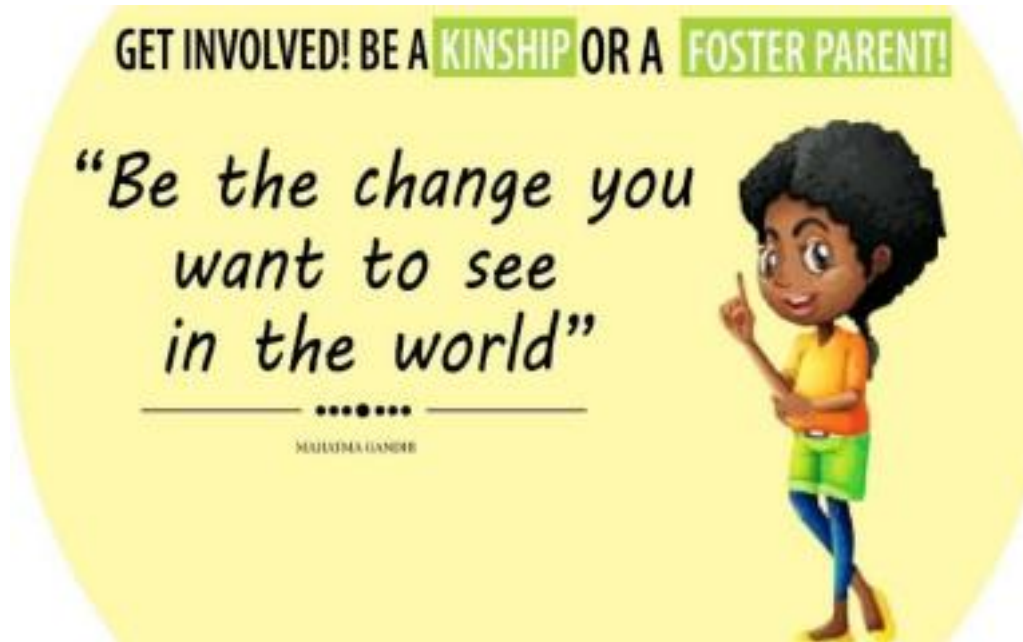


EXCHANGE PROGRAM ON FOSTER CARE



*Sharing systems, experiences and best practices to
implement and strengthen Foster Care services in Kenya
and Italy*

ONLINE WEBINARS

5th, 7th, 9th JULY 2021

09:00 - 12:00: CET

10:00 - 13:00: EAT



Acronyms

AACs- Area Advisory Council

ACRWC- African Charter on the Rights and Welfare of Children

APRIRE-*Tuwarudishe Watoto Nyumbani: Foster Care, Prevention, Rehabilitation, and Reintegration for a Future to Vulnerable Children in Kenya*

CCIs- Charitable Children Institutions

CRC- Children Rights Convention

CSOs- Civil Society Organisation

DCS-Directorate of Children's Services

FADV-*Fondazione L'Albero della Vita – The Tree of Life*

GOK- Government of Kenya

KPS: Kenya Prison Service – KPS

KESCA- Kenya Society of Care Leaver

NPS: National Police Service

ODPP-Office of the Director of Public Prosecution

OVC- Orphans and Vulnerable Children

NCCS- National Council for Children's Services

NCAJ-National Council on the Administration of Justice

NHIF- National Hospital Insurance Fund

Executive Summary

The UN Convention on the Rights of the Child (UNCRC) clearly recognizes that the ideal setting for a child to grow up is within a family environment that provides an atmosphere of happiness, love and understanding. The preamble to the convention provides that 'family should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.'

Three decades after the entry into force of the UNCRC, these principles are still unevenly understood and implemented across the world. Too many children are separated from their families, and too often without appropriate reasons. In a climate of financial crisis due to the Covid 19 pandemic and widespread cuts on essential services, the entry of children into alternative care is frequently linked to socio-economic factors, disability and discrimination rather than to protection from abuse and neglect. Children without parental care continue being placed in segregating residential care facilities, also known as institutions, in environments that are utterly inappropriate for their emotional, physical, intellectual and social development.

Despite progress, a dual approach continues to prevail in many countries currently engaged in reforming their childcare systems. Large numbers of children are transferred into family and community-based care, but institutions are still perceived as good enough for certain groups, such as orphans, street children and children with disabilities. Furthermore, a clear disconnection exists between the reforms taking place in the childcare system and the situation of adult services: many deinstitutionalized children end up being re-institutionalized, an experience which is particularly tragic and detrimental for their well-being. The UN Guidelines for the Alternative Care of Children call for comprehensive system reforms, starting with a transition towards family and community-based care. The UN Guidelines clearly speak in favor of such evolution: "where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall Deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination."

The Kenya-Italy exchange program on Foster Care is organized as part of the development cooperation project named "APRIRE: *Tuwarudishe Watoto Nyumbani: Foster Care, Prevention, Rehabilitation, and Reintegration for a Future to Vulnerable Children in Kenya*", financed by the Italian Agency for Development Cooperation (AICS). The program has been developed and implemented by a consortium of international and national organizations under the leadership of *Fondazione L'Albero della Vita* – FADV with the purpose of supporting the Kenyan Government in the process of deinstitutionalization of children.

The 3 webinars organized under the Exchange Program of Foster Care aimed at creating platforms for learning, networking and improving the quality of foster care service delivery.

The 3 webinar sessions provided an opportunity for government officials and professionals from institutional and civil society organizations to discuss and explore how to improve the implementation of Foster care services in the two countries of Kenya and Italy.

DAY 1

The first webinar focused on the Juvenile Court, Juvenile Justice and Foster Care with presentations from APRIRE project coordinator, Italian Agency for Development Cooperation, Directorate of Children Services of Kenya, National Council for the Administration of Justice, Guarantor of Children's Rights in Italy, and Judges Maci Francesca and Marco Ubiali from the Children's Court of Milan and Brescia.

Ms. Carla Musca -the coordinator of APRIRE project- shared a background stating that APRIRE is a three year child protection program funded by the Italian Agency for Development Cooperation implemented by the consortium of international agencies and national organizations under the leadership of the Tree of Life, in partnership with several departments of the Kenyan Government. The program aims to promote and protect the wellbeing of vulnerable children and families in Kenya by supporting the process of deinstitutionalization of the government through three components:

- Restorative Justice
- Juvenile Justice
- Promotion of Alternative Family Care options with main focus on kinship and foster care.

She highlighted that the virtual exchange program of foster care was a result of a long journey of over 10 years of the Tree of Life and the partners in Kenya as well as the DCS. Carla Muscau highlighted that the webinars illustrate their determination to create a platform for learning and learning from each other.

The Directorate of Children Services (DCS) in Kenya joined in hailing the organizers of the event noting that the webinar touched on the Global Shift of reducing the reliance of Residential Care of children to the families and the community, safeguarding and protection of the rights and welfare of children for National Prosperity which is guaranteed under Children's Act 2001 in discharging the functions of DCS. DCS made reference to the following:

- The international instruments specially the UNCRC
- Regional instruments ACRWC that the African charter on the rights and welfare of children
- The Kenyan Constitution of 2010
- The Children's Act 2001

Noting that the government has the policies, guidelines and regulations and also the national plan of actions which are drawn from the treaties and statutes. Further the Directorate of Children Services through partnership with the various stakeholders initiated the implementation of the guidelines for alternative family care of children in Kenya by starting a pilot program in Kisumu County in the year 2018.

Madame Karen Ogoti also stated that Care Reforms have a strategic objectives which DCS wants to achieve by the end of the process and the main ones are:

- The development of policy regulation standards and guidelines which will guide in implementation during the process.
- Establishment of leadership and coordination mechanisms.
- Lobby for increased resources so that (we) can have enough resources to assist in the care reform process
- Build evidence to support the benefits of the care reform -which will be able to show to anybody who wants to understand how we're doing it
- Strengthening of the prevention services for children, reintegration and expansion of family-based alternatives.
- Support to care leavers who have gone through the process especially those who have been in the institutions and they have now left there about the age of 18 and many of them are in independent living as some have been able to stand on their own with the support of partners
- There is support for CCI's transition. The Government wants children to move from the institutions but in a very protective and manner that is able to sustain these children in the community. A support to the CCI's has to be provided to ensure that the transition is done gradually and gracefully.
- Engagement of the private sector is where there is the need of a lot of support from the partners in the private sector; the government cannot do it alone.

The Care Reform has gotten support that has enabled them to move forward. The Government of Kenya got support from the legal and policy framework which are in place. DCS also shared about social protection programs initiated by the Government as well as achievements made by the department.

Silvio Premoli, Guarantor of Children Rights in Milan – Italy, shared about their roles. He highlighted that the Guarantor monitors the respect for the fundamental rights of children as enshrined in the UN Convention on the Rights of the Child.

The Guarantor is appointed for 5 years in total. In this role the guarantor speaks directly to teenagers even on their academic background as well as other issues affecting them mostly from 8-14 years.

The Guarantor's office is a place to:

- Listens to public and private actors, organizations and individuals.
- Develop shared thoughts and knowledge between different expertise and professionalisms.
- Promotes and coordinates actions, agreements and protocols between various stakeholders.

The main task, in line with the work carried out by the national and regional Guarantor, is to:

- Make this role known internally (within the Administration) and externally, among different institutions and the civil society, especially to the children / young people.
- Make children aware of their rights so that they can stand for their fulfilment.

The Guarantor's office does not have its own budget, it has a staff of 2 units.

It has the power and the possibility to carry out projects that, through coordinated actions of several partners, support the implementation of its mandate

The office works with professionals to raise awareness on the problems of deprivation and violation of rights, supporting the development of protocols between various institutions and various services.

Roselyn Kabata from NCAJ in Kenya shared at length on how the court facilitates alternative care for children among other subjects. She highlighted that courts:

- Ensure the best interest of the child are protected in all matters eg. Foster Care.
- It grants leave to the department of children services to place the child found guilty of committing a crime to foster care.
- It grants leave to foster parents to leave with the child outside Kenya's jurisdiction through a court order.
- It imposes obligation and conditions on foster care on who travels with the child outside Kenya.
- It hears matters relating to any part of the act contravened by any person to compel or ensure they are protecting the child.
- It hears matters arising affecting the child under foster care.
- It can also extend parental responsibilities past 18 years.
- The court is involved in giving permanent alternative care for the child if the duration of the foster care has come to an end.
- Court give: a production (represented if there's any issues), access (a child can be seen or visited), exclusion (a person cannot come into contact or visit the child) or awardship order (child is under the care of the court), order which relate to different aspects of the child.

DAY 2

The second webinar focused on Government services to protect the welfare of children with presentations from National Council for Children Services of Kenya, officials from the Ministry of Labour and Social Policy of Italy, officials from the municipality of Milan and an official from Kisumu county, Kenya.

Adriana Ciampa from Italy shared on the Foster Care process in Italy stating that the law provides that a child shall be entrusted to a family, preferably with children under the age of 18, or to a single person. Able to provide for Maintenance, Education, Guidance and Emotional connections (art. 2 of Law n. 184/1983).

She pointed out that:

- The Foster care process is developed according to the specificities of the history of each child.
- The attention towards the family of origin represents in Italy a constant effort to maintain relations with the foster family and the child.
- The active participation of children in the processes that concern their future is a challenge in Italian foster care policies.
- The accompanying care leavers towards autonomy is becoming a priority in Italy.

She highlighted that the “Guidelines for Family Foster Care”, the “Guidelines for the assistance in residential services for minors” and the “Guidelines for intervention with children and families in vulnerable condition” represent the main national orientation tools for the care of children and families.

They are soft law tools and represent the result of a collective and long-term work carried out within national institutional tables at the Ministry of Labour and Social Policies with the participation of all the subjects involved in the processes outlined in the documents.

Abdinoor Sheikh from NCCS in Kenya presented that NCCS is working towards strengthening interventions and delivery strategies including alternative family care guidelines. NCCS is the government arm concerned with policies. It was established in section 30 of the children’s Act.

The mandate of the council include:

- Determining priorities in the field of childhood welfare, relations and socio-economic policies of the government to plan, supervise and coordinate public education programs of children.
- Provide technical support of agencies and participation of child welfare programs, describe screening requirements, participation and ensure full implementation of national, regional and international obligations, working towards a provisional vision of social services to the welfare of general family enrolment of children.
- Consider and approve or support child welfare programs posted by charitable institutions.

- Formulate strategies for public awareness in matters touching on the welfare and rights of children.
- Establishment of children's institutions in accordance with the prevailing regulations.
- Establishment of various advisory councils.
- Create an enabling environment for children for effective implementation of the children's act and laws relating to children, design and formulate policies,
- Planning and financing of child welfare

Silvia Zandrini from Milan shared about their work in supporting children and families highlighting that Milan supports 11,000 children with a customized type of support that include:

- Prevention of discomfort, being taken away from their families.
- Protection from abuse or any danger being experienced by the child in the family, protection of children and teenagers.
- Promotion of some skills.

The Municipality of Milan performs social education and professional services to cater for the needs of parents and children through different services and specific programs such as;

1. Territorial Professional Social Services (SSPT): services corresponding to the territory of each Municipality where the citizens residing there belong to:
 - 1st level SSPT- open to spontaneous requests of the citizen, 20 offices.
 - 2nd level SSPT - deals with protection of children and on behalf / mandate of the Judicial Authority, 14 offices. Case might have been submitted by the judicial authority.
2. Central Specialized Services: full and thorough analysis where they sit with families to understand their cases.

After collecting information, they organize and customize individual case by:

- Providing information on other services / programs/ supports/ opportunities, etc.
- Identify needs, issues and resources of the family unit to build up with the individual and his/her family or informal network specific individual or group support projects;
- Involve the health services, psychologists and psychiatrists of the area, as well as the school and educational system in the process of supporting and protecting minors;
- Start and periodically monitor the results of individual cases with the interested parties, evaluating the SUPPORT, RELIEF or PROTECTION interventions (the latter ordered by the Judicial Authority).

Michela Bondardo, the technical coordinator for foster care services in Milan presented that they are social assistants and psychologists employed by the municipality of Milan. According to the Italian legislation, each Local Council-such as "Comune di Milano" (Municipality of Milan) - is in charge of Child Protection duties for children aged 0 to 18 who reside within urban boundaries. Municipality develop their own relevant interventions as per the legislation.

The City of Milan has set up a Central Urban Fostering Service that involves social workers (and sometimes also psychologists) of the 9 district Units, to develop and implement Foster Care Plans.

Humphrey Wandeto from Kenya, Kisumu County shared the activities that the county undertook as a pilot program for Alternative Family Care. He also highlighted that UNICEF and CRS - Changing the Way We Care are the key partners providing financial and technical support.

DAY 3

The third webinar focused on civil society involvement in foster care with presentations from Tree of Life (Fondazione L'Albero della Vita), Collective Community Actions, a foster parent from Italy who shared her experience, Association of Care Leavers Network of Italy, Kenya Society of Care Leavers, Association of Alternative Family Care, Stahili Foundation, DCS and UNICEF.

Ilaria Zambaldo highlighted the work of Tree of Life in Italy stating among other things that it selects, identifies and assess foster families. Tree of Life Italy, speaks to social workers to learn about the scenario to understand the child's needs and manage the matching and choose the best of the foster family for the child- a decision taken by the social worker.

Tree of Life Italy, has an ongoing agreement for at least two years to support and help foster families. A reason as to why they were established is they realized that there was a great number of foster families who were happy to support but they wanted to be guaranteed that they will never be abandoned especially at the beginning when they want to resume a balanced scenario for the child. Tree of Life Italy, has a strong and well established alliance to support them at the very best.

Sabrina Sestini, a foster parent, shared her experience as a foster parent of a severe disable child.

Alessandra Pavani shared on networking in Tree of Life Italy . She stated that Tree of Life Italy ("Fondazione L'Albero della Vita") started its networking activity around 2009 and became gradually a member of many thematic networks connected to its top priorities of intervention. The Organization firmly believes in the importance of networking with many actors, institutions and private social sectors.

Networking means:

- Exchanging of good practices
- Establishing partners
- Implementation joined advocacy activities to give voice to needs and contribute to the definition of laws and policies favorable to the well-being, rights and development of children, in Italy and in the world.
- Contribute to the laws and policies for the wellbeing of children and their families.

Among the networks of whom Tree of Life Italy (L'Albero della Vita) has become a member is the "Tavolo Nazionale Affidato" (National Foster Care Table). It is an informal space used for working and discussing together who are the members of the national associations and regional networks of foster families.

Main objectives of the networking are;

National level:

To develop shared reflections on issues of national importance concerning foster care and the protection of the right of children to live in a family; to share and enhance the good practices developed by the participants or by other bodies; to favor paths of connection and common action, especially in dialogue with the various national institutions (National Coordination Foster Care Services, Regional Conference, etc.).

Regional Level:

To deepen the dialogue and the sharing with the individual Regions about the processes of regulation and promotion of foster care policies.

In general:

It favors paths of comparison, sharing and visibility for all associations and networks of foster families; to promote access to information, news, reflections, good practices, by all local networks / associations in Italy.

Martin Munyagia, a project manager with Collective Community Action (CCA) in Kenya shared about their activities stating that they had been working with different juvenile institutions and were working on other projects under foster care. CCA is implementing two pilot projects in Kasarani and Embakasi sub counties under the APRIRE project. The project has been running since 20th October 2019.

They had completed 21 foster care placements, 2 kinship cases and one guardianship care case. Some of these cases had also come from the Juvenile justice institutions. They had 9 prospective foster parents who were pending to receive beneficiaries and five eligible minors-they had been interviewed and vetted and were waiting for matching.

They had conducted awareness sessions and the CCA's had reached 2413 community members through physical interactions by working closely with AACs and ACCs within sub county level.

Approximately, they had reached at least 10,258 number of people via different platforms eg. whatsapp and those they have met physically in the last 36 months.

Eli Kimani from the Association for Alternative Family care of children presented about their work highlighting that the association brings together different organizations working in different capacities in child protection who are key in implementing alternative family care.

The association brings together 30 organizations. Other CSOs also shared about their before partners sharing closing remarks bringing the three day event to a close.

Key Resolutions

The discussions from the 3 days resulted to the following resolutions;

- There is need for proper documentation with the assistance from The Tree of Life (“Fondazione L'Albero della Vita”). Regular consultations with the social department of Italy to clarify and guide on the areas of promising practices
- Finalise on the foster care manual for training of practitioners. In this regard, there is a need to share the training notes with Italy to make reference.
- Benchmarking visit for a team from Kenya to Italy.
- Domestication of the Italian foster care manual.

Table of Content

Acronyms	2
Executive Summary	3
Introduction	13
Welcome Remarks	15
Introduction to APRIRE Project	15
Fabio Melloni - Head of office of the Italian agency for Development Corporation	16
Madam. Karen Ogoti - DCS, Head of Alternative Family Care	17
Mr. Shem Nyakutu - Secretary of Children Services	20
Silvio Premoli - Guarantor Children's Rights in Italy	21
Roselyn Kabata - National Council for the Administration of Justice	26
Composition and role of the juvenile court in Milan	28
Marco Ubiali - Honorary Judge in the Children's Court Brescia	30
Maci Francesca – Honorary judge in Children's Court Milan	33
Presentations	36
Gabriele Rabaiotti. - Hon. council of social and housing policy	36
Adriana Ciampa-Childhood and adolescent Policies-Ministry of labor and social policy	36
Abdinoor Sheikh - CEO National Council for Children Services	40
Silvia Zandrini - Director of second level of social services of the municipality of Milan	43
Michela Bondardo - Technical coordinator of Foster Care Services-Milan	47
Opening Remarks	55
Presentations	55
Ilaria Zambaldo -Coordinator of Foster Care program-The Tree of Life, Italy	55
Alessandra Pavani - Advocacy coordinator, The Tree of Life Italy	61
Sabrina Sestini - Mammematte Association	63
Question and Answer	64
Martin Munyagia - Collective Community Actions	65
Alice Wanyonyi - County coordinate-Nakuru	67
Samora Asere - Kenya Society of Care leavers	68
Silvia Sancini	69
Rhoda Mwikya - DCS Murang'a County- Foster Care Program	72
Eli Kimani - Association of Alternative Family Care	74
Way Forward	75
Closing remarks	76
Miriam Bulbarelli - Italian Agency for Development Cooperation in Kenya	76
Catherine Kimotho - UNICEF Kenya	76
Noah Sanganyi - Director of Children's Services	77

Introduction

The Kenya-Italy exchange program on Foster Care is organized as part of the development cooperation project named “APRIRE: *Tuwarudishe Watoto Nyumbani: Foster Care, Prevention, Rehabilitation, and Reintegration for a Future to Vulnerable Children in Kenya*”, financed by the Italian Agency for Development Cooperation (AICS). The program has been developed and implemented by a consortium of international and national organizations under the leadership of *Fondazione L’Albero della Vita* – FADV with the purpose of supporting the Kenyan Government in the process of deinstitutionalization of children. A key and innovative component is the establishment and piloting of the Foster Care service in Kenya as part of the currently ongoing *Care Reform* process.

The Government of Kenya has made Care Reform one of its priorities, envisioning a country where all children live safely, happily and sustainably in families and communities that serve their best interests. This is also complemented by the on-going process of reviewing the Children Act 2001. On the other hand, in relation to the historical evolution and the different social contexts of Italy, experiences of family fostering were initiated from the 1970s. They were eventually formalized and regulated by Law no. 184 of 4 May 1983, and subsequently amended by Law no. 149 of 28 March 2001.

It is in this spirit that *Fondazione L’Albero della Vita* and the APRIRE project have facilitated a number of exchange opportunities between Italy and Kenya aimed at sharing experiences, good practices and knowledge on Foster Care, recognizing that all efforts need to be made to support families in caring for their children and, if this is not possible, to place a child in a family-based alternative care arrangement, such as Kinship or Foster care.

These Alternative Family Care Options have proved - over time - to be an excellent response for the reception and the provision of care to children and youth in vulnerable situations. In particular, Foster Care has been revealed to have a great potential, when well supported by a network of inter-linked structures, being able to provide training, psycho-social and educational support as well as create sustainable linkages among all actors involved in a child’s life.

The provision of such services has recently been affected by different factors including the global Covid 19 pandemic. The situation has necessitated the development of innovative approaches to address such emerging challenges.

Hence, our common desire to work for and with children has been strengthened as (we) seek to generate new solutions for the protection of vulnerable children.

These webinars therefore illustrate the resolve to create platforms for learning, networking and improving the quality of foster care service delivery. The 3 webinar sessions provided an opportunity for government officials and professionals from institutional and civil society organizations to discuss and explore how to improve the implementation of Foster care services in the two countries of Kenya and Italy.

DAY 1

Juvenile Court, Juvenile Justice and Foster Care

Introduction

The opening ceremony was done by the children's band to usher in everyone followed by Italy's national anthem and a prayer was made.

Welcome Remarks

The welcoming remarks were made between the state of Kenya and Italy by Alfred Muringi, DCS as he introduced the Kenya delegation

Introduction to APRIRE

Ms. Carla Musca the coordinator of APRIRE giving a background of the project started by saying that APRIRE is a three year child protection program funded by the Italian Agency for Development Cooperation implemented by the consortium of international agencies and national organizations under the leadership of the Tree of Life which is in partnership with several departments of the Kenyan government.

Ms. Carla Muscau continued by noting that, the program aims to promote and protect the wellbeing of vulnerable children and families in Kenya by supporting the process of deinstitutionalization of the government through three components:

- Restorative Justice
- Juvenile Justice
- Promotion of Alternative Family Care options with main focus on kinship and foster care.

Noting that the virtual exchange program of foster care is the result of a long journey over 10 years of the Tree of Life and the partners in Kenya as well as the DCS. Further noting that the government of Kenya has made care reform one of its priorities envisioning a country with children living happily and sustainably in families and communities. Ms. Carla said as an organization they have fully embraced this vision and that it is within this framework that the program APRIRE project has facilitated a number of exchange opportunities between Italy and Kenya with the aim of sharing experiences, good practices and knowledge on foster care.

Carla Muscau highlighted that the webinars illustrate their determination to create a platform for learning and learning from each other.

The three webinar sessions will provide an opportunity for government representative professionals in the field to explore how to improve implementation of foster care services in different contexts. Each webinar would address a different angle of foster care the first session will focus on

- The role of juvenile court and the link between juvenile Justice and foster care
- The 2nd webinar will focus on analyzing and discussing government services to protect the welfare of children and foster care as a key option to protect a child and a young person in their best interest.
- The third session will give voice to organization representatives of civil Society private social services on real experiences and real cases of lives in foster care.

Carla Muscau took the opportunity to thank everyone on behalf of the Tree of Life and the entire APRIRE project team, the Kenyan government for having accepted them as a key partner working so closely together for the same common goal and also the Department of children services, the National Council for children services, the National Council and administration of justice as well as the Probation and Aftercare Services, Kenya Prison Services National Police Service, ODPP and Judiciary for a continuous and diligent effort dedicated to improve services and well-being of children in Kenya.

Noting that the program would not have been possible without the support of the Italian Agency for Development Cooperation which has been funding development cooperation programs in Kenya both in education and child protection and the special thanks goes to the municipality of Milan which has been a key partner in this floor of exchanges between the two countries.

Fabio Melloni, Head of office of the Italian Agency for Development Cooperation in Kenya

Fabio recognized the presence of the Kenyan authority DCS-Shem Nyakutu, Advocate of High Court-Roselyn Kabata, DCS-Noah Sanganyi, Italian friends and colleagues from the municipality of Milan and the judge of the children court Marco Ubali, honoring judge of the Juvenile courts Milan Francesca Maci.

Even in these difficult situations of the pandemic and its limitations; there is a possibility to maintain exchange of experiences and knowledge between Kenya and Italy via Tree of Life foundation and other Italian NGOs and Milan Municipality. Covid-19 has affected the most vulnerable in the community and this project addresses that through the interventions in giving hope to the young people in conflict with the law.

The Italian cooperation in Kenya addresses its support to the agriculture sector, environment and the private sector. The Cooperation can also do this with the strong presence of the Italian CSOs who are taking care of the basic services in education and health giving those in conflict with the law the ability to study and get jobs for their vocational training.

Strong relationships with the Italian experiences will enhance the program. Fabio thanked the organizers of the webinars and hoped for fruitful deliberations of the three-day conference.

Madam. Karen Ogoti - DCS, Head of Alternative Family Care

Madam Karen thanked all the organisers and began her briefs as she read the speech prepared by the DCS Director. Noah Sanganyi.

Madam Karen Ogoti acknowledged the presence of everyone in her speech as she expressed her appreciation to the organisers of the online webinar. The webinar touched on the Global Shift of reducing the reliance of Residential Care of children to the families and the community, safeguarding and protection of the rights and welfare of children for National Prosperity which is guaranteed under Children's Act 2001 in discharging the functions of DCS. DCS made reference to the following:

- The international instruments specially the UNCRC
- Regional instruments ACRWC that the African charter on the rights and welfare of children
- The Kenyan Constitution of 2010
- The Children's Act 2001

Noting that the government has the policies, guidelines and regulations and also the national plan of actions which are drawn from the acts and the guidelines. Further the Department of Children Services through partnership with the various stakeholders initiated the implementation of the guidelines for alternative family care of children in Kenya by starting a pilot program in Kisumu County in the year 2018.

The initiative initially, was spearheaded by the Department of children services under the ministry of Labour and Social Protection and also UNICEF as one of the partners but later on other organisations who are relevant in this process came on board to support the care reform initiative which was started in 2018. The organizations that joined forces to support the care reforms were as follows: DCS had UNICEF, the Maestro, Hopes and Home, Changing the Way WeCare, LUMOS, Tree of Life (FADV) and others like the Stahili foundation.

Karen Ogoti also stated that care reforms have a strategic objectives which DCS wants to achieve by the end of the process and the main one is

- The development of policy regulation standards and guidelines, which will guide in implementation during the process.
- Establishment of leadership and coordination mechanism.
- Lobby for increased resources so that (we) can have enough resources to assist in the care reform process.
- Build evidence to support the benefits of the care reform-which will be able to show to anybody who wants to understand how we're doing it.

- Strengthening of the prevention services for children, reintegration and expansion of family-based alternatives.
- Support to care leavers who have gone through the process especially those who have been in the institutions and they have now left there about the age of 18 and many of them are in independent living as some have been able to stand on their own with the support of partners.
- There is support for CCI's transition. This is where (we) the Government wants children to move from the institutions but in a very protective and manner that is able to sustain these children in the community -so they support the CCI's to ensure that the transition is done gradually and gracefully.
- Engagement of the private sector is where there is needof a lot of support from the partners in the private sector; the government cannot do it alone.

The Care Reform has gotten support that has enabled them to move forward. The Government of Kenya got support from the legal and policy framework which are in place and this has made it easier to make reference to the source of the government.

The Government Social Protection programs like the cash transfer for the orphans and vulnerable children are in the ministry under the social assistance unit, as well as the support to the elderly and also those who are severely disabled. The guidelines for Alternative family-based care for children was developed in 2014.

The national Case Management guidelines, which have already been developed and are actually waiting for the launch. The Government has a very good political leadership and commitment to the effort this is from the highest office in the country. The Government has very good will and that's why they're moving fast. Were it not for the civic-19 the country could have transitioned so many children to the community.

The Social Protection programs are aimed at strengthening the family so that children can be retained in the community so once DCS strengthens the families we know that children will be able to stay in the community and get support.

Partners are very active and supportive, they fully supported the care reform process especially since DCS started and even before DCS started the process. Karen Ogoti also mentioned that DCS had a very strong initiative from the Civil Society who came on board for us to start the process.

The religious leadership demonstrated commitment to caring for especially in our counties; Kenya has so many religious organizations supporting the care reform. They want children to go back to the community and those that are in the community to be retained in the community.

Increasing opportunities for funding support to care Reforms. A Lot of resources are being directed from the institutions to the community and this is very encouraging especially for a country that tells us that many children will be able to stay with the families even if it is not their biological parents they will stay in the community with guardians for support.

Good community structures at all levels even the reporting systems are very good from even the administration especially in the point of gatekeeping.

The development of gatekeeping mechanisms to prevent children going to formal care is also very strong and Kenya wants to ensure that children do not go to the institutions but they are assisted while they are in the community so our gatekeeping mechanism is also very strong to prevent these children from working out of the community. DCS has very good linkages with other programs like the OVC program.

The DCS even has some of the NHIF support programs for those who need the healthcare support program. Kenya has support for those living with elderly and even those who are with children but severely disabled. DCS has a focus on our care reform.

The coordination of care reform at the National and county level-this will assist in ensuring that the process is managed very well. Kenya has the sub-county level which is the lowest level and the support at level which is very encouraging especially from the administration. Building evidence of promising practices for care reforms is also our focus; DCS wants to talk about the cases that have been successful in this process so that even when they do their best practices DCS will have an understanding of what is pending in the county and even in the sub-county to the households where our children especially those who have transitioned from the charitable children institutions (CCI's) to the community.

DCS is also focusing on forging strong collaboration with the key actors who are very active but still, they want to ensure that the collaboration is very important and as a country, Kenya encourages public partnerships, which is one of the main agenda. Thus, the focus is to ensure that all the key actors are on board. For the strengthening of the social workforce, DCS has trained some social workers who will be involved in this process and they are the implementers especially at the lowest level who are in touch with these children.

Finally, on this focus DCS has a strong gatekeeping mechanism to ensure that children are protected from moving into the CCI's.

Achievements since in 2018

DCS has done a lot on the documents that will guide in the implementation of the care reforms:

- Development of a care reform strategy that is being spearheaded by the National Council for Children's Services, agency developing documents are almost at the end of being

finalized and very soon. DCS will have the launch which will enable DCS to make reference to this document.

- DCS has the development of a Case Management for integration package which is finalized and it will help the social workers to understand how they can manage cases individually and also reintegrate children following a very standard way of integration.
- There is also the development of the training manual for alternative care and practitioner as a user-friendly handbook. It is also ready for training.
- Development of the Gatekeeper guidelines have been established.
- Establishment and strengthening of community structures- DCS is trying to ensure that these structures are in place and ready for the implementation.
- Development of a case workers toolkit. Tools are designed to be the first step in collecting and analyzing information that can be used to inform further assessment.
- Development of monitoring and evaluation framework: the program interventions and action planning are part of this toolkit that will be used.

In conclusion, Karen Ogoti thanked The Tree of Life (FADV) for their commitment and the visibility in the care reform; for conducting a pilot on foster care in Nairobi and Nakuru County including Kasarani and the casting fruits that will finally help us. Noting that they expect to learn a lot from the deliberations ahead and also pick up all the best and promising practices that will be shared in the three-day online webinar.

Mr. Shem Nyakutu - Secretary of DCS

Mr. Shem geared off his presentation by welcoming everyone to the three day conference on foster care between Kenya and Italy.

The directorate of children's services in Kenya has put in place mechanisms geared towards retaining children in their families and communities. In Kenya, the family remains the ideal place in which to raise a child. Retaining children in their communities gives them identity, sense of belonging and helps them benefit from the support networks within the community. Family care equips children with life skills to interact and face life challenges.

The government of Kenya through DCS has made care reforms one of its priorities; envisioning a country where children live safely, happily and sustainably in families and communities that serve their best interest. This also complements the ongoing process of reviewing the Children's Act 2001. DCS jointly with FADV are currently undertaking a pilot program on foster care. The pilot is in two counties that are Nairobi and Nakuru. Kenya has developed a care reform strategy for children on how to transition care reforms of children from residential care to family. There is a strategy for transitioning children from residential care to family and community care.

This exchange program started with the visit of the official Catholic University from Milan last year and was to culminate with a visit to Italy by Kenya government officials; however, due to a global pandemic Covid-19 this was not realised. The pandemic situation also necessitated the development of innovative approaches such as these online webinars where now people can have meetings, trainings online so that they don't have to meet one-on-one.

The 3-day online webinar sessions will provide opportunities for government officials, child care practitioners in the two countries to adopt promising practices which will enhance service delivery.

On behalf of the DCS, Mr. Shem thanked the organisers of this webinar and wished everyone a fruitful deliberation.

Silvio Premoli - Guarantor Children's Rights in Italy

Mr. Premoli, the guarantor of children rights started by saying that he is a volunteer and his key professional role is teaching at the Catholic university in Milan. His work includes taking care of children and teenagers who are experiencing troubles and living in the streets, mistreated or abused in residential care. I have always been a foster parent and been in the foster family experience as well as part of the foster family.

Over the years Italy has been observing recurring change because the EU allowed a great exchange of people along the territory to take place through the influence of the CRC which Italy ratified in 1991 and it was translated to fit Italy in 1997.

Convention on the Rights of the Child

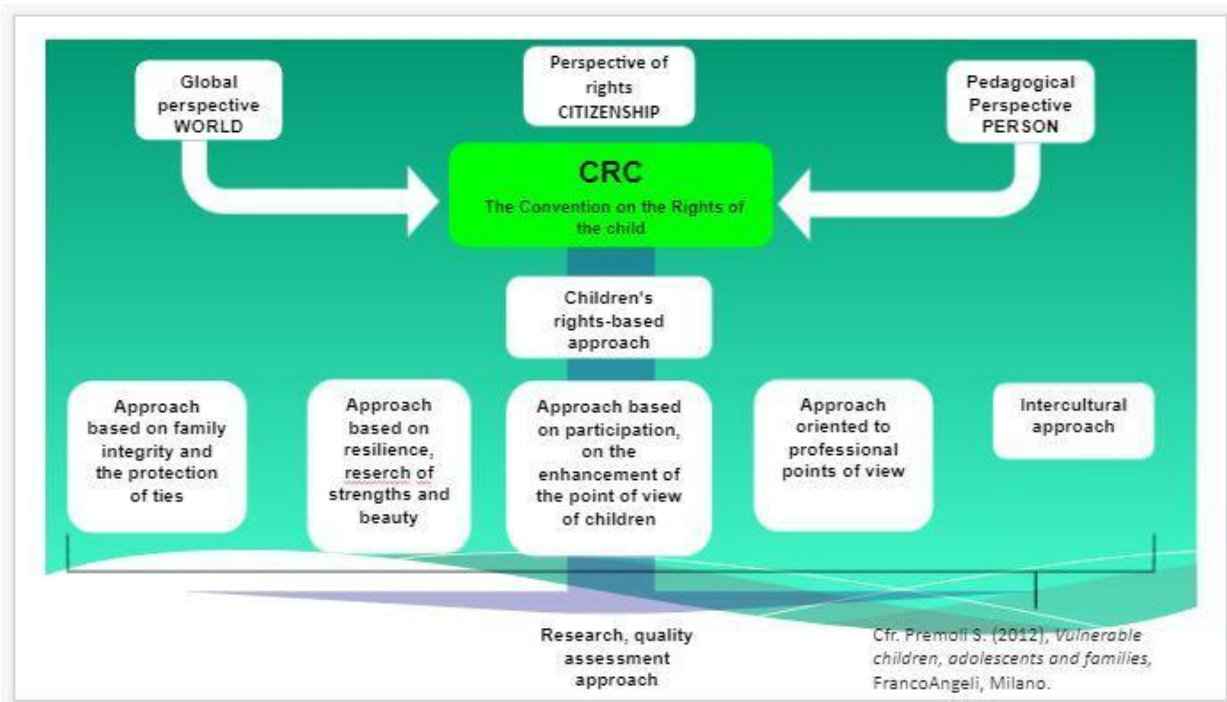
Noting that, with the United Nations Convention on the Rights of the Child, ratified in November 1989 by all States -excluding the USA-, children are "Rights Holders".

The Guarantor contributes to ensuring the respect and implementation of the rights enshrined in the Convention according to the "four general principles" outlined by the UN Committee:

- non-discrimination (art. 2)
- best interests of the child (art. 3)
- Every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child (art. 6):

The Guarantor will work with non-binding opinions so that maternity and parenthood are always protected and supported, especially in the presence of conditions of poverty and vulnerability of the family unit;

- participation and respect for the opinion of the child (Article 12): to determine the best interest of the child, the child must be heard and his opinion must be taken into consideration.



The CRC comprises different approaches as shown above. The recurring items have to do with the ratification of CRC and it entails a paradigm shift in protecting the rights of children. The CRC also allows countries to understand the many common goals they are sharing which means that issues concerning children are now being tackled.

The CRC is a powerful tool showing our devotion in protecting our children and keeping the family unified and not only to protect the rights of the child.



The contravention has become more central with more countries being multicultural and diverse. Thus, the legislation.

CRBA as key and essential professional competence

It is increasingly important to envisage the adoption of an approach based on the rights of boys and girls in the training and definition of the professional identity of educators and social workers.

- a child rights-based approach as part of the individual professional competences, promoting children's and families' citizenship, solidarity and lifelong learning». (Herczog, 2012)



Changing the view

The rights-based approach goes beyond needs-centered orientations, promoting empowerment and participation and demanding greater responsibility from institutions in developing better living conditions and skills.

Such approach requires a transformation in the way the Guarantor observe problematic situations:

- The identified need becomes a Right that has not been respected → denied right;
- the people involved should not be considered as victims, but rather as actors of a process of growth aimed at enabling them to demand and stand for their rights;

- Focusing and activating actions on broader levels of social, economic, cultural and political context.
- Rethinking the education of the educator in a socio-political approach, focusing on the areas of community, politic and social transformation, with the purpose of regaining the overall sense of identity, of existence.
- Accompany the educators to better place themselves within the sociopolitical horizon they live and work in, becoming aware of their personal vision of society and their commitment to transform social relationships.
- Developing knowledge and awareness on how the rights of children (and their parents) are fulfilled and the role of the Government in this process. Understanding the mechanisms to safeguard the fundamental citizenship rights is a key competence.
- Technical competence is no longer sufficient, since the complexity of interventions in welfare systems also requires knowledge of rules and practices, of social and educational policies and specific territorial and systemic dynamics, as well as skills that allow to create an impact at all levels.



GUARANTOR

- Institutional and independent role -focuses on the rights of teenagers only.
- With financial and human resources-It is a volunteering basis and works closely with the municipality to enhance project implementation.
- Both at central and decentralized level, carries out a task of control, monitoring but also enforcement.
- The Guarantor Is not in charge of single cases of children (already protected by the judge).
- The Guarantor Is in charge of what regulates, in general, situations of risks for children.

THE GUARANTOR OF THE RIGHTS OF CHILDREN AND ADOLESCENTS

THE GUARANTOR OF THE RIGHTS OF CHILDREN AND ADOLESCENTS



National Guarantor established with Law 112 of 12 July 2011



Regione Lombardia



Regional Guarantor established with L. R. 30 March 2009



GARANTE DEI DIRITTI PER L'INFANZIA E L'ADOLESCENZA

Guarantor of the Municipality of Milan established with D.C.C. n. 28 of 22 October 2015



Comune di Milano

14

THE GUARANTOR OF THE CITIZENS

The Guarantor monitors the respect for the fundamental rights of children as enshrined in the UN Convention on the Rights of the Child.

It promotes knowledge of the rights of children and adolescents in the city of Milan and disseminates a culture based on the respect for these rights.

The Guarantor is appointed for 5 years in total. In this role the guarantor speaks directly to teenagers even on their academic background as well as other issues affecting them mostly from 8-14 years.

Starting from September children speak to the guarantor in regards to what is happening in the city and then the Guarantor can come up with ways to solve certain issues.

The Guarantor also speaks to those leaving residential care.

The Guarantor's office is a place to:

- Listens to public and private actors, organizations and individuals.
- Develop shared thoughts and knowledge between different expertise and professionalisms.
- Promotes and coordinates actions, agreements and protocols between various stakeholders.

The main task, in line with the work carried out by the national and regional Guarantor, is to:

- Make this role known internally (within the Administration) and externally, among different institutions and the civil society, especially to the children / young people.
- Make children aware of their rights so that they can stand for their fulfilment.

The Guarantor's office does not have its own budget, it has a staff of 2 units.

It has the power and the possibility to carry out projects that, through coordinated actions of several partners, support the implementation of its mandate

→ actions aimed at participation, promotion and guarantee of the rights enshrined in the UN Convention.

The office works with professionals to raise awareness on the problems of deprivation and violation of rights, supporting the development of protocols between various institutions and various services.

Roselyn Kabata- National Council on the Administration of Justice

Roselyn started off her presentation breaking down the judicial structure and its functions. The Judiciary is guided by certain principles that guide the decisions by judges and magistrates or judicial officers, especially in the tribunals and subordinate courts.

Justice should be done irrespective of status, Justice should not be delayed, alternative measures of dispute mechanisms are promoted in the Kenyan Judiciary- mediation, plea bargaining, diversion for children matters and a committee was established on an alternative system to resolve disputes and dispense cases. However, sexual offenses have to go to court.

Structure of the Kenyan Judiciary

The judiciary is headed by the Chief Justice who is the first female Lady Justice and also the chairperson of NCAJ taskforce on children matters (Hon. Martha Koome) who is the president of the supreme court which is the highest court in Kenya.

The second one is the court of Appeal, then the high court, followed by the Subordinate courts (magistrates, court martial and Kadhi courts) and tribunals.

The Children's Court

There are only two gazetted children courts in Kenya established in compliance with CRC, Constitution and the Children's Act under section 73. They take into account the best interest of the child. A child is any human being under the age of 18 years.

Cases handled in children courts include: Civil (parental responsibilities, custody and maintenance, children in need of care and protection) and criminal matters. Children are not called criminals but children in conflict with law.

Even though there are only two children courts, some courts separate or designate a place to hear children matters. There are children magistrates appointed by the CJ to preside over children issues in most parts of the country though in Kenya all magistrates have been gazetted to be children magistrates.

Relationship between child justice system and Foster Care

Child justice system is a formal responsive arrangement by the government to process and deal with a child in accordance with the law while in cognizant with the child rights and best interests.

Child justice system presumes a systematic organic arrangement of government agencies dependent upon each other though operating distinctively with shared objectives addressing delinquencies in prevention of crime.



The children include: children in need of care and protection, children in the justice system and those in conflict with the law. There are various agencies and related officers that deal with children: Probation officers, Police officers, DCS, Judiciary, lawyers and the CSOs.

Kenya has a council that coordinates an efficient justice system. The NCAJ (National Council on the Administration of Justice) was established under section 34 of the Judicial service Act and its mandate is to ensure a coordinated, effective and consultative approach in the administration of

Justice and reforms in the justice system. NCAJ brings together the heads of the justice system and is also chaired by the chief justice, director of public prosecution, and inspector general.

NCAJ mirrors the task forces and committees.eg. NCAJ special task force gazetted in 2016 which deals with children matters. Other committees include the Bail and Bond, Sexual Offence and National committee on criminal response.

Role of NCAJ

- Formulates policies that relate to the administration of justice.
- It implements, formulates and reviews strategies in the administration of justice.
- It facilitates the establishment of a court user committee at the county level.
- It mobilises resources for the purpose of efficient administration of justice.

NCAJ notes that issues in the justice system are not occasioned by one agency but “a lot of” them to come up with solutions unique to their courts to fulfil the best interest of the child.

Foster Care

Foster Care is the placement of a child with a person who is not the child’s parent/relative or guardian and who is willing to undertake the care and maintenance of the child. These children are then able to remain in a family environment and not institutionalize. Foster care can be through a court order or involvement of an authority. In Kenya, this is the Directorate of the Children Service (DCS). The connection between the Judicial and foster care is explainable below.

Involvement of institutions and care order

Section 147 of the children’s Act notes that when a child by virtue of care order has been committed to a rehabilitation school or a charitable children institution the director, in conjunction with the manager of the institution, may place the child with a foster parent for a certain period. If the child is found guilty, he/she shall not be placed with a foster parent without legal court order.

The role of DCS

The DCS has the mandate to safeguard the welfare of the children in foster care, taking care of the placement of the child. Managers of the institution have the responsibility of supervising and assessing the condition of the child under foster care through DCS, to receive request and arrangement of the foster care parents or parents and guardians of the child to stipulate amount payable to the foster parent or enforce maintenance.

DCS is supposed to maintain a database of foster placement in Kenya, facilitate engagement between a foster carer or parent on how a child should be taken care of. There is consideration of religion and background of the child when taking the child into foster care.

How the court facilitates alternative care for children

- Ensures the best interest of the child is protected in all matters eg. foster care
- Receive cases on children through civil procedure
- It can revoke committal order upon application by the director on its own motion
- It has powers to call for records and from officers; oral or written
- Calls for experts and reports from officers
- It can order legal representation of the child
- It grants leave to the department of children services to place the child found guilty of committing a crime to foster care.
- It grants leave to foster parents to leave with the child outside Kenya's jurisdiction through a court order
- It imposes obligation and conditions on foster care on who travels with the child outside Kenya.
- It hears matters relating to any part of the act contravened by any person to compel or ensure they are protecting the child
- It hears matters arising affecting the child under foster care
- It can also extend parental responsibilities past 18 years
- The court is involved in giving permanent alternative care for the child if the duration of the foster care has come to an end
- Court gives: a production (represented if there's any issues), access (a child can be seen or visited), exclusion (a person cannot come into contact or visit the child) or awardship order (child is under the care of the court), order which relate to different aspects of the child.

Principles that a court should take into account when making decisions according to children's Act

Ascertain the feelings and visions of the child concerned Physical, emotional and educational needs especially on children with disabilities.

Likely effect on the child eg. when placing them in foster care.

- Age, sex, religious persuasion and cultural backgroundAny harm to the child (Risks or abuse should be taken into account)
- Ability of the parent to provide a suitable environment
- Customs and practices of the community in which the child belongs
- Child exposure to use of drugs and psychotropic substances

Judicial review and administration action against public bodies

- Mandamus- The power of a superior court to order a lower court or government agency to perform a mandatory unit correctly eg. DCS.

- Prohibition-Prohibits performance of certain duties eg. When the child's parents have been found and they were to be placed under foster care.
- Certiorari- an order of a public body or officer when the order is not fair, unreasonable or did not go through due process.

The court facilitates permanency in foster care where: if an adoption order is made then it passes the care order. Adoption process also involves the court thus facilitating permanency in alternative care.

Reforms to improve Safety of Children

Establishment of the children court user committees to ensure that children issues are a standing agenda for all court users. Connection between the community and the court is through the court user committee. NCAJ has established a court user committee, which is specific to children.

November is the Judiciary calendar set aside for children national service month to ensure children cases are heard and prioritized. Re-appealing of the children's Act is in the process with the NCAJ Special Taskforce on children matters as part of the steering committee. The Bill is still in parliament and (we)hope it will pass this year.

Establishment of the NCAJ is also a reform that takes into account the child's issues. Well trained officers who are sensitive to the needs of children through training and sensitization.

Use of protection and care forms was developed by the NCAJ special taskforce on children matters to report on information of children in need of care and protection. Prior, there was no form to present in court except a charge sheet thus a child who has not committed a crime was then presented in court with a charge sheet. It was premised on section 119 of the children's Act.

The juvenile justice information management system is still being developed. It will be used to collect data on children in the justice system.

CPIMS only recognises children who are in need of care and protection though (we)need to work together to ensure that children who are in conflict with the law are included in the system.

The taskforce is also drafting the children code protocol and revising the through care guidelines. The protocol will highlight the duties of the court and how it is supposed to handle children matters-court infrastructure, type of data to be collected, and how to carry out court proceedings in the courtroom.

Marco Ubali - Honorary Judge in the Children's Court of Brescia, Italy

Mr Marco Ubiali started by saying that the juvenile court in Italy is a special institution which aims to manage justice. It was established in 1944. It is composed of four magistrates and honorary judges, one

man and one woman who are experts on psychology, social services. They contribute through their expertise to the institutional judiciary.

All decisions are being taken in a colloidal manner. The power of the honorary judge is similar to that of the formal magistrate.

Territorial Jurisdiction

Italy has 29 juvenile courts made up of 800 magistrates of which 600 are honorary judges. These courts deal with three specific areas: Criminal, Civil and Administration.

The Juvenile court deals with crimes committed by children between the age of 14-18 years. Those below 14 years of age cannot go to court.

Composition and role of the juvenile court in Milan

The criminal proceedings are in 4 stages:

- 1) Preliminary investigations: Single judge taking action to confirm the measure or take them to the police station or certain duties can be commissioned to the children even in prison. Judge can dismiss or extend, close the proceedings if the crime is not relevant and if the crime is mild it can be considered as an occasional thing which will not be repeated in the future.
- 2) Preliminary hearing. It happens with one magistrate and two honorary judges (A man and a woman). In this case the proceedings can be shortened and they may come to a final sentence to dismiss or forgive mild crimes. There might be convictions in the end either through fine or trial period-possibility to suspend the trial to a time not more than three years for the minor to go through a rehabilitation journey. If successful, they will not be charged with any crime. It only happens when the minor proves guilty and accepts his/her mistakes or responsibilities. They could be involved in volunteering or legal mediation events.
- 3) Debate. This is the trial which takes place with 2 magistrates and 2 honorary judges. The final verdict can either be dismissal, forgiveness or trial.
- 4) Execution

Different Competences in Civil Law

The key competencies are related to the control of parental responsibilities:

- Ensure the parents are responsible. Law 630 foresees the court will take play in various scenarios, in cases of infringement or violation of parental responsibility they will be suspended.

- In case of biasness and the scenario is not severe, there is confidence of the disqualification of the minor.
- It's up to the court to decide how to recover parental responsibility.
- Disqualification of the Minor who has come of age.
- A foreign parent will stay along the Italian territory authorizing the parent to stay and remain in Italy in reference to the New York Declaration.
- Convention ratified in 1991; it also deals with Minors who have been taken elsewhere unlawfully.

Adoption

When the child is being adopted and they reach the age of majority (18 years) may access their information concerning their origin and details of their biological parents.

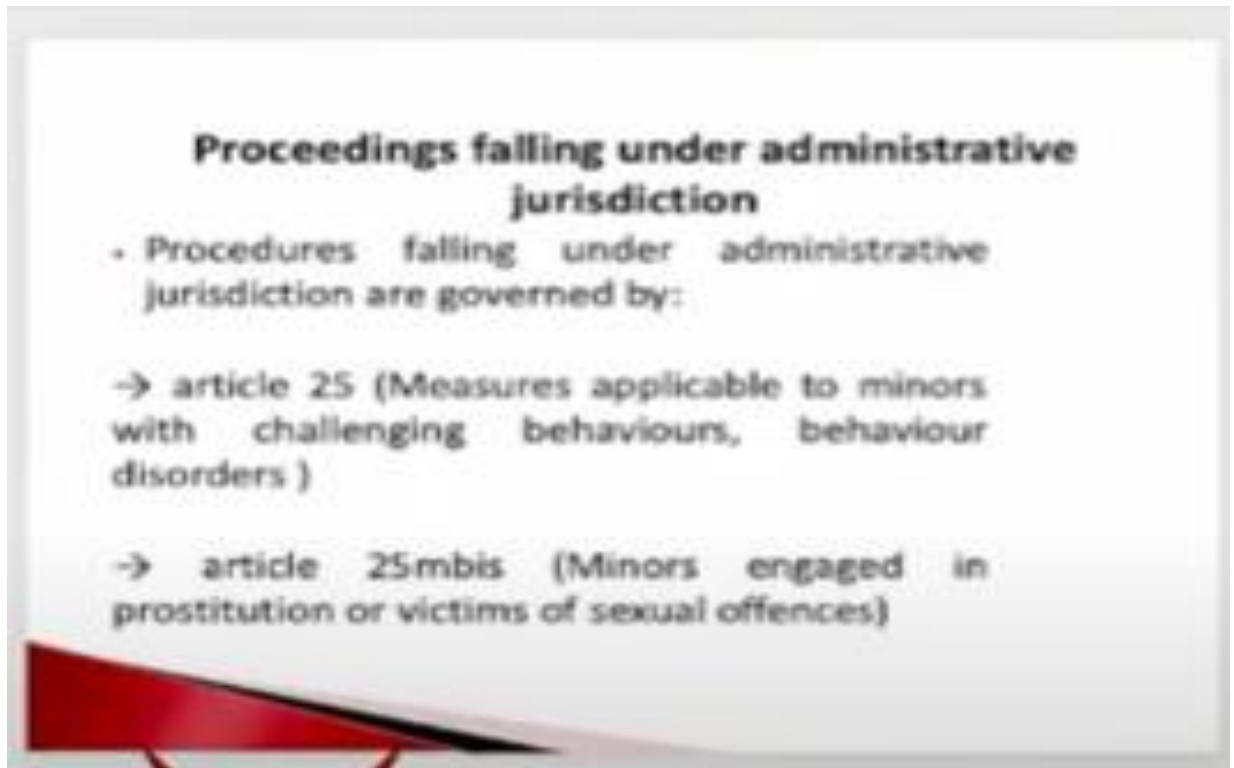
Declaring possibilities of the child to be adopted either through foster care or adoption. The difference is that foster care sees the difference that parents are only temporary to look after the child while adoption occurs when a child has either been abandoned or isolated permanently.

Adoptability

There's a need to differentiate national and international adoption:

National is allowed for married couples or if the couple has been living together for at least 3 years permanently. The court might ask for additional information and it will entrust the social services to investigate further to assess if the family can adopt the child.

International has similar adoption regulations but application can only be presented to the juvenile court where the couple lives. Once the couple is considered suitable for adoption, they will speak to one of the authorized bodies for a match for either Italian or foreign child.



Administration procedure

Refers to minors with behavioral problems. Thus, there's no action for parental responsibility with children directly whenever they are struggling with their behaviors. In regards to this the court orders educational support measures. If these children are not responding the court can extend their tasks up to when they are 21 years of age.

The interest of the minor is at the center of all decisions being made; when all parties are being represented to ensure their rights are being protected.

The courts will also speak and refer to territorial social services whose tasks are to collect relevant information for the court to make a decision.

Maci Francesca – Honorary Judge in the Children's Court of Milan, Italy

Foster Care from Juvenile Court Perspective

In the Seventy's children out of their family were over 200,000. Today, for about fifteen years, there are around 28,000 and 14,000 of them are in foster care.

Foster care is regulated by the Act 184/83 and reformed by the Act 149/2001. The article 1 of the Act 149/01 states the right of the child to grow in her/his family or in a family environment. It states the guarantee of family relationships.

Foster care has three principal aims:

- To protect the child/young person (best interest);
- To help parents in their function and in overcoming their difficulties;
- To promote the family reunification;

Foster care is a temporary intervention. The Act states a duration of maximum two years. Foster care could be consensual or judicial. In this care there's a need for a right relationship with the social services without the involvement of the courts. Judicial is when through the decisions of the court to protect the minor.

The Juvenile Court is competent for judicial foster care (limitation of parental responsibility). When a child lives in an injurious situation in his/her family, the Juvenile Court could order the foster care intervention to protect him/her. When the court declares the need for a family foster system, the child from the judicial point of view is taken care of by social services and then placed at the foster family. The legal responsibility falls within the local social services-administration of the city/municipality.

The Juvenile Court does not manage the foster care but it works together with social services. Social services (Foster care center) select the foster family and manage the phases of matching, implementation of the foster care project and of monitoring.

Social Services periodically inform the Court about the development of the foster care project. The Juvenile Court (generally the honorary judge) could monitor the foster care situation by meeting the child, parents and foster family.

Specific situations

The Juvenile Court directly manages the selection and the matching phases.

There are no conditions to declare the state of adoptability for the child but he/she needs to grow up in a family background different from him/her one. The child cannot be sent back to the original family. Local Courts will get in touch with local communities to find the best foster family as a long term foster casing. This is always a unique case as it is not an adoption case.

During the foster period the child keeps in touch regularly with and consistently with the original family but there are some exceptions where this cannot be done. Foster care with (judicial) legal risk: the adoption proceedings are open/ongoing but not defined and the Court could order, according to the best interest of the child, to place him/her in foster care in a family that applied for the adoption because of some special difficult conditions.

The right of the continuity of affective bonds in foster care

Act 173/2015.

The child has the right to continuity effective policies. Adoption-with permanent objectives and foster care-temporary situation; both have different objectives for the best interest of the child. When the original family cannot take care of the child the child will then be placed for adoption to avoid traumatizing the child but under two key conditions.

When a child is declared adoptable during the foster care, the Court could evaluate, according to the best interest of the child, the possibility that the foster care family adopted the child.

Two main conditions: significant affective bonds and stability and continuity of the relationship.

Comments and Questions?

What are the statistics and systems capturing children in foster care?

-On this matter, so far the Juvenile Justice has been able to work with only the Makadara court.

Differences of foster care and adoption

Foster care. There is an arrangement for maintenance of the child and they also have parental responsibility temporarily up to 3 years. Parents who are still living can make an arrangement with the foster family to maintain the child, e.g the parent is a drug user and they have given the child up for foster care but still want to take care of the child.

The DCS oversees this. Foster care is a maximum of three years in Kenya while in Italy it's two years. In Kenya, it is not done in the court but offices. Italy transits foster care to adoption but Kenya does not. After the child's term has elapsed, the child will be placed in another care which is permanent.

The difference is that foster care is a temporary arrangement of parental responsibility while adoption is a permanent arrangement of family care. Under adoption the child is entitled to inheritance/estate. Adoption is not reversible and it is permanent if otherwise they will have to report.

Day Two:

Government Services to protect the welfare of children; Foster Care

Day two started with a recap from the previous day and a resolution to have more time for participants to ask questions. Miss Carla Muscau introduced the set of attendants in the conference from Italy.

1. *Gabriele Rabaiotti, Hon Councillor of Social and Housing Policies*
2. *Adriana Ciampa, Dir. Childhood and adolescent Policies-Ministry of labor and social policy*
3. *Silvia Zandrini, Director of second level of social services of the municipality of Milan*
4. *Michela Bondardo, Technical coordinator of Foster Care Services, Municipality of Milan*

Presentations

Gabriele Rabaiotti. Hon. Councillor of social and housing policies

Importance of families and strong partnerships between private, social and public

Mr. Gabriele stated that in order to improve support, the abilities of our communities, social fabrics and families within the societies, everyone has to be involved especially when it comes to children who are more vulnerable.

Gabriele Rabaiotti also noted that they are working with a group of families in Italy and Kenya who will help us in finding the right answers to the needs of our children.

Adriana Ciampa, Childhood and adolescent Policies - Ministry of labor and social policy

Foster Care process in Italy

The child shall be entrusted to a family, preferably with children under the age of 18, or to a single person. Able to provide for Maintenance, Education, Guidance and Emotional connections (art. 2 of Law n. 184/1983).

It is important to point out that:

- The Foster care process is developed according to the specificities of the history of each child.
- The attention towards the family of origin represents in Italy a constant effort to maintain relations with the foster family and the child.
- The active participation of children in the processes that concern their future is a challenge in Italian foster care policies.

- The accompanying care leavers towards autonomy is becoming a priority in Italy.

Italian Guidelines on Child Care

The “Guidelines for Family Foster Care”, the “Guidelines for the assistance in residential services for minors” and the “Guidelines for intervention with children and families in vulnerable condition” represent the main national orientation tools for the care of children and families.

They are soft law tools and represent the result of a collective and long-term work carried out within national institutional tables at the Ministry of Labour and Social Policies with the participation of all the subjects involved in the processes outlined in the documents.

Aim and Methodology

Their aim is to build a uniform national system to offer fair and appropriate services to children, adolescents and families.

The methodology lies in the definition of common guidelines on specific lines of action, concerning in particular:

The protection of children who enter the foster care system

The protection of children who are placed in residential services

The support to vulnerable families to prevent the removal of children from their family of origin

Area of protection and prevention

Therefore, the Guidelines cover the area of protection and prevention.

The area of protection of children and families refers to:

- The “Guidelines for Family Foster Care”
- The “Guidelines for the assistance in residential services for minors”

While in the area of prevention lies:

- The “Guidelines for intervention with children and families in vulnerable condition”
- All the guidelines are addressed mainly to political decision-makers and administrators, but also to social workers and citizens.

“Guidelines for Family Foster Care”

The “Guidelines for Family Foster Care” represent a relevant achievement of the national program “A path in foster care”, promoted by Ministry of Labour and Social Policies in 2009 with the aim to increase the availability of families and communities towards foster care, building and reinforcing care services to support families and children during foster care.

The Guidelines aim to address, support and regulate foster care as a shared and uniform measure to protect and care for children; they contain recommendations to make the interventions of

professionals and services more child-oriented, according to the principle of the best interest of the child.

They cover topics such as:

- the different kind of foster care
- the organization of the services
- the planning and regulation
- the relationship with the judicial authority
- the local best practices and the operative tools.

The Guidelines are mainly addressed to decision-makers and administrators; they have been approved by the Unified State-Regions Conference on 25th October 2012.

Guidelines for the assistance in residential services for minors

The Ministry of Labour and Social Policies established in 2015 a national commission involving representatives of central, regional and municipal administrations, experts, associations and representatives of the networks of communities for minors to define guidelines for children in residential care.

The main aims were:

- To promote the development of a national care system based on the respect of the fundamental rights of the child and their needs.
- To start a debate over possible answers to each need.
- To develop the multiple dimension of care in residential services in the so-called “family-like” residential childcare.

This body adopted the “Guidelines for the assistance in residential services for minors” as an updated tool of technical and political orientation in the field of residential services for children and adolescents. The Guidelines are addressed to regional administrators, to local administrators, to public officers (social, health and school workers) and to the third sector (residential facilities). The three main aspects of the “Guidelines” are the following:

1. the meaning and implication of residential care.
2. Residential care is conceived as a plurality of possible paths inside a shared frame and a necessary answer to the rights of the “growing citizens” that are temporarily out of their own families.
3. The description of an integrated system for the residential care for children and adolescents (with different services according to different needs).

They have been approved by the Unified State-Regions Conference on the 14th of December 2017.

Guidelines for intervention with children and families in vulnerable condition

The “Guidelines for intervention with children and families in vulnerable condition”, lie on the experience of the multiannual experimental program P.I.P.P.I. (Program of Intervention for Prevention of Institutionalization), with the aim to prevent institutionalization through parental support.

The guidelines cover topics such as interventions for the care and for the protection of children inside their family environment, focusing on all the interventions aimed to prevent child removal from parents’ care. The main objective is to draw up an operational tool able to coordinate models of interventions and to widen the opportunities to help children that live in vulnerable family environments.

The structure of the guidelines includes an in-depth examination of the institutional actors and stakeholders involved, the path of support for families and children and the intervention tools. The main keywords are:

- Interdisciplinary and co-responsibility
- Transformative participatory evaluation
- Transparency, duration and coherence of interventions
- Enhancement of community resources.

The “Guidelines for intervention with children and families in vulnerable condition” have been approved by the Unified State-Regions Conference on the 21st of December 2017

Development perspectives

- The inclusion of PIPPI within the National Social Policy Plan as a essential level of provision (LIVEAS)
- The reserve on poverty fund for care leavers in Law no.205/2017, ‘State budget for the financial year 2018 and multi annual budget for the three-year period 2018-2020’. The Care Leavers Fund aims to support adolescents that live out-of-home, due to a legal measure in starting a path towards autonomy, as soon as they become major of age.
- A constant dissemination and prospective updating of the “Guidelines for Family Foster Care”

Response to questions.

Generally, there has to be a man and a woman welcoming a child to their home. It is also called the family based community.

There cannot be more than 6 children in every community.

Abdinoor Sheikh-CEO National Council for Children Services

He started by saying that the National Council for Children Services was delighted to have a session of this kind and it is gratifying to see distance has not separated us despite the reality of physical distance between Milan and Nairobi. The collaboration will not be stopped despite the pandemic limitations and the National Council for Children Services will continue to put forward the interest of our children. The CEO thanked all the organizers and the government of Italy for joining the webinar in attending a session on the plight of children.

He further explained that, indeed, in the African set up foster care was part of the extended family social responsibility, which took the form of kinship/ social /foster care. However, time changes and the weakening of societies and communal traditional systems and norms. It is still by far an African traditional practice formalised fostery systems were elaborately captured in the systems in 2001.

The NCCS is working towards strengthening interventions and delivery strategies including alternative family care guidelines. They are currently finalising on strategies on how (we)care for our children. NCCS is largely focusing on foster care as one of the alternative family care systems.

NCCS is the government arm concerned with policies. It was established in section 30 of the children's Act.

The Council's regulatory roles, advisory role for the government, coordination role on all matters including children and an oversight role.

The mandate of the council include:

- Determining priorities in the field of childhood welfare, relations and socio-economic policies of the government to plan, supervise and coordinate public education programs of children.
- Provide technical support of agencies and participation of child welfare programs, describe screening requirements, participation and ensure full implementation of national, regional and international obligations, working towards a provisional vision of social services to the welfare of general family enrolment of children.
- Consider and approve or support child welfare programs posted by charitable institutions.
- Formulate strategies for public awareness in matters touching on the welfare and rights of children.
- Establishment of children's institutions in accordance with the prevailing regulations.
- Establishment of various advisory councils.
- Create an enabling environment for children for effective implementation of the children's act and laws relating to children, design and formulate policies,
- Planning and financing of child welfare



NCCS is at the final stage of completing Kenya's care reform strategies which was instigated by the piloting counties. It was developed through a multi sectoral approach called care reform team comprising state and non-state teams. The development of the strategy began in March 2020. The care reform concept and terms of reference were then developed through a consultative process with 120 stakeholders.

The fourth draft is ready for validation. The strategy has been completed and is awaiting endorsement by top leadership of the ministry of labor and social protection. The strategy will provide a guide of various approaches and modalities of how to retain children within families and communities as well as prevent them from separation of their families and ensure those children in the institutions are peacefully reunited and re-integrated with families and communities.

The strategy has been developed to take phases within a period of ten years. Decision guidelines, communication, advocacy, monitoring and evaluation of the implementation framework will be developed further as well as costing of the strategy. During the pandemic, some interventions have taken place; government advisory to remove children from institutions (close to half of the number of children in the institution have been removed from the institutions in Kenya). Long Term impact of the Covid-19 pandemic of the vulnerable and at risk children is yet to be seen but with evidence of the socio-economic impact, it could still inspire an increasing number of children coming back to institutions.

However, the strategy also addresses how the National Council for Children Services could combat this. Area Advisory councils - Grassroot unit structure within the Kenyan system that operate mostly at the county level and the sub-units. Initially they were established through a presidential decree in 1992 and it then carried the name District Children Advisory committees.

During the period, membership was not well defined and large numbers were composed. Funding was problematic. Amendment of children Act 2001 the structure was renamed and it aimed to broaden the area of operation and context of these committees wherever a child was at all levels. Under section 33 the Children's Act. The Act has mandated NCCS to establish an Area Advisory Council to specialize in various matters affecting the rights and welfare of children. The council developed guidelines in order to promote development and maintain standards of AAC formations.

In 2010, the country had a new constitution and it has taken the county based development and administrative approach. The new children's bill also focuses on the county Advisory Committees and support county committees to ensure children are catered for. AAC is a replica of NCCS where its functions are driven from.

Area Advisory Councils Functions

- Planning and Coordination of welfare programs
- Mobilization and Allocation of resources for child welfare activities in the areas.
- Advocate and create awareness on child rights welfare
- Advise national and county governments on rights and welfare of children
- Regulate children programs in the area
- Monitor and Evaluate programs
- Prioritising programs in the best interest of the child
- Recommend the registration of institutions
- The care reform subcommittee which deals with issues on foster care.
- Alternative care committees almost have similar roles with AAC-biased towards alternative family care services.

Foster Care

- It is defined by the children's Act as a placement of a child who is not the child's parent, relative or guardian and willing to take care and maintenance of the child.
- It is a temporary arrangement used to benefit children in need of care and protection while their matters are being resolved by the relevant authorities.
- It ensures children get a conducive environment but it could also have shortcomings.
- Foster Care requires support supervision, regular monitoring and advocacy.

Questions

- ★ **Who funds the AAC and its activities?** AAC sources their own funds from one setup to the other.
- ★ **What other documents are there to implement the guidelines of foster care?** The Children's Act 2001 gives guidelines and ways in which foster care is done.
- ★ **Are there other tools?** There are many other tools that have been developed.
- ★ **Is Foster Care streamlined in the government budgeting from the government?** There's no funds from the government regarding foster care
- ★ **Are foster families who take up children supported by the government?** Families are not also funded by the government but they voluntarily accept to take care of these children
- ★ **Do you've criteria for selection of foster families and do they undergo any form of training?** Investigations are done to ensure the families have capacity to cater for the child
- ★ **Are family based care families vetted or supervised?** Regulation is done from the national level and supervision is done by the DCS. Foster care parents are maintained in the registry. Thus, supervision is done by the field officers.

Silvia Zandrini, Director of second level of social services of the municipality of Milan

How the Municipality of Milan organizes support of parenthood and the view of social services

Milan supports 11,000 children with a customized type of support:

- Prevention of discomfort, being taken away from their families
- Protection from abuse or any danger being experienced by the child in the family, protection of children and teenagers.
- Promotion of some skills

The social services of the municipality of Milan learnt that they have to start from the beginning by taking care of everyone in the family and not just the child. Often social services of the municipality of Milan receive stories from the neighbors saying what has been going on and they investigate then apply its supportive activities.

Social services of the municipality of Milan has divided services and programs.

The Municipality of Milan performs social education and professional services to cater for the needs of parents and children through different services and specific programs.

3. Territorial Professional Social Services (SSPT): services corresponding to the territory of each Municipality where the citizens residing there belong to:
 - 1st level SSPT- open to spontaneous requests of the citizen, 20 offices.

- 2nd level SSPT - deals with protection of children and on behalf / mandate of the Judicial Authority, 14 offices. Case might have been submitted by the judicial authority.
- 4. Central Specialized Services: full and thorough analysis where (we) sit with families to understand their cases.
 - Central Investigation not police investigation but (we) try to analyze the situation,
 - Service for children Subject to Criminal Provisions
 - Foster Care Service
 - Neutral Space service
 - GIUNCO Service - Co-responsible Parents
 - Gea Center - Irene Bernardini

After collecting information, they organize and customize individual case by:

- Providing information on other services / programs/ supports/ opportunities, etc.
- Identify needs, issues and resources of the family unit to build up with the individual and his/her family or informal network specific individual or group support projects;
- Involve the health services, psychologists and psychiatrists of the area, as well as the school and educational system in the process of supporting and protecting minors;
- Start and periodically monitor the results of individual cases with the interested parties, evaluating the SUPPORT, RELIEF or PROTECTION interventions (the latter ordered by the Judicial Authority).

PROJECTS UNDER THE MANDATES OF THE JUDICIAL AUTHORITY:

- Support to family income
- Educational or home assistance support: Individual or for small groups.
- Reception in centers, educational structures, and daytime recreation centers → Day Educational Centers and Youth Aggregation Centers.
- Placement in Educational, family and therapeutic communities, for children who are alone or with a single parent: daytime or full-time.
- Foster Care arrangement: daytime or full-time.
- Emergency Reception children 0/3, kinship care or temporary placements for instance during weekends or holidays.

Support and self-help groups, to support parenting responsibilities.

METHODOLOGICAL PRINCIPLES

The Human Resources involved in the Social Services of the Municipality are mainly **SOCIAL WORKERS**.

The social worker:

- promotes opportunities for improving the living conditions of people, families, groups, communities;
- enhances their independence, subjectivity and ability to acquire responsibilities, supporting them in using their own resources and the resources offered by the society, with the aim of preventing and dealing with challenging situations and encouraging processes of inclusion.

(from the Code of Ethics of the Social Worker)

Social workers allow people to be fully supported to the point they become autonomous and independent.

The municipality of Milan has some policies and procedures in place for social workers to reference to:

National Level

1. National guidelines for interventions with children and families in vulnerable situations. Promotion of positive parenting

https://www.lavoro.gov.it/temi-e-priorita/infanzia-e-adolescenza/focus-on/sostegno-all_a-genitorialita/Documents/Linee-guida-sostegno-famiglie-vulnerabili-2017.pdf

2. Guidelines for reception in residential services for minors

<https://www.lavoro.gov.it/temi-e-priorita/infanzia-e-adolescenza/focus-on/minorenni-fuori-famiglia/Documents/Linee-guida-accoglienza-minorenni.pdf>

3. National Guidelines for Foster Care

<https://www.lavoro.gov.it/temi-e-priorita/infanzia-e-adolescenza/focus-on/minorenni-fuori-famiglia/Documents/Linee-guida-affidamento-familiare-2013.pdf>

4. Guidelines for Operators related to poverty (RDC)

MUNICIPALITY OF MILAN

Local level

Reception Guidelines for reception, professional social secretariat and brief treatment
Guidelines for carrying out social and psycho-social surveys - Central
Investigation Group

Juvenile Criminal Intervention Guidelines

Guidelines for the Coordination of Visitor and Relationship Services and Neutral Space of the Municipality of Milan

EMPOWER AND VALUE THE KNOWLEDGE OF PARENTS AND FAMILIES

It is important to:

- recognize and respect the skills, life experiences and resources of the people (we) come in touch with;
- promote a relationship based on equal dignity and value to everyone's knowledge and expertise.

The municipality of Milan works in partnership with parents and families. The municipality of Milan wants to empower and value their knowledge.

Our job is to explore these skills and resources and ensure that they are enough.

The role of the SOCIAL WORKER towards parents and children is to have a kind, patient and welcoming attention, who does not have pre-established models in mind, but who is ready to understand what the idea and concept of a "good life" is for that particular family, respecting the independence of the families and their vision of the world. " S. Benzoni 2017, Figli Fragili, Laterza ed. P.132-133

A mutual commitment is therefore necessary, of both Social Workers and citizens, as an essential condition for reaching a real participation and listening.

Through active participation, there are different ways to listen by paying attention and embracing the vision as well as understanding what they do believe is best for children.

The effort (we) do as social workers is to come to a project that is shared for it to be productive and active and transformative to the child. It gives the families time to recover. The municipality of Milan tries not to blame it on the family in order to also not hurt people but value them to protect the child.

Social workers take care not to have the decision made on sight but it is well thought through.

THEORIES OF REFERENCE

PARENTHOOD

"parenting" → (we) refer to a complex concept, the "multi-determined parenting", which develops within a social space and institutional arrangements ... considered acceptable in a certain cultural context and in a certain historical period.

Being a parent is not an "on / off" competence, it is not a skill which either exists or does not exist; it means to bring a repertoire of different functions, according to the age and the characteristics of the children

It follows that parents may be in difficulty in some functions, but that they are able to carry out one or more tasks that make up the parental role in a "sufficiently good" manner.

SUMMARY:

- The Social Service is focused on understanding "HOW THE child IS", and NOT on "what is wrong with the parent or the family".
- Social professionals give value to people, to the context of life, in order to INTERVENE to protect the rights of the child and consequently to support parenthood, in situations of vulnerability by activating processes to support parenthood of vulnerable families.
- FOCUS of social and educational work is centred on the NEEDS of minors.
- The power of the social worker, which derives from the mandate of the judicial authority, is the concept of "TAKING CARE" of children and families.

Piloting experiences and outcomes

There are significant links between the effectiveness of protection projects for children and adolescents, and some elements of the individual projects, related to the following elements:

- the constant search for a real involvement of the family in the project developed for the child.
- The alliance between Social Worker and family is a key element to be continuously built and rebuilt.
- The identification of protective factors and not only the risk factors of each situation, person, family.
- The establishment of a network with a strong and coherent direction towards shared objectives (social services system, school system, social and health system, extended family and parents networks, neighborhood, judicial system, etc.).
- The definition of time frame for each action and a sequence of activities.

Michela Bondardo, Technical coordinator of Foster Care Services-Milan

Ms. Bondardo, the technical coordinator, started by saying that they are social assistants and psychologists employed by the municipality of Milan. According to the Italian legislation, each Local Council-such as "Comune di Milano" (Municipality of Milan)- is in charge of Child Protection duties for children aged 0 to 18 who reside within urban boundaries. Municipality develop their own relevant interventions as per the legislation

The City of Milan has set up a Central Urban Fostering Service that involves social workers (and sometimes also psychologists) of the 9 district Units, to develop and implement Foster Care Plans.

FOSTER CARE

FOSTER CARE IS A TEMPORARY ARRANGEMENT MEANT TO SUPPORT A CHILD AND HIS/HER FAMILY UNDERGOING PROBLEMS AND CHALLENGES.

They look for foster families especially when children are removed from their original families. They also train the foster care families and support them through local services.

LEGAL FRAMEWORK

Foster Care is provided by law. Foster families can be legitimized to become adoptive families.

THE CENTRAL FOSTERING OFFERS:

- Counseling activities in order to evaluate practicability of foster care.
- Meetings aimed at providing information.
- Screening assessment for people applying to become Foster families.
- Advocacy on child-protection issues and foster-care.
- Guidance of foster-parents support groups
- Interviews with foster-families when difficulties occur

Ways of Engagement

The child, family of origin and foster family are supported by social services in the area of Milan through a common foster care project.

Social Services decides foster care when other types of support are not sufficient.

Parties involved in foster care include:

- Children

The child is heard by his/her Social Worker, his/her educator and his/her psychologist. They are seen as active subjects.

The child expresses his/her needs and wishes that are eventually included in page 3 of the “foster care agreement”.

If he/she is more than 12 years old, he/she signs the foster care agreement.

- Family of Origin
 - Agrees with the foster care project and collaborates to his success.
 - Maintains a constant relation with social services.
 - Agrees with the activities that the child will do during the foster care period.

- Stays in contact with the child and with the foster care family, according to timing and arrangements defined by the social services.
 - Foster Care Family
- Is committed to respect the cultural, religious and ethnic characteristics of the child and of his/her biological family.
- Agrees upon the activities to be carried out with the child in foster care.
- Encourages the relationship between the child and his biological family, according to the instructions and recommendations provided by the social services.
- If the family matches with the child then (we)say (we)have done the correct thing
- They meet once in a month
- Social Services

Family Social Service

Guides the families and supports them until the end of the foster care project comes to an end.

Foster care can be renewed even after two year.

Knows, studies and analyses the child and the situation of his/her family of origin.

Promotes and manages the foster care project.

Works in collaboration with child psychologist neuropsychiatry of the National Health Service.

Functions of Social Service

- Guarantor of child's best interest
- Referee of the Juvenile Court-(we)write to the judge and draft a report
- Administrator and monitor of the foster care project, by:
 - ❖ Periodic check and controls: interviews and home visits without abandoning them.
 - ❖ Evaluation of the foster care project with every actor involved-to ensure if the child can go back to family of origin or if the period will be extended.
 - ❖ Activation of additional and specific support in case of challenges or crisis.

When all is settled among the above there's always an agreement that will be signed including relevant details of the parties involved. It has seven pages in total.

It is a commitment taken by the foster care family; respect the family of origin, taking care of the child as if it was their own, they commit to social services, making everything possible to ensure the child can interact with the family of origin, taking the child to school, working with other subjects to guarantee the welfare of the child.

The family of origin also takes in some commitments, accepting to be supported and helped in order for them to sort their problems. The service also commits to monitoring the situation. If the child is older than 12 years of age they have to sign the foster care agreement. Thereafter

the municipality of Milan writes a letter the foster care family keeps with them as it defines them as foster family-registering the child to school.

Once the foster Agreement has been signed the foster care family will receive some money from the municipality of Milan which is around 500 Euros and for children with disability, it could be upto 700 Euros and for teenagers who have more expenses it between 600-700 Euros. In case of Dental issues the foster family will be reimbursed.

The foster care families also have meetings with other foster care families.

Interactive session

Comments and Question

1. Is there a foster care operational manual? (we)have a national law that defines Foster Care. Social assistance, study about foster care in Universities and they are well trained.

2. What reference material do you have in Italy? in 2012 had the national guidance for family foster care which (we)use as our reference and manual guide

3.In relation to victims of armed conflict between communities and countries-how are you able to deal with these kinds of children? Children who are victims of war/conflict are not very common in Italy but (we)have some children living in the community who have been victims of violence or abused by their family of origin and they are similar to those who come from conflict areas as they have deep traumatic experiences. Foster care families who are well trained can host these families and they can support them and allow them to live a more positive experience and life. For children who have experienced abuse and go to better foster care families they can enjoy new life experiences.

Foreign minors arrive in Italy who are unaccompanied perhaps from African countries or Eastern Europe or countries with conflict and are difficult to live in due to very severe economic hardships. Some come to Italy through the mountains by foot or by sea. These children are taken care of by our institutions and are also received by foster care through a certain procedure in the community. Most of these categories of children understand some Italian language

4. Poverty should not be a reason for separating a child with the family-what kind of interventions are provided for such a child by the national government and territorial government? No judge at the juvenile court will allow this kind of separation. In Italy (we)have citizenship income which is given to poor families with low income supported by the government and specific measures provided by the municipalities. (we)also have adult programs for parents who don't have jobs to support their families. They are also helped to find new jobs. There are a set of programs to support families and NGOs to provide essential

as well as volunteering services to help families in need. Schools are free for all children and books, transport are also provided for them.

What strategies have been put in place to ensure safety of children in foster care in Kenya?

(we)have a system for documentation for all children under foster care through a child protection information management system.

(we)have community structures in place who provide checks and balances to children under foster care and alternative families models.

(we)have regular support supervision initiatives

There are efforts to strengthen families so that children remain safe within the community

Building community strategy for safe, stable, nurturing relationships for children under foster care.

What is the role of the community in Foster Care?

Recently, Kenya developed the gatekeeping (processes and models of ensuring children remain within safe communities and prevention of children from entering either formal care or other than their families) guidelines which give a mandate of establishing a mechanism to provide gate keeping assistance to children within the community.

Communities become mentors or provide mentorship under foster care, they become role models, support children through socialization.

Community structures include: Area Advisory council which have subcommittees which have been devolved, Alternative care committee which are mechanisms for gatekeeping process, tNyumba Kumi, chiefs, communities, churches and FBOs.

Kenya is piloting alternative family care in Five Counties

Foster Care in Kisumu County-Humphrey Wandeo



Mr. Wandeo geared off his presentation on the activities that the county undertook. Mr. Wandeo gave an introduction on the county stating that Kisumu County is made of seven sub-counties with 36 charitable institutions housing 853 children. The pilot program (Alternative Family Care) began in 2018 whereby they now have 1627 children living in the charitable institutions. He also highlighted that UNICEF and CRS- Changing the Way We Care are the key partners providing financial and technical support.

Through the support of the two partners, Kisumu county has been able to implement various activities by:

- Sensitizing the county and sub-county Area Advisory Councils (AAC)
- Training Alternative Care committees to ensure they understand about care for children
- Launching guidelines on Alternative Family Care in Kisumu by the Cabinet Secretary thus enhancing the visibility of the program.
- Sensitization of 210 key stakeholders and over 10000 community members (chiefs, village elders. Staff working in the relevant institutions, Religious leader...) on care options- adoption, foster care, guardianship and kinship, case management- to help reintegrate children back to the family and the way we care for our children and take them back to the community.
- Kisumu county also conducted a situational analysis (SITAN) in 36 CCI's to understand the nature of the children in the institutions. They found out that over 50% of the children in those institutions had at least one parent alive which highlights that taking the child back at home will not be a major problem.

In regards to the implementation of the above activities UNICEF supported the Kisumu department with a stipend to provide child protection volunteers from the community who report on children cases.

The mentioned activities were geared towards a particular outcome”

Increased awareness on care reforms by stakeholders, church leaders, chiefs and community members.

Buy in support from the community, political leaders, stakeholders in understanding the program.

Increased number of reintegrated children to families.

Change of perception and acceptance from some CCI's on the need to have children back in their homes: There are some CCI's that have already embraced care reforms;

- ★ Cherry Briley currently has no children in the institution and are supporting them from their homes.
- ★ Ligusa Children Home from Nyakach closed the institution and children have all been reintegrated with their families.
- ★ House of Hope and Victory Children Homes have expressed willingness to transition their institutions to other uses to help reduce the number of children in institutions.

In 2020, little was undertaken because of Covid-19 though moving forward the county has planned to focus on foster care as a major activity in their program. The planned Foster Care Activities include:

- Sensitization of children, community, child protection volunteers, chiefs etc. on foster care through general targeting, church advocacy, focused targeting approach, media campaigns and recruitment of foster carers.
- Training of officers, stakeholders on foster care.
- Assessment and categorisation of children in CCI's.
- Identification and recruitment of prospective foster care parents/families
- Placement of identified children through assessment with foster care families
- Undertake follow-up reintegrated children.
-

Overall challenges include:

In relation to children with special needs. It has been a challenge even in getting kinship placement for some of the children because the approaches are yet to be clear in regards to management.

There is a need for a clear awareness approach on the harmful effect of institutional care. Many people still don't understand thus a need for continuous sensitization on the need to have children off institutions but in families.

Lessons Learnt

There is a need for a strong partnership, collaboration and networking with all players.

There is a need to bring on board the political class so they can push for a budget on foster care and care reform in the budget for children.

Need for stronger child participation. You cannot plan for children without children.

Care reform must be integrated; prevention, protection and integration.

Questions and Comments

1. Are there any ways of reducing home based care?

Under de-institutionalisation-interventions have been made in the transitioning of children

from care institutions to their homes and the communities. We've developed several documents to support this initiative- Case management guidelines to assist in undertaking the process of transition, Gatekeeping guidelines, foster care training manuals, Case workers tool kit through the support of our partners including FADV, there's a pilot program in Kisumu county as well as other five demonstration counties. So far the outcome has been great.

2. What are the measures that have been put in place so that when they go into the communities, they will still go on with their normal lives?

3. What is the motivation of foster care?

Providing a child a family-Children thrive and grow better within family set up or community

4. If a child fails to get along with a foster family, do you withdraw the child?

If a social worker follows the correct case management guidelines clearly, (we)will have fewer cases of relapse.

Under foster care- (we)have matching where the needs of the family are matched against what the parents can provide.

(we)have very few cases of returns or relapse under foster care.

DAY 3:

Civil society involved in Foster Care services

Opening Remarks

The opening remarks were done by madam Jane where she introduced the day's agenda- CSOs involved in Foster Care Services and how they collaborate with government to ensure that services are offered accordingly towards children under foster care, with panelists from Italy and Kenya who shared their presentations.

Presentations

Ilaria Zambaldo, Coordinator of Foster Care program-Tree of Life, Italy

Madam Illaria said that she was glad to be in such a convening where it involved sharing of experiences and learning from one another.

The project was established by the Tree of Life in Italy in 2006 and the goal was to give improvement for the child to be able to grow in a family. The Tree of Life in Italy developed some welcoming development homes as there was a need for protection of children at some point. For children to experience a family environment, often they are taken away from their families for sometime and in the residential home, the team was observing what was going on and what the needs were. The observation aimed to ensure the child can still experience a family environment. When children have the opportunity to live with their families, again they will be improving their overall wellbeing which is key.

The child who is temporarily deprived of an adequate family environment meets a family that harbors him for the necessary period in its home and in its life, is committed to ensuring a comfortable response to his emotional needs, education, care, in total respect of his individual and familiar history.

Main legislative References on Foster Care in ITALY

Law n.184/83 and 149/01 (Regulation about Adoption and Foster Care)

MAIN PRINCIPLES

- Each child has the right to grow up and be educated in his own family

- Except in cases of absolute urgency and necessity, a minor can be removed from his family ONLY after another possible attempt to help the family to solve their difficulties was proved and therefore the condition of serious prejudice for the child persists.
- Every child has the right to grow up and be educated in a family. If it has been necessary to remove it from its environment, the child must be placed, according to the severity of the case, in an adoptive or in a Foster family.

CONCRETE PROVISIONS

- Since 2006, all big institutes have had to close and transform into smaller Children's Homes, which can host a maximum of 10 children each.
- Only in case no free place is found in a Foster Family, children can be hosted in a Children's Home, in particular for children aged below 6 years (this aim is still so far...)

DIFFERENT KIND OF FOSTER CARE CASES

A Foster Care case can be consensual (with the approval of the origin family) or judicial (ordered by the Juvenile Court)

Residential Foster Care

The child lives in the foster family's home, for a medium-long time

Part-time Foster Care

The foster family, in the presence of family difficulties, such as extreme poverty or in need of better educational support, is hosting the child in some time slots of the day, but he goes back to sleep at his parents' house.

Emergency Foster Care

Foster family is ready to welcome the child, found in an emergency state of prejudice, in a very short time (hours, few days), often for short periods (until a different solution is defined).

Mother & child Foster Care

The family is welcoming the child/children together with his/their mum, generally a young girl needing a familiar support herself too.

Foster Care and hospitality in Institute for Out of Family Children in some European Countries

Country	Children in Foster Care	Children in Institute	Children out of family	Children out of family (each 1000 minors in population)	Children in Foster Care each child in Institute
France	81.579	56.690	138.269	9,5	1,4
Germany	64.680	61.161	125.841	9,6	1,1
Italy	14.020	12.400	26.420	2,6	1,1
England	52.050	17.490	69.540	6,1	3,0
Spain	19.119	13.563	32.682	3,9	1,4

This is an overview of the current scenario in Italy. The average is still very low. There are challenges ensuring foster care is only transitioning the child back to the original family.

In the project, there are 9 professionals and The Tree of Life provides a unique scenario in Italy. Foster care in Italy is managed by public social workers associations. The municipality can entrust private associations to manage the entire process. The Tree of Life entrusted with each scenario of foster care by the municipality to take care of these children. There is a strong network with the municipality in its support.

s

FADV Foster Care Program was activated

not only to implement Law's indications, but first of all out of our concrete experience in our Children's homes: we got aware that children were growing up without having the opportunity to experience love and care of a family environment.

An equipe of 9 practioners is engaged in the Project:

- 1 Coordinator
- 1 pedagogist
- 3 psycologists
- 4 Social Educators



We are working mainly in Lombardy Region (northern Italy), in collaboration with singles Municipalities, which pays a daily fee for each fostered child, that fully covers the costs of the activities

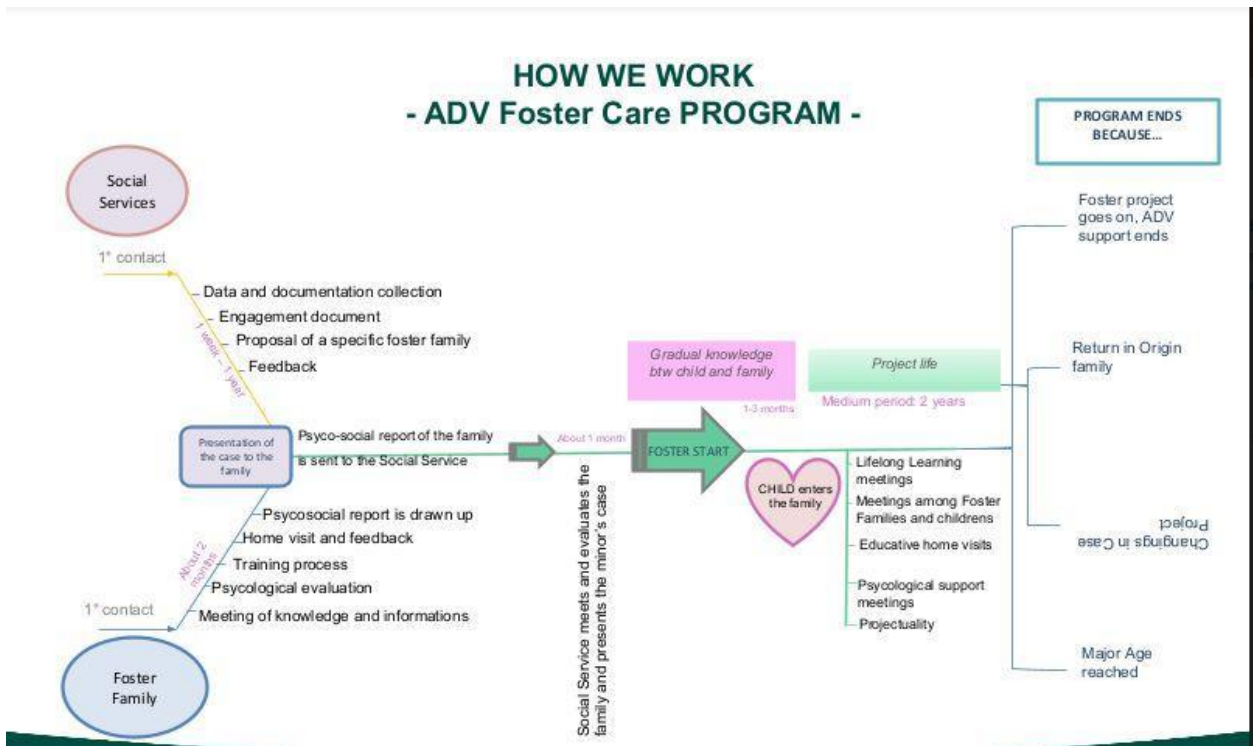
(we)take care, delegated by public social services, of the entire process of a Foster Care project:

- Promoting Foster Care theme
- Training and assessment of Foster Families

- Social and pedagogical planning of the case, in network with social services
- Needs Analysis and matching the child to his Foster family
- Psychological and pedagogical support to the foster family (interviews and periodic home visits)
- Support activities for fostered children (psychotherapies, laboratories, debate ...)

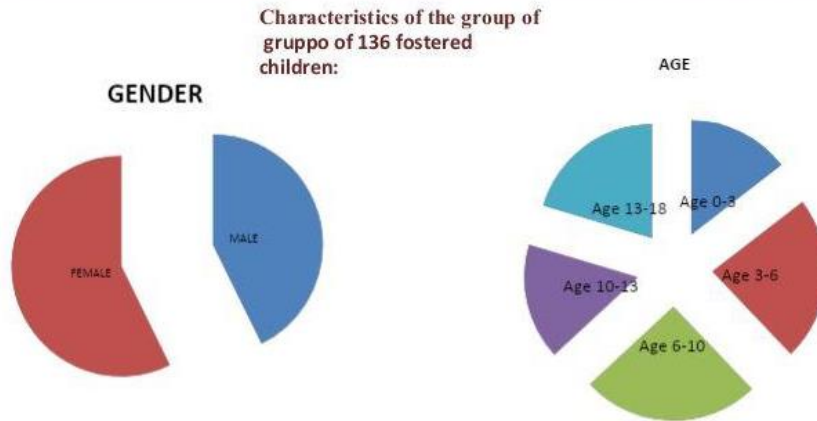
Tree of Life Italy, ensures it selects, identifies and recruits enough - assess foster families and then take care of the children. Tree of Life Italy, speaks to social workers to learn about the scenario to understand the child's needs and manage the matching and choose the best of the foster family for the child- a decision taken by the social worker.

Tree of Life Italy, has an ongoing agreement for at least two years to support and help foster families- A reason as to why we were being established is they realized that there was a great number of foster families who are happy to support but they want to be guaranteed that they will never be abandoned especially at the beginning when they want to resume a balance scenario for the child. Tree of Life Italy, has a strong and well established alliance to support them at the very best.



Below is the breakdown of the typical scenario of the encounter. Since 2006 Tree of Life Italy, has been able to match 190 children and trained over 305 foster parents either married couples or single parents.

Since 2006 ADV Foster Care Program gave a family to **190 children** and trained overall **305 Prospective Foster parents** (couples and singles).

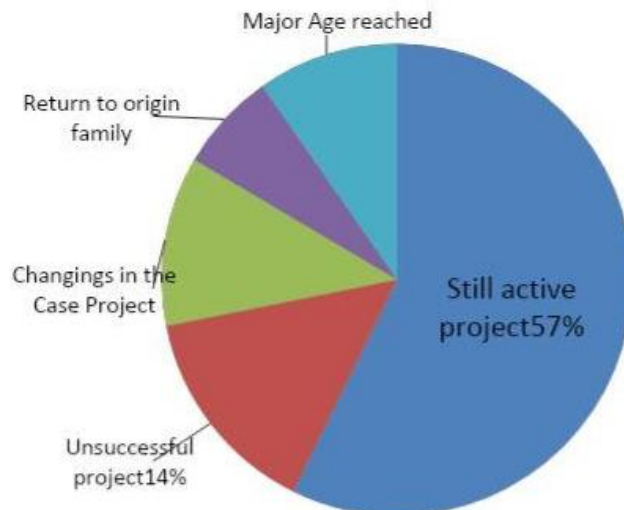


There tends to be more females than male as seen above

The outcome of the 190 foster care cases, Tree of Life Italy, is only involved with the judiciary scenarios, when children are being taken away from their families because of severe occurrences at their original families. In this case there's possible time to rejoin their original families back. Unfortunately their connection is very unstable.

The key objective is for these children to be able to rejoin their family of origin as soon as possible.

Outcome of the 190 Foster Care cases



Success Factor in a Foster Care Project

- In-depth training course and assessment of foster families, lifelong learning meetings, opportunities for discussion between families and foster children.
- The biological family is not judged but it is involved in the project
- The child is listened to, participates, is at the center of the project

It is important to have the right attitude from the institution to the foster families.

Foster families shall be trained, never be left alone. Foster families along with the family are the protagonists of the foster care programs and often Tree of Life Italy, has encountered a scenario where family is there to support the institution.

Is the Prospective Foster family ready to become a foster family?

Criteria for the evaluation of the pairing of the foster family

Resiliency:

- Ability to face unforeseeable situations without breaking down
- Ability to transform the struggle/challenge into an opportunity

Dynamics of the relationships within the couple

- What are they seeking in each other and what needs are sought after or fulfilled; flexibility/crystallization of the relationship of the couple, resilience in the couple?
- How can these dynamics meet the challenges of fostering a child?

Motivations and needs

- Equilibrium between the aspirations and needs of the fostering candidate (the resource)

Matching between expectations and real-life experience

- Foreseeing the future fostering experience (parenting, how the fostering family will be supported, relationship with the family of origin, the reaction of biological children if any,

Organizational Flexibility

- The foster family is able to balance the ongoing pre-existing needs of the family with those of the child to find a new balance/presence in a new family network.

Ability to question oneself

- Being able to welcome a different point of view and to experience potential failures as an opportunity to grow and improve oneself

Resources and sensitive areas

Cognitive

- Ability to identify and name the processes
- Ability to engage in a variety of different readings
- Systemic view (the System Project)

Emotional

- Ability to empathize
- Awareness, expression, and management of personal emotions

Physical

- Health and physical energy
- Ability to manage basic needs

Biological Children (if any)

- Expectation from the part of the parents of their biological children to contain (manage, accept) a fostering project
- Can the biological children accept and welcome the addition of a foster child to the family?

Alessandra Pavani Networking in L'Albero della Vita

Fondazione L'Albero della Vita started its networking activity around 2009 and became gradually a member of many thematic networks connected to its top priorities of intervention.

L'Albero della Vita firmly believes in the importance of networking with many actors, institutions and private social sectors.

Networking means:

- Exchanging of good practices
- Establishing partners
- Implementation joined advocacy activities to give voice to needs and contribute to the definition of laws and policies favorable to the well-being, rights and development of children, in Italy and in the world.
- Contribute to the laws and policies for the wellbeing of children and their families.

Among the networks of whom L'Albero della Vita has become a member is the "Tavolo Nazionale Affidato" (National Foster Care Table). It is an informal space used for working and discussing together who are the members of the national associations and regional networks of foster families.

Main objectives of the Italian National Foster Care Table**National level:**

To develop shared reflections on issues of national importance concerning foster care and the protection of the right of children to live in a family; to share and enhance the good practices developed by the participants or by other bodies; to favor paths of connection and common action, especially in dialogue with the various national institutions (National Coordination Foster Care Services, Regional Conference, etc.).

Regional Level:

To deepen the dialogue and the sharing with the individual Regions about the processes of regulation and promotion of foster care policies.

In general:

It favors paths of comparison, sharing and visibility for all associations and networks of foster families; to promote access to information, news, reflections, good practices, ... by all local networks / associations in Italy.

***Tavolo Nazionale Affidò* is not a juridically constituted body**

The Table is configured as a "light connection" between the associations / networks, which preserve full autonomy and their own specificity.

The table's initiatives are decided by the members, usually involve all members but it is not excluded that in some cases one or more members may decide not to participate in an initiative promoted by the others;

The secretariat does not involve any representative functions and is not the sole spokesperson for the Table. Members may decide who to delegate to carry out individual agreed actions.

Examples of areas of actions of *Tavolo Nazionale Affidò* in 2021

- Re-launching foster care in Italy (only a little over 50% of children out of the family are in a foster care project, the rest is in residential projects) with different initiatives. It's being carried out with different initiatives. In May an important initiative was developed for a day in foster care. A lot of sensitization is needed to ensure that (we) have a day dedicated to foster care
- Actions are underway towards the definition of a National Day dedicated to Foster Care (a political initiative – because for this a Law must be passed) as one of the actions that will be taken to relaunch foster care in Italy. A detailed document was written to improve the bills as well as recommendation to the parliament in regards to foster care. Foster care Table is meeting with institution to tackle issues eg, application of the guidelines 2005 that have not adopted
- Orienting the Parliament in the reform underway of the Law regulating Foster Care – A long, detailed document was edited by the Table commenting on the bills of many parliamentarians and integrating where necessary to obtain real improvements for children and their families. A hearing of the Table by a dedicated Commission also took place and individual meetings with politicians were foreseen.
- Institutional Meetings about actual priorities on foster care with CNSA (National Coordination of foster care services) are underway.
- Sharing individual projects to help each other disseminate them as much as possible

Examples of research and advocacy actions of L'Albero della Vita involving *Tavolo Nazionale Affido* 2020-2021

A Volume “Due Famiglie per Crescere” (Two Families to grow) was edited in 2020 by L'Albero della Vita in collaboration with main experts of foster care in Italy to help foster care reach many more children and families all over Italy. Some associations and networks of The Table contributed to parts of the volume.

A Conference *Far Vivere e Crescere l’Affido Oggi* (To let foster care live and grow today) was organized by L'Albero della Vita- The Tree of Life Italy last December 2020 to present the volume and start up a useful discussion of the main understandings of the foster care practices, a session was moderated by the Table.

A Training path *Realizing Foster Care* of 5 online meetings organized by L'Albero della Vita- The Tree of Life will start in September 2021, offered to operators of social services dedicated to out of family children. The Table is being involved in one of the online meetings together with key Italian experts on Foster care.

Sabrina Sestini- Association “M’Ama Mammematte”

Sabrina is a foster parent, she works with an association that works all over Italy. Giving her experience as a foster parent, she started by saying that sometimes in Italy, foster care is not present all around the national territory eg. in the region of Tuscany they can’t find the right foster care family in the region where the social services are not connected to other Italian regions, and here is when (we)come in.

Since 2016, “M’Ama Mammematte” has been looking for families all around Italy according to the needs of the child.

“M’Ama Mammematte” also tries to find families for children who are very difficult to locate or those with severe disabilities. At times it is easy to find a family of a child who is less than 10 years than children older than 10 years as they are teenagers with difficult backgrounds.

She continued saying she has been a foster care family since 2012 and have had previous experiences of foster care projects not through the tribunals but the biological families. Currently the association is fostering a care family that was agreed by the judge.

The Association decided to welcome a nine year old child who had severe cognitive retardation who is now 14 years old. He was taken away from his own biological family due to so many difficulties. He will never go back to his family of origin even if he lived with them for 7 and a ½ years. His family has never tried to have him back as they have never improved their conditions. The association is trying to understand what they will do in the future and if possible, “M’Ama

Mammematte” would like to adopt him now or when he turns 18 years old; though the court will decide when the time comes.

Currently, he can swim and go to school. He has a specific teacher supporting him. He was hyper-active but now he is doing well and less aggressive. He also has a good relationship with his schoolmates. He works closely with a psychiatrist. “M’Ama Mammematte” has a good relationship with the family of origin. The mother is an alcoholic. The boy would like to meet the family at home but the court does not want that to happen since the environment is still not conducive. Currently, he regards his stay with us at home. I am not the only foster mother. I have children of my own as well who are older.

For families who don’t have children of their own, it becomes very challenging for children to cope especially when there’s no support from the social services. Thus, it is important to have an association like ours to provide continuous support to the children or families. These children come with lots of pain and it is important for foster families to provide some cushion for relief to the children.

“M’Ama Mammematte” also has another project for newborns who have been abandoned in hospitals and the Association thinks it is very important to find their families very quickly without going to an institution first, or within six month to act as the bridge between abandonment for a foster family or an adoption family. If the biological mother has solved her issues then she can always have the child back. This type of project is only in Florence and not the rest of the country. In Italy, there is a law that states that, for children between the ages 0-6 years old cannot go to any institution and they should always stay with their families as it is important for neuro psychological development.

Question and Answer

Question and Answer

1. What is the relationship between Biological children and Foster Care Children?
2. Are there any bad reactions from the biological children towards foster children?
3. Foster Care and Adoption, what is the difference?

Foster care deals with children who are temporarily taken away from their families for a certain period of time due to some difficulties that can be fixed while adoption means that there’s no responsibility required from family of origin and it’s permanent. Children in foster care are suspended for a certain period of time and their families are being monitored to ensure the environment that the child leaves in is conducive. Foster parent can also become an adopted parent most especially if things are not in the best interest of the child. Under foster care the family of origin is given a certain period of time to see if the problem can be fixed or not.

4. When (we)speak about families, does it mean relatives or a new family? In the African

culture family is key to keep the ties?

(we)are well connected with extended family in Italy. It doesn't happen as well as in African culture thus a need for a residential home is important. One can only provide support to only a few but then it could be strenuous.

5. Are there financial reasons that a foster care family should be concerned about?

Financial aid provided to foster care children is from well wishers or individuals who give it as a sign of love

6. Are the children of the foster family involved during the fostering process and selection? Children's engagement is crucial. (we)collect the child's needs and resources from the family, even from the foster family. Network is key as well as open conversations

7. How do you enhance child participation- what is the experience from a child's perspective (child's view). Listening to children is important as (we)tend to understand the needs of the child especially teenagers and (we)try to read in between the lines for full engagement.

Martin Munyagia- Collective Community Actions

Martin Munyagia, a project manager with Collective Community Action (CCA) started by saying that they have been working with different juvenile institutions and currently CCA's are working on other projects under foster care. CCA is implementing two pilot projects in Kasarani and Embakasi sub counties under the APRIRE project. The project has been running since 20th October until now.

They have completed 21 foster care placements, 2 kinship cases and one guardianship care case. Some of these cases have also come from the Juvenile justice institutions. They have 9 prospective foster parents who are pending to receive beneficiaries and five eligible minors-they have been interviewed and vetted and they are waiting for matching.

They have conducted awareness sessions and the CCA's have reached 2413 community members through physical interactions by working closely with AACs and ACCs within sub county level.

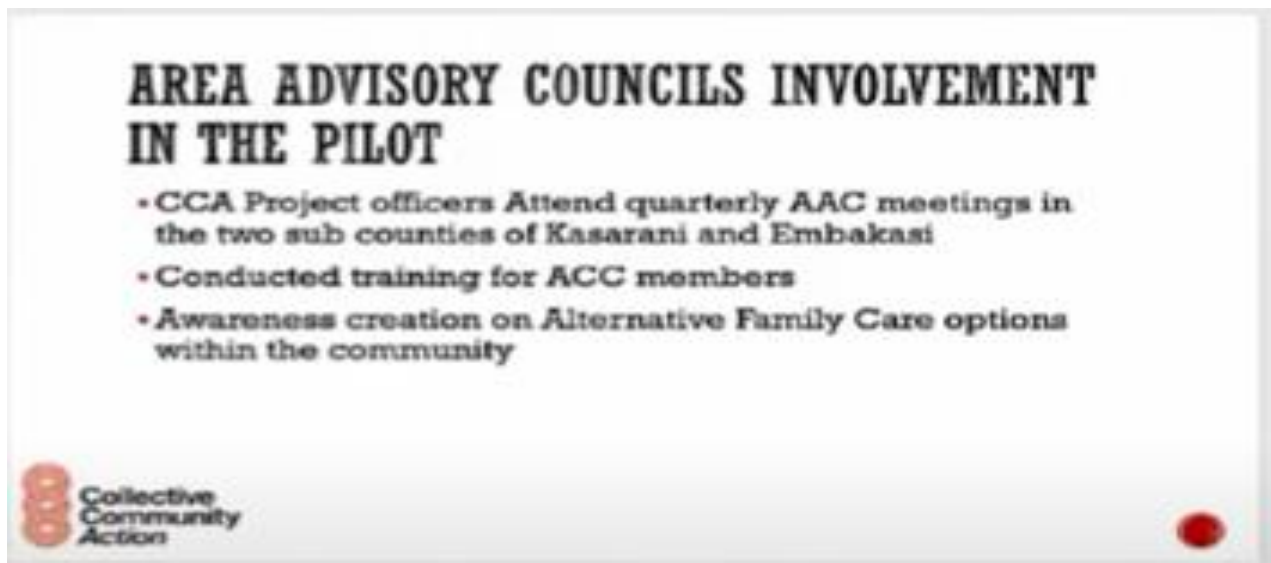
CCA's approximately reached at least 10,258 number of people via different platforms eg. whatsapp and those (we)have met physically in the last 36 months.

Steps

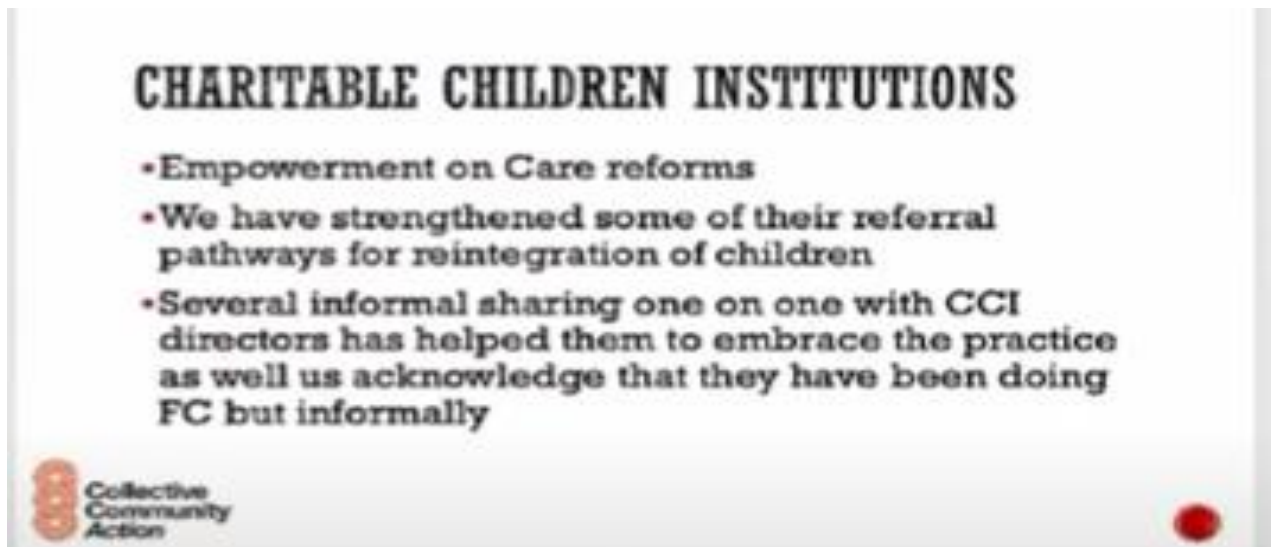
- Awareness Creation through AACs level
- Awareness creation at the community level- Barazaas, churches
- Identification of beneficiaries, prospective parents, minors, charitable institutions etc...

- Capacity building-identified parents, social workers, prospective minors etc...
- Marching and Placement of eligible minors and parents, issuance of certificates and monitoring of the 21 children..

AACs involvement in the Project



Training for alternative care committees



Strengths of the Pilot

- Good rapport with DCS headquarters and their SCCOs field officers enhancing flow of information.
- Implementation of the care reforms

- The pilot is running concurrently with the counties that are supported by GOK, UNICEF, Changing the Way (we)Care and it's a learning opportunity.
- The community is curious to know more about alternative family care

Weaknesses of the Pilot

- Limitation of children with the two sub counties according to the scope of the project.
- No standardized FC/Kinship working tools apart from the guidelines
- Parents that have already received their children from CCIs/SCIs don't want any interactions with GOK systems.
- Limitation in funding to conduct community awareness, facilitate GOK staff as well as ACCs members to do home visits.

Opportunities

- Community interest in AFC options
- Availability of children in need of placements into AFC options
- Existing foster care programs within CCIs
- Willingness of the community members to share information on children who are in need of care
- The interest of court users committees to learn on AFC options and how they can incorporate the same in their work

Alice Wanyonyi - County coordinator Nakuru

In Nakuru there are two projects going on-nakuru town West and Gilgil

Objectives

- Carry out public awareness on foster care and alternative care option
- (we) encourage and promote foster care parents in Nakuru
- (we)try to simplify the process on registration of foster care placement
- Capacity building of foster care authorities to protect and promote the health, safety, education, wellbeing and dignity of children in the care of foster parents.
- Child best interest in foster care decision
- Maintaining safety, love and stability to the children and their basic need with the ultimate goal of reunification with their biological family on permanent placement as provided in the AFC guidelines in 2014.
- Awareness creation-FC community sensitization through churches, field barazaas..
- (we)have been able to reach at least 2500 adults
- Creation of ACCs in the sub counties
- Recruitment of alternative care committees within Gilgil and Nakuru East-West sub counties

- The committee has eased provision of children services especially in the courts files.
- (we)have 7 charitables institutions involved in the care process

Achievements

- Since commencement of this phase and support of FADV Nakuru has reintegrated 8 children to their families of origin.
- On of the children has secured a bank scholarship and is currently in high school
- 10 children have been placed in Kinship 10 in Gilgil and 12 in Nakuru West
- Under FC (we)have placed 9 children in Gilgil and 11 in Nakuru West.
- Pending applications includes those of parents which are 12 and foster children are 9

Challenges

- Covid-19 challenges children and parents as they are on low income and they couldn't go out to work.
- Teenage pregnancy and drug abuse has affected the relationship between foster parents and children.
- Covid measures led to some institutions not being able to allow people to go in.
- Foster care families wished that the foster care period could be extended up to 3 years
- Because of the attachment they have formed with the child.
- Children in foster care are mostly those who were abandoned therefore a demand for transition from foster care to adoption.
- Foster care families are not supported financially but they have the heart to support children in such situations.

Samora Asere - Kenya Society of Care leavers

Samora thanked FADV for the forum as he geared off his presentation stating, "Children and young people grow out of care but never out of families" Kenya Society of Caregivers is an association for young people led by and run by care leavers who are 18 years old and above. KESCA was registered as a CBO in 2009 and later on changed into a society in 2013. KESCA has a membership of 700 members in different counties.

KESCA's mission is to promote the wellbeing of children in institutions and lobby for the rights of these children to belong to a family

The vision is to see empowered care leavers live a meaningful life and through this KESCA strives to enhance the social and psychosocial coping mechanisms of young people and create a supportive network for the young adults.

Care leaver -Young people over the age of 18 years who have left formal alternative care placements. KESCA are not direct implementers of care reforms in Kenya but it supports foster care as a form of alternative care to give children a right to grow up in families.

In our membership, KESCA has young people who have gone through residential care and later on fostered. KESCA works with this group of people directly in terms of advocacy, activities and programs that they have.

Care leavers play a significant role in the development, review and monitoring and implementation of programs and documents that are key in the care reform.

Commitment and adequate resources will enhance the lives of these young people with lived experiences in care reforms as they have the potential to make the most effective transformation in alternative care, care reforms and wider care protection sector.

Guidelines on how to engage care leavers in care reforms.

- Empower care leavers to use their voices to be champions of care reforms and alternative care.
- Have them to be part of the review committee
- Support opportunities for care leavers to engage with government policy makers
- Ask care leavers to contribute to monitoring and framework development relevant indicators.

Samora appreciated the convening as it brought them into this exchange program.

Silvia Sanchini- Agevolando Association and Care Leavers Network Italy

Silvia started by saying that what KESCA is doing is similar to what is also happening in Italy as she started off her presentation.

Attention to care leavers is something very recent in Italy as there was no support and a total lack of attention to young people who have gone through foster care institutions. Fortunately a discussion was started that led to these conversations.

This gave voice directly to caregivers who are the young people who have lived the experiences. Unfortunately Agevolando Association and Care Leavers Network Italy doesn't have official data on care leaver in Italy but it is around 2400-2600 every year.

Agevolando was born in 2010 in Bologna. Care leavers are a total protagonist association. Most of the members of the board are care leavers. The association was in three areas, house, work and active participation. Most of our projects use a bottom up approach to enhance participation.

Agevolando Association and Care Leavers Network is present in several Italian regions with several projects. The Network was established in one specific region but then extended in other 12 regions in Italy. They have networked all over Europe and there's a platform that you can actually refer to.

Roles of Care Leaver Network

- Advocacy -improve the welcoming methodology and their perspective
- The logo shows a plant that is resilient and can grow in very dry areas. It has thorns and it can also bloom similar to these children.
- Focus groups and "Recommendations" to improve the alternative care system and the transition to autonomy
- Story-telling workshops
- Training for professionals (journalists, educators, social workers...) and university students
- Peer-support
- National and regional Conferences
- Care Leavers festival
- Care Leavers Day



A national research

V. Belotti, D. Mauri (2017 and 2020) Padova and Trento University with Agevolando

373 care leavers

98% in residential care, 31% foster care, 30% both

85% «Salvation»

80% Difficult experience

Not enough preparation for the exit. Importance of participatory processes.

Care leavers voices

«My family is of Ghanaian origins but I was born in Italy and raised in an Italian family acquiring the mentality. It took a long time to find a 'bridge' between the two cultures and I realized that both are part of me. I am who I am also thanks to the people who raised me» . (Nancy)

«You have two families and you live like a sea between two continents. This is how foster children feel. Or at least that's how I felt. Being in foster care is a strange feeling: I felt joy and pain together». (Davide)

«The difficulties I had to face after I turned 18 were many: both emotional and practical and organizational. (Davide P.)

«Unfortunately, our experience hasn't always been positive. (we)have often felt treated differently from other natural children. On the part of the foster parents there is little preparation to face a new member of the family and on the part of the children there is the fear of becoming attached and disappointed. Failed entrustment is further suffering for us! This is why (we)ask the judges and social services to carefully choose foster families and to check how the situation is going. (Care leavers network Sardegna)

«Having a family that supports you in your growth is fundamental and is a right of all children, but (we)cannot bear to feel abandoned once again. (we)ask foster families to accept us as (we)are and try to love us even though there can often be really difficult times. (we)ask you to take care of us and not to exclude our families of origin. And maybe, all together (we)will be able to find a beautiful balance». (Care leavers network Liguria)

“Clear information, availability, listening and participation. These are the keywords that (we)would like every professional and person close to us never to forget take our point of view into consideration».

Question and Answer

Can a foster parent take more than one child for fostering and they are not siblings?

In Kasarani, (we)have a parent who has fostered three children who came from the same family and it is also possible to foster more than one from different families by following procedures.

Have you been given any government support from any level towards the cost?

The support has been on technical, guidance and monitoring done by the children officers as well as family assessment

What challenges have you encountered?

CCI's stating that (we)were in support of them closing down facilities but that was solved

Do you have qualified social workers in charge of case management?

Yes. (we)are in the process of doing a refresher to be in line with the recently launched guidelines

Due to lack of adequate resources for children with disability and poverty- when will this package be rolled out as they would like their children to be taken to foster care?

Once (we)conduct the pilot and present our report (we)will look for funds as (we)welcome any development partners to join hands to help roll out the project in full.

Is the partner in Nakuru providing direct financial support, or in kind support to foster children?

The agency supports children when they are entering school by paying their school fees , shopping when they are meeting the foster family to celebrate the whole activity and food.

(we)encourage parents to engage in income generating activities to help them sustain their families

Are there documented materials or tools that are under foster care procedures e.g. training materials for foster parents?

All the documentation and paperwork is done at DCS and these documents are filled in duplicate for the applicant and institution admitting the child as well as the office for record purposes.

Certification is also done in duplicate where one remains at the office and other one goes with the family.

The association in Italy is based on volunteering so (we)don't receive any funding but parents provide support between ages of 18-21 years. Thus the central government for the first time is trying to support teenagers by funding as they become of age. To date, (we)have become a network of volunteers. It is fairly recent that (we)realised the public can help.

Rhoda Mwikya - County Coordinator of Children services, Murang'a County, Foster Care Program

Murang'a county has been implementing care reforms since 2018 when the county identified a partner who was willing to help with the implementation, this is according to Ms. Mwikya . It also got stakeholders in place who were working with children and were part of the process as County Coordinator of Children services did the sensitization.

Murang'a has a population of about 1.053 million people and the population of children include 447990 0-19 years 2019. Murang'a is made of eight sub-counties manned by children officers. Kenya has 4 courts that deal with children issues. One high court processes cases of adoption and cases of children who have committed capital offence

Care Reform Journey in Murang'a

They started by identifying a partner, the Stahili Foundation in 2018. Murang'a Care Reform started sensitizing all key stakeholders; AACs, interested community members and informed them of the directions the government was taking in terms of caring for children. Thereafter Murang'a Care Reform took a baseline survey to understand the number of institutions that were in the county both registered and not registered as well as know the number of children in them.

Murang'a Care Reform found 6 charitable institutions that are privately owned and one statutory institution. Before the survey could move further, two were closed down because of gross misconduct and one moved out. After assessing some of the children, the county coordinators returned to guardians and kinship while those who could not get their families were placed in alternative care as they awaited for their cases to be processed.

It was discovered that 40% of children had their parents or relatives who existed. Murang'a Care Reform discovered that children were placed in institutions due to violence within the family setting and the majority was because of neglect which was also equivalent to those who were orphaned, 6% of the children were separated because they were abandoned, 6% poverty, 4% due to disability.

Murang'a Care Reform undertook training for all the managers and one of the institutions was interested in care reform- Faraja Care Reform and some children started the process of reintegration as well as case management. The institution was provided with adequate support. 6 children were reunited with their families as well as monitoring to ensure children can transition smoothly with their families. The institution has 24 children currently and 5 more are in the process of reunification.

The county is also doing inspections of other institutions and in the process, the county coordinators discovered an unregistered CCI and all the children had relatives and guardians and they agreed for them to be moved back into their families.

Murang'a county has decided to pilot foster care- they are using emergency foster care to prevent children from going to institutions. The county is targeting children who would have ended up in residential care as they have been abused or ran out of their homes.

Murang'a county is trying to identify more partners. Murang'a Care Reform is sensitizing and creating awareness even through the churches.

Achievements

- Strengthened reporting within the departments
- Proper documentations and case conferencing
- Homes have full time social workers

- Development of budget and fundraising
- Families have started embracing care reforms

Eli Kimani - Association for Alternative Family care of children

The association brings together different organizations working in different capacities in child protection who are key in implementing alternative family care. The association brings together 30 organizations.



The document/guidelines is a blueprint in the association and hopefully it can spread to reach every organization in Kenya working in child protection space.



(we)have four thematic group

- Family support and strengthening
- Deinstitutionalization and reintegration
- Alternative family care
- advocacy

The association has been developed into key government activities:

- Developing SOPs for forms of alternative care-foster care
- Alternative Care strategy
- Together with DCS the association has developed a document for funding
- (we)have an animation in English and Swahili produced to show the need for alternative family care.
- Facilitators training manual on foster care
- Supporting children department with data collection on orphaned and vulnerable children in institutions and communities

The animation on foster care was developed among DCS and NCCS in collaboration with the association of alternative family care. Anyone who wants to foster or adopt a child needs to understand the implication of the two options with proper information for them to make an informed decision. As a country, our foster care does not transit to adoption currently and it is upon the practitioner to ensure that the prospective family understands the protocols.

Way Forward

The discussions from the 3 days resulted to the following key actions

- There is a need for documentation, with the assistance of FADV.
- There is a need for regular consultation with the social department of Italy to clarify and guide on areas of promising practices.
- DCS will implement on the promising practices and enhance a road map on this
- DCS need to domesticate the foster care manual mention form the Italian cooperation
- DCS to finalize Its foster manual training for the practitioners
- DCS to share the training notes to make reference
- There's need for a team to visit the facilities in Italy and the Italian team to also visit Kenya
- As a country (we)appreciate all partners on board brought together by FADV - Unicef, Changing the Way (we)Care, Stahili Foundation, Dir. Children departments, NCCS CEO, NCCS staff, County coordinator and manager of institution as well as CSOs Mtoto News etc.

Closing remarks

Recognition was given to officers at the Children department, NCCS CEO, NCCS staff, county coordinators for children services, sub county officers from children department, institution managers, stakeholders, CSOs and all participants.

Michelle Oliel - Stahili Foundation

Stahili Foundation works in Murang'a county alongside DCS, FADV, CCA and other partners. Stahili foundation thanks the GOK, partners and government of Italy for bringing us together and the foundation trust that they will continue with the valuable discussions henceforth. Michelle thanked everyone and organisers of the training.

Miriam Bulbarelli - Italian Agency for Development Cooperation (AICS) in Kenya

It is our great pleasure to support the APRIRE Project on Foster Care and AICS are very glad that this exchange program happened this week. Particularly, I would like to thank all participants. Miriam recognized the presence of Abdi Noor Sheikh, Noah Sanganyi, Shem Nyakuti and Karen Ngoti and she also thanked everyone for the commitment and the fruitful conversation that had happened in the three day convening. The Italian Development in Kenya welcomed this initiative, a step in a long journey together in hopes that it will build to a lasting strong exchange for the future.

Catherine Kimotho – UNICEF Kenya

Miss. Catherine thanked the partners from Italy for the wonderful exchange program in Italy and the information being received by the Kenyan team. She believed that it is a wonderful initiative and that Kenya is making progress and what different stakeholders have been doing. The work done by Unicef Kenya with GOK-DCS and NCCS is impressive and it bears fruit. The partnership that Unicef has had in the country is also bearing fruit in this work. Most partners including CSOs, UN Agencies are impressed by the speed and the work that Unicef is doing with the Department in the last 2-3 years, where a lot of momentum has been seen and the CSOs supporting as much as they can. Unicef is appreciative and hopes that in the years to come that the government will be keen in finalizing and launching the National Care Reform on strategy that will guide the work in the next 10 years. Unicef appreciates the learning as it has been really insightful. They look forward to replicating some of the learning and picking some of the documents that have been developed out of the work that has been done.

Mercy Ndirangu, Alternative Family Care Adviser - Changing the Way (we)Care

Mercy expressed her gratitude most especially through learning on Foster Care. She is mentioned to have been working closely with FADV in reviewing and working on the training manual. There has been a lot of learning and taking bold steps on piloting foster care in the two counties as it is the right way to follow as they work with the legislation to follow children services.

What is pushing the Care Reforms ahead in Kenya is good collaboration within partners and departments, the GOK and leadership offered by the DCS, which has brought together many different partners in scaling up the care reforms in different countries due to collaboration, guidance and coordination from DCS and NCCS.

They are looking forward to seeing the outcome of how foster care will roll out in the country for us to be able to stop further institutionalisation of children in Kenya.

The team wants to learn more from Italy and how the government financially came to accept to support and give stipend to foster families which our government can scale up to.

Overall, the workshop has been fruitful, full of learning and Changing the Way (we) Care looks forward to more of these experiences

Noah Sanganyi - Director of Children's Services

This conference is important to the DCS to ensure alternative family care is operationalized, including foster care and adoption. Under foster care DCS ensured that it has experienced officers to work in the secretariat. There have been great improvements in regards to this and the Director is happy for the exchange as they have engaged with the Kenyan partners dealing with alternative family care to clearly bring out issues related to foster care.

As part of the National Adoption committee, the DCS ensures to bring on board all partners involved in alternative family care.

What is important is that DCS has more officers who have exchanged this knowledge based conference.

It also shows government commitment on foster care and DCS needs to bring more partners to ensure more children are fostered out and recognized by law.

Mr. Noah Sanganyi thanked every participant and organizers.