



Children and young people in care

Discover your rights!



BUILDING A EUROPE FOR AND WITH CHILDREN



SOS CHILDREN'S
VILLAGES
INTERNATIONAL



COUNCIL
OF EUROPE
CONSEIL
DE L'EUROPE

Children and young people in care

Discover your rights!

Building a Europe for and with children

www.coe.int/children

Council of Europe

This booklet was printed with the generous support of the Government of Finland.

Graphic design: The Big Family
Illustrations: Melinda Julienne / © Council of Europe
© Council of Europe, November 2009
Printed in France

Council of Europe
F-67075 Strasbourg Cedex

Contents

	Introduction 5
	1. The decision-making phase <i>Using your rights to make the best decision for care</i> 13
	2. Care-taking phase <i>Your life in alternative care</i> 19
	3. Leaving care <i>What happens next?</i> 27
	4. Have your say! <i>Use your right to participate</i> 31
	Glossary <i>What does it actually mean?</i> 35
	Learn more and get involved! 39



Introduction

What is this booklet about?

Three young people will share stories with you – their own and those of other children and young people in care. This will help you gain a better understanding of how **alternative care works**, what your rights are as a young person in care and whether these rights are being respected. There are also some concrete examples of issues that arise during the care process that should help you make decisions and improve communication with your **caregivers** and social workers. Knowing what your rights are and what they mean in your daily life will empower you to speak up and take an active role in your care.¹

Alternative care – what's that all about?

All children need to grow up with caring adults.² There are many children and young people in Europe who cannot live with their parents. Sometimes this is because a child's **family of origin** is in such difficulty that it cannot provide proper parental care, or sometimes this is because children's parents have died. When parents cannot provide the care that is needed, their children may have to go into placement, and other adults take on the responsibility of caring for them. This is called "alternative care".

There are different forms of alternative care. Children and young people can be placed with relatives, in small or large group homes, in a small family-like home or in foster families. All of these solutions are alternatives to parental care. That is why they are called "alternative care".



Glossary p. 35: *what does it actually mean?*

¹ Footnotes in this booklet refer to and informally explain the meaning of selected articles of the United Nations Convention on the Rights of the Child.

² **Article 9** (United Nations Convention on the Rights of the Child (UNCRC)) is about your right to live with your parents, unless this will have a bad effect on you.

Peter, Renaldas and Raluca come from different countries in Europe and live in alternative care. One day they meet at an international youth event that brings together young people with care experience across Europe.



Alternative care can last for a few days or weeks, or it can last for many years until a child reaches the age of majority, has finished his or her education or the family situation has improved. When children are adopted, they become the sons or daughters of their adoptive parents. Hence, this is not alternative care.

In the past, children who needed alternative care were often placed in large institutions, where as many as 300 children lived together, sometimes under gruesome conditions. But this form of care is no longer seen as meeting the needs of children, and countries in Europe have started closing down these large institutions. Other forms of alternative care are now preferred, ones in which small groups of children live in family-like environments, and if it is in their best interest, with their brothers and sisters.

Children and young people living in alternative care have the same rights as children who live with their family of origin. Governments and organisations are responsible for making sure that these rights are respected and protected.³

But just what are these rights? And how do they affect children's daily lives?

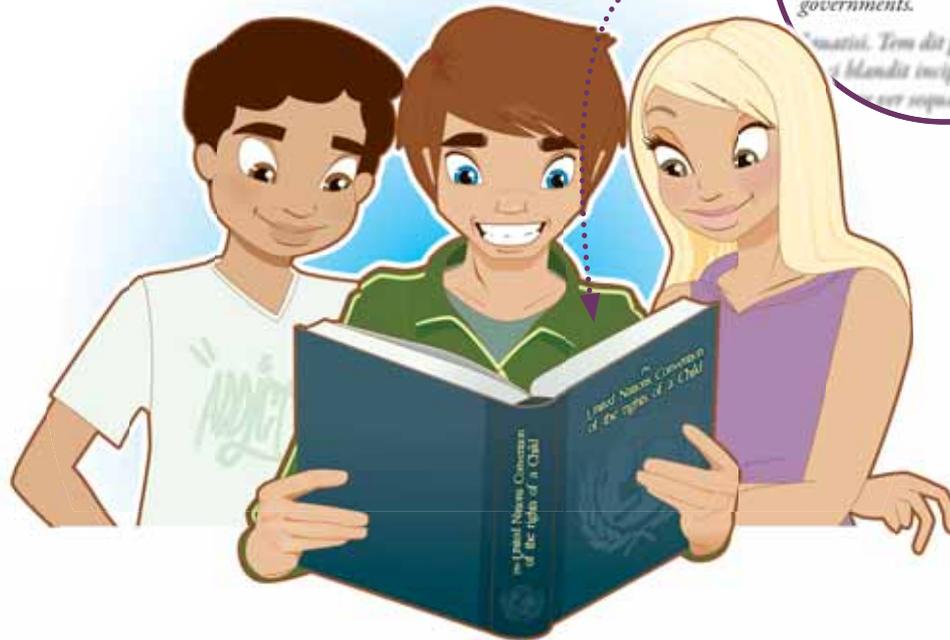


³ Article 2 (UNCRC) states that governments have a responsibility to make sure that all your rights are respected.

The United Nations Convention on the Rights of the Child

All children and young people under 18 around the world have rights that are protected by the United Nations (UN). You can find these in a document called the **United Nations Convention on the Rights of the Child (UNCRC)**. This is an international treaty between countries, which

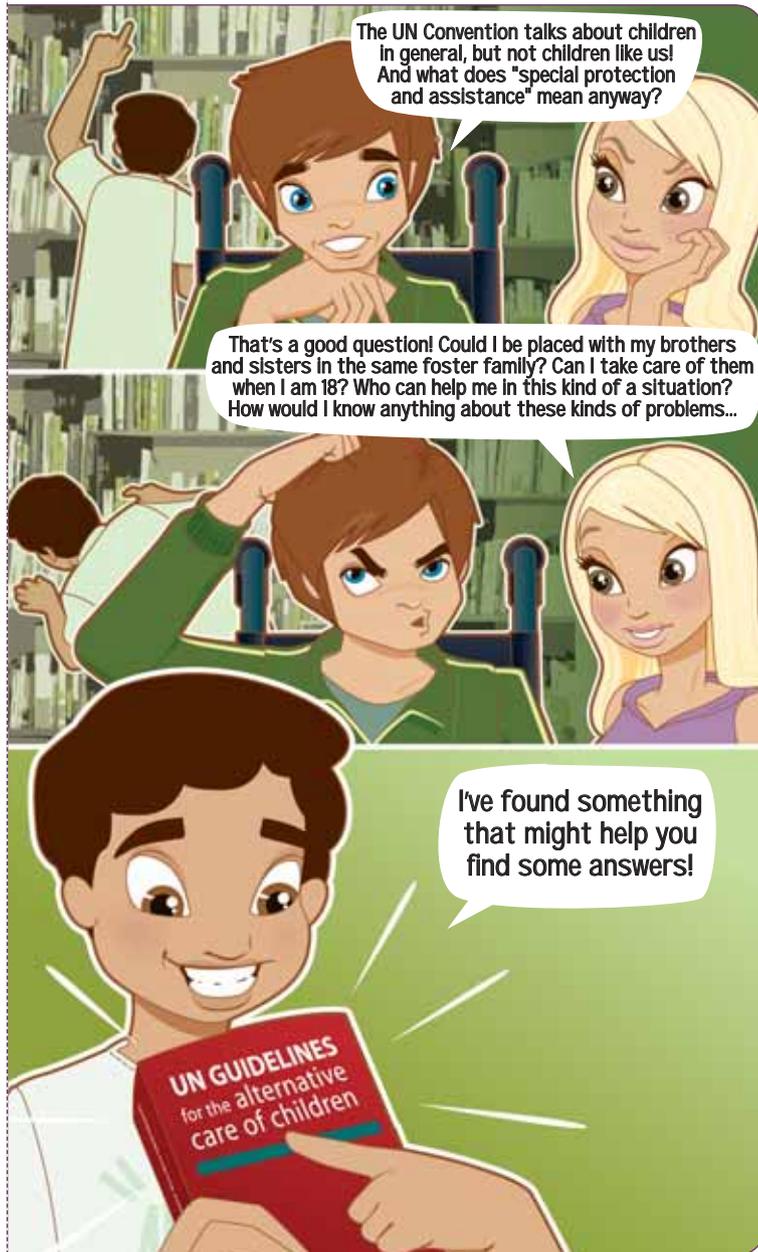
was adopted in 1989. All countries in Europe and most of the countries in the world have ratified it. This means that these countries have agreed to promote and respect each and every right in this convention.



Article 20

If children cannot live with their parents, they have the right to special protection and assistance from their governments.





United Nations guidelines

There is a document called the "Guidelines for the alternative care of children". These guidelines describe the rights of children and young people in alternative care. They also tell governments what they should do to prevent children from being separated from their families of origin. The guidelines were developed by governments, organisations and children and young people themselves. Unlike the UN Convention on the Rights of the Child, the guidelines are not "legally binding", which means they are not the law. But once they are adopted by the UN General Assembly, they will help guide governments on how to improve alternative care for all children and young people.

The Council of Europe recommendation on the rights of children living in residential institutions

In this recommendation, the Council of Europe encourages governments in Europe to make sure that they offer quality care for children in need of residential care. The recommendation also sets out a number of specific rights of children living in residential institutions, and of standards which specify how these rights should be respected.





Amazingly cool, my friends!
The visit to the Council
of Europe was really
interesting! We talked
about the rights of children
in residential care.

Don't stop
there, go on,
tell us
everything!

Well, the Council of Europe has
developed what they call "tools",
which contain solutions to improve
the living conditions of children in
care like us. From what I discovered,
governments then promise to apply
these solutions in their countries.

This sounds really great!
I'd like to know more

Since 2004, we have been working with
young people like you on a project
called Quality4Children. Thanks to
their stories and advice, we developed
the Q4C Standards together.

Let's go and see someone from
the SOS Children's Villages, I heard
they are also working on ways
to improve things for us.

SOS Children's Villages, together with the International Foster Care Organisation (IFCO) and the International Federation of the Educational Communities (FICE), developed standards to guide organisations and people who look after children in care. Children and young people with care experience from 32 countries contributed to this project to make sure that it would make sense to both caregivers and other young people. In June 2007, young people presented the Quality4Children Standards (www.quality4children.info) to the European Parliament and requested that governments use them to improve alternative care.

Listen to our stories and
to those of our friends!
You'll learn a lot about your
rights and alternative care!



Wherever you live, whoever you are, you all have the same rights. You should receive all the support you need to exercise these rights to the fullest.

Questions to ask

Know how to contact your social worker!

During the decision-making process, you will probably have lots of questions to ask and new people to meet. It is important that you know who to contact and how to contact them when you have questions.

Name of your social worker:

.....

Phone number of your social worker:

.....

Sit down with your social worker and play out the following:

- ▶ During the decision-making process, how often can you expect to be contacted by your social worker?
.....
- ▶ How much time will he or she spend with you individually?
.....
- ▶ How soon can you expect them to return your phone calls?
.....
- ▶ Who should you contact if you are unable to reach your social worker and have something urgent to talk about?
.....

Name of alternate contact:

.....

▶ Phone number:
.....

What is the name of your social worker's boss, in case you have problems with your social worker?

.....

▶ Name:
.....

▶ Phone number:
.....

Together we'll work out what's best for Peter.



1.

The decision-making phase

Using your rights to make the best decision for care

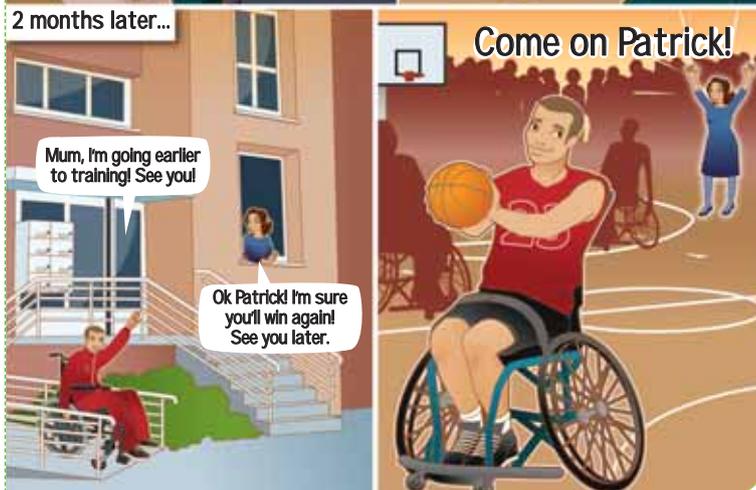
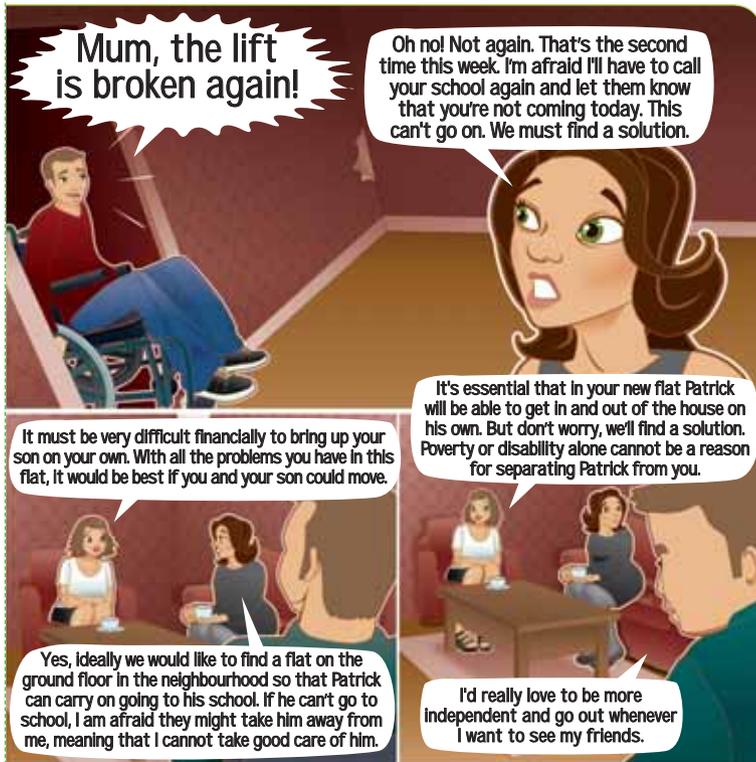
The family is the best environment for children and young people to grow up in.⁴ Governments should do all they can to make sure you grow up with your family. This includes helping your parents, grandparents, aunts, uncles and older siblings to be good caregivers. Sometimes, however, you might have to be separated from your family for your own good. In this case, you can be placed in alternative care for a short or a long period of time. This chapter describes your rights when a decision about care has to be taken, during what is called the "decision-making phase".

When your family needs help

When your family has so many problems that it cannot care for you properly, you and your family have the right to ask for and receive help from the **child welfare services**. All decisions taken from that moment on should respond to the question: What is the best possible solution for your well-being and personal development.



⁴ Article 9 (UNCRC) is about your right to live with your parent(s), unless this will have a bad effect on you.



Who decides whether you need alternative care, and how?

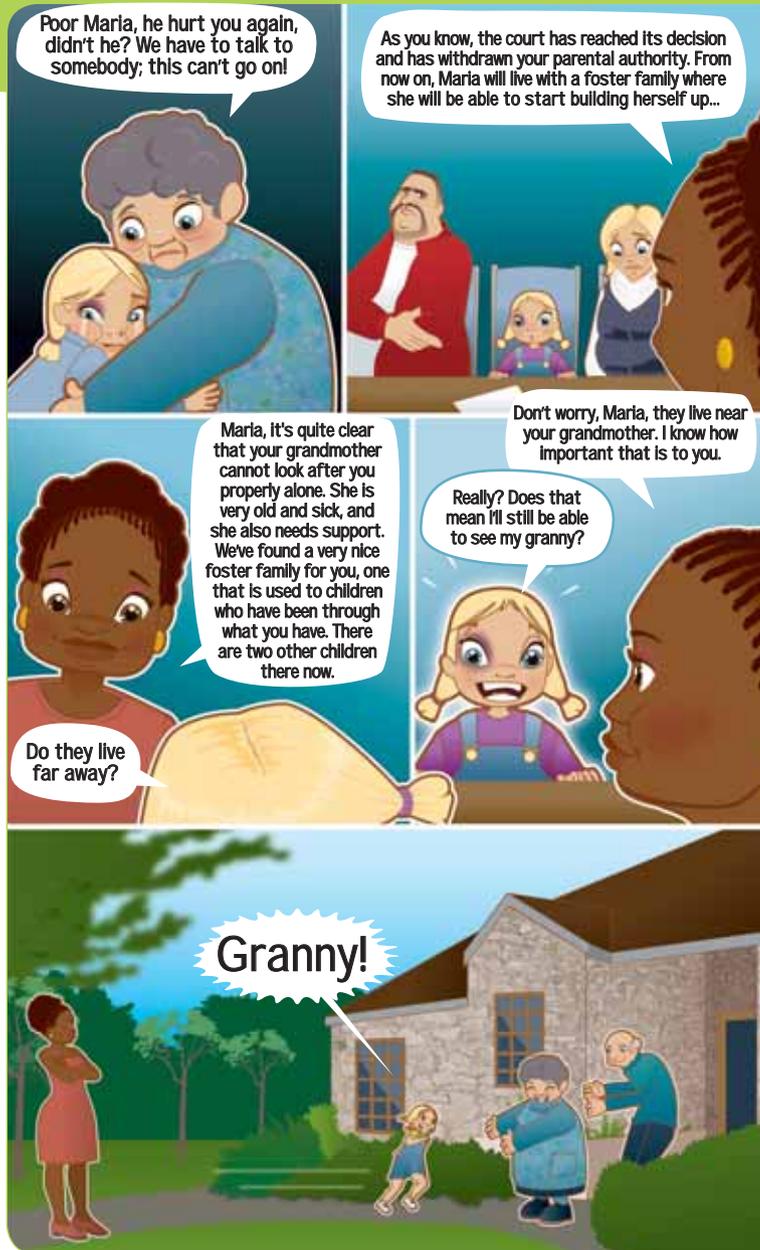
The first job of the local authorities is to help your family overcome their difficulties and prevent separation.⁵ But if you are not receiving the care that you need and if it is no longer safe for you to grow up and develop in your family, then a decision about whether you need alternative care has to be made. Deciding to place a child in care is not easy, and everyone involved should co-operate with each other and listen carefully to differing opinions. Your wishes and needs are the most important priority.

⁵ Article 18 (UNCRC) says that you have the right to be raised by your parents, and that your parents should receive appropriate guidance to care for you. Article 26 from the convention describes your right to get help from the government if you are poor or in need.

How can alternative care options match your needs and wishes?

Your life circumstances and needs are unique (and they cannot always be satisfied as easily as Patrick's were). Your individuality has to be respected so that you can reach your maximum potential. For example, the alternative care setting should be as close as possible to your neighbourhood so you can attend the same school and keep your friends. Your religious and cultural backgrounds should also be respected.⁶ Children and young people with special needs (disabilities, psychological, behavioural or health challenges) must have their best interests taken into account.

⁶ Article 14 (UNCRC) describes your right to think and believe what you want and to practise your religion, as long as you do not stop others from enjoying their rights. Article 30 of the convention says that you have the right to practise your own culture, language and religion.





Do you have a say in choosing your care options?

Yes! All children and young people have the right to participate⁸ in decisions affecting them.

During each step of the decision-making process your opinion must be taken into account when choosing the care solution for you. You have the right to be informed of your rights and choices.⁹ The information you receive should be easy to understand and if it is not, somebody should explain it to you.

Can you be placed in alternative care with your biological brothers and sisters?

When difficulties crop up in a family, all of the children are affected. Solutions have to be found for each of them, not just as individuals, but as brothers and sisters. While you are in alternative care, you and your siblings should stay together, if this is good for you.

⁷ Article 12 (UNCRC) says that you have the right to give your opinion when adults make decisions that will affect you and that your opinion should be taken into account.

⁸ Article 17 (UNCRC) describes your right to get information that is important to your health and well-being. Article 42 of the convention says that governments should make sure that you know about your rights. Adults should also know your rights and help you to learn about them.

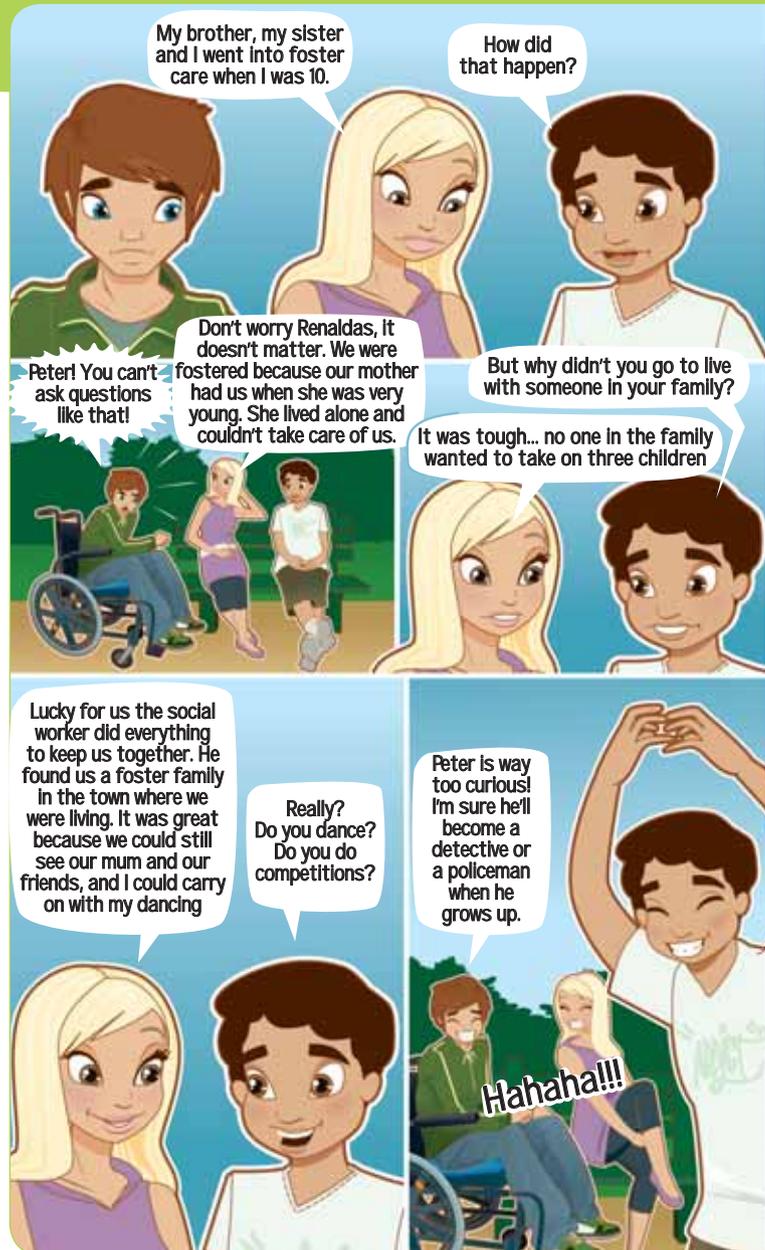
However, when deciding whether brothers and sisters should be placed together, the following questions must be answered:

- ▶ What is in the best interest of each of the siblings?
- ▶ What is the opinion of each child or young person concerned?

If you are not placed with your siblings, you should always be allowed to maintain personal relations with them, unless this would be harmful to you.

You are moving to alternative care. What happens now?

After the form of alternative care has been agreed upon, a process of transition starts and this should be well-prepared. You should receive all necessary support from your future caregivers and your social worker. They should inform you of each step of this process in advance. Whenever possible, your family of origin should be involved.



Ready for the meeting

How to prepare for it

During the meetings, you should share your needs, wishes and ideas, and be ready to ask questions about care issues which are not clear to you. The best way to prepare yourself is to take some time to list your goals and then think of what could best help you attain them. Use the questions and spaces below to make additional notes when you meet with your social worker or care-planning team.

What are your personal goals for this year? (Your goals can include what changes you want, what you hope to learn this year or achieve, etc.)

.....
.....

Which things or activities do you dislike?

.....
.....

What are your ideas about how your individual care plan could meet your needs?

.....
.....

Ask your caregiver or social worker when the next two meetings will take place and who will participate in the meetings.

.....
.....
.....
.....

Is there a plan for your development during alternative care?

It is compulsory that each child and young person in care has a personalised, individual care plan. Your care plan must be developed and reviewed periodically⁹ by a team of social workers and psychologists together with you, your caregivers and your family of origin. It spans the entire care timeline: from the moment a decision for alternative care is made to the moment you prepare to leave care. It can even extend to the after-care period. This plan outlines what you will need, how to make sure these needs are met and who is responsible for this. It reflects any changes in your situation and that of your family. Meetings to review your individual care plan should take place around twice a year.



⁹ Article 25 (UNCRC) says that if you are in alternative care, you have the right to have your care setting re-examined regularly to see if it is still the most appropriate solution for you.

Regardless of whether you are in care for a short or a long period, it is important that you feel safe and valued. This chapter describes your rights during your stay in care.

What should you know about your caregivers?

Your caregivers – whether foster parents, a caregiver in an SOS Children’s Village family or caregivers in a residential care facility – are very important for you. Your relationship with them should be stable and based on mutual understanding and respect. They should give you individual attention and help you develop your potential to the maximum. Caregivers should be rigorously selected and trained to give proper care. They need good working conditions to do their job and care-providing organisations should help them fulfil these responsibilities.





What should your alternative care place be like?

During your stay in care, you are entitled to good living conditions. Your caregivers will ensure that you benefit from comfort, security, healthy living conditions and education,¹⁰ and that you integrate into community life. You also have the right to good quality health care and regular check-ups. If your living conditions do not meet these needs, the child welfare services are responsible for finding a solution.

What are the rights of children with special needs?

If you have a disability you are entitled to the same high-quality care as all other children and young persons.¹¹ You should receive the therapy you need to stay in good health. Your caregiver must take all reasonable steps to ensure that your residence is safely accessible to you. Caregivers should support and encourage your development in accordance with your individual potential and help you find your place in the community. If you are not placed with your siblings, you should always be allowed to maintain personal relations with them, unless this would be harmful to you.

¹⁰ Article 14 (UNCRC) describes your right to the best health care possible, safe drinking water, nutritious food, a clean and safe environment, and information to help you stay healthy. In addition, Article 27 of the convention says that you have the right to food, clothing and a safe place to live to be able to keep your body and your mind healthy.

¹¹ Article 23 (UNCRC) says that if you have any kind of disability, you have the right to special care and support, so that you can live a full and independent life.

What are your education rights during care?

During your stay in alternative care, you have the same right to education as children and young people living with their families of origin.¹² If you were already in school when you moved into alternative care, you should – whenever possible and if you so wish – be able to stay in the same school.

Once you finish school, your caregiver and the care-providing organisation should help you continue your education, according to your capabilities and interests. You should have access to vocational training, university studies or to any kind of education that will enable you to find a job and use your abilities.

¹² Article 28 (UNCRC) describes your right to a good quality education. Primary education should be free and afterwards you should be encouraged to pursue your education to the highest level possible.



What about your school?¹³

Inform your caregivers and your social worker about your performance and possible challenges you face at school. Use this exercise to organise your thoughts:

I attend School
and am in the grade.

Please check what applies to your situation
(several choices possible).

- I do well in school
- I need some help catching up in school
- I need help catching up in certain subjects (list them):
.....
.....
.....
- School is very difficult for me
- I wish to remain in my same school
while I am in alternative care
- I would prefer to move to a different school
- I don't care what school I am in.
- The most important thing to me about school is:
.....
.....
.....

Will everything change in your life during care?

While in care, continuity and stability are very important. First of all, your caregivers should be changed as little as possible. And if you have to change to a different alternative care placement, your life should change as little as possible. You should be able to maintain your good relations with the people around you: your school, friends, former neighbours, relatives and so forth.

¹³ © FosterClub – The national network for young people in foster care (USA) 2008. For more information, visit www.fosterclub.org.

Show people who are important to you!

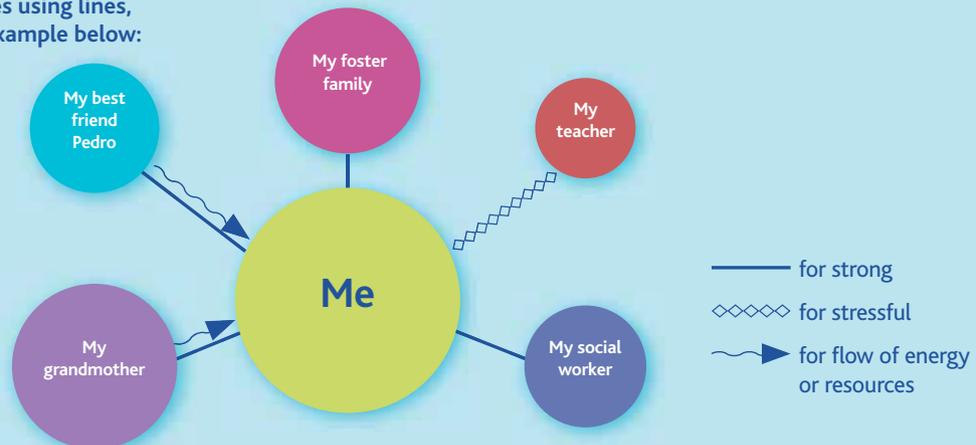
Draw your personal eco-map!¹⁴

Draw a map of who is important to you in your community using an "ecomap" tool. An ecomap shows the network of people around you. Family members, friends, teachers and professionals are included.

This is how it works.

Place the name of each person that is part of your network inside a circle. The names of those who are very important to you should be placed in one of the big circles close to your own. Those who play a lesser role in your life should be placed in a smaller circle, further away from your circle.

Connect the circles using lines,
as shown in the example below:



In addition, you can make a list of the people that you want to keep in touch with, showing their relationship to you and the role they play in your life. This list can include relatives, friends, neighbours, teachers, or anyone else you can turn to when you have a problem. This list is something you can share with your caregiver and care-planning team so they can help you to keep in touch with people who are important to you.

	Name - relationship	The important role they play in my life:
Example:	Tammy - my aunt	She listens to me when I have a problem.

¹⁴ Adapted from Ann Hartman – Change link Gingrich, W.J. (2008). Ecomap (template). Case Western University: Cleveland, OH, USA.
Online at <http://www.gingrich.net/courses/SSWM517/ecomap.pdf>.

Let your caregiver and social worker know how you feel about seeing your parents!¹⁵

1. I would like to visit my parent(s) (check all that apply):

- Often
- Sometimes
- Never
- As soon as possible
- After things settle down
- After they get better
- Only when another adult is present
- Only with one parent: (list who)

2. When planning visits with my parent(s), you should know about the following things that were going on in my home:

Will you lose contact with your family of origin during care?

You should be able to maintain relations with your family of origin, including siblings, parents and extended family members (grandparents, aunts, cousins, and so forth), as long as these relationships are not harmful to you. Child welfare services should always try to involve your family in making decisions about your care. Unless it goes against the grain of your **best interests**, you should maintain permanent and regular relations with your family of origin and your placement should be as near as possible to where your family of origin lives.

But always keep in mind that it is up to you to decide what kind of relationship you would like to have with your family of origin and how often you want to see them.



¹⁵ Adapted from "FYI: Foster Youth Involved. Entering Foster Care. The FosterClub". Available online at www.fosterclub.com/files/Entering_Foster_Care_form.pdf

How long will you be in alternative care?

Your stay in care should never last longer than necessary and you should be able to return to your family as soon as your parents or other members of your family of origin are in a position to assume parental responsibility. To facilitate this, you have the right to periodic **reviews** of your placement. This means that from time to time both your circumstances and those of your family will be re-examined, always keeping in mind your opinion and what is best for you.

The child welfare services should periodically evaluate the quality of the care you are receiving, and if they ascertain that it is no longer working out, you have the right to a new care placement.¹⁶



¹⁶ Article 25 (UNCRC) states that if you are in alternative care, you have the right to have the care setting looked at regularly to see if it is the most appropriate for you.



You should feel safe to report any kind of abuse you have suffered.

Do you know how to do this?

- ▶ If you experience abuse or neglect during care, call and report this to your social worker. If you are in a situation where you fear for your safety or well-being, **you should IMMEDIATELY call** the child welfare services, the police or a hot-line for children, if one exists.
- ▶ You can also report this to the **ombudsperson**,¹⁷ and other independent bodies established to guarantee respect for your rights. It is also useful to have contacts with associations that specifically work on the defense of children's rights.

Authorities will have a clearer picture of what has happened if you document incidents of abuse and neglect. If possible, use a calendar or make a timeline to write these down. Make sure you have the following names and phone numbers:

1. Emergency contacts:

police

emergency

medical services

hotline

2. Social worker:

3. Social worker's supervisor:

4. Ombudsperson:

5. Additional contacts:

How will your privacy be protected?

Will everybody know your story?

No! Your right to privacy must be respected throughout the whole care process.¹⁸ Your personal mail, e-mail, phone calls and anything that can be used to reveal information about you must remain confidential. You also have the right to access official information and files that deal with your case. This information, for example the reasons why you are in care, cannot be shared publicly – not with your school, religious centre or any person who is not responsible for your care. This is to make sure you are protected against any form of discrimination.

Will you be safe in care?

Your safety is everybody's business! All care measures must ensure that your dignity and safety are protected and respected.¹⁹ No one has the right to hit you, make fun of you or humiliate you in any manner. Your caregiver should not threaten or intimidate you and you should be protected from sexual abuse and exploitation.

¹⁷ Check online at <http://crin.org/enoc/members/index.asp> to find out if your country has an ombudsperson for children.

¹⁸ Article 16 (UNCRC) states that you have the right to privacy.

¹⁹ Article 19 (UNCRC) emphasises your right to be protected from being hurt and mistreated, physically or mentally. Article 37 of the convention says that no one is allowed to punish you in a cruel or harmful way.

Leaving care

What happens next?

There are many reasons for **leaving care**. You might return to your family of origin, or move to another placement. This chapter, however, refers to when **you age out of care and start living independently**. The child welfare services will support you in alternative care until you reach a certain age. This age is defined by national child care legislation and differs from country to country. Most European governments continue offering support and assistance to young people in care until they finish their education and have a stable and satisfactory income. In some countries, young people receive different types of support after they leave care.

How to prepare for leaving care?

To leave care is to begin life as an independent adult. It is the end result of a process that begins the first day you enter care. During your childhood and adolescence you acquire skills that prepare you for living independently. As the big day approaches, the day when you literally leave alternative care, this preparation will intensify.

Education is of course an important stepping stone. But, beside going to school, there are many more activities that will prepare you for your adult life: participating in civic and cultural life, playing games or music, doing sports, and learning everyday living skills such as health and hygiene, preparing meals and managing pocket money. Preparation for leaving care is part of your individual care plan.



What do you need to know when you leave care?

Leaving care is sometimes stressful and you need to know how to handle this stress. This might mean seeking out support from a community network, such as a youth centre, a faith centre or other activities or services you can turn to. You should also know whom to call in case of emergency, how to obtain information on continuing education, job seeking, finding a place to live and where to go for medical help.

Can you stay in contact with people you knew in care?

Staying in touch with caregivers, social workers and all the children and young people from care that you made friends with is very important. Nothing obliges you to do so, but you have the right to stay in touch with people that are important to you.

Do you have a say when planning your care-leaving?

You should have a say about any decision regarding your life. Being in care and organising care leaving and after-care are no exceptions. How to leave care is an important part of your individual care plan, which should take into account your needs and strengths, as well as your opinion and preferences.

What kind of support should you expect when you age out of care?

Even when you reach the age of leaving care, you are still entitled to support. Both local authorities and the care providing organisation should help you with education expenses, housing, finding a job and so forth. You should have access to after-care services that can provide counselling, training in independent living skills, community resources, college tuition waivers and different forms of financial assistance. Ideally, you should have a contact person to help you organise yourself and get access to all existing resources and services.



Design your after-care plan!

Together with your caregiver and social worker you can work on an "after-care plan".

This should include:

- educational goals;
- employment goals;
- physical and mental health needs;
- transportation needs;
- housing plan with an alternative plan if the first option falls through;
- how to create and use a budget;
- personal identification, including photo ID and school transcripts.

To clarify the goals above, try answering the following questions.

1. What opportunities do I have if I want to continue my education or vocational training?
.....
2. What are my options for finding a place to live that I can afford?
.....
3. What services are available to help me find a job?
Where can I learn more skills and be better prepared for a job?
.....
4. Is there a youth centre or place in the community where young people can go to find information they need?
.....
5. Where can I get health care information (including sexual education) and find out about access to medical services?
.....
6. If I have questions or need help, who can I call?
.....

Talk with your social worker and caregivers and write down the names of agencies and organisations, addresses, phone numbers and the names of persons to contact.

What is the role of your family of origin when you leave care?

Your parents and relatives can be of help when you leave care. If you wish, you can identify family members who have been positive role models in your life and with whom you would like to stay in contact. Professionals can then work with them on how they can best help you make the transition to independent life. Your family of origin should be informed of the after-care process and given the opportunity to get involved, along with you, your caregivers and your social worker.

Let's party!

The day you leave care marks the beginning of your new life ahead. If you want to celebrate with a party or other event, you should be given help in organising this very special occasion.

Have your say! *Use your right to participate!*

You have the right to participate²⁰ in all the decisions that are going to be made during your stay in alternative care. It is important that those involved listen very carefully to what you have to say and that your opinions are reflected in the decisions made. After all, you are the expert on your life and no one knows as much about it as you do. This chapter invites you to think about all the ways you can exercise your right to participation.

Are you consulted when decisions about your life in care are made?

The **care-planning team** should ask your opinion, and make every effort to understand your concerns and what you want for yourself. Sometimes adults will decide contrary to your opinion. If this happens, they should explain to you the reasons behind their decision. Your care-planning team should be trained to encourage and value your participation.

Are you properly informed about the important steps that you go through while you are in alternative care?

You should be properly informed about:

- ▶ the place where you will be in care;
- ▶ what it's like to live there;
- ▶ the possibility of returning to your family of origin;
- ▶ how to leave care.

You should be informed in advance of the above, and the information should be accurate and explained to you in a way that you clearly understand.



²⁰ Article 12 (UNCRC) states that you have the right to give your opinion when adults make decisions that affect you and that your opinion should be taken into account.

Are you involved in developing your individual care plan?

As soon as you are old and mature enough, you should be directly involved in developing your individual care plan. The plan needs to be periodically updated and you should be consulted on this.

Are you offered real opportunities to take part in decision-making?

The care-providing organisation must provide you with real opportunities for participating in decision-making. These could be in the form of discussions with your caregiver, your social worker, the child welfare services, or extend to larger gatherings with other children and young people. It is very important that the opportunities provided for you to express your opinion are suitable for your age, maturity and abilities. If you have special needs, these have to be considered when organising your participation.

What should your caregiver know and do to encourage your participation?

Caregivers are the ones who should inform you about your right to be heard. They should be motivated and trained to listen to you, to understand your opinions and concerns and apply these in decisions. They should help you to participate as actively as your age allows.

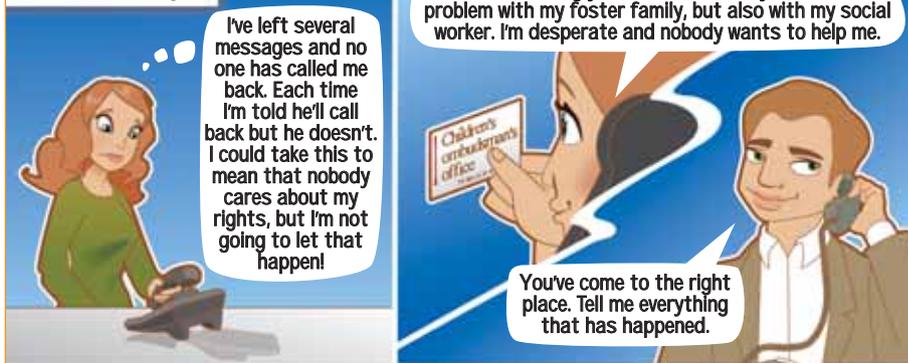
What happens if your rights are not respected?

If your rights are not respected, you should be given the opportunity to file a complaint with an impartial and independent body. This could be a children's ombudsperson,²¹ a person from the child welfare services or an independent agency, national, regional or local. Before filing a complaint, you should be informed fully about your rights and the different complaint procedures open to you. This should be explained to you in a way that you understand. The procedure should be as simple as possible.

²¹ See note 17.



After a few days



1 month later





Glossary

What does it actually mean?

► **Alternative care**

This is care provided for children and young people who are without parental care. Alternative care is an arrangement agreed upon or ordered by an administrative or judicial authority. The term “alternative care” means that even when living without parental care, a child should still be in a “home”, which could be a foster home, residential home or other type of arrangement that will provide a child with stability, safety and support.

► **Best interests of the child**

Adults should do what is best for children. They should make decisions that will have the greatest positive impact on the development of children and young people.

► **Child welfare services**

These are local state organisations in charge of children in alternative care. They make sure that every child in need of alternative care has a suitable care setting, where they can benefit from comfortable and safe living conditions. They run periodic checks to verify that these conditions are being respected. Child welfare services want the best for children and young people in care. They decide when children can return to their families of origin.

► **Care review**

This is a periodic review of the individual care plan. The child or young person, the caregiver and other professionals meet to discuss choices and options, such as the possibility of reintegration into the family of origin, the need for change in the current care arrangement, the choice of schools and so forth.

► **Caregivers**

These are adults who provide care for children and young people. A caregiver can be a biological parent or in the case of alternative care, a specially-trained adult whose work is supervised and supported by other care professionals. During the period of alternative care, a child’s caregiver should be changed as little as possible.

► **Care-planning team**

This includes the social worker, members of the family of origin, caregivers from alternative care and other professional adults involved in making decisions about the formal care of a child or a young person. This team should work together with the child and the young person in care regarding all care decisions.



► **Care-providing organisation**

This is the organisation that provides alternative care and oversees the quality and functioning of the care arrangement. This can be a government, faith-based, or non-governmental organisation, which provides family-based or residential alternative care.

► **Child**

A child is defined as any person under the age of 18. Children aged 12 and above may prefer to be called “adolescents” or “young people”. The United Nations identifies young people as being between the ages of 15 and 24.

► **Children without parental care**

These are children who for any reason do not live with their parents.

► **Convention**

A convention is a legally binding agreement between countries. Conventions are sometimes called treaties, covenants or international agreements.

► **Council of Europe**

The Council of Europe is an international organisation founded in 1949, which now has 47 member states. Its role is to promote human rights, democracy and the rule of law. It establishes common democratic principles based on the

European Convention on Human Rights and other conventions and recommendations on the protection of persons, which of course include Europe’s 150 million children.

► **Family of origin**

A child’s family, referring to parents, siblings, grandparents and other relatives.

► **Family-based care**

Alternative care provided in a family environment. In Europe, the most common forms of family-based care are:

► **kinship care** – an arrangement whereby a child lives in the extended family or with family friends with whom a close relationship was established previously.

► **foster care** – an arrangement whereby a child is placed by a competent authority in a family other than the family of origin. Foster families are selected on the basis of their qualifications and are under supervision to ensure that they provide the best care possible.

► **Human rights**

The rights that all people have, including children, simply because they are human beings, regardless of their ability, citizenship, ethnicity, gender, language, nationality, race, or sexual orientation.

► Individual care plan

This plan is devised by both the child in care and the care team working together. It is tailored to meet a child's specific needs, and takes into account his or her individual abilities and aspirations. The plan designates who is responsible for the emotional, cognitive, physical and social development of the child and is periodically assessed in a process called care review.

► Leaving care

The process of helping young people make a smooth transition from care to independent living. This includes education, training, and learning life skills during care, and "after-care services" to help young people once they become independent. These could include: counselling, training in independent living skills after leaving care, community resources, college tuition waivers and different forms of financial assistance.

► Ombudsperson

The ombudsperson (sometimes called an ombudsman/woman) is a person appointed by governments to ensure that human rights are respected by state and private organisations and individual persons. The ombudsperson must have good knowledge of children's rights. When children or young people complain about violations of their rights, it is the job of the ombudsperson to

initiate an investigation and propose solutions. In some countries, there is a special ombudsperson for children and young people. Children's ombudspersons in Europe have formed the European Network of Ombudspersons for Children:

<http://crin.org/enoc/members/index.asp>

► Quality care standards

These are standards that guarantee an adequate level of care. Quality care standards must be in place in all care arrangements and be complied with during the delivery of all aspects of care: admissions, the planning process, after-care, child protection procedures and so forth. Quality4Children (Q4C) Standards are one example of quality care standards.

► Residential care

This is a non-family-based form of alternative care, where care is provided in smaller or larger group settings by paid professionals working in shifts. When a care facility hosts a large number of children, which can be as high as 300, this is called institutional care. The conditions and quality of care generated by this model make it difficult for children to exercise their rights. Many countries in Europe are replacing their institutions with family-based care models in a process known as "de-institutionalisation".

▶ **SOS Children's Village** is a family-based care model, where a child who has lost parental care can grow up in a caring family environment. The SOS caregiver leads the SOS family and is directly responsible for the care and development of the child.

▶ **United Nations Convention on the Rights of the Child**

This is an internationally agreed set of standards and obligations to protect and promote the rights of all people under the age of 18. These rights are intended to ensure that children grow up under the best conditions possible – develop and learn in a safe environment, have access to good health care and participate fully in family, cultural and social life.

▶ **Young people aging out of care (care leavers)**

This refers to young people who leave care because they have reached the age when they are no longer entitled to special protection and assistance within the care system.



Learn more and get involved!

The Council of Europe programme **"Building a Europe for and with children"** was set up to promote children's human rights and to protect children from all forms of violence. The team in charge of the programme deals with such matters as violence in the home and at school, human rights education, children and the Internet, and children and the justice system. The specific rights and needs of children without parental care are taken into account, in particular in the context of access to education, social, health and legal services, and the right to participate. You can visit the website below for more information on conventions, meetings and publications, and play the online game "Wild Web Woods".

► www.coe.int/children

SOS Children's Villages is a non-governmental and non-denominational, child-focused organisation that provides direct services in the areas of care, education and health for children at risk of losing parental care, or who have lost parental care. The organisation also builds the capacity of the children's caregivers, their families and communities to provide adequate care. SOS Children's Villages also advocates for the rights of children without parental care. Founded in 1949, its operations, which cover 130 countries, are guided by the spirit of the UNCRC.

► www.sos-childrensvillages.org

The **Quality4Children (Q4C) Standards** are a collection of 18 quality care standards for alternative child care in Europe. The process of developing the Q4C Standards was based on "storytelling", a highly participative research method, which involved nearly 500 people from 32 countries, including children, young people, families of origin, caregivers, social workers and other stakeholders. The Quality4Children Standards were launched in June 2007 at the European Parliament by the three initiating organisations: SOS Children's Villages, International Foster Care Organisation (IFCO) and the Fédération Internationale des Communautés Educatives (FICE). Since then, these three organisations have promoted the implementation of the standards in national policies and care practice. Children and young people, as well as their caregivers, are encouraged to know and use the Q4C Standards in their care settings.

► www.quality4children.info

Power4Youth is a community of young people who live (or have lived) in alternative care. They are interested in: exchanging viewpoints with others; sharing their experiences; building friendships; participating in the implementation of the Q4C Standards; and looking for peer-to-peer support. Every child or young person, under age 28, with care experience can become a member of the P4Y community. Besides its permanent virtual information exchange, the P4Y community hosts face-to-face meetings for its members to discuss topics of interests to children and young people with care experience. They also make proposals for improving the quality of care and lobby at national and international levels for these proposals to be taken into consideration.

► www.power4youth.eu

Useful links

▶ **United Nations Convention on the Rights of the Child**

- ▶ Full text of the convention:
www2.ohchr.org/english/law/crc.htm
- ▶ Child friendly version:
www.unicef.org/voy/media/rights_leaflet.pdf
- ▶ Check for the UNCRC in your own language at:
www.unicef.org/voy/explore/rights/explore_2781.html

▶ **Council of Europe Recommendation Rec(2005)5 on the rights of children living in residential institutions**

www.coe.int/familypolicy
(select "children in residential institutions"; available in Czech, French, Icelandic, English, Russian, Greek, Polish, Estonian and Serbian)

▶ **Council of Europe Children's Rights and Family Policy Unit**

www.coe.int/familypolicy

▶ **Council of Europe work on children in institutions**

www.coe.int/familypolicy
(select "children in residential institutions")

▶ **Council of Europe programme "Building a Europe for and with children"**

www.coe.int/children

▶ **Quality4Children Standards (Q4C)**

www.quality4children.info

- ▶ 26 language versions:
www.quality4children.info/content/cms,id,89,nodeid,31,_country,at,_language,en.html

▶ **Power4Youth**

www.power4youth.eu

▶ **UN Guidelines**

www.crin.org/docs/DRAFT_UN_Guidelines.pdf

▶ **European Network of Ombudspersons for Children**

<http://crin.org/enoc/members/index.asp>

▶ **SOS Children's Villages International**

www.sos-childrensvillages.org

▶ **International Foster Care Organisation (IFCO)**

www.ifco.info/

▶ **International Federation of the Educational Communities (FICE)**

www.fice-inter.org/

▶ **European Union "Youth in action" programme**

www.salto-youth.net/about/

▶ **ChildOnEurope: European Network of National Observatories on Childhood**

www.childoneurope.org

▶ **CRIN: Child's Rights Information Network**

www.crin.org

▶ **Better Care Network**

<http://crin.org/bcn/>

▶ **Unicef: United Nations Children's Fund**

www.unicef.org

▶ **Voices of Youth**

www.unicef.org/voy/explore/rights/explore_155.html
www.unicef.org/protection/files/Parental_Care.pdf

Your notes

Children and young people in care

Discover your rights!



Will I be able to see my family of origin once I am in care? What if I don't want to see them? What if I suffer abuse and neglect in alternative care? Who can I turn to if I have problems with my social worker? Do I have a say in my own care process?

Children and young people in care – Discover your rights! is a child-friendly information booklet addressed to children and young people in alternative care. It provides answers to all of the questions above and many more. Through comics, stories and informative texts, children and young people in care can learn about their rights, as set forth by the United Nations Convention on the Rights of the Child, the Council of Europe recommendation on the rights of children living in residential institutions and the Quality4Children Standards for Out-of-Home Child Care in Europe. They can also learn how to exercise these rights and take on an active role in their own care process, including ways to improve it.

Children and young people in care – Discover your rights! can also be downloaded from www.coe.int/children, the website of the Council of Europe's child rights programme, "Building a Europe for and with children".



www.coe.int/children

The Council of Europe has 47 member states, covering virtually the entire continent of Europe. Founded in 1949, the Council of Europe seeks to develop common democratic and legal principles based on the European Convention on Human Rights and other reference texts on the protection of individuals, including children.