



# THEY CANNOT WAIT ANY LONGER

THE HISTORIC DEBT OF THE NATION OF PARAGUAY

PRESENTATION OF RESULTS:  
CROSS-GOVERNMENT REVIEW OF THE  
CHILD PROTECTION & CARE SYSTEM

*Together for the Harmony of the System,  
for the right of the child to live in a family*

Interagency Forum of Diagnosis & Dialogue—Quinta Ykua Satí, Asunción, July 2023



GOBIERNO DEL  
PARAGUAY

MINISTERIO DE  
LA NIÑEZ Y LA  
ADOLESCENCIA



CORTE  
SUPREMA  
DE JUSTICIA



A FAMILY FOR  
EVERY ORPHAN

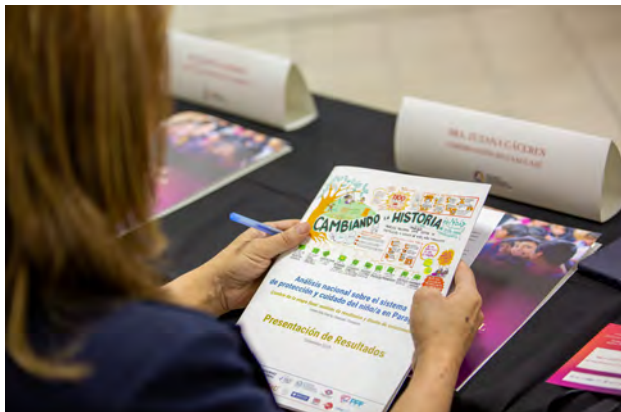


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# EXECUTIVE SUMMARY



On July 4 to 6, 2023, the **Interagency Forum of Diagnosis and Dialogue** “Together for the Harmony of the System in favor of children and adolescents” was held as an update of the Cross-government Review of the system and processes for the protection of children separated from their families or at risk of being so in Paraguay, bringing together the key actors of the system in 3 intensive word days to provide the State a roadmap with efficient and achievable solutions and improvements, which seek to optimize the protection system throughout the country in application of the law, with the CHILD as the only center.

It was developed based on the *Cross-government Review of the Child and Adolescent Protection System in Paraguay* completed at the end of 2019. The resulting transversal plan<sup>1</sup>, approved by the Supreme Court of Justice and the National Council for Children and Adolescents at the beginning of 2020, could not be implemented due to the COVID-19 health emergency declared shortly after, and its side effects. That is why, continuing the entry into force of Law No. 6486/20 “For the promotion and protection of the right of children

and adolescents to live in a family, which regulates alternative care measures and adoption”, this forum was convened in conjunction with State institutions that make up the System—the Ministry of Children and Adolescents (MINNA), the Ministry of Public Defense (MDP), the Public Ministry (MP) and the Supreme Court of Justice (CSJ), with the support of the Paraguay Protects Families movement (PPF) and other entities (AFFEO, MNP, ENFOQUE Niñez and Quinta Ykua Satí)—to work with key actors on the main issues that must be agreed upon and allow the establishment of specific actions that will achieve a more efficient and collaborative system in compliance with the law, which improves the quality of care for children and families in Paraguay, while reducing the high social and financial cost that affects the country’s development, updating the transversal plan resulting from the 2019 Cross-government Review in light of the current context and the new law in force.

**Among the main findings** was the great difference in numbers managed by the authorities in terms of the number of children in the protection system, the disparity of reporting criteria and the lack of data. Likewise, the overflow of the system with referrals and reports regarding violations of children and adolescents stood out, the continuity of the ‘national emergency’ of 900 children in alternative care already identified as alarming for the country in 2019 whose processes last on average about 4 years, added by the urgent pending cases of more than 4,000 children separated from their parents for violation of their rights under temporary custody measures, without professional support or definition of their situation. The serious lack of psychosocial teams for professional casework in the field that can resolve the definition of the case (“maintenance of the family ties” as per law) was identified as the main bottleneck to resolve the judicial processes of children separated from their families. At the same time, the biggest problem that prevents children from being protected from serious harm in their family homes, impeding the implementation of the current law on the promotion and protection of the right of children and adolescents to live in family, continues to be the shortage of foster families and qualified foster care agencies, the lack of consistent and sufficient financing to provide alternative care in



<sup>1</sup> Report available at <https://bettercarenetwork.org/spanish-section/movilizacion/C3%B3n-en-el-mundo-hispanohablante/an%C3%A1lisis-nacional-sobre-el-sistema-de-protección-C3%B3n-y-cuidado-del-ni%C3%B1o-en-paraguay-cumbre-de-la-etapa> This Cross-Government Review was led by the Ministry of Children and Adolescents and the Ministry of Public Defense, together with the Supreme Court of Justice and the Public Ministry of the Government of Paraguay, with technical aid from non-profit movement Paraguay Protects Families (PPF), and with financial and technical support from Advocates for International Development’s Rule of Law Expertise (ROLE UK) Programme and UK Aid of the UK Government together with SFAC.



general with professional teams to accompany them, the lack of application of other precautionary measures of protection to avoid parental separation of the child when possible in the event of the violation of rights, with accompaniment and supervision of the Justice Advisory Team, as well as the lack of preventive social approach of CODENI and accessible social programs throughout the country.

Through the problem analysis, the following **12 root problems were identified**: 1) lack of political priority of the national system and institutions in the area of children and adolescents, and their investment, with full understanding of their importance and the magnitude of the problem; 2) the lack of effective public policies of integral support to the family with social programs according to the need; 3) the system overload and under-registration of children that have suffered rights violations, who enter or should enter the protection system; 4) a fragile protection system, with fragmented services and inefficient operation of the multiplicity of stakeholders; 5) weak or absent professional social work of CODENI (local municipal office for children's rights), to coordinate the care and support of children and their families (workflow in "social case management"); 6) lack of clarity on duties of assessment and accompaniment of children under the care of their extended family or close affective circle, and professional work to define their living situation; 7) the financial responsibility of the cost to provide alternative care depends mainly on charity – it is not assumed by the Government responsible for children separated from their families by court order, according to legal standards; 8) lack of clarity and/or understanding about the roles of each, and lack of standardized training of all actors with unified criteria; 9) weak or absent psychosocial teams to carry out professional social casework in the field (family preservation or reunification) during the court process of protection, in a timely manner; 10) compliance with due process, roles and responsibilities; 11) universal data registration and access, by way of a cross-agency database with alerts for non-compliance, and a mechanism for control and monitoring of case management; 12) lack of consistent inclusion of children and adolescents in the protection process as "holders of rights".

In response to this national emergency in the current system, cross-cutting **solutions** were designed in the immediate, short, and long term, based on which an inter-agency implementation plan was developed. Of the root problems, the following immediate solutions arise in the face of the 'national emergency': 1) installation of a specialized and exclusive professional psychosocial contingency team to strengthen DICUIDA (governing body for alternative care): to resolve or define permanency of pending cases of children separated from their families by precautionary measure of protection, considered an **immediate national emergency**; 2) creation of a control and monitoring mechanism as contingency: a cross-agency team, in coordination with Justice Operators and exclusive court officials to identify, operationalize, supervise and expedite the processes of children and adolescents of 'national emergency'; 3) inter-agency cooperation to provide supports for family reunification: between MINNA and other ministries, to access information and manage support services with greater agility, for professional psychosocial casework, promoting family reunification when feasible; and 4) strengthening of the

Adoption Center so that those children legally declared eligible for adoptions will be able to have resolved permanency, with their adoptive family.

Based on the root problems, the following **short-term solutions** arise to achieve the goal of compliance with the law: 1) revision and approval of a *Procedural Guide for Child Protection Processes* aimed at the harmonious application of the legal framework to new cases; 2) training for all actors in the system on how to apply the law and principles efficiently, with the Procedural Guide as a supporting tool; 3) application of the legal framework to new cases, through a pilot in phases of escalation until reaching the national level, with provision of alternative care and professional psychosocial casework; 4) provision of psychosocial teams in all levels of the system, that are exclusive, specialized, and integrated as multi-disciplinary; 5) installation of "case labs" to improve cross-sector coordination for case management; 6) cross-referenced database to streamline case management and monitoring, central and accessible to all actors in the process ([Mitānguéra Raève](#) software); 7) National Council for Children and Adolescents, with visible priority, on behalf the Office of the Executive President and his entire cabinet; 8) activation of the National Sub-Commission for Child Protection Processes with monitoring and data: to supervise the application of the law in relation to children separated from their families or at risk of being separated; (9) CODENI strengthened by MINNA (governing body) with conditional cash transfer, training and supervision of its roles; 10) a policy for the support and protection of the family at the national, departmental and municipal levels, allocating the necessary resources, with maximum accessibility and proximity of care and support services to families; 11) Directory of services and programs for protection and social support; 12) the integration of cross-cutting planning and monitoring for children and adolescents: in partnership with the Technical Secretariat for Planning, in order to achieve greater efficiency and better use of State resources for children; 13) implementation of selfcare strategies for caregivers and professionals: to strengthen the HR of the system in its roles.

Given the emergency of the current situation and the time/resources required to seek consensus and plan more transcendental solutions to address more complex issues, the following **long-term solutions** were designed, proposing to form a permanent forum for quarterly dialogue with all actors, among others to analyze and define the follow solutions: 1) fiduciary fund with consistent resources to implement Law 6486/20: completed and implemented within 10 years, with resources for the provision of necessary

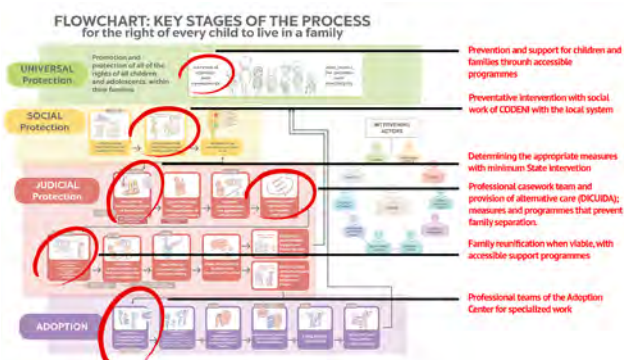


services, with its first source from the General Budget of Expenses of the Nation; 2) data base for child protection processes, central and accessible at the national level: [Mitãnguéra Raêve](#) software implemented at the national level, with interconnection with the Justice Operators with cross-control and alert mechanism for non-compliance, for all stakeholders in the process of the child; 3) strengthening the social protection system at municipal and departmental levels: improvements in cross-cutting investment, efficient and quality management, and accessibility of care and support services in health, education and social protection; 4) strengthening CODENI with optimal management in prevention and early intervention throughout the country, with clear workflow, specialized training, and sufficient availability of resources for the articulation of services and accompaniment to children and families; 5) National System of Promotion and Protection of Children's Rights with efficient institutionalism: strengthening of the management and interconnection of the system and its institutions at the country level, with a wide array of integrated care and support to children and families through programs offered by Government; 6) programs and social support projects with sustainability, stability and permanence in the different areas essential to prevent and address violations of children's rights; 7) monetary transfer to NGOs to outsource support services, alternative care provision and professional psychosocial work that the Government must guarantee, to be contemplated throughout the State with small adjustments to the General Budget of the Nation, achieving greater quality and access; 8) aging-out program for adolescents in alternative care who cannot return to their family or be adopted, in their transition to independent living, with permanent ties and community support.

To clearly define what the **target process** is, that needs to be achieved, and consequently the system structure needed to achieve it, during the forum the work of the key actors centered on exchanging views based on professional and institutional experiences, and reaching together to define the main stages of the child protection process according to law, as well as primary roles, responsibilities, and due actions, alongside a documentary review of the synthesized flowchart as a baseline.

The results thereof not only brought more inter-agency clarity of how the process should be, according to law, but also to determine then what the **main gaps** are, that must be addressed to achieve a more efficient case management in compliance with the law, comparing the target process according to law and institutional duties with the current flow of the process and the structure of the system.

**Image:** indication of main gaps identified in the process



The cross-government implementation plan, designed in the forum as a roadmap for the State—to provide an immediate response to the situation of high urgency of children and adolescents directly in care of the State, under its legal and financial responsibility—contains the following lines of action to face the goals, for the emergency and in the short and long term:

- Project 1a: Define the 900 **pending cases considered a 'national emergency'** of children in residential care and foster care, until April 2025
- Project 1b: Define the 3,000 **pending urgent cases of children in custody**, until July 2026
- Project 1c: Close pending **cases exceptionally declared in adoptability** status following the professional casework, until July 2026
- Project 2: Develop and apply **short-term** actions to new cases at the country level for a better and more agile process, with a vision of 6 to 12 months per case according to law, until mid-2026
- Project 3: Develop long-term actions for more complex, structural changes and system improvements until mid-2026

To initiate this plan, a clear mandate is first required from the Highest State Authorities, hiring a project directorate/manager for the implementation of the plan, and designating the institutional liaisons for each line of action. Regarding project 1 for the emergency, this project requires human resources, design, and monitoring, forming a complete psychosocial case management workplace that will work for 30 months, as well as empowering the administrative authorities—DICUIDA and Adoption Center—as governing bodies in which the psychosocial casework teams will be incorporated eventually. In addition, it must include training at the end of the project (transition) to ensure capacity is established that can continue the work. As for project 2 for the short-term, a special team is necessary to complete the revision of the draft Procedures Guide, and to start a first phase of the pilot in 3 departments (San Lorenzo among others), then expand in a second phase to 6 additional departments, and finally nationwide training. Finally, many changes require more time, therefore project 3 long-term measures focus on a deeper study and more extensive analysis of the root problems. This must be socialized through a permanent forum to be held quarterly, to determine more complex changes in structuring and improvements of the system, and not to lose the momentum achieved among the institutions that integrate it.

The **preliminary budget proposal** that quantifies how to solve the problems immediately and inter-institutionally, in the face of the emergency and in the short and long term, estimates a value of 2.9 million dollars in its first 3 months of implementation, and 11.4 million dollars by 2024, adding a total of 34.5 million dollars in the full period of the cross-government improvement plan anticipated until June 2026 (33 months). It contemplates the most necessary resources to implement the 3 projects part of the transversal plan in compliance with the law, in order to change not only the history of Paraguay, but that of thousands of children and adolescents who await the definition of their living situation, and of many more who suffer serious risk in their family; as well as that of future generations and the safety and well-being of families in Paraguay, to be reached by system improvements.

**They can't wait any longer.**



# INTRODUCTION

## I. Conveners and key actors summoned

### **CODENI and the National System for the Promotion and Holistic Protection of Children:**

- Elvira Santos, Director of System Development, Ministry for Children and Adolescents
- Gladys Bogado, Head of Codeni (Local Authorities for Children) Department, Ministry for Children and Adolescents
- Inés Perrota, Director of Children and Adolescents, Municipality of Asunción
- Zuzana Cáceres, Secretary of Children and Adolescents of the Departmental Government of Caaguazú
- Edson Gamarra, director de Gabinete, Director of Cabinet, Municipality of San Lorenzo

### **Ministry of Public Defense:**

- Edgar Ríos, Deputy Defender for Children and Adolescents
- Verónica Arguello, Children's Public Defender, representative of Capital
- María Luisa López, Children's Public Defender, representative of the interior of the country
- Rossana Hermosilla, Civil Public Defender for Children and Adolescent matters
- Alicia Pérez, MDP Psychosocial Team Coordinator
- Fátima Cabrera, Advisor to the General Defender

### **Judiciary:**

- María Eugenia Gimenez, Coordinator of the Office for Technical Support to Justice for Children and Adolescents (OTANA)
- Rosa Beatriz Yambay, member of OTANA, Court of Appeal for Children and Adolescents of Cordillera
- Gloria Benítez, member of OTANA, Court of Appeal for Children and Adolescents of Capital
- Pili Rodríguez, member of OTANA, Court of Children and Adolescents of Luque
- Guillermo Trovato, member of OTANA, Court Children and Adolescents of the Capital
- Alma María Segovia, director of the Forensic Technical Directorate, CSJ
- Jenny Arias, Department for Children and Adolescents, Forensic Technical Directorate.

### **Ministry for Children and Adolescents:**

- Walter Gutierrez, Deputy Minister for Planning, Projects, and Programs
- Eduardo Escobar, Deputy Minister for Child Protection
- Larissa Recalde, director of DICIUDA (Directorate for Alternative Care)
- Ernesto Benítez, director of the Adoption Center
- Liz Rojas, Coordinator of the Foster Care Department, DICIUDA
- Nadia Florentín, Coordinator of the Residential Care Department, DICIUDA
- Noelia Estigarribia, Professional Team Coordinator, Adoption Center
- Leticia Ocampos, member of the Board of Directors of Adoptions, and Director for Human Rights of the General Directorate of Legal Advisement, Ministry for Children and Adolescents.





### **Public Prosecutor's Office:**

- Monalisa Muñoz, Prosecutor for Children and Adolescents matters
- Carina Sánchez, Specialized Unit to Combat Human Trafficking

### **Legislature:**

- Diana Vargas, Advisor to the Chamber of Senators

### **National Council for Children and Adolescents:**

- Mary Izabel, representative of the director of DIRSINA, Ministry of Health and Social Welfare
- Alejandra Rodríguez, director of NGO ENFOQUE Niñez, CDIA
- Andreza Ortigoza, Director of NGO DEQUENI, Front for Children and Adolescents, National Council for Children and Adolescents.

### **National Preventive Mechanism Against Torture (MNP):**

- Magui Palau, Commissioner
- Claudia Sanabria, Commissioner

### **In Addition:**

- Support from specialists in alternative care: Alejandra Rodríguez, attorney, NGO ENFOQUE Niñez; Magui Palau psychologist, MNP
- Participation of the Transition Team of the elected Government: Florencia Taboada, representative of Dr. Lea Giménez, economist and coordinator of the transition team of the president-elect, Santiago Peña
- Moderator team (PPF): Anja Goertzen, attorney; Carlos Alderete, architect; Celeste Rodríguez, social worker; Tessa Báez, attorney
- Methodological support: Gabriela Vergara, EPLS Consultant



## II. Opening remarks by the High Authorities



**María Carolina Llanes, attorney, vice president of the Supreme Court of Justice:** “We need to recognize the progress that has been made. And it is necessary to detect problems or blockages that require specific attention. There is violence in our society, which we must recognize. We must measure the risks and threats and have clarity to draw goals and strategies.

We must then go a step further and define goals for each institution.

We build barriers that prevent us from communicating, so it is important to break down barriers and create joint paths.

We must agree on a road map, and together draw up State goals and policies, with guidelines and routes to follow, and with strategies already tested and validated.

It is imperative to jointly assume the responsibility of the STATE.

It is a great task to implement the law, but the law is not enough. Law 6486 until today has not been fully implemented, but that is not an obstacle that prevents us from doing so. One of the main causes is lack of economic resources. But there is the possibility of using existing resources, such as confiscated assets.

It is important to draw a map to coordinate. It is impossible for the Paraguayan State to cover all existing needs, that is a utopia; but it is necessary to create synergy.

Although created through the promulgation of the Children's Code of Law in 2001, it was not until 2021 that the implementation of multidisciplinary psychosocial teams, as auxiliaries of the specialized jurisdiction of children's courts, was incorporated into the judicial system. We must continue to strengthen this task and go for more. The professionals who provide assistance to the Judge are of utmost importance. The Technical Office for Support to Children and Adolescents (OTANA for its acronym in Spanish) is working on the design of a judicial observatory, exclusively for children and adolescents. With statistics, it will be possible to dispel myths.

That is why it is important in this forum, to be able to talk about all these issues. From the Supreme Court of Justice, we want to strengthen the rights of children, through these gatherings. It is necessary to systematize everything we are doing. I want to conclude, wishing 3 days of success, and thank PPF.”



**Lorena Segovia, attorney, General Defender:** “As the Ministry of Public Defense, we are moved by a real interest in children and adolescents.

When I reflected on the need for this forum, I realized that it is the opportunity in which all of us, who affect the lives of children and adolescents, will be sitting together for 3 days.

I have so much confidence in each one of you, and in us, that we will be able to reach a consensus on viable solutions to the main problems that are identified, with absolute sincerity and respect towards each one, the work of each person and the work of the institutions. Nothing bad or unproductive can come out of the head and heart of each person at this table.

That is why I am immensely grateful for this gathering. We reaffirm the same commitment that we pointed out in the 2019 event, when we made public a report on children in judicial processes and publicly acknowledged that we already had deficiencies despite the law. With the entry into force of Law 6486 new challenges were revealed. Now 3 years have passed, and we realize that there are assumptions and situations that we may not have considered at the time of the law's enactment, or that require a common alignment among all institutions for solutions that truly benefit children.

That's why I feel excited and hopeful for this gathering. As long as we do not lose sight of the fact that ultimately each institution has only one goal, the happiness and well-being of every child, we will not leave the spirit of the law. I am convinced that at the closing we will have many ideas that will all be left in writing, and it will not be just a catharsis. From the problems identified, we can find consensual solutions to then be applied.”





**Teresa Martínez, attorney, Minister for Children and Adolescents:** “It definitely reminds me of a time similar to this transition of government, before we had the new law, when Paraguay Protects Families also brought a work proposal regarding the need for protection of children without parental care, and for preventing them from separating from their families. It was a very important summit too, under the proposal brought by experts from the UK on how to accelerate and streamline what we were so delayed, with children in care ‘archived’ under precautionary measures of protection of the Court. We then signed an agreement together as the Supreme Court of Justice, with the Ministry of Public Defense, the Public Ministry, and the Ministry for Children.

That was before Law No. 6486/20, and now it's with this law. This law confronts us with a change, which challenges us: every child separated from his or her family should go to family-based care and not to

residential care. At that time we went with Lorena before Supreme Court Justice Llanes, and we managed to make headway, to get professional psychosocial teams in the Courts. And progress could be achieved after 19 years.

The implementation of changes requires a lot of time for various reasons: this is due to resistance and to limitation of budgetary resources, among others. As for alternative care placements in the country, these are provided mostly by civil society. It is not that the State does not invest, but that it is insufficient.

This gathering is so welcomed by all. We are all the STATE.

Which part should we reinforce? We have been able to make the issues relating to children visible, and we need to work hard in that other line, because realities invade us. There are children with mental health problems who are placed into care where they do not belong.

It is not impossible to comply with the law, but we must identify cases where it is not possible to apply the law. There are children who will never return to their family context, as in cases of femicide. The response for each child must be separated because each child is a universe. There are many protests, but we must knock on the doors we need to knock on. I believe that, from this gathering, great things will emerge, and we must move forward faster, to run faster. There are more than 3,000 children suffering abuse each year, and many children with mental health problems. We are ALL here who should be, and we are going to draw a healthy response from this forum. We are all here, we all know each other.”

## “TOGETHER FOR THE HARMONY OF THE SYSTEM”

### III. Objective of the inter-agency forum

The objective of this forum for diagnosis and inter-agency dialogue, as an update of the 2019 Cross-government Review of the system and institutional processes for the protection of children separated from their families or at risk of being separated, is to **generate the necessary information to transversally evaluate and address the roots of the problems and make informed decisions**, bringing together the key actors of the System in order to provide the State with a roadmap with efficient and achievable solutions and improvements, which seek to optimize the protection and care system throughout the country, with the child as the only center.





Following the first Cross-government Review of the System for the Protection of Children and Adolescents in Paraguay completed at the end of 2019, and its cross-cutting plan approved by the Supreme Court of Justice and the National Council for Children and Adolescents, and continuing the entry into force of Law No. 6486/20 “On the promotion and protection of the rights of children and adolescents to live in a family, which regulates alternative care measures and adoption” at the beginning of 2020, the public institutions that make up the system, with technical aid from civil society, have developed, among others, an initial draft proposal for a Procedures Guide in Child Protection Processes, and its flowchart as a supportive tool, to be reviewed and validated as a dynamic inter-agency protocol, with clear guidelines for its practical application. Their main objective is to help all actors in the consistent implementation of the current legal framework in the social-administrative and judicial protection of children, through the unification of professional criteria and focused on the child as the only center of the process.

Despite the great barriers generated by the pandemic and its implications for the child protection system, a laborious process of consultation and review has been carried out with the different institutions that make up the system, to unify criteria in application of the law. In this process, **the key actors of the system have identified the urgent need to work together in several intensive days**, with the objectives of 1) reviewing the protection process flowchart and seeking consensus and clarity on the correct application of the law in child protection processes; and 2) define the existent problems based on updated evidence and then develop real solutions to those problems, determining the necessary investment and transversal actions that are needed to comply with the law, so that the State can improve the necessary investment and system management.

To this end, this **forum was convened in conjunction with State institutions** to work with key actors on the main issues that must be agreed upon, to allow the establishment of specific actions to achieve a more efficient and collaborative child protection system, which improves the quality of care for children and families in Paraguay while reducing the high social and financial cost that affects the country’s development, updating the results as well as the cross-cutting plan and budget designed in the 2019 cross-government review in light of the current context and the new law in force.

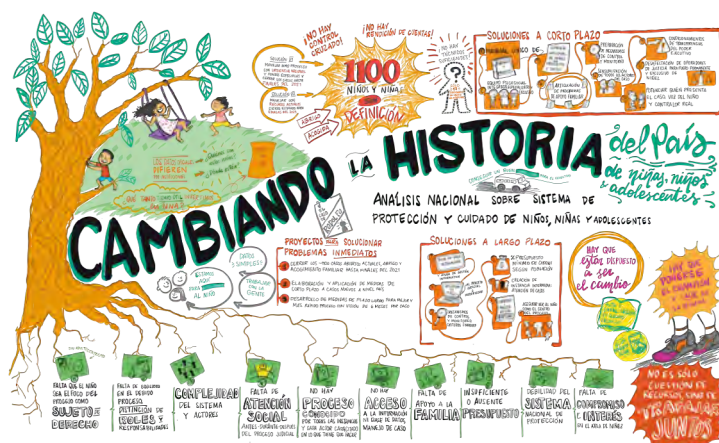
## IV. Methodological proposal of the forum

**V. Background:** the new law on the subject and the 2019 Cross Government Review as a base



At the beginning of 2020, signifying a great historic milestone for Paraguay, Law 6486/20 “On the promotion and protection of the right to live in a family, which regulates alternative care and adoption of children and adolescents” was passed, incorporating the most advanced international and national legislation in the matter for the promotion and protection of the right of children and adolescents to live in a family.

Among others, this law provides regulations and standards for alternative care for the first time in Paraguay, and establishes special procedures for protection processes, applying the principle of procedural concentration and the mandatory nature of psychosocial therapeutic efforts in all cases of children separated from their families or at risk of being so. This law addresses the following main areas: 1) family strengthening and prevention of the separation of children and adolescents from their families, mandating the development of policies to support and protect families; 2) alternative care,



regulating the national programme of provision of care, its forms of care as well as the judicial and administrative processes of its application and decision-making, the priority of foster care (where possible with extended family/kin or from the close affective environment of the child, or otherwise with accredited third-party families), and the exceptionality of residential care as a last resort; and finally 3) adoptions, regulating domestic adoptions as priority and international adoptions as the exception, emphasizing the priority of adoptions for groups of siblings, older children, with those with disability or other special health conditions.



*Summit of the Cross-Government Review of the system, in Caacupé, December 2019*

Prior to this, from August to December 2019, a *Cross Government Review of the Child Protection and Care system* was carried out for the first time in Paraguay with the main actors of the system, seeking to generate the necessary information to transversally evaluate and address the roots of the problems and make informed decisions.

Although its results report, with a designed plan and cross-cutting budget, was approved by the Supreme Court of Justice and the National Council for Children and Adolescents, it was not implemented as such due to the context of the national emergency due to the COVID-19 pandemic that affected the country days after its approval<sup>2</sup>.

The inter-agency work of the 2019 Cross-Government Review was led by the Ministry of Children and Adolescents and the Ministry of Public Defense, together with the Supreme Court of Justice and the Public Ministry of the Government of Paraguay, with technical aid from non-profit movement Paraguay Protects Families (PPF), specialists from NGO ENFOQUE Niñez, as well as international consultants, and with financial and technical support from Advocates for International Development's Rule of Law Expertise (ROLE UK) Programme and UK Aid of the UK Government together with SFAC. This national review identified and addressed the "bottlenecks" of the administrative and/or judicial process of special protection and care children who have been removed from their families or who suffer situations of high vulnerability in their family context.

It was culminated through a strategic work summit, bringing together the key actors and the high authorities of the system to present to the State the result of the cross-agency review carried out, and to provide a roadmap with efficient and achievable solutions and improvements, which seek to optimize and restructure the protection and care system throughout the country, with the child as the only center.

Among the main findings that resulted from the various methods of research and cross-checked data between the institutions and actors of the System at the national level (questionnaires, case studies, discussions and interviews, as well as the compilation of previous studies of the last 20 years), what stood out was the alarming disparity between the data obtained on the number of children in judicial protection processes, the high number of pending cases classified as a "national emergency", the very serious shortage of psychosocial human resources to resolve them, the almost zero investment/expenditure of the State to provide alternative care (depending mainly on the private sector), and the practically absent real participation of children in the process.

*Photo: Actors convened for the summit of the cross-government review of the system, in Caacupé, Paraguay December 2019*



<sup>2</sup> Plenary Decisions of the Supreme Court of Justice, Ordinary Session of February 5th of 2020; Resolution of the National Council for Children and Adolescents No. 04/20



Through problem analysis, 10 root causes of the diagnosed system's situation were identified, and based on these, as an inter-agency response to the current situation defined as a 'national emergency', cross-cutting solutions were designed for the emergency and in the short and long term, and a transversal implementation plan was developed with the following lines of action:

- **Project 1: Resolving of the current 1100 open cases, of residential and foster care, until the end of 2021.**
- **Project 2: Development and implementation of short-term measures to new cases at the country level.**
- **Project 3: Development of long-term measures for better and shorter process, with the vision of 6 months per case.**



The preliminary budget proposal that quantified how to solve the problems immediately and inter-institutionally, in the face of the emergency and in the short and long term, estimated a value of 2 million dollars in its first year of implementation as a transversal plan, contemplating the necessary resources to implement the 3 projects part of the inter-agency plan, in order to change not only the history of Paraguay, but that of thousands of children and adolescents who are waiting for a family that protects and cares for them.

Although the approved cross-cutting plan and budget could not be fully implemented due to the national emergency of COVID-19, progress could be made in several of its proposed solutions, thanks to the effort and commitment of the institutions that make up the system and their inter-agency effort.

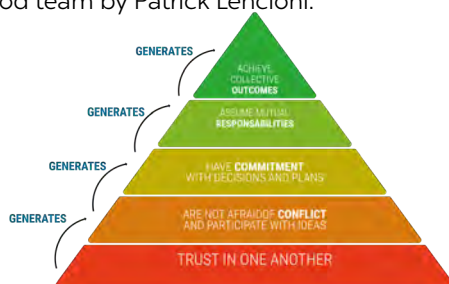
For the purposes of this forum, the 2019 cross-government review served as a basis for inter-agency diagnosis and dialogue, to update it in light of the new law, and of the progress and persistent gaps revealed in recent years.

## VI. Methods and theoretical bases of work in the forum

The following theoretical methods, applied at the strategic working summit of the 2019 cross-government review, were again explained and applied in the forum, to generate a work team necessary environment to be able to achieve the expected results and proposals:

- **Technique of 'war room' with key actors of the system:** it is about bringing together all the participants and liaisons of the different institutions for 3 intense days of work (the forum) in one place, generating the necessary simultaneous contact to diagnose the current situation together, dialogue about what the target process should be according to the law, in search of consensus thereof, and to be able to design inter-agency solutions.
- **'Timeboxing':** this is the limited time of this forum of 3 days, with the task entrusted by the high authorities at its opening ceremony to achieve a panoramic and cross-agency management of current problems with sincerity, and to agree on the obligation of the law and how to comply with it in practice. This placed pressure on the participants to focus on finding practical solutions to the problems raised, resulting from the update of the research carried out in 2019 and considering the new law enacted at the beginning of 2020, as well as the progress and challenges of the last 3 years.
- **Theory of the 5 functions of teamwork:** as the basis of any good team (in this case the actors representing the different institutions), if trust is their foundation, it allows them not to fear conflicts in discussions to find solutions that do not fall into the current institutional framework, to then be able to assume commitments with true clarity and buy-in from all, to assume mutual responsibilities on behalf of each member/institution while holding each other accountable, to finally be able to achieve positive results, which in this case are the best solutions from the perspective and interest of the children.

**Image 1.** The five functions of a good team by Patrick Lencioni.





- **'Strawman exercise' as a hypothesis-based problem-solving technique:** after presenting the updated data of the current situation as reported by the institutions, each stage of work in the forum began by proposing preliminary basic proposals to the convened participants (e.g. on day 1, root problems identified; on day 2, target process of the law; and on day 3, solutions to the root problems), in order to generate discussion about their assertiveness or not and provoke the generation of new and better proposals, to then complement and adapt these to the identified needs of the system in Paraguay.

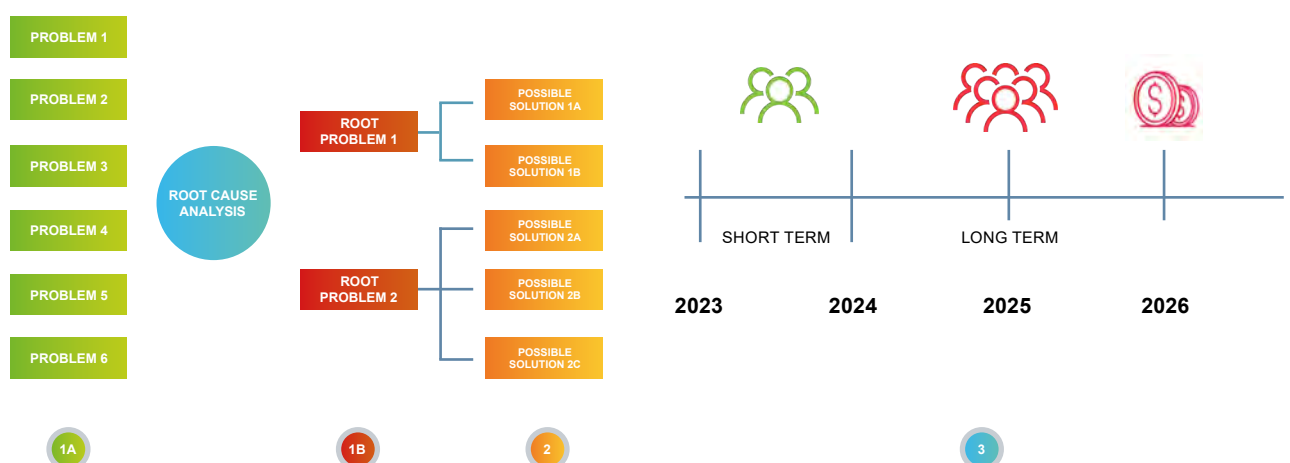
- **'Use cases' as specific representative cases for workflow mapping:** in preparation for the forum, to determine main problems in the practical application of the legal framework of the protection system, current processes were studied based on specific cases of protection of children and adolescents removed from their families by court order, that is, what their journey was throughout the process, and contrasting it to how it should have been according to law. This was to determine the current "user path", in preparation for how it could be improved by the correct application of the law. In this sense, a representative flowchart of studied cases was drawn, to identify specific situations (barriers, gaps, best practices, duplications, etc.) and to compare it with the target process as established by law.

- **Problem analysis -> root problem -> possible solutions:** the multiple identified problems were analyzed to break them down into their root problems, to then be able to elaborate solutions that effectively address the root problems: this method was used to get to the root of the system's existing problems and look for solutions and variants of solutions that are not just "Band-Aid solutions", but really focus on changing root problems.

- **Gap analysis and change management process:** the 3 days of forum were designed to conduct a 'gap analysis' of the system together with the key actors, first identifying more clearly what the current situation is, and then determining what the target process is according to the law, to then recognize how to 'close the gap' and reach the goal, generating a change management process, i.e. system improvements for the protection of children and adolescents. As result of the methods applied in the forum, which guided the dialogue of analysis and the change management process development, 12 root problems were identified regarding the universe of problems, based on which possible solutions were devised. These solutions were designed into a roadmap to achieve the target process, comprised of 3 lines of action: for emergency (contingency for pending urgent cases), short term (new cases) and long term (system efficiency and impact).

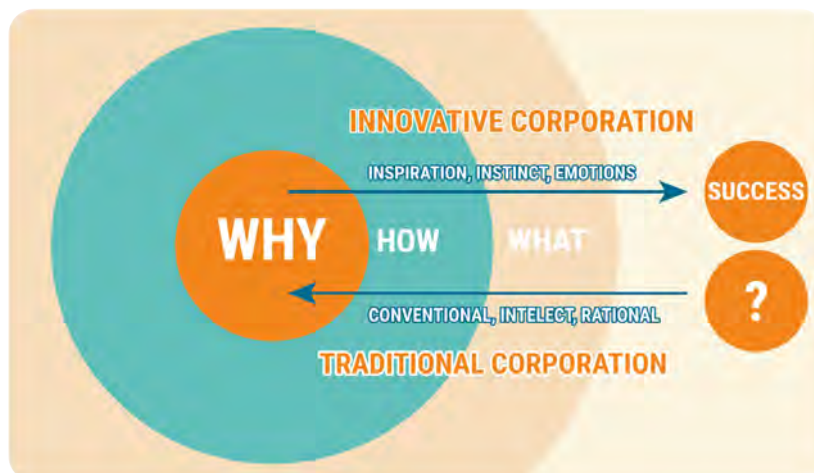


**Image 2.** Change management process.



- **“The theory of the golden circle”, the WHY of the child protection system:** in any change management process for system improvement to obtain better and greater results, we must start with the “why?” or the reason of being of the system, as well as the principles that justify it and guide the general way of thinking of those involved, to then see “how” it can be implemented (that is, processes, strategies and work approaches), to finally determine “what” should be done (services and roles of each institution of the system) to achieve tangible results. This innovative order is in reverse of how things are traditionally carried out to achieve desired results.

**Image 3.** Simon Sinek’s Golden Circle: the WHY of the child protection system



Applying this theory to the forum, it was discussed why children are at the center of the protection process, as subjects of rights, to receive a response that restitutes their rights and defines their living situation and permanency in a timely manner. Based on this, one must look how to provide the best possible solution in the shortest possible time, and then see what should be done. This is instead of starting from a purely institutional point of view of what each institution should or can do.

**Image 4.** Chair in the center of the forum, as a symbol of keeping the child as the central focus of the process



# PART 1: CURRENT SITUATION

The raw numbers were presented, that helped to have an idea of the universe of children removed from their families or at risk thereof, as reported by the institutions as comparative data, updating the cross-government review of 2019. This data was analyzed during the forum. Although not all institutions provided response to cross all statistical data, and the disparity of criteria in data registration hindered clarity in cross-analysis, the sample does provide indication as an estimated base..

**Table 1.** Main figures of the public institutions in a period of 6 months (July to December 2022) according to law 6486/20

	CODENI*	MEC*	MSPBS*	MDP*	CSJ*	MP*	MINNA*
Children entered the system (complaint or referral)	3,533	676		3,146	1,669	3,077 <sup>3</sup>	
Children for whom protection proceedings were initiated in their respective arenas (social administrative i.e., pre court, or court process)	2,568 (social) 1,034 (court)			1,528	1,669		
Children with other precautionary measures of protection within their family nucleus				555			
Requests to DICUIDA (MINNA) for availability of alternative care							111 (88 foster care. + 23 residential care <sup>4</sup> )
Total, of children entered alternative care				973			868+ <sup>5</sup>
• Foster care with extended family of the child i.e., kinship care				681			6 accredited (100 registered)
• Foster care with family of the close affective environment of the child i.e., kinship care				143			2 accredited (323 registered)
• Foster care in a non-relative family accredited by DICUIDA (MINNA)				39			9
• Residential care				110			851 <sup>6</sup>
Children entered care with relatives (with parental agreement)							444 registered <sup>7</sup>
Children entered custody with third non accredited relative							
Requests for the search & maintaining of family ties (psychosocial field work to define/resolve case)							385
Final Professional Reports for the search & maintaining of family ties							65
Child with Final Judgment (FJ) Declaration of Adoptability							97 (priority adoption)
Children with Final Judgement of adoption							23

<sup>3</sup> Estimated data from the Public Ministry for this period, as 50% of the annual institutional statistics.

<sup>4</sup> Data from DICUIDA, MINNA as received, which does not include requests made directly to Executing Units of Residential Care.

<sup>5</sup> Data from DICUIDA that reflects the number of children and adolescents who enter alternative care according to inspection (incomplete).

<sup>6</sup> Idem.

<sup>7</sup> Data from DICUIDA according to requests for custody registration received, without being provided with the distinction of whether it is with relatives or not.

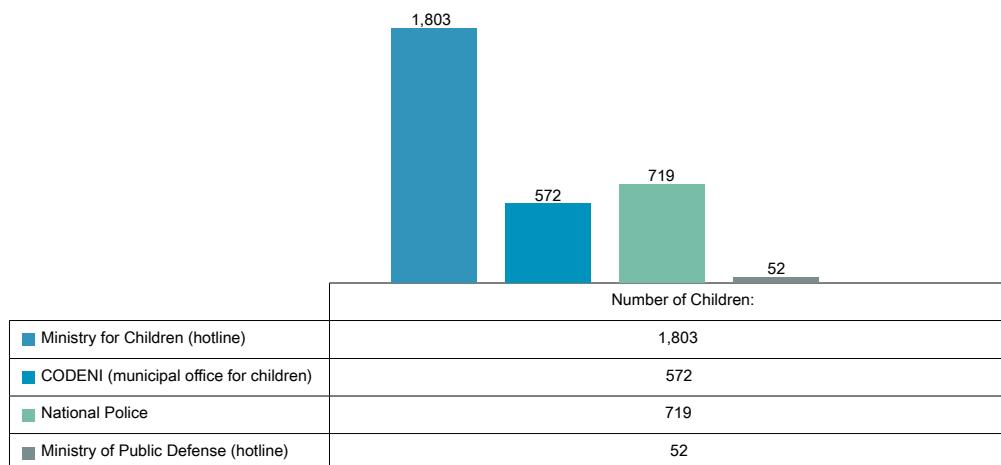


To have a basic estimate of the number of children entering or waiting for a response from the State, institutional data was compared over a period of 6 months in the data below:

**Table 2.** Gateway to the court protection system for children and adolescents in 6 months (2022) as reported by the Ministry of Public Defense (MDP)

### COMPLAINT/REFERRAL INTAKE IN PUBLIC DEFENDERS' OFFICES FOR CHILDREN AND ADOLESCENTS

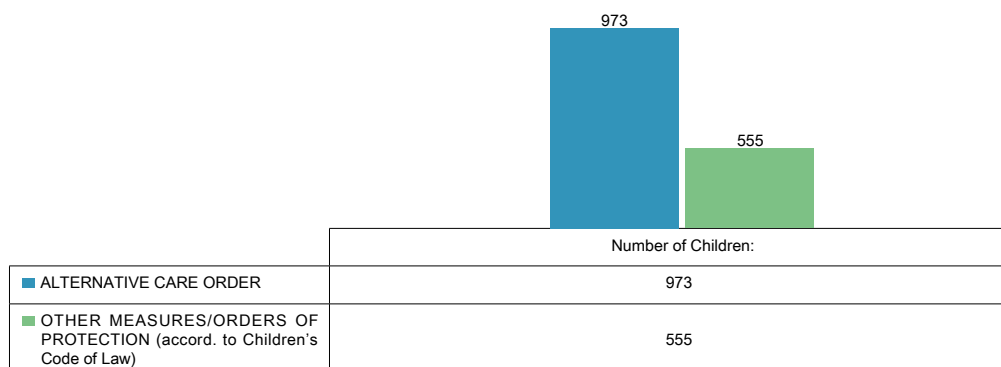
*Total of 3,146 children and adolescents*



**Table 3.** Court processes for the protection of children and adolescents initiated in 6 months (2022) according to MDP

### PRECAUTIONARY MEASURES OF PROTECTION APPLIED FOR IN THE COURT SYSTEM

*Total of 1,528 children and adolescents represented by Public Defenders*



**Table 4.** Reasons for entry to alternative care in a period of 6 months (2022) according to MDP

REASON	RESIDENTIAL	CUSTODY/FOSTER CARE
ABANDONMENT	3	19
SEXUAL ABUSE	10	72
SEXUAL EXPLOITATION	3	3
MALTREATMENT (PHYSICAL AND/OR PSYCHOLOGICAL)	17	113
OMISSIONS, WHICH PUT THE CHILD IN A STATE OF DANGER	55	329
LABOUR EXPLOITATION	1	0
OTHER (PARENTS' ADDICTION, IMPRISONMENT, CHRONIC ILLNESS OR DISABILITY)	21	327
<b>TOTAL</b>	<b>110</b>	<b>863</b>

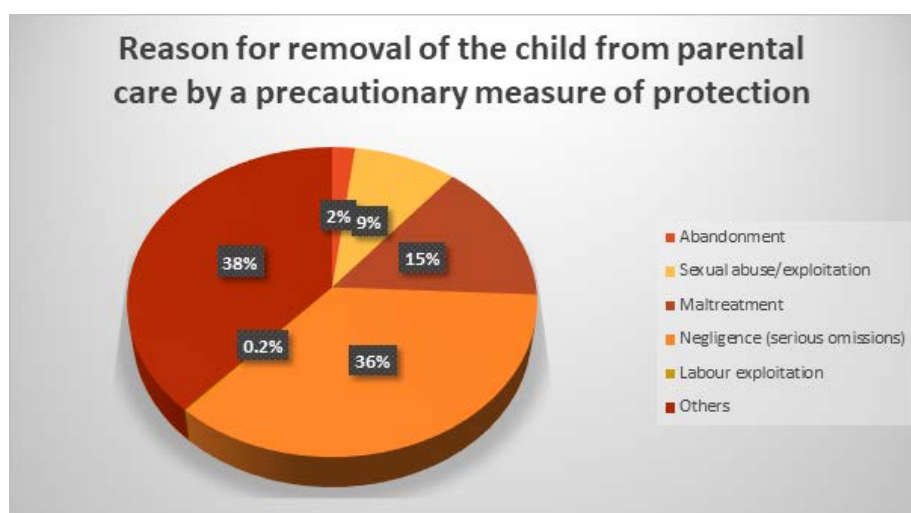
Source: Directorate of Management of the Missional Area, MDP

Regarding the current and total number of children removed from their parents, subject to a court process, who are waiting for the definition of their living situation, and the reason for entry to alternative care, the following comparative tables are presented:

**Table 5.** Total, of children today in alternative care, separated from their parents due to a complaint/referral of transgression of children's rights.

ALTERNATIVE CARE ORDER	MDP	DICUIDA (MINNA)
FOSTER CARE		
... WITH EXTENDED FAMILY	3,772	6 <sup>8</sup>
... WITH THEIR CLOSE AFFECTIVE ENVIRONMENT	- <sup>9</sup>	2
... WITH THIRD PARTY ACCREDITED FAMILIES	62	90
RESIDENTIAL CARE	708	770
EMERGENCY CARE/CUSTODY WITH THIRD PARTY NON-ACCREDITED FAMILIES	832	327
<b>TOTAL</b>	<b>4.542</b>	<b>868</b>

**Table 6.** Reason for orders to remove the child from parental care..



The reasons for removing children from their families who today await definition of their living situation (decisions on potential permanency) are very similar to the 6-month sample, as identified in this graph (**Table 6**), with the clarification that of the percentage of "others", around 75% are custody orders granted with parental agreement, without there being a complaint of transgression of children's rights.

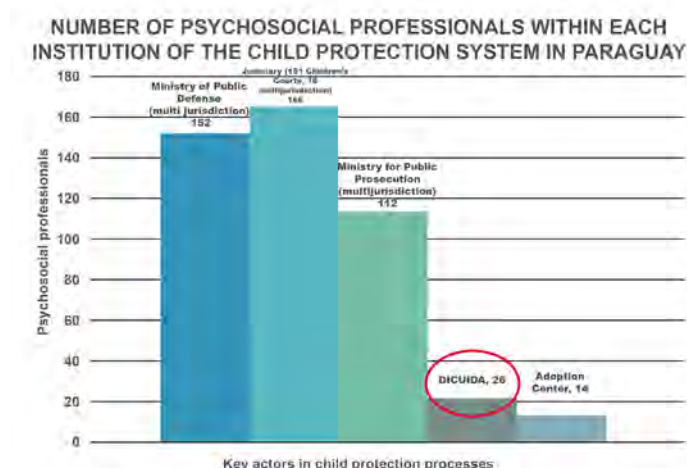
Regarding the number of psychosocial professionals that the institutions have, the following results scheme is presented.



<sup>8</sup> The disparity between these data is the difference in technical criteria of what is considered foster care with extended family i.e., kinship care, since in rare cases DICUIDA is requested by Justice Operators to assess and accredit members of the extended family within the national alternative care program. As a result, 98% of children in care do not have professional support under the alternative care program according to Law 6486/20.

<sup>9</sup> Currently it is not possible to discriminate from the institutional data of how many children are with members of their close affective environment (according to the definition of law) vs. how many are with people who technically 'strangers' to the child and not accredited or under any foster care program (outside what is established by law). This requires more thorough review.

**Table 7.** Number of professionals in psychosocial teams.



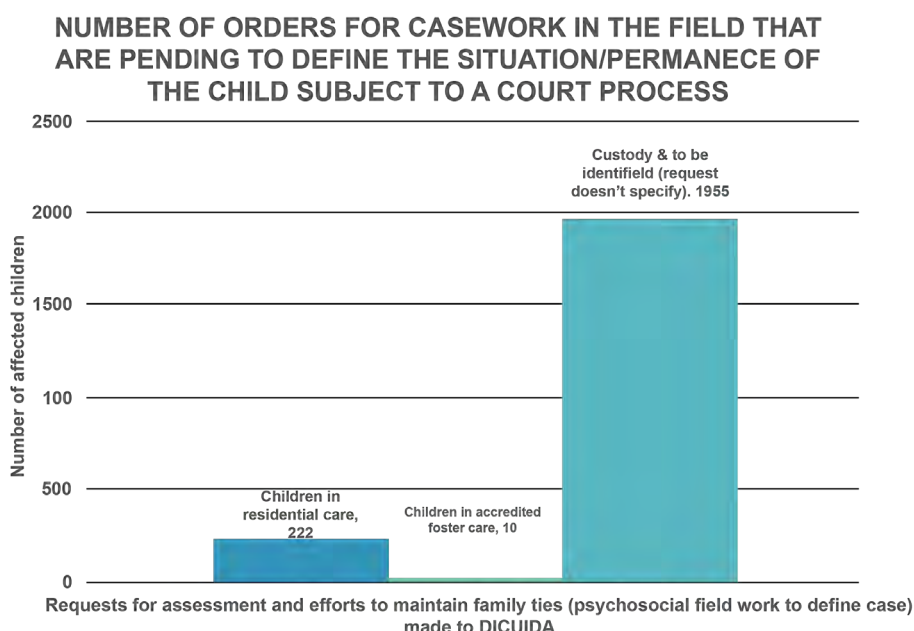
• **DICIUDA** is the administrative authority for technical work that can resolve the case of children separated from their parents by court order, among its other functions as the governing body in alternative care

• **Justice Advisory Teams of the Judiciary** were created by the Children's Code of Law in 2001 to advise the Court for Children and Adolescents in supervision and accompaniment in cases of protection measures within the nuclear family, evaluations of extended family upon request for guardianship, and additional control of the Court for children separated from their families while DICIUDA carries out the MV.

• **The Adoption Centre** is the central authority with exclusive competence for adoption.

**Observation:** As of Law 6486 in force since February 2020, the government institution that performs the psychosocial casework towards “maintenance of the family ties” (as per law) of the child separated from his family—i.e., *specialized professional work process that can define/resolve the case*—for the entire country is DICIUDA (Directorate under the Ministry for Children), and no longer the Adoption Center as it was until 2019. DICIUDA is the governing body responsible for the PONAPROE (National Policy for Special Protection for Children Separated from their Family or at Risk Thereof), as well as the Alternative Care Program and the Executing Units of Foster Care and Residential Care that integrate it, which includes the transformation of its form of care in accordance with the provisions of law. At the same time, it recruits, accredits, and accompanies foster families directly, and implements the registry of children in alternative care. **It is alarming that for all these functions, DICIUDA only has a total of 26 professionals nationwide.**

**Table 8.** Psychosocial work processes pending before DICIUDA to define children's court cases



### Average time of children in alternative care:

- 4.4 years (residential care).
- 3 years (foster care).

By way of comparison, already in 2019 the number of pending requests from the Courts to DICIUDA for psychosocial casework was alarming, as these would provide recommendations to define the living situation of children separated from their families. In addition, it was observed that in most cases of children removed from their parents, the Courts were not requesting this professional casework since it was not clearly a legal requirement in all cases. The new law (as of 2020) has established the mandatory nature of this psychosocial work in all precautionary protection measures that remove children and adolescents from their parents, assigning this crucial role to DICIUDA. However, it has not provided the necessary resources to do so: in 2019 DICIUDA (then ‘DIPROE’) had 27 professionals; today it has 26. Because of this, the increase of pending cases in 3 years has been monumental, and this data of casework requests pending before DICIUDA (2,167) is still underreported, when comparing with the total number of children in care separated from their family, which is more than 5,000 children.



Regarding the Court Advisory Team, according to data provided by the Judiciary in the light of the Children's Code, the Regulations on the Protocol of Action of the Court Advisory Team and its Roles and Procedures Manual (mandated and approved by Supreme Court Agreement Nos. 1392/22 and 1643/22), while there are currently already 151 exclusive

professionals for children and adolescents—signifying a great progress for the country—the Courts for Children and Adolescents require an interdisciplinary team composed at minimum of professionals in social work, psychology, and law. Therefore, the minimum projection required is 177 professionals for the 58 courts in the country, in addition to requiring complementary teams composed of professionals in medicine, psychopedagogy, expertise in indigenous cultures, translation / interpretation of sign language and other professions. Currently, due to the lack and absence of professionals in the courts of the interior of the country, professionals are multi-jurisdiction, that is, the same professional must perform the different advisory or support work for the courts of children and adolescents, as well as for executive criminal and juvenile justice courts.

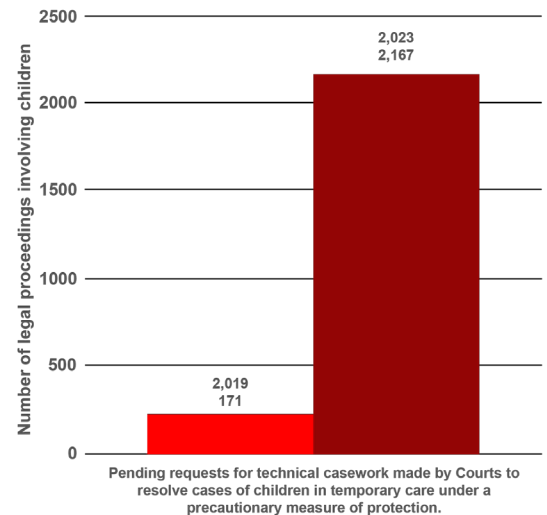
**Total professionals in DICIUDA for alternative care and psychosocial field work:**

**26 professionals**

**Total psychosocial casework pending:**

- **2.167 children (87 % of the total received)**

**Table 9. Work processes pending before DICIUDA**  
**Pending requests for professional casework to define cases of children**



**3900 children approx.  
continue without definition  
of their process**

**removed from their families by precautionary measures of protection  
(average of 4 years)**

With regard to the Adoption Center, currently it has 14 professionals and 6 support staff, with an average annual capacity of proposing adoptive parents for 50 children per year—that is one third of the current demand for court requests received, as an average of 150 children are declared eligible for adoption per year.

## VII. Current structure: HR in the child protection system, comparative

The current situation of the structure of the child protection and care system of protection is outlined through a diagram. The important question to ask is, what is its current casework capacity? What resources are currently available? Both regarding Justice Operators and psychosocial professionals, as well as protection and support services. Only the Ministry for Children provided complete data from the Executive Branch of Government. (Note: as in 2019, no response was obtained from other national government agencies on allocated government resources and services for child protection).

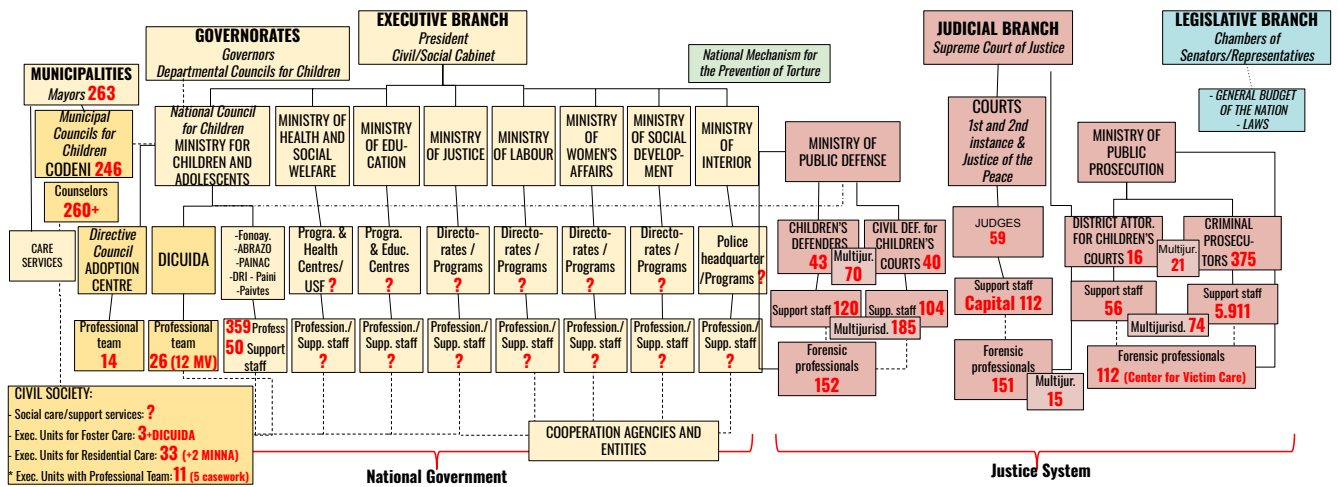
With regard to the system's current professional resources, the following is identified:

- CODENI (municipal office for children's rights): more than 260 counselors for 246 CODENI nationwide; in most CODENI there is only 1 official (and not an interdisciplinary team as established by the Children's Code of Law), without stability in their position
- Public Defense: 152 forensic professionals (multi-jurisdiction) – **57 more than in 2019.**
- Courts: 151 forensic professionals exclusive to the jurisdiction (+15 multi jurisdiction) – **for the first time since the enactment of the Children's Code (2001), these are exclusive for children.**
- DICIUDA (administrative authority for all work related to alternative care of children removed from their families, in supervision of direct care of children alongside family reunification efforts and other specialized fieldwork): 26 professionals – **1 less than in 2019, and only 12 perform the professional casework of maintaining family ties to define the case**
- Adoption Centre (central authority for adoptions): 14 professionals – **3 fewer than in 2019**

Likewise, it is observed that civil society assumes most of the financing and provision of alternative care for children removed from their families. Of the residential care entities (in total 35, 9 less than in 2019), 2 belong to the State. Only 11 Executing Units have professional teams, and only 5 collaborate with DICIUDA to carry out the professional fieldwork to define or resolve the case of the child.

**Image 5.** Current situation: structure of the system.

## VIII. Current process flow: example based on real case studies

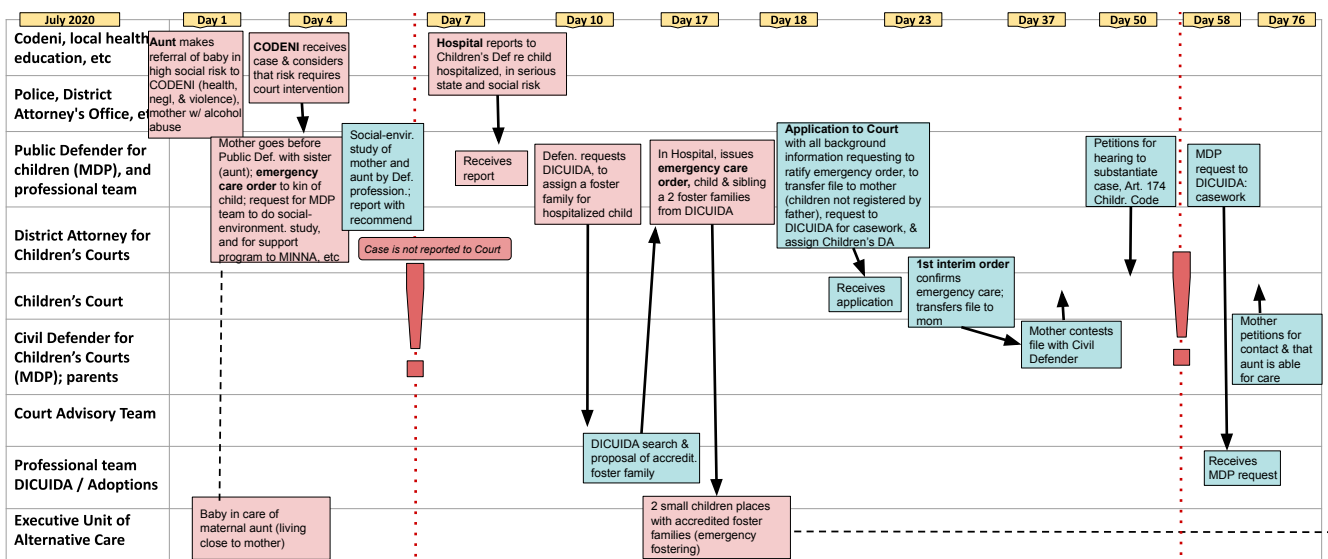


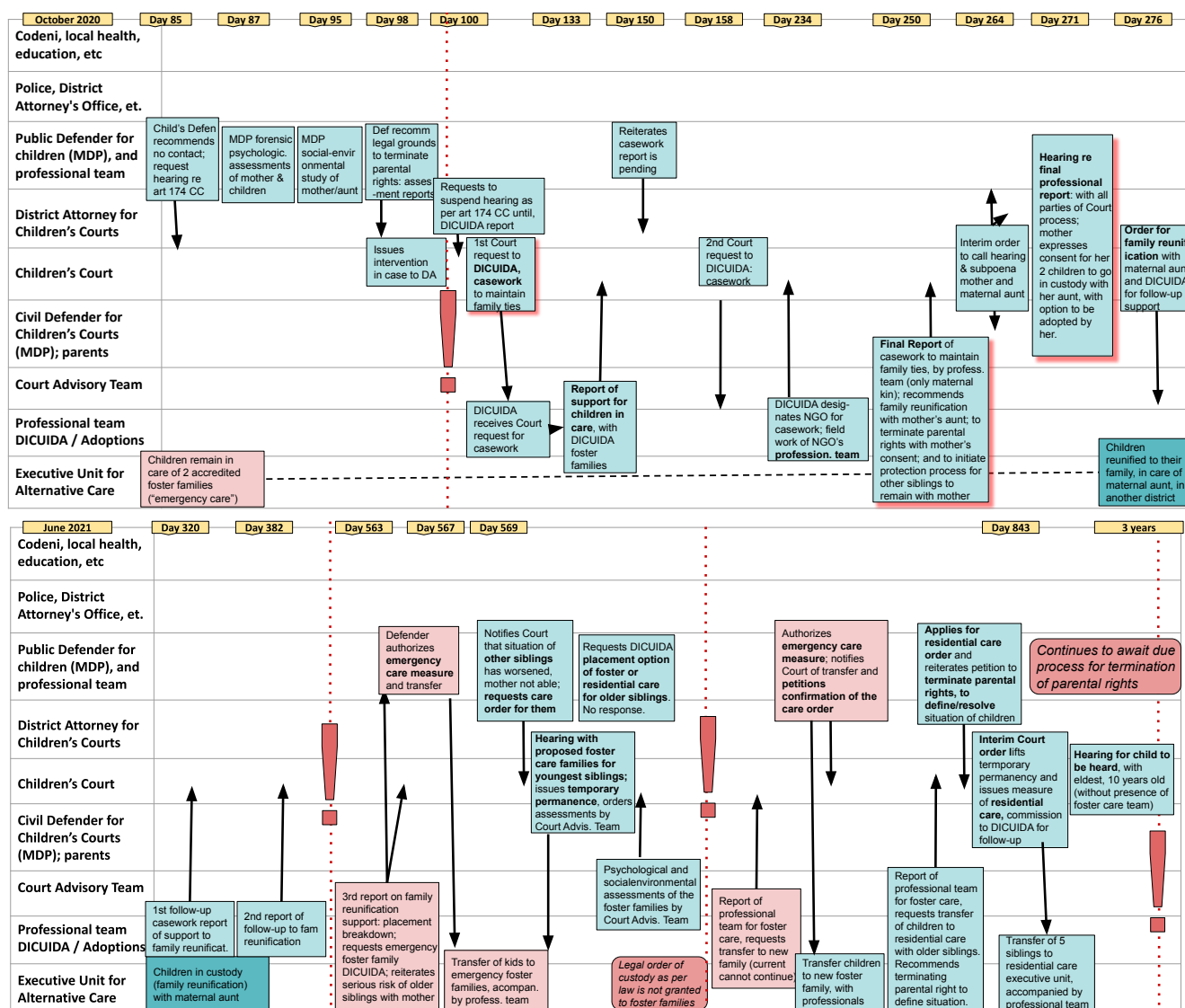
Another primary issue to highlight is what happens within the process, that is, what is the real workflow and response to the child. Case studies were the most effective methodology for studying the practical application of the law in the court process, to identify both good and bad practices as well as the barriers and bottlenecks themselves. 10 cases were requested, to carry out an exhaustive case analysis prior to the forum, based on which it was possible to identify repetitive problems and build a fictitious and representative case of the cases studied. Court files were provided from the Capital and Central as well as from the interior of the country, of protection measures within the family nucleus, foster care, residential care, and prolonged custody cases, with different complexities.

With the aim to portray a synopsis of the case workflow and the repetitive situations observed in the cases studied, a fictitious process based on real cases was exemplified through a graphic diagram visualizing the entities that intervened in the process, the urgencies, the practices according to the law, the comings and goings between the different institutions, as well as the moments of inactivity or non-compliance with the provisions of the law (see Images 6, 7 and 8).

As visualized below, this representative diagram of repeated practices in the cases studied begins with a complaint to CODENI as a gateway to the system, in relation to a child in a situation of neglect. As the case develops more complexities, what is particularly observed is the lack of early social intervention, of coordinated support services, of centralized communication, and of compliance with due process from the beginning of the process. Although protective measures (court orders) are applied, the lack of timely response caused risk to life, and many comings and goings of the child and siblings, from one care placement to another, in families that were not previously accredited, responding more to emergencies instead of having a clear work route from the beginning of the process.

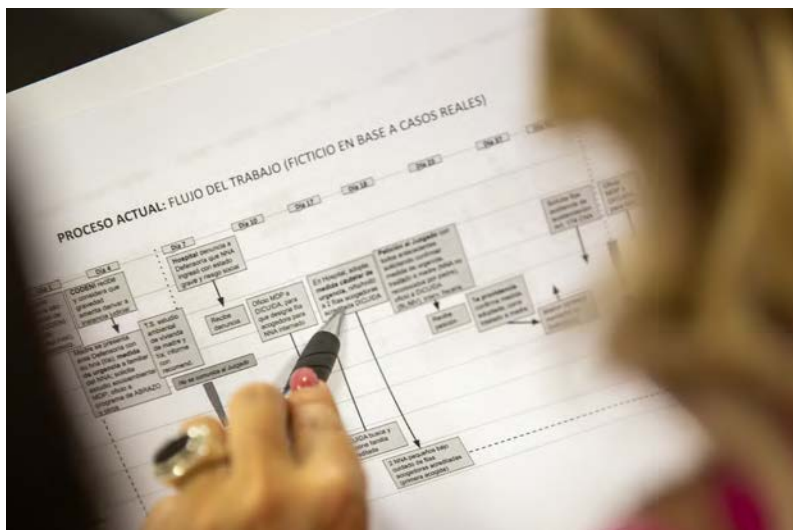
**Images 6, 7 y 8.** Representative case study





Many parties are involved, and many efforts are carried out. However, the procedural management/driving of the case is subject to the urgencies, with the case remaining in constant state of “emergency”, and not directed by the Court with a clear goal-oriented work plan, where there is clarity on the work to be carried out simultaneously until the case is resolved.

Although the professional casework is implemented to resolve the case (requested months after the start of the process, and not when granting the care order), finalizing with recommendations for family reunification and loss of parental authority, this solution becomes unsustainable as a result of not having sufficient availability of support programs for children and their families, and not resolving in a timely manner as recommended to define the judicial situation of the child for permanence. As a result, the family reunification placement breaks down and the children re-enter the system. Also, the workflow process between the administrative and judicial instances is not very agile and excessively drawn out, with weak inter-agency coordination and follow-up between these entities; as a result, the case lags on without any clear definition of the child's living situation of what was recommended, even 3 years after the professional casework was concluded.



Based on the case studies, the following findings are highlighted:

- Lack of intervention and follow-up of CODENI with family support plans
- Options of administrative/early intervention were not exhausted at the beginning of the process
- Lack of clarity in who directs the process, what the process should be, and the roles in practice



- Lack of participation of parents in the court process, with legal representation from the beginning of the process, and difficulty in their access to justice
- No intervention was given to the Office of the District Attorney for Children's Courts (as per law)
- The Public Defender's Office did not legally represent/advise the child but rather played the role of comptroller in the process (oversight of due process with recommendations to the Court).
- Criminal proceeding does not continue its course in a case of child abuse
- Absence of substantiation hearing to initiate process as per Article 34 of Law Nr 6486/20
- Children (their opinions, wishes, etc.) are not heard, nor are they advised in their right to be heard
- Case assessment is limited to the economic condition for the removal of the child, and not the psycho-affective and social causes of the situation.
- Lack of justification or grounds for the removal of the child: the real causes are not stated
- The trial to terminate parental authority is carried out simultaneously, before a final professional casework report on efforts to maintain family ties for the child is presented
- Absence of previously accredited foster families; institutionalization (residential care) as a first option of alternative care
- Lack of a contact plan with the child's family when removing the child from his or her home, without there being any reason to avoid contact
- The assigned professional casework team has no access to the court file
- Long, unagile procedure between DICA and the Court
- Failure to comply with deadlines established by law, caused by late delivery of Court requests and professional reports
- Many changes of foster families, i.e., children must be moved from one placement to another
- Psychosocial assessment of the biological mother is not addressed
- Lack of work with biological father and extended paternal family within the casework assessments
- Absence of recommendations from the final professional report on casework
- Lack of adequate programs and services to help families overcome the causes of parental separation and prevent the removal of children from their homes
- Lack of follow-up of the case by the assigned professional team under DICA, and judicial delay, causing the child to generate significant ties with their foster parents while waiting
- To initiate loss of parental authority, no causes are indicated according to the Children's Code
- Delay in granting the order of temporary custody for alternative care orders, leaving the child without any legal protection figure
- Failure to comply with the deadline for rendering final judgment in the case

## IX. Technical analysis: differentiation of types of foster care, and professional professional casework



In light of the institutional data compiled and the lack of unified criteria, the following technical analysis was provided by a specialist in foster care with experience developed since its establishment in Paraguay:

*"There is confusion and even distortion regarding the use of foster care. Every foster family has the legal custody or wardship of the child [in Paraguay, this legal order is called "guarda" in Spanish, i.e., safeguarding], because the family must have a court order that issues this legal right and responsibility to keep and look after a child; however, not every family with legal order of "guarda" is a foster family, if they are not part of a foster care program.*

*The law establishes that the child removed from his or her family must be placed in care, if possible, in his or her extended family, or his/her close affective environment, or otherwise in a foster family accredited by MINNA. There must be an assessment for the family to be accredited as foster carers.*

*When custody is proposed as a protection proposal within the child's family environment, without there having been any violation of rights or risk thereof, the Court may order the assessment of the proposed family through the interdisciplinary Court advisory team, in accordance with the principles of the Law 6486/20 and order the monitoring of custody, provided for in Art. 108 of the Children's Code of Law.*

*That is why professional teams, and their meticulous work, with care and close accompaniment are so important, since they must take care of both child and family. The casework of maintaining the child's family ties is their fundamental role. Foster care and residential care are temporary alternative care measures while working to maintain the family ties, with efforts towards family reunification where possible. This field work provides the possibility*



for the professional team to work with community resources to strengthen the child's family.”

As a result of these observations, debate was generated among the system actors on whether a legal differentiation of the types of care exists or not, that is, on one hand those alternative care cases initiated by a complaint of violation of children's rights, and on the other, those initiated by request with agreement of the child's parents. Although consensus was not reached in this regard, while actors agreed to continue to deepen this analysis, it brought to light the implications in practice, of this matter not being clearly defined.

## X. Stakeholder observations: problems and difficulties identified in practice

Context	Resources	Process
<ul style="list-style-type: none"> <li>Disparity of criteria and non-availability of basic data on children and process: does not allow cross-checking and systemic diagnosis</li> <li>System is overflowing and in crisis: data does not reflect the true need; it only makes a small part visible</li> <li>85% of alternative care measures are granted to unaccompanied and unaccredited families, i.e., extended family or close affective environment of the child</li> <li>Excessive duration of children remaining in alternative care has not changed with new law: this hinders the sustainability and increase of foster care</li> <li>High number of children that are still waiting, already considered a “national emergency” in 2019 (Cross-government review of system): a “new route without alleys” must be specified, pending cases must be defined/ resolved and in parallel due process must be applied to new cases (as a national project of the State)</li> </ul>	<ul style="list-style-type: none"> <li>Human resources are experiencing burnout in the entire system: generally receiving less payment/ benefits, and more demand (HR are rotated for their mental health, but their replacement is difficult)</li> <li>Work is being done in secluded blocks/islands: disconnection</li> <li>For political authorities, the workflow required by law is not clear: an interagency practice guide based on the legal framework is required.</li> <li>Poor investment in area of children across the system: this is the root cause of at least half of the problems</li> <li>The fiduciary trust fund (Law 6486) does not yet have sources of funding</li> <li>Provision of care alternative requires more Execution Units with professional teams to accompany foster families and coordinate local support, and requires subsidies for caregivers</li> <li>There is no common standardized training for all actors in the system: they are isolated in blocks, without clarity of roles/responsibilities, that is then brought down into interagency practice.</li> <li>The financing granted by the State to NGOs with Alternative Care Execution Units is not based on legal standards.</li> <li>Administrative budget bureaucracy</li> </ul>	<ul style="list-style-type: none"> <li>Different reasons for children to enter care of an extended family: it is necessary to define the type of care order and the technical work that is required, to guarantee due process in all cases</li> <li>Varying application of granting ‘measures’ or care orders, outside the options according to law: difficulty in applying procedure (prior assessment is required before granting custody)</li> <li>Difficulty finding the balance between the principle of minimal intervention in the child's family life, and the obligation of the Court to monitor safety and work comprehensively with children and their families: applying court measures of protection WITHIN the family nucleus</li> <li>Standard process does not work for indigenous peoples: it must be adjusted</li> <li>Non-judicial administrative social service is particularly weak: the workflow circuit for carrying out “social management” of cases is not clear</li> <li>CODENI – who knows local families best (or should) doesn't know what to do.</li> <li>Confusion of roles, with a barrier paradigm between social administrative and Court arenas: judicialization does not imply that we should not help and work as a system</li> <li>Lack of definition: any separation of children from their parents—is or is it not a violation of their rights?</li> </ul>



## XI. Conclusions of the system's data

- As in 2019, the most striking result with respect to the data presented is the **great difference in numbers managed by the authorities in terms of the number of children in the protection system, as well as the disparity of the reporting criteria**. This fact shows the seriousness of the situation, that even after the update of the cross-government review of the system, it is NOT possible to know the precise number of children who are in the system for a violation of their rights and in what current situation they are. In addition, **a large part of the institutions in the administrative field do not have specific data on children and adolescents in the system, or the resources they have, to assist them**. The need is for data to be accessible, with unified criteria in data collection, and to be cross-referenced by institutions. Above all, the **overflow of the system's capacity** is evident when considering the number of children and adolescents entering versus the available resources to meet legal requirements.

- The continuity of the **'national emergency', already identified as alarming for the country in 2019 stands out, where 900 children in alternative care** (residential and foster care in non-relative accredited families) remain without response or definition of their case, especially since the average separation and duration of the process is still 4 years, when this transitional process should not be more than 12 months (with exceptions in best interest of the child) since the State has removed the child from his or her family and has placed him or her in care of strangers to the child.

- Added to this urgency are the cases **pending resolution, for around 3,000 to 4,500 children waiting under transitional custody measures** (without yet having discriminated precisely how many they are, and in which family they are, that is whether it is a relative or close affective family of the child, or a non-relative third party family). From the entry into force of the new law, it is mandatory and urgent that these cases be attended and resolved, where the condition established by law for the case to be resolved, with definition of child's living situation, is the professional casework of efforts and assessments to "search and locate" and to "maintain of the family ties" for the child in care (from 45 to 235 days of casework, according to legal deadlines).

- The **main reasons for children removed from their families currently are neglect due to serious omissions (35%), physical/psychological maltreatment (15%), and sexual abuse (9%)**; In turn, in many cases the reason for removal is reported as **"other" (39%)**, which corresponds in part to records of parents' addictions, imprisonment, femicide, parents' chronic diseases or disability, living/working in the streets; meanwhile 75% of those reported as "other" are for reasons of migration, travel, employment, child raised by relatives, parental agreement, and unspecified<sup>10</sup>.

- When collecting data, **there is currently no differentiation of the reasons for requesting custody (outside of parental care)**, with distinction between cases initiated by complaint of violation of the rights of the child according to Article 5 of the Children's Code of Law, and that of cases consented by the parents of the child due to travel, education, etc. This **does not allow precision of the universe of children in alternative care that require specialized attention** (professional accompaniment under the alternative care program and therapeutic assessment work to define the living situation of the child). Moreover, it is observed that, to date, there is **still no unity of criteria among the main actors, whether a differentiation between types of care/custody exists, and what psychosocial work should be carried out**, requiring a more in-depth analysis to achieve consensus, based on the principle of minimum intervention of the State alongside its role of child protection.

- The high percentage of children and adolescents who are under **alternative care orders, without professional support** of an alternative care program in accordance with the provisions of the law, is alarming: according to data, **more than 4,500 children (98% of the total custody orders outside of parental care)** are in this situation under legal custody in favor of their extended family (84%) or another non-relative non-accredited family (26%), mostly on grounds of violation of rights and application of a precautionary measure of protection.



<sup>10</sup> According to data reported from the MDP (Technical Office of Support for Children and Adolescents and the Directorate of Management of the Missional Area). To date, MDP has the most complete and accessible record of data related to complaints received and protection processes requested.



- The main reason for the lack of available alternative care options according to the law, for children who suffer violation of rights in their family environment, continues to be the **lack of executing units for foster care, and therefore of accredited and accompanied foster families**. According to the system actors, this generates great difficulty in emergency situations where Justice Operators cannot leave the child without protection. Therefore, although they must resort to non-accredited families for the emergency, these need to be assessed and accredited as foster families “to save lives”, as long as the Court is immediately notified and the professional casework process of maintaining the child’s family ties is respected, without obstructing the process itself. To date, this **situation causes many violations of the rules for adoption (penalized by law), where it is particularly important to ensure clarity of when the pretensive foster family should be assessed, and who should assess them**, to prevent these violations, while applying what the law foresaw, which is emergency care for urgent situations, without distorting the model of foster care that requires prior assessment and accreditation under an authorized foster care program.



- It should be noted that, in repeated cases, the Courts resolve a **“provisional safeguarding” or “provisional permanence” order, to grant a placement in alternative care as a protection measure, a legal figure which does not exist in any normative body**, as the law establishes that custody (Art. 34, Children’s Code of Law) is the legal status given. This is concerning, as being outside the law, protection cannot be ensured, neither are the whereabouts of the child known, and, in many cases, this order extends over time. The reason given, for these Court decisions, is the legal requirement established in Article 35 of Law 6486/20, mandating a period of 15 days to assess applicants for custody before granting, leaving a period without having a name for legal status of the care of the child in said family, when an emergency measure was already granted at the beginning.

- The **main bottleneck to resolve Court processes of children removed from their families continues to be the lack of professional casework teams to assess and “maintain family ties”** (process of therapeutic psychosocial work that can define and resolve the case), even though the new law clearly requires it from the beginning of the alternative care order, which was not clear prior to the law. The reason for this deficiency is that the law did not provide for the increase of HR, with structure and institutional capacity of DICUIDA to conduct this this casework throughout the country.

- The lack of **professional team of the Adoption Center at the country level** for all assessment, accreditation, selection, and preparation of families applying for adoption, as well as the work with children, considering the volume of cases of children and adolescents who, after professional casework in the field, are declared in a state of adoptability, is also a substantial element.

- Regarding the **main barrier to allow the application of protection measures without removing the child from parental care, that include an casework and follow-up planning, is the lack of capacity and interdisciplinary formation of the Justice Advisory Team**, also to assess family members in case of request for custody, or as additional supervision of the Court in alternative care orders: although it was already instated as exclusive to the jurisdiction after

20 years of its creation in the Children’s Code of Law, and already has its operations manual, the **Justice Advisory Team still does not have the minimum amount of professionals per court according to law, and they are not specialized in precautionary measures of protection**; furthermore, they carry out forensic work and not with a comprehensive and systemic approach as established in their manual. At the same time, the lack of options (services, programs, etc.) for protection measures within the family nucleus, to avoid parental separation of the child, is highlighted.



- In general, the **professionals in the Court arena are not yet integrated as interdisciplinary teams adjacent to the Justice Operators, but instead operate in separate offices each in their own profession**; the

Public Defender's Offices do carry out field visits together with their professional teams. In general, the jurisdictional professional teams need to be strengthened in quantity and specialization in all areas, to respond to the different issues children face.

- At the same time, it is highlighted that the **main reason for the obstruction of the judicial system** is the lack of social programs and the absence of the early social work of CODENI, which while in theory the system's gateway, in reality it is still far from achieving this in its entirety, due to the great lack of stable and specialized human resources. Currently, there is basically just one staff per CODENI, most of whom are not specialized professionals, nor do they have income stability nor resources for mobility/fieldwork. Wherever CODENI does have a professional team, this gives a completely different dynamic to its social work. The authorities do not have the training required, to form the CODENI so it can carry out an effective social approach; a clear description of the workflow to be carried out in response to children and their families in the face of complaints is required. In addition, there is no mapping of the array of public social programs, and programs for urgent problems (e.g., mental health, addictions, etc.) do not exist. The Social Cabinet, the Ministry of Social Development and the other entities of the Executive Branch of Government are not directly involved in the systemic coordination, to give a more comprehensive view in terms of public policies, and a more integrated approach.



- The **main problems in achieving the application** of the law, with due process and swiftness in resolving the case, are as follows: 1) that the process is not initiated as established by law, with timely communication of emergency care measures, immediate participation of parents, initial hearing of substantiation of the process with all parties, and that the first Court decision issue orders for all the necessary work (attention to the child and therapeutic professional work to define his/her living situation); 2) non-compliance of deadlines established by law, due to late delivery of requests and reports; 3) lack of alternative care options and provision of this information; 4) lack of professional casework teams to do the psychosocial work of finding the best solution for the child, with priority to remain or return to their immediate or extended family if feasible and in the child's best interest; 5) the specific procedure and functions established by law are not followed; 6.) case overload of Justice Operators and psychosocial professionals in the face of the demand, and lack of resources in general.

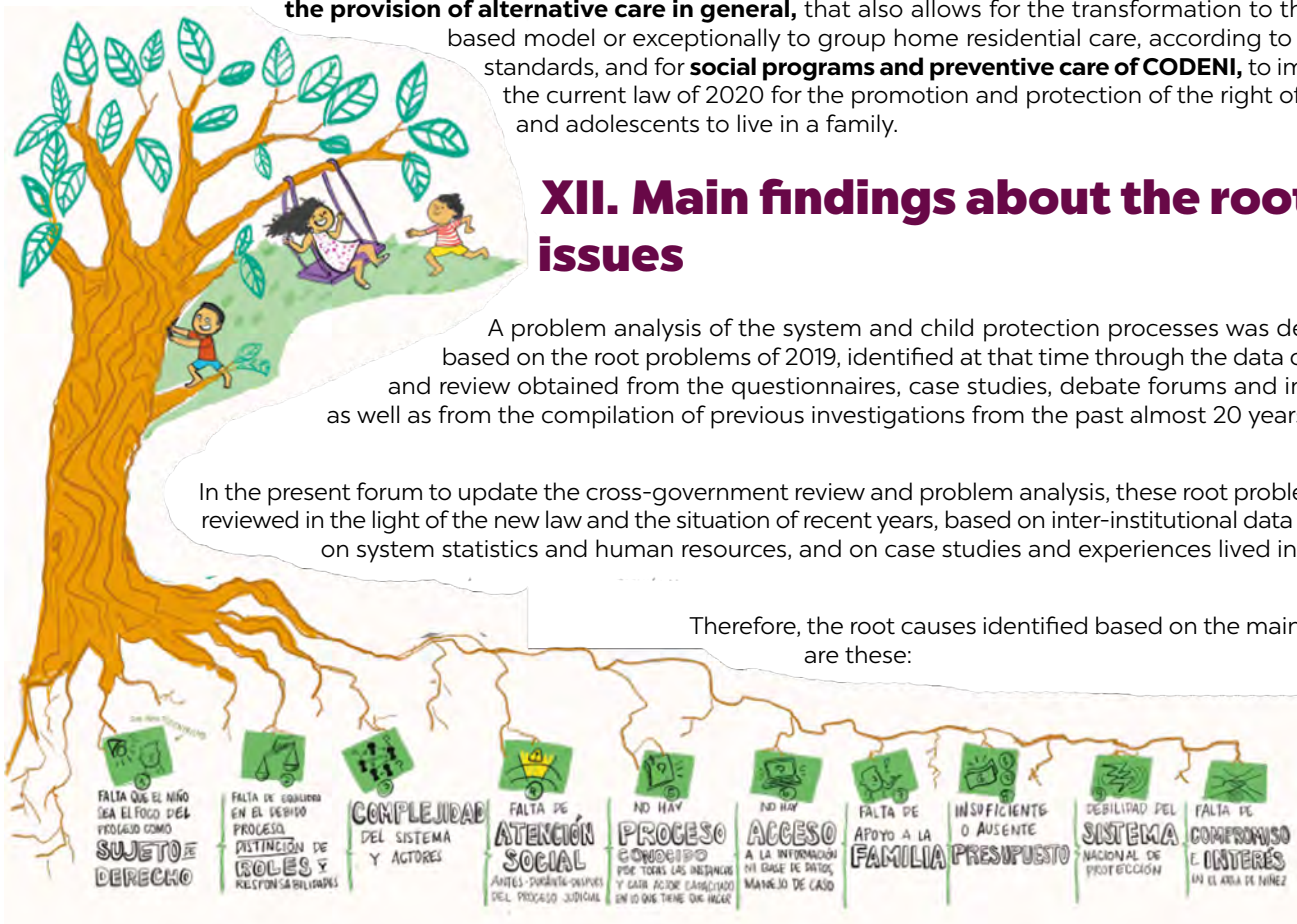
- To date, the biggest problem facing the alternative care system continues to be **the shortage of foster families and of foster care executing units (private agencies), the lack of professional teams to accompany them as well as for the casework of "maintaining the family ties" of the child, and the lack of consistent and sufficient funding for the provision of alternative care in general**, that also allows for the transformation to the family-based model or exceptionally to group home residential care, according to the legal standards, and for **social programs and preventive care of CODENI**, to implement the current law of 2020 for the promotion and protection of the right of children and adolescents to live in a family.

## XII. Main findings about the root issues

A problem analysis of the system and child protection processes was developed, based on the root problems of 2019, identified at that time through the data collection and review obtained from the questionnaires, case studies, debate forums and interviews, as well as from the compilation of previous investigations from the past almost 20 years.

In the present forum to update the cross-government review and problem analysis, these root problems were reviewed in the light of the new law and the situation of recent years, based on inter-institutional data obtained on system statistics and human resources, and on case studies and experiences lived in practice.

Therefore, the root causes identified based on the main findings are these:





**ROOT PROBLEM 1: Lack of POLITICAL PRIORITY of the national system and institutions in children and adolescents, and INVESTMENT in them, with full understanding of its importance and the magnitude of the problem**

- Insufficient or absent budget/resources/investment
- Insufficient strengthening of institutions in the thematic area of children
- Seen as additional charitable activity and not State responsibility
- Lack of recognition, interest, and commitment to the area of children and adolescents from different sectors (with important exceptions)
- The National Council for Children and Adolescents is not recognized throughout the State as the governing body in the system for children and adolescents.
- For decentralized political authorities (municipalities and governorates, etc.) the workflow that the law requires is not clear, to therefore make it a priority: they do not have guidance on CODENI's workflow, in application of the legal framework, of response to situations of violation of children that are communicated to them.



**ROOT PROBLEM 2: Lack of EFFECTIVE public policies of INTEGRAL SUPPORT to the FAMILY, in favor of children and adolescents, with accessible social programs throughout the country, according to the need**

- Persistent lack of awareness of existing family support resources: no updated local/national mapping or registration of existing support services and programs
- Lack of support services and programs throughout the country, according to the need of children who enter the system (to PREVENT them from entering, and for timely attention)
- Poverty and social risk (and their side effects) remain the predominant cause of children's removal from their families, but cannot be grounds for removal
- Prejudices that persist and affect professional work with family
- Lack of more targeted investment in social programs: for needs in mental health, among others.



**ROOT PROBLEM 3: High SYSTEM OVERLOAD and UNDERREGISTRATION of violated children who enter or should enter the protection system, due to threat or transgression of their rights.**

- High number of children who are still waiting, already identified as a "national emergency" (in the 2019 Cross-government Review, and pending work in light of the new law) is added to the increase of new situations: this requires "new route without alleys"; that a project for the State be designed to resolve/define pending cases of children in the system, applying due process to new cases in parallel
- Overwhelmed system, in crisis: data do not reflect the real need, the only make a part of it visible



**ROOT PROBLEM 4: FRAGILE protection system, with FRAGMENTED attention and INEFFICIENT operation of the multiplicity of participants, for the child as a subject of rights**

- Complexity of the system and actors, confusing for those who need to access the system
- Rotation and changes of actors and justice operators in relation to specific children
- System-wide burnout of human resources: lack of internal reorganization of roles and responsibilities (HR in area of children tend to receive less salary/benefits and more work demand; staff turnover for reasons of mental health, but their replacement is difficult)
- Working in secluded blocks/islands: disconnection
- Confusion of roles, and paradigm of barrier between the social-administrative and judicial arenas: judicialization (case entering Court system) does not imply that one should not help and work as a system
- Permanent lines of communication between institutions, to coordinate specific attention to children and families, are weak or non-existent
- There is overassessment and expertise reporting of the child and family, but the coordination and execution of support itself does not occur, that is, the application of the professional recommendations themselves
- Lack of coordination of State resources for the professional approach, in administrative social instance ("preservation of the family ties") and in judicial arena ("preservation or maintenance of the family ties") – instances that must intervene for comprehensive support plan, promotion of all children's rights
- Actors/operators are mostly law professionals, with higher rank; the role of the psychosocial professional is seen as secondary, or the quality of their work and reporting is not trusted



**ROOT PROBLEM 5: Weak or absent PROFESSIONAL SOCIALWORK APPROACH of the CODENI, to coordinate the care and support of the child and family (work circuit in the "social management of cases") before the situation is judicialized, to avoid it, or after the judicial process is resolved**

- Lack of social work from CODENI to the child and family in social authority "case management", before the situation is judicialized, to avoid it, or after the judicial process is resolved
- Lack of adequate human resources and training, responsible for case management i.e., attention and accompaniment of the child and family (in the yellow of the "windscreen")<sup>11</sup>



<sup>11</sup> "Windscreen" graph © SFAC via LEEDS SOCIAL CARE UK "Every Child Matters" to identify the levels of intervention in the child protection process referred to in the Report of the 2019 Cross-Government Review of the Child Protection and Care System



regarding levels of attention)

- There is no effective coordination of the local system, in a consistent way, managing availability and access to local services for children and families (good practices do exist)
- Need for effective protection and support measures, which actually put support into practice, and not just point out and warn parents of their parental responsibilities
- There is practically no professional team in the administrative social instance: it is not known how many professional staff are there are.
- Administrative (non-judicial) social work is particularly weak: the working circuit of “social management” of cases required by law is not clear
- CODENI, as the entity that knows local families best (or should), does not know what to do and how to do its job

**ROOT PROBLEM 6: Lack of clarity about duties of ASSESSMENT and ACCOMPANIMENT of children in care of their EXTENDED FAMILY or close affective environment, and professional work to define their living situation**

- 85% of alternative care measures are granted to families that are not currently accompanied by DICUIDA: in extended family or close affective environment, where it is not clear who should assess and accompany them, and also in parallel perform the therapeutic work of maintaining the family ties of child removed from his/her home
- There are different reasons for children to enter care of their extended family: it is necessary to define the type of measure and corresponding professional casework, to guarantee due process in all cases
- What remains to be defined, is whether the removal of children from their parents for reasons of migration or other agreements made with extended family, etc. is or not a violation of their rights
- Difficulty in finding the balance between the principle of minimum intervention in the family life of the child, and the obligation of the Court to monitor safety and work exhaustively with children and their family: in judicial measures WITHIN the family nucleus and judicial measures of foster care in extended family (i.e., kinship care)
- Dispersed application of granting ‘measures’ outside the options according to law: difficulty in applying procedure (in case of extended family, prior assessment of the Justice Advisory Team is required before granting custody)



**ROOT PROBLEM 7: Financial responsibility of the cost for the PROVISION OF ALTERNATIVE CARE depends primarily on CHARITY – not assumed by the State responsible for children separated from their families by court order, according to legal standards.**

- The State does not assume responsibility for children removed from their families by court order who are directly in care of the State, to finance all alternative care and professional work to accompany children, their caregivers and address the family situation, while the measure is in effect.
- Scarce and inconsistent investment of the State for NGOs of alternative care executing units, with criteria that is not in accordance with the current law
- The financing granted by the State to NGOs with Alternative Care Executing Units is not with DICUIDA as administrative authority, based on legal standards and monitoring thereof
- The fiduciary trust fund (Law 6486) does not yet have sources of financing
- Lack of knowledge of how much is received in actuality, and what the sources of funding for alternative care are
- Institutionalization is commonly applied as the first alternative care option, because it's the option that is available, thanks to NGOs raising their own funds to provide institutional/residential care
- Lack of foster care options, because of not having sustainable and shielded (ringfenced) investment for the permanent professional work that entails.
- Shortage of alternative care options in general.
- Many changes in placements for a child or adolescent because it is necessary to respond to emergencies without being able to undertake the necessary prior preparation.
- The provision of alternative care requires more Executing Units with professional teams to accompany foster families and coordinate local support; in addition, it requires subsidies to cover basic living costs of the child.



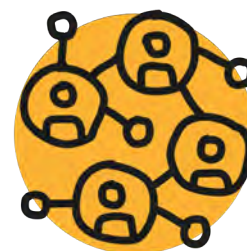
**ROOT PROBLEM 8: Lack of knowledge, of clarity, and/or contradictory interpretation of the process, and lack of common standardized training and its internalizing of all actors, on the roles and responsibilities of each one, with unified criteria**

- There is no process known by all instances, based on the harmonious application of the legal system (when to apply which law and specific procedure).
- Confusion of roles & responsibilities persists between actors (who has to do what, and that those responsibilities are assumed in practice)
- There is no standardized training process for each actor to be trained in what they must do, and what others should do.
- There is no clarity of what should be done, given the gaps in the system (example when no alternative care option according to law is available).
- There are no transversal communication mechanisms that communicate to the public of what process post-referral is, to ensure protection of human rights
- There is no common standard training, for all actors of the system: isolated each in their own block, without clarity of roles & responsibilities brought into inter-institutional practice.
- Overlap and/or gap between professional teams in the jurisdictional arena, due to difference of criteria: who must do the work in which cases.



**ROOT PROBLEM 9: Weak or absent psychosocial teams to carry out professional social casework during the judicial protection process, in a timely manner, to preserve the family ties, or to maintain them when children and adolescents have been removed from their family.**

- Lack of adequate human resources and specialized training, with clarity of who does what work in which cases, as the professional team responsible for therapeutic work during judicial processes (within the family nucleus, or when children and adolescents are removed), with a view to developing a support plan based on risk factors that caused the violation, and for follow-up.
- There is a lack of strengthening of the structure and capacity of DICA as the governing body nationwide, both in direct provision of foster care and for quality control of care and professional work assigned to accredited NGOs.
- Lack of mechanism for decentralization of professional teams, and sufficient monitoring (and quality control), to guarantee the quality and coverage of work throughout the country.
- Lack of trust and importance given to the primary role of the psychosocial casework within the judicial process, and support from all instances and justice operators, so that this task can be achieved.
- Professional casework teams do not have transportation resources, etc.: these are necessary, for a comprehensive approach in the field.



**ROOT PROBLEM 10: Lack of compliance with due process and roles and responsibilities**

- Confusion of roles & responsibilities persists between actors (who must do what, and that those responsibilities are carried out in practice)
- Not all parties are always involved from the beginning of the process, nor are they all part of the substantiation hearing that should be with all parties (legal principle of procedural concentration)
- In many cases, a hearing with all parties is not set at the beginning of the process.
- Judicial and social-administrative deadlines in the protection process are mostly not met
- Lack of clarity about who is directing the process
- Excessive duration of alternative care processes
- Duplication of work and overlap of roles
- Disconnection between criminal and child protection proceedings (resulting in revictimization, or in not allowing process to follow its course, or not communicating when a criminal offense is detected during the process, etc.)
- Lack of real and effective parental participation in the processes (usually only mother; absent father)
- Level of contact of the child with his/her family is not resolved from the beginning of the process, to maintain family ties in the child's best interests, for the duration of the process
- Practice of granting "provisional safeguarding" instead of specific orders provided for by law
- Professional teams and the Alternative Care Executing Unit do not always have access to the child's virtual Court file
- Lack of precision of the final professional casework report, including clear recommendations to define/resolve the situation
- Lack of visibility/participation of the Alternative Care Executing Units (and child's caregivers) and their opinion
- Excessive length of stay of children in alternative care has not changed with new law: this prevents the sustainability and increase of foster care
- The standard process (substantiation hearing, etc.) does not suit indigenous peoples
- Some protection processes begin with a request for loss of parental authority, alleging the legal cause, without first exhausting efforts to maintain the child's family ties as per law: due process established by law is not followed.
- Process does not move forward with the recommendation made in the final psychosocial casework report: it does not follow due process established by law, and in cases where adoption is recommended after having exhausted efforts to maintain the child's family ties, there is excessive delay of the trial for loss of parental rights.



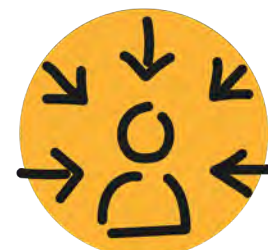
**ROOT PROBLEM 11: Lack of access to universal information with cross-database, and a mechanism for control and monitoring of case management (escalation and alerting system)**

- There is still no universal information accessible to all, nor a database shared between all actors for case management monitoring (for example: workflow software with alert mechanism if deadlines are not met; however, an initiative for children in care and adoption processes with access to electronic records i.e., the "Mitãnguéra Raêve" software is in process of being developed in some stages, and others already in implementation)
- Criteria for data collection are not unified across institutions
- Disparity of criteria and non-availability of basic data of children in the protection process: does not allow cross-control and systemic diagnosis
- It remains unclear how many children are affected (in care under precautionary protection measures) and where they are, due to the lack of cross-registration and updated data.



**ROOT PROBLEM 12: The real centrality of children and adolescents in any process of protection as a "holders of rights"**

- Children and adolescents need to be the true center of the process as "holders of rights"
- Clear mechanism so that children are heard in a child-friendly environment and without revictimization, by people trained to do so, and that their opinion is considered even when it differs from that of his or her legal representative or assigned professional casework team
- Lack of real participation, providing the child with guidance on the process, and on his or her right to be heard and implications thereof.



# PART 2: TARGET PROCESS ACCORDING TO LAW



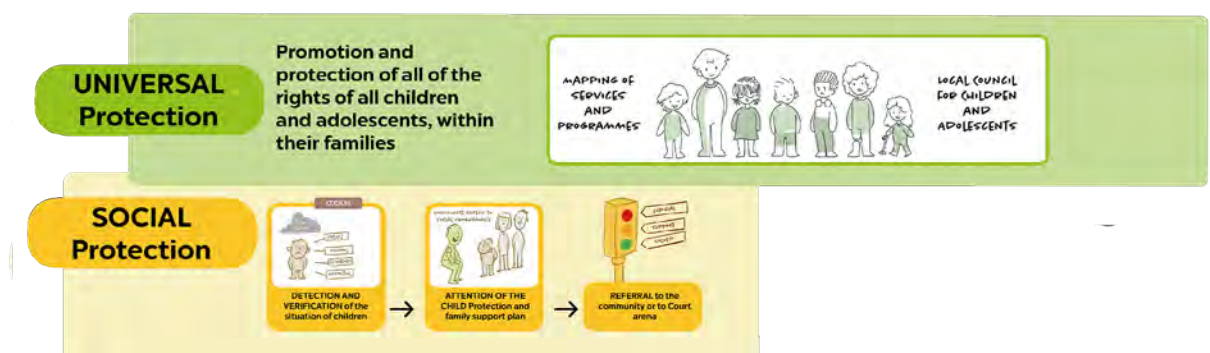
## XIII. How the process should be: description and documentary review of the flowchart

By virtue of the entry into force of Law No. 6486/20 “On the promotion and protection of the right of children and adolescents to live in a family, which regulates alternative care measures and adoption” at the beginning of 2020, the institutions that make up the system, with technical support from civil society (PPF and others) have developed, among others, an initial proposal for a *Procedures Manual in Child Protection Processes*, and its process flowchart as a complementary instrument, to be studied and validated as a dynamic inter-institutional protocol with clear guidelines for its practical application, application. It aims to help all actors in the consistent implementation of the current legal framework for the social-administrative and judicial protection of children, through the unification of professional criteria, focused on the child as the only center of the process.

Despite the great impediments generated by the pandemic and its implications for the child protection system, after the 2019 Cross-Government Review and the entry into force of the new law, a review process was carried out with the different institutions that make up the system, to unify criteria in application of the law. In this process, the key system actors have identified the urgent need to work intensively together over several days’ time, to review the flowchart and seek consensus and clarity on the correct application of the law in child protection processes, that is, the roles, responsibilities and actions that should occur in each instance or stage of the process.

For this reason, the present forum for dialogue and inter-institutional diagnosis was convened, to exchange positions and opinions based on professional and institutional experiences, and together to define what the main stages, roles, and responsibilities are, in the process, by way of a documentary review of the flowchart as a synthesized foundational process tool.

## A. Social protection process (CODENI and local system)



While it is a process of protecting children in situations of vulnerability, the protection of the State really begins from the **promotion and protection of all the rights of all children**, which is the first mission given to us by Law 6486/20. It is the basis from which each process must start, to avoid reaching the violation of children’s rights. It is important to emphasize that programs must materialize at the social level, that is, put public policies into practice. The system at the local level must be strengthened, so as not to reach that situation. Therefore, this should be included graphically in the flowchart.



Once a child has been discovered to have been violated in his or her rights, detected through a communication or complaint received by CODENI [local authority for children's rights], **this situation must first be verified (initial assessment) through a trained psychosocial team, to then coordinate the necessary actions of response to the case.** This necessarily involves social support policies and programs, and all the sectoral programs that already exist, with which the CODENI team must coordinate to ensure children and adolescents and/or their families gain access to them, and then accompany and supervise their progress until the situation that gave rise to the complaint is resolved.



When a violation of rights is detected, or when the situation cannot be resolved in a social-administrative instance, it must be **referred to the judicial instance**. When this is the case, a close communication should exist between CODENI and the Ministry of Public Defense or MDP [public attorneys to represent children in child protection processes], to refer the case to a Child's Public Defender, with all background information and facts of the situation. In the flowchart, the arrow that goes from social protection to judicial protection and vice versa is two-way, and must be clearly visible, since the Public Defender's Office could also be the instance that receives a complaint and then verifies that the child needs social-administrative and not judicial attention.



*As a documentary review: the flowchart must include terms and concepts known to the system, with the chart legend in circular format to represent the child in the center, symbolic of the general objective of any protection process.*

## B. First approach of the Public Defender's Office (as a receiver or filter of judicialization)

It is important to clarify that according to Article 5 of the Children's Code of Law, **there are several bodies that receive complaints, namely the Public Defender's Office, the Public Prosecutor's Office, the National Police or CODENI.** Therefore, it is possible that the detection of a threat or transgression of rights is communicated directly to the Public Defender's Office, which will carry out the first approach in the case to verify the situation. Complaints can be referrals from the National Police, Ministry of Health, Ministry of Education, Ministry for Children (Line 147 "Fonoayuda" or "Phone-help", and from the MDP call center, Line 133. It may be necessary to start from scratch to collect the information from the child, especially when the complaint or referral does not include sufficient specific data.



As a first approach or engagement, upon receipt of a complaint or referral, **the Public Defender intervenes together with his or her multidisciplinary team to verify the situation of the child as an initial assessment;** this team may be composed of professionals from Social Work, Psychology, Medicine, Psychiatry, as well as a driver for the agency vehicle and an assistant. The situations that are verified vary greatly from case to case. The case verification (initial assessment) can take hours, days and even weeks, upon receipt of the complaint. It is important that the Defenders are exclusive to the jurisdiction to address it with priority, in a timely manner.

The objective of the verification is to **decide if the case meets the criteria for judicialization, or if it should be referred to the social-administrative instance. In**



turn, it must determine whether it merits the application of an emergency measure. It is important to emphasize that the Office of the Public Defender is not a simple “paper-passer”, but with its verification and powers that they have been granted by law, to obtain all the information they need about the child and to be able to take action in his or her interest, it will be able to determine which instance is responsible to continue the process, that is, if the Public Defender should refer the case to the Court, or if it should return to the social protection system by way of CODENI.

If applicable, the Office Public Defender **should refer the case to the Court with an application for the appropriate precautionary measure of protection i.e., Court order, with a background report detailing the factual account of the case.**

What was particularly highlighted is the importance of requesting that the Court establish a “work route” for the case process, giving it that term, so that the Judge can direct the process with clear goals from the beginning.

At the same time, **the need to differentiate the nomenclature or naming of precautionary measures of protection** (e.g. alternative care versus other precautionary measures of protection according to the Children’s Code, and custody for reasons other than for transgression of children’s rights) is highlighted. The importance of **establishing unified criteria on what is an emergency measure** is also emphasized, as well as that of developing indicators that demonstrate that the permanence of the child in his or her family environment is unsustainable.

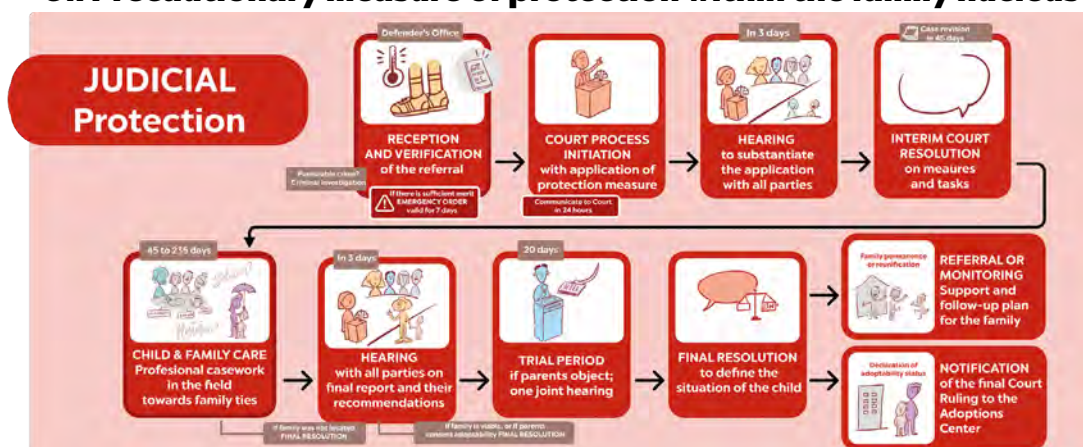
Another noteworthy point, to achieve a better definition or resolution of protection procedures, is the fact that, even though the Public Defender’s Office has been granted authority by law for the placement of a child in alternative care as an emergency measure of “first care”, valid for 7 days, **the Public Defender’s Office does not have knowledge and direct access to alternative care providers**, that is, to the Executing Units of foster care and/or residential care. They require the specialized governing body responsible for alternative care in Paraguay, to access this service and determine the most suitable placement for the child.

If an emergency measure is made, placing the child in emergency care, the Public Defender **must notify the Court for Children and Adolescents within 24 hours**, in accordance with article 32 of Act No. 6486. In this sense, the roles of a specialized judge for children’s matters are, among others, to receive all the background information of the case (that is, all the information that can be collected with the available resources). In turn, it must hear the child within 6 hours according to law – although, in practice this has proven to be materially impossible considering the roles of the Court, and that there are 55 Judges for Children and Adolescents throughout the country, with 41,000 cases per year in total.

It is emphasized that the **hearing of the child** during the protection process should be as many times as necessary, and that he or she should be heard personally by the judge and not only by Court officials, reiterating that it should never be allowed for the child to be heard in Court without the presence of the judge. Furthermore, when being heard, the child should also be accompanied by a professional in psychology. There were diverse views on how to hear the child: on the one hand, it was considered that the right of the child to be heard is also fulfilled through the submission of psychosocial reports, which reveal the opinions of the child; on the other hand, it was considered essential that the judge who arbitrates the precautionary measures is the one who hears the child directly. Throughout this process (of consideration and adopting of urgent protection measure), constant communication is required, and that all these issues must be **substantiated in the Court resolution to grant the emergency measure**, which can be a provisional order that is properly grounded.

## C. Judicial process of the precautionary measure of protection

### c1. Precautionary measure of protection within the family nucleus





The granting of precautionary measures of protection within the child's home, with his family nucleus, without removing the child, is not addressed much in the current practice of the system. In other words, this option **is currently very weakened, despite being provided for in the Children's Code of Law.** Its foundation and reason of existence is to opt for the least burdensome measure for the child, based on the principle of minimum intervention in the child's life and family.

Regarding the stages and roles of this procedure, it is emphasized that **the role of the Public Defender in initiating the procedure correctly is fundamental**, as the protector of the child, to detect what the situation of the child is and what best measure will protect his integrity without causing unnecessary harm.



There are times when it is not necessary to take the child out of the family environment. For example, in cases of domestic violence, in the first approach of the Public Defender's Office or intervention of the Public Prosecutor's Office, the tendency in practice is to remove the child from the family in application of Law 6486/20, instead of separating the aggressor according to Law 4295 on Child Maltreatment, allowing the child to remain at home with the parent who did not use violence.

Generally, from the outset, the removal of children and adolescents from their nuclear family is applied directly by virtue of Law 6486/20, which is the most burdensome measure for children, instead of considering other measures offered by the legal system. It is therefore imperative **that at the beginning of the process the Public Defender's Office considers—based on the psychosocial assessment of the situation—which measure should be applied, under which law.** For this, all Justice Operators must have their own sufficient psychosocial teams to make quality assessments, since these are the ones that provide the factual accounts of the case, which must be clear to determine what level of interference or measure (Court order) is necessary in each case.

It is considered that **in case of applying one of the other measures of the legal system (Children's Code or other laws), it is the Court Advisory Team that must carry out the work of psychosocial accompaniment to the child and his nuclear family**, while the measure lasts.

## c2. Alternative Care Protective Measure

In the event of a request and/or adopting of an emergency alternative care measure, pursuant to a complaint received pursuant to Article 5 of the Children's Code, **as a first step the Court must summon the parties to the hearing of substantiation**, according to Article 34 of Law 6486/20. All parties, including psychosocial teams, need to have **access to information**, i.e., in case of electronic file they must be linked to the file, to carry out their work.

In turn, **the child's parents must be part of it from the beginning, with their own legal representation**, which in case of not having a lawyer, the Court must designate by order the Civil Defender on duty, who is not required to apply for the 'benefit of litigating without expenses', since it is a guarantee of due process. **The importance of developing special strategies to ensure the due participation of parents of indigenous peoples**, in consideration of their culture and specific conditions, is highlighted.

The hearing with all the parties must be **conducted with the application of the principle of immediacy**, that is, that the judge must personally be present; it should not be accepted that the Court typist hold the hearing; the Office of the Prosecutor for Children and Adolescents must require this.



Then, according to Article 35 of the law, within 24 hours the **Court must issue a well-grounded decision (A.I.)** that issues whether to apply a precautionary measure of protection, which may or may not be placement of the child in alternative care. If the whereabouts of the child's family are not known, it will **order the search and location of his or her family**, and if the child has not been registered by his or her parent(s), the Court will also order the **judicial registration in the civil registry**, taking care that a double registration is not carried out. If the child is from a located family, when applying an alternative care measure the Court will directly order to carry out the **professional**





**casework to maintain family ties**, which must be immediately communicated to the DÍCUIDA [Directorate for Alternative Care, under the Ministry for Children].

Regarding whether **a differentiation of cases exists, between alternative care measures granted in response to complaints of transgression of rights, versus custody orders granted in other cases with the agreement of their parents** as the legal figure through which the Court temporarily entrusts a suitable person with the care of a child – there was no agreement between the actors of the forum, on whether or not there is such a differentiation, and therefore whether or not the casework of “maintaining family ties” is necessary in all cases, due to the fact that the child was separated from his family environment. As for the determination of the most suitable alternative care measure, consideration should be given to alternative care options, following the order of legal priority (extended family, close affective environment, non-relative third parties accredited as

foster carers, and finally residential care). When there are members of the extended family or close affective environment who could assume the transitory care of the child for the duration of the protection measure and process, the **Court must verify their aptitudes and suitability through its Court Advisory Team**.

Subsequently, the **Court Advisory Team monitors and controls the measure**, which differs from the more therapeutic work to be carried out by the **psychosocial team responsible for accompanying** the child and the family, together with the professional casework of maintaining the family ties with the nuclear and entire maternal and paternal extended family of the child. It is emphasized that it is not necessary to re-assess families that were already assessed and accredited by DÍCUIDA, since this implies duplication of work.

The **Court resolution granting the alternative care measure is modifiable**. In practice, it is necessary to specify the period within which the Court must issue a decision granting an alternative care measure, once the assessment report of the Justice Advisory Team has been received, in cases of foster care by extended family or close affective environment of the child, i.e., kinship care. According to Article 36, any alternative care measure is revisable.

*Due to the limited time of the forum to conclude this specific dialogue, the complete review of the main stages of the judicial protection process for alternative care of the child should be completed after the forum, with representatives of the institutions that make up the system, to obtain necessary elements to consider in the practical application of the law.*



## D. Adoption process (exceptional)

It was emphasized that the new law 6486/20, which revokes the adoption law of 1997, contemplates and empowers the entire system, unifying in one legal body everything related to the right of children and adolescents to live in a family. The current law emphasizes 3 main pillars, placing family strengthening as the first. The more public support policies are implemented, the less alternative care and fewer adoptions there will be, avoiding harm to children and high social and economic costs to the State. Regarding the adoption procedure, it should be noted that the new law provided for a specific period to resolve the situation of prolonged custody cases prior to the entry into force of the law, which today accounts for 80 per cent of the proceedings dealt with by the Adoption Centre.



In documentary review of the flowchart, it is observed that the adoption stage is the **last part of the process, in exceptional cases where the temporary care measure ends in a Court declaration of eligibility for adoption**; but the flowchart develops only the jurisdictional procedure in view of the specific process of the child, which is the center of the entire flowchart. **What is not perceived in the graphic flow is the very important prior administrative work of the Adoption Center**, which includes the assessment of the applicants and their accreditation, who can then be selected and presented as candidates for the adoption of children who have been declared eligible for adoption.

Initiating the adoption stage, the **Adoption Center comes into contact with the child's process as of the Final Judgment of Declaration of State of Adoptability of the child**. The Court Judgment becomes final within 3 days of its notification; it must be final and binding at the time the Court notifies the Adoption Center. It was noted that once the administrative stage of the Adoption Center has begun, the parties of the prior process, of Declaring Eligibility of Adoptions, can no longer be notified, as this must have complied with beforehand according to Articles 47 and 48 of



Law 6486/20. At the same time, it was observed that criteria should be unified regarding whether the father must be notified, in cases where the father is known but in which the Court registration of the child has been made. The **Court must send the copies of the physical file immediately or link the Adoption Center to the electronic file.**

Once the resolution has been received, the multidisciplinary team of the Adoption Center **develops the profile of the child** his or her comprehensive assessment, and interviews adults responsible for his or her care, to have an adoption feasibility report. Although there are reports of the child by the professional team responsible for alternative care, **the role and vision of the specialized team of the Adoption Center is essential to be able to select a family for**

**adoption.** The child must be known not only on paper but first hand, regarding his or her needs, conditions and opinion regarding his/her future permanent family in which he or she will be placed in adoption. Within this process, the preparation of the child for adoption is contemplated, especially in the case of older children who sometimes do not want to be adopted. For this reason, the work of the Adoption Center with the children declared in state of adoptability is essential. The focus must be on the child; therefore, process deadlines cannot be used to his or her detriment.

In turn, the department of adoption applicants reviews the files of the accredited families, selecting the most suitable profile for the child. A shortlist is prepared, and a meeting with the Adoptions multi-agency Directive Council is held in which it is decided to confirm or reject the proposed shortlist. The applicant(s) are then notified by the Adoption Center team. Once accepted, the **Adoption Center submits the application to the Court, with a plan of gradual**



**contact between the child and the candidate(s) for adoption.** One question to consider is whether the Adoption Center, as the central administrative authority, has a recursive process against resolutions of its Directive Council regarding a decision of applicants for a child. The Court of appeal for reversal is competent in these cases. As for the **competent Court to initiate the adoption trial**, as per law it is the Court that carried out the protection measure process; however, it is observed that there are situations in which it is not the best for the child.

According to the law, the **Court must issue a resolution on plan of gradual contact**; however, it is necessary to unify criteria if the Court order should be a "provisional order" or an "interlocutory order". In addition, a gap in the law is the lack of a deadline for submitting the report on gradual contact of the child with the proposed adoption candidate(s). It was observed that it was very important to **have specific deadlines**, since their lack could be in detriment to the child; when the report is not submitted in a timely manner, the process is unnecessarily prolonged, as has been seen in specific cases. At the same time, it was pointed out that the **actors responsible for controlling time limits of the Court process** are the Public Defender's Office and the Office of the Prosecutor for Children and Adolescents, in accordance with the obligation established in the Children's Code of Law to enforce procedural deadlines. In case of non-compliance with the deadlines, they must file a **complaint for delay of justice**. Therefore, it is important to file a complaint, even before the Supreme Court of Justice, to urge compliance with the deadlines.



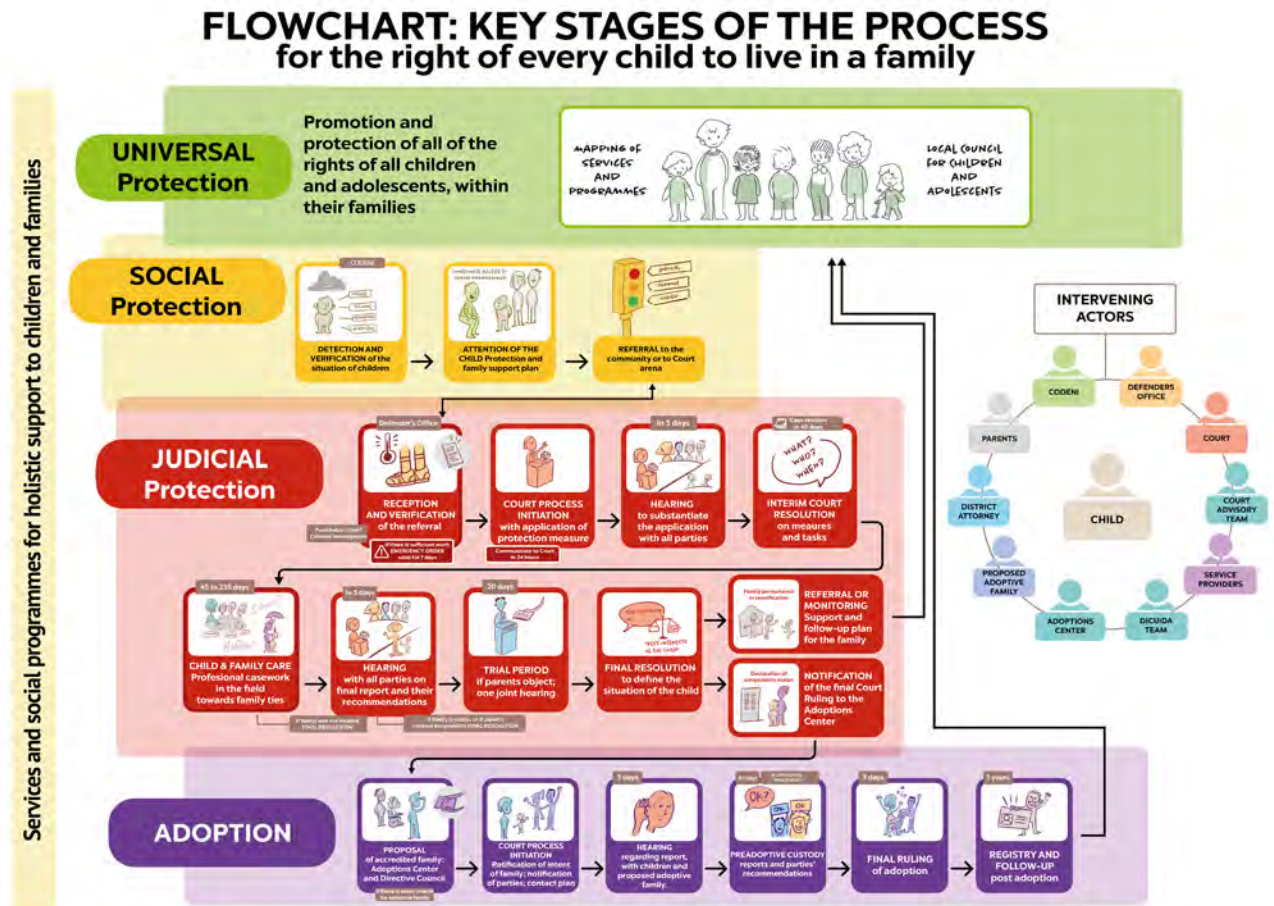
The importance of the figure of the **Directive Council of the Adoption Center** and the need for transparency in its operations were also noted, recommending the use of technology to make it transparent. In this sense, it is urgent to leave manual operations behind, and transition to the use of technology, to have order and progress in transparency, with reports that document the progress and difficulties in the matter. The Ministry for Children's new "[Mitãnguéra Raève](#)" software, which is in the process of developing pilots, including both information on children in alternative care and information on adoption applicant parents, will be an important tool for transparency.



## XIV. Target process flowchart with consensual adjustments

The following graph is the flowchart of the main stages of the protection process, as appropriate according to the case. It demonstrates the circuit of a process within the system, adjusted to deadlines and procedure of the new law.

**Image 9.** Flowchart of the process' main stages reviewed by actors of the system.





# PART 3: SOLUTIONS AND INVESTMENT TO CLOSE

## THE GAP

### XV. Important advances: solutions and cross-government project designed in 2019

In response to the identified root problems, first the short- and long-term solutions set in 2019 were reviewed, then determining what are the current solutions needed to achieve the goal, of a child protection process according to the law.



Although the cross-government plan designed in 2019 could not be fully carried out, due to the pandemic and its secondary effects and the lack of the proposed investment, the following solutions could be achieved, in part or fully:



- Inter-institutional procedures manual-*IN PROCESS*, currently under review with actors
- Specialized and exclusive psychosocial team - *PARTIAL*, since it was possible to move forward with some cases through inter-institutional collaboration and the work of *DICUIDA*; but it was not possible to assign the 37 technical teams needed to resolve the pending cases
- Empower who presents the case, who presents the voice of the child, and who is the real comptroller - *IN PROCESS*: the law itself already determines it, but in many cases it is not applied
- Integrated database and information management aid-*IN PROCESS*, software "*Mitánguera Raëve*" in development and pilot phase
- Application of ICTs to the judicial process to modernize-*IN PROCESS*, electronic file, implemented in a large part of the system
  - Unified case title/category and court

protection procedures unified as one - *ACHIEVED*, with the new law, needs better application

- Ensure to see the child as the center of the process - *IN PROCESS* with new law, improved application is required.

The others - although there were many important advances in the matter, these proposals remained pending to be carried out, within the scheme of a cross-government project with sufficient inter-institutional mandate to implement it.

## XVI. Proposal of solutions to the current situation and main problems, to achieve the target process as per law.

### A. Emergency Solutions: pending cases



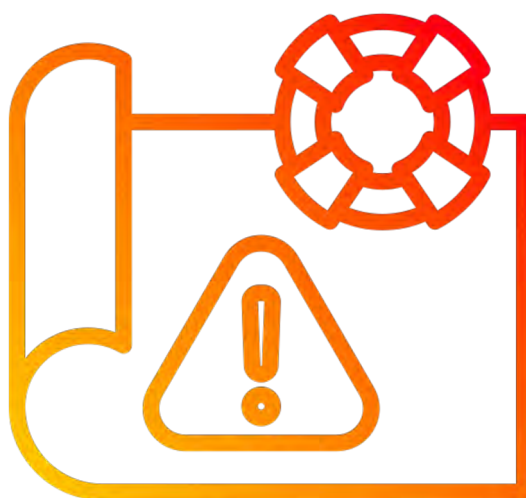
**3900 children approx.  
continue without definition  
of their process**

removed from their families by precautionary measures of protection  
(average of 4 years)

The urgent need to immediately prioritize the situation of the pending cases of 3,900 children and adolescents was agreed upon, with a contingency plan to define their living situation and seek the resolution of their cases as a cross-cutting emergency action throughout the system, and thus respond to the nation's historical debt towards these children and adolescents who are directly under the care of the State.

Therefore, the proposed solutions for the emergency are the following:

- **Specialized and exclusive psychosocial contingency team, strengthening DICUIDA (administrative authority):** to define the cases of children removed from their families by precautionary measure of protection, as an immediate emergency.
- **Control and monitoring mechanism for contingency efforts:** a cross-agency team, in coordination with Justice Operators and exclusive Court officials to identify, operationalize, supervise, and expedite the processes of children considered a 'national emergency'.
- **Inter-institutional cooperation of support for family reunification:** between Ministry for Children and other ministries, to access information and manage support services with greater agility, for professional casework promoting family reunification when feasible.
- **Strengthening the Adoption Center:** to ensure that those children declared in a state of adoptability will be able to enjoy the definition of their life situation, with their adoptive family.

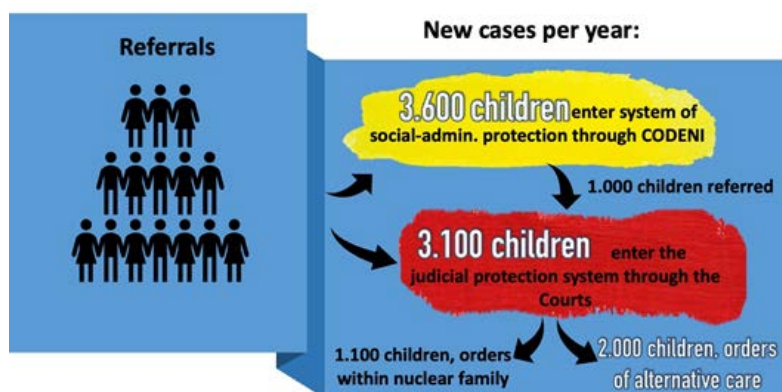


**URGENT SOLUTIONS TO RESOLVE  
THE EMERGENCY**



## B. Short-term solutions: new cases

*\*Estimate based on sample of case admissions in 6 months (July to December 2022) according to institutional data*



As a priority to promote good practices in the application of the Law, it was stressed that it is urgent to have the draft Procedures Manual for Child Protection Processes and its complementary flowcharts revised and approved, accompanied by a pilot and gradual training plan until reaching the system at the national level. This manual must be in accordance with the terms of the law, simple and common language among all system actors, unifying criteria for administrative and judicial intervention, with terminology according to current laws, especially clarifying the administrative-social approach according to the current legal framework, to prevent the transgression of children and the judicialization of cases. The “unified guidance manual of functions and procedures” was already a priority in the 2019 Cross-Government Review.

Therefore, the proposals for solutions for the short term, which must be translated into resources to make them a reality, are the following:

### SHORT-TERM SOLUTIONS TO OPTIMIZE SYSTEM AND PROCESS



- **Procedures manual for child protection processes:** revised and approved, for the harmonious application of the legal system to new cases, with clarity in the route of inter-institutional attention and the distinction of roles, implemented with gradual, staggered pilot and monitoring.
- **Training plan for all actors in the system:** clarity among all on the different stages of the process, and on how to apply the law and principles efficiently, with the Procedures Manual as a supportive tool with practical, common language.
- **Provision of alternative care services and of professional casework in the field to define cases:** to comply with the law in its application to new cases, through the pilot staggered or escalated in phases until reaching the national level.
- **Strengthening of multidisciplinary teams in all instances of the system:** exclusive and specialized, integrated with a multidisciplinary logic and not separated by profession.
- **Installment of “case laboratories” to improve case coordination:** as permanent events of learning communities or study groups between actors at the local level, to deepen knowledge and exchange experiences in the professional casework and processing.
- **Cross-database to streamline case management and monitoring:** central and accessible to all actors in the process, signaling alerts for non-compliance with deadlines and due process, culminating the “[Mitânguera Raêve](#)” software of the Ministry for Children (MINNA) with support from the Ministry of Information and Communication Technologies (MITIC).
- **National Council for Children and Adolescents with visible priority:** on behalf of the Presidency of the Executive Power and its entire cabinet, as responsible for ensuring the rights of children and adolescents and promoting their holistic development with support for their families.
- **National Sub-Commission for Child Protection Processes, monitoring with data:** to supervise the application of the law in relation to children removed from their families or at risk thereof, and to know how much is being invested transversally, in the social and judicial spheres.
- **Strengthening of CODENI through the Ministry of Children and Adolescents (governing body):** conditional monetary



transfer, with training and supervision of its legal roles, in promotion of all the rights of children and adolescents and in the social, preventive intervention to children who are at risk of violation of their rights.

- **Policy of support and protection of the family at the national, departmental, and municipal levels:** according to Law 6486/20, to develop the responsibility of the State to provide social support and protection to families, allocating the necessary resources, with maximum accessibility and proximity of care and support services to families.



- **Directory of Services and Programs of protection and social support:** connecting existing programs at the local level and identifying gaps in the public offer of support to children and families, highlighting the urgency of services for mental health and addictions, among others.
- **Centralization of cross-cutting planning and monitoring for children and adolescents:** in partnership with the Technical Secretariat for Planning, to achieve greater efficiency and better use of state resources in favor of children, in particular the system of protection and alternative care for children removed from their families or at risk thereof.
- **Implementation of selfcare strategies:** to strengthen the different actors and human resources of the system in their roles, seeking to prevent/reduce burnout considering the high overload and complexity of their work in the protection system.

## C. Long-term solutions: increased efficiency and system impact

Finally, many changes require more time; for that reason, the long-term measures focus on a deeper study of the project and more extensive analysis of the root problems. These reviews should be socialized through tri-annual dialogue events, which include two working forums with key actors and a summit of actors with maximum authorities, as well as working groups on more complex issues<sup>12</sup>, to determine these definitive solutions for the system and to review progress and work on the budget for the following operational year, as well as accessible resources (within the State budget and through sources of cooperation). It is important to create these permanent spaces with the key actors of the system so as not to lose momentum and to achieve improvements in the system together, as a State.

### Long-term solution proposals for greater efficiency and system impact:

- **Fiduciary fund with consistent resources to implement Law 6486/20:** completed and implemented within 10 years, with resources for the provision of necessary services, with its first source from the General Budget of Expenses of the Nation.
- **Process database, central and accessible at the national level:** “*Mitãnguéra Raéve*” software implemented at the national level, interconnected with Justice Operators, with cross-control and alert mechanism for non-compliance, for all instances in the child protection process.
- **Strengthening the social protection system at the municipal and departmental levels:** improvements in cross-cutting investment, efficient and quality performance, and accessibility of care and support services in health, education, and social protection.
- **CODENI with optimal performance in prevention and early intervention throughout the country:** strengthening of the CODENI with clear work routes, specialized training, and sufficient availability of resources for the coordination of services and accompaniment to children and families.
- **National system for the promotion and protection of children and adolescents with efficient institutions:**

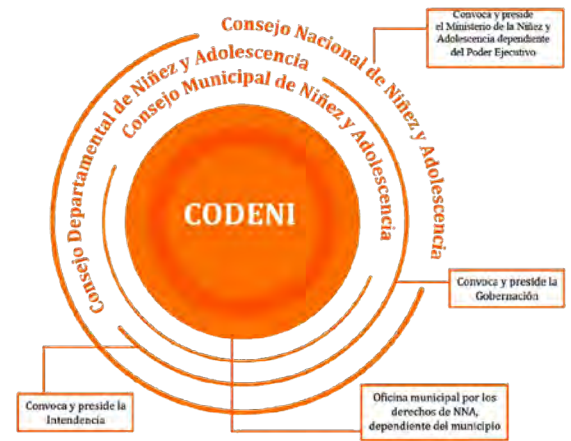
<sup>12</sup> Seek consensus regarding custody orders called “guarda” and situations that may require it; addressing indigenous children, etc.

### LONG-TERM SOLUTIONS FOR GREATER EFFICIENCY AND IMPACT



strengthening the performance and interconnection of the system at the country level, and of the institutions that comprise it, with a wide public offer of holistic care and support programs for children and families.

- **Social support programs and projects with sustainability, stability and permanence:** creation, coordination, and expansion of programs available in the different areas that are essential to prevent and address violations of children's rights (e.g. comprehensive sex education in conjunction with the families of children, according to the current regulatory framework and the principles and guarantees established in the National Constitution).
- **Transfer to NGOs for support services, alternative care and professional casework:** to outsource services that the State must guarantee, to be contemplated throughout the country with small adjustments to the General Budget of the Nation, achieving greater quality and access.
- **Care leaving program for adolescents in alternative care:** for those who cannot return to their family or be adopted, to support them in their transition to independent living, with permanent ties/relationships and community support.



Libro II  
Art. 37 Código de la Niñez y la Adolescencia

## XVII. Cross-cutting implementation plan: immediate inter-agency response

The following lines of action will be able to address emergency, short- and long-term goals:

- Project 1a: Define the **900 pending cases considered a 'national emergency'** of children in residential and foster care, until April 2025
- Project 1b: Define the **3,000 pending urgent cases of children in custody**, until July 2026
- Project 1c: Close **pending cases exceptionally declared in adoptability status** following the professional casework, until July 2026
- Project 2: Develop and apply **short-term actions to new cases** at the country level for a better and more agile process, vision of 6 to 12 months per case according to law, until mid-2026
- Project 3: Develop **long-term** actions for more complex structural changes and system improvements until mid-2026

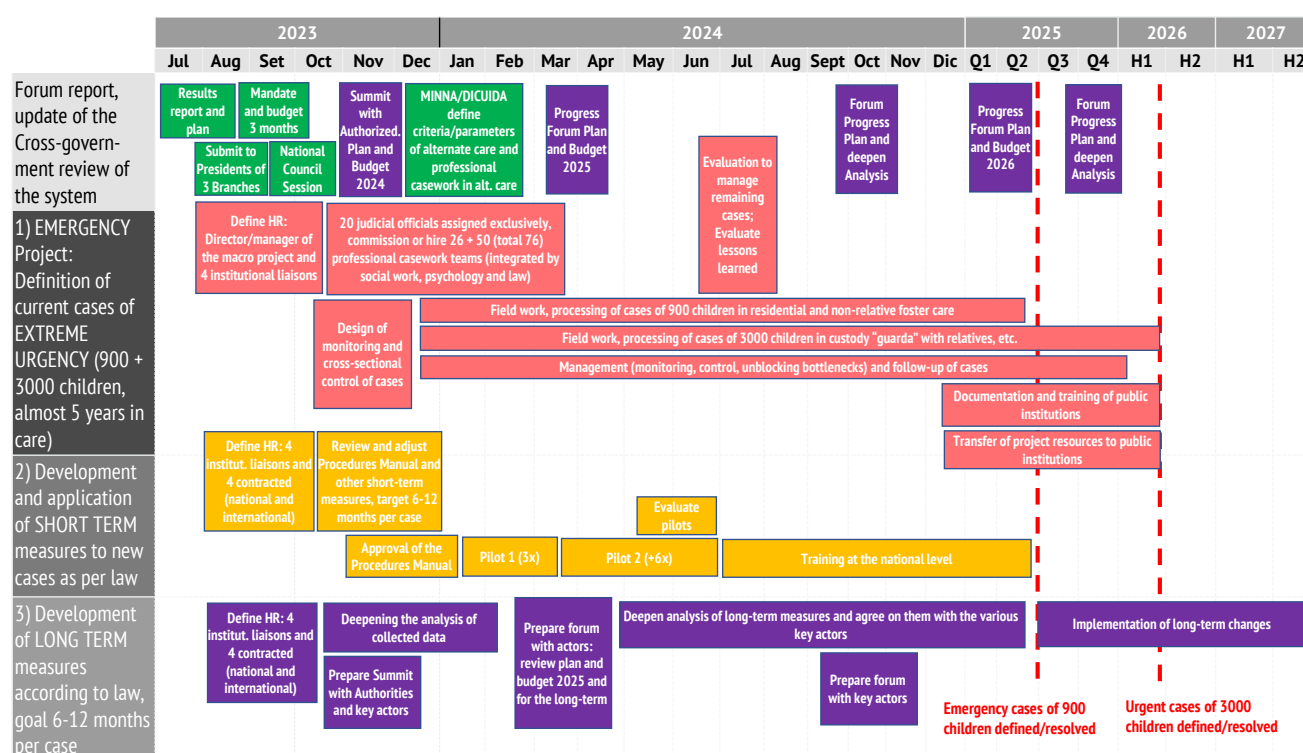
# XVIII. Management scheme: work roadmap, for the implementation and monitoring of change

It is essential to have a specialized project management of the cross-government improvement plan, with extensive experience managing projects of this magnitude to prepare, manage, control, and report the progress of the project with all public institutions, as well as the central entity and/or Maximum Authorities that give the mandate to the project.

## 1. Proposal for the management of the 3 lines of action

The implementation of the lines of action proposed as solutions in the cross-government plan is presented through a timetable (see Image 15). The transversal plan is subdivided into the 3 projects or lines of action (emergency plan, short-term plan, and long-term plan).

**Imagen 15.** Esquema de gestión de los 3 proyectos.





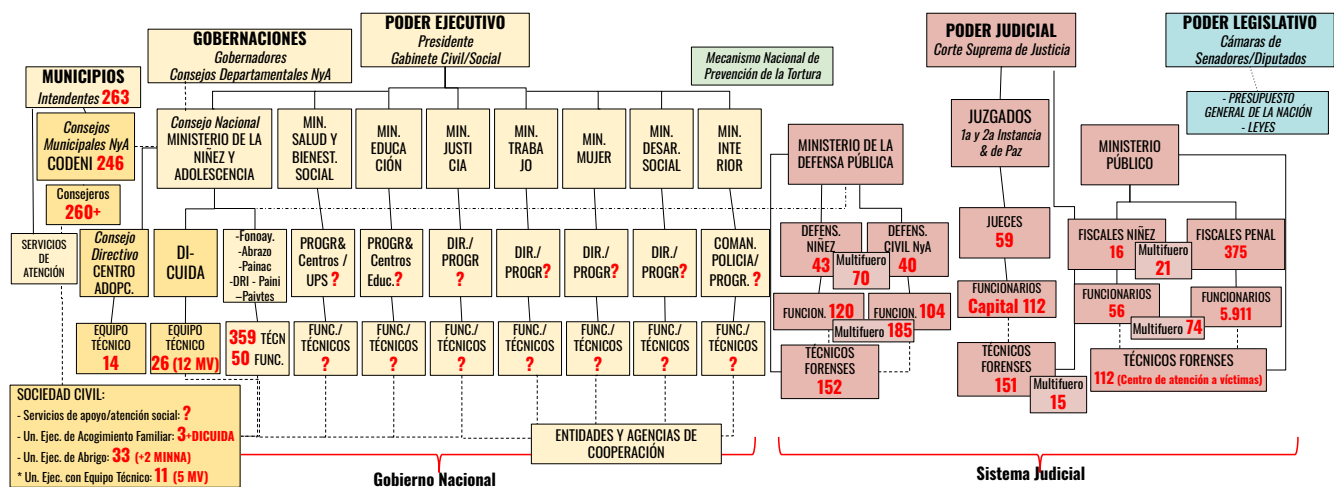
system and to review progress and work on the budget for the next operational year, in addition to installing a permanent inter-institutional dialogue working groups to analyze by thematic area in preparation for the general forums. It is important to create these permanent spaces with the key actors of the system so as not to lose momentum. It will also require the provision of alternative care and professional casework, the follow-up to family reunification or the preparation of adoption for children exceptionally declared in a state of adoptability, and the continuity of the training plan, once the pilot and initial training are completed.



## 2. Location of the cross-government project management and the contingency team

The following is a preview of where the cross-government project management could be located, with the team of institutional liaisons for inter-agency supervision. It also visualizes the location of the contingency casework team, in accordance with the current legal framework, which may be integrated by professional resources (commissioned or reassigned) of the different institutions involved in the protection and care system as indicated in the graph, along with new resources.

Image 17. Preliminary human resource placement scheme

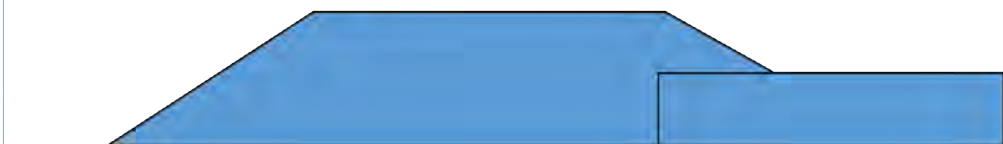


## 3. Contingency team resource management

If ringfenced resources for DICUIDA are immediately obtained, or if sufficient professional caseworker resources are reallocated from other instances, this project is to be executed directly. Otherwise, it is to be developed as a consolidated project with financing from external cooperation, for a period, so that the resources are applied to the execution of the casework.

Image 18. Management of human resources for projects.

Resources



Time

The addition of the 77 professional casework teams (reassigned or new human resources) would be done progressively until the objective of the necessary resources is reached. They would be maintained at a level, and then the use of the resources would be lowered again – but a certain level would be maintained, as the resources that are to be absorbed and integrated into DICUIDA and the Alternative Care Program after the project. To strengthen the current insufficient capacity, it is necessary to provide sufficient financial allocation in the budgets from 2025 onwards, so that these teams are incorporated permanently, at least partially and according to the needs of the institutions at that time. The rest of the central management team would be disbanded after the end of the project.

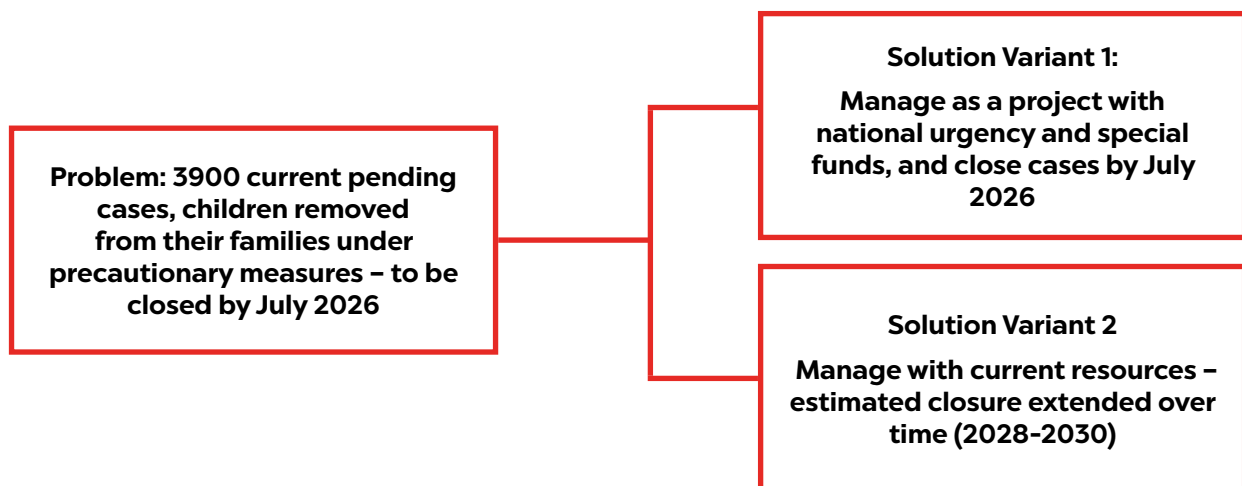
In turn, the strengthening of the current capacity of the Adoption Center (as an essential action to effectively close those cases of children that will require this exceptional measure of protection granted by law) can be achieved by this project through the hiring and supervision of the necessary HR, which will directly integrate the Adoption Center as the autonomous central authority with exclusive competence in the matter. This would be by way of cooperation as provided for in Article 69 of Law 6468/20, until the end of the project, at which time the Adoption Center must absorb the HR necessary to maintain the regular level of work.

## XIX. Variants and constraints: resources, time, scope, and quality

### 1. Possible variants for project 1 (define the 3,900 pending cases)

The two possible variants that can be addressed to resolve the emergency of the 3,900 cases of children waiting, in direct care of the State, are outlined as follows:

### 2. Limitations: the project magic triangle



It is important to consider that there are limitations that depend on each other. The basic constraints are available resources, time, scope, and quality:

In this specific case:

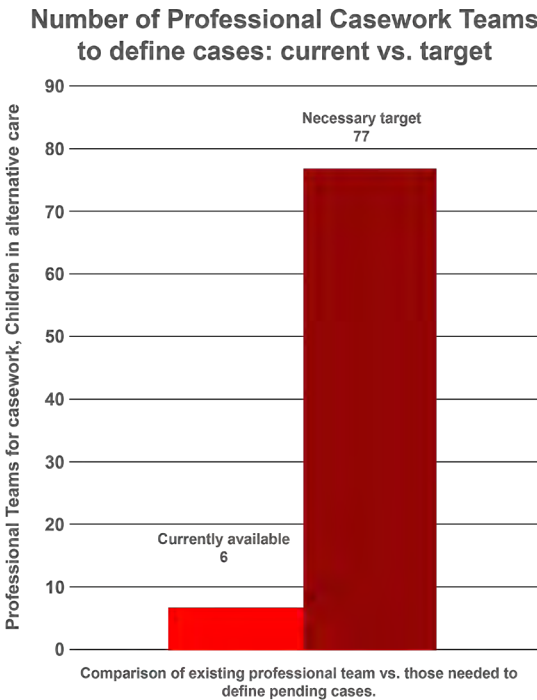
- Scope: 3,900 cases
- Quality: a worthy solution for 'archived' waiting children
- Resources: to be defined.
- Time: April 2025 (900 children), and July 2026 (3,000 children)



If it were decided to keep the time fixed (by April 2025 and July 2026) the resource would be the variant. However, if resources are kept fixed (for example, only with current resources) then the variant would be time (if it is assumed that the existing professional team can handle the 3,900 cases, which according to technical analysis this is not the case). The scope of the 3,900 should not change, since these are the most serious cases, and the minimum that according to the consensus of the summit must be solved urgently.

It was agreed that the undeniable goal is to close the 3,900 cases by July 2026. To achieve this goal, HR must be reassigned from another instance of the Government, and/or hired as new:

- **77 professional casework teams (reassigned and/or new) to do the casework in the field** under the supervision of the administrative authority (DICUIDA), composed of social work, psychology and law (experiences show that one lawyer is enough for every 3 casework teams) – that is, 180 professional human resources to form the professional contingency team, with technical coordinators to supervise the casework in the field, communication with stakeholders, coordination of solutions for the child and report presenting to the Court.
- **20-30 exclusive officials per jurisdictional institution**, approximately 1 per 3 Court/Defender of the country, to identify, coordinate with the Justice Operators, report progress to the central project management team, and expedite the cases of the 3,900 children.
- **Increase in the institutional capacity of the Adoption Center**, as it will need to have a minimum professional team to guarantee that the children declared in a state of adoptability through this contingency project (according to technical experience, 30% of children in residential/ foster care with accredited non-relative families, and 80% of children in custody) will be able to enjoy the definition of their living situation, with their adoptive families.





## XX. Preliminary budget projection: as an estimate for the target

The preliminary budget projection proposal that quantifies the minimum base of how to solve the problems immediately and inter-institutionally, in the face of the emergency and in the short and long term, is demonstrated through the following table :

**Table 2.** Preliminary projection of estimated target budget.

Measure	Project	Actors	Duration	Costs approx.
<b>Emergency (2023-2026)</b>	Define ~ 3900 pending cases of children in residential and accredited foster care (Obs. Does not include cost of alternative care)	77 casework teams 20-30 exclusive judicial officials 18 adoption teams 4 institutional liaisons 12 technical coordinators 1 project management	October 2023 - April 2025 (1st) July 2026 (1b and 1c)	2023: ~1.64 m US\$ 2024: ~6.57 m US\$ 2025: ~5.81 m US\$ 2026: ~2.53 m US\$
<b>Short Term (2023-2025)</b>	Short-term measures to new cases, according to law, 6 to 12 months per case (Procedures Manual with pilot and other listed measures)	Specialist team (6) and pilot support phases 1 & 2 and national training + alternative care and professional casework + adoption as needed (pilot) + project management	October 2023 – April 2025	2023: ~1.12 m US\$ 2024: ~4.49 m US\$ 2025: ~2.25 m US\$
<b>Long Term (2023-2026)</b>	Development of long-term measures for higher quality/ impact and efficiency, permanent forum	Specialist team (2) for forums + national training + alternative care and professional casework + adoption as needed (post pilot) + project management	October 2023 – July 2026	2023: ~0.01 m US\$ 2024: ~0.04 m US\$ 2025: ~4.92 m US\$ 2026: ~4.73 m US\$
<b>Total, for 3 projects 2023</b>				<b>~ 2.9 m US\$</b>
<b>Total, for 3 projects 2024</b>				<b>~ 11.4 m US\$</b>
<b>Total, for 3 projects 2025</b>				<b>~ 13 m US\$</b>
<b>Total, for 3 projects 2026</b>				<b>~ 7.3 m US\$</b>
<b>TOTAL, preliminary estimated costs as of July 2026 (33 months)</b>				<b>~ 34.5 m US\$</b>

### Investment per child based on evidence, with a goal of 6 to 12 months per case according to law<sup>13</sup>:

- ONLY professional casework to define cases of children: Gs. 21,300,000 (\$3,000) **per case.**
- Provision of alternative care WITH professional casework **per month:**
  - **foster care: Gs. 4,650,000 (\$645)**
  - **residential care: Gs. 8,550,000 (\$1,212)**

<sup>13</sup> According to the analysis of necessary costs, in consultation with specialists, governing bodies y providers of these services, as a task agreed upon by Actors, to have a baseline projection based on demonstrated evidence and comparing with what the law establishes as a minimum standard for children and adolescents.

## XXI. Basic cost analysis & comparative (financial and social) of the current situation vs. the system reform plan to comply with the law

Update of the comparative cost involved in a case under current conditions (average time that a process lasts at present is equal to 2019) and what would be the cost of a future case according to the target process in compliance with the law once the system reform plan has been implemented (adjusted to current dollar value and standards of the law).

- **Current situation**



4,5 year of court process / alternative care

**Per month**, per case, Gs. 1,300,000: justice system and miscellaneous assessments.



+ Alternative care: Gs. 3,160,000 (expenditure below the standard of quality by law, assumed today in part by civil society, with some unstable support from the State)

**Total: Gs. 240.840.000**

+ Attention/support to children, due to lack of response in time: **additional Gs. 240,000,000** (estimation of hospital expenses in the randomly selected case study).

### + SOCIAL COST


In addition, the following social expenditures with multiple repercussions on the Paraguayan Government and nation: re-victimization and serious moral harm, emotional harm, unemployment, does not contribute to taxes, early pregnancies, mental health, conflict with the law and recidivism, children in the system. **These have a significant financial cost for the country.**

- **Target process, according to law.**



6 - 12 MONTHS

**Per month**, Gs. 1,300,000: justice system (Operators and their staff/teams)



+ **Alternative care and professional casework to solve the case:** Gs. 5,000,000 (average, estimating 80% in extended family etc. and 20% with foster care from accredited third parties or shelter, according to current data from institutions)

+ Public or private care and/or support services, social protection/health/education system, etc., for children and families: estimate of Gs. 2,000,000

**Total: Gs.74.700.000** (average 9 months)

### SOCIAL SAVING

In this proposal, a great social saving is identified: increased possibility of healthy attachment, family reunification, less harm suffered, more holistic health, increased possibility of employment. **The financial cost to the State is significantly reduced, and greater social benefits are obtained for these children, their families, and for future generations.**

# PROPOSED NEXT STEPS

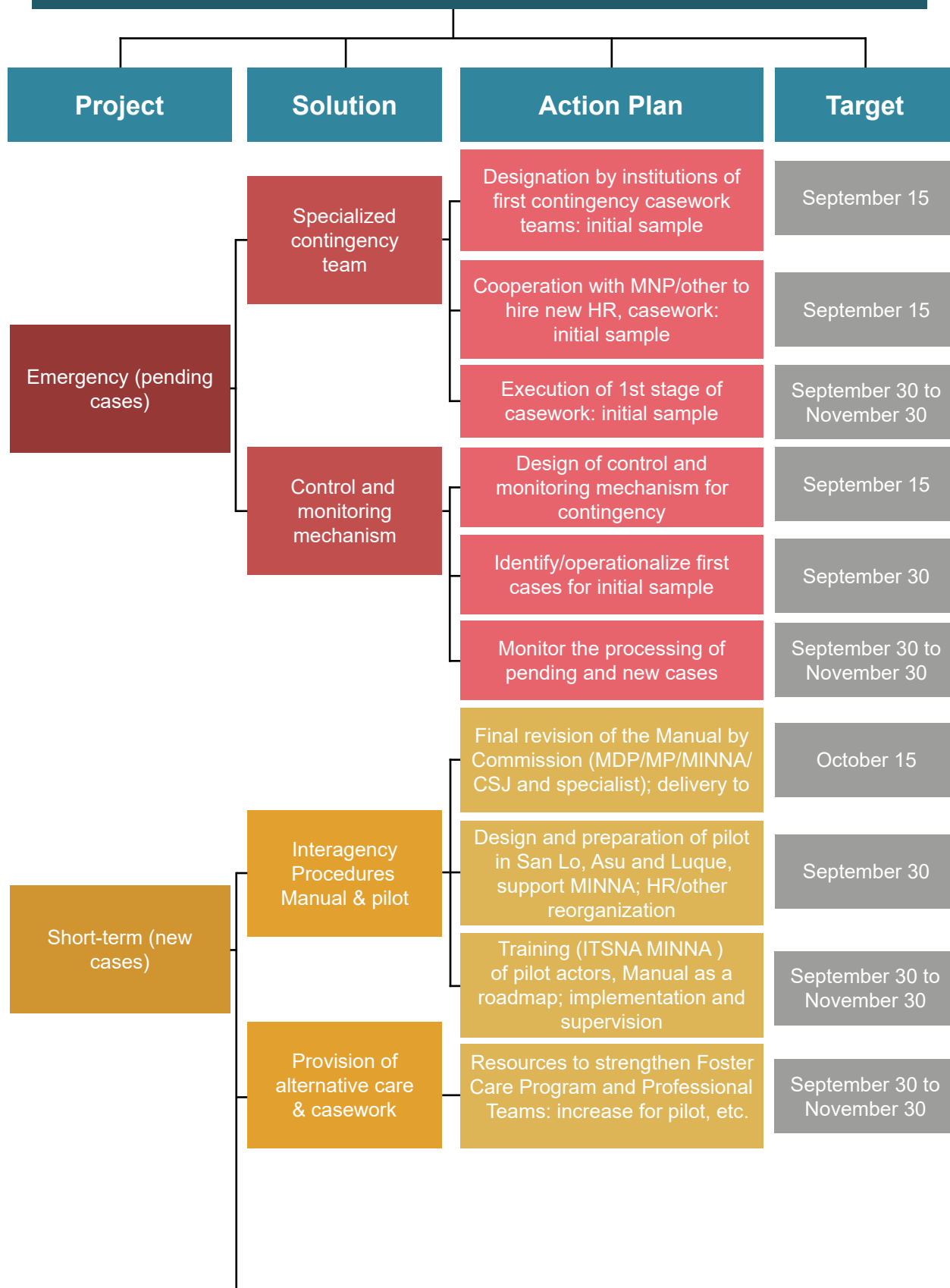
- 1. Signing of a Presidential Decree that formalizes the priority commitment of the Executive Branch** in the protection of children removed from their families or at risk thereof, in view of the emergency, prioritizing the cross-government implementation plan, that was designed based on cross-evidence, with emphasis on inter-ministerial actions to make implementation feasible under the direction of the National Council for Children as the governing body of the system.
- 2. Clear mandate from the highest authorities of the Paraguayan State**, declaring the implementation of the transversal plan of interest of the State; signed by the Presidents of the Executive, the Judicial, and the Legislative Branch of Government in compliance with the commitments assumed by the country, demonstrating the State's responsibility towards children and adolescents without parental care directly under their care, and with families at highest risk.
- 3. Hiring of a general project management for the execution of the plan, and designation of institutional liaisons** to form the 3 cross-government teams, integrated by the Ministry of Children and Adolescents, the Ministry of Public Defense, the Supreme Court of Justice, and the Public Ministry, which will lead the implementation of the 3 lines of action or 'projects', that is, for the emergency, the short-term and the long-term.
- 4. Acquire the necessary resources to implement the 3 projects part of the transversal plan**, through the reallocation of accessible existing resources, the allocation of a budgetary percentage of each institution as a contingency, and the management of new resources through State cooperation, quantified in an estimated value of 2.9 million dollars in its first 3 months of implementation, and \$11.4 million by 2024, totaling \$34.5 million in the full period of the cross-cutting system reform planned until June 2026 (33 months), in order to solve the problems immediately and inter-institutionally, in the face of the emergency and in the short and long term.
- 5. Designate and/or hire human resources necessary to respond to the emergency (project 1)**, on behalf the Ministry of Children and Adolescents, under the supervision of DICA as administrative authority, to form 77 multidisciplinary teams as part of the Contingency Casework Team in order to define/resolve the current cases by the end of June 2026, to have 20-30 exclusive court officials as part of the cross-agency control mechanism, and for the strengthening of the Adoption Center according to the number of children declared in a state of adoptability.
- 6. Designate and/or hire human resources necessary to develop short-term measures**, involving 4 specialists for the review, approval, and gradual, supervised implementation of a Procedures Manual, with on-site training and accompaniment of its application with a goal of 6 to 12 months per case, and with the provision of alternative care services and professional casework in the field, in compliance with the current legal framework, in addition to developing other short-term measures.
- 7. Designate and/or hire human resources necessary to develop long-term measures**, with 2 specialists to direct the design of the more complex solutions and their restructuring and investment, among others through the development of a quarterly permanent forum, in order to achieve greater efficiency and impact of the child protection system in Paraguay.

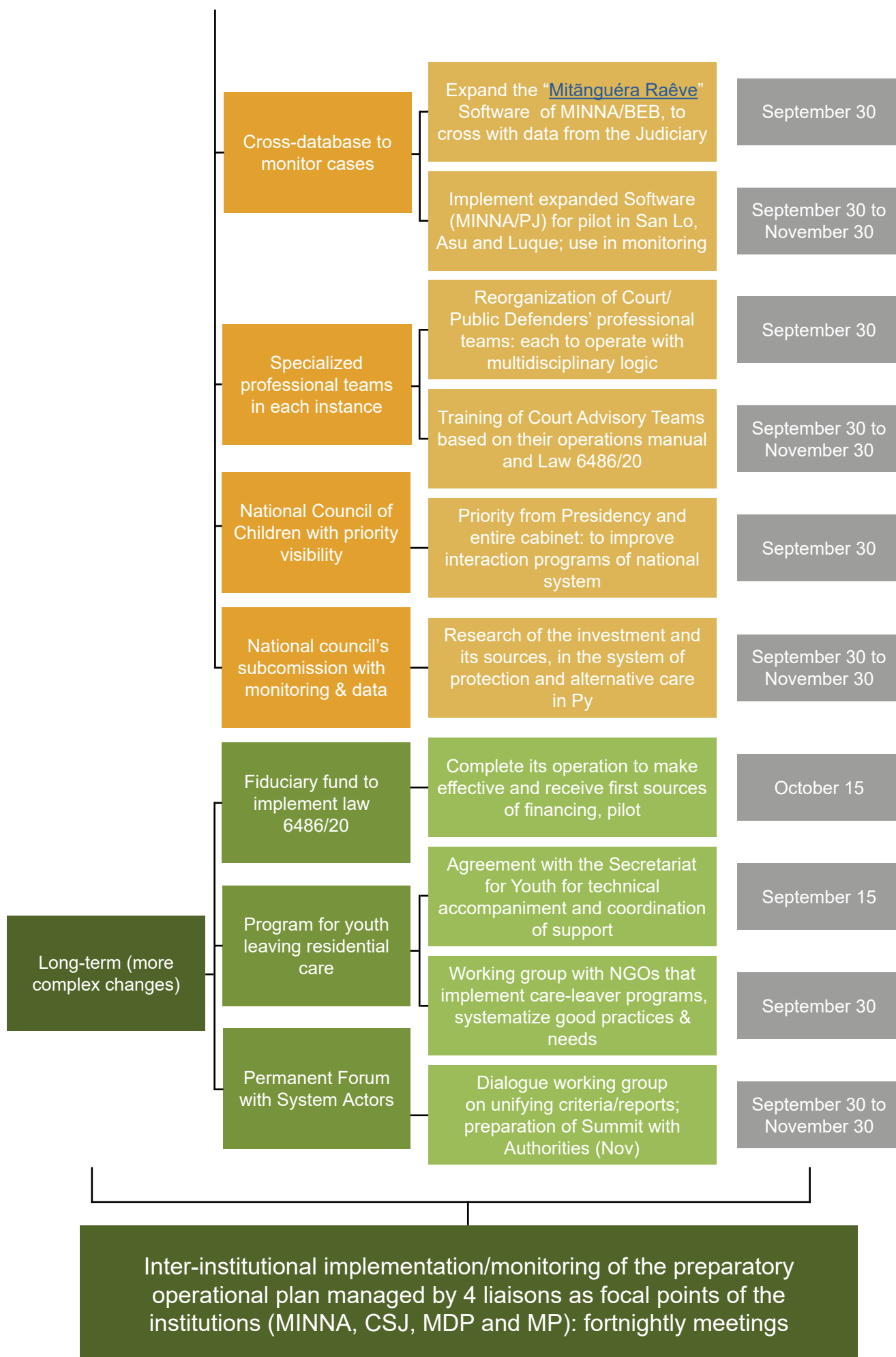




# IMMEDIATE WORK PLAN: AUGUST-NOVEMBER 2023

Preparatory Operation while acquiring the necessary resources to implement the 3 projects of the cross-government plan







## INTERAGENCY FORUM OF DIAGNOSIS & DIALOGUE OF PARAGUAY'S CHILD PROTECTION & CARE SYSTEM



**GOBIERNO DEL  
PARAGUAY**

**MINISTERIO DE  
LA NIÑEZ Y LA  
ADOLESCENCIA**



**CORTE  
SUPREMA  
DE JUSTICIA**



**PPF**  
PARAGUAY PROSTITUTION PREVENTION FUND



**A FAMILY FOR  
EVERY ORPHAN**