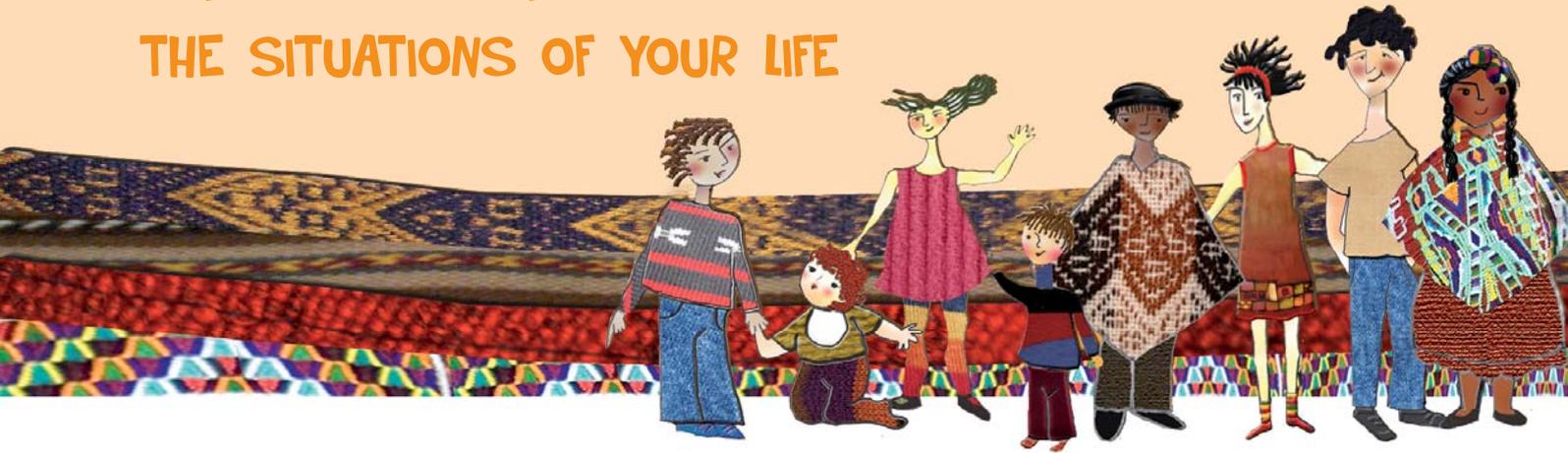


# Application of the UN Guidelines for the Alternative Care of Children

YOUR RIGHT TO LIVE IN A FAMILY  
AND TO BE CARED FOR IN ALL  
THE SITUATIONS OF YOUR LIFE





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Buenos Aires, Argentina – May, 2011

# INTRODUCTION

In the first place, you should know that this booklet is for all children and adolescents, to tell you about your right to live with your families, and to make that right a reality.

This document is based on the Convention of the Rights of the Child and on the UN Guidelines for the Alternative Care of Children. These documents give ideas about how you should be cared for and protected if you can't live with your parents or are at risk of losing that care, offering help and orientation for all the decisions that are made about you and your well being, either by some State organization or the private sector.

Undoubtedly, the best place for you to grow up is in your family. All efforts should be made for you to be in your family's care, and if you can't be, to find the quickest way for you to get back to living with it.

If for different reasons you can't live with your family, the best permanent solutions for you must be found, including

adoption or all other actions that can guarantee good care and respect for your integrity and individuality.

By knowing your rights, you will also know the rights of other children. Thus you will be able to help other kids to know their rights and will be able to support them to get the help they need when they are going through difficult situations.

Finally, it's important for you to know this will benefit you and all other children and adolescents between 0 and 18 who can't live with their parents or are at risk of being separated. But it can also help children that already are living with another family and need somebody to keep giving them care or support for a while after reaching the age for adulthood as established in the laws or regulations of their countries.

# 1. YOUR RIGHT TO FAMILY AND COMMUNITY LIFE

One of the most important rights is your right to family and community life, and every child or adolescent – with a few exceptions – has to live with her or his parents.

Your family is the place where you feel safe, recognized, loved – and sometimes told off as well. It's where the people that love you the most can help you. Sometimes in the family there is a mother and a father, but sometimes not. Your family is your aunt, your grandmother, someone who is responsible for taking care of you.

Taking care of you isn't optional. Your parents, or those who take care of you instead of them, are obligated to guarantee your integral growth and development.

That means that they respect each and every one of your rights as the child or adolescent that you are.



But your parents aren't the only ones responsible for your care. The Government of your country (The State), as well as businesses and international cooperation agencies (such as UNICEF and the Red Cross) also have responsibilities to meet.

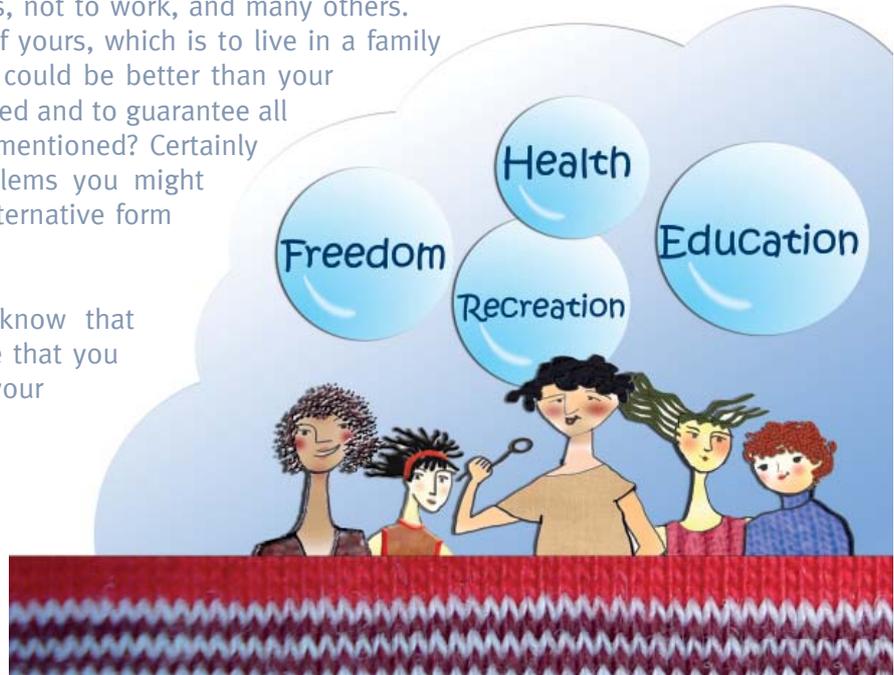
And the community where you live has obligations to you and your family – like for example helping you to access services, where they will listen to you, shelter you and help you if you need it.



As a child you have many rights, like freedom, education, health, recreation, not to participate in wars, not to work, and many others. But there's one fundamental right of yours, which is to live in a family and community environment. Who could be better than your own family to help you to be respected and to guarantee all the other rights that we have just mentioned? Certainly your family knows better the problems you might have and will also know the best alternative form of care for you.

Finally, it is important that you know that there are specific rules to guarantee that you can live with your family and in your community.

And if you would like to know more about these rules you can read the document called "UN Guidelines for the Alternative Care of Children".



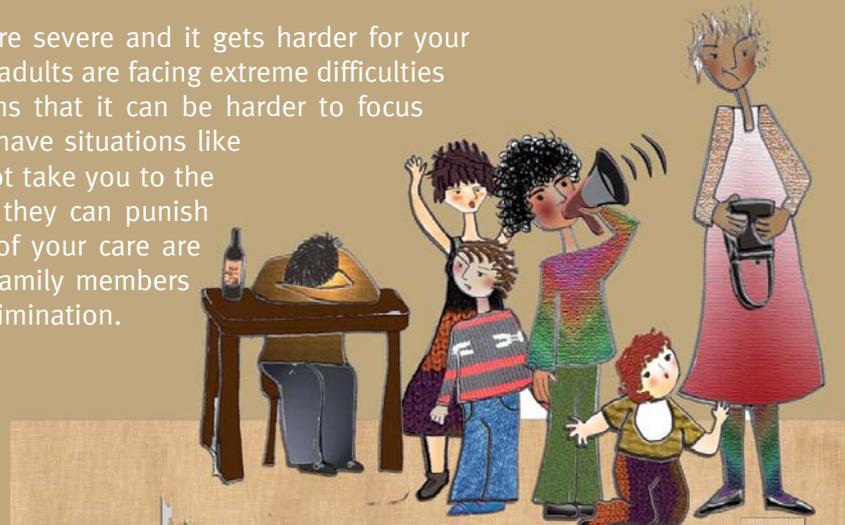
## 2. PROBLEMATIC SITUATIONS

We know that all families experience difficulties and have moments of crisis. This doesn't mean that your parents can't take care of you properly. Furthermore, in some families these moments lead to an exchange of ideas where kids can tell what they want and desire, and come out of these crises with stronger relations.

But in some cases these difficulties are more severe and it gets harder for your family to take care of you. Sometimes when adults are facing extreme difficulties they get too focused on their own problems that it can be harder to focus on your needs, and for instance you might have situations like when you are badly ill and your carers do not take you to the hospital or when they are so nervous that they can punish you. It might be that the adults in charge of your care are addicted to drugs or alcohol, or that your family members suffer some form of ethnic or religious discrimination.

Or that you live in a region where there's a war going on, or some other problem.

In the next pages you can see some examples of problematic situations and what might be considered in order to guarantee your care when your family is facing difficulties.



## **IF YOUR FAMILY IS EXPERIENCING POVERTY**

There are many families living in material poverty and struggling to make ends meet. In such situations sometimes families struggle to meet their children’s material (food, health, having clothing) and emotional needs (emotional care, educational support). However, poverty should never be a justifiable reason for separating you from your family. In a situation like that, the local community centers and governmental services should be in charge of helping your family so that they can meet their obligation to provide care for you.

## **IF YOUR FAMILY DECIDES TO TEMPORARILY GIVE UP CARING FOR YOU.**

It could be that your family, after having received support and professional guidance, decides that it can’t take proper care of you. In that case, you should consider whether there are other members of your family, – like uncles and aunts, grandparents, older cousins, etc. – that are willing to take care of you, as long as you feel comfortable with them.

## **IF NOBODY WHERE YOU LIVE CAN BE IN CHARGE OF YOUR CARE**

In this case, the local authorities, in collaboration with your family, should look for an alternative form of care suitable for you, which can be a foster family or a temporary residential institution.

## **WHEN EVERYTHING POSSIBLE HAS BEEN DONE TO HELP YOUR FAMILY AND THEY STILL NEED TO FIND A PLACE FOR YOU**

If the local government services have taken all the necessary actions to help your family but it is still not possible for your family to guarantee the best possible care for you, then the governmental services might have to consider a long term alternative for your care and might need to take measures to separate you from your family. The most important is to guarantee your best interest as a child or adolescent and to involve you in the discussions about what is the best for you.

### 3. RESPONSES

When the local governmental authorities are in charge of responding to a problematic situation they should always bear in mind that their main goal is to guarantee the best form of care for you, whilst respecting your family ties. Therefore, in the following pages we are going to tell you about the three steps that must be followed so that you and your family are heard and respected while the authorities look for the best options to take the best care of you.

#### FIRST: HELPING YOUR FAMILY

##### ⇒STRENGTHENING FAMILY AND COMMUNITY TIES

These people, professionals and volunteers working in your local community, should guarantee that your rights are fully respected, creating opportunities in your neighbourhood, town or city, promoting better communication among the members of your family,

evaluating your needs, looking for resources to help and guide your family. And in the extreme case where you have to be separated from your family, it should be avoided that you are unnecessarily placed in an institution.

##### ⇒SUPPORT FOR STRENGTHENING YOUR FAMILY

The State and non-governmental organizations and the whole community should support your family and all the families that have emotional, economic and social difficulties, so they can meet their responsibilities and keep every child living with her or his family.

## SECOND: IF THE GOVERNMENTAL AUTHORITIES DECIDE TO SEPARATE YOU FROM YOUR FAMILY

### ⇒THE NEED FOR ALTERNATIVE CARE FOR YOU

If a situation should come up where you have to be separated from your family, before making this decision the authorities have to make sure that they have run out of possibilities for you to keep on living with your family.

### ⇒PARTICIPATORY SEPARATION PROCESS

Any decision made about you has to be made together with you and your parents or legal guardians, the people responsible for you, and potential caregivers. Each one has to be informed depending on his or her specific ways of understanding (according to age, language, etc.). And every time a decision is made, they should also listen to other persons that are important in your life whenever you or your parents or guardian ask for it.

### ⇒SENSITIVITY WHEN CHANGING YOUR PLACE OF RESIDENCE

In this case you'll be prepared for the situation, and when possible you should be accompanied by carers who you know. If you don't know the people who accompany you, then they should be the friendliest, most communicative and sensitive people possible. They shouldn't have uniforms or belong to any security forces that aren't related to taking care of children, and shouldn't threaten you or try to make you feel guilty about the situation you're going through.



## ⇒ PLACEMENT IN AN INSTITUTION

Remember that the authorities always have to choose what is best for your particular situation. Thus there are times when because of your situation, you may need a kind of care other than a family, so then it's best for you to live for a while in a home, a shelter or some kind of institution with other kids. It's important for you to know that these places have to be able to receive you and help you solve the problems affecting you, while other professionals work with your family in the same way. These places should only have a few children, so they can work on your situation better. Also, the people that work there have to know how to take care of you and be prepared to do it. And always, your stay in these places must be for the shortest time possible.



### THIRD: THE IMPORTANCE OF CARING FOR YOUR INDIVIDUALITY AND INTEREST

#### ⇒ INDIVIDUALIZED ATTENTION, CHILD BY CHILD

Everyone has to know that you're always the priority. All the decisions, initiatives and solutions they make for you or for other children have to take each child's individuality into account. You are unique, so you have your own characteristics and interests, for example: ethnicity, religion, language, cultural preferences, favorite games, favorite football teams, etc. Every time adults have to accompany you in a situation like the ones we are describing here they must respect your integrity and belief and must bear in mind that the best decisions they can make are the ones that respect your individual needs in particular.

#### ⇒ THE IMPORTANCE OF LISTENING TO CHILDREN

It's necessary to fully respect your right to be listened to, and for your opinions to be taken into account and considered according to your age and ability to understand. Firstly, it is important that all your local community services and the adults who work in these settings always respect your right to be heard. Places like: your school, your local hospital, club, play centers, etc should always guarantee opportunities for you to express your views in order to avoid many situations which might end up in a problem.



### ⇒ MAINTAINING TIES WITH YOUR BROTHERS AND SISTERS

There are some situations when for different reasons your brothers and sisters cannot be looked after by the same carer as you (maybe because there are too many children or sometimes because this is not the best option), but even if your sisters and brothers do not live with you, you should have a guarantee that you can stay in touch with them.

### ⇒ THE INVOLVEMENT OF YOUR COMMUNITY

The community where you live and grow up has a fundamental role to play in guaranteeing your right to family life. In the first place it has a special place for listening to your family. The institutions in your community – whether governmental or not – have the first, direct contact with your family's needs or problems. That's why these places are the ones that understand your problem the best (since they're in your community and share your culture, your language, etc.) and can give you the responses that best fit your needs and those of your family.



## 4. A BIT MORE INFORMATION

### WHEN YOU CANNOT LIVE WITH YOUR PARENTS YOU HAVE TO BE PLACED IN ALTERNATIVE CARE

There are two kinds of alternative care: informal and formal. Informal is when in agreement with your parents, you are cared for by other adults that are not your parents, for example your grandparents, or other relatives or friends, without intervention of local authorities. Formal care takes place when in order to protect you an authority, maybe a juvenile judge or governmental agency, decides to place you with other carers that are not your parents. The authorities might recommend that you are placed temporarily with another family in your community or maybe you might be placed in an institution. So there are children and adolescents who aren't being cared for by their parents who are in temporary foster care (care you get in families), and there are other children and adolescents receiving institutional care (children's homes, shelters, therapeutic communities, etc.).

## INFORMAL ALTERNATIVE CARE

As explained before it is informal care when, for example, you are living with your grandmother because your parents have agreed, but no authority has been consulted or informed about it. It might be a good idea to notify an authority in one of the local children's rights agencies so that you and your grandmother, or any other adult responsible for your care can get the support and help that you need.

### IT'S IMPORTANT TO KNOW ABOUT:

⇒SUPPORT FOR YOUR CARERS: Your carers should always have access to support services and all the necessary measures must be taken by the local professionals and agencies so that informal carers (grandmother, aunts, etc) can guarantee the best form of care for you.

⇒GUIDANCE FOR YOUR CAREGIVERS: Guidance and support must be provided to your caregivers by qualified professionals who should guide and support you and your carers in order to guarantee the quality of care that you receive.

⇒MAINTAINING THE TIES WITH YOUR FAMILY: Your caregivers must facilitate contacts with your family of origin and should make sure that you are helped and supported to keep frequent contact with your family.

## FORMAL ALTERNATIVE CARE

As explained before, formal care is when the decision to remove you from the care of your parents is taken by an authority (juvenile judge, child protection agency, etc) to protect your rights. In these circumstances you might be cared for by a foster family or in a residential institution. In both cases, authorities involved should also be responsible for preparing, monitoring and supporting those involved in your care, and here are a few important things for you to know.

⇒ALTERNATIVE CARE MUST BE TEMPORARY: This means that the professionals who work on your case should review the situation at least every three months, evaluating the problem that led to your separation from your family of origin, to see if the problem is solved and whether you can come back home or not.

⇒YOUR IDENTITY: there should be support so that you always can develop a sense of your own identity. You have a history, and

your caregivers, whoever they are, have to support and respect everything about your history. It can help if for example you keep a “life diary” where you record the different moments of your life with photos and other memories. You should have the right to keep your personal objects and whenever there is a change of placement you should be allowed to keep your personal objects.

⇒YOUR VOICE ABOUT THE CARE: You have to have access to a

place you know and trust, where you can voice your complaints or concerns about the conditions of your placement and the level of care you are receiving either with a foster family or in an institution.

⇒REUNIFICATION WITH YOUR FAMILY: Your caregivers must facilitate your reunification with your family whenever appropriate and should provide support to maintain family contacts.

## 5. ALTERNATIVE CARE IN SPECIAL SITUATIONS

This part explains what you need to keep in mind when you are placed in alternative care in another country or if you are experiencing some form of emergency situation, such as natural disasters situation, as natural disasters ( earthquakes, hurricanes) or any other man-made disaster situation ( wars, etc). As explained before, the general principles below are taken from the UN Guidelines and in all of these circumstances the following instructions should be considered.



It's important for you to know that all children and adolescents in these special conditions are the ones that are most vulnerable or in greatest danger of being subjected to sexual exploitation or prostitution or other crimes that adults can commit against children. That's why the greatest care must be taken to keep this from happening.

## CARE FOR CHILDREN AND ADOLESCENTS OUTSIDE THE COUNTRY WHERE THEY LIVE

⇒EQUAL TREATMENT: If you are not accompanied by someone or you were separated from your family, you must receive the same levels of protection and care as the children and adolescents that live in the country where you are now.

⇒EVALUATING THE SITUATION: The authorities will have to get as much information as possible to evaluate your risk, the reason(s) why you're not accompanied or are separated from your family, and the social and family conditions in the country where you usually live.

⇒GETTING DOCUMENTS FOR YOU: The authorities will have to get you all the documents you need to show your identity.

⇒BETTER CARE: To determine what the best care for you is, the authorities will have to take your particular characteristics into account; for example, your ethnic origin, your language, whether you're a girl or a boy, your religious and cultural beliefs, and other things.

⇒FINDING YOUR FAMILY: The authorities have to try to find your family and learn why you are in a different country than your home country, in order to be able to evaluate the possibility of your going back to live with them.

⇒HELPING YOU GET BACK TO YOUR COUNTRY: When a member of your family is found who is acceptable to you and is able to receive you and protect you, the authorities should help you get back to your country as soon as possible. In any case, the authorities should guarantee that your return will be safe. A child or adolescent should never be sent back to her or his country arbitrarily or against her or his will.

⇒EVALUATING WHETHER IT'S SAFE TO GO BACK: You won't be sent back to your usual country of residence if, after your situation is evaluated, it's considered that going back would put you in danger, or that no adult is prepared or able to take care of you.

## ALTERNATIVE CARE IN EMERGENCY SITUATIONS

Emergency situations are caused by natural catastrophes – as well as all of those caused by humans (environmental contamination, flooding of riverbanks or dams, fires, etc.) – and also by situations that cause forced population displacement, like wars.

⇒MOVING AS THE LAST OPTION: If it is necessary for you to move, it should be to a place as close to your home as possible, and there should be a clear plan for returning home afterwards. Also, you should be accompanied by your parents or by care-givers that you know.

⇒EMERGENCY SHELTERS: Emergency shelters should be considered only in cases of mass evacuation when large areas are affected and should always be a temporary alternative, with the guarantee that you will have your basic needs met (access to water, food and emergency health treatment). The authorities should consider other alternatives as soon as possible aiming for your return to the care of your family or another family in your community.



⇒PREVENTION OF UNNECESSARY SEPARATIONS: Once the worst part of the crisis is over, they must avoid unnecessary separations of any family. Also, they must take special care to avoid the trafficking of children and adolescents (for example, through inappropriate or non-legal international adoptions).

⇒MISSING CHILDREN AND REUNITING WITH YOUR FAMILY MEMBERS: In some emergency situations children and families get lost, in these circumstances all efforts must be made to locate missing children and to reunite them with their families before any other permanent solution might be considered.

⇒ALTERNATIVE CARE: The victims of emergency situations – from both natural catastrophes (earthquakes, hurricanes, avalanches, etc.) and forced displacement because of wars – should remain in the care of families or organizations that already are working in those territories, in order to avoid the trafficking of children and adolescents.

⇒TEMPORARY CARE: Any alternative care must be considered temporary, with the idea of your reinsertion into your family and community environment as soon as conditions allow it.

⇒CARE IN OTHER COUNTRIES: If you're in an emergency situation, they shouldn't take you to other countries for alternative care, unless there are really important reasons related to your health or safety. In these cases, you should be accompanied by your parents or by caregivers that you know, when circumstances permit. Once this particular problem has been solved, you should go back to your country of origin or to the nearest place of origin so that your return can be later facilitated.

SEE YOU !!



[relaf.org](http://relaf.org) [unicef.org](http://unicef.org)

