



# A child's "right to a family"

**Family-based child care**  
**The vision and experience of**  
**SOS Children's Villages**  
**Position Paper**



**SOS-KINDERDORF**  
International



### 2008 Edition

This 2008 Edition of the original *A child's "right to a family"*, from 2005, contains slightly different wording and some updated statistics and figures. The content, however, remains unchanged.

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# Introduction

*"...[T]he child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding..."*

United Nations Convention on the Rights of the Child (UNCRC)

*"Every child belongs to a family and grows with love, respect and security."*

The vision of SOS Children's Villages

## Introduction

SOS Children's Villages believes every child has the right to grow up in a caring family environment, yet many of the world's youngest citizens are denied this right. Today, a large number of children live without the support of either one or both parents. As a result, hundreds of millions of children suffer from abuse, neglect, and exploitation, as well as sheer deprivation due to poverty.

The best place for children's emotional and physical well-being is within a family, where they can live their childhood to the fullest and prepare for a future where they can realise their potential. However, the number of children that do not grow up in a caring family environment is increasing. Their deteriorating living conditions and the lack of support extended to them are cause for great concern. The international community, governments, civil society, and local communities have a duty to support the world's most vulnerable children and their families, to ensure that children become strong, emotionally stable and self-reliant. Joint action is urgently needed.

SOS Children's Villages was a pioneer in family-based child care and has provided out-of-home child care since 1949. Today, we are active in 132 countries and territories. We work to support vulnerable children and their families, to help strengthen families and to prevent abandonment. We also support children without parental care, in family-like environments in our SOS Children's Villages.

Based on our experience, we see our mission as twofold: first, to help children to remain with their biological families, and secondly to ensure that those children for whom this is not possible can also grow up in a caring family environment.

SOS Children's Villages firmly believes in the importance of offering a broad spectrum of appropriate out-of-home child care programmes tailored to the individual child, finding solutions that serve the best interests of the child and that involve children in all decision making processes in accordance with their evolving capacities.

Family-based  
child care



## Quality standards

In this paper, we discuss the numerous reasons why children lose parental care, despite preventive efforts, and we highlight challenges related to finding the appropriate forms of out-of-home child care. We explain the underlying principles and features of our family-based child care model as one child care option, which is based on the fundamental importance of the family. The paper focuses on our experiences in family-based child care, making only brief reference to other forms such as adoption, foster care, and child-headed households.

We also argue the importance of developing comprehensive legal frameworks that back the broad spectrum of out-of-home care options. It is time to recognise that children who have lost the care of their biological families have equal societal and legal rights to live in an alternative family environment.

*A child's "right to a family"* calls for the establishment of binding and internationally agreed quality standards and comprehensive monitoring of all forms of out-of-home child care, in compliance with the United Nations Convention on Child Rights (UNCRC). Recommendations in this paper indicate the priorities and approaches taken by SOS Children's Villages. Children's rights, as set out in the UNCRC, must guide the global debate and lie at the centre of solutions offered. Children must be seen as individuals in their own right and not as objects of care or victims of circumstance.

This paper aims to promote further dialogue among all individuals and organisations involved with children. We hope that this will help to secure children's rights, particularly for those children who have been deprived of parental care.

*Richard Pichler*  
*Secretary-General, SOS-Kinderdorf International*



## Glossary of terms

### **Biological family**

Family members to whom a child is biologically related, i.e. birth parents, biological siblings and other relatives.

### **Children without parental care**

Children who do not live with at least one of their biological parents, for whatever reason and in whatever circumstances.

### **Out-of-home child care**

The entire spectrum of alternative care options provided to children without parental care.

### **Family-based child care**

All forms of out-of-home child care which provide the child with a substitute family environment.

### **SOS Children's Village family or SOS family**

Family-based child care model developed by SOS Children's Villages.

### **Institutional/residential care**

All out-of-home child care that is not family-based.

### **Orphans**

Children who have lost one or both biological parents.







# 1. Family First

## Supporting the biological family and providing out-of-home child care: complementary approaches

SOS Children's Villages believes that every child has the right to grow up in a supportive and caring family environment, ideally the biological family.

The United Nations Convention on Child Rights (UNCRC) describes the biological family as "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children". It acknowledges the primary responsibility of parents for their children's upbringing.

### 1.1 A focus on strengthening caring and coping capacities

Families are usually part of, and supported by, the wider community. Extended family members, relatives, friends and the local community contribute significantly to a child's development. Families rely on community services and infrastructure to help integrate a child into society. This includes schools, day-care centres, medical and counselling services.

Economic, structural and political circumstances affect a family's ability to care for its children. In developing countries, more than one third of all children live in poverty – with the highest rates in sub-Saharan Africa (65%) and South Asia (59%)<sup>1</sup>. Malnutrition, and inadequate healthcare and education make families more vulnerable and less able to cope. This situation is often exacerbated by the collapse of community support, caused by diminishing state aid, the privatisation of basic services, and the rising costs of child care.

Changing family structures can also lead to family disintegration; for example, teenage and single mothers are particularly vulnerable as they are often stigmatised, marginalised and isolated from society.

*In Ecuador, some 50% of the disadvantaged households participating in SOS Children's Villages family strengthening programmes consist of single women with children. In such programmes in Bolivia, the housing standards of single mothers were found to be considerably lower than those of married women<sup>2</sup>.*

<sup>1</sup> Gordon, David et al (2003)

<sup>2</sup> Tobar (2001), Ardaya (2000)

For the growth and well-being of children

## Orphans

Poverty should never be a reason for a child to be deprived of his or her family. SOS Children's Villages believes children and their families should receive all the support they need, with a priority on the most vulnerable families such as single-parent families, child-headed households, and families with many children. Legislation and accessible community-based services should focus on strengthening families' caring and coping capabilities.

SOS Children's Villages has established family strengthening programmes in countries with high rates of child abandonment or forced removal. The organisation works with families and communities to address the major causes of abandonment and to prevent children from being deprived of the care of their biological family.

## 1.2 Growing numbers of children without parental care

Despite efforts by international bodies, governmental and non-governmental organisations, an increasing number of children worldwide do not receive the care of their biological families. A considerable number of these children fall into the following groups:

### Orphans

Although accurate figures on the number of children orphaned following the death of one or both parents are not available, it is estimated that by the end of 2005 there were more than 133 million orphaned children worldwide<sup>3</sup>. Over the past decade, 1 million children were orphaned as a result of conflict<sup>4</sup>. In 2007, it was estimated that 2.1 million children under age 15 and about 5.4 million young people between the ages of 15 and 24 were living with HIV<sup>5</sup>. By 2007, more than 15 million children had lost one or both parents to AIDS - a figure expected to increase to 25 million by 2010 - around 80% of whom live in sub-Saharan Africa<sup>6</sup>.

*75% of children in SOS Children's Village families in Kenya and 71% in Malawi have been orphaned, in most cases due to HIV/AIDS. A further 26% of children living in SOS families in Malawi are maternal orphans where the father's whereabouts are unknown. In Laos, 72% of the children in SOS families have lost both parents. In India, 27% of children in SOS families are full orphans, and in 45% of cases the remaining parent is unable to take care of the child. In Vietnam, 79% of the children in SOS families are orphans.*

## Separated Children

### Children separated from their parents

Children may become temporarily or permanently separated from their biological parents and local communities. In the last decade, more than 20 million children were displaced by war or natural disasters<sup>7</sup>, either within or outside their own countries, and 250,000 are currently thought to be child soldiers<sup>8</sup>. In 2002, 246 million children were estimated to be

<sup>3</sup> UNAIDS/UNICEF (2004), children up to 17 years old, includes both maternal and paternal orphans

<sup>4</sup> UNAIDS (2002)

<sup>5</sup> estimates vary in different counting systems regarding age of children and status of loss (maternal, paternal and double orphans)

<sup>6</sup> United Nations (1999)

<sup>7</sup> Ibid 4

<sup>8</sup> UNICEF (2007)





engaged in child labour<sup>9</sup> – many of them living on the streets – and as many as 1.2 million are victims of child trafficking each year<sup>10</sup>. Many of these children have been neglected or abandoned by their parents, have left their families, been lured away by false promises, or have been abducted. In many cases, no effort is made to trace and reunite children with their families, in others it fails.

### Children of single and teenage mothers

With families increasingly under economic stress, an increasing number of girls and young women are sexually active at younger ages, often in exchange for money, goods, or protection. This may lead to single motherhood. Single mothers and their children are often severely stigmatised, particularly in parts of Asia, Africa and the Middle East. Such pressures on young women, who may also be unprepared for the challenges of child care, can force mothers towards abandoning their children.

*In a number of countries, children living in SOS Children's Villages families have been abandoned predominantly for being born out of wedlock, as in India (23%), Sri Lanka (35%) or Egypt (90%). Biological parents of these abandoned children are, in most cases, untraceable. In some countries, girls are unwanted and are abandoned in greater numbers; in others, where girls are abused as domestic servants, more boys are abandoned.*

### Children removed by the state

Governments or authorised bodies often separate a child from his or her parents because the parents are either deemed unfit to care for the child or have infringed the child's rights. Reasons for removal include maltreatment and abuse, criminal activity, teenage pregnancy, alcohol or drug abuse, and severe physical or psychological disease. Often, supportive intervention comes too late and parents' ability to care for their child has already been permanently impaired.

*In the Czech Republic, 65% of the children in SOS Children's Villages families have biological parents with long-term alcohol or drug addiction problems. In SOS families in Finland, this number can be as high as 54%, and in Venezuela, 38%.*

### Child victims of domestic abuse

Domestic abuse is a main reason for the loss of parental care, particularly in Western Europe and Latin America. Abuse ranges from neglect to psychological abuse, corporal punishment, or sexual abuse. Accurate figures on the number of children suffering from some form of abuse are scarce, owing both to a lack of clarity in defining abuse and poor documentation of cases.

It is estimated that around 275 million children are currently exposed to domestic violence<sup>11</sup>. Although the reported number of child deaths from maltreatment has declined in recent years, the number remains high. In 2002, it was estimated that worldwide about 175,000

<sup>9</sup> ILO (2002), 11.3 million children in India alone

<sup>10</sup> ILO (2002)

<sup>11</sup> The Body Shop/UNICEF(2006)

Single mothers

Children removed  
by the state

Domestic  
abuse

children under 17 died as a result of physical violence<sup>12</sup>. In Latin America, it is estimated that annually 6 million children suffer from violence in their homes and families, resulting in 80,000 deaths a year<sup>13</sup>.

*75% of the children in SOS families in Venezuela have had prior experiences of physical or psychological violence or maltreatment, including sexual abuse. The number of children that have been victims of abuse rises to 88% in Croatia, 75% in Belarus, and 55% in Lithuania.*

**SOS Children's Villages believes that:**

- vulnerable families, particularly single mothers, must be supported and that children should stay with their biological family whenever possible;
- social, political and economic root causes that increase the vulnerability of children worldwide, must be addressed and preventive measures established; and
- out-of-home child care programmes and services must complement efforts aimed at strengthening and supporting the biological family and the local community. Out-of-home child care is appropriate when other support options have failed and helps those children who would otherwise remain unprotected.

<sup>12</sup> WHO (2006)

<sup>13</sup> UN Secretariat (2005)





## 2. In the best interests of the child

### Individual solutions for individual children

#### 2.1 The spectrum of child care options

The loss of and/or separation from the family has a major impact on children. Without the nurturing care of a protective and supportive family environment, they are particularly vulnerable. This places their health, overall development and well-being at risk, especially if the loss occurs in the critical periods of their growth, such as early childhood.

Out-of-home child care programmes have to respond to the child's individual needs. Not all forms of care are suitable for all children. Each child's individual background and circumstances require different responses and care options. Thorough prior assessment – taking into account the views of the child concerned and his or her biological family – is required to find the appropriate form of out-of-home care for each individual child, in order to promote his or her best interests<sup>14</sup>.

Many children are placed in the care of institutions, which often do not address the needs of each child. Out-of-home child care programmes that are tailored to the individual child offer a credible alternative to this form of uniform placement. A detailed assessment of each child must take account of the child's family and number of siblings, age, physical and psychological health, previous history of placement, and cultural background.

SOS Children's Villages believes that in most circumstances the biological family is the best place for a child to live; therefore out-of-home child care programmes must respect the role of the biological family. They should complement and reinforce the biological family and local community networks, when these networks are inadequate. Ideally, out-of-home child care should be community-based, making maximum use of the resources, structures and networks available and should enable biological siblings to stay together.

Short-term placements can serve to support a child during a specific period of time, but the ultimate goal is to find a stable, permanent solution: either the return of the child to his or her biological family, or a suitable family-based placement. Potentially longer term child care should guarantee the child those features of a family that are essential for his or her development. Vulnerable structures, such as child or grandparent-headed households, need adequate support to ensure the child's healthy development and protection.

<sup>14</sup> The Convention on the Rights of the Child states in Article 3 that the best interests of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. In each and every circumstance, and each and every decision affecting the child, the various possible solutions must be considered and due weight given to the child's best interests. Such an approach prevails in all cases – from direct interventions by states in their jurisdictions to the private context of family life, where states may intervene indirectly – through local authorities, for example – to ensure and protect children's rights.

In the best interests of the child

## Appendix 2: Child care measures foreseen by the UNCRC

Article 20 of the UNCRC deals with special state protection and assistance for children who are either deprived of their family environment or who cannot remain in their family environment because it is deemed not in their best interests. Article 20 of the UNCRC presents three possible forms of out-of-home child care: adoption (kafalah under Islamic law, article 21), foster placement, and placement in suitable institutions (also referred to as “residential care”).

- **Institutional placement:** Institutions are deliberate living arrangements for children, usually around-the-clock residential care, whereby children live separated from their families. Care is provided by remunerated adult staff. The relationship between caregivers and children is professional rather than parental. Such care is often arranged due to a lack of suitable alternatives or because ongoing specialised care is required.
- **Fostering:** is a full-time placement authorised by welfare authorities or child-placing agencies, usually of a temporary nature, with a “foster” family in a private family home. It is supervised by social services and often involves financial compensation to cover the additional expenses incurred. The legal rights of the biological parents continue.
- **Kafalah:** is a form of care that is legally recognised under Islamic law. Although the placement is definitive, the child does not take the name of the host family, nor does he or she acquire inheritance rights. It reflects the precept of Islamic Law, whereby blood ties cannot be modified.
- **Adoption:** enables an orphaned or abandoned child to become part of a new permanent family. Adoption can be “simple”, allowing the child to maintain some financial and legal ties with his or her birth family (e.g. inheritance rights) or even to retain the family name. The majority of adoptions today are “full”, meaning the relationship between the child and his or her biological parents is irrevocably terminated. In its place, an equivalent relationship is created between the child and adoptive parents<sup>31</sup>.

Most forms of public or private out-of-home child care are categorised and recognised by governments under these three headings. Foster care is, in many instances, the only form of out-of-home child care recognised and generally known as family-based. Other forms of family-based child care are often described as “institutional” care, without any recognition of their distinct characteristics and family features.

<sup>31</sup> It should be noted that in some countries, children who have been “fully” adopted have the right, once they have reached the age of majority, to trace their biological parents and biological parents have the right to trace their children.

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The Spectrum of child care options

## 2.2 Challenges to finding the “right” out-of-home child care

Children who cannot be reunited with their biological families still have a right to grow up in a caring family environment. However, identifying the appropriate alternative care solution for each individual child is notoriously difficult. Challenges such as the loss of family and community networks, shortcomings of adoption or foster care, or the increase in temporary placements make the process particularly complex.

### i) Loss of family and community support networks

Relatives and wider community networks remain the best option for children who cannot be cared for by their biological parents. This, however, may not always be viable. In some cases, family reunification may take many years, as for example in post-conflict situations. During this time, the child may become an adolescent and may even have his or her own children; he or she may be unwilling to return to the family or unwelcome by the community; or the family may simply be untraceable.

Children, who have suffered abuse and exploitation through trafficking, or as street children, might find their social networks permanently destroyed and their frames of reference radically changed.

Children who are affected by HIV/AIDS, including orphans, are increasingly losing their family and community support safety nets. While informal or kinship fostering is a common form of substitute care in a number of countries, this tradition of mutual community assistance is diminishing as family structures breakdown not only because of HIV/AIDS itself, but also as a result of urbanisation, migration, unemployment, natural disasters, and conflict. A direct consequence of these factors is the appearance of grandparent and child-headed households. Children left without support networks are vulnerable to social exclusion. They are likely to be exploited, may live on the street, and have little access to basic services, and they are particularly vulnerable to HIV/AIDS.

*In SOS Children's Villages families in Kenya, 25% of children have been abandoned -because they were born out of wedlock or from prostitutes- or were found living on the streets. In South Africa, around 45% were abandoned; some right after birth, but most were found wandering around informal settlements. In most cases of abandonment, biological families cannot be traced.*

## ii) Shortcomings of adoption and foster care

It is often difficult for some groups of children to be adopted or placed with a foster family. This is the case, for example, when biological parents who are periodically or permanently unable to care for their children properly continue to assert their parental rights. Their children cannot be put up for adoption even though they may be in need of out-of-home child care for extended periods of time. It may be the case that a child has little chance of being adopted because he or she is older than the "desired" age, from a minority group, severely traumatised, disabled or ill. For larger groups of biological siblings it may also often be difficult find adoptive or foster placements that allow them to remain together. In some instances, there may be a shortage of potential parents with the appropriate background or culture to adopt or foster.

## iii) The increase in temporary placements

Currently, child care agencies tend to consider temporary placement an appropriate solution for children who can maintain links with their biological parents but cannot live with them. This may be the case when children can be reunited with their biological families after successful psycho-social intervention, and within a clearly defined timeframe. However, the reality for many children is very different. Children may spend years in inappropriate provisional placements, moving back and forth between out-of-home care placements and their biological parents, or between various foster placements<sup>15</sup>.

<sup>15</sup> In their placement study, Hartnett et al. (1999) found that of the children in temporary placement investigated, 37.5% had experienced 4 or more previous placements. A 1991 report on adoptions in 20 US states showed that foster children, for whom adoption is planned, spend an average of four to six years in foster care, see Ladner (2000). Additionally, research based on 654 empiric studies from Denmark, Sweden, Norway and Great Britain shows that 25% of children under 10, and 40% of those over 10, experience several foster placements, see Egelund & Hestbæk (2003).

Children left without support networks

Shortcomings in out-of-home care



## Temporary placements

*Since 1996, SOS Children's Villages Austria has been offering short and medium term placement programmes to children who were temporarily removed from their biological families. Although the goal is to enable children to return to their biological families as quickly as possible, reuniting the children with their biological family has only been possible in one third of the cases.*

Temporary placements can cause instability in relationships, a sense of guilt, mistrust, inner isolation and insecurity. Studies have shown a negative impact of "transiency" (undergoing a number of temporary placements) on a child<sup>16</sup>, particularly affecting the child's ability to bond – especially when children have already experienced the break-up of their biological families.

SOS Children's Villages is concerned about the growing number of children in SOS families who have been victims of serial placements, especially in Europe, the United States and Latin America. These children have often been institutionalised in a variety of different placements over a long period of time before finally experiencing a stable relationship in a family environment.

*Around 50% of children in SOS Children's Village families in the United States had been in four to five previous foster placements. In Finland, more than 80% had been previously placed in institutions.*

<sup>16</sup> Muller (2003)



# 3. Family-based child care

## The SOS Children's Villages experience

SOS Children's Villages has been providing family-based child care for approximately six decades. The organisation specialises in a particular form of family-based child care, providing an alternative family for children who have lost their biological parents or who can no longer live with their biological family.

### *SOS Children's Villages in figures<sup>17</sup>*

*SOS Children's Villages operates 473 SOS Children's Villages in 132 countries or territories across the globe. The organisation provides approximately 57,000 children with family-based child care. About 46,000 children have been supported in family-based child care since 1949. There are about 15,500 young people in SOS youth facilities. About 500 family-strengthening programmes benefit over 250,000 children and their families. Around 22,200 children attend 226 SOS Kindergartens, and 104,000 children attend 185 SOS primary and secondary schools.*

### 3.1 Creating a family environment

The concept of family is dynamic and ever-changing, encompassing diverse forms of family structure. SOS Children's Villages uses the term "family" in a broad sense and offers children a new family environment that maintains the essential qualities of family. SOS Children's Village families emphasise family relationships, both between children who live together as brothers and sisters, and between the child and at least one stable, professionally trained, remunerated caregiver: the "SOS mother/parent"<sup>18</sup>. The organisation also ensures that biological siblings are kept together within one SOS family. Every family member has a unique position within the SOS family, helping children to develop a sense of both identity and belonging.

A family environment

*In a 2002 survey<sup>19</sup> of 337 young people growing up in SOS Children's Villages families in 7 countries<sup>20</sup>, 75% indicated that they had been living with their biological siblings in the same SOS family. The majority of other children had no biological siblings, and only in exceptional cases was there no common admission. The same information was provided by 73% of respondents in a similar 2003 survey in 9 Latin American countries<sup>21</sup>. Currently, 80% of children in SOS families in Laos live with their biological siblings, 83% in Venezuela, and 72% in the Philippines. In France, 9 out of 10 children in SOS families live with their biological siblings, of which more than 60% are sibling groups consisting of three or more children. Young people growing up in SOS Children's Villages families in Finland felt that the most important thing for them was to be able to live with their biological siblings.<sup>22</sup>*

<sup>17</sup> As per 01.01.2008

<sup>18</sup> Since the late 1980s, the profession has also been undertaken by couples.

<sup>19</sup> Pittracher B, Rudisch-Pfurtscheller A (2003)

<sup>20</sup> Sri Lanka, Philippines, Kenya, Zimbabwe, Nicaragua, Dominican Republic, Poland

<sup>21</sup> Bolivia, Brasil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela

<sup>22</sup> SOS Lapsikylä (1996)



The SOS family offers stability and security, and supports each child to develop according to his or her needs, with particular emphasis on the child's emotional and social wellbeing. It is a source of social learning, giving each child a home, a community and a sense of belonging.

### 3.2 Offering a lasting and stable emotional relationship

Stable  
relationship

An SOS family offers each child the lasting, stable and emotional relationship that he or she needs for a healthy development. The SOS mother/parent takes full responsibility for the child and actively shares in the child's everyday life. Caregiver and child develop a lasting bond that the child can depend on. Studies confirm the important role SOS mothers/parents play for both the educational and the emotional development of the child, and identify key elements of the relationship such as love and acceptance, sensitivity, empathy and attachment<sup>23</sup>.

SOS families fully respect a child's biological family and its unique importance. This respect entails a close co-operation with the biological family, and demonstrates a lasting commitment towards the child, and his or her family and community.

### 3.3 Giving individual guidance and long-term support

Long-term  
support

An SOS family fully supports the well-being, growth and development of the child. The SOS mother/parent takes on full social responsibility for a child and provides the child with individual guidance and care until he or she is able to lead a full and independent life in society, or is reunited with his or her biological family.

Every child benefits from individual child development planning, which guides his or her overall development and steers the out-of-home care process in the long term. The individual care plan helps to set objectives for a child and is elaborated and further developed together with the child.

As an important step towards independence, and after careful preparation from their SOS family, young people<sup>24</sup> move into a 'youth home'. Living together in small groups supported by professionally-trained youth care co-workers, young people progressively take more responsibility for their own lives and develop social skills. Tailor-made youth programmes offer career planning and life skills training. Additionally, 'head-start' programmes provide assistance in establishing small businesses and offer scholarships for higher education or vocational training.

<sup>23</sup> Dumaret (1988), Muller et al. (2001)

<sup>24</sup> At an age appropriate to their individual development but not younger than 14 years of age.



The process of guidance and support provided by SOS families is characterized by a balance between proximity and autonomy, allowing the young person to develop a sense of security, identity and independence<sup>25</sup>. After leaving the family, a young person often keeps the bond with his or her SOS family. Surveys among youth growing up in SOS families confirm the importance they assign to this bond.

### 3.4 Providing a supportive environment

The SOS Children's Villages organisation provides a supportive environment within which individual SOS families can develop, distinguishing between the role of the organisation (and its network) and the role of the SOS family. The organisation supports the SOS families, while the SOS family cares for the children. As the essential feature of family-based child care is the caring relationship between the child and the caregiver, the organisation pays particular attention to supporting and encouraging this bond.<sup>26</sup>

Ten to fifteen SOS families form a community within the SOS Children's Village and a network of mutual support. Additional assistance provided within the Village includes professional specialised advice and counselling from education specialists and psychologists. These resources are also used to foster contact with the biological family, guiding the highly sensitive relationship between the child, the biological parent(s) and the SOS mother/parent. Individual families also rely on community resources to support the development of children, as SOS Children's Villages encourages contact with the local community. The organisation also implements and monitors standards of care, including the protection of children from exploitation and abuse.

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<sup>25</sup> Fuchs (1995)

<sup>26</sup> Hofer & Putzhuber (2001/2002), SOS Lapsikylä (1996)





# 4. Setting standards and monitoring out-of-home child care

## An appropriate legal framework

Children without parental care should receive child care that is tailor-made to suit their individual needs and that meets established quality standards. Article 3/3 of the UNCRC specifies the state's obligation to ensure that standards are met:

*"States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities".*

State and non-state child care providers should jointly establish comprehensive standards and monitoring systems that are in the best interests of the child, comply with the UNCRC, and provide a supportive and empowering environment for caregivers.

A sound legal framework, which recognises the entire spectrum of out-of-home child care options, is crucial in order to provide tailor-made, quality out-of-home child care that upholds the best interests of the child. It should include appropriate monitoring systems to ensure that services are being provided effectively. The framework should include practical aspects of care relating to caregivers. This includes adequate training and support, appropriate remuneration, and/or professional recognition of caregivers. Additionally, caregiver's rights and obligations must be strengthened.

Legislation (and its proper application) must reflect the practical needs of children in care and respect their rights. It must also address the shortcomings of the out-of-home care system, such as long waiting periods for suitable placement, insufficient involvement of children in placement procedures, and the lack of appropriate temporary care provisions.

Generally, there are insufficient resources allocated to the setting of standards for out-of-home care and to the establishment of systems to monitor those standards. Children without parental care often rank low on political agendas, resulting in inconsistent handling of child welfare, under-funding of public child care, a lack of support for and training of substitute caregivers, and deficiencies in monitoring. Furthermore, an increase in decentralisation and the shifting of child care responsibilities to local authorities does not always go hand-in-hand with increasing resources and support.

## Standard setting

All forms of out-of-home child care require appropriate standards, which are in turn monitored to ensure that they meet the needs and rights of individual children.



## A commitment to quality assurance

In the past, the lack of appropriate standards, coupled with inadequate monitoring systems, has led to inappropriate or outdated care practises. Several studies have raised concerns about the inadequacy of institutional care and the detrimental effects it has on a child's development<sup>27</sup>. The risk that a child's rights are violated increases as monitoring and support decrease.

It is essential to develop and monitor global standards, which are based on the UNCRC and focus on the best interest of the child. These standards must be applied within appropriate national and international legal frameworks, which set out the principles of out-of-home child care. In general, standards must be practical and respect diverse cultures and practices. While implementation should allow for flexibility and encourage responsible individual action, standards must be specific, establish clear minimum requirements and set appropriate indicators for monitoring.

SOS Children's Villages is committed to quality assurance in out-of-home care and works closely with other stakeholders to ensure improvements through standard setting, dialogue, and training. Through the project Quality4Children<sup>28</sup>, a joint undertaking with International Foster Care Organisation and Fédération Internationale de Communautés Educatives, SOS Children's Villages established a set of quality standards for out-of-home care in Europe. The project involved children and youth without parental care, caregivers, social workers, and biological and foster parents from 30 European countries. This process resulted in 18 standards, which are organised according to three phases of care: decision making and admission, care-taking and leaving care.

Regional initiatives, such as Quality4Children, are complimentary to other international initiatives such as the ongoing "UN Guidelines for the appropriate use and conditions of alternative care for children". This particular initiative seeks to establish international standards that, based on the UNCRC, provide guidance to states with regards to obligations towards children without parental care. These standards are elaborated with respect to two underlying principles of 'necessity' and 'suitability'. This implies that the decision to place a child in out-of-home care should be a matter of necessity and that the specific choice of alternative placement, from the range of care options, be the most appropriate to that particular child.

Based on six decades of experience in family-based child care, SOS Children's Villages contributes to these regional and international processes of standard setting and considers the following set of recommendations critical in order to meet the needs and rights of children in out-of-home care.

### 4.1 A rigorous admission process in the best interests of the child

- A detailed assessment of the child's needs and family situation prior to admission to out-of-home care should ensure that all possibilities of retaining children in their biolog-

<sup>27</sup> Tolfree (1995); Human Rights Watch (1996, 1998); UNICEF (1997); Tobis (2000)

<sup>28</sup> [www.quality4children.info](http://www.quality4children.info)



ical families or home communities have been explored and that the best possible solution for the child is reached.

- If it is the case that out-of-home care is the best option, the best possible placement option should be identified.
- Biological siblings should be kept together, except in cases where this would not be of benefit to the children's development.
- Admission procedures should involve all parties concerned and provide sufficient information to the child, the biological parents and the substitute caregiver.
- The child should be involved, according to maturity, in decision-making processes.
- Relevant authorities and social workers must be knowledgeable of issues relating to child care, pertinent legislation and compliance with the UNCRC.

## 4.2 A reliable, nurturing and lasting relationship

- In all forms of out-of-home care, the child should be guaranteed a reliable, nurturing and lasting relationship, either by maintaining a sound and positive contact with the biological parents or (where this is not possible) with a stable substitute caregiver.
- The child-caregiver relationship should provide affection, stability, safety and emotional support.
- The child-caregiver relationship should be based on the child's individual needs and fulfilment of his or her rights.
- Infants and younger children in particular should be offered a lasting relationship and the possibility to bond, in a way that meets their individual needs and vulnerabilities.
- Special consideration should be given to children who have been abused or who have suffered from serial placements, as restoring their confidence in relationships is an important part of their healing process.
- Special consideration should be given to children who are in short-term or interim care to ensure that they maintain a healthy relationship with their biological family.
- As with all forms of out-of-home care, an adequate child to caregiver ratio is critical.

## 4.3 A holistic approach to child care

- Out-of-home child care should meet the child's basic needs, such as adequate housing, nutrition and health care. In addition, a comprehensive education should support the child's development into a self-confident, self-reliant and participative member of society.
- Out-of-home child care should ensure that the child's full range of developmental needs are met, promoting physiological, psychological, intellectual, emotional, social and spiritual well-being.
- Appropriate attention should be given to issues such as birth registration, inheritance rights, sufficient leisure time and access to information.
- Each child should be offered individual development opportunities tailored to his or her needs, which focus on the strengths, abilities and potential of the child.

Rigorous admission

A reliable, nurturing and lasting relationship

A holistic approach

- Children's diversity and individualities must be valued, particularly for vulnerable children such as those with disabilities or those from minority backgrounds.

*SOS Children's Villages applies a holistic approach of individual child development planning, in which the organisation supports the child in planning his or her future. Specialists work with the child, his or her family and caregiver to set, review and continually adjust both short and long-term objectives. This allows for individualised care, supports those children who are most vulnerable and discriminated against children, and helps promote the child's potential.*

## 4.4 Child protection

Protecting children from abuse is particularly important for children in out-of-home care.

- Staff recruitment and training should ensure that caregivers are competent in child protection and can respond appropriately to cases of abuse and violence.
- Policies and procedures should be in place to prevent and respond to abuse, and ensure transparency.
- Children should be aware of and have access to information, complaint procedures and protection units, and sufficient attention should be given to girls.
- Harmful traditional practices must be properly addressed.
- Children should have access to appropriate support and counselling.
- Caregivers should clearly reject corporal punishment.

*SOS Children's Villages realises that children in care are particularly vulnerable due to their past experiences. Children who have suffered neglect, domestic violence, abuse or exploitation are often labelled by society as having a "behavioural disorder". These children often emulate the violence that they once experienced and require special protection and highly-sensitive educational approaches.*

## 4.5 Child participation

Article 12 of the UNCRC states that a child has the right to express his or her opinion and have that opinion taken into account.

- Children in out-of-home care should be able to voice their opinions, views and concerns and should be consulted on all matters affecting them.
- Children should be able to communicate freely and openly and be listened to.
- The child's views should assist his or her caregivers in identifying individual needs.
- Children should receive sufficient information to enable them to make their own choices.





- All information provided to children and received from them must be treated with respect and confidentiality. Children should have access to their files according to their level of maturity.
- Children should participate in all aspects of family and community life. There should be space for children to develop autonomously.

## 4.6 Working in partnership with biological families

A sound three-way relationship between the child, his or her biological parents and the caregiver is crucial for the success of a child's development. In countries where social background and the extended family system are vital factors for the child's successful integration in society<sup>29</sup>, the role of out-of-home care is particularly challenged. Out-of-home child care programmes must work closely with the biological family.

- The child and his or her biological family should maintain regular contact, where it is in the child's best interests.
- The biological family should be recognised as an equal partner in the child's care, and involved as much as possible in decision-making and joint activities.
- The biological parents should be able to maintain parental responsibility and receive specialised support where required.
- The child should be encouraged to get to know his or her background and to fully understand the reasons for being in the out-of-home care programme<sup>30</sup>. Knowledge of his or her parents, family and history of placement helps a child to search for his or her identity and is a natural part of a child's development.

## 4.7 Social and cultural identity and integration

Article 20 of the UNCRC calls for continuity in the upbringing of a child while respecting the child's ethnic, religious, cultural and linguistic background.

- Traditional practices should be respected, insofar as the practices in question are not harmful or illegal.
- Children from minority backgrounds require special attention.
- A child's given name, where known, should be maintained and birth certificates and identity papers provided. Where possible, the child should also be able to remain in his or her country or region of origin.
- Cultural and social integration should be a priority, involving continuous exchange with the community, the use of community services, and participation in the social and cultural life of the community.
- Caregivers play an important role in the formation of a child's cultural identity and in his or her construction of reality. Caregivers should be aware of this and sensitive to

Partnership with  
biological families

Integration

<sup>29</sup> Larcher (1994)

<sup>30</sup> Koisti-Auer (2000)

these processes. In the case that a caregiver is not of the same cultural or religious background as the child, sufficient cultural references must be provided.

*As far as possible, SOS Children's Villages in multi-ethnic and multi-religious societies consist of families with different indigenous cultures and religions. Multi-cultural communities contribute to social and cultural integration. In some cases, it may be particularly difficult to respect a child's individual cultural heritage, as is the case when a child's roots cannot be traced.*

## 4.8 Life after care: guidance and support

### Life after care

- Out-of-home care programmes should guarantee that the child receives appropriate support, either until the child can be reunited with his or her biological family, or until he or she can live independently as a young adult.
- Regular and careful assessment of the child's care situation and individual needs should be conducted.
- Provisions should be made for an adequate after-care process.
- Children should be prepared for life in the wider society.
- Children and young people, particularly those with special needs, should be supported in the transition period towards independence with, for example, assistance with housing, employment, or further education.
- Consistent support from the caregiver should be maintained.

*SOS Children's Villages plans each child's development individually, and guides the children from their arrival in the SOS family until they are independent. This includes supporting youth in planning their education, including vocational training and career planning, and development of comprehensive skills to help the young person to become socially and professionally autonomous. In a step-by-step process, each young person receives individualised professional assistance to obtain housing and employment.*

## 4.9 Selection and training of caregivers

### Quality training for caregivers

Children in care have complex needs. Therefore, caregivers should receive comprehensive training, particularly in psycho-social and therapeutic skills. Out-of-home care programmes must ensure they have professionally qualified caregivers who can provide children with quality care.

- Careful selection procedures, including child protection vetting, should be ensured.
- Quality training for caregivers and other staff, including instruction on children's rights and child protection, should be provided.
- Caregivers and other staff should be trained to cooperate with children's biological parents and to be aware of the specific needs of individual children.
- It should be ensured that caregivers and other staff receive regular follow-up training, counselling and professional support.



- Quality human resource management, including good communication flows, supervision, performance review, staff development and training, is critical.

*Following a careful recruitment process, SOS mothers/parents receive a comprehensive orientation programme and initial two-year training programme. Once they have passed a final examination, they are awarded a professional diploma. SOS mothers/parents continue to receive training throughout their careers. A minimum of two weeks' follow-up training once every two years and in-service training have proven crucial for maintaining high standards of child care.*

## 4.10 Monitoring and accountability

Monitoring of out-of-home child care must take place within the overall framework of the UNCRC. In order to maintain high standards of child care, there needs to be regular and detailed monitoring by competent experts.

- National and international legal frameworks should be established for out-of-home child care, which clearly define terms, approaches, standards, methods of application, monitoring mechanisms and sanctions.
- Public authorities and out-of-home child care programmes should co-operate closely.
- Control mechanisms should be developed, applied and maintained, and quality standards should be in place;
- Measures for child protection (including prevention of and response to abuse) must be implemented.
- Financial and project management must be transparent and accountable.

*SOS Children's Villages' own experience of implementing international guidelines demonstrated that it is important for those guidelines to be based on local realities. The organisation currently runs a process whereby local experts facilitate good practise sharing on global standards at the continental and regional level. SOS Children's Villages has introduced a self-evaluation tool to support self-reflective and participatory assessment of the quality of SOS Children's Villages work. The major goal of this evaluation process is to ensure that SOS families provide high-quality child care. The organisation also works closely with public authorities, as well as state and non-state actors, in processes that lead to the establishment and improvement of state-led monitoring systems.*

Monitoring,  
coordination  
and accountability





# 5. Conclusion

This paper is based on the experience SOS Children's Villages has gathered in approximately six decades of work in family-based child care. The key recommendations are based on the fundamental premise that for a full and harmonious development, children should grow up in a caring family environment, as outlined in the preamble to the UNCRC.

Achieving this requires donors, governments, children's agencies, NGOs, local communities and – most of all – the families themselves to make considerable efforts.

SOS Children's Villages reiterates that:

- children should be at the centre of all decisions, policies and practices affecting them;
  - children's best interests must be considered first and foremost;
  - support should be given to vulnerable families and their children and every effort should be made to prevent the separation of children from their biological families;
  - out-of-home child care programmes and caregivers must work hand-in-hand with biological families where possible;
  - children in out-of-home care must be able to establish strong, reliable relationships and experience a caring family environment;
  - institutional child care - especially if it is long-term - should be progressively transformed into out-of-home child care programmes that are tailored to the needs of the individual child;
  - public and private actors engaged in child care must work together in a co-ordinated manner to find the best solution for each individual child in need of out-of-home care;
  - national and international standards must be set for out-of-home child care, using the UNCRC as the overall framework, to ensure that the child's individual needs and rights are met;
  - transparent and appropriate monitoring systems for these standards should be in place to protect children in out-of-home child care from abuse, neglect and exploitation, and to ensure their optimum development;
  - sufficient resources must be provided to support quality out-of-home child care programmes; and
  - the development of comprehensive legal frameworks assures adequate support and recognition for both the required and existing spectrum of out-of-home child care.
- There is a need to recognise - both socially and legally - the right of children who have lost the care of their biological family to live in an alternative family environment.

It is in the best interests of the children and their families that suitable, tailor-made out-of-home child care programmes are developed, which meet the rights and needs of the individual child and enable them to develop to their full potential.

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# Annexes

## Appendix 1: Family-based care and children's rights

Fundamental principles outlined in the Universal Declaration of Human Rights and the UNCRC underpin all the guiding principles and the work of SOS Children's Villages. These are:

- \* Non-discrimination
- \* Best Interests of the Child
- \* Participation
- \* Survival and Development
- \* Accountability
- \* Indivisibility

While these rights and principles apply to all children, some rights outlined in the UNCRC are particularly relevant to children without parental care or children at risk of being separated from their parents.

These rights include:

**Article 9** – Parental Care and Non-Separation: The right to live with parents unless this is deemed incompatible with the child's best interests; the right to maintain contact with both parents if they are separated.

**Article 10** – Family Reunification: The right to leave or enter any country for family reunification and to maintain contact with both parents.

**Article 12** – The Child's Opinion: The right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child.

**Article 18** – Parental Responsibility: Parents have joint responsibility for the upbringing of their children and the state shall support them in this. The state shall provide appropriate assistance to parents in their child-rearing.

**Article 19** – Protection from Abuse and Neglect: The state shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish appropriate social programmes for the prevention of abuse and treatment of victims.

**Article 20** – Children without Families: The right to receive special protection and assistance from the state when deprived of the family environment and to be provided with alternative care, such as foster placement or kafalah of Islamic law, adoption or an institutional placement.

**Article 25** – Periodic Review: The right of children placed by the state for reasons of care, protection or treatment, to have all aspects of that placement reviewed regularly.

In addition, some rights refer specifically to conflict situations. Article 39 of the UNCRC makes reference to the state's responsibility for a child to receive appropriate responses for recovery and social reintegration where he or she has been a victim of armed conflict, torture, neglect, maltreatment or exploitation. Fulfilling this right has obvious implications for care providers.



# A child's "right to a family"



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