

Brief: Addressing the need for foster care in the context of the Ukraine crisis

About this document

This document is a summary of key findings and points of discussion that were highlighted by presenters and participants during the *Addressing the need for foster care in the context of the Ukraine crisis* learning event that took place on 7 September 2022. It is drafted in line with existing legislation in Ukraine and neighbouring countries, and includes additional information and clarification from existing literature. The learning event brought together child protection actors with expertise in the foster care systems and services in Ukraine and neighbouring countries hosting Ukrainian children, specifically Poland, Romania, and Moldova with the aim of identifying concrete recommendations to address the current gaps, needs, and challenges to bolster foster care systems in these countries.

This document will be subject to ongoing refinement and adjustment.

A. Current situation for children in foster care in Ukraine: Challenges, gaps, and solutions

1. Ukraine

1.1. Types of family-based alternative care in Ukraine and data¹

- **Guardianship:** care offered by a member of a child's extended family (kinship care) or, with a non-related carer with an average of 1-2 children; however, it can vary with up to 15 children.
- **Long-term foster care:** a non-relative carer who can care for up to 4 children who are orphans or children deprived of parental care.²
- **Short-term foster care:**³ introduced in 2017 as short-term foster care with up to 5 children placed with a family for 3 months, and up to a period of 6 months in special circumstances decided by the guardianship authority.⁴ It can also be used for emergency placements when a child must be immediately removed from their family.⁵

¹ UNICEF and International Social Service (2020); [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

² Resolution of the Cabinet of Ministers of Ukraine [No.565](#) dated 26.04.2002. Long-term foster care is until the child is 18 years old; however, for children with disabilities, the child may remain in with the foster family until the age of 23.

³ Short-term foster care 'enables children's placement to a family-based care without having to wait for an official status of the orphan or a child deprived of parental care.

⁴ Resolution of the Cabinet of Ministers of Ukraine [No.893](#) dated 20.08.2021.

Procedure supplemented by paragraph 35 in accordance with Resolution of the Cabinet of Ministers [No. 581](#) of 10.05.2022.

⁵ UNICEF and International Social Service (2020)

- **Family-type children's home:** refers to family-like placements allowing for the care of no less than 5 children (orphans or children deprived of parental care) and no more than 10 children in a carer's own home or a house that has in part been built with financial assistance. The carer may also have children of their own in the household; however, the total number of children must not exceed 10.⁶

In Ukraine, long-term foster care, short-term foster care, and care offered in family-type children's homes are all recognized as forms of 'foster care'.⁷

Up until 24 February 2022, there were approximately 63,002 children in family-based care in Ukraine, specifically⁸:

- 48,089 children in **guardianship care**
- 5,830 children in **foster families** (3,049 families)
- 387 **short-term foster care care** (262 patronat families)⁹
- 9,083 children in **family-type children's homes** (1,320 homes).

As of 1 July 2022, in accordance with data from Partnership for Every Child there are¹⁰:

- An increased number of children in family-based care with slight decrease of number of foster carers
- 15,072 children in 1,320 family-type children's homes
- 3,035 foster families
- An increase of children (approximately 159) requiring family-based alternative care (mainly due to a loss of parental care as a result of the conflict situation).

Total of **60,743 children** in total of 37,652 family-type care families¹¹:

- 83.7% of total family-based carers stayed in the place of living or moved within the oblast, including 3,166 carers (5,288 children) who are living in occupied territories
- 9.5% evacuated abroad
- 3.9% displaced within Ukraine
- 0.1% (51 carers 96 children) moved to Non-Government Controlled Areas or Russia
- 2.8% – information on current location is unknown or there is no contact with the families.

The two principle government bodies responsible for delivery of child protection and alternative care provision are:

- The **Service for Children's Affairs** (SFC) administered by the Department for State Social Services
- The **Centres of Social Services for Family, Children and Youth** (CSSFCY).

The SFC holds responsibility for the prevention of family separation and identification of cases of abuse as well as support and supervision of children in all types of alternative care. The SFC is

⁶ Resolution of the Cabinet of Ministers of Ukraine [No.564](#) dated 26.04.2002

⁷ UNICEF and International Social Service (2020)

⁸ [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

⁹ Short-term foster care started in 2017, which explains the low number. It is also challenging to recruit short-term foster carers due to the amount of training that is required. In the current context, it is also challenging to recruit short-term foster carers because people are moving, and also the challenge in keeping in touch with biological families.

¹⁰ [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

¹¹ Ibid.

responsible for the removal of a child from the family if needed and their placement in alternative care.¹² The remit of CSSFCY includes utilization of a case management approach to child protection and the prevention of family separation.¹³ In addition, they have a duty to provide social work for children in all forms of alternative care.¹⁴ It has been noted that in some locations these two bodies operate as one agency.

1.2. Legal peculiarities

- All children placed in alternative care should have the status of children deprived of parental care or be considered as orphans¹⁵ with the exception of short-term foster care. Children can be placed in short-term foster care while their status is being determined.¹⁶
- A child can be adopted or fostered *if* their parents have passed away or if parental rights have been severed (with the exception of short-term foster care).¹⁷
- Long-term foster carers have full legal representation - all parental rights, which means they have less social support than foster carers may have for instance in other countries. This is compounded by the regulation that a foster carer is not allowed to seek other employment in the same way other parents also go to work whilst caring for their children.¹⁸ There are exceptions for short-term foster care in which carers have some legal representation and duties, but not all,¹⁹ which presents a challenge because it is not clear what decisions carers may make in relation to a child without the status of a legal representative.²⁰
- All four types of alternative care receive centralized funding from the national budget; however, they are not considered professional services, rather the funding is through allowances for parents and children.

1.3. General overview of foster care in Ukraine

- **Recruitment of foster carers.** Recruitment is primarily the responsibility of an Oblast Centre of Social Services for Family, Children and Youth.²¹
- **Selection of long-term foster carers and short-term foster carers.** The selection of prospective foster care providers is the first step in creating a viable and sustainable foster care system. In Ukraine, applicants for foster care are selected by the CSSFCY, sometimes in cooperation with local Children's Services.²² The CSSFCY centers involve public and charitable organizations, employment centers, churches, actual foster families, and small family childcare homes in the search. Identifying prospective foster carers and short-term foster carers is facilitated through outreach, awareness-raising activities, and social

¹² UNICEF and International Social Service (2020)

¹³ Ibid.

¹⁴ Ibid.

¹⁵ [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

¹⁶ UNICEF and International Social Service (2020)

¹⁷ [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

¹⁸ UNICEF and International Social Service (2020)

¹⁹ [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

²⁰ Alinea International et al (2021)

²¹ UNICEF and International Social Service (2020)

²² Alinea International et al (2021)

advertising; however, these efforts are not systematic,²³ resulting in challenges related to recruitment due to a lack of awareness and understanding amongst the general public regarding the concept of foster care and opportunities to become a carer.²⁴

- **Training of coaches and applicants for foster care.** The program of foster care provider training and Standard Operating Procedures (SOPs) was approved by Order of the Ministry of Social Policy (dated 19 August 2017, No.1349) and resulted in the training and certification of foster care applicant coaches from all regions of Ukraine to provide training to potential foster carers.²⁵ According to Resolution of the CMU 866 Decree dated 16 March 2017 No. 148, foster care provider training should be conducted at least once every two years under the program approved by the Ministry of Social Policy, however, this has not yet been implemented or standardized.²⁶
- **Placement of children in foster care.** The basis for placement of children in foster care (differentiated from short-term foster care) is the termination or deprivation of parental rights. The placement of a child depends on the unique circumstances of each case and requires coordination between the representative of children care services, the foster care provider, the social worker, and biological family (when they are involved).²⁷

In reference to short-term foster care, the 2002 Family Code requires that placement of the child in the family of the short-term foster caregiver must be with the consent of a child's parents or other legal representatives.²⁸ However, in the current context due to the largescale displacement, the whereabouts of parents can be challenging to determine. Children can therefore be placed in short-term foster care until determinations can be made.²⁹ Article 31 refers to the temporary placement of children in the families of Ukrainian citizens.³⁰ This regulation allows additional placement of children in existing foster families, guardianship, etc. without making allowances while the Marshal law is enforced.³¹ At present, prospective foster families can register to foster children in temporary placements.³² This is specifically for children whose situation is not clear due to not knowing the whereabouts of the parents.

- **Services through interdisciplinary teams.** The role of the interdisciplinary team during a child's stay in a foster family is to coordinate actions between different specialists involved in working with the child, to assess the needs and to provide appropriate comprehensive support. Various specialists including psychologists, teachers, social education, and social workers are involved in addition to the foster care provider to support children in foster care; however, there is not enough qualified psychologists or social workers in many locations,³³ particularly in relation to the current context. Additionally, in relation to healthcare services,

²³ Ibid.

²⁴ UNICEF and International Social Service (2020)

²⁵ Alinea International et al (2021)

²⁶ Ibid.

²⁷ Ibid.

²⁸ UNICEF and International Social Service (2020)

²⁹ [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

³⁰ Resolution of the Cabinet of Ministers of Ukraine No. 866 dated September 24, 2008 "Activity of the of guardianship authorities (органів опіки та піклування) related to the protection of the rights of the child."

³¹ [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

³² Ibid.

³³ Ibid.

short-term foster carers do not have the right to sign a declaration with a family doctor for a child.³⁴

1.4. Short-term foster care in Ukraine

In 2017, the order for foster family creation, activity, child placement, stay, departure from foster care, and service financing was standardized by the relevant Resolution of the Cabinet of Ministers of Ukraine.³⁵

In accordance to the Family Code (2002) of Ukraine, short-term foster care of a child is defined as a temporary care, upbringing and rehabilitation of a child in a foster family for the period while the child, his/her parents or other legal representatives are overcoming difficult life circumstances.³⁶ The purpose of short-term foster care is to ensure the protection of the rights of a distressed child who, due to difficult life circumstances, is temporarily unable to live with his/her parents or legal representatives, to provide the child and his or her family with services aimed at returning to the family in the child's best interests.³⁷

Child placement in a foster family may be carried out with the consent of the child's parents or legal representatives based on the assessment of the child and his/her family's needs or without such consent during the assessment of the child's safety of the facts of threat to life or health³⁸ of the children left without parental care.³⁹ In relation to short-term foster families, the period of stay of a child in a short-term foster family is set by child protective services and, as a general rule, may not exceed three months; however, if necessary it may be extended up to six months.⁴⁰

When placing a child in a foster family, the kinship principle applies: only siblings or children brought up in the same family can be placed in the foster family at the same time.⁴¹ The child placement in a foster family requires the child's consent, provided that the child have reached an age and development level to give consent.⁴² However, the Cabinet of Ministers of Ukraine narrowed the application of this requirement to cases of child placement with the consent of their parents or legal representatives.⁴³

1.5. Challenges, gaps, and roadblocks in Ukraine

³⁴ Ibid.

³⁵ Alinea International et al (2021)

³⁶ Part 1 of Article 252 of the Family Code of Ukraine. The Family Code can be found [here](#) in English.

³⁷ Article 27 of the Procedure for the creation and operation of a family of a foster caregiver, arrangement, stay of a child in a family of a foster caregiver, Resolution of the Cabinet of Ministers of Ukraine [No. 893](#) dated 20.08.2021 (in Ukrainian); Family Code, Chapter 20 *Patronage over children*, Article 252.

³⁸ Paragraph 2 of clause 9 of the Procedure for ensuring social protection of children in difficult life circumstances, including children suffered from abuse, approved by Resolution of the Cabinet of Ministers of Ukraine of June 1, 2020 No. 585.

³⁹ Clause 31 of the Procedure for guardianship and custody activities related to the protection of the child's rights of the, approved by Resolution of the Cabinet of Ministers of Ukraine of September 24, 2008, No. 866; Family Code, Chapter 20 *Patronage over children*, Article 252.

⁴⁰ Article 27 of the Procedure for the creation and operation of a family of a foster caregiver, arrangement, stay of a child in a family of a foster caregiver, Resolution of the Cabinet of Ministers of Ukraine [No. 893](#) dated 20.08.2021 (in Ukrainian); Family Code, Chapter 20 *Patronage over children*, Article 252.

⁴¹ Part 5 of Article 252 of the Family Code of Ukraine.

⁴² Part 1 of Article 254 of the Family Code of Ukraine.

⁴³ Article 27 of the Procedure for the creation and operation of a family of a foster caregiver, arrangement, stay of a child in a family of a foster caregiver, Resolution of the Cabinet of Ministers of Ukraine [No. 893](#) dated 20.08.2021 (in Ukrainian); Family Code, Chapter 20 *Patronage over children*, Article 252.

- **Public knowledge and understanding of foster care.** One of the key barriers to foster care development is the insufficient understanding of this service as well as cultural perceptions and lack of understandings related to children from families in difficult circumstances. While this is more common in rural areas, it also exists in urban areas. Information campaigns to promote foster care were carried out prior to the conflict, but need to be better coordinated, more widespread, and should include current foster carers who can provide information on their experience providing foster care to promote the service.⁴⁴
- **Services for children and systems strengthening.** Capacity gaps exist at the institutional level to develop and implement foster care, especially considering the conflict situation. There is limited ability of the Children’s Services and CSSFCY as the principal organizers of this service, for instance, due to staffing shortages.⁴⁵ Centralized funding, the limited social service workforce, lack of gatekeeping mechanism and placement decisions that are not sufficiently oriented to family-based care, assessment and reviews of children in care, and opportunities to move to family-based care particularly in the context of disrupted mechanisms due to the conflict situation all act as key barriers that need to be addressed. The responsibility for childcare reform is also not clear as there are many sectors involved without the existence of a harmonized approach and efficient coordination.⁴⁶
- **Limited social service workforce.** There is a limited social service workforce available to support children and families. Prior to the conflict, coaches who provide training to foster care providers also often continued to support a child during placement in a foster family due to the relationships they established with foster carers during the training process.⁴⁷ Each foster family is also allocated an interdisciplinary team, but this assistance is not consistent and varies across regions.⁴⁸ Additionally, foster carers provide rehabilitative services for parents whilst children are placed with them, which is a role that should be played by family support social workers.⁴⁹
- **Children with disabilities.** There is a lack of specialized foster care for children with disabilities, resulting in the exclusion of children with disabilities from placement in foster care.
- **Other types of foster care.** Foster care for infants (babies and very young children), and respite foster care are not available in Ukraine.
- **Biological families.** There is a lack of professional support provided by the CSSFCY centers to biological families, and to foster carers with regards to arranging meetings between the children and their biological parents.⁵⁰ Foster carers are often provided limited support by Children’s Services to coordinate with the children’s biological families.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Alinea International et al (2021)

⁴⁸ Ibid.

⁴⁹ Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings

⁵⁰ Alinea International et al (2021)

1.6. Recommendations⁵¹

To achieve success at scale with regards to family-based care alternatives in Ukraine, specifically foster care, necessitates both policy and systems change, as well as new service delivery infrastructure and mechanisms. It requires both immediate actions on the ground, as well as a long-term movement for structural reform of government agencies.⁵² This movement must be locally owned and driven, supported by international relief and development agencies, and sustainable over the long-term. Support for education and the promotion of family-based care amongst national care reform leaders to shift long held beliefs - that institutions are the only solution - is equally critical. Currently, the care and protection of children continues to be divided between ministries. To ensure effectiveness, any strategy focused on family-based alternative care must be led under one ministry.

Care reform: Policy and systems change

- Government to create a framework for the development of the foster care domain.
- Establish a specialized body responsible solely for the development and implementation of family-based care working in partnership with other government agencies (this could for example, be the role of an officially appointed and regulated non-governmental body).⁵³
- Review the types of family-based alternative care forms and reduce the numbers of children in each type.⁵⁴
- Revise the duration of a child's stay in a foster family when the child's parents are deprived of parental rights by increasing it to the entire duration while the case is being considered in court, in order to avoid the child being placed in an institution.
- Strengthen mechanisms for gatekeeping and placement in family-based care.
- De-centralize funding so that more funding is available at the level of local authorities, making payments and benefits to children and families more flexible and available in real time.
- Upgrade existing databases for better provision of baseline information and data management.
- Improve/develop a monitoring mechanism and data collection mechanism to allow tracking and potential movement of children (internal and external), aligning with neighbouring country data systems to ensure monitoring of children.
- To determine separate specialists, a department in the National Social Service, responsible for the foster care development and the implementation of appropriate monitoring should be established.
- Support for education and the promotion of family-based care amongst national care reform leaders and the public to shift long held beliefs that institutions are the solution.
- Improve public awareness and knowledge of foster care to change mindsets, specifically to encourage positive views on the foster care service and enrollment of foster care providers.

Support for community and family services and psychological aid

- Increase the number of community social workers, pedagogical staff, and psychosocial support services as a priority for the government funding.

⁵¹ Recommendations were identified by various experts from networks and organizations working on children's care, and provided during the 'Addressing the Need for Foster Care in the Context of the Ukraine Crisis'. Event presentations and recordings available in English and Ukrainian are [here](#).

⁵² Ibid.

⁵³ UNICEF and International Social Service (2020)

⁵⁴ Partnership for Every Child suggestion is up to 7 children placed, and up to 3 children in case of children with disabilities.

- Ensure that psychosocial support services and social workers are prepared to address the specific needs of children who have lost family-based care during the conflict due to death, injury, or other reasons.
- Develop the mechanism of involving local and national non-governmental organizations in providing social support services for foster families and biological families.
- Increase funding for reconstruction, the building or renovation of housing; substitutes for rent costs; and the expansion and development of social and psychological services in communities.
- Create conditions for training, supervision, professional development of relevant community workers involved in the development, organization, and provision of foster care services.
- Establish mutual support groups for foster care providers, adoptive parents, and foster parents to share experiences, emotional support and increase professional and parental capacity in the care, upbringing, and rehabilitation of children in their families in communities.

Establish new service delivery infrastructure and mechanisms

- Update and approve a standardized foster care provider training program (taking into consideration the current context).
- Provide different forms of short-term foster care, including carers specifically recruited and trained to accept children with disabilities, babies, older children, and children with behavioural challenges.⁵⁵
- Develop and deliver specialized training programs to improve the competence of managers, executors of the child protection and social service system, and foster care providers.
- Develop a database of certified coaches and psychologists for preparation of applicants for foster care, at least 2 coaches and 1 psychologist per region, who may conduct quality and professional training and advise both applicants and foster families.⁵⁶
- Introduce a system of supervision (group and individual, scheduled, and urgent) for foster care providers with interdisciplinary team members to improve foster care services, to prevent emotional burnout, and to refine support organization.⁵⁷
- Develop guidelines and descriptions of best practices on:
 - criteria for child placement in foster care and preparation for it;
 - organization of meetings with biological parents (depending on the reason for the child's placement and type of family-based alternative care);
 - process and order related to the child departure, in particular preparation for placement in an adoptive family, small family childcare home, adoption⁵⁸;
 - efficient monitoring and support of foster families;
 - organization of information campaigns for the promotion of foster care as best practice, including success stories.

⁵⁵ UNICEF and International Social Service (2020)

⁵⁶ Alinea International et al (2021)

⁵⁷ Ibid.

⁵⁸ Ibid.

B. Current situation for Ukrainian children in need of foster care in host countries: Challenges, gaps, and solutions

2. Poland

2.1. Types of alternative care in Poland

In Poland there are two types of alternative care that are stipulated in the Act of 9 June 2011 on family support and the alternative care system: family foster care and institutional care.⁵⁹ All forms of family foster care are formal and mandated by the legal decision of the Family Court. All of these forms are supervised and monitored by staff of the District Organizer for Family Foster Care known as the “organizator rodzinnej pieczy zastępczej”. In Poland, there are 380 districts with local authorities. The district chief is in charge of developing the local system of alternative care, and the district team is responsible for family-type foster care, i.e. District Organizer for Family Foster Care, which operates as an office dedicated to working with foster families.

In accordance with the Act of 9 June 2011 on family support and the alternative care system, family foster care includes (Article 39 of the Act):

- **Kinship foster family** (rodzina zastępcza spokrewniona): children are placed in the families of their grandparents or siblings. District teams often offer trainings for kinship foster families to improve their competencies for caring for children in their care. Kinship families receive minimal allowances for foster children.
- **Non-professional foster family** (rodzina zastępcza niezawodowa): individuals trained to become foster carers who are not paid, but receive allowances to cover costs for the foster child’s basic needs).
- **Professional foster family** (rodzina zastępcza zawodowa): up to 3 children. These carers receive comprehensive training, allowances for children, and a salary.
- **Multi-child foster family** (rodzinny dom dziecka): a family-type group home with up to 8 children. These carers are trained, receive allowances, and a salary.

2.2. Current situation

In March 2022, following the onset of the crisis in Ukraine, a hub in Stalowa Wola in the Podkarpackie Province was opened for Ukrainian children who were in alternative care, including institutional care, and entering Poland as refugees or as unaccompanied child asylum seekers.⁶⁰ Children up to 18 years old who come in groups are registered. However, prior to March there were few registrations, resulting in the inability to track children who entered Poland before this period.

Two operational centers were launched by the Ministry of Family and Social Policy:

⁵⁹ In Poland, institutional care includes different types of residential facilities of up to 14 children; institutions for newborns and infants of up to 20 children (pre-adoptive centers); and institutions for children with special needs of up to 45 children (regional care-therapeutic institution). For further data and information on alternative care in Poland, please refer to [1. Polish Statistics \(in Polish\)](#); [2. Concise Statistical Yearbook of Poland](#), pp. 231-233 (available in English and Polish); [3. Polish Governmental report presented to Polish Parliament](#) (in Polish).

⁶⁰ As of October 2022, the hub is still operating, however, it has scaled down its operating capacity due to the scaling down of needs.

- Child Evacuation Staff (logistics and transport); and
- Accommodation database for children from alternative care and other institutions for children.

Relatives of Ukrainian children, such as grandparents or aunts, are the majority of individuals who become temporary guardians. As of June 2022, a total of 25,168 Ukrainian children in Poland are under the care of temporary guardians.⁶¹

2.3. Legal framework or agreement with the Ukrainian government⁶²

There are two specific Acts that address the Ukraine refugee crisis in Poland. There is also a Political Declaration signed Between The Ministry of Family and Social Policy of Poland and The Ministry of Social Policy of Ukraine on the Social Protection of Children Affected by Hostilities and Armed Conflicts.

Act of 12 March 2022 on Assistance for Ukrainian Citizens in connection with the armed conflict on the territory of the country

- The Act stipulates a register of: 1) children from alternative care or who are cared for by other institutions for children, and 2) children who are in Poland without legal guardians in accordance with the law in force in Poland.
- “Temporary guardianship” and “a temporary guardian” are stipulated in the Act. Specifically, Ukrainian citizens, who enter Poland, will have the temporary guardianship established by a court for families and minors (for example, relatives of a child or Polish citizen can be established as temporary guardians). The rights of a temporary guardian are comparable to those of a parent or legal guardian.
- Application to the Family Court is submitted by a candidate or another legal entity (such as a Border Guard). Alternatively, the court takes up the case ex officio) in this case a minor may be directed to the Stalowa Wola center. The Family Court issues a decision within 3 days - the procedure should include hearing of the parties, including the minor. The decision may include care limitations and the decision can be changed later, also ex officio.
- According to Article 26.4c, foster parents and caregivers for Ukrainian children who entered Poland together with children in their care are established as temporary guardians of those children. This type of temporary guardian is entitled to social benefits, stipulated in Articles 26 and 31, only in kind or as a reimbursement, covered by local (district) social services.
- Local social services are in charge of monitoring the quality of guardianship; and if needed, district social services (specifically the district center for family support) ensures a support staff for a temporary guardian.
- The possibility of registering Ukrainian citizens as foster carers exists (Article 27), and can be facilitated through a quicker process; however, for Polish families wanting to foster Ukrainian children, the process remains the same, resulting in different standards.

⁶¹ [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#)

⁶² Summary of legislation is available here in [Polish](#) and [English](#); Family and Guardianship Code (alternative care and guardian); Polish: Kodeks rodzinny i opiekuńczy, 25 February 1964 – guardianship: arts. 145, 148, 178 (2). <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19640090059/U/D19640059Lj.pdf>; Act of 2011 on family support and alternative care. Polish: Ustawa z 9 czerwca 2011 r. o wspieraniu rodziny i systemie pieczy zastępczej; <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20111490887/U/D20110887Lj.pdf>. For further information on laws and policies related to alternative care and UASC from Ukraine in Poland, refer to the Eurochild, Child Circle and UNICEF policy and legal review [here](#).

- Article 27 refers to alternative care standards with regards to the needs of Ukrainian children and the easing of standards of alternative care facilities in Poland dedicated to children from Ukrainian institutions or Ukrainian foster carers:
 - No limits on the number of children per institution;
 - No limits on the age of children placed in institutional care;
 - Educational standards of staff (caregivers and foster parents from Ukraine).

Act of 9 June 2011 on family support and alternative care system

- Stipulates the limits of children per foster family (including all types of family-type care alternatives) and per institution, whereas according to the Article 27 of the Act of 12 March 2022 on Assistance for Ukrainian Citizens, those limits do not refer to Ukrainian citizens (children) that might be placed in Poland alternative care, regardless of the limits.
- Any Polish citizen who is not a sibling or ascendant of a child and who is a candidate to become a foster parent for a Ukrainian citizen child is entitled to host a Ukrainian child upon decision of the Polish court for family and minors (the probation period is maximum of six months, and a candidate is obliged to fill in requirements stipulated for foster parents in the Act of 2011 on family support and alternative care system).
- The article is easing standards of hiring Ukrainian citizens as a staff of institutional and family-types of alternative care, as well as the requirements for Ukrainian citizens to become foster carers irrespective of whether a person was a foster carer in Ukraine and is experienced and trained in the field.
- The article is easing standards of hiring Ukrainian citizens as pedagogues or psychologists to be a staff of a District Organizer for Family Foster Care that oversees development and monitoring of family type care in a district. Usually, a team is a unit of a District Center for Family Support. Local authorities oversee a District Center for Family Support.

2.4. General overview of foster care in relation to the Ukraine crisis⁶³

Criteria for fostering a Ukrainian child

Ukrainian and Polish citizens, according to the Act on family support and alternative care and the Act of 12 March 2022 on Assistance for Ukrainian Citizens in connection with the armed conflict on the territory of the country.

Criteria for children placed in foster care

The general criteria for placement that exists in Poland applies to Ukrainian children. However, priority is given for infants and minors under 3-years-old to be placed in foster families, whereas for Polish children the priority is for children under 10-years-old to be placed in foster families.

The legal basis and process for placement

- Ukrainian foster carers who come to Poland with children under their care (in accordance with Ukrainian legislation).
- The Polish Family Court orders the placement of a child in alternative care.

In practice, there are a number of Ukrainian children accompanied by Ukrainian foster carers that were stipulated as such by Ukrainian administration, but whose carers are not registered in Poland

⁶³ Information provided during the [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#).

neither as temporary guardians nor as foster parents according to the Poland Act on family support and alternative care. This is due to different understandings of binding laws by the different Family Courts. In some courts, Ukrainian foster carers who have been stipulated as such in Ukraine, should apply for temporary guardianship, whereas in other courts the judges have recognized the Ukrainian administrative stipulation of the foster carers as a source of legal authority over the child binding and is also in Poland.

2.5. Challenges, gaps, and roadblocks in Poland

- Delay in launching the register (software) of Ukrainian children, and the shortage of Polish social service staff to fill in the registry (the registry started in July so there is a gap in data of Ukrainian children).
- Weak communication flow between the court and social services with regards to appointing temporary guardians.
- There are no limits on the number of children per each temporary guardian (mainly related to out-of-home care).
- Lack of tools for Polish social services to recommend candidates for temporary guardianship outside the Polish social services, and care and education system.
- Danger of randomly selected temporary guardians.
- Two standards of quality of care for Polish citizens and Ukrainian refugees.
- Social service workforce, law enforcement, etc. has limited or no previous experience in refugee crisis support.

These challenges have resulted in low numbers of Ukrainian children from different types of alternative care or other institutional care, visible in statistics. According to recent data (as of 18 October 2022), provided by the Polish Ministry of Family and Social Policy, there are 2,059 such Ukrainian children hosted in Poland, and 306 Ukrainian children who have been placed in Polish alternative care, of which 236 children have been placed in residential care, and 70 children have been placed in family foster care.⁶⁴ One should consider a higher number of Ukrainian children who have entered Poland with their Ukrainian foster families. Organizations, such as members of Polish Foster Care Coalition, provide services to Ukrainian foster families who have not applied for temporary guardianship. Those foster carers applied only for a PESEL number (an identification number in Poland) and children under their care are not counted as foster children.

3. Moldova⁶⁵

3.1. Types of alternative care in Moldova

In Moldova there are several types of family based alternative care: Kinship care, Family type children's home, and Foster care services. With regards to Ukrainian refugee children all these types of services can be employed. However, in order to provide appropriate family care to Ukrainian

⁶⁴ Data provided by the Polish Ministry of Family and Social Policy. For more information, refer [here](#) (available in Polish only).

⁶⁵ Content was provided during the [Addressing the Need for Foster Care in the Context of the Ukraine Crisis event presentations and recordings](#).

unaccompanied and separated children (UASC), the Moldovan Government has strengthened foster care and family-type home services.

3.2. Current situation

There are approximately 90,000 Ukrainian refugees in Moldova around half of which are children. Most of the refugees are hosted in communities and only 4-5 percent are accommodated in refugee accommodation centres. The initial expectations of a large number of UASC in need of protection has not been confirmed and there is no data on the number of UASC in Moldova, as of October 2022. The identification process for UASC has been slow due to the dispersment of refugees in host communities. There is no data that exists on UASC placed in residential care facilities, particularly those children placed by churches and international non-govenmerntal organizations.

The majority of UASC who have been identified are above the age of 16, which is in line with Ukrainian legislation that permits their movement across borders without a legal guardian. The Moldovan government is working with UNICEF and UNHCR to develop a database, and an identification and referral mechanism to register children.

3.3. Legal framework or agreement with the Ukrainian government

In terms of legislation, there was no need to make critical revisions to existing legislation as a result of the Ukrainian refugee crisis as the Law on the special protection of children at risk and of children separated from their parents (developed in line with UNGAC) allows Moldovan authorities to respond and provide appropriate support to unaccompanied and separated refugee children. Under this law, children at risk or separated from their parents are entitled to protection with no discrimination based on citizenship, parents or legal representatives, or place of residence. Consequently, if a child is identified at risk, regardless of their origin or citizenship, they fall under the incidence of Moldovan legislation.

A regulation on the establishment of the inter-agency cooperation mechanism for the identification, assistance, and monitoring of children in crisis coming from the territory of Ukraine based on the Law on the special protection of children and issued by the Commission for Extraordinary Situations stipulates:

- competences of the responsible authorities: Border Police, National Bureau of Migration, Ministry of Labour and Social Protection, including NGOs and UN agencies; and
- the territorial social assistance structures requested to delegate child protection specialists – available 24/7 – for taking over cases of unaccompanied and separated children from the representatives of the Border Police and to identify the optimal form of protection.

Additionally, case management for refugee children at risk is applied under the existing case management framework. Only the initial child assessment form was adjusted and approved by the Ministry of Labour and Social Protection to be used at the border crossing points by child protection specialists

3.4. General overview

In Moldova, foster care services have been developed over the past 20 years and is a leading alternative family-type service in the country. It is widely used and available for children separated from their biological or extended families, and children placed in residential care across the country. The service is regulated by the Government.

Definition of foster care

Foster care is defined as a social service, providing the child with substitute family care in the setting of the family of the foster carer, based on shared responsibilities for the protection of the child's rights and legal interests between the local authority and foster carer.

Types of placement

In Moldova, the foster care service offers flexibility by providing a range of placement types that can make it possible for a child to remain in foster care until a more sustainable form of care is identified. The types of placement offered are:

- **Short-term placement:** a period no longer than 12 months in duration.
- **Long-term placement:** until the child reaches 18.
- **Emergency placement:** a period of 72 hours, without need for the approval from the Gatekeeping Commission. The period of 72 hours may be extended during the evaluation period, but must not exceed 45 days.
- **Respite care/short break placement:** a period that will not cumulatively exceed 45 calendar days per year, in order to give the parents or caregivers the opportunity to recover. This type of placement is also offered to disabled children who are not separated from their families, but their parents need a break to recover. In this case, the placement may be provided, including for a minimum of several hours a day.

Criteria for placement

The service beneficiary is any child at risk that is temporary or permanently deprived of his/her family environment due to different reasons, including a child who already is or is likely to become a victim of violence, trafficking, abandonment or neglect, maltreatment or exploitation; an underage parent with a child at risk of separation; or a child who has committed an offense, but is not legally responsible.

Legal basis and process for placement

The placement decision is complex, starting with an individual child assessment, foster care assessment, mandatory training and approval, and child matching. The decision for placement is made by the Guardianship Authority and based on the notification paper for the approval issued by the Gatekeeping Commission – an independent body established at the district level and formed by members with different child protection and welfare backgrounds from the government and non-government institutions, except the Social Assistance Department/Guardianship authority.

The Commission is also responsible for the approval of foster carers, placement review, service monitoring and assessment. In the current refugee context, a similar system and criteria are applied for placement of refugee children in foster care service. Emergency placement is used as an entry point in the service.

Refugee context and preparation of foster care

- A national rapid assessment was facilitated by Partnership for Every Child with the support of UNICEF, which revealed the limited capacity of Local Public Authorities (LPAs) to provide foster care services for refugee children due to the lack of capacity, and human and financial resources.
- 9 out of 35 districts (*raions*) were identified as available to receive children in placement (3 districts each from the north, center, and south of the country).

- Agreements with district Councils were signed: 30 new foster families planned for at least 60 unaccompanied and separated children.⁶⁶
- Every district in the country has a dedicated team responsible for foster care service. The size of the team depends on the number of foster carers and the number of children in placement, the minimum standard is at least two social workers and a manager to have in place. Some districts also have psychologists available.
- A capacity building plan was developed and implemented with the Changing the Way We Care (CTWWC) Initiative and UNICEF, aiming to build the knowledge and skills of foster care teams and foster carers on key concepts, such as adverse childhood experiences and trauma as result of the conflict. A two-day Training of Trainers on the Psychological First Aid for UASC was delivered to 30 child protection specialists, responsible for foster care and family-type homes from 13 districts and 2 municipalities. A 1-day training for approximately 60 foster carers from the 3 selected districts was delivered. A training methodological guide was developed and shared with all trainers.
- Decisions on placements of six refugee children have been taken. Three children were already reunified with their families.⁶⁷

3.5. Challenges, gaps, and roadblocks in Moldova

- There are discrepancies in service development and delivery across the country. Foster care needs to be a mandatory service. There is also a continuous need to provide ongoing training, support, and supervision to foster care providers.
- The most marginalized children (children with severe disabilities, with complex emotional needs, and babies) are not covered. There is a need for diversification of the types of foster care support to meet the diverse needs of children in care.
- Lack of financial resources to meet the needs. Foster care needs to be included in the minimum package of services to be financed from the national budget. Legislation should be revised to increase salaries and child allowances.
- Stigma towards the Roma population and children with disabilities exists. A continuous need for improvement of general and professional awareness and attitudes towards foster care by national communication and training efforts is required to ensure certain groups of children are not excluded.

4. Romania

4.1. Current situation

As of September 2022, there were approximately 83,700 Ukrainian refugees who have remained in Romania, 37,000 of which are children. The total number of children receiving available services for children in care by the National Authority for Child Protection and Adoption is 220.

4.2. Legal framework or agreement with the Ukrainian government

⁶⁶ A contingency plan to increase this number in case if needed is under development, including by involving other districts.

⁶⁷ As of September 2022.

The laws and policies covering care arrangements for children temporarily or permanently deprived of family care in Romania include:⁶⁸

- Law 287/2009 on the Civil Code (Legea 287/2009 privind Codul Civil) – Guardianship: Article 151 (1); Article 110.⁶⁹
- Civil Code (A) 04/02/2016.⁷⁰
- Law 272/2004 on the protection and promotion of children’s rights (Legea 272/2004 privind protecția și promovarea drepturilor copilului), including amendments by Law 257/2013 on the modification and completion of Law 272/2004 – Guardianship: Article 64 (3). Guardianship legal provisions can be found in Arts. 39 and 40, as well as Article 41 of Law 272/2004.⁷¹
- In March 2022, The Government of Romania adopted ‘Ordonanța de urgență nr. 20/2022 privind modificarea și completarea unor acte normative, precum și pentru stabilirea unor măsuri de sprijin și asistență umanitară’ regarding the situation in Ukraine. This act translates the temporary protection directive in the national regulatory framework for persons coming to Ukraine after the 24th of February 2022.
- Governmental Decision 1434/2004 on the attributions and organization and functioning regulations of the General Direction for Social Assistance and Child Protection (Hotărârea Guvernului 1434/2004 privind atribuțiile și Regulamentul-cadru de organizare și funcționare a Direcției generale de asistență socială și protecția copilului) – Guardianship: Arts. 2–3.⁷²

Based on Article 3 – e), Ukrainian children situated in Romania for emergency and safety reasons, will benefit from the same Law for Children’s rights, n. 272/2004, legal dispositions. Therefore, guardians from Ukraine need to inform the General Direction for Social Assistance and offer their contact details and personal information in order for the Court to make all the necessary checks. This procedure is explained in the Law for Children’s rights, n. 272/2004, articles 104, 105.

At the beginning of March 2022, the Romanian government established an Unaccompanied Children’s Task Force, which includes representatives in every county and sector of the capital. The Task Force has a team of social workers and specialists, school inspectors, health inspectors and representatives of non-governmental organizations who have shared responsibilities on the child welfare and wellbeing. The group is nominated for a 3-year mandate and meets weekly.⁷³

4.3. General overview

Definition of foster care

In accordance with Article 62 of the Law 272/2004, foster care is defined as a temporary special protection measure, described as family-type social service. The temporary feature means until the

⁶⁸ For further information on laws and policies related to alternative care and UASC from Ukraine in Romania, refer to the Eurochild, Child Circle and UNICEF policy and legal review [here](#).

⁶⁹ Available in [Romanian](#).

⁷⁰ Available in [Romanian](#).

⁷¹ For more information refer to [Law 272/2004](#) (available in English).

⁷² Available in [Romanian](#).

⁷³ It has been adopted the Regulation on the organization, functioning and attributions of the Task Force for Unaccompanied Minors, from 11.03.2022 Integral part of Order 20360/2022:

<https://lege5.ro/Gratuit/geydaqjygyda/regulamentul-privind-organizarea-functionarea-si-atributiile-grupului-operativ-pentru-minorii-neinsotiti-din-11032022>.

circumstances that underpinned the decision in establishing this measure of special protection have changed.

Special protection is defined by Law 272/2004 Chapter III, Article 54 as an aggregation of measures, benefits and services designed to ensure the care and development of children who are temporarily or indefinitely without parental care or for children who have to be removed from parents in the interest of protecting their best interests.

Chapter VII, Article 121 of Law 272/2004 describes family type services as those services through which the care and development of a child that is temporary or definitively separated from their family, as a result of a placement measure that is put in place under the present law, are ensured at the residence of an individual or family.

Definition of a foster carer

Article 4 of Law 272/2004 defines a foster carer and their families as a substitute family: “Any person, outside the extended family including third degree relatives, with whom the child had personal and direct contact, including individuals, families or foster carers providing care under the legal conditions.” The government Decision 679 of 2003 goes on to define a foster carer as an individual, certified under the present law, that ensures through his/her activity, at their domicile/residence the care, development and education necessary for the harmonious development of the children that they receive in placement.

Types of placement

Foster care must be age appropriate and includes: emergency foster care, foster care for child victims of abuse or neglect, foster care for children with special needs, and foster care for children with HIV/AIDS.

Types of placement under the Romanian children rights protection can be decided in accordance with Article 62 of Law 272/2004 and granted to a:

- Person or a family not related to the child
- Foster carer (as recognized by the Law)
- Licensed residential service.

Legal basis and process for placement

Generally, in Romania the decision on the placement measure is made by the Child protection Commission at county level, however, this occurs only when the agreement of the parents exists. In other situations, the decision for placement may be taken by the Court at the General Directorate of Social Assistance and Child Protection (DGASPC) - the child protection services at the county level. In specific emergency cases, the placement is decided by the Director of DGASPC, which then must be validated by the Court.

There are three types of special protection measures:

- 1) Placement (medium, indefinite period)
- 2) Emergency placement (immediate, short-term protection measure until a placement for medium, long-term is decided)

3) Specialized supervision.

In accordance with Law 272/2004, Article 60, the criteria for a special measure to be decided for a child are:

- a) Children whose parents are deceased, unknown, removed from exercising parental rights, or they have been prohibited parental rights as a court punishment or they are under interdiction, declared dead or missing, when guardianship could not be decided.
- b) Children whose best interest cannot be left in the care of parents – reasons are not attributable to parents (other than abuse, neglect, etc.).
- c) Abused or neglected child.
- d) Children found or abandoned in medical units.
- e) Children subject to a criminal offense who cannot be held responsible by criminal law.
- f) Unattended child, foreign citizen or stateless, including asylum seekers or beneficiaries of international protection in Romania.

Unaccompanied children or mothers with children requesting support who arrive in Romania are identified by a mobile team of the DGASPC that functions at the Blue Dots along the border. The mobile team refers these individuals to services, which are under the responsibility and supervision of the child protection services.

For the unaccompanied minor who remains on the territory of Romania and has no place to live, the representatives of the Romanian Border Police notify the representative of the DGASPC. For all Ukrainian unaccompanied children the process for placement in foster care is the same as for Romanian children. However, since the Child Protection Committee only decides on placement when parents have provided their consent (which has not yet been the case with Ukrainian children) for cases of unaccompanied Ukrainian children, the Child Protection Commission does not have any responsibilities. Since these are considered emergency cases, the Director of the DGASPC decides on the placement of unaccompanied children. This decision is then validated by the Court in the shortest timeframe possible.

C. Challenges and Recommendations related to foster care and Ukraine response in host countries⁷⁴

Key challenges in countries hosting Ukrainian refugees

- Directive from Ukrainian government to house children evacuated from Ukrainian institutions in group care settings in locations outside of Ukraine as opposed to in family-based care alternatives.
- Lack of trained and available foster families.

⁷⁴ Challenges and recommendations were identified by various experts from networks and organizations working on children's care, and provided during the 'Addressing the Need for Foster Care in the Context of the Ukraine Crisis'. Event presentations and recordings available in English and Ukrainian are [here](#).

- Unaccompanied Ukrainian youth between ages of 16-18 seem to be 'falling through the cracks' due to the differences in ages at school completion and social norms around age of independence in Ukraine versus host countries.
- Insufficient availability of local funding (emergency or long-term) to allow more flexible approaches to foster care in countries hosting Ukrainian refugees.
- The current economic situation with increasing inflation is making it more difficult for foster families to make ends meet and is discouraging to potential new foster families.
- Procedures and mechanisms at local and national levels in some host countries are insufficiently developed or inadequate to encourage foster care over placement of children in residential care.

Recommendations for countries hosting Ukrainian refugees

To avoid the institutionalization of unaccompanied and separation children, family-based alternative care arrangements for refugee children, specifically foster care, can be strengthened with the following recommendations:

- Align the legal requirements and provisions between Ukraine and host countries regarding placement of children in foster care or to support the continuation of foster care, facilitating and financing emergency foster care placement solutions within the local systems, and extending the opportunity for accompanying staff of children from residential care.
- Improve existing gatekeeping and family-based care placement to avoid (re)-institutionalisation and keeping residential options as last resort and temporary.
- Host countries should facilitate an analysis of the legal framework, service procedures, and referral mechanisms for the placement of refugee children in foster care to assess capabilities and gaps in the system and revise as needed.
- Identify and train foster carers to receive children in placement across each country.
- Develop a capacity building plan (particularly with *trauma informed focus*) to strengthen competences of foster carers, educators, and child protection specialists to provide appropriate support to refugee children.
- Capacity building to strengthen resilience, avoid burnout, and promote team building through formal and nonformal learning (*workshops, support group activities, summer schools, and supervisions*) should be facilitated.
- Expand, improve and align data collection and monitoring mechanisms for refugee children both nationally and between Ukraine and host countries.
- Cross-country case management procedures established to enable cooperation in each case between authorities, including on decisions relating to their care, family contact and reintegration, and services.

Resources

Alinea International, Government of Canada, Partnership for Every Child and Lumos. 2021. Reporting research findings: foster care practice and implementation in Ukraine.

A Family for Every Orphan. 2022. Obstacles and Opportunities: De-institutionalizing Orphans and Vulnerable Children in Ukraine.

Better Care Network: Addressing the Need for Foster Care in the Context of the Ukraine Crisis event. September 2022. [Recordings and presentations.](#)

Better Care Network (Ukraine Children's Care Group). 2022. [Key Considerations and Recommendations: Responding to Children's Care in the Context of the Ukraine Crisis.](#)

Eurochild, Child Circle and UNICEF. 2022. [Discussion Paper on guardianship, care arrangements and custodial responsibilities for unaccompanied and separated children fleeing Ukraine and arriving in the European Union](#)

Eurochild and UNICEF. 2022. [How can we support children fleeing Ukraine? Mapping of Legal and Policy Frameworks in 13 Countries.](#)

UNICEF and International Social Service. 2020. Assessment of the Child Protection and Alternative Care System in Ukraine Final Report.