



**Republic of Moldova**

**The GOVERNMENT**

**DECISION** No 1361  
as of December 07, 2007

**On the approval of the Framework Regulations  
on the Foster Care Service**

Published on: December 21, 2007 in the Official Monitor No 198-202 art No 1436

In order to implement the Law on social assistance No 547-XV as of December 25, 2003 (Official Monitor of the Republic of Moldova, 2004, No 42-44, art. 249), with subsequent amendments and completions, as well as to achieve the National Strategy and Action Plan on the Reform of the Residential Childcare System for 2007-2012, approved by the Government Decision No 784, as of July 9, 2007 (Official Monitor of the Republic of Moldova, 2007, No 103-106, art.823), the Government DECIDES:

1. To approve the Framework Regulations on the Foster Care Service (annexed to the decision).
2. Social Assistance and Family Protection Sections / Chisinau Child Protection Directorate are in charge with the implementation, monitoring and assessment of the foster care service.
3. The Ministry of Social Protection, Family and Child is in charge to control the implementation of the Framework Regulations on the Foster Care Service.

**Prime-minister**

**Vasile TARLEV**

**Countersigned by:**

**Minister of social protection,  
family and child**

**Minister of education and youth**

**Minister of local public administration**

**Minister of finance**

**Galina Balmos**

**Victor Tvircun**

**Valentin Guznac**

**Mihail Pop**

**No 1361. Chisinau, December 7, 2007.**

**Framework Regulations  
on the Foster Care Service  
Chapter I  
General provisions**

1. The Framework Regulations on the foster care service (hereafter – the Regulations) settles the family placement of the child through the foster care service.
2. The foster care service is a social service, providing the child with family care substituted in the foster care family, on the ground of the delimitation of the rights and responsibilities on the protection of the child's rights and legal interests between the Social Assistance and Family Protection Section / Chisinau Child Protection Directorate and foster parent.
3. The foster care service (hereafter – the service) is delivered at the local level and is established within the Social Assistance and Family Protection Section / Chisinau Child Protection Directorate.
4. The service beneficiary is any child who is temporary or definitively in at least one of the following situations:
  - a) temporary or permanently deprived of his/her family environment;
  - b) whose special needs cannot be ensured by his/her birth family;
  - c) is or is likely to become a victim of violence, trafficking in human beings, abandonment or neglect, maltreatment or exploitation while in the care of one or both parent(s), legal guardian(s) or any other person responsible for the child's care;
  - d) is under 14 and has committed an offence but is not legally responsible and is in at least one of the situations listed in point 14, letters a), b) or c).
  - e) is between 14 and 18 and has been sentenced to a non-deprivation of liberty punishment or who was discharged of criminal liability and is in at least one of the situations described in point 4, letters a), b) or c).
5. In these Regulations the terms and expressions below shall have the following meanings:

*Foster carer or foster parent* - a person who at his/her home temporary cares for, up brings and educates a child, in order to ensure his/her (re)integration in the birth, extended family, to place him/her under guardianship/trusteeship, adoption or any other family care forms;

*Foster family* – all persons living in the foster carer's family, apart from the child/children placed in foster care;

*biological family* - the family into which a child is born;

*extended family* - the relatives of a child up to 4th degree;

*service provider* – the foster care service within the Social Assistance and Family Protection Section / Chisinau Child Protection Directorate, non-government organisations;

*The Rayon Commission for the Protection of the Child in Difficulty (hereafter the Commission)* – the body responsible to issue the notification paper for the approval of protection measures for the child in difficulty and monitoring these measures. As for the service, the Commission is responsible for the approval of applicants for the foster parent position, annual assessment of protection competences and activities of the foster parent, provisional selection of the foster parent from the respective administrative-territorial unit;

*emergency placement* – the placement of the child in the foster family for a period of 72 hours by

the decision of the guardianship authority without Commission's notification. The 72-hour term can be extended, but cannot exceed one month;

*short-term placement* – the placement of the child in the foster family, in compliance with these Regulations, for a period not longer than 12 months;

*long-term placement* – the placement of the child in the foster family, in compliance with these Regulations, until the child turns 18 years;

*provisional placement* – the planned and regular placement of the child in the foster family for a period of up to one week, in order to allow parents of a child with special needs to have some time for rest and to keep the child in the family.

## **Chapter II**

### **Service organisation principles**

6. Service organisation principles are the following:

- a) respect for the supreme interest of the child;
- b) respect for the child's rights to grow up and to be educated in a family;
- c) respect for the child's identity;
- d) to keep in touch with the child's biological family;
- e) to place siblings together;
- f) respect for the child's opinion;
- g) non-discrimination;
- h) multidisciplinary individual approach;
- i) access to qualitative services;
- j) confidentiality of information on the child and his/her family.

## **Chapter III**

### **Scope and objectives of the service**

7. The scope of the service is to provide temporary protection to a child at risk, to socialise and (re)integrate him/her in his/her biological, extended or family or in other family-type care forms.

8. The objectives of the service are the following:

- a) to care for and upbring the child in a substitute family environment;
- b) to care for and develop the child at risk, according to his/her age particularities and minimum quality standards;
- c) to facilitate the socialisation and (re)integration of the child in the biological, extended, adoptive family or in other family-type care forms;
- d) to monitor the child's situation in the pre- and post (re)integration period.

## **Chapter IV**

### **Service organisation and functioning**

#### **Section 1**

#### **Foster parent selection procedure**

9. The applicant seeking to become a foster parent shall submit a written request to the service provider. The request shall be solved by the service provider within 90 days since it is registered.

10. The service provider shall assess applicants in compliance with annex 1 to these Regulations, by:

- a) obtaining information on the applicant and other members of his/her family, as well as any other information it finds relevant;
- b) interview at least two reference persons to provide personal information on him and prepare a report of the interviews;
- c) consult with the local public administration from the administrative-territorial unit the applicant

lives in;

d) examine the applicant's capacity to work as a foster parent.

11. The service provider shall develop a comprehensive report on the applicant's assessment, including:

a) the information specified in annex 1, as well as any other information the service provider finds relevant;

b) the assessment report of his/her suitability to act as a foster carer;

c) proposals about the terms and conditions\* of the approval.

12. To obtain the approval of the applicant, the service provider shall submit to the Commission the report mentioned in point 11, accompanied by the set of documents for admission to the approval meeting.

13. The Commission shall introduce the information on the approved foster parent in the foster parents register, administrated by the Commission's secretary, on the ground of:

a) the abstract from the minutes on the approval of the applicant as a foster parent;

b) the information on the placement type/types to be delivered by the foster parent.

### **Section 2**

#### **Professional development requirements**

14. Prior to approval of the foster carer, the applicant shall attend professional training courses organised by the service provider.

15. Foster parents shall attend continuous training courses organised by the service provider.

16. The initial training course shall comprise at least 50 hours, and the continuous development courses – at least 20 hours a year.

### **Section 3**

#### **The rights and responsibilities of foster carers**

17. The foster carer has the following rights:

a) to be informed of his/her rights and responsibilities;

b) to receive training in child care;

c) to be supported by the social assistant from the respective administrative-territorial unit responsible of the foster parent from the service provider;

d) to be informed of the child's history;

e) to participate in the development of the child care plan.

18. The foster carer has the following responsibilities:

a) to care for the child as a full member of the family;

b) to safeguard and promote the welfare of the child;

c) to give written notice to the service provider of any changes in personal circumstances or of the child, and any other event affecting the capacity to care for the child;

d) to participate in the development and implementation of the individual care plan of each child in placement within the established terms and mode;

e) to observe the minimum quality standards of the service and recommendations made by specialists following the monitoring;

f) to permit any authorized person by the service provider (social assistant responsible for the child in placement, persons appointed by the child's individual care plan) to visit the child;

g) to encourage contact between the child and his/her biological or extended family in compliance

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with the individual care plan;

h) to assist the service provider in (re)integrating the child with his/her biological, extended family, in establishing the guardianship/trusteeship, adoption or any other family-type protection forms;

i) to allow the child to be removed at any time where the service provider considers that the placement is not in the best interest of the child;

j) to ensure that any information relating to the child, his/her family or any other person, which has been given to them in connection with the placement is kept confidential.

#### **Section 4**

##### **Assessment of foster parents' activity**

19. The Social Assistance and Family Protection Section / Chisinau Child Protection Directorate shall assess on a yearly basis the performance of the foster parent.

20. Within the assessment, the service provider shall:

a) carry out investigations and collection the information in considers necessary to establish whether the foster parent and his/her family still meet the criteria, approval terms and conditions;

b) ask for and takes into account the opinion of the foster parent, of the child in placement (depending on his/her age and maturity), as well as of the child's family, respective local public authorities and other specialists within the service provider holding information on the foster parent.

21. Following the review, the service provider shall compile the assessment report and present it to the Commission's meeting. The assessment report may contain one of the following recommendations:

a) the person still meets the requirements to continue acting as a foster parent, with approval terms and conditions remaining unchanged;

b) the person still meets the requirements to continue acting as a foster parent, with approval terms and conditions having to be revised. The reasons for such a conclusion shall be specified, together with the recommendations made;

c) the person does not meet any longer the requirements to act as a foster parent and is not re-approved. The reasons for such a recommendations must be mentioned in the report.

#### **Chapter V**

##### **Placement of the child**

#### **Section 1**

##### **Approval of placements**

22. The service provider, in cooperation with the guardianship authority and social assistance from the administrative-territorial unit the child is placed in, the institution the child and his/her family are in, shall develop and present to the Commission the child's assessment report.

23. During the meeting, the Commission shall select among the foster parents recorded in the register, the foster parent matching the child's needs.

24. The Commission shall give a positive notification for placing a child in foster care only if it:

a) the placement in the service is the best protection measure for the child, taking into account all circumstances and observing these Regulations;

b) a placement with the particular foster carer is the most suitable placement having regard to the capacity of the foster carer to meet the assessed needs of the child.

c) the foster parent has not kinship relations with the child, up to the 4<sup>th</sup> degree inclusive;

d) terms and conditions of the foster parent's approval match the proposed placement;

e) there is a written request from the child's parents or legal representatives addressed to the local public authority requesting temporary care for the child. Should the staying of the child with his/her biological family endanger his/her life and health, the parents' consent shall not be required.

25. A foster family can accept in placement up to three children at the same time, except for the case of siblings. In this case, the service provider shall assess the probability and avoid any negative impact of the placement upon the foster parent's biological children. Siblings cannot be placed together with other children. Should there be other children in placement in the foster family, the Commission shall present arguments in the favour of this decision, prior to the placement.

26. At the same time the placement notification paper is issued, the Commission shall introduce the following data in the foster parents register:

- a) number, age and gender of the children in placement;
- b) type and period of the placement.

27. When the placement notification paper is issued, the foster parent and the service provider shall sign an individual labour contract in compliance with the legislation in effect and annex 2 to these Regulations. A foster parent shall be remunerated only during the child's placement.

28. The guardianship authority makes decisions on the placement of the child only on the ground of the Commission's positive notification paper. The foster parent and service provider shall sign, at the moment the child is placed, the placement agreement in compliance with annex 3 to these Regulations, and the guardianship authority shall countersign this agreement.

29. The service provider shall be responsible to match the child with the foster family, in compliance with the established procedure, presenting a copy of the child's assessment report to the foster parent.

30. Prior to the placement, the service provider shall convene a meeting to develop the individual care plan of the child to be annexed to the placement agreement.

31. The provisional matching shall be achieved through the preparation and information of:

- a) the child, depending on his/her understanding capacities and maturity degree;
- b) biological family, if this is for the best interest of the child;
- c) foster parent.

32. Should the provisional matching fail, the service provider shall inform the guardianship authority and solicit the Commission to approve a new placement.

33. In the case of an emergency placement, the Social Assistance and Family Protection Section / Chisinau Child Protection Directorate, with the immediate notification of the guardianship authority, can place the child in a foster family until the Commission approves the placement.

34. The service provider shall inform in writing the secretary of the Commission, within 24 hours, about the placement. During the placement, the service provider shall assess the child and his/her family and develop the individual care plan. The assessment term is of 72 hours, with the possibility to be extended, but not longer than one month.

#### **Section 2-a**

##### **Placement supervision and review of the individual care plan of the child**

35. The service provider shall monitor the placement of the child, ensuring a compulsory minimum number of visits in the foster family:

- a) weekly for the first month of placement;
- b) once in two weeks, during the second and third months of the placement;
- c) monthly, after the first three months of the placement.

36. The child is seen in compliance with the individual care plan, as well as at the request of the child, foster parent or guardianship authority.

37. On each visit the service provider shall ensure that:

- a) the child is seen alone by the service provider's representative;
- b) a written report of the visit is made, in compliance with annex 4 to these Regulations, which

shall be annexed to the child's file (annex 5).

38. The service provider shall review the care plan of each child placed in foster care:

- a) after the first month of placement;
- b) after three months of placement;
- c) at need, but not less than once in six months.

39. When undertaking the care plan review, as well as at the review meetings, the service provider shall involve the child, his/her family, foster carer, the social assistant from the respective administrative-territorial unit, specialists from the Social Assistance and Family Protection Section / Chisinau Child Protection Directorate, as well as other specialists, depending on the need.

40. All interested persons shall be notified in writing of any conclusion or recommendation taken as a result of the care plan review.

### **Section 3** **Termination of placements**

41. Should the child be successfully reintegrated in his/her biological family, the service provider shall terminate the placement.

42. Where it appears to the service provider that the continuation of a placement would be detrimental to the welfare of the child, the service provider shall review the suitability of the placement in compliance with points 20 and 21.

43. The service provider shall solicit the Commission to terminate a placement on the ground of the assessment report stipulated in point 21, letter c). The Commission shall consider the assessment report, as well as any other relevant information and decide upon the need to cancel the placement. The presence of the foster parent and service provider's representative at the respective meeting of the Commission is compulsory.

44. Should the foster parent submit a request to suspend his/her activity, the individual labour contract signed by the latter and the service provider shall be terminated in compliance with the legislation in effect.

## **Chapter VI** **Service management**

### **Section 1**

#### **Manager and the service team**

45. The service shall be administrated by a manager with higher education and professional experience of at least 5 years, who shall be employed and discharged by the service provider.

46. The manager's activity shall be based on the legislative and normative acts in effect.

47. The service manager shall be responsible of the good functioning and assessment of the service, as well as of the supervision of social assistants.

### **Section 2**

#### **Personal file of the foster parent**

48. The service provider shall compile a personal file for each person approved as a foster parent in compliance with annex 6.

49. The service provider shall compile a personal file for each applicant to the position of foster parent, who has been rejected the approval or who has withdrawn his/her application before the approval. This file shall contain the following data:

- a) the information collected during the applicants' assessment;
- b) any report, recommendation or notification paper written during the approval period;
- c) notification about the rejection of the approval, depending on the case.

### **Section 3**

#### **Retention and confidentiality of records**

50. The personal file of each foster parent shall be retained for a period of at least ten years as of the date his/her approval as foster parent expires.

51. Personal files compiled in compliance with point 50 shall be retained for a period of at least three years as of the date the approval was rejected or the application was withdrawn.

52. The information recorded in compliance with points 49 and 50 shall be retained in a safe and can be presented only on the ground of legal stipulations authorising the access to these data.

### **Chapter VII**

#### **Complaints solution procedure and representation**

53. The service provider shall have a written complaints policy and shall ensure that the policy is made known to:

- a) specialists responsible for the service monitoring;
- b) parents or legal representatives of the child;
- c) foster parents.

54. Any complaint on the service quality, service provider or the conduct of the foster carer may be made orally or in writing to the Social Assistance and Family Protection Section / Chisinau Child Protection Directorate, the Commission or local public authorities of the first and second level by the:

- a) child in placement;
- b) parent or legal representative of the child;
- c) foster parent;
- d) guardianship authority;
- e) local public authorities of the first level;
- f) a third party.

55. The service provider shall resort to the amicable settlement of complaints.

56. The service provider shall record any complaint, either oral or written, as well as its solution.

57. The service provider shall ensure that:

- a) children are helped to make a complaint or representation;
- b) no child is subject to any reprisal for making a complaint or representation.

### **Chapter VIII**

#### **Funding**

58. The service shall be funded from the following sources:

- a) administrative-territorial units' budgets;
- b) special means, grants, donations and other sources in compliance with the legislation in effect.

59. The child approved for placement in the foster family benefits from annual and monthly allowances:

- a) one-off placement allowance – financial support provided to the foster parent for the acquisition of items necessary for the child and adjustment of the house to the new conditions;
- b) monthly allowance for the child's support;
- c) monthly allowance for clothing and footwear, hygienic-sanitary products;
- d) one-off allowance when the child turns 18.

60. The amount of the listed allowances shall be set up by the Government.

61. Foster parents shall be remunerated in compliance with the remuneration conditions of the social assistance institutions staff:

- a) the remuneration category shall be established in line with the legal stipulations in effect;

b) the modification of the remuneration category shall be carried out on the ground of the review of the foster parents' professional competences.

## **Chapter IX Final provisions**

62. The service provider shall monitor and report on a quarterly basis upon its activity to the Social Assistance and Family Protection Section / Chisinau Child Protection Directorate or to the guardianship authority from the respective administrative-territorial unit – in case the service provider is a non-government organisation.

63. The Social Assistance and Family Protection Section / Chisinau Child Protection Directorate and guardianship authorities – in case the service provider is a non-government organisation – shall present semi-annual reports on the service providers' activity to the Ministry of Social Protection, Family and Child.

Annex 1  
to the Framework Regulations  
on the Foster Care Service

### **Information as to the foster carer applicants and other members of their families**

Applicants seeking to become foster parents shall present the following information:

1. Copy of the applicant's ID, health condition and civil status certificates (including previous marriages).
2. Detailed description of all adult members of the family or household.
3. Detailed description of all children in the family, either living or not in the applicant's house, as well as any other children in the household, who are not family members.
4. Detailed description of the living conditions.
5. Religious persuasions and capacity of the person to care for a child from any particular religious persuasion.
6. Origin, cultural and linguistic background and his/her capacity to care for a child from any particular origin or cultural or linguistic background.
7. Past and present employment or occupation, standard of living and leisure activities and interests.
8. Previous experience of caring for their own and for other children.
9. Applicant's criminal record, as well as of the other family members.
10. The outcome of any request or application made by him/her or any other member of the household to foster, adopt or place children under guardianship/trusteeship.
11. Detailed description of any previous approval, or refusal of approval or termination of approval, relating to them or any other member of the household.
12. Any other relevant information.

Annex 2  
to the Framework Regulations  
on the Foster Care Service

### **Provisions of the foster parent's labour contract**

The individual labour contract shall stipulate the following:

1. Training possibilities to be given to the foster parent.
2. The procedures for the review of approval of a foster parent.
3. The duties and responsibilities of the foster parent.
4. The duties and responsibilities of the service provider.
5. An undertaking not to apply the corporal punishment to any child in placement.

6. An undertaking not to disclose, without the permission of the foster care service, any information that the foster parent might acquire relating to the child, or to his family or any other person, which has been given to him in connection with the placement to any person.

7. To comply with the terms of any foster placement agreement, to care for the child placed with the foster parent as if he/she were a member of the foster parent's family and to promote and safeguard the child's welfare.

8. To notify the responsible authority immediately of any serious illness of the child or of any other serious occurrence affecting the child or children.

9. To allow the child to be removed from the foster parent's home by the responsible authority, if necessary.

Annex 3  
to the Framework Regulations  
on the Foster Care Service

### **Information with regard to the foster placement agreement**

In placing the child, the service provider shall provide the foster parent with the following information:

1. The written request of the child's parents or legal representatives to place the child in temporary care by the local public administration.

2. the comprehensive assessment and care plan of the child;

3. the child's personal file, including the reasons for removal of the child from the family, religious persuasion and cultural and linguistic background and racial origin;

4. the child's state of health and need for health care and monitoring;

5. the child's educational attainment and special needs in this regard.

6. The arrangements for annual and monthly financial support of the child during the placement.

7. Any arrangements for delegation of responsibility regarding medical or dental examination or treatment of the child.

8. The circumstances in which it is necessary to obtain permission for the child to be away from the foster parent's home.

9. The frequency of visits to the child by the service provider's representative;

10. The arrangements for the child to have contact with his/her birth family and other persons;

11. The working arrangements with the child's biological parents.

Annex 4  
to the Framework Regulations  
on the Foster Care Service

### **Information collected during compulsory visits to the child in placement in the foster care service**

During the compulsory visits it is necessary to collect the following information on the child, foster parent and general progress of the placement:

1. Health of the child (including the growing, development, physical and mental welfare).

2. Educational progress (including participation and academic results).

3. General progress of the placement (including the feeling of own dignity, self-image and own identity, social relations, self-care skills and independence).

4. Interests and passions.

5. Contact with the biological family.

6. Child's opinion about the placement.

7. Record of all visits carried out from the last compulsory visit, with the name of the person seen

during the visits.

8. Date of the next compulsory visit.

The visit report shall be compiled by the social assistant responsible for the child and countersigned by the service manager.

Annex 5  
to the Framework Regulations  
on the Foster Care Service

**The minimum information  
to be included in the child's personal file**

The child's personal file shall contain the following information and documents:

1. Copy of the written request of the child's parents or legal representative asking the local public administration to provide temporary care to the child.
2. Copies of documents on parents or legal representatives of the child.
3. Copy of the birth certificate of the child.
4. Copy of the christening certificate of the child or any other information on the child's religion.
5. Psycho-educational characteristic of the child filled in by a psychologist.
6. Abstract from the child's medical file.
7. Inventory act of the child's assets.
8. Comprehensive assessment report of the child.
9. Individual child care plan.
10. Reconsideration reports of the individual care plan and minutes of the respective meetings.
11. Copy of the placement agreement of the child in the service, concluded by the service provider and the foster parent.
12. Records of all activities related to the case.
13. Abandonment act, if such exists.
14. Any other relevant acts.

Annex 6  
to the Framework Regulations  
on the Foster Care Service

**Information to be included in the personal file  
of the foster parent**

The personal file of the foster parent shall contain the following documents and information:

- a) Information collected in compliance with annex 1.
- b) Date of birth and gender of the foster parent.
- c) Request of the foster parent to act in this position.
- d) Comprehensive assessment report of the applicant for the position of foster parent.
- e) Copy of the approval certificate issued by the Commission.
- f) Individual labour contract.
- g) Reports on the review of the foster parent's activity.
- h) Notes, reports or recommendations made during the approval and review period.
- i) Copy of the placement agreement for each child in placement, including the name, age and gender of the child, the date the placement began and was terminated, as well as the reasons the placement was terminated.
- j) Any other information held by the service provider related to the assessment and approval of the foster parent.