

FAMILY AND INSTITUTIONAL FORMS OF FOSTER CARE FOR CHILDREN IN POLAND

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Abstract. Family is considered as being a primary environment in the life of every person. It is playing a crucial role in emotional, educational and social development. Its special meaning however shines when talking about the period of childhood. This is why, whenever a child cannot remain within its original family, placing it under a foster family can be the most beneficial choice of all. It is vital to pay attention as to what kinds of foster care exist and how wide is their spectrum in terms of their functionality.

Keywords: child, forms of foster care families, institutional forms of foster care.

FAMILIA ȘI FORMELE INSTITUȚIONALE DE ÎNGRIJIRE MATERNALĂ PENTRU COPII ÎN POLONIA

Rezumat. Familia este considerată a fi un mediu primar în viața fiecărei persoane. Acesta joacă un rol crucial în dezvoltarea emoțională, educațională și socială. Cu toate acestea, semnificația ei specială strălucește când vorbim despre perioada copilăriei. De aceea, ori de câte ori un copil nu poate rămâne în familia sa originală, plasarea acestuia în familia de îngrijire maternală poate fi cea mai benefică alegere a tuturor. Este esențial să se acorde atenție la tipurile de îngrijire maternală existente și cât de larg este spectrul lor în ceea ce privește funcționalitatea acestora.

Cuvinte cheie: copil, forme de familii de îngrijire maternală, forme instituționale de îngrijire maternală.

Preface

Family plays a crucial role in life of every person. It is the original and most basic environment for education and development in the life of any individual. “Family is a natural environment in life for children and young adults, and as such it is influencing them socially (socialization), creating conditions that support development or stagger it.” [3 - p.699] Raising a child in a family environment entails a whole array of parental care and socializing activities that are being undertaken by the parents. Modern families fulfill their roles in a variety of ways and on a variety of levels depending on their capabilities. More often than not, they are experiencing difficulties derived from both specific family conditions as well as due to changes of social and economical nature that occur within the society. In the advent of appearance of issues in spectrum of correct fulfillment in regards to basic parenting functions a need arises to secure upbringing of children in foster care environment.

Childs foster care – their variants and basic tasks

The term “foster” indicates a presence of an attempt to fill shortages in natural parental care and from its assumptions, has a timed manner. It should – whenever possible – strive to integrate the child with its family. Foster care links fulfilling all broadly understood key elements needed for a correct functioning within aspects of being, socializing, emotional and cultural related. In a situation where justified reasons

arise as to the child not being able to be raised by its biological family it is mandatory to place the child in the environment of foster care. Currently abided laws in the range of organizing foster care in Poland have been set in a bill on June 9th 2011 about supporting families and the foster care system [15]. According to the bill “the foster care system is a set of persons, institutions or actions aimed at ensuring timed care and upbringing of children in the event of the care and upbringing not being able to be provided by the parents” [15, art. 2 pkt 2]. Foster care is enacted in family and institutional forms.

Placing a child in foster care occurs via a court ruling [15, art. 35 pkt 1] and after receiving an agreement from the foster family side [15, art. 36]. Whenever an urgent need is present, by request or permission from the child’s parents it is possible to place said child in a foster care family on the basis of a civil law agreement between the foster family and a mayor pertinent in accordance to the place of residence of the family. Directing a child to foster care should occur only when all other forms of family aid, which are described in scope of family aid and foster care system, have been exhausted completely. The amount of time that the child will spend in foster care is set mostly in relation to the nature of events that led to the child being placed under care of individuals other than its natural family.

Child’s family foster care

In accordance with the law of aiding the families and foster care system “the forms of family foster care are:

- Foster care family (related, non-professional, professional including professional that is also functioning as a family emergency unit and professionally specialized), and
- Family foster home” [15, art. 39 pkt 1].

The goals of the foster care family related to the child are undertaken by the members of the child’s family – grandparents or siblings (in Poland the vast majority of foster families are comprised of persons related to the child, most often being the grandparents). Professional foster families or non-professional foster care families are made of spouses or persons not being an ancestor or a sibling of the child. Professional foster care family that serves as a family emergency unit is a form of foster care in which no more than three children are placed for a time no longer than 4 months. In exceptional circumstances, and with an agreement from the foster care governing body, a child’s stay can be extended up to 8 months or until the lawsuit deciding on further action is resolved. A specialized foster care family will receive children that are “identified by a court ruling of being fully disabled or a ruling of being severely or moderately disabled, children mentioned in the bill of October 26th 1982 of processing underage persons and underage mothers with children [15, art. 59 pkt 1]. One professional foster care family or a non-professional foster care family can take in no more than three children at the same time or

persons who became of age during their foster care term.

The most balanced solution for a child is to place it under related foster care family, however, such option is not always available. The child will then be placed under a professional family as well as being sent to a foster home. In spite of the law a foster home cannot host more than 8 children or persons who became of age during their foster care term. The length of time during which a child will remain under foster home care is linked to reasons that made that child being placed in the new environment in the first place. Depending on individual circumstances the child can stay in a foster home until they can be taken by their biological family, is sent for adoption or until they become of age. It is worthy to mention that in a situation where a child is still in school then by permission of the person running the foster home they can remain there after becoming an adult but not over the age of 25.

Foster families take a special place in the foster care system and they are amongst the most valued forms of compensatory care when talking about abandoned, mistreated and orphaned children [18, 7, 12, 4, 10, 21, 13, 6, 17]. Foster family is a form of a complete care, that is timed and occurs only when a married couple or a single person takes in a child to care for it and raise it. Marek Safjan points out that “whenever talking about foster families we do in fact mean a form of care, of which the goal is to substitute a natural family for the child by creating conditions similar to those that exist in a functional family” [19 - p.13]. Mirosław Jamrożek and Bożena Matyjas however describe a foster family as a small social group, that is an upbringing environment created by persons not being the natural parents of a child [5 - p.386-389]. Creation of a foster family does not create a family-civil bond between the child and the foster parents. A child taken in by a foster family does not become a proper child of the foster parents as in the light of the alimony and inheritance laws it’s situation does not change.

Foster parents based on their knowledge, preparation and professional aid undertake a task to fulfill care and raising duties for the foster children placed in their care. The elementary function of the foster family is to provide a child with adequate care conditions and physical, mental, cultural and social development. Article 40 part 1 of the bill states the following “the foster family as well as a foster home provide a child with everyday care and aid, paying special attention to:

- treating the child in a manner that is suitable for it to feel dignified and personally valued
- ensure access to tenable medical care
- ensure education and correction of developmental and school shortages
- ensure development of predispositions and interests
- ensure that emotional, existential, developmental, social and religious needs are met
- ensure protection from arbitrary or lawless interference with child’s private life

- ensure contact with parents and other relatives is provided unless the court rules otherwise” [15, art. 40 pkt.1].

Children that are sent to foster care homes of families are such, whose parents’ parenting rights have been restricted or suspended or those who have been completely devoid of parental care from the side of their biological parents. In a scenario where a child has turned 13, a decision to place it in a foster family is dependent on the child providing his consent. In the case of younger children it is also needed if possible to take their opinions and feelings into consideration when choosing the correct foster family. Amongst children qualified for foster care we can differentiate the following:

- “children who are natural orphans
- children whose parents are devoid, suspended or restricted in terms of parental rights
- children in particularly difficult situations that prohibit them from receiving basic conditions to be raised and cared for
- children whose physical and mental health shows deviation from the norm – in this case foster parents need to be made aware of the severity of those deviations prior to taking the child in” [18 - p.9].

Permission to conduct foster family duties can be granted to married couples or single individuals who:

- “pledge to uphold the correct ways of providing a foster care
- are not and have never been devoid, suspended or restricted in terms of parental rights
- fulfill the alimony duties – in cases in which such duties come from a writ of execution
- are not limited in legal capacities
- are capable of providing proper care over a child which has been proven by a testimonial stating that no health related issues are present which would prohibit from fulfilling the role of a foster family or running a foster home. The testimonial has to be issued by a general medicine practitioner. An opinion from a psychologist stating that the party is predisposed and motivated to become a foster family or run a foster home is needed as well. Said psychologist has to have a minimum of higher education in psychology with 2 years experience in family consultations.
- are currently residing on the territory of Republic of Poland
- will ensure adequate living and material conditions are provided that will enable the child to sate fulfill its individual needs including: emotional, physical and social development, proper education and development of interests, free time relaxation and time management [15, art. 42 pkt 1].

It needs to be mentioned that to act as a professional or nonprofessional foster family can

be entrusted to persons, who have not been validly convicted for a consciously committed crime of any kind. Candidates, who want to act as a professional or non professional foster family or to run a foster home, need to finish a course preparing them for such duties. Such course is organised by the governing body of the family foster care.

Foster families will receive financial aid to partially mitigate expenses related to each child that was placed under their care. The amount of such help will be set based on what kind of a foster family is present, child's health status at the given time, as well as social displacement of the child. According to current laws there are various forms of monetary aid for foster families or persons running a foster home. Such benefits to cover costs of raising a child are as follows:

- 660 PLN/month - in case of a foster child placed in a related foster care family
- 1000 PLN/month - in case of a foster child placed in a professional or non professional foster family or a family foster home [15, art. 80].

Foster families whose child is identified with a certificate of disability be if full, severe or partial, are eligible for an additional aid of no less than 200 PLN/Month to cover for additional costs involved in providing care for the child. Such aid is also available to professional foster families for each child that was placed under their care as written in bill of October 26th 1982 describing processing of underage persons and is also meant to alleviate costs created by raising a foster child. Moreover, foster families or persons running a foster home can be granted additional benefits by the mayor pertinent such as:

- monetary aid for costs related to recreational activities that are taking place away from the child's place of residence
- benefits to cover: mandatory costs related to satisfying child's needs when taking in a child - onetime payment;
- costs related to existence of random events or other that have an impact on quality of care provided - onetime payment or recurring payment.

Professional and nonprofessional foster families can receive financial aids to assist in maintaining a house in a multi-family house or a single family house. The amount of aid provided is based on costs that a foster family needs to bear such as; rent, council tax, electrical, gas, water and heating bills. Foster family can be given a special grant once a year by the mayor pertinent to cover costs of renovating and mandatory repairs of the place of residence, be it a multi-family house or a single family house.

Professional foster families or persons running a foster home are entitled to receive no less than 2000 PLN/month as pay, while foster families that fulfill the role of a family emergency unit are entitled to no less than 2600 PLN/month as pay. When deciding on the pay amount the following are taken in consideration: qualifications, courses and grades of a foster family of persons running a foster home. Foster families that fulfill a role of a family emergency unit which care for more than 3 children over a period of more than 10 days are legible to a 20% rise in pay. Same raise is given if at

least one child is certified to be disabled.

Placing a child in a foster care environment is improving its material, developmental and existential situation. It is also improving its social and educational aspects. In a situation where biological parents have lost their parenting right or it was suspended, the full parenting right is transferred to the foster family or child's guardians.

Institutional forms of foster care

Children that have been devoid of parental care fully or partially after exhausting the option to find a foster family are then placed in educational care facilities. According to art. 93 from the quoted bill institutional [8, 1, 11, 22, 20] foster care exists in forms of:

- educational care facilities
- regional therapeutic care facilities
- interventional adoption centre [15, art.93].

Educational care facilities have been divided into following types: socializing, interventional, specialist therapeutic and family oriented.

Educational care facilities of the social type ensure an everyday care for a child and to fulfill its basic needs such as emotional, developmental, medical, material, social and religion related. Children admitted to the facilities are provided with access to education based on their age and individual predispositions. During their stay the facility is taking action to speed up a possible return to the biological family as well as enabling the child to keep in contact with their family and relatives unless it was ruled out by the court during foster proceedings. Children will also be taught and prepared to be able to function by themselves socially after leaving the facility.

The basic task of interventional type foster facilities is direct assistance in caring for a child during crisis situations. The facility is especially obligated to take in a child in cases where a immediate care is needed to be provided for the child. Child itself cannot remain in the care of the facility for more than 3 months. In special cases, however, the child's stay can be extended until a court ruling is reached stating that the child can either be reunited with its parents, adopted or placed in foster care. The child can be admitted to the facility based on a court ruling, be brought in by the local authorities (Police), Border Security officers as well as by request from its parents in accordance to art. 12 of the bill from July 29th 2005 about countering domestic violence.

Regional therapeutic care facilities will take in children who have a disability certificate, children requiring special care and therapy and those in a situation that needs to help alleviate delays in development or educational fields. The facility provides such activities as didactical, socio-therapeutic, speech therapeutic, correctional, compensational for the lack of parent care and readying for social life and for children with special needs a suitable rehabilitation program, and revalidation sessions.

When it comes to a foster care that is family oriented, it will be host to children of random age including those who are maturing and learning to provide for themselves. The facility will often provide possibility to raise siblings together. In foster care facilities that are oriented towards socializing, intervening or therapy children that will be admitted are 10 years old or older, requiring specialized care or ones that experience difficulties in adapting to living in a family. At the same time in those facilities there can be no more than 14 children at the same time including persons who became of age during their foster care stay [15, art.95 pnk 3].

In accordance to a quoted bill “children that are placed in a regional foster therapeutic facility include those who in regards to their health status require special care and rehabilitation cannot be placed in family foster care or a foster care facility. In a regional therapy oriented foster care facility there can be no more than 30 children present at any given time” [15, art.109]. In the interventional pre-adoption facility children that will be admitted include those who during the process of adoption cannot be placed in foster care. Such a child can remain within the pre-adoption facility only until it reaches its first year of life. At the same time the facility cannot hold more than 20 children.

A child that, while remaining in foster care by the order of the court, reaches maturity can count on help in settling into life [O usamodzielnieniu wychowanków w pracach: 2, 9, 16]. According to the bill “a person who, after reaching maturity is leaving a foster family, family foster home, foster care facility or a regional foster therapy facility, hereinafter referred to as “the empowered” in case where placing it in foster care has occurred due to a court ruling:

- receives help towards continuation of education, empowerment, material management
- receives help in pursuing: adequate housing conditions, employment
- is ensured to be provided with legal and psychological help [15, art.140 pnk 1].

The amount of aid given towards empowerment however is not exact each time and depends on the foster care type and on the amount of time the empowered has spend within it. The process of empowerment should being just when the child is admitted to the family/facility because only then a real chance for young people to gather the most knowledge and skills for future life exists. Aforementioned types of aid in the scope of empowerment are granted to the empowered person who has remained within a foster care for a period of no less than:

- 3 years in case of the empowered person leaving a related foster family
- 1 year in case of a person leaving a professional and nonprofessional foster family, family foster home, foster care facility or a therapy oriented foster care facility [15, art. 141, pnk 1].

The environment of foster care, depending on the length of time the care was provided, is

making sure the child is ready to live in a society by providing it with a set of guidelines and values, traditions, culture and behavioral education. It is above all a chance for a safe childhood and a successful home for children that were socially orphaned.

Summary

These issues that touch on family functionality and foster care system are extremely special in terms of social care and compensation for social orphaning of children in Poland. Whenever a need arises to take a child away from its biological parents the main objective for social services is to place the child in an environment that will ensure its education and upbringing, will focus on its development, health care, will enable to gain education and develop interests. Foster environments also make sure that the child is ready for adulthood showing correct patterns of interactions within the society. It is good to know that in order to successfully bring proper care to a child and its family it is vital to make sure that all aspects and conditions of foster care as well as integrated actions, institutional cooperation and the entirety of interactions between the child and the world are considered. "Organising of foster care requires cooperation of various different institutions and specialists from all fields and professions" [14]. Undertaken methods of aid both family and institutional are thus engrained in functioning both the aid sector institutions as well as all actions taken by people who are not indifferent to children being mistreated or abandoned.

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