

Foster Care in Portugal

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Abbreviation list:

FC	Foster Care
CPCJ	<i>Comissões de Proteção de Crianças e Jovens</i> (Local Commissions for the Protection of Children and Young People)
FF	Foster Family
BF	Biological Family
FO	Family of Origin
ISS, I.P.	<i>Instituto de Segurança Social</i> (Portuguese Social Security Institute)
SCML	<i>Santa Casa da Misericórdia de Lisboa</i> (Holy House of Mercy of Lisbon)

1. What is the framework for Protective Measures in Portugal?

Portuguese Law for Protection of Children and Youth in Danger establishes several protection measures (Law no. 26/2018 of July 5th, which alters the original Law – Law no. 147/99, of September 1st), which may be decided and implemented by Portuguese Law Courts and *Comissões de Proteção de Crianças e Jovens – CPCJ* (Local Commissions for the Protection of Children and Young People):

1.1. Measures in the natural living environment.

1.1.1. Support to the parents

Consists in the provision of psychological, educational, and social support to the child and the family, and economic assistance, when necessary. May include parental education.

1.1.2. Support to another relative

Consists in the placement of the child in the guardianship of a family member with whom he/she lives or to whom he/she is trusted (e.g., adult siblings, grandparents, uncle/aunt, cousins...). Includes psychological, educational, and social support to the child and the family and, when necessary, economic assistance. May include parental education.

1.1.3. Confided to a trusted person

Consists in the placement of the child in the care of a person who, not belonging to the child's family, has established a relationship of reciprocal affection with he/she (e.g., godmother/godfather, family friend, neighbor...). It may include psychological, educational, and social support to the child and the person entitled, and economic assistance if necessary.

1.1.4. Support for independent living

Consists of providing economic support, psychological, educational, and social follow-up to young people (with 15 years or older), giving the conditions that will enable them to live by themselves and progressively acquire autonomy of life. When suitable, this measure may be applied to young mothers under the age of 15.

1.2. Placement measures.

1.2.1. Residential care

Consists in the placement of the child in the care of an entity that has adequate and qualified facilities, equipment, and permanent human resources, that satisfies the child's physical, psychological, emotional, and social needs, as well as the effective exercise of his/her rights, promoting the integration in a safe familiar and social context, education, well-being, and integral development.

1.2.2. Confided to selected person for adoption, Foster Family, or institution with a view to current or future adoption

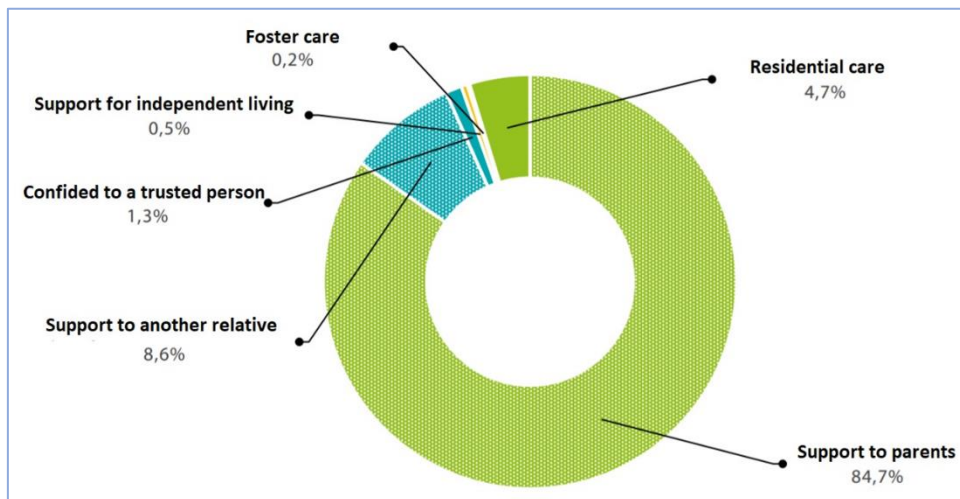
Applied exclusively by Portuguese Law Courts. Consists in the placement of the child under the guardianship of a selected candidate for adoption by Social Security organism; or the placement of the child in a Foster Family or an institution to adoption.

1.2.3. Foster Care

Details start in section 4 (What is Foster Care?).

2. 2020 Statistics of overall measures.

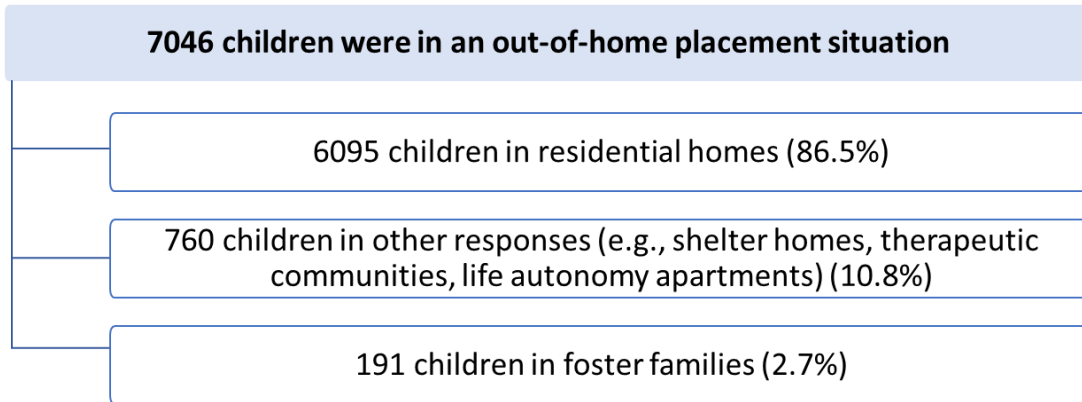
In 2020, CPCJ applied a protective measure to 11879 children. The most frequent measure was “support to parents”, and the least was “Foster Care”.



Note: Only the measures decided and implemented by CPCJ are in this graph. It does not include measures applied by Portuguese Law Courts. Retrieved from National Commission for the

Promotion of Rights and the Protection of Children and Young People's annual report of CPCJ activity (CNPDPJCJ, 2021).

3. 2019 Statistics of out-of-home placement measures.



Retrieved from Portuguese Social Security Institute annual report about children in out-of-home placements (Instituto de Segurança Social, I.P., 2020).

4. What is Foster Care?

Foster Care is an alternative out-of-home placement measure, intending to provide a safe, caring, affectionate and stable family environment to children and youth in danger situations, to guarantee the child's well-being and development.

It's a temporary measure, and intends the transition to the child:

- Return to Biological Family or Family of Origin;
- Adoption;
- Or life autonomy when the previous options are not available.

5. Who manages Foster Care in Portugal?

- *Instituto de Segurança Social – ISS, I.P.* (Portuguese Social Security Institute).



- *Santa Casa da Misericórdia de Lisboa* – SCML (the Holy House of Mercy of Lisbon).

SANTA CASA *Misericórdia de Lisboa*

- Other Private Social Solidarity Institutions with an established protocol with the Social Security Institute.

6. What are the legal provisions that establish and regulate Foster Care in Portugal?

- Portuguese Law for Protection of Children and Youth in Danger (Law no. 26/2018 of July 5th, which alters the original Law – Law no. 147/99, of September 1st)
- Decree-Law no. 139/2019 (Implementation of Foster Care)
- Decree order no. 278-A/2020 (Foster Families application, selection, and evaluation)

7. Who can be a Foster Family in Portugal?

In Portugal, Foster Families may be:

- One single person.
- Couples living together/married.
- Two or more people bonded by kinship relations and living in the same household.

Eligibility criteria of the candidates:

- Have at least 25 years old.
- Have physical and psychological health to foster children or youth.
- Have an adequate home, with health, hygiene, and safety conditions.
- Have suitability to foster children.
- Cannot be a candidate for adoption.
- None of the family members can be indicted, accused, or condemned by crimes against life, physical integrity, personal freedom, or sexual self-determination and freedom.

- None of the members can be inhibited from performing their parental responsibility, or have their parental exercise limited for constituting a danger to the safety, health, moral, and education of their children.

In Portugal, Biological Families or Families of Origin cannot be Foster Families of their relatives. There are other promotion and protection measures where the child is placed in the care of other family members (“support to another relative”) or other people related to the family (“confided to a trusted person”), but they are not Foster Families.

8. What are the stages of the process of becoming a Foster Family?

a) Contact ISS, I.P., or SCML

Fill the application and present several documents (e.g., annual income statement, health statement...).

b) Attend an informative session

In this session, the next procedures and other information regarding Foster Care are discussed.

c) Psychosocial evaluation

This includes physical, psychological, and household conditions evaluation, through interviews, home visits, and other evaluation instruments.

9. What are the selection criteria for becoming a Foster Family?

Family selection is based on:

- Skills needed to be a Foster Family;
- Willingness to manage daily life with children;
- Family stability and acceptance of this decision by every member;
- Motivation to be a Foster Family;
- Willingness to collaborate with the professionals and to promote the child's relationship with Biological Family or Family of Origin;
- Willingness to participate in training;
- House conditions.

After the family is selected, they receive the Foster Family certification and are enrolled in a Foster Family database.

10. What are the rights of the Foster Family?

- Initial and continuous training by the institution and entity that accompanies them;
- Monitoring and support by qualified professionals;
- Financial aid to support costs related to the fostering of the child:
 - €605,56 ≈ 2782,38 PLN – for children up to 6 years old;
 - €526,57 ≈ 2414,79 PLN – for older children;
 - €684,55 ≈ 3139,27 PLN – Higher for children up to 6 years old with disabilities;
- Respect for the family intimacy and privacy;
- Information regarding the child they are going to foster;
- Financial benefits, such as deductions in taxes;
- Support for health, education, and social subsidies (family allowance granted by social security);
- Labor rights (e.g., justified absences for child assistance and paid parental leave, for men and women, when fostering children up to 1 year old).

In Portugal, Foster Families cannot take time off from fostering a child. However, they are entitled to take breaks between placements, and not foster a child right after the Foster Care of the previous one is terminated.

11. What are the rights of the Biological Family or Family of Origin?

The Biological Family or Family of Origin is involved in the Foster Care, except for the cases where the court inhibits their involvement and contact with the child.

The Biological Family has the right to:

- Contact the Foster Family and visit the child;
- Access to the child's information;
- Participate in child's education;
- Receive training to reinforce and promote parental competency.

12. Who can determine the placement of a child in Foster Care?

The placement of a child in this measure is decided and implemented by Portuguese Law Courts and CPCJ, in the context of a child promotion and protection process.

13. Which children can be fostered?

Children and youth can be fostered from 0 to 18 years old. In some situations, until they are fully autonomous or over 21 years old.

Foster Care of children under the age of 6 is prioritized.

14. How many children a family can foster at the same time?

Each Foster Family can foster two children. However, when there are siblings, it is prioritized that they stay together in the same Foster Family. In this case, the number of children fostered may be higher than two.

15. When does Foster Care begin?

The placement begins with a contract signed by the Foster Family and the entity that promotes Foster Care. This contract establishes the Foster Care conditions.

16. When does Foster Care end?

The Foster Care ends in the following situations:

- In cases of substitution or termination of the placement (e.g., when there is a transition to other responses, such as autonomy of life apartments or residential care);
- By mutual agreement of both parties involved if it doesn't compromise the child and an adequate alternative is previously arranged;
- When there are situations that compromise the child's rights or safety;
- When the Foster Family does not respect the contract or no longer has the requirements to continue fostering.

17. Foster Care in Portugal: Children Characteristics (2019 Statistics).

In 2019, 127 Foster Families cared for 191 children. Approximately, 70% of the children in Foster Care were in that family for 4 or more years.

Characterization of children in Foster Care:

127 Foster Families cared for 191 children
(From the 191 children, 179 were in this type of placement, in the context of a promotion and protection process)

123 Boys (64%)
68 Girls (36%)

0-5 years old – 8.4%
6-9 years old - 11%
10-11 years old – 4.7%
12-20 years old – 62.2%
21 years or older – 3.7%

187 Children had their life projects established

Autonomy of life (49.7% - especially for children from 12 to 20 years old)
Permanent care in FC and other care responses (18.8%)
Reintegration of children in the BF / FO (16.8%)
Adoption (10.7%)
Integration of children in the extended family (1.6%)

102 children (53.4%) had a clinically diagnosed deficit or disability:

Behavioral problems (11%)
Clinically diagnosed cognitive deficit (9,4%)
Clinically diagnosed cognitive disability (16.2%)
Clinically diagnosed physical disorder/disease (7.3%)
Clinically diagnosed physical disability (8.4%)
Clinically diagnosed mental health disorder (0.5%)
Sporadic consumption of narcotics (0.5%)

143 children (74.9%) benefited from psychological or psychiatric support:

Regular psychological counseling (27.7%)
Child and adolescence psychiatric counseling (16.2%)
Irregular psychological or psychiatric counseling (10.4%)
Child and adolescent psychiatric pharmacotherapy/medication (20.4%)

Note: Data from 2020 were not available yet. Retrieved from Portuguese Social Security Institute annual report about children in out-of-home placements (Instituto de Segurança Social, IP., 2020).

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Note: These documents are available only in Portuguese.

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