

# Dylematy pieczy zastępczej

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## Summary

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The book is based on the results of our study on the transformation of the foster care system. The title refers to the following reflection: children in foster care are often victims of variously conceived interests of a child and the role of the family, which, in turn, leads to blocking the path of advancement in the social structure. The subject under consideration does not directly include all situations that force care institutions to take remedial measures when a child requires special 'substitute' support (e.g. as a result of a criminal act committed by a child or when a child requires specialised medical care, or when parents have died). We focus on life-time crisis situations caused by the parents' behaviour.

The rules according to which the foster care system operates raise many doubts, which is why they have become the basis of our considerations. Firstly, we ask the public whether the state should play the marginal role of a 'night watchman', or whether its functions should be expanded in the spirit of social liberalism, i.e. extended Scandinavian institutionalism. In the first scenario, the sphere of family life is treated as one of privacy to which social services have limited access. These types of

relationships function in the Anglosphere. On the other hand, there is institutional responsibility for an individual in the family. There are also intermediate models, e.g. in Germany, where care functions are taken over by communities and an extensive social security system. In any case, regardless of the way it works, there may be abuse and negative side effects. It is, therefore, difficult to develop an ideal model that would protect children from the mistakes of adults.

Secondly, we ask whether there is consent to define conditions and procedures for granting social assistance, such as a conditional payment of family benefits, development of parental competences or obligatory addiction treatment to persons in need of support (in this case, members of families remaining in crisis). These questions, constituting fundamental issues pertaining to the shape of social policy about securing living conditions and development of the youngest members of society, were filled with concrete content when we started observing the sphere of care for children and families covered by institutional assistance.

Thirdly, we look for an answer to the question: what should the foster care system look like to ensure the highest level of child safety and, at the same time, maintain the durability of the child's family of origin? These dilemmas concern family foster care, its principles and purpose.

Our considerations are based on two pillars: institutional and sociological. The first one concerns the activities and directions of changes in social policy; the second takes into account the social

consequences of systemic solutions. The book consists of two parts including historical themes and the empirical results of our study.

In the first part, we describe the long history of the foster care system. The current shape of this system and its position are the result of the transformation process, which – although initiated earlier – in fact started in the 1990s. Initially, legal regulations regarding foster care were subject to education law and then moved to the area of social assistance. It was not until 2011 that a separate legal act was passed – *the Act on family support and foster care system*, which establishes the structure and scope of activities of entities involved in family support.

The form of the first part, as well as the first chapter of the second part, which describes the current state of the foster care system, makes it possible to look at care and foster care solutions that have evolved in the course of the institution's development. We want to pay attention to how the systemic approach to the issue of children requiring care has evolved, and, also, to present basic figures which make it possible to reconstruct the basis for the functioning of the institutions described. These chapters, allowing for a fuller understanding of the specifics of the institutions we are interested in (also from the historical perspective), form the basis for considerations about the dilemmas of foster care.

In European Union countries, including Poland, the transformation process of the foster care system is under way. Family support has taken priority over institutional support. The structural changes of the system and the statistical picture of the subject under examination are thoroughly described in the

first chapter of the second part (Chapter 4). We indicate the reasons for taking children away from their biological parents, i.e. multifaceted dysfunction in the sphere of care and upbringing, and the lack of prospects for proper development in a health and educational sense. Children who find themselves in foster care usually come from inefficient environments, functioning in a social welfare environment. For these children, entering a foster family can become the chance for a better life in the future.

In the second chapter of the second part (Chapter 5), research results concerning the image of foster care are presented. We look at the issues of sensitivity to the living conditions of children using the example of a situation in which a family problem is subjected to social control and a foster care system is launched. It was possible to carry this out by conducting an opinion survey among Poles and analysing the content of a press release. The regulations under which the institutional support system is transformed into family foster care indicate the priority is family custodial care and support for families without the need to take children away – the majority of Poles like this solution. Therefore, it is difficult to imagine that more restrictive legal solutions will be introduced in the near future and that higher demands will be made of parents who create dysfunctional households. In this situation, decision-makers and researchers who deal with this problem face a dilemma: should family foster care be developed as a professional service providing temporary care services (currently of minimum importance), or is the help of relatives sufficient?



The third chapter of the second part (Chapter 6) contains the results of our study. The leading research method used was qualitative research (in-depth interviews). The pro-social function has become a major research subject because of its importance for a more general problem: reproduction of patterns and the inheritance of social status. At this point another dilemma appears: the strength and direction of family ties. It is assumed that when parents lose control of their own lives and the ability to take care of their children, they will do everything to gain and rebuild these abilities. Observations made in our study largely contradict these assumptions.

The welfare of a child in foster care is not understood in the same way by all participants. The division of powers between biological families (making decisions regarding important matters resulting from the possession of parental authority) and foster families (current care and daily care for health and education) creates chaos. This ambiguity leads to disputes over the definition of the child's welfare, world views and the role of public institutions. The limitation of the parental authority of the biological parents does not automatically increase the entitlements of the foster parents, which contributes to the emergence of conflicts, the main victim of which is the child. Support offered to children experiencing a family crisis is subordinated to the interests of the family, and the prospect of their safe development and social advancement remains a secondary issue. The results of our study have also confirmed those cited in the report of the Supreme Audit Office, which show that contact with

inadequately functioning biological parents is often indicated by foster parents as an obstacle to the effective upbringing of children in their care.

Tasks related to the emotional and pro-social functions of the family seem to be crucial to increasing the chances of life 'success' of children in foster care. Their implementation should be much easier in the family forms of foster care. The problem is, however, the lack of an appropriate, favourable social climate for foster care institutions. As a consequence, the system suffers from a permanent deficit of those willing to act as foster parents.

Moreover, our study has shown that the pro-social function is actively exercised primarily by foster families – it is their task to undertake appropriate educational efforts, tailored to the child's needs. Thus, taking into account the statutory legitimacy of foster families and their position in relation to biological families, one can speak of a kind of paradox. It is a consequence of the family character of the system and a specific understanding of the 'welfare of a child', which is identified with the good of the family.

The end of the book contains a general summary of the previous content and an attempt to systematise the studied area. We strive to set certain models and frameworks of action necessary to define the biggest problems and contradictions existing in the Polish system. We note the necessity to continue research on foster care, taking account of international comparisons, particularly with those systems in which care for children bears the features of different solutions and has a long tradition.