

The Situation of Abandoned Children in Slovakia

A description of the legal situation and problems encountered
in adoption and foster-parenting abandoned children in Slovakia.

A CityGate Field Study

Written by

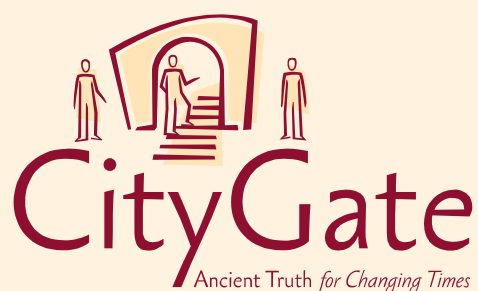
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A Paper by

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in co-operation with Združenie CityGate



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**CITYGATE EXISTS TO STRENGTHEN THE CHURCH BY HELPING PEOPLE
TO BRIDGE THE GAP BETWEEN THE REALITY OF CHRIST AND EVERYDAY LIFE**

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This is the first edition of this paper. We would like to thank all who shared their experiences and helped us with their insight. We would appreciate all your comments and critique. They might help us to fill the gaps we left out, and correct our unintended mistakes.

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The vision of **Združenie CityGate** is “to communicate the meaning and values of historic, biblical Christianity in the cultures of the Central Europe”. Each research project we are involved in is a step towards deeper understanding of what this means in specific areas.

The topic of this paper is one that traditionally concerns churches and charities - abandoned children. We attempted to go beyond sentimental heart-moving stories. We wanted to draw a realistic, although (in this case) not very encouraging, picture and suggest realistic solutions.

The solution suggested can be expressed in one word: *family*.

What this means for the legal system, economic development, social politics, Church and, above all, the general culture is the content of this paper.

The authors of this paper have had the courage to be realistic. They also have enough insight and experience not to suggest simplistic solutions. These are very rare but much needed qualities in our complex, Central European situation.

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Foreword

The text in front of you is a comprehensive report about the situation of alternative family care in Slovakia and its possible future. I can gladly express my positive impression of this report: it is sober, substantial and well-founded. It is clear that the authors understand the realm they are talking about, that they built their understanding on a solid theoretical background and support it with practical experiences. It is good that they do not hide their commitment to family care while at the same time, keeping their argumentats within “reasonable” limits. They do not misuse emotional expressions as is often the case.

I, from my perspective as a child psychologist in Czech Republic, do not have anything to find fault with. The structure of the text and its outline seem to be logical. Framing the text by two case stories makes the whole report much more concrete and realistic. It shows that it is about “real lives” not just about statistics and organizational schemes.

doc. Zdeněk Matějček, PhD.
Prague, February 8, 1995

Peter

Peter was born as a first child in a problem family. His father was a manual worker who had only had elementary education. He had problems with alcohol and petty crime. He often physically attacked his wife and children. Peter's mother also had only received elementary education and was a housewife. She had problems with alcohol too. After Peter was born, they had four more children in four years (two of them were twins). Five-year-old Peter was in the position of the oldest child. The situation in the family was difficult. Arguments between the parents, ending very often in physical fighting, were a daily occurrence. Mother protected children from father's violence. She had a strong emotional bond with them.

When Peter was five years old, mother, under pressure from her inability to raise five children, decided to put Peter in a children's home. Father agreed.

Peter lost the natural environment of a very inadequate family, although it was his own. He obviously did not understand why he had to leave. He also lost his natural relationships with his siblings, with whom he used to play all the time.

Putting Peter in a children's home was a typical case of separation. He experienced total rejection from his parents.

Peter felt very strong emotions—of anger and loneliness. The very situation of being in the children's home meant that he could not get adequate emotional support. He was not able to express his emotions and feelings in a proper way. He did not understand what was happening in his inner world. He started to express his frustration by inappropriate behavior—by anger, shouting and aggression towards the people around him. He had frequent outbursts of anger. The reactions of the social workers were addressed to the external expressions of his behavior. All that Peter could “read” from their attitudes was: “You don't have the right to have such feelings”.

During his first year in the children's home he “accepted” the expected standards of behavior. He developed a protective mechanism—he isolated himself from his environment.

When he was six he started to go to school. He developed a strong relationship with two boys from “normal” families. These relationships positively influenced his life during that time. He spent a lot of his time with them and sometimes visited their families. He could vent even his suppressed emotions in these relationships. For example, he vented his anger against his parents by calling them the worst names.

As to his educational achievements he was an average student. His friends used to spend time learning with him and his teacher was helpful too.

He applied for a military high school.

He had to leave the environment of the children's home and his friends—that is an environment with already developed relationships—and as a 14-year-old went to boarding school.

Here for the second time in his life Peter experienced substantial change and separation. In the new environment he failed. He did not finish second grade. He then tried a 2-year apprenticeship as a cook, which he completed. These environments hurt him even more. He became “a tough guy”.

He has been in prison several times recently. At present he is in prison again but he longs to be with his wife and their small son.

He is only 27 now, but he has experienced “almost everything” in his life. Unfortunately everything from a darker side...

1. The Basic Psychological Needs of a Child

The historian Sallimbeni, who lived in the 13th century in Parma, Italy, wrote about an experiment of Kaiser Frederick II, which was supposed to show what is the natural language of man. He gathered a few children and wet nurses, who were supposed to care for the children under specific conditions: they were not allowed to speak or sing to the children and were not allowed to pick them up. The ruler-experimenter assumed that without human contact children would grow in an absolutely natural way. But he never found out what is the natural language of man. The children died one after the other without any visible cause.

*Published in Dagens Nyheter, Stockholm, 1990
in: A Child's Journey Through Placement,
Fahlberg, V., M.D.
Perspective Press, 1991*

Each child is born with needs. If these needs are met by parental care, then the child has the basic preconditions for harmonious development, so that he or she can become a mature person. If a child “is not given an opportunity to meet one of his/her basic (vital) psychological needs in a sufficient way in a long enough time”¹, we speak about **psychological deprivation**.

The meeting of psychological needs is as important as meeting the natural ones. Kaiser Frederick's experiment is proof of that. In our categorization of psychological needs we used the one described in Langmeier, Matijèek (1964) and Matijèek (1986):

1. the need for a close person;
2. the need for stimulation and effective learning;
3. the need for self-worth;
4. the need for an open future.

In the following chapters we will compare possible ways of meeting these needs:

- in the family
- in institutional care

¹Langmeier, J. - Matijèek, Z., 1974 p. 22

1.1 The need for a close person

This is the need to live with a mother (or other significant adult) with whom the child develops an attachment type of relationship. We list this need first because we believe it to be the most important and all the others are closely connected to it.

Meeting the need in the family

A special bond between mother and child starts to develop in the ante-natal period. Even the most recent research has revealed only a small part of a child's ante-natal development but has made it absolutely clear that a child recognizes the mother, her voice and mood, and reacts to them. After birth a child is bonded to his/her mother and with appropriate care the attachment becomes stronger.

Klaus (1976) defines this relationship as a loving bond between two individuals which is going on in space and time and helps with emotional unity. According to Fahlberg (1991) this relationship influences the physical and intellectual development of the child and helps lay the foundations of psychological development.

The attachment also becomes a pattern for other inter-personal relationships in the wider family as well as in the child's environment.

The task of the parents is to create an environment that helps a child to reach his/her potential in the physical, intellectual and psychological spheres. The task of the child is to learn to handle the environment around him/her. None of these tasks can be achieved without the co-operation of both sides.

Only in the context of a parent-child relationship can a child handle the stages of his/her development. The child is not passive however. He/she is spontaneously active, trying to get certain responses from his/her parents. He/she sends certain signals. According to Fahlberg it is especially the sensitivity of mother and father towards those signals that seems to be the key factor in the development of an attachment.

If parents show initiative in interacting with the child in a variety of ways, as opposed to "routine care", the attachment becomes stronger.

Mother and father usually react in different ways. Fathers are generally more "physical and stimulative", mothers more "verbal and calming". The tasks of mother and father are indispensable and they are not identical. It is best if there are both of them around. (Yogman; 1982).

A parent-child relationship is reciprocal. Winnicott in 1950 noted that there is no such thing "a child only". There is always "a mother-child couple". The forming of relationships is from the very beginning mutual - adults and children influence each other.

The satisfaction of the basic need for a child, the need to have a close person is possible only in a very intimate relationship filled with love, understanding and acceptance.

A proper meeting of the need for an attachment with a close person according to Fahlberg (1991), helps a child:

- to reach his/her full intellectual potential,
- to understand his/her environment,
- to think logically,
- to trust others,
- to gain self-confidence,
- to handle stress and frustration better,
- to reduce feelings of jealousy,
- to overcome common fears,
- to strengthen the perception of his/her own value,
- to develop proper social emotions,
- to form his/her conscience.

This can usually be achieved in an average, functioning family. But each country and its social system has to deal with and try to solve the problem of children who have lost a family environment. In Slovakia, most of these children are placed in children's homes or similar institutions.

Meeting the need in institutional care

A child placed in an institution does not have the possibility of forming a deep emotional relationship with one person.

In children's homes this problem has been reduced by assigning children to "aunts". The work of an aunt is very difficult—physically and emotionally. Especially now, when one aunt is responsible for about 10 children.

The deeper the relationship with an aunt, the more difficult the child finds daily separation, as well as feeling that his/her aunt does not belong to him/her and that she has her own family.

At the age of 3, the child is usually transferred to a different institution for children aged 3 to 18 years. This is a traumatic experience for a child and is a typical separation.

Another negative influence is the lack of a smaller, natural social group, such as a family.

1.2 The need for stimulation and effective learning

Langmeier, J. - Matijèek, Z. (1974) separated these conditions in the following way:

- a) **the need for stimulation** - i.e. a certain amount and variety of stimuli;
- b) **the need for effective learning** - when a global interaction (with mother/parents) is being differentiated, a need for an inner, meaningful structure is being developed. This is a basic condition of understanding and influencing one's environment.

We base our observations on the fact that even this division of psychological needs is in a sense “artificial” - i.e. that individual needs should be defined separately and for the purpose of being met according to theoretically exact research. These needs are closely connected in the life of a child. The needs for stimulation and for learning are intertwined and that is why we have categorized them together.

Meeting the needs in the family

These needs are met through by a caring mother and father. Social interaction and the mother and child relationship bring a wide range of stimulation to a child:

- smiles,
- non-verbal communication,
- being carried in the arms,
- the perception and tasting of new food,
- the perception of toys and objects of varying shapes, color and materials.

All of these stimuli come to a child from the moment of birth. From about nine months interactive (social) games, such as peek-a-boo, hand-clapping, waving “bye-bye”, naturally stimulate a child in many different areas - sight, speech, intellect etc.

During the following months a child imitates a wide range of his/her parents' actions. Figure no.1 illustrates a positive parent-child relationship—a circle of stimulation for the child.

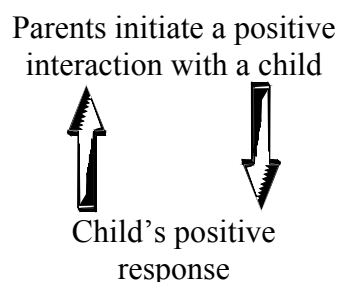


Figure no.1

When a child begins to attend kindergarten or school, he/she can even be overfed by stimuli and the amount of learning.

Meeting the need in institutional care

Koluchová (1990) showed that even in a good children's home a child does not have enough stimulation for his/her harmonious development. Very young children especially lack emotional and social stimuli. There is much research showing how much more physical, verbal as well as non-verbal stimuli a child in an average family has, compared to a child in institutional care. It is possible to simulate a family to an extent in certain types of institutions and family-type children's homes but it takes a great deal of commitment from staff and deep relationships with the children.

But even this is limited by running and organizational conditions (10 children per 1 nurse) as mentioned above.

Pre-school and school age children in institutions:

- do not have the possibility of experiencing the relational pattern in a family (the role of father and mother; relations with siblings),
- do not have enough opportunities for personal initiative and responsibility,
- do not have opportunities for spontaneous stimulation and learning time for learning and playing is organizationally separated,
- have their free time organized. Dependency and anonymity then become the roots of their problems in adolescence.

The inadequate satisfaction of the need for stimulation and learning in institutional care is expressed by:

- a delay in the development of psychological and motor skills and speech among very young children,
- worse study results of children from children's homes,
- superficiality and lack of ability to differentiate between feelings, to use appropriate behavior in social relationships and lack of creativity (according to Koluchová 1990), which increases with age.

1.3 The need for a self-value

A child who is active in interaction with others starts to understand his/her "I" or "self", his/her importance, position and opportunities for self-actualization. This is the need for identity.

A child also expects a confirmation of his/her "I" by his/her environment (the other person, the "You"). It expects and needs appreciation and acceptance. His/her identity needs to be confirmed in the world of people and things.

Meeting the need in the family

A child in a family has opportunities to learn and handle both simple tasks in the context of a relationship with mother as well as complex social relations. The roles of mother and father are very important and indispensable, even though difficult. Parents should lead a child from dependence on them to independence but even then remain as patterns for his/her "I".

Meeting the need in institutional care

A close and accepting relationship between mother (parents) and child is necessary for meeting this extremely important need. This relationship as an "external influence" directs all of the activities of a child from the very beginning (according to R.A. Spitz) but is later changed to an "internal influence" - the "I" that becomes the center of all of his/her activities and values.

A pre-condition for a healthy development of the "I" is a very close attachment. Since we have already dealt with this problem we just want to stress that the possibilities for meeting this need in an institutional care are very limited. It is only too clear in the cases of children brought up in children's homes who struggle with their identity throughout their lives.

1.4 The need for an open future

Matijèek in his book "Parents and Children" (1986) identifies this need as a specifically human one with no parallel in other living creatures. It is a constant need for a person to have hope, a "future perspective" so that he or she can live and work. A closed future would lead to despair.

Meeting the need in the family

Members of a family with strong emotional ties usually have a perspective of a common future. A family has a common time and space for co-existence. A child in an average family feels sure that his/her parents will care for him. Even when they rebuke him, he can be sure they will never let him down. As the child grows up the character of relationship is transformed. Children become more independent and responsible for their lives. Even in adolescence when there is a loosening or "cooling" of the relationship between children and their parents, the child has a safe environment, in which he/she has a strong attachment to close family members. Even when the children become totally independent, they still can have relationships with their parents as equal partners. Their experience of the family environment and the attachment to their parents helps them to develop similar relationships with their own children.

The experience of a functioning family opens a "future perspective" for children who grew up in a family.

Meeting the need in institutional care

Meeting the need for an open future, a typically human need, is severely limited in institutional care. This may only occur when a social worker is helping a child to plan his or her future, when together they look forward to something, when together they try to discover goals for life.

One of the main problems of children's homes is the official end of educational and social care during the very sensitive age of adolescence. In adolescence young boys and girls often lose a perspective for their lives. They study in high schools, they may even graduate, but what is their future? They may come back to their "home institution", but the staff and children might have changed in between. After a few years the environment where they spent their childhood has completely changed.

As Koluchová (1990) states, often "original families" start to be interested in their children once they are out of children's homes. For many children returning to their original family is the only solution because of financial and other practical reasons.

If the parents were not able to care for small children, we cannot expect them to give proper care later; for adolescents are "adult" children with their own problems.

There may be many possible outcomes for such families, we will mention just one common result.

Children that return accept the lifestyle of their re-discovered family. They do not gain skilled jobs and often become asocial personalities. Or, they become dissatisfied with the family and form too early partnerships and/or marriages without much preparation. Such partnerships, because of these children's lack of a positive experience of family, have a very poor prognosis.

If these "root-less" individuals who often have no vision for their lives set up new families, their children too risk following in the steps of their parents and being placed in children's homes. The vicious circle is closed and everything starts over again...

SUMMARY

This chapter outlined the indispensability of a family environment for the meeting of a child's needs. The establishing of institutions for abandoned children in the past was an emergency response and in no case offered the best possible solution.

The past is an unchangeable reality. We cannot change thousands of children's homes. But in our given reality we have to work towards **positive change**.

Positive change will bring children to the place where they belong - to the family.

Jean Vanier, the founder of ARCHA movement said:

*"I remember some of our young friends. Erik spent sixteen years in a psychiatric institution. He is blind and never developed a personal relationship. It is tragic for a child not to have a firm, long-lasting relationship with a mother, a father or adoptive parents. If someone has never experienced such a relationship, he/she has a strong desire to develop one, but at the same time he/she is afraid, afraid of relationship. Yes, there are both of these realities - a tremendous desire and a tremendous fear. This tension is visible in many handicapped children, even if they do not want to believe that "it is true". It is terrible if a child does not believe in love because he/she was let down so many times. It is really terrible to come to a pediatric department of a hospital and see children who do not cry anymore because they have reached the stage where they have given everything up. They know that nobody cares, that nobody responds. **They feel it is less dangerous not to cry, than to scream and not be answered.**"²*

²From J. Vanier's paper presented in Klobouky u Brna, Czech Republic, June 1991)

2. The legal framework for alternative parental care

“A good legal system is the foundation of any healthy civic society. But there are some areas that ‘legal language’ cannot clearly define. One of them is the area of personal relationships, such as parental love, understanding, acceptance...”

JUDr. Jerguš Polónyi, 1995

Under the term “alternative parental care” we understand the care for children that live outside their original, natural family for any reason (abandonment, improper care, death of parents, etc.), but grow up in a new, “alternative” family. A “family” in this sense means not only a classical family (married couple and children), but also a group, organized in a similar way to a functioning family.

Alternative parental care could be defined as “a legally specified and protected relationship between a child and a person other than his/her parent”. This relationship is always established by a court ruling, which also defines the rights and duties of the participants.

There are four legal forms of alternative parental care. The difference between them is in the measure of rights and duties taken from natural parents and given to the alternative parents:

1. adoption,
2. foster care and its alternatives:
 - individual fostering,
 - fostering in a special institution,
3. entrusting the care to a citizen other than parent,
4. guardianship.

2.1 Adoption

Adoption is a legal tool for the establishment of artificial parental care, the consequence of which gives the adopted child the same legal position vis-à-vis his/her adopting parents as if he/she were their natural child. In law adoption covers not only parental care but also the legal protection of the child (guardianship ad litem/in law).

The ‘Law concerning the Family’ specifies two types of adoption:

- simple adoption,
- irreversible adoption.

The same law specifies the following conditions for both types of adoption:

1. Adoption must improve the situation of the child.
2. Only a child under 18 years old can be adopted.

3. A child cannot be adopted if there is close family relationship between him or her and the adopting parent. The adoption of one's sibling or son-in-law is not permitted. It is possible to adopt a nephew or a niece.
4. There must be an acceptable age difference between the child and the adoptive parents.
5. An adoptive parent must be legally responsible for his or her actions.
6. The court must check whether the state of health of the child and the adoptive parent does not go against the purpose of adoption.
7. Only married couples can adopt a child as *their* child.
8. It is necessary to get the consent of the legal guardian of a child for an adoption. Where the legal guardians are the child's parents, it is not necessary to have their consent in two instances:
 - where the parents have not shown any real interest in the child during the last six months,
 - where the parents gave their general consent to adoption.
9. If a child is able to understand the purpose of the adoption, his or her consent is necessary.
10. Before any court ruling the child must spend at least three months in the care of the potential adoptive parents. The costs are covered by the adoptive parents.

2.2 Fostering

Foster care (FC) is defined as a special form of a long-term alternative parental care controlled by state and financially supported by the government.

It is important to stress that foster care is usually implemented in cases where children are impossible to adopt for various reasons or where there are long-term grounds to suspect neglect/improper care by the natural parents.

The relationship between a foster-parent and a child is defined by a court ruling; establishing a foster care order does not create a relationship equal to the one with natural parents, which does not cease to exist. No formal family relationship is created (although it is possible and in reality quite often the case that a foster-parent is a member of the child's family, most commonly a grandparent). For the duration of foster care, the foster-parent has the rights and duties of a natural parent in the area of bringing the child up and education.

Contact between natural parents and their child is limited or even forbidden by a court ruling. Natural parents must pay the state for the care of the child, which monies then cover some of the child's costs and financially supports the foster-parent.

Foster care, as a legal relationship between the foster-parent and child ceases to exist when the child reaches 18 years of age (or 26 if the child studies at university), or on the death of the child or the foster-parent. If one of the foster-parents dies, the other one becomes the sole foster-parent. Foster care also ceases to exist after the divorce of the foster-parents.

The law specifies conditions for foster care within special institutions. Foster-parents may care for about 5-10 children as their full-time job. Even in these cases children are entrusted to them individually after meeting all the conditions for foster care specified by law.

The procedure of getting a child into the foster care (FC) or adoption

The court hearing about FC or adoption starts with an application from the prospective parent. The court then asks for all relevant information from the state institute that keeps track of children “suitable” for FC and adoption. In order to make a ruling, the court has to have a statement from the regional administration, a doctor’s report and statements from the employer of the potential adoptive or foster parents and from a psychologist concerning the ability of the parents to care for a child. The court must have all information about the personal, family, financial and housing conditions of the prospective parents as well as a confirmation of their ability to raise children. Based on this information the court makes its ruling.

2.3 Entrusting the care to a person other than the parent

This form of alternative care is applied in cases where it is considered necessary for the interests of the child. The reasons for this are usually a lack of proper care in the natural family or the illness of the parents. These reasons must be sufficiently clarified.

The scope of rights and duties of the person (or persons) entrusted by the care of the child are specified in each case, since they are not generally defined in the law. The court cannot transfer all parental rights and duties to the person to whom it is entrusting the care of the child.

If the reasons for the care order cease to exist, the court may change its decision and eventually return the child back to his/her parents, if they are able to raise him/her properly.

2.4 Guardianship

The need to assign a guardian for a child according to the ‘Law concerning the family’ is created when neither of the parents with parental rights is present i.e. if the parents have died or were deprived of their parental rights, or they were disenfranchised (Radvanová, Koluchová, Dunovský, 1979). The task of a guardian is to raise the child and care for his/her affairs instead of the parents. A guardian is usually a close relative of a child. If the court is not able to find a guardian, the regional state administration becomes guardian ad litem (in law). The guardian ad litem does not have a duty to care for the child personally.

3. Statistics about alternative family care in Slovakia

“A child staying in institutional care too long is proof enough of the insufficient work of the people involved.”

*Dr. Magdaléna Malovecká,
Chairman of Government Committee
for Mother and Child,
published in *Národná Obroda* daily,
Bratislava, May 23, 1991.*

The data quoted in this chapter comes from two sources:

1. Official statistics of the following Slovak government institutions:
 - Ministry of Labor, Social Affairs and Family of Slovak Republic (MLSF SR),
 - Ministry of Education and Science of Slovak Republic (MES SR),
 - Institute for Health Care Information and Statistics in Bratislava,
 - Institute for Information and Prognosis of Education, Youth and Sport in Bratislava
2. Survey done by the authors among regional administration (RA) and children’s homes (CH)

3.1 Statistical Information³

There are about 9,700 “institutionalized children”⁴ in Slovakia. The institutions caring for them are placed administratively under three ministries:

MINISTRY OF HEALTH CARE (MHC)

21 children’s homes for the children between 0-3 years old with 1,100-1,200 children.

MINISTRY OF EDUCATION AND SCIENCE (MES)

51 children’s homes for children between 2-18 years old,
3 diagnostic centers for children,
2 diagnostic centers for adolescent children,
14 homes for re-education,
3 children’s homes owned by the Church,

73 Total number of institutions with about 4,500 children.

³If not specified otherwise, data was collected by the end of 1994.

⁴Under the term “institutionalized children” we understand children living in institutions all the time, with no perspective of return to their original families. Thus, children in institutions who spend weekends with their families, or children who regularly spend time with their families do not belong to this category.

Another 2,000 children have specialised institutional education in special dormitory-based schools of various types (kindergartens, elementary and high schools).

Thus, according to its own statistics, MES has 6,500 institutionalized children.

MINISTRY OF LABOR, SOCIAL AFFAIRS AND FAMILY (MLSF)

- 31 social care institutions for mentally handicapped children (in permanent all-year care),
 - 4 social care institutions for physically handicapped children (in permanent all-year care),
 - 4 social care institutions for mentally and physically handicapped children (in permanent all-year care),
 - 1 institution for physically and mentally handicapped children (in permanent all-year care),
-
- 40 Total number of institutions with 4,030 clients, of whom about one half are under the age of 18, (i.e. about 2.000 children).

If we ignore all the special institutions, such as diagnostic centers, homes for reeducation, institutions for handicapped children, there remain CHILDREN'S HOMES (CH) where the children have a real chance to be placed in alternative families. There are 72 state-owned children's homes in Slovakia with about 3,600 children. The number of children's homes varies as a result of administrative changes, usually formal in nature, but the number of children and the conditions they live in do not change.

The children's homes can be divided into two categories:

CATEGORY A

Children's homes for children up to 3 years old that belong under MHC. We will refer to them as CH 0-3.

CATEGORY B

Children's homes for children between 3-18 years old; they belong under MES.

Statistical information about children in children's homes in Slovakia

CATEGORY A⁵:

		INSTITUTION OF SOCIAL PEDIATRY	CHILDREN S HOMES 1 - 3 yrs.	CHILDREN S HOMES 0 - 3 yrs.	TOGETHER	
NUMBER OF INSTITUTIONS		9	6	6	21	
NUMBER OF CHILDREN IN THE SURVEYED PERIOD		454	298	342	1094	
NUMBER OF CHILDREN AT THE END OF THE SURVEYED PERIOD		467	315	338	1120	
OF THAT	HANDICAPPED	105	158	126	389	
	ROMA	359	239	129	727	
IN THE	ACCEPTED	1071	185	257	1513	
	RELEASED	1035	168	255	1458	
S U R V E Y E D	OF THAT	TO ORIGINAL FAMILY	645	42	96	783
		ADOPTED	69	16	66	151
		TO FOSTER CARE	9	3	7	19
		OTHER INSTITUTIONS	312	107	86	506
	DIE	23	0	6	29	
CAPACITY OF CHILDREN S HOMES		682	327	424	1433	

Table 1 - Overview of numbers and basic characteristics of the children living in CH 0-3 in Slovakia in 1993.

⁵These figures are for the period between Jan 1 1993 and Dec. 12 1993 for the whole Slovakia and were provided by the Institute for Health Care Information and Statistics in Bratislava.

From the information in the Table 1 it is clear what chances the children in institutions have of being placed in families. The need is illustrated in the Table 2.

100% represents children

- in institutions in the beginning of the surveyed period	1094 children
- accepted into the institutions during the surveyed period	1513 children

Total	2607 children

who were in institutions in 1993. All of them needed a family.

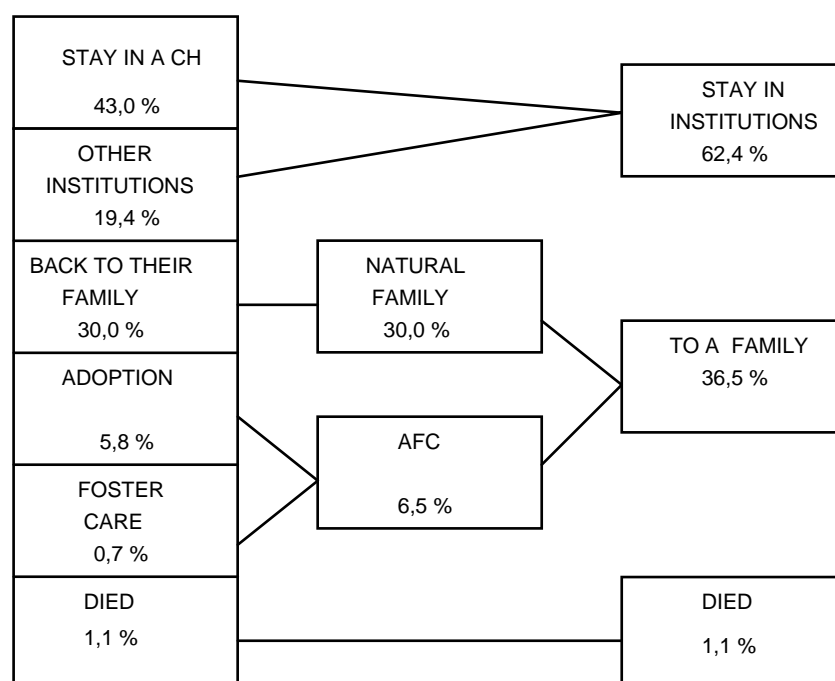


Table 2 - The perspectives of the children in CH 0-3

CATEGORY B

This category covers children in CH between 3 and 18 years old. The data is analyzed by the Institute for Information and Prognosis about Education, Youth and Sport in Bratislava and the data is published in the 1994 Statistical Yearbook. The period surveyed covered the 12 months ending Oct. 31, 1994.

NUMBER OF INSTITUTIONS		51*	
NUMBER OF CHILDREN		2458	
OUT OF THAT GIRLS		1114	
OUT OF THE T N O U T M A B L E R	COMPLETE ORPHANS		63
	PLACE- MENT BASED ON	COURT RULING	2180
		TEMPORARY PLACEMENT	275
		PARENTS REQUEST	3
	IN THE SURVE- YED PERIOD	REALISED ADOPTIONS	5
		FOSTER CARE	14
CAPACITY OF CHILDREN S HOMES		2666	

*Table 3 - Children living in children's homes
(*51 state-owned CHs. 3 new Church-owned CHs were established in 1994)*

From the figures in Table 3 we can easily see the following percentile breakdown. 100% is the number of children place in CHs (2458). The number of accepted and released children is about equal. That means the number of children in CHs for a few years is the same as in 1994.

USE OF THE CAPACITY OF CHs	92,2%
CHILDREN THAT WENT TO ALTERNATIVE FAMILY CARE	0,77%
CHILDREN THAT STAYED IN INSTITUTIONS	99,23%
ORPHANS	2,6%

Information about children in alternative families

The following information is from the records of Ministry of Labor, Social Affairs and Family of Slovak Republic.

NUMBER OF FOSTER FAMILIES		1871
O F T H A T	IN THE CARE OF GRANDPARENTS	776
	IN THE CARE OF OTHER RELATIVES	781
	IN THE CARE OF OTHER CITIZENS	314
NUMBER OF FOSTERED CHILDREN		2329
OUT OF THAT HANDICAPPED		44
NUMBER OF FOSTERING FAMILIES		448
NR. OF UNPROCESSED APPLICATIONS FOR ADOPTION		562
NR. OF UNPROCESSED APPLICATIONS FOR FOSTERING		183

Table 4

NUMBER OF CHILDREN	IN THE YEAR	
	1992	1993
ADOPTED	269	277
PLACED INTO A FOSTER CARE	378	408
ENTRUSTED TO OTHER CITIZEN	799	824

Table 5

Summary

Based on the data listed we can clearly see that children that had to leave their natural families usually face a future of spending their whole childhood and adolescence in an environment of institutional care.

Alternative family care is being used only to a very small extent.

3.2 The Survey

To understand the situation of abandoned children and their future perspectives, we contacted and interviewed people involved in this area. We sent the questionnaire (see Appendix 2) to:

- Regional administrations that have the main legal responsibility for managing Alternative Family Care (AFC);
- Children's homes (under MHC or MMES) that provide care for the children.

Goals of the survey

The main goal of our survey was to map the attitudes of professionals that work in the area of AFC to eventual changes that would make it simpler and quicker to get children from CHs to AFC. We contacted:

- government institutions,
- courts of justice,
- departments for social care,
- children's homes,
- counseling centers,
- people that applied for AFC,
- natural parents.

We also interviewed social workers from regional administration concerning:

- general information, such as:
 - their job description,
 - their education,
 - the number of applicants for AFC;
- their ideas about
 - the skills social workers should use
 - what should be done in order to make their work more effective.

Hypothesis of the survey

Our hypothesis was that the people involved in the realm of abandoned children are aware of the problems that limit the realization of AFC. We also expected them to propose possible solutions and/or changes in the legislation and practice that would help children to get back to the natural environment of family (in this case an alternative family).

Characteristic of the sample

Through the questionnaire we contacted social workers in regional administration, officers responsible for AFC and directors of children's homes.

Regional administration

We contacted all 38 regional administrations in Slovakia. Only 13 social workers from the regional administrations (34,2%) completed the questionnaire and sent it back.

- 7 of them (53.8%) have AFC as their full job description.
- 6 of them (46.2%) have other responsibilities in their job description.
- 5 workers (38.5%) had a high school qualification with additional social work course.
- 3 workers (23.1%) had a high school education.
- 3 workers (23.1%) were university graduates.
- 2 workers (15.3%) were university graduates with a specialization akin to social work.

Children's homes

We contacted directors of CHs who completed the questionnaire either themselves or delegated it to their social workers.

We sent the questionnaire to 72 CHs.

We received back 17 completed questionnaires (22.7%).

3.3 The results of the survey

Since the average response quotient was 26.6%, we cannot generalize the results. At the same time, however, we assume the results of the survey make quite a representative sample that would not significantly change even with a higher response quotient.

The hypothesis of our survey - that "the people involved in the realm of abandoned children are aware of the problems that limit the realization of AFC" - was confirmed. On the following pages we shall analyze and interpret the data collected in the survey. Tables and numbers are in Appendix 1 (Tables 6 - 15).

Very often in this paper we stress the importance of the human as well as the professional attitude of the people involved in AFC. This fact is supported by the social workers themselves, who in answering to the question "What are the necessary skills for social workers?" responded in the following manner (see Table 9):

- they stressed the need for psychological skills, 17 respondents
- they stressed empathy and personal commitment, 14 respondents.

In answer to the question 5 - “What measures and changes would make your job more effective?” - respondents listed:

- organizational/technical changes, 10 respondents,
- proposals for the changes in legislation, 5 respondents,
- the legalization of international adoption, 2 respondents.

The most often specified changes were the organizational/technical ones which to a great extent are caused by the poor financial situation.

The question “What are the necessary changes in legislation and practice to make it simpler and faster to get children from CHs to AFC?” was the basic question of our questionnaire. We divided the responses according to the areas or institutions participating in AFC.

1. Central (government) institutions (Appendix 1, Table 11)

The most often mentioned (17 respondents) was the proposal to make some changes in the legislation for AFC. Children’s homes perceive this need more intensively than the social departments of regional administration.

The need for legalization of international adoption was mentioned by 7 respondents.

2. Courts of justice (Appendix 1, Table 12)

A problem of inflexibility and passivity is evident in many areas of AFC. Respondents specified 18 complaints concerning the court of justice, especially the length of time between the application and actual closing of the case. There is a lack of unity in the judges’ interpretation of “interest shown by natural parents” as specified in the ‘Law concerning the Family’. This was mentioned by 7 respondents in the survey.

3. Social departments (Appendix 1, Table 13)

There were 6 complaints concerning a passive approach to AFC by the social departments of regional administration. Although looking for a possible alternative families is part of social department’s official responsibilities, only rarely it is being done.

4. Children’s homes (Appendix 1, Table 14)

A lack of active approach to placement of children in alternative families (17 respondents) and a lack of cooperation with other institutions (9 respondents) were mentioned even by respondents from children’s homes themselves. This

could be a sign of positive change. Respondents from 5 children's homes propose a transformation to a family-type children's homes. We can confirm that this trend is currently taking place.

5. Psychological counseling centers (Appendix 1, Table 15)

Comments concerning the work of psychological counseling centers were ambivalent. 7 respondents (6 of them from social departments) mentioned good co-operation with them, while 7 others complained about lack of flexibility in diagnostics and preparation of applicants for AFC. Respondents also mentioned the absence of the psychological service for alternative families (4 respondents) as well as for children from children's homes (2 respondents).

6. AFC applicants (Appendix 1, Table 16)

12 respondents remarked on the insufficient tolerance of AFC applicants to the children in children's homes. They usually do not meet their idealistic expectations.

7. Natural parents (Appendix 1, Table 17)

18 respondents mentioned a need to limit the rights of natural parents vis-à-vis for the children they had abandoned. This is polemic but an idea that is often voiced. The point of view of respondents is influenced by their experiences—— natural parents very often misuse their rights to the detriment of the children. The result is that the children spend their whole childhood in children's homes. Another problem, according to respondents, is that a family with serious problems is usually not being helped.

4. The situation of abandoned children

Since there are about 3,600 children living in 72 state-owned children's homes in Slovakia, we shall concentrate on the situation in them. For simplicity's sake we will use the term "children's home" in spite of the fact that some institutions have a different name (such as "The Institute of Social Pediatrics"). Apart from the aforementioned number of state-owned children's homes, 3 Church children's homes were established in 1993.

4.1 Children in children's homes

Children's homes in Slovakia could be divided into two basic types:

- dormitory-type
- family-type

According to Braniková (1993) there are 3 family-type children's homes in Slovakia (Nové Mesto nad Váhom, Spišský Štiavnik, Veľké Uherce). But these institutions can be compared to a real family only with great difficulties. In reality there is only one family-type home (Detské mesto Zlatovce pri Trenčine). About 200 children live there; they are divided into families. Each family consists of a stable married couple and about 12 children. Each family has a house, while some activities (such as dinners) are organised centrally in large communal rooms. This institution can be considered as a family-type one. How close it is to real family depends on the attitude of the married couple involved.

From our personal experience as well as by studying literature on the subject, we can observe a tendency to make the atmosphere in several children's homes more similar to a family atmosphere. Dormitories are being rebuilt to smaller apartments, sometimes even called "families". Children of different age belong to the same group, like a family. Older kids are thus led to responsibility for younger ones. Children themselves prepare some dishes and are not given all the meals through the counter in a dining room. This trend is dependent on a director's willingness (or lack of it) to accept changes as well as by the commitment of the staff.

The shift from a dormitory to a family-type children's homes is limited by:

- **The poor financial situation** of children's homes, while the budget is still being limited by the government.

Optimal budget per 1 child/year	100,000.-Sk
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Minimal budget	70,000.-Sk
----------------	------------

Real budget in 1994	65,000 - 70,000.-Sk
---------------------	---------------------

There was 35 Sk (\$1) for a Christmas present for a child in the budget. This situation is often helped by sponsors.

- **Unacceptable housing conditions**

A children's home is only very rarely located in buildings designed and built for even a similar purpose. Children's homes are usually placed in old manor houses in the countryside, or in former schools with classrooms serving as bedrooms. It is very difficult to transform something like that into apartments. Not to mention that the heating and maintenance of an old manor house eats up a major portion of the budget.

- **Too many children per one social worker.**

There are about 2 children per one employee in a children's home in category B (3-18 year old children). One social worker on duty is usually responsible for more than 10 children.

One "aunt" in a children's home, category A (0-3 years old children) cares for 10 children. That means she cannot even feed them in her lap practically.

- **Perpetual change of social workers and/or institutions.**

A child in care has a very little opportunity of developing a deep emotional attachment with one significant person.

- **Most of the social workers are women.**

There is a lack of male role models in the childhood experience of children's homes' clients.

More than 85% of all employees are women. The remaining 15% are mainly directors or maintenance workers, men with whom children have only sporadic contact.

- **The education of children's homes employees is often inadequate.**

These and other issues make a children's home a typical dormitory-style institution in spite of many good intentions and activities.

4.2 Professional Alternative Family Care (AFC)

The Ministry of Education and Science of the Slovak Republic proposed a transformation of dormitory-type children's homes to family-type ones. This transformation already has its legal framework and should be implemented in 1995. It is based on a concept of **professional foster-families**. A foster-parent would be a children's home employee and would have up to three children as in regular foster care. This family would be in contact with children's home.

Neither the natural parents nor the courts of justice can stop this process - it is the sole responsibility of a children's home. This makes the whole process more flexible. This solution is available only for a few children because it is so largely dependent on the financial situation.

The results remain to be seen.

4.3 Realistic perspectives of children in children's homes

According to Matijèek (1994) from a point of view of an abandoned child's psychological needs the optimal solution is his/her placing in an alternative (adoptive, fostering) family.

In category A (0-3 year old children) about 30% return to their original family. This figure is not reliable, however, since many of these families fail again and many children are removed and placed back to institutions. Only very few children find a stable environment in a functioning family when returning home from a children's home.

62.4% of children stay in an institution.

Only 6.5% of children in category A are placed in alternative families (5.8% adoption, 0.7% fostering).

The children in category B (3-18 years old) are in even worse situation. Only 0.77% (19 children) were placed to alternative families. In comparison in 1991 it was 2% of children.

Only an insignificant number of children are placed in alternative families. Almost all abandoned children stay in an institution until they are "legally" adult. Even the relatively better chance in the case of very small children (category A) is lost after they are more than 3 years old.

4.4 Analyses of the situation.

It is a well known paradox in Slovakia that:

Children's homes are full and at the same time hundreds of applicants for alternative family care have to wait several years (4 or more) to adopt a child or to have him/her in their foster care.

Why is that so?

- the legislation about the Alternative Family Care needs to be amended and made up-to-date. The 'Law concerning the Family' dates from 1963 and its renewal is not projected in the near future.
- even the opportunities given by existing legislation are not being used for the good of abandoned children - natural parents are given greater rights.
- there is an official classification of abandoned children as "suitable" or "unsuitable" for AFC. "Suitable" children are offered to applicants for AFC. It is almost impossible to put an "unsuitable" child up for foster care or adoption, even if specifically requested. We are convinced that this classification of children is a borderline human rights violation.
- many professionals involved in the care of abandoned children are pessimistic about AFC because they are afraid of potential failures in alternative families.

- social workers, responsible for the identification of possible alternative families, are too passive.
- there is a lack of social workers well-equipped for dealing with people - most of them have an administrative understanding of their job.
- there is an understanding that the placement of a child in a children's home is the solution of his/her problem, that it becomes a "closed case".
- the attitude of general public to AFC is based on myths, low tolerance towards minorities (Roma, handicapped children and so on).
- non-governmental initiatives are often aimed at the improvement of economic and cultural situation in children's homes which does not solve the root of the problem.
- the state monopoly in this area is still without viable alternative solutions.

The number of applicants for very young, healthy and white children is several times higher than the number of this category of children that are legally free for adoption. There is only minimal demand for older, Roma or handicapped children.

One's first impression is that the lower demand for these children is caused by the prejudices of the general public and of the applicants for AFC. But the above-mentioned analyses show that professionals and experts bear this responsibility too. Since the communist regime had no interest in these issues, it is only natural that there is insufficient legislation and a lack of well-educated social workers.

The crucial factor, significantly influencing the number of the children being placed in alternative families, is the attitude and commitment of the people involved in it. Wherever there is a social worker, director or judge with a commitment and heart for an abandoned child the situation dramatically improves despite any legal, economic or other barriers.

Above we mentioned a lower tolerance of applicants and general public towards minorities as such. In the statistics we saw that there are 35% handicapped and 65% Roma children (these two groups overlap) in children's homes category A (0-3 year old children). But if we look at the number of adopted or fostered children (Table 4), we see that only 2% (44 children) of the children placed in alternative families are Roma and/or handicapped. To place a child over 6 years old and/or a Roma child in an alternative family is very exceptional. Unfortunately, there are very intolerant attitudes especially towards Roma. This is even worse in eastern Slovakia where there is a higher number of Roma in the population.

Foster care in our environment is understood as a long term, permanent solution. In the statistics we saw that only 314 families, which is 17%, actually foster children who are not close relatives. Even with foster care there is a tendency not to have any contact with the natural parents and for the family relationship to be as close as possible to that known by adoptive families. Looking to the future we expect the creation of new types and forms of foster care or other family-type alternatives.

It is interesting to note that the legal form of "entrusting a child to a citizen other than the parent" is taking place about twice as often fostering. Those are the cases where failed parents are superseded by a close family member, so the child is never actually

placed in a institution and so his/her hope of having success in a family close to his/her original family is better.

Comparison of Our Observations with the Results of the Survey

Our observations of the situation in the area of AFC are underscored by the results of the survey among the professionals concerned with the area. They made the following comments:

- The majority of remarks concerned the low activity and lack of flexibility of the professionals. These comments were often self-critical and usually related to specific cases.
- The second most often voiced opinion was the need for the renewal of the 'Law concerning the Family', for example to legalize the 6-month "period of lack of interest" on the part of the natural parents.
- A limitation of the rights of the natural parents, so that the children should not continue to suffer for their parents' failure was also often mentioned.
- The incidence of low tolerance of applicants for AFC for children that do not meet their ideals of "their" child.
- Finally, a lack of co-operation between the institutions concerned with AFC, the legalization of international adoption and the transformation of traditional children's homes to family-type ones were also mentioned, although not so often.

Case history instead of a summary: The Story of Milan and Sonièka

Milan and Soða - twins - were born into a family with problems. Both mother and father are alcoholics; both live on the fringes of society. Father was twice in jail. The court case was based on these facts. It was initiated by the regional state administration. The result was a foregone conclusion. The children were removed from their parents and at the age of three put in a children's home.

By the time they were eight they had changed institutions twice and finally "ended up" in a dormitory-based special school. Between birth and attaining school age they changed environments four times. Unfortunately, none of these environments was 'home'. They had no emotional attachments, they did not live in a stimulating environment and their future was unsure. They had not experienced what love, understanding and acceptance mean.

It is difficult to imagine what they really felt like. How much anger, pain, fear and most especially lack of understanding did they have? All this was multiplied with each change of environment.

In this tragedy they had just one "lucky break". They were twins - brother and sister - and so they were always allowed to stay together. This helped them to survive in their situation.

Their big, fearful eyes first met Marek when he, as a student of special education, was working in their institution. When Marek saw them something sparked off in him and the kids stayed in his heart. He kept thinking about them. He and his fiancé started to think about fostering them.

After their wedding they started to have the children for week-ends, vacations and holidays. During that time they went through the process of preparation for their role as foster parents and filled out all necessary forms and applications. Marek says:

The parents of our children showed practically no interest in them, so Soða and Milan could be adopted. The officials responsible did not do what they should or could have done. Even after one year of our relationship with the children, when it was clear what our intentions were, the director of their children's home, instead of confirming the natural parents' lack of interest within the legally prescribed period (6 months), wrote to remind them to write to the children so that they would not be adopted.

When, after long discussions and bureaucratic procedures, we were taking the children home, the director asked:

"Why are you taking "unsuitable" children?

"What do you mean "unsuitable"?"

"Because they are borderline mentally sub-normal, aren't they?"

We insisted that they were "normal" children, their "sub-normality" being caused by their life outside a family situation. We had to convince many experts to allow us to adopt "unsuitable" children.

It may be necessary to call this kind of children "unsuitable". But to divide children into suitable and unsuitable is, according to our opinion, absurd!

Milan and Soða have been in this family for three years now. They have two younger sisters. Having a relationship with their "parents" has helped them to develop a lot. They feel safe with their parents. The words "mother" and "father" now have real content for them.

The change of fearful, neurotic children to the playing, laughing, happy ones is the greatest satisfaction for the young couple.

Milan and Soða had "a lucky break" in that somebody saw them and enabled them to live in a family. But there are thousands of children that are not so lucky.

5. A Comparison of the Situation in Slovakia with the Situation in Countries with a Developed Social System

Many people in Slovakia say it is impossible to compare the Slovak situation in the social sphere with the situation of developed countries, because it depends on economic conditions.

We think this argument is insufficient. The history of these other countries is evidence enough that changes in the social sphere do not depend *only* on economics. Changes are primarily motivated by the attitudes of individuals, groups of people and society as a whole.

Based on our personal experience with studies and work abroad, as well as through our co-operation with foreign organizations (in the USA, Norway, The Netherlands, Sweden) we list the following observations:

1. Socio-legal protection of children is the responsibility of the state, as in Slovakia. But social services, as such, are being run by a wide range of public, private or Church organizations i.e. the state monopoly for social services does not exist. Thus, people have a possibility to choose, which is one of the basic characteristics of a democratic civic society.
2. In the area of AFC the preparation of applicants for adoption or foster care, their selection, help for the children after placement in alternative families as well as other services (psychological, therapy, legal, etc.) for alternative families are being supplied by many different organizations. Individuals are not "assigned" to a specific psychologist.
3. Placing children in institutions is a rare occurrence, done only under specific conditions:
 - for a short time - in an emergency situation;
 - if it is necessary because of the specific needs of a child.
4. The ways of dealing with abandoned, uncared for, or abused children are as follows:
 - help for the family in crisis;
 - adoption;
 - fostering;
 - placement into a special institution.
5. A philosophy of "family-based alternatives" is accepted in most of the developed countries. Legislation and services are based on this philosophy. This trend was clearly confirmed in a regional conference for Eastern and Central Europe organized by major international institutions in Sofia in 1992⁶.
6. Foster care is understood as a temporary solution with many variants. For example, there are six types of fostering specified in the legal system of

⁶Implementation of the Convention on the Rights of the Child. Seeking Family-based Alternatives for Children who are Abandoned or at risk of Abandonment. Framework for Plan of Action, Sofia, Bulgaria, 1992

Minnesota. From an emergency shelter home for up to 30 days to a special services home, with a specially trained family for a specific needs of, and services to, a child. In this strategy an opposite extreme (compared with institutional strategy) is possible. Since in some countries the number of children's homes is limited, abandoned children are placed straight into alternative families. In a very short time a child may pass through ten or more families⁷. Each change is a new separation. This may have even worse consequences than a long-term stay in a children's home.

⁷Shari F. Shink, USA: Case studies Presentations, Salzburg Conference, 1994

6. International Adoption

The biggest shame

Why do they want our Slovak children? Why are they not interested in American children - orphans, that are also in children's homes or even abandoned on the streets?

Our country, Slovakia, is a beautiful country, with mountains and rivers - we are right to be proud of it. Our children in children's homes have everything, loving, sacrificial nurses, that stand in the place of their loving mothers. Why should we then cut them off from their country and then worry about their fate, especially, that they should not be used for medical experiments...?

Finally

...I am really glad that the discussion about the false assumptions - that our children must be brought up only here - has started. The biggest barriers to international adoption will be raised by narrow-minded people who were never in touch with these children and do not know how they live...

Excerpts from readers' letters

*published in 'Nedelna Pravda' weekly, Bratislava,
May 14, 1993*

There is a wide range of attitudes toward international adoption among both professionals and the general public - from absolute rejection to extremely positive acceptance.

Under the totalitarian regime discussion about the adoption of our children to "Western countries" was out of question. Discussion started after 1989. It is very sensitive and emotional issue, which is even now being discussed by central government institutions.

There were about 50 requests for the international adoption of Slovak children addressed to Ministry of Labor, Social Affairs and Family during 1990-92. Direct discussions between the Slovak government and the representatives of seven private international adoption agencies interested in operating in Slovakia, took place.

A working group of all the concerned ministries, dealing with international adoption was formed, created a working paper, which was submitted to the Government in January 1993. But nothing has happened since then.

Our opinions are based on the assumption that a family is the optimal environment for the growth and welfare of children, for their full and harmonious life (Convention on the Rights of the Child). There are, however, thousands of children in our country that for many different reasons lose this environment. Some of them are children who could be adopted, but eventually spend their lives in conditions that do not meet their

basic psychological needs. That is why we suggest the following procedure of steps towards the solution of abandoned children:

- adoption, fostering in the child's native country (Slovakia);
- international adoption;
- institutional care in the native country that is as close to a family environment as possible.

There is no law or other legal rule in the current Slovak legal system dealing with international adoption. The Slovak Republic did not sign⁸ the Final Act of the 17th Conference on Private International Law in The Haag in 1993 that specifies the basic principles of international adoption.

In 1990-94 there were 14 Slovak children adopted in Sweden, but only thanks to tremendous effort and initiative of a director of a children's home. A court investigation against her was started, but the Ministry of Labor, Social Affairs and the Family stopped it on July 21, 1994.

A steering committee, coordinating the work of ministries and government institutions in this area is about to be established. A legal working paper will be realistically ready no sooner than in two years. The solution of this situation is in the hands of the current Slovak government.

There is currently only one legal possibility for a foreigner to adopt a Slovak child.

A legal framework is specified by the Convention on the Rights of the Child (New York, 1989), that was signed by Czechoslovak Federal Republic on Sept. 30, 1990 and became valid on February 6, 1991. Foreigners with a perspective of longer-term residence in Slovak Republic who went through the preparation for adoption in their own country or in Slovakia are able to adopt a child of Slovak citizenship.

⁸The situation at the time of final edition of this paper

7. A Case Study - "An Ordinary Story"

"We like it here - here is our home."

Two years after our wedding we decided to go for adoption. After going through "endless bureaucratic procedures we became "officially registered applicants". We started to visit a children's home in our neighborhood.

During the second visit two children - siblings, a four-year-old boy and a five-year-old girl won our hearts. We can't describe that feeling. It was like a spark that lit a fire in four beings - it was impossible to quench it. The children very obviously responded to us.

After a discussion with the children's home's director we decided to adopt the children. The father had not contacted them for the last four months, but we had to wait two more months so that the official "period of lack of interest" was fulfilled. The mother was deprived of her parental rights - she was in prison at the time. That was an extremely long time for us!

After this period we started to have the children for "guest stays". When they visited us for the first time, they carefully checked the whole apartment and proclaimed: "We like it here! Here is our home".

But then our application for adoption was mis-filed.

This was the first mistake - then there was the mistake concerning the natural parents. The director or social workers should have informed them. The result was that after the court turned the application down, they had to do the same thing again. This, of course, meant further delay.

The court's decision was negative because the father showed interest according to the regional state administration.

Another mistake - there was a lack of communication between the children's home and the regional administration. The director of the children's home acted in the interest of the children. According to her knowledge and understanding the father had showed no interest for six months. But she should have contacted the regional office. There the social worker kept evidence about the father's interest. But what did she understand by father's "interest"?

The father is an alcoholic who behaves violently for which he has been legally charged fifteen times. He is divorced and lives with a partner. The regional office pays him unemployment benefit. His "interest" in the children consisted of coming to the social worker and trying to convince her that if he had a bigger apartment he would take the children. He got the apartment he wanted and immediately had an advert published to the effect that he would change the bigger flat for a smaller one - in order to get cash. During the six months period he never met the children, nor even phoned or wrote them.

We contacted the Ministry of Education. They also qualified this level of "interest" as insufficient.

The third problem - what is (according to the 'Law concerning the Family' §68, sect. 1a) "real interest"? A quotation: "If the parents are the legal representatives of the child, their consent [to the adoption] is not needed if:

- the parents did not for a period of six months express any real interest, such as they, as parents should express."

It was in the competence of a social worker to classify the interest of the father as insufficient and merely formal. Based on such a classification the judge was supposed to rule for the adoption.

There were two problems:

- vague legislation
- the human factor - personal commitment to act for the benefit of the children on the part of all the people concerned is necessary in this kind of work.

After the court ruling we appealed. We personally delivered the appeal to the judge. She said she has to accept the report about father's interest from the regional office and cannot rule for adoption.

She repeatedly suggested foster care to us. Since this was probably the last chance the children had to be in a family, we agreed. We thought that since they had been staying with us (officially as guests) for seven months already, it would be a short and easy process.

But we were wrong.

We think that all adopting parents would welcome the whole process being shorter. We, adopting parents, have, from the beginning, enough work with educating these abandoned and emotionally damaged children. The bureaucratic procedures only make it harder.

This case is not yet finished. We still live in an uncertainty whether our children will be ours "officially".

In January 1995 the first hearing about entrusting the children to the foster care took place. The natural father did not turn up. He had moved and nobody knew where he lived. The hearing was postponed till an unspecified date, when the judge could hear the father's point of view. It was possible that the father would not agree to "his" children going to a "strange" family. And that might have complicated the whole process.

In March 1995 the judge ruled in favor of the foster care application. The natural father, who finally came to the hearing, did not agree and left the court saying: "This will not work, I will put things in order, remember, I was punished fifteen times!".

As already said, the children could have been adopted long time ago. In that case the natural father would not know the address of their new family.

The foster-parents are still not sure whether or not the father will not come and "put things in order"...

8. Suggested Solution of the Situation of Abandoned Children in Slovakia

In the preceding chapters we described abandoned children, their needs, and the situation in the institutions that are supposed to substitute their upbringing in families.

In this chapter we would like to suggest:

- a framework for the improvement of the existing situation,
- specific steps leading to the improvement of the situation.

We will also mention our own experiences as well as the results of other projects in this area.

Our suggestions are based on the theoretical assumptions described in the Chapter 1 (Basic Psychological Needs of Children), international documents (Convention of the Rights of Child, Conclusions of the 17th Conference on Private International Law in The Haag in 1993), as well as the results of representative international seminars (Sofia 1992, Salzburg 1994)⁹.

Based on these resources we see the primary solution of the current situation of abandoned children in family-based alternatives.

8.1 A Framework for the Solution of Current Situation

There are four ways towards a complex solution of the current situation of institutionalized and other children at risk:

1. **Through direct help for families in crisis** - helping families as a preventative measure rather than institutionalizing the children. Prevention is more effective (even from the economic aspect) than an ex post facto solution.

A system of effective preventative help unfortunately does not exist in our country. Help for families is usually understood as financial help, through social benefit. This is a passive kind of help which does not motivate the parents to take an active approach in solving their problems. Social departments of district and regional administrations are not used to field work; they are not sufficiently financially and/or professionally equipped for it.

The state-owned network of psychological/counseling centers offers services to families in crisis.

Diagnostic centers for children, in which the children from failing families are placed, are supposed to provide preventative care for families (it is included in their responsibilities), but only very rarely do they actually get involved.

⁹Regional Seminar for Eastern and Central Europe, Implementation of the Convention on the Rights of the Child, Sofia, Bulgaria, 1992
Beyond Child Survival: Promoting the Well-Being of Young Children, Salzburg Seminar, 1994.

A failing family causes concern only if the law is broken (for example in cases of child abuse). Help is rarely given even then - sanctions are applied as a rule. It is common practice for parents whose children are placed in a children's home to show a mere formal interest in them.

2. Through alternative family care - with the stress on family. Placement in a family is the optimal solution for children that have to live apart from their natural families.

In this case it would be an alternative family - adoptive, foster or other form.

3. Through international adoption - for the children that cannot be placed in families in Slovakia. In Chapter 6 we described the current situation. An initiative towards the improvement of the situation began with the First Discussion Forum of the Alternative Family Care Professionals on International Adoption (Oct., 17, 1994, Bratislava) organized by Alternativa Foundation, Návrat Center.

These are the conclusions of the discussion forum:

- The Slovak Republic should accept internationally accepted legal conditions for international adoption as specified in The Haag Convention i.e. Slovakia should sign and ratify this convention.
- Domestic adoption should be preferred; international adoption should be applied only after a child is rejected by local applicants.
- The adopting family should be prepared for the specific needs of a Slovak child.
- The adopting family should provide all possible guarantees for their abilities to bring up the child according the system developed by renowned agencies for international adoption.

4. Through the transformation of the institutions where children are being placed towards family-based institutions. These institutions should be as similar to a family as possible. And this not only in their organization, but especially in the quality and depth of relationships between children and social workers.

These are the necessary steps for the transformation:

- a continual change of the philosophy of children's homes - from their understanding as a final solution to their understanding as a short-term, temporary solution.
- re-organization of the institutions to "therapeutic centers for the whole family"¹⁰, in which institutions become centers to help families in crisis - a child comes to an institution in order to return to his/her natural family.
- the professional equipment of social workers
 - professional development through training programs,
 - work with children under supervision,

¹⁰This idea was presented by Dr. Steen Lasson, the Director of The International Association of Children's Homes.

- opening the ‘closed’ institutions towards their natural local communities (such as the neighborhood, village, etc.),
- creating small children's homes - in smaller houses, apartments,
- not to have more than 10 children in family-type children's homes (including staff's own children),
- to use couples as much as possible - both roles of mother and father are necessary,
- higher financial rewards for this work,
- an increase in state support for non-state organizations working in this area.

8.2 Suggestions for specific steps

We will look at specific steps, that could possible lead to positive changes in the following areas:

- the attitude of the general public,
- Applicants for Alternative Family Care,
- Alternative families.

8.2.1 The attitude of the general public

Our vision is to contribute to the development of a tolerant civic society with enough families and individuals willing to open their homes to abandoned children. This would enable the development of a new system of care for these children and de-institutionalize it. This is based on the assumption that there are many families thinking about the possibility of caring for the abandoned children in our society. These people should be supported and helped. The general public should be informed at the same time through the media:

- by the discussion of the needs of these children and the opportunities for their fulfillment,
- by giving information about the real situation of the institutionalized children,
- by giving information about the possibilities of helping them through alternative family care,
- by developing tolerance towards the Roma and handicapped children,
- by developing greater acceptance of alternative families among the general public.

We can say from our own experience that publishing articles in local, regional, and the Christian media is very effective. It is possible to communicate with a specific target group through these.

The organizations and people whose job description it is to identify potential adoptive parents often do not have the time or ability to do it. They are not usually active in informing the public through the media.

We see great potential for Non-Governmental Organizations (NGOs) in this area. The Návrat Center media campaign in 1994 could be an example. As a result of it several dozens of people interested in alternative family care contacted the Center asking for information. We helped to place 5 children in families by the end of 1994. Of these children most could only have expected spending their whole lives in institutions.

8.2.2 Applicants for Alternative Family Care

This group of people consists not only of the people listed in social departments of regional offices, but also people who have decided (or are in the process of deciding) to adopt children and are taking specific steps towards that.

8.3 Specific Steps

1. To improve counseling

- information - about the opportunities for alternative family care, together with raising the tolerance of applicants towards children who have a small chance of being placed in a family (Roma, handicapped, older, etc.)
- legal aid - a guide through the legislative procedures,
- socio-psychological help - the preparation of applicants, help in developing the attachment between children and adoptive parents.

2. To enable personal contact with children that could be adopted

Basic philosophy: Applicants have often naive ideas about the children they want to have in their families. After personal contact with children from children's homes barriers against the "unwanted" children fall and parents decide for specific children (the Fund for Endangered Children in Prague have placed about 180 "difficult" children in families this way).

A specific way to develop personal contacts with the children naturally is by organizing summer camps for applicants and children. Only prepared applicants may attend such a camp. Special and careful preparation for the camp is necessary.

8.3.1 Alternative Families

It is clear that alternative parenthood has its own specific problems which occur once the child has been placed. A family has to carry them alone, often exposed to misunderstanding of their environment, (the wider family, teachers, neighbors, etc.).

Our experience with Návrat Center has shown us that many families would welcome the following services:

1. Counseling

- in the socio-legal area,
- in the socio-psychological area - there are often problems with the wider family, neighbors as well as with natural parents (in the case of foster care),
- in the area of upbringing and education of children - the phase of adaptation, problems with behavior and relationship with natural parents, etc.

2. Clubs

This simple activity is very rarely used in Slovakia. It is very effective means of preventing failure in alternative families. It is good if the clubs are lead by people professionally equipped to react to the parents' questions. It is comfortable for the parents if they can come with their children where there is a special program provided for them.

These are the functions of such clubs:

- mutual help,
- provision of new information and counseling,
- relaxation,
- social life for parents.

Clubs are an ideal communication space for the people with a similar experience. Even applicants can get a more realistic picture about family life with adopted children.

There have been club meetings in the Návrat Center since December 1993.

3. Recreation-counseling retreats for alternative families

The philosophy and function of these retreats is similar to that of the clubs. Experience confirms it as a natural opportunity to help the families in difficulties, all the more so if there are professionals (psychologists, social workers) present. These retreats serve thus as a preventative measure against failure in alternative families.

An alternative family, especially where there are a larger number of children, often has financial difficulties in paying for a holiday. That is why it is better if the children are paid for by the organizer.

4. Meeting individual needs for alternative families

- material help for some families (clothing, etc.)
- trying to find financial resources for the families whose housing situation prevents them from adopting a child,
- volunteer help with care for children (baby-sitting).

SUMMARY

The placing of children in families is often complicated by their natural parents. The professional public discuss this problem extensively; we raised it several times in our paper.

We are convinced that a specific solution of this problem would be the clarification or renewal of the 'Law concerning the Family' specifying the 6-months "period of lack of interest". The "interest" is often only formal (a postcard or a short letter). Many social workers consider this to be a valid interest - that makes a placement in a family practically impossible. Many experts propose shortening this period to 3 months which would benefit the child. Apart from this proposal, there could be a specification in the law saying that an interest means an active effort to sort out the parents' life so that they could take their child/children back and bring him/her/them up in their family.

The concrete steps we suggest are based on our experience. Our main activities are aimed at:

- the general public,
- the applicants,
- alternative families.

These activities are being successfully developed in the Návrat Center of Alternativa Foundation.

Our work confirmed that:

- by communicating to a general public through media,
- by professional but human relationships with people thinking about alternative family care,
- by providing complex information,
- by getting rid of old administrative procedures

it is possible to:

- place more children in families,
- raise the level of tolerance towards alternative families,
- raise awareness about the possibilities and forms of alternative family care,
- open up the possibility of international adoption,
- limit the monopoly of the state sector in this area,
- reduce the occurrence of failure among alternative families.

Conclusion

One of the important factors forming a man is his environment. Our physical, psychological, social and genetic characteristics could be influenced by our environment to a significant extent. By environment we understand all the non-genetic factors influencing a person before and after his or her birth. A man is in harmony with his environment. But he is not passive. He actively creates and changes the things that are around him and this makes his position in the world special. This position is great but also humiliating. We need help. Even Adam got Eve as "an equal help".

Research as well as real life demonstrates that a child with all his/her physiological needs perfectly met, but without the satisfaction of his social and psychological ones, dies.

In spite of that we pretend we are self-sufficient, independent of everything and everybody. The first consequence of this trend, which seems to be on the increase, is a lack of interest for others.

Analyzing the situation of abandoned children we became more eager to help to create a human environment for them, human not only in physiological, but also in the social sense. We would like to bring some positive change to the space created by legislation, by every-day practice, but especially by the attitudes of people, that is, the general public and those professionally involved.

APPENDIX I

Survey Results

INSTITUTIONS	NUMBER OF INSTITUTIONS WE SENT QUESTIONNAIRES TO	NUMBER OF RESPONSES	RESPONSE QUOTIENT	
CHILDREN S HOMES UNDER THE MINISTRY OF HEALTHCARE	21	7	33,3 %	CHILDREN S HOMES 22,7 %
CHILDREN S HOMES UNDER THE MINISTRY OF EDUCATION	54	10	18,5 %	
REGIONAL ADMINISTRATIONS	38	13	34,2 %	
ALTOGETHER	113	30	26,55 %	

Table 6 - Response Quotients

QUESTION 3: What was the number of AFC applicants in 1993?

The responses to this question were not valid (response quotient was only 30%). The information about adoption and fostering are given in chapter 3.1. Statistical data are in Table 5.

QUESTION 4: What are, according to your opinion, necessary skills of social workers, working in the area of AFC?

NECESSARY SKILLS OF SOCIAL WORKER	NUMBER OF RESPONSES
- PROFESSIONAL SKILLS IN PSYCHOLOGICAL COUNCELLING	17
- EMPHATIC ATTITUDE AND PERSONAL COMMITMENT	14
- UNDERSTANDING THE LAW	3

Table 7

QUESTION 5: What would make your work more effective?

SUGGESTED CHANGES	NUMBER OF RESPONSES
- ORGANIZATIONAL - TECHNICAL	10
- LEGISLATIVE	5
- CHANGES IN ATTITUDES OF CHILDREN S HOMES STAFF	2
- LEGALISING INTERNATIONAL ADOPTION	2

Table 8

QUESTION 6: What changes in current legislation and practice, leading to more flexibility in getting the children from institutional to a family-based care, are necessary according to your point of view?

GOVERNMENT	SOCIAL DEPT'S	CHILDREN'S HOMES	TOGETHER
- UPDATING LEGISLATION IN THE REALM OF AFC	6	11	17
- LEGALISING INTERNATIONAL ADOPTION	4	3	7
- SIMPLIFICATION OF PROCEDURES NEEDED FOR AFC	0	3	3
- IMPROVEMENT OF THE SITUATION OF CHILDREN IN CHs (fam. type CHs, fin. improvement)	0	3	3
- CARE FOR CHILDREN AFTER LEAVING CHs (after 18 yrs. old)	0	2	2
- GOOD CO-OPERATION	1	0	1

Table 9

COURTS	SOCIAL DEPT'S	CHILDREN'S HOMES	TOGETHER
- SHORTENING THE PERIOD BETWEEN APPLICATION AND CLOSING OF THE CASE	12	6	18
- UNIFIED AND MORE PRECISE WORK OF COURTS	2	5	7
- TO APPOINT A JUDGE FOR AFC IN EACH ADMINISTRATIVE REGION	1	1	2
- TO LIMIT THE RIGHTS OF BIOLOGICAL PARENTS	-	1	1
- INSTITUTIONAL CARE ONLY IN EXCEPTIONAL CASES	-	1	1

Table 10

SOCIAL DEPT'S	SOCIAL DEPT'S	CHILDRENS HOMES	TOGETHER
- MORE ACTIVE APPROACH IN SEEKING AND IDENTIFYING ALTERNATIVE FAMILIES	-	6	6
- IMPROVING CO-OPERATION WITH CHs	-	3	3
- SELECTION OF CHILDREN FOR APPLICANTS SHOULD BE IN COMPETENCE OF CHs	-	3	3
- CREATE A DATABASE OF CHILDREN IN SLOVAKIA THAT CAN BE ADOPTED	-	2	2
- HELP FOR THE FAMILIES IN CRISIS	-	2	2
- CARE FOR CHILDREN AFTER LEAVING A CHILDREN HOME /after 18 years old/	-	1	1
- GOOD CO-OPERATION	-	1	1

Table 11

CHILDREN'S HOMES	SOCIAL DEPT'S	CHILDREN'S HOMES	TOGETHER
- MORE ACTIVE APPROACH IN PLACING CHILDREN TO AFC	9	8	17
- ORGANIZATIONAL CHANGES, BETTER CO-OPERATION WITH OTHER INSTITUTIONS	7	2	9
- TRANSFORMATION TO A FAMILY - TYPE CHILDREN'S HOMES WITH LESS CHILDREN	-	5	5
- SELECTION OF CHILDREN FOR APPLICANTS SHOULD BE IN COMPETENCE OF CHILDREN'S HOMES	-	2	2

Table 12

COUNSELING CENTRES	SOCIAL DEPT'S	CHILDREN'S HOMES	TOGETHER
- GOOD CO-OPERATION	6	1	7
- FLEXIBILITY IN DIAGNOSING AND PREPARATION OF APPLICANTS	4	3	7
- COUNSELING SERVICE FOR ALTERNATIVE FAMILIES AND FAMILIES IN CRISIS	2	2	4
- COUNSELING SERVICE FOR CHILDREN IN CHILDREN S HOMES	0	2	2
- MORE DETAILED REPORTS ABOUT AFC APPLICANTS	0	1	1

Table 13

AFC APPLICANTS	SOCIAL DEPT'S	CHILDREN'S HOMES	TOGETHER
- HIGHER TOLERANCE FOR CHILDREN IN CHILDREN'S HOMES	4	8	12
- CO-OPERATION WITH CHILDREN'S HOMES AND SOCIAL DEPARTMENTS	2	2	4
- MORE PRECISE DIAGNOSTICS OF APPLICANTS	0	2	2
- HIGHER NUMBER OF APPLICANTS THAN "WANTED CHILDREN"	2	0	2
- MORE FLEXIBILITY	0	1	1
- CREATING "PROFESSIONAL ALTERNATIVE FAMILIES"	0	1	1
- GOOD CO-OPERATION	2	0	2

Table 14

BIOLOGICAL PARENTS	SOCIAL DEPT'S	CHILDREN'S HOMES	TOGETHER
- TO LIMIT THE RIGHTS OF BIOLOGICAL PARENTS	7	11	18
- TO PROVIDE HEPL FOR FAMILIES IN CRISIS	0	3	3

Table 15

APPENDIX II

Questionnaires

Questionnaire for Children's Homes

You are well aware of the situation of abandoned children and facts concerning them:

- more than 7000 children in Slovakia lives outside a family environment,
- only very few of them are placed in AFC,
- there is a high proportion of Roma children in children's homes,
- over-riding rights of the natural parents (e.g. 6 months period of lack of interest)
- unsatisfactory services for children who leave children's homes after reaching adulthood etc.

What changes in current legislation and practice, leading to more flexibility in getting the children from institutional to a family-based care, are according to your point of view necessary?

Specify changes in the following areas:

- courts
- government administration
- counseling centres
- children's homes and similar institutions
- social departments, responsible for AFC
- biological parents
- applicants for AFC and general public

Questionnaire for social departments:

1. Is AFC your only responsibility?

yes

no (if no, what are your other responsibilities?)

2. Your education?

university - professional subject (such as psychology, special education, social work,...)

university - other

high school - professional subject

high school - other
other

3. What was the number of AFC applicants in 1993
for adoption?
for fostering?
by September 1994:
for adoption?
for fostering?
4. What are, according to your opinion, necessary skills of social workers, working in the area of AFC?
5. What would make your work more effective?
6. What changes in current legislation and practice, leading to more flexibility in getting the children from institutional to a family-based care, are necessary according to your point of view?

Specify in the following areas:

- courts
- government administration
- counseling centres
- children's homes and similar institutions
- social departments, responsible for AFC
- biological parents
- applicants for AFC and general public

GLOSSARY

Adoption - the form of alternative parenting that is closest to a natural family. Legal family relationships are established through adoption. This form is the best for meeting basic psychological needs of a child.

Alternative family care (AFC) - care for children that do not live with their natural/biological family. The reasons are many - lack of proper upbringing, abandonment, death of parents. Children grow up in an “alternative” family. A family in this context does not only mean a traditional family (parents with children), but also a group of people organized in such a way that makes it similar to a natural family.

Attachment - the intimate relationship which develops between a child and the people taking care of him. It is most often the relationship between a child and its parents (not only biological).

Children’s homes - institutions caring for children of the age between 3 and 18. In our situation they provide a long-term care for children who do not have or have lost an appropriate family environment. Legal protection of these children ends when they reach adult age.

Diagnostic centers for children and youth - special institutes whose main responsibility is the primary diagnosis of the overall psychological state and the level of knowledge of children and young people. These institutes are places of first contact for children with behavioral problems, or children living in a problem home as well as with young offenders. Children stay in these centers for about 3 months. After leaving a diagnostic centre they are placed in:

- reform schools
- children’s homes
- very rarely do they return to their families or to AFC.

During their stay in diagnostic centers, the social workers should work also with the families in crisis (where the children came from).

Foster Care - a form of AFC organized by the state. It is always a long-term solution. There are two forms of foster care:

- individual - after the application of a person or a family - care is undertaken in the guardian’s home.
- institutional - organized by a regional social office which provides rooms. One of the parents (usually the wife) is employed and paid as guardian. The number of children being cared for in this way is usually between 5 and 10.

Institutional care - care of children and teenagers in special collective institutions that are supposed to create for them an environment similar to natural families.

Institutionalization - overall trend in solving the situation and meeting the needs of those parts of population with special needs (handicapped, elderly, abandoned children, etc.) applied mainly since the beginning of 1950s.

Characteristics of this trend are:

- separation of the problem group from the rest of society,
- creation of large, artificial institutions with almost no contact with environment,
- dehumanization of institutions.

This seems to be the dominant solution in Eastern Europe even now.

Institutionalized child - a child placed in an institution for long-term stay with very little or no perspective of being placed in a family.

Institutions for Social Pediatrics - a new term used for children's homes for children under 3 years old.

Legally free child - this is the term used for a child who can be adopted because his/her natural parents have given written consent to it, or this consent is not needed because they have not shown any interest in the child for 6 months. This is not legal term, but is used by the professionals to describe the situation when a child can be legally adopted.

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