

Right of Children and Parents to Reunification and Contact. Specifically continuity and Stability for Children who grow up in Public Care



Background

Child rights have an important position within the Norwegian Child Welfare Services (CWS), and the Convention on the Rights of the Child (UNCRC, 1989) was ratified in Norway in 1991 and incorporated into Norwegian legislation in 2003. Furthermore, the European Convention on Human Rights (ECHR, 1950) have been incorporated into Norwegian legislation since 1999, and Norwegian authorities are obliged to respect the ECHR.

Presently, 50520 children received measures¹ from the CWS in In Norway (SSB, 2021). 8731 of these children received care measures that included

¹ Measures can include support and preventative measures (such as parental support, financial support, kindergarten placement, support contact, supervision, home visits) and care measures (such as foster care, emergency placements, and care centres for minors and institutions).

foster care, emergency placements, care centres for minors and institutions (SSB, 2021). This policy brief is concerning children placed into foster care.

The Problem

Theories have indicated that families play a crucial role in every child's social, emotional and cognitive development (Bowlby, 1969). Thus, it is essential to prevent the separation of children from their families or in cases required; it should be limited to the minimum period possible. The decision about the period of the stay in foster care should take this into consideration. Thus, when a child moves into foster care, it is essential that the placement should be temporary and that the CWS should work towards reunification of the child with their parents.

However, in recent years, the

European Court of Human Rights (ECtHR) has documented violations of the rights of children and parents in matters of reunification and a failure to safeguard the right to family life (NHRI, 2020). The CWS cases are complex and multifaceted, but the cases accepted by the ECtHR have in common that the cases mostly concern contact restrictions between parents and children, referring to the ECHR article 8 concerning respect for private and family life (NHRI, 2020). Further, the Child Welfare Act § 5-3 states that the assumed duration of the placement should have an impact when the tribunal and the court make a decision on a care order (Child Welfare Act, 2021). The available knowledge indicates that many placements and care programs are long-term, while the tribunal and the court appear to have become more reluctant in recent years to specify the duration of placements.

Solutions

There are different advantages of providing a pre-defined yet flexible period for foster care placements. Providing a timeline permits the CWS to be systematic with its reunification planning. But to avoid one plan for all children, the court should

assess each child's situation and rationalise the decision, keeping in mind their best interest. Thus, it is suggested that the timeline should be short-term, ideally up to a year, with periodic review, preferably by the social worker through home visits and counselling. Besides, it can facilitate better coordination among the parents, children and the welfare offices. This could show a commitment to reunifying the child with the family and also may reduce the chances of detachment between parents and their children. Thus, it can contribute to children's psychological preparation regarding reunification with their families, reducing the chances of re-entry into foster care (Font et al., 2021; Goldacre et al., 2022). Since the probability of reunification is usually highest immediately after placement (Font et al., 2019; Goldacre et al., 2022), timelines will better retain this perspective among all stakeholders. parents, children and social workers have fewer ambiguities.

Challenges

It is crucial, though, to address the potential challenges associated with implementing a pre-established timeline for foster care. One significant concern is

the possibility of not adequately considering the individual circumstances of each child. Besides, if a shorter time frame is imposed, it could result in the child experiencing the trauma of frequent review processes. Rushing to the reunification process can also increase the risk that it might not work out as intended, potentially leading to the child re-entering the foster care system (Font et al., 2021). Moreover, this could mean that the child may not return to the same foster home, disrupting the stability and continuity of care they have experienced. Another potential drawback is that a fixed timeline may lead to reunification occurring before the child and family problems are adequately resolved. This premature reunification could undermine the long-term well-being and stability of the child, as unresolved issues may persist and impact their development.



Conclusion

Considering the best interests of the child and their right to family life, it is essential to recognise that not having a limited timeline for foster care can negatively affect their chances of reunification and their right to stable family life. Besides, the absence of a clear timeline can hinder the planning and coordination necessary for successful reunification. Furthermore, it can increase the risk of emotional detachment between the child and their parents, as the absence of a specific timeframe may lead to uncertainty, lack of commitment to reunification and extended stay in foster care.

References

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