

REGULATION OF THE PILOT PROJECT REGARDING FOSTER PLACEMENT

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PART I. GENERAL

1. General notions – definitions

Foster Care means that a family other than the birth, extended, adoptive family or guardians takes care of a child.

Birth family means the family into which a child was born.

Extended family means the relatives (relations) of I and II degree to a child

Foster family means the family approved by the local authority and according to an agreement looks after the child or children for a temporary period and is remunerated.

Families in crisis mean categories of families that for external or personal reasons are in economic, social or psychological crisis and during this period they are not able to look after their children and to parent them.

Emergency placement means placement of a child by a local authority with a person who has been approved under this regulation for a period not exceeding 48 hours.

Immediate placement means placement of a child by a local authority with a person other than foster carer (a relative or a friend of the child), entering into an agreement for a period not exceeding six weeks.

Short-term placement means placement of a child by a local authority with a person approved under this regulation for a period not exceeding 12 months.

Long-term placement means placement of a child by a local authority with a person approved under this regulation until the child achieves the age of maturity.

Local authority means local public administration body responsible for ensuring the primary records of the orphan children or children without parental care, records of children to be adopted or placed with families, recording and training people, who wish to adopt or take in placement children in crisis and recording the placement of these children in to the corresponding institutions.

2. Aim of the project

The project is a partnership between the City Hall of Chisinau, the Direction for Protection of Child's Rights and European Children's Trust. The project aims to protect children in need through provision of a foster care system. Foster care is an alternative that as part of the social welfare

services, offers children of families facing social and economic problems, the possibility to live a normal life.

3. Duration of the Project

The duration of the Project will be for 3 years beginning with the date of signing of this Regulation.

4. Subjects of the project

- Children in need
- Foster family
- Families in crisis

PART II. APPROVAL AND RECORDS OF FOSTER CARERS

1. Criteria for the applicants

- a) Foster carer is a natural person, attested in the conditions of the existing law, at the age between 25-60 years old, which ensures upbringing, care and education, necessary for the harmonious development of children, who are placed in their care.
- b) The person can become a foster carer only if he/she fulfills the following conditions:
 - Has a place of residence, which covers the vital needs of the children, who are going to be placed in foster care.
 - Demonstrates abilities of preparing children for reintegration in their own family, guardianship or for adoption.
 - Whose state of health allows to bring up and care of children
 - Has no criminal records

2. Approval of foster carers

- a) According to the present regulation foster carers are to be approved by the Foster Care Panel.
- b) Prospective foster parents are required under this regulation to supply the names and contact information for two personal references. Arrangements must be made for proper interviews of these persons.
- c) Specified information will be gathered and then evaluated. This information will be referred to the foster carer and his/her family.
- d) Also the applicants will be visited at home in order to check if the applicant and his/her family are right to take a child in placement.
- e) Foster Care Panel will make a decision on the approval of the foster carer on the basis of the report that must contain the information stipulated in the Programme I of the present regulation.
- f) An approval given under this regulation may be made for a particular named child or children, or specify number and age range of children, and type of placement (short-term or long-term).
- g) Where an approving authority is satisfied that criteria has been met for approval of a person as a foster carer they will give him notice which specifies whether the approval is in respect of a particular named child or children or number and age range of children or of placements of any particular kind or in any particular circumstances.
- h) Foster carer will fulfill his/her responsibilities under this agreement signed with local authority, which will stipulate the provisions of Programme II of the present regulation.

- i) Where an approving authority concludes that prospective foster carer does not meet the specified criteria they will give a written notice of the decision.

3. Review and termination of approval

- a) Where a foster parent has been approved under the regulation Foster care Panel is to review, at intervals of not more than a year or in case of necessity, whether the foster parent and his household continue to be suitable.
- b) When undertaking a review under this regulation Foster Care Panel is to take into account the views of the foster carer and of any responsible authority who have taken part in placing a child with the foster carer
- c) At the conclusion of the review Foster Care Panel is to prepare a report and give notice to the foster carer of their decision (including any revision of the terms of the approval under the present regulation.)
- d) If upon review Foster Care Panel finds:
 - That the terms of approval are no longer appropriate, and/or
 - That the foster carers and household are no longer suitable

It reserves the right to:

- Revise or modify the terms of approval, and/or
 - Terminate the foster placement immediately or upon a date to be specified.
- e) Where a foster carer notifies the local authority that he/she no longer wishes to act as a foster carer, or where the authority are otherwise satisfied that this is the case, the authority is to terminate the approval from a date to be specified by notice to the foster carer.

4. Register of foster carers and others with whom a child is placed

A local authority are to enter in a special register for each foster carer or any other person with whom the child is placed under the present regulation the following information:

- The name and addresses of the foster carer (or, where foster carers are approved jointly, of both foster carers or other person with whom the child is placed.
- The date of approval or agreement.
- The terms of validity of approval or agreement

5. Case records for foster parents and others with whom a child is placed

- a) A local authority are to compile and maintain a record for each foster carer whom they have approved and records for each person with whom a child is placed (in case of an immediate placement)
- b) Each record is to include the following information:
 - A copy of the notice of approval
 - Any report of review of approval
 - A copy of the notice of termination of approval
 - A copy of employment contract
 - A copy of the placement agreement
 - Information on a child in placement (name, age, sex, period and circumstances of placement)
 - The information obtained by the local authority in relation to the approval of the foster parent and in relation to any review of termination of the approval.
- c) Foster Care Panel are to compile a record for each prospective foster carer even if he is not approved as a foster carer. This record will include a copy of the notice and the information, as to the foster carer and his household, obtained by the authority in connection with the question of approval.

6. Retention and confidentiality of records

- a) The record for a foster carer and any entry relating to him in the register, is to be retained for at least 10 years from the date on which his approval is terminated, or for 2 years after his death.
- b) The requirements of paragraph a) may be fulfilled by retaining the original written record during the specified period

PART III PLACEMENT

1. Conditions of placements

- a) A local authority are not to place a child with a foster parent unless they are satisfied that is the most suitable way of performing their duty, and placement with the particular foster parent is the most suitable placement having regard to all the circumstances, with priority going to the needs and right of the child.
- b) Fostering can be offered only in case where there were make all the efforts to keep a child in his/her natural or extended family (with the exception of the emergency placements)

- c) In making arrangements for a placement a local authority are to secure, where possible, the foster parent of the same religious persuasion and ethnic background as the child, or, in case of religion, gives an undertaking that the child will be brought up in that religious persuasion.
- d) Except in the case of an emergency or immediate placement, a local authority are not to place a child unless the authority and the foster parent have entered into a written agreement relating to that child covering the matters specified in Programme III.

2. Supervision of placements

- a) In order to uphold the scope of the Project, and to ensure that the welfare of the child continues to be suitable the local authority will make arrangements for an authorized person to supervise the fulfilment of the placement. Within the supervision there will be carried out visits to the domicile depending on the needs of the child and family in which the child is placed, but no less than:
 - In the first month of placement – weekly
 - In the first year of placement – monthly
 - After the first year of placement at intervals not to exceed 3 months.

In such visits the local authority will provide advice and assistance as seemed necessary.

- b) In the case of an immediate placement the local authority are to arrange for the child to be visited at least once in each week during the placement.
- c) On each occasion on which the child is visited under this regulation the local authority shall retain the right, if seemed appropriate or necessary, to arrange to see the child alone.
- d) Following the visit an authorised person will prepare a written report

3. Control of placements

Control of placements implies the verification by the Foster Care Panel of the entire placement process. Within the control the Foster Care Panel will delegate a person from its members or any other authorised person to visit the foster carer in his/her home.

- a) Situations which require performing the control:
 - In case where local authority is informed that the welfare of the child is not protected or promoted in the first 7 days from the case notice

- At intervals no more than one year if local authority is satisfied in relation to the foster care placement when the welfare of the child is protected and promoted

b) Requirements in relation to the visits

Local authority will make arrangements to ensure that at each visit carried out in accordance with item 1 b) from the part III of the present regulation the person who visits the child is to:

- See the child during the visit, except for the cases when the person considers that it is not necessary or if a child at the moment of the visit is not together with the foster carer
- If the child is not present to make arrangements to see the child as soon as possible.

4. Termination of placements

Foster Care Panel are to terminate the placement of a child with a particular foster carer to continue if it appears to them that the placement is no longer the most suitable way of performing their duty, or if the needs and/or rights of the child are not met.

5. Emergency and immediate placements by local authority

- a) Where arrangements have been made for a child to be placed in an emergency, a local authority may for a period not exceeding 48 hours place them with a foster carer approved under this regulation.

Where a local authority are satisfied that the immediate placement of a child is necessary they may for a period not exceeding six weeks place the child with a person who has not been approved as a foster carer (a relative or a friend of the family). The placement will be carried out after interviewing the person, inspecting the accommodation and obtaining information about other persons living in the household.

The person with whom the child is to be placed will sign a written agreement with local authority where that person will carry out the duties specified in this regulation:

- To carry for the child as a full member of that person's family.
- To permit any person authorized by the local authority to visit the child at any time.
- In case when local authority considers that the placement is not for the best interest of the child to allow its transfer at any time
- To ensure that any information that foster care might acquire relating to the child, or to his family or any other person, which has been given to him in confidence in connection with the placement is kept confidential and is not disclosed except for the

case when the information is required by local authority and with its permission.

7.Foster families, children placed with these families their rights and obligations

- a) Foster families have the right:
- To be treated with respect
 - To be considered as a family and as providers of a service
 - To be informed of their rights and responsibilities
 - To receive a training in childcare before approval and continued training after approval.
 - To be supported by the local authority in carrying out their duties.
 - To have a support group or association that operates independently from the Local Authority, but with the support of the administration.
 - To be offered entire information about child's life in placement.
 - To be financially supported for the upbringing of the child
 - To participate in preparing the plan of placement of the child
- b) Foster Carers are responsible for the life and health of children in placement and have the duty:
- To sign the foster care agreement according to the stipulations of the Programme III once they are approved as foster carers
 - To offer necessary information for their assessment taking into consideration the family as a whole, its functionality, emotional maturity, quality of marital relationship, and capacity to parent children in need of family placement.
 - To allow the children in placement to develop to their full potential
 - To give the child the opportunity to his/her religious, spiritual and ethnic development.
- c) Children needing foster care have the right:
- to be placed in a family of their ethnicity and race.
 - to be placed with their siblings together
 - to have the living space and goods that belonged to their parents before maintained
 - to make a complaint to the local authority if their rights are maltreated

7. Foster care panel

- a) Foster Care Panel will be made up within local authority (Municipal Directorate for the Protection of the Children's Rights) and will have the following obligations:
- To assess and appraise the qualities of applicants objectively.
 - To approve applicants as foster carers
 - To ensure that a proper professional process has been carried out in the preparation and assessment of applicants.
 - In the longer term, to set standards of quality and to ensure that these standards are being achieved in respect to a particular application.
 - To receive reports recommending termination of approval following complaints.
 - To review Foster Parent approval annually.
 - To change the status of a Foster Parent.
 - To match the child and the foster carers.
 - To carry out the placement of children with foster carers according to the decree.
- b) Organisation and Process of the Panel
- The Panel will meet at regular intervals depending upon demand, but not more frequently than twice a month.
 - The Panel will be made up of 9 persons who possess knowledge in the field of child protection. The Panel meeting will take place if there will be present at least 7 members.
 - Assessment reports are to be presented to Panel members in advance
 - The materials are to be presented to Panel Members in a timely fashion in order for them to have the possibility to read and review the contents in preparation for discussion.
 - No applications will be considered until all reports and checks have been completed.
 - If a panel member knows an applicant personally or professionally they will abstain from the decision-making concerning that individual.
 - The panel will consider the application without the social worker or the applicant present. They may reject or approve the application or request additional information from the social worker. The social worker can be invited to the panel meeting in order to clarify the report.
 - The "Foster Carer Approval Form" will be completed as official record of the Panel's decision
 - The applicant will see the social work report, but the references and checks will remain confidential.
 - All information in the applicant's file must remain confidential and copies of reports will be returned to the Project.

PART IV. RECORDS OF FOSTER PARENTS

c) Register of foster parents and others with whom a child is placed

PART IV LOCAL AUTHORITY VISITS

1. Circumstances necessitating visits by local authorities

- a) The local authority shall arrange for one of their officers to visit every child who is accommodated with a foster parent within their area by or on behalf of a voluntary organisation in any of the following circumstances and within the periods specified -
- within 28 days of the placement with the foster parent;
 - where the local authority are informed that the welfare of the child may not be being safeguarded or promoted, within 7 days of being informed;
 - at intervals of not more than six months when the local authority are satisfied, in respect to the placement with the foster parent, that the child's welfare is being safeguarded and promoted.

2. Requirements in respect to visits

- a) The local authority shall make arrangements to ensure that in respect of any visit made pursuant to item 1 above an officer will:
- See the child during the course of the visit, unless he considers it unnecessary to do so or the child is not in fact with the foster parents at the time of the visit.
 - If the child is not present, make arrangements to see the child as soon as reasonably practicable.

PART V FINANCIAL ARRANGEMENTS

1. Financial arrangements

- c) The foster care project will be financed mainly by the European Children's Trust (in accordance with the Agreement of Collaboration between the City Hall, the Direction for Protection of Child's Rights and ECT, signed on the 1st of January 2000) until the national child care legislation including fostering is approved.
- d) Foster parents will receive their payments for looking after a foster child on a regular basis.
- e) Additional payments will be given as deemed necessary to foster parents to support the placement. This may be necessary at the start of

fostering, as well as to ensure medical care and essential medical procedures.

SCHEDULE 1

INFORMATION AS TO PROSPECTIVE FOSTER PARENT AND OTHER MEMBERS OF HIS HOUSEHOLD AND FAMILY

1. Age, health (supported by a medical report), personality and marital status (including any previous marriages).
2. Particulars of the other adult members of his household.
3. Particulars of the children in his family, whether or not members of the household, and any other children in the household.
4. Particulars of the accommodation.
5. Religious persuasion, the degree of religious observance and capacity to care for a child from any particular religious persuasion.
6. Racial origin, cultural and linguistic background and his 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 and ability in this respect.
9. Previous criminal convictions and those of other adult members of the household.
10. The outcome of any request or application made by him or any other member of the household to foster or adopt children.
11. Particulars of any previous approval, or refusal of approval or termination of approval, relating to them or any other member of the household.

SCHEDULE 2

MATTERS AND OBLIGATIONS IN FOSTER CARE AGREEMENTS

1. The levels of support and training to be given to the foster parent.
2. The procedures for the review of approval of a foster parent.
3. The procedure in connection with the placement of foster children, and in particular-
 - (a) the matters to be covered in foster placement agreements and the respective obligations, under any such agreements, of the responsible authority and the foster parent;
 - (b) the authority's arrangements for meeting any legal liabilities of the foster parent arising by reason of a placement; and
 - (c) the procedure available to foster parents for making representations to the local authority in whose area that child is placed.
4. To give written notice to the authority forthwith, with full particulars, of -
 - (a) any intended change of address;
 - (b) any change in the composition of household;
 - (c) any other change in personal circumstances and any other event affecting either capacity to care for any child placed or the suitability of the household; and
 - (d) any further request or application of a kind mentioned in paragraph 10 of Schedule 1.
5. Not to administer corporal punishment to any child.
6. To ensure that any information relating to a child placed, to the child's family or to any other person, which has been given in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the responsible authority.
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 child's/children's welfare having regard to the responsible authority's long and short-term arrangements for the child.
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. Where regulation 7(1) or (2) applies, to allow the child to be removed from the foster parent's home by the responsible authority or (as the case may be) the area authority.

SCHEDULE 3

MATTERS AND OBLIGATIONS TO BE COVERED IN FOSTER PLACEMENT AGREEMENTS

1. The provision by the responsible authority of a statement containing all the information which the authority considers necessary to enable the foster parents to care for the child and, in particular, information pertaining to:

- (a) the authority's arrangements for the child and the objectives of the placement;
- (b) the child's personal history, religious persuasion and cultural and linguistic background and racial origin;
- (c) the child's state of health and need for health care and monitoring;
- (d) the child's education needs

including a requirement for the statement to be provided either at the time of the signing of the agreement within 14 days.

2. The responsible authority's arrangements for the financial support of the child during the placement.

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

4. The circumstances in which it is necessary to obtain advance approval of the responsible authority for the child to live, even temporarily, away from the foster parent's home.

5. The arrangements for visits to the child, in connection with the supervision of the placement, by the person authorised by or on behalf of the local authority as well as the frequency of such visits and reviews.

6. The arrangements for the child to have contact with his birth family and other persons, including any arrangements for such.

7. Compliance by the foster parent with the terms of the agreement set out in Schedule 2.

8. Cooperation of the foster parent with regards to any arrangements made by the local authority for the child.