



Fact sheet N° 14

A global policy for Children and the Family PROVISIONAL PROTECTIVE MEASURES: THE PRINCIPLES TO BE OBSERVED DURING THE INSTITUTIONALIZATION OF A CHILD (1/3)

According to article 20 of the UN Convention on the Rights of the Child, children who are temporarily or permanently unable to live with their families are entitled to “special protection”. The article implies that placement in suitable institutions for the care of children is the last resort, second best to placement in an alternative family. Nevertheless, institutional care may be the best placement for some children, for example if the child has suffered multiple foster care breakdowns, or when large families of siblings wish to remain together, or for older children nearing independence. On the opposite, institutional care is particularly inappropriate for young children whose developmental needs require a permanent adult caregiver*.

Rapid clarification and analysis of the individual and family status of the child

It is the responsibility of the competent authorities to see to it that children do not remain long in institutions without a rapid analysis of their individual and family status and without a search for adequate family-type protective measures. With this in view, it is important to carry out without delay a psycho-medical-social study of the child and his/her family as described above (see Fact Sheet no. 3).

At the same time, a separate file should be opened for each child, which gathers, specifically, the identification and current location of the parents, as well as close members of the extended family and people of importance in the child's life (previous references, the godfather/godmother, etc). When this information is not available, it should be actively sought after. The file should follow the institutionalized child when he is transferred from one institution to another. It is also recommended that as soon as a child is put under the protection of a third

party (the State, a non-governmental organisation, a foster family) a “lifebook” should be started for him/her, where evidence of their development is kept, the stages of their life, and the private moments for them. Advice on creating this important tool is given in Fact Sheet no.12.

The social workers' relations with the family of origin

Since an institution should be essentially a place of transition that prepares for the child's return to the family, special attention should be paid to the relationships of those in charge of the institution and of other social workers with the family of origin, as well as the family's participation in decisions concerning their child.

Firstly, it is important that the staff of the institution where the child is resident should speak in respectful terms of the child's parents, avoiding any pejorative remarks. As far as the work is concerned that has to be done with the parents, the

social workers should be sure to determine the extent to which the parents appear to be capable of caring in concrete terms for their child or, if they cannot, if they are at least capable of being concerned about him/her, about his/her development and future separated from them.

Thus, the parents should be personally and attentively received when they accompany the child to the institution for the first time. The psycho-social work begins from this very moment with them, especially in clarifying the motives behind their request to institutionalize the child and in seeking alternatives within the family (Can't the grandparents or an uncle or aunt temporarily care for the child? Can't socio-economic assistance help the family to keep the child?).

Whenever it seems possible, it is recommended that a "contract" be drawn up with the child's family stipulating a maximum duration for the stay in the institution, a period that should allow and provide a framework for the elaboration of a family life plan for when the period comes to an end.

Relationships between the child and his/her family of origin

It is very important, unless it is obviously against the physical or emotional integrity of the child, to encourage maintaining the child's contacts with his/her parents by means of parental visits to the institution, ensuring a certain degree of privacy in a room reserved for the occasion, or by the child's visits to his/her parents home. Telephone contacts and letters by post are also important in keeping their relationship alive. The opinion of the child

and his/her feelings about the visits of his/her parents should be taken into account. Care should be taken to disregard the rules of the institution that impose dissuasive measures on parental visits when they are not justified in the best interests of the child, such as restricting possible visits to certain days of the month, or insisting upon the presence of staff members from the centre during the visits or banning presents for the child etc. Depriving the child of parental visits as a disciplinary measure should be banned.

However, when after a reasonable period of time (it varies from one case to another: the professionals should assess it as a team), the child's reintegration in the family of origin cannot be considered, the professionals should envisage the child's adoption and take the necessary steps (collecting again the consent - the declaration of abandonment).

In determining the reasonable nature of the period for consideration, it is important to acknowledge that the concept of time is of great importance for the child and depends upon his/her age. Six months constitute half a lifetime for a one-year old child, whereas they represent an insignificant part of an adult's life, and it is during the first months and the first years of a child's life, when, as we saw above, emotional and relational experiences are witnessed, as well as basic learning processes that are going to condition all his/her later life.

ISS/IRC team, June 2006

For more information:

UNICEF "Implementation Handbook for the Convention on the Rights of the Child" (article 20); fully revised edition 2002 (* extract).

The ISS/IRC would like to thank the Committee for Inter-country Adoption of the Presidency of The Council of Italy (CAI) and the Canton of Geneva, Switzerland, for their support for this project.