicants within 15 days of receiving the application
  - b. Prepare a report for the DoSVY director for review and a decision. Before making any decision, the director shall thoroughly consider recommendations of the assessment team. In case evidence is not adequate and clear, the director may ask for further information for his/her decision to approve or refuse the selection of the applicants as foster carers
  - c. Notify the applicant of the results in writing no more than 15 days after the assessment.
4. Establish and maintain a register of approved foster carers and provide the personal codes of foster carers to relevant DOSASW.

### **Chapter 7**

#### **Final Provisions**

#### **Article 25. Promulgation**

Assessment forms, conditions and formalities for the foster care application to be approved, and a training manual are developed as part of the operationalization of the Prakas.

#### **Article 26. Contradictory Provisions**

Any regulatory provisions that are contrary to this Prakas shall be deemed null and void.

#### **Article 27. Implementing Duties**

The Chief of the Cabinet of the Minister, the General Director of the General Directorate of Administration and Finance, the General Director of the General Directorate of Technical Affairs, the General Inspector of the Inspectorate, the Director of the Child Welfare Department, Provincial/Municipal DoSVY, PWCCC, DOSASW, DWCCC, CCWC and Commune/Sangkat officials responsible for child welfare shall be responsible for enforcing this Prakas effectively from the date of signing.

**MINISTER**  
**Signature and Seal**  
**Vong Sauth**

C.C:

- Council of Ministers
- Ministry of Economy and Finance
- Cabinet of the Samdech Prime Minister
- Cabinet of Deputy PM
- All relevant ministries, institutions and NGOs
- As in Article 22
- Royal Affairs
- Archive