

Securing children from biological families and transferring them to a foster family

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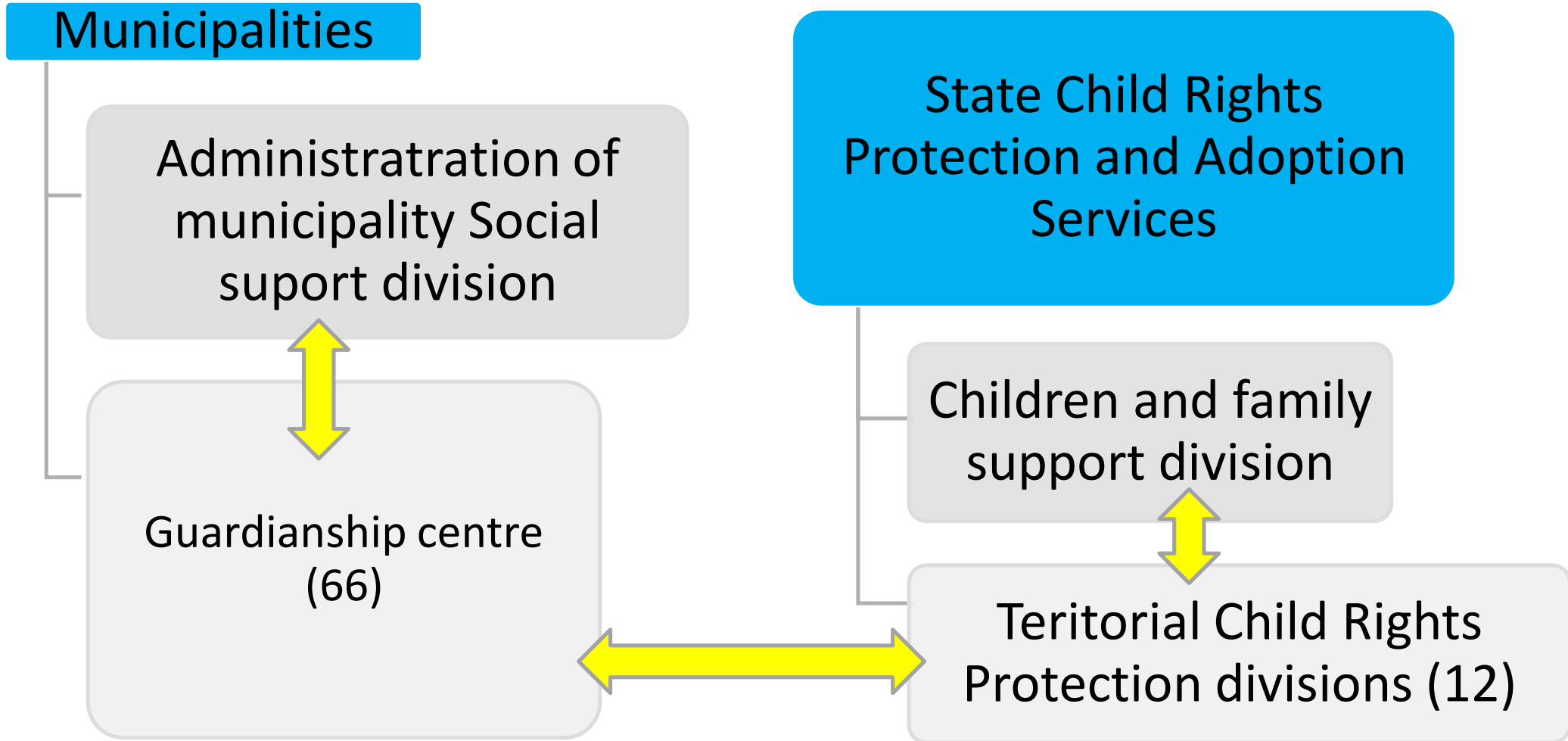
HISTORY of Lithuania Child guardianship system

- Child Guardianship until 1918 year;
- 1918 -1940 Lithuania became an independent country and created its own child care system;
- 1941-1945-1990 – Second World War and Occupation of Soviet Union;
- 1990 -1998: 1990 Lithuania became an independent country, period of NGO initiative;
- 1998 -2005: Child Guardianship law 1998: priority must be given to child guardianship in foster family, not Child care institution, new Civil code 2001;
- 2005 -2014: improvement of Child guardianship system, preparation for child care, PRIDE program for foster families and social families;
- 2014 - Deinstitutionalization till now. From Child care institution to community based services.
- 2018 – Child rights protection system reform: from decentralization to centralization of Child rights protection

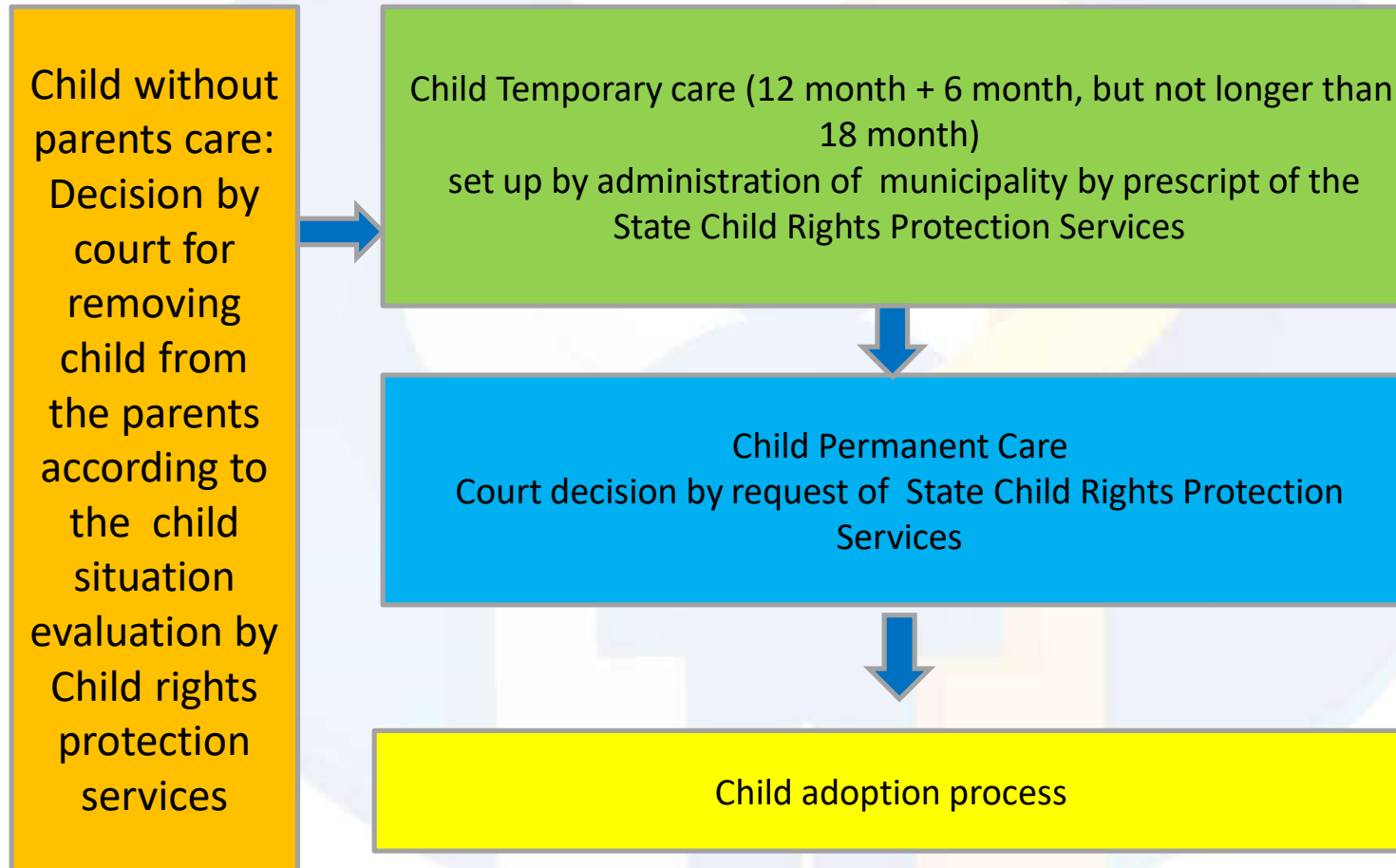
Legal regulation of Child guardianship system

- Civil code;
- Civil process code;
- Law of the Fundamentals of Child Rights protection;
- Law of Social services;
- Regulation of Child guardianship organization;
- Regulation of Adoption
- Regulation of Guardianship centre and guardians on duty;
- Regulation on quality evaluation Guardianship centre services.

Institutions responsible for the Child Guardianship/adoption organization



Child guardianship and adoption system



Child Guardianship Principles

- priority to the best interests of the child;
- priority to become child guardians must be given to child close relatives or person related to the child emotionally;
- the child's guardianship/curatorship in foster family;
- non-separation of siblings, except when this is contrary to the child's interests;
- permanence of the child's environment and place of care;
- Child voice: the child shall be provided an opportunity to be heard and to influence the decision making

Types and Forms of child guardianship

- **Types of child guardianship/curatorship:**
 - 1) temporary guardianship/curatorship;
 - 2) permanent guardianship/curatorship
- **Forms of child guardianship/curatorship:**
 - 1) family guardianship (curatorship);
 - 2) social family guardianship/curatorship;
 - 3) guardianship center guardianship/curatorship – guardians on duty;
 - 4) institutional guardianship/curatorship

Fundamentals of placing a child under temporary child guardianship/curatorship

- A child shall be placed under temporary child guardianship/curatorship if the child's:
- parents or single parent are missing and wanted them (until the court judgement declaring them missing or dead);
 - parents or single parent are temporarily incapable of taking care of the child because of the parents' (the father's or the mother's) illness, arrest or due to other compelling reasons;
 - parents or single parent do not take care of the child, neglect him, do not look after him, do not bring him up properly, use physical or psychological violence thereby endangering the child's physical, mental, spiritual or moral development and safety (until the court order separating the child from the parents);
 - the parents are unknown (until paternity or close relationships are established);
 - the parents or the single parent are incapacitated or partially incapacitated or minors.

End of temporary child guardianship/curatorship

Temporary child guardianship (curatorship) shall end when the child:

- 1) is returned into his/her natural family;
- 2) attains majority or emancipation;
- 3) permanent guardianship/curatorship is established for him/her;
- 4) is adopted;
- 5) enters into a marriage

Placing a child under permanent guardianship/curatorship

- **A child shall be placed under permanent guardianship (curatorship) when:**
- both parents or single parent of the child are dead;
- both parents of the child or his single parent have been declared by court judgement missing or dead;
- the child has been separated from the parents in accordance with the procedure established by law;
- the child's parents or close relatives are not identified within a 3-month period after the child's birth;
- both parents or the single parent of the child are declared legally incapable in accordance with the procedure established by law;
- parental authority is restricted to both parents or to the possession of a single parent.

End of permanent child guardianship/curatorship

Permanent child guardianship/curatorship shall end when the child:

- 1) attains majority or emancipation;
- 2) is returned to his or her parents;
- 3) is adopted;
- 4) enters into a marriage

Child Adoption

- Adoption is possible only in the best interests of the child.
 - Adoption is allowed only for those children who are entered in the register (list) of children to be adopted, except in cases when the child of the spouse is adopted or a child living in the family of the adopter is adopted.
 - Only minors up to three months old are allowed for adoption.
 - It is not allowed to adopt your children, sisters and brothers.
 - An adopted child is allowed to be adopted only by the spouse of the adoptive parent.
 - Adoption by separation of sisters and siblings is allowed only in exceptional cases where the life of the sisters and brothers together cannot be ensured due to their health or when due to various circumstances the sisters and brothers have already been separated and there is no possibility to ensure their life together.
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- **Forms of Child adoption: national and international.**

Established of Child guardianship/curatorship and adoption

- The temporary guardianship/curatorship of a child is established within three working days by order of the director of the municipal administration from receiving Child rights protection and adoption services instruction;
- The permanent guardianship/curatorship of a child is established by request of Child rights protection and adoption services by court decision;
- Adoption of a child provides by court decision.

Foster Family, Social family, child care institution

- Child guardianship/curatorship **in a family** - no more than three children (total number of children in a family with their own children - no more than six children) in a natural family environment.
- Child guardianship/curatorship **in a Social family** - a form of custody when a legal person (family) takes care of four or more children (the total number of children in a family with their own children - not more than eight children) in a family environment.
- A child left without parental care shall be placed **in a child care institution** only in exceptional cases when it is not possible to take care of him or her in a family, care center or family.

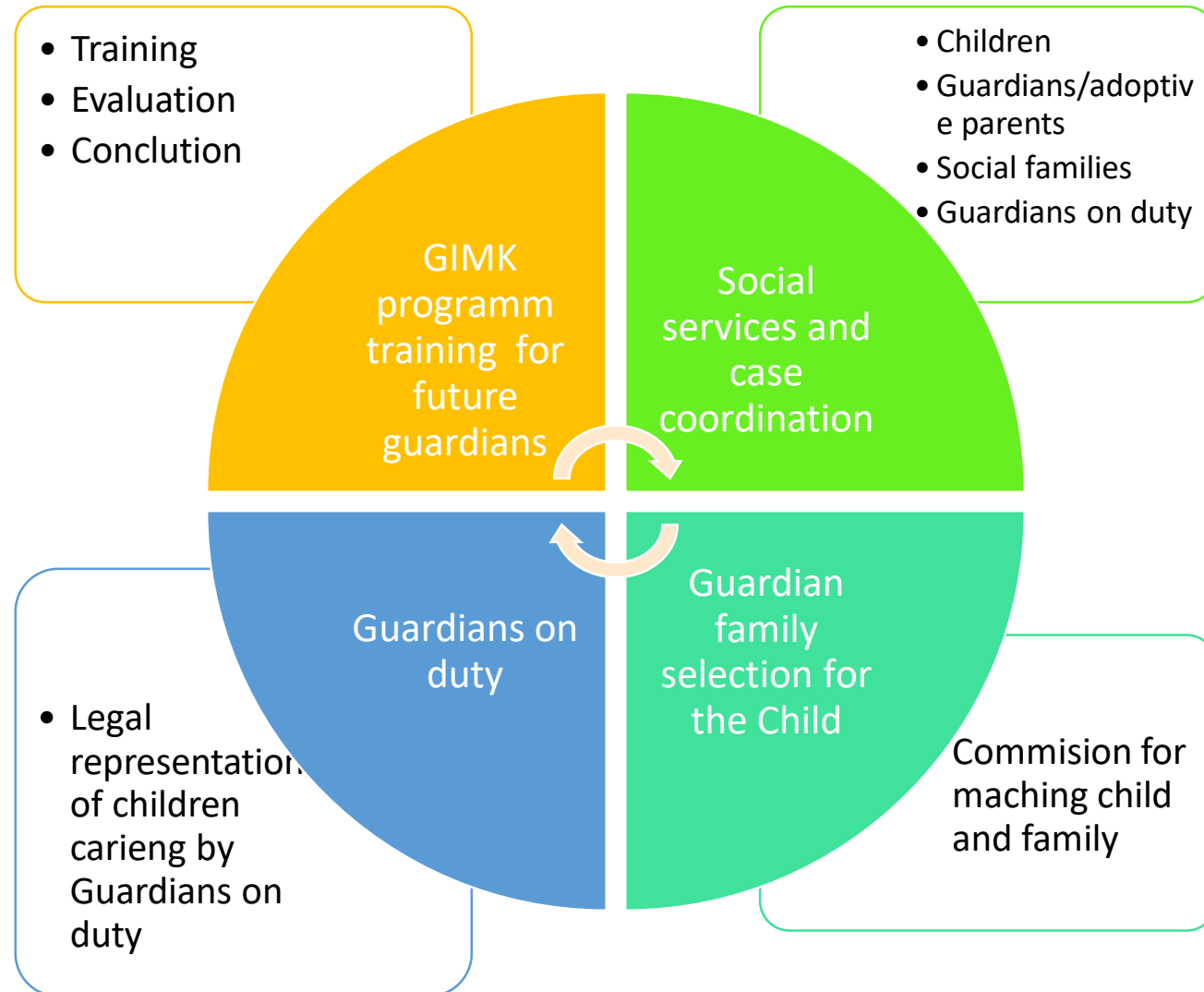
Services and support for guardians and adoptive parents

- **Guardianship center:**
- the social services institution works in each municipality (total number GC-66);
- provides and organizes social services and other assistance as needed for guardians on duty, guardian (caregiver), social families, adoptive parents, family members, employees of child care institution (Communal Child care home) as well as other assistance to the child's parents in returning the child to the family;
- Preparation persons to the child guardianship, adoption according to the training, consulting program for guardians, guardians on duty, adoptive parents, social families and community based child care institutions staff (GIMK program)

Guardians on duty

- **Guardian on duty - a person who:**
- meets the requirements for a guardian in the Civil Code of the Republic of Lithuania;
- has attended training for guardians and adoptive parents by GIMK program;
- Has co-operation and assistance agreement with Guardianship center;
- Takes **temporary care** of children without parents care, with whom he is not related us relatives;
- Main aim to return the child to the natural family;
- **Legal representative of the child are Guardianship center;**
- The services of a guardian on duty are paid by municipality and guardian on duty also receives child support costs

Guardianship center function



AIM OF GIMK PROGRAM

- To represent the interests of a child deprived of parental care, that is, all children are equal, all children are equally important;
- To prepare a person / family for the care (adoption) or adoption of a child in accordance with an impartial position with regard to a child deprived of parental care and his or her biological parents;
- To find the best caring (caregiver) / adoptive family for the child who is able to provide for his / her interests and needs.
- Training and personal assessment under the GIMK program may be performed only by persons certified by the State Child Rights Protection and Adoption Services.



THANK YOU