

Looking after children without parents and encouraging their social integration: A Latvian perspective

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Abstract

Integration is a reality of the contemporary world. The concept 'integration' is defined as 'a process where different elements are combined together in one community, while each of these elements preserves its own basic identity' (Pabriks, Vēbers, Āboliņš, 2001, p.6). Social integration is seen as crucial to the development of the Latvian state, because such integration should encourage everyone in society to take a tolerant, considerate and understanding view of other people. It appeals to the person to become a creator of subjective relationships and not to be indifferent to the plight of others who may be less fortunate. In short, social integration is seen as a key to the promotion of children's rights.

Keywords

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Introduction

The accession of Latvia into the European Union has had many implications for the country, as it works to integrate European policies and legislation with its own systems. In the case of children and young people, key discussions have focused around forms of substitute parental care such as guardianship, foster families, and adoption. These discussions have assumed a high degree of importance either because many children have been left without parental care, because they have been orphaned or because their parents cannot be traced. Attitudes to all children should be based on the principles of international human rights and the United Nations Convention on the Rights of the Child (UNCRC). However, compared to other social groups, 'orphans' and children left without parental care in Latvia are at a higher risk of social rejection and of having their rights denied. This is demonstrated by the fact that child mortality is increasing, the birth rate is decreasing, criminal behaviour is quite frequent and the number of people addicted to drugs is growing. This group of children constitutes the most vulnerable social group in Latvia.

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The social integration of 'orphans' and children left without parental care reflects many of the problems contemporary Latvia faces as an autonomous state which is also part of the wider European union. At a macro level, questions of how to maintain a unique identity while integrating successfully with a larger entity are being tackled. At the level of the child left without family care, similar questions are being asked. How can we best ensure the social integration of this highly vulnerable group?

The purpose of this article is to identify some of the factors involved in the alienation of families and children, leaving them in danger of social isolation. We will then discuss some of the issues concerning the integration of 'orphans' and children left without parental care, in alternative forms of social care, mainly in guardian families, foster families, and adoptive families. It is hoped that such an enquiry will help us to understand the importance of the social integration of children into the life of Latvian society, and the role that alternative forms of social care may have to play in this process.

Factors leading to the need for alternative care for children in Latvia

The social integration of 'orphans' and children left without parental care is dependent upon various social, economic, psychological, legal, and educational factors. Due to the upheavals in the country in recent times, many people in Latvia are under economic, social, and psychological stress, for reasons that are out with their own control. Hence, timely help and support is very important in situations where families break down and children are at risk of neglect or abuse. In Latvia, the number of children not having adequate conditions in the family is unacceptably high. For example, in 2003, the Public Report of the Secretariat of the Minister for Children and Family Affairs outlined several areas where the situation of children was considered unfavorable (Secretariat of the Ministry for Children and Family Affairs, 2004). Some of the areas identified were:

- Physical, sexual, and emotional violence against children;
- A large number of children living in extra-familial childcare institutions and insufficient social integration of young people after leaving these institutions. The following table demonstrates the rising number of children placed under guardianship and the numbers of parents having their parental authority removed;

Table 1: The number of children living in extra-familial childcare institutions

	1998	2000	2002	2003
The number of children placed under guardianship	6,938	8,741	9,591	12,275
The number of guardians	5,176	6,837	7,628	9,744
Parental authority terminate by the court within one year	132	106	243	501

(Children in Latvia, 2003)

- The situation concerning children’s health is worrying. As the state of health is closely connected with material resources, children from poor families face a higher risk of developing illnesses like tuberculosis;
- Child poverty and the risk of social exclusion are ever present. This mainly concerns families with two or more children, single-parent families, and socially disadvantaged families. Sometimes these families are evicted from their homes without the provision of alternative accomodation, which is contrary to the existing law in Latvia;
- There are a large number of disadvantaged families. As a result, the number of children placed under guardianship and the number of ‘orphans’ whose parents are actually alive but untraceable is disproportionately large in Latvia. Due to this unfavourable situation, the ‘orphans’ court’ has to make decisions concerning the suspension of parental authority. Both for subjective and objective reasons these families are socially excluded. They feel rejected, unhappy, dissatisfied, misunderstood, and may reject attempts help them.

Table 2: Activities of the 'Orphans' Courts'

	1998	2000	2001	2002	2003
The number of orphans' courts	554	549	544	544	543
The number of disadvantaged families	8,697	8,937	9,435	9,653	13,066
The number of children in disadvantaged families	19,348	18,821	19,609	19,177	23,665
The number of persons whose parental authority has been removed by the court	1,776	1,484	1,691	1,784	2,154
Mothers	1,185	901	1,057	1,078	1,366
Fathers	591	583	634	706	788
The number of children whose parents have had their parental authority removed	2,544	2,331	1,973	2,066	2,300
Ages of the children					
0-6	797	693	694	677	924
15	1,379	1,348	1,085	1,147	1,100
16-18	368	290	194	242	276

(Secretariat of the Ministry for Children and Family Affairs, 2004)

Statistics such as these demonstrate the relentless rise in the numbers of disadvantaged children where parents are absent or have had their parental authority removed. Needless to say, this creates major problems for Latvian society when looking at how best to serve the needs of these children and young people, and to ensure their full social integration.

Article 20 of the UNCRC emphasises that children need special care and protection when they have been separated from their parents. The duty of the state is to do everything to guarantee these rights. The right to have a family is also one of the basic rights of the child stated not only in the UNCRC but also in the national legislation of Latvia. In Latvian legislation, in common with most European countries, the parents should be the persons bearing the main responsibility for their children. (Human Rights, 1994)

In the period of Soviet rule, state-owned childcare institutions played a major role in the care of children who were orphaned or abandoned. Family-type alternative care was not widespread. With the coming of independence after the breakup of the Soviet Union in 1991, and with the widespread social changes in Latvia that followed, this situation was now open to question. Family-type alternative care was seen to be more favourable than the large institutions under Soviet rule. It meant that Latvia had a specific challenge in terms of the integration of children into families.

Alternative forms of family-type childcare in Latvia

Since the regaining of independence in 1991, several legislative and organisational reforms have been carried out to ensure the protection of children's rights. The purpose of the reforms has been to improve the childcare system and establish a mechanism for the protection of children's rights. Gradually, an effective system is being developed.

In Latvia, the family is seen as the most natural environment where a child can acquire basic human values, and its major task is to provide for the physical and mental health of a child. It is also the basic source of national identity. Thus, the social integration and legal protection of children and the family should be based on the principle that the family plays the central role in the upbringing of children. This principle is prescribed in the UNCRC and it is also enshrined in the Latvian law entitled *Protection of the Rights of the Child*. This states that a child who has been deprived of his or her family environment temporarily or permanently, or who cannot be allowed to remain in this environment in the best interests of the child, has a right to special help and legal protection which entitles him or her to alternative care (Protection of the Rights of the Child, 1998). At present, the protection of 'orphans' and children left without parental care is provided in Latvia at two major organisational levels:

1. The care and upbringing of children in public institutions. The most important ones are the following:
 - childcare centers for 'orphans' (aged 2-4);
 - specialised social care centers for children (aged 4-18) and
 - children's homes - 'orphanages' (for children aged 2-18).
2. Alternative forms of family-type childcare: guardianship, foster family, adoption.

Adoption and the development of guardianship and foster families should simulate support from the family to ensure the social integration of children left without parental care. Their purpose is to motivate society to undertake responsibility for children deprived of the opportunity to live in their biological family and to create opportunities for children to

be raised in the family-type environment. As can be seen from the table below, guardianship is one of the most widespread forms of family-type alternative childcare in Latvia. At present, about 12,275 children have been placed under guardianship (see Table 1), which is more than the number of those living in children's homes (about 4,000).

Table 3: Adoption, Guardianship and Foster Families in Latvia

	2000	2001	2002	2003
The number of families recognized as adopters by the 'orphans' court'	154	259	200	170
The number of children adopted from public childcare institutions	108	184	170	193
The number of children adopted from the family	120	104	122	127
The number of children under guardianship (at the end of the year)	8,741	9,133	9,591	12,275

(Children in Latvia, 2003)

According to the provisions of Latvian family law, guardianship is carried out by guardians who can be appointed for children left without parental care (Family Law, 2003, p. 46). A guardian is the person who represents the rights of a minor person. However, the specific duties of raising the child can be performed by the guardians themselves or can be entrusted to another person. Usually, guardians are biological relatives of a child (grandparents or other close relatives) or other persons appointed by the 'orphans' court.' The family law of Latvia states that it is the grandparents' responsibility to take care of their grandchildren if the children's parents fail to perform their duties (Family Law, 2003).

Guardians do not require special education or special skills. However, the experience of other countries shows that special training courses are necessary before a particular person can be appointed a guardian. Guardians receive a monthly payment from the state budget for the care and support of a child. So, guardianship is more than a form of social support. If a guardian has been appointed for a child, it does not mean that the process is irreversible for the biological family. Parental authority can be restored, but the initiative must come from the parents themselves. The activity of guardians is supervised by orphans' courts. If a guardian fails to execute his/her duties properly, he or she is removed from the position.

Recent years have witnessed the growing development of foster families as an alternative form of childcare. The purpose of foster families is to provide long-term family-type social

care. The policy of developing foster families has been encouraged by the Latvian Government (Latvian Cabinet of Ministers, 2003). Its main objective is to increase the number of foster families and to reduce the number of children living in public childcare institutions. According to Regulation No 211 issued by the Latvian Cabinet of Ministers on June 10, 1997, a foster family is a family (not a separate individual) providing a child deprived of his or her biological family, either permanently or temporarily, or who cannot be allowed to stay in the family in the best interests of the child, with special help and protection until the child can return to his/her family. If that is not possible, custody is established for the child, or the child is placed in a public childcare institution (Latvian Cabinet of Ministers, 1997).

A child can be placed with a foster family whose status has been determined by the decision of an 'orphans' court', and with whom an agreement can be concluded on placing a child in this family. The foster families are specially selected, trained, and prepared for their task. A family can be granted the status of a foster family if the age of the spouses is between 21 and 60. In exceptional cases, the status of a foster family can be granted to one person. Unlike a guardian, this person cannot entrust the duties of raising a child to another person. Unfortunately, the number of foster families is small in Latvia. According to the statistics, on January 1st 2004, there were only 16 foster families in Latvia, and children were placed in only six of them. There were only 21 children placed with the foster families (Secretariat of the Ministry for Children and Family Affairs, 2004).

Often, foster families are considered as 'first aid' for children separated from their biological families. A child lives in a foster family until the situation concerning his or her biological family is clarified. If a foster family is not found within a period of six months, a child is placed in a children's home. In reality, the functions of foster families and guardians partly overlap. However, different financing mechanisms can create problems. The expenses of guardianship are fully covered by the state, but in the case of fostering, the family receives a portion of its payment centrally from the state, while the local authorities pay child support benefit. This can create misunderstandings in the local jurisdiction, and this could explain why the development of foster families is, to a certain extent, discouraged. The main difficulties foster families encounter while performing their responsibilities are:

- insufficient organisational, financial, psychological and practical support to perform their duties;
- dissatisfaction of potential and existing foster families with the determined period of care;
- indifferent or negative attitude of society toward foster families;
- insufficient understanding of the positive aspects of fostering as a substitute family. The preference is for guardianship.

In order to try to resolve some of these issues, there have been proposals to combine the institutions of guardianship and foster families.

As regards adoption, it is viewed as one of the best means of providing 'orphans' and children left without parental care with an opportunity to live in a family and to become integrated and full-fledged members of society. In Latvia, information about the mechanism of adoption can be obtained in all 'orphans' courts' and in the Ministry for Children and Family Affairs. The adoption of a child is a matter for each individual person. Nobody can be persuaded or forced to adopt. The most common adopters are families that do not have their own children. Actually, many people in Latvia are still reluctant to undertake additional responsibilities. The number of potential adopters is still smaller than the number of children who can be legally adopted. That is why many children stay in children's homes or other childcare centers. Hopefully, the situation may improve in the longer term because from January 1st 2004 adopters received a financial payment after confirmation of the adoption by the court.

In Latvia, adopters can be either inhabitants of Latvia or foreign nationals. Adoptees can be children abandoned by their parents or those whose parents have had their parental authority terminated. Adoption to foreign countries is only possible in those cases when it is not possible to provide a child with an opportunity to be raised in a family in Latvia. However, according to the statistics, the number of foreign adopters willing to adopt Latvian children is larger than the number of potential local adopters. A vivid example is the situation on March 1, 2003 when four Latvian adopters and two hundred foreign adopters were registered in the adoption registry (Statistical Yearbook of Latvia, 2003).

Latvian law does not specify the maximum age of the adopter. However, the 'orphans' courts' have to consider child's interests first when making decisions concerning the suitability of the adopter. Typically, Latvian adopters are 30-40 years old, but foreign adopters are often older than this. Confirmation and revocation of the adoption is done by the court. In Latvia, it is possible to revoke the adoption if it is not in the best interests of a child or if the adoption has taken place by violating the law (Family Law, Art.175, 2003). This possibility has to be considered critically. Local adopters are not always aware of the fact that a child is not a 'thing' they can shape according to their own will and abandon if he or she does not live up to their expectations. Several local adoptions are revoked each year in Latvia. The reluctance to adopt and the subsequent revocations of adoptions can be determined by a lack of understanding on the part of adopters about the true costs and responsibilities of raising a child.

Like many other European countries, there is a policy in Latvia to do everything possible to reduce the number of children living in childcare institutions. This is because it is believed that the children living there are not raised in the most psychologically favourable conditions. It is felt that the development of their social views and skills is not encouraged as well as it may be in a family-type environment. It is believed that an institutional environment is not conducive to the social integration of this group of children.

The development of a wide network of alternative family-type care is very desirable. However, there are difficulties with this development because of the fact that potential adopters, guardians, foster families and Latvian society in general lack adequate information, education, psychological and pedagogic training about the needs of this group of children. It is impossible to carry out the tasks of social integration without sufficient

knowledge and information. A positive development is that in 2003, the Ministry for Children and Family Affairs started an extensive information campaign entitled '*Help a child to grow up*'. The purpose of the campaign was to inform Latvian society about adoption, guardianship and foster families. Initiatives such as these can only help the development of good quality alternative family-type care in Latvia.

Conclusion

All avenues must be explored to encourage children in Latvia to meet their potential as human resources for our society, and to create the opportunities to have an educated and integrated society where children are considered to be of major value. The process of social integration is hindered by the alienation of people from the state, social and political institutions. Given the huge upheavals of recent times, it seems clear that the alienation of some people in Latvia is a reality, as many families cannot afford, or do not wish to, support and raise their own children.

The social integration and legal protection of children and families in Latvia is based on the principle that the family is the basic precondition for the development of a child's personality. Therefore, family-type childcare - adoption, guardianship, foster family - are considered as a priority in the integration of 'orphans' and children left without parental care. The system of social care, education, and protection concerning 'orphans' and children left without parental care has to ensure the following:

- the development of a personal value orientation corresponding to the interests of society;
- the understanding that the family plays a basic role in the lives of children in terms of their orientation to society;
- the encouragement of citizenship and healthy lifestyles for children as an objective precondition for the ongoing development of Latvia.

It is only possible to ensure the observation of children's rights and achieve their successful integration in society by means of close co-operation of all the parties involved, be they parents, guardians, foster families, educational, health care, social assistance, state and local government institutions. Given the commitment of people, government and agencies, it is hoped that Latvia will be able to achieve this for this group of children, and so help them, and our society, to make the most of their potential.

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