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PRACTICAL GUIDE

SYSTEM FOR PREVENTION OF CHILD SEPARATION FROM THE FAMILY

Chisinau 2009

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1. INTRODUCTION

This guide has been developed to support the consolidation of the system for prevention of child separation from the family, based on the analysis of best practices achieved in the Republic of Moldova. The guide is provided to professionals in the field of social assistance: community social assistant, supervising social assistant, head of the community social assistance service, specialist in child rights protection, specialist in issues of families with children at risk, members of the Gate-keeping Commission, providers of social services for children in difficulty and their families. The goal of the guide is to facilitate the understanding and implementation of the Framework-Regulations of the Gate-keeping Commission approved through Government Decision no. 1177 of 31st October 2007 and unify the approaches and procedures within the system for prevention of child separation from the family.

2. SYSTEM FOR PREVENTION OF CHILD SEPARATION FROM THE FAMILY: GOAL AND OBJECTIVES, ELEMENTS, PRINCIPLES

Goal and objectives of the system for prevention of child separation from the family

The Moldovan child protection system provides various measures to support children in difficulty. One of these measures, provided in response to situations of difficulty of children deprived of parental care, is the placement in residential care. This measure implies child separation from the family and from the environment that is familiar to him/her, the change of lifestyle and further relation setting with the family. Therefore, the system for prevention of child separation from the family is key in solving the situation of the child in difficulty efficiently.

The child in difficulty is defined as follows: a person aged 0-18 who is temporarily or permanently in one of the following situations:

- is subject to any forms of violence, harm, abandonment or neglect, ill-treatment or exploitation;
- is separated temporarily or definitively from the other family members because of “parents’ death, deprivation of parental rights, abandonment, declaration of parents as unable, disease or long-term absence, refusal to rear the children, and in other cases when parental care is missing”¹;
- has special needs (disabilities) that cannot be met by the family;
- does not have minimum conditions for survival and development or is unable to fulfill the vital functions.

The complexity of situation of children in difficulty determines largely the separation of children from the family and their placement in residential institutions. Since the removal of the child from the family and community has a large impact on his/her further state and life, the decision on separation from the family must be made with maximum involvement and analysis of alternative possibilities. This is achieved within the system for prevention of child separation from the family.

The system for prevention of child separation from the family is a set of actions taken by competent bodies aimed at preventing child separation from the family and community by all means.

¹ Family Code, art.112

The system for prevention of child separation from the family has the following objectives: the first objective is to „guarantee and promote child well-being, ensure the child’s right to grow in a family environment, his/her harmonious emotional, intellectual and physical development”. The second objective is to „ensure the selection of the optimal form of care for every child in difficulty, with focus on family-based services and to consider the placement in residential care as the last resort”.

The activity of the system for prevention of child separation from the family contributes to the deeper understanding of reasons for difficulty of children and their families and of possibilities to solve such situations efficiently. The system for prevention of child separation from the family contributes to the promotion of children’s rights. Gradually, the efficient functioning of this system will determine the reduction of the number of children in residential institutions and will increase the number of children supported in their own families and of those placed in family-based services. This will reflect on how resources in the social service system are monitored and managed and will contribute to the redirection of these resources to services that are the most appropriate to meet the needs of children in difficulty.

Elements of the system for prevention of child separation from the family

The system for prevention of child separation from the family consists of several elements related to each other. The elements of this system are:

1. The Social Assistance and Family Protection Department/Directorate (Directorate for Minors’ Care and Protection in Chisinau municipality)

The Social Assistance and Family Protection Department/Directorate (hereinafter referred to as the SAFPD/D) is a structure established within the local public administration of the 2nd level, which ensures the enforcement of legislation on child and family social protection. This responsibility is fulfilled through the execution of Guardianship Authority function. According to the Family Code, the Guardianship Authority is in charge for „identifying children deprived of parental care, keeping the record of them and, in every individual case, depending on the circumstances, selecting the adequate form of child protection”.

The SAFPD/D structure is presented below (see figure 1).

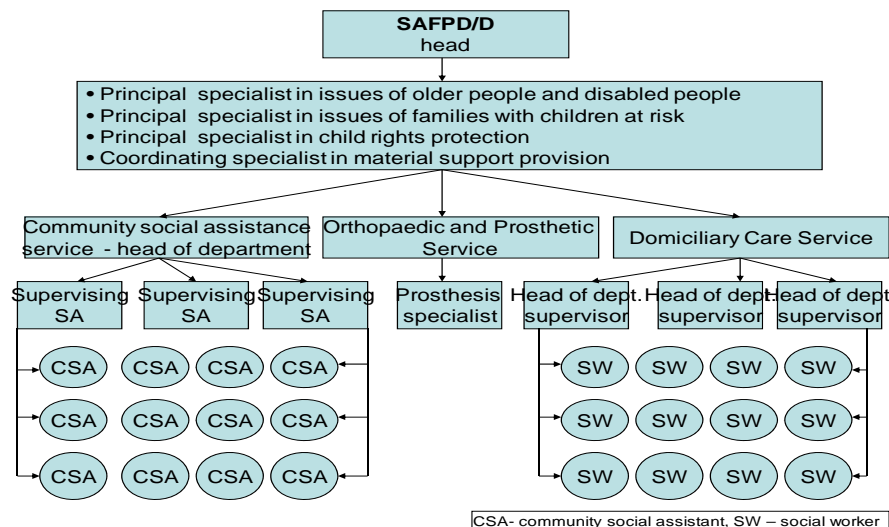


Figure 1

Some of SAFPD/D employees have duties directly related to child and family social protection. These duties are distributed among the SAFPD/D employees as follows:

At the level of primary social services:

- *The community social assistant* is responsible for identifying children in difficulty in the locality covered by him/her, carrying out the initial assessment and supporting the family through the community social assistance service. If the child's situation raises concerns, the community social assistant refers the case to specialized social services. In order to carry out this task the community social assistant has to have skills for identifying children in difficulty and to assess the risk in order to avoid children falling through the net of social assistance.

When the form of protection for the child in difficulty is established, the community social assistant supports the specialist in child rights protection and the specialist in issues of families with children at risk to monitor the cases of children placed in the foster care service, the family-type home service, guardianship/trusteeship in the locality covered by him/her. Besides, the community social assistant carries out the post-intervention monitoring of children returned/reintegrated in the community from residential institutions.

- *The supervising social assistant* is responsible for supporting the community social assistant in the delivery of the necessary service for children in difficulty. In cooperation with the community social assistant, he/she decides on the referral of complex cases to specialised social services.
- *The head of community social assistance service* is responsible for referring and recording cases of children in difficulty to specialised services. He/she provides the necessary support to the community social assistant and to the supervisor to execute the duties.

At the level of specialised services:

- *The specialist in issues of families with children at risk* engages in the settlement of cases referred from community level that require complex intervention, but do not imply child separation from the family and community. He/she is responsible for carrying out the complex assessment, developing and implementing the individual child care plan. These actions are performed with the community social assistant's contribution. The individual care plan can stipulate the delivery of specialised social services to support families with children in difficulty: day-care services, counseling and information.
- *The specialist in child rights protection* engages in the settlement of children's cases referred from community level who are at risk of being separated from their biological family. He/she is responsible for carrying out the complex assessment, developing and implementing the individual care plan. These actions can be performed with the community social assistant's contribution. The individual care plan can stipulate separation of the child from the family. In such situations, the case will be referred to the Gate-keeping Commission for the endorsement of the proposal to separate the child from the family. The Commission is described below.
- *The head of SAFPD/D*, as senior representative of the Guardianship Authority in the administrative-territorial unit of the 2nd level, has the final responsibility for "selecting the adequate form of child protection, ensuring the necessary conditions"² for the child's rearing and development.

² Family Code, art. 112

Therefore, *the role of SAFPD/D, as an element of the system for prevention of child separation from the family, is to identify children in difficulty, assess their situation, determine the best form of care and monitor their situation.*

2. **Social services for families and children in difficulty**

Social services for families and children in difficulty are provided by SAFPD/Ds and by non-governmental and private organisations. The social services that are part of the system for prevention of child separation from the family are services for family integrity support and alternative services to institutional forms of child care. These services are:

- *primary services* provided at community level: the community social assistance service, which implies identifying children in difficulty, assessing children and their family, informing, counseling, consolidating family capacities, supporting the access to cash benefits, medical, educational services and the feeding service provided by social canteens.
- *specialised social services* provided by specialists at *raion* level: foster care services, family-based services, form of protection guardianship/trusteeship, day care services (rehabilitation, counseling, kinetotherapy, speech therapy, development of self-servicing and independent life skills, ergotherapy, etc.)

The role of social services that are part of the system for prevention of child separation from the family is to provide the child in difficulty with a family environment, which is adequate for good rearing and development.

3. **The Gate-keeping Commission**

The Gate-keeping Commission (hereinafter called the Commission) is a body established within local public administration of the 2nd level, which issues recommendations for approval of protection measures for children in difficulty and for their monitoring.

The commission has an independent character, since its membership does not include representatives of the SAFPD/D and of the General Education, Youth and Sports Directorate. This ensures impartiality in decision-making. The Commission examines the complex assessment of the child in difficulty, on the basis of which it makes recommendations on the best form of care. The Commission receives *only cases where the placement of the child outside the family environment is recommended*, cases where “such placement is required to protect the child from considerable harm that affects his/her life and health”³. If the Commission is strongly convinced that there is no other option available for the child, it issues the recommendation to place the child in residential care.

If it is possible to place the child in family-based services, the Commission will reject the option of placing the child in residential type care and will recommend the placement in one of these services: guardianship/trusteeship, the foster care service, the family-type home.

Thus, the Commission, as an element of the system for prevention of child separation from the family, has the role of supporting the Guardianship Authority in the decision-making process on the best form of protection of the child in difficulty.

³ Framework-Regulations of the Gate-keeping Commission, approved through Government Decision no.1177 on 31st October 2007, art. 47

4. Information system

The information system (data base, documentation, reports, etc..) is an element that liaises and coordinates the elements of the system for prevention of child separation from the family. This ensures the record and monitoring of the child placed in social services. Data from the information system informs the formulation of conclusions on social problems existing at *raion* level, the share of children in residential care, the capacity of the existing social services to handle the problems of children in difficulty, the need to consolidate the existing services and develop new services.

The role of the information system, as element of system for prevention of child separation from the family, is to keep record of and monitor the situation of the child in difficulty.

In order to ensure the efficiency of the system for prevention of child separation from the family, it is important to create and put in place all elements of the system (see figure 2) and to observe the principles underpinning social protection of the child and family.

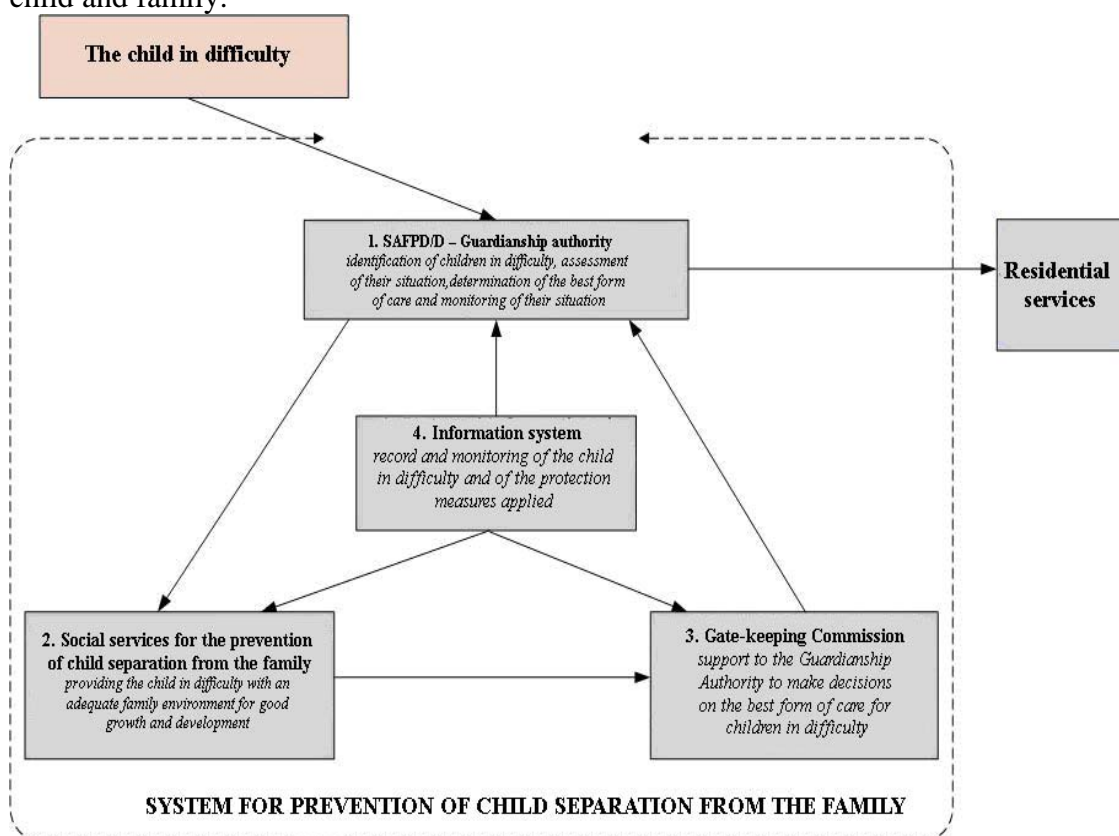


Figure 2

Principles of the system for prevention of child separation from the family

Multidisciplinary approach: every case is examined comprehensively from all points of view related to the life and development of the child in difficulty with the involvement of all relevant professionals;

Participation: in every case, the decision on the form of protection for the child in difficulty is made jointly with the child, family, child's legal representative and the community;

Confidentiality: the information on the child in difficulty is kept in confidentiality and is communicated to other people only with prior consent of the child, his/her legal

representative or of the family. In cases where child's life or health is threatened the social assistant is obliged to inform the relevant bodies regarding the child situation;

Principles concerning the rights of the child (according to the UN Convention on the Rights of the Child, ratified by the Republic of Moldova in 1993):

- *The best interest of the child* has priority in making decisions that affect him/her (Art.3);
- *The right of the child to a family* for complete and healthy development of his/her personality (Art.9);
- *Parents' responsibility* to look after their children and to ensure their physical, mental, spiritual, moral and social development (Art.18);
- The need to ensure conditions so that the child is able to *express opinions* on problems affecting him/her and the child's opinions are taken into account, subject to his/her age and level of development (Art.12);
- The need to *maintain relations between siblings*, when it is not possible for siblings to live with their biological parents (Art.9);
- The opportunity to continue raising the child in *his/her ethnic, religious, cultural and linguistic environment* (Art.20, 29);
- The compulsoriness to provide protection and social assistance in the case of the child in difficulty. (Art.27)

3. WORK PROCEDURE WITHIN THE SYSTEM FOR PREVENTION OF CHILD SEPARATION FROM THE FAMILY

The work procedure within the system for prevention of child separation from the family is complex. It implies the interaction between different elements of the system and consists of several major work stages:

- I. The stage of supporting the child and family in difficulty
- II. The stage of taking the decision to separate the child from the family
- III. The stage of monitoring the child after his/her separation from the family

I. The stage of supporting the child and family in difficulty

- *The cases of children in difficulty are identified* by the community social assistant through active interaction with community members and community institutions: *primaria*, school, kindergarten, police, family doctor, social assistance NGOs, etc. The identification is followed by the initial assessment of the child.
- *The initial assessment* of the child in difficulty and of his/her situation is done by the community social assistant. The initial assessment is a one-off investigation carried out during the home visit of the child. On the basis of collected information, the community social assistant drafts the initial assessment report (social questionnaire). If the assessment shows that the child's life or health is threatened, the opening of the case can start immediately with emergency assistance provided in the community or at *raion* level. Emergency assistance can imply hosting and feeding the child or providing emergency healthcare services, interventions in stopping trafficking, abuse, neglect of the child. After the delivery of emergency services, the case undergoes initial assessment. In this context the community social assistant should have good assessment skills, specially in the situation where abuse is going on and parents might try to hide it and equally in situations where parents might be wrongly abused or ill treated.

At this stage, the community social assistant in cooperation with the supervising social assistant must decide on how the child in difficulty will be supported. He/she can start the complex assessment of the child and family. The individual assistance plan is developed on the basis of this assessment. The individual assistance plan can contain support actions within the community social assistance service, day services, social canteens, counseling and mutual support services for parents of children in difficulty. In such situations, the community social assistant is the case manager. During the implementation of the individual assistance plan, certain services can be provided by SAFPD/D specialists or institutions/organisations providing social services.

More complex cases, which raise concerns when the child's life and health are harmed and there are no available resources at community level, are referred to specialised services at *raion* level.

- *The referral of the case to specialised social services* is carried out via the supervising social assistant and the head of the community social assistance service. The head of the community social assistance service records the case in the referral register. The case that does not imply child separation from the family, but requires specialised intervention, is referred to the specialist in issues of families with children at risk. The case that implies child separation from the family is referred to the specialist in child rights protection. In both cases, specialists become case managers.
- *The complex assessment* of the child in difficulty and of his/her situation represents a detailed investigation and analysis carried out by the case manager with the participation of the relevant professionals. The complex assessment process can also include the community social assistant. Complex assessment is performed through interaction with the child, his/her family, the social network and the relevant institutions.

In case of disabled children, complex assessment also includes medical examination. In order to establish the degree of disability and the access to the disability benefit, the child is examined by the Consultative Medical Commission in the Family Doctors' Centre. The medical examination certificate is presented to the SAFPD/D, which liaises with the Territorial Social Insurance House. Thus, the family of the disabled child is recorded and can access the benefit.

Children with special educational needs are assessed by the Medical-Psychopedagogical Commission within the General Education, Youth and Sports Directorate. As a result of the examination, the child is diagnosed and receives a certificate with the recommendation of the education institution that meets his/her educational needs.

- *The individual assistance plan* is developed on the basis of complex assessment of the child. The objectives of the individual assistance plan are set only after the mandatory consultation of the child, parents and members of the extended family that can be identified. In developing the individual assistance plan, priority is given to possibilities of solving the child's situation in the following order:
 1. Provide support to the family for maintaining the child in the biological family with the delivery of the following services:
 - community social assistance service,
 - day centre services,
 - nutrition service in social canteens,
 2. Placing the child in the extended family or with family friends:
 - The form of protection guardianship/trusteeship;

3. Placing the child in a family-based service:
 - foster care service,
 - family-type home for children;
4. Placing the child in one of the residential services:
 - temporary placement centres (for street children, children deprived of parental care, children with disabilities, children at risk)
 - gymnasia of *internat* type, children's homes, auxiliary boarding-schools (for children deprived of parental care, children with severe mental disabilities, children with physical and sensor deficiencies)

If the SAFPD/D decides that the child must be placed in a residential service, it certifies the reasons for such proposal in written. They can be related to the impossibility to maintain the child in the biological family or the impossibility to place him/her in the extended family or with friends; the incapacity or inexistence of family-based services.

II. The stage of taking the decision to separate the child from the family

- *Referral to the raion Gate-keeping Commission*

If the SAFPD/D decides that the child must be separated from the family, a Commission sitting is convened. The announcement on convening the sitting is made by the specialist in child rights protection. The Commission sitting takes place in line with the procedures set in the Regulations. At the Commission sitting can be invited relevant persons as well as the child, the parents or his/her legal representative.

In the examination process, the Commission follows the minimum necessary requirements to separate the child from the family. These are the situations when placement outside the family is required to protect the child from considerable harm that affects his/her life and health and situations when the complex assessment demonstrates that such a placement will meet the needs and best interest of the child.

After examination, the Commission issues a recommendation. The Commission will give positive recommendation for the child's placement outside the family if the minimum conditions to separate the child from the family are met. If the Commission considers that placement in residential care is not in the child's interest, it rejects the recommendations made in this regard and issues a negative recommendation returning the file to the SAFPD/D for reassessment and collection of additional evidence or for placement in another form of care.

- *The final decision on child separation from the family* is made by the Guardianship Authority on the basis of positive recommendation of the Commission.

III. The stage of monitoring the child after his/her separation from the family

- *The placement of the child in residential services* takes place in line with the regulations of the respective services. The child is admitted in residential services provided that the copies of complex assessment, the individual assistance plan and the Commission's recommendation are submitted. The placement of children in residential services of the Ministry of Social Protection, Family and Child, of the Ministry of Education and Youth and of the Ministry of Health requires submission of the recommendation with the ministry's consent.

If the Commission decides to place the child in family-based services, then the procedure of placing the child according to the requirements of the respective services is applied. The child is placed in foster care after the foster care family has been matched with the child in difficulty. The matching procedure is described in the Regulations of the Foster Care Service, approved through Government Decision no.1177 of 31st October 2007. The matching procedure is carried out by the Commission.

The child's placement in family-type homes and in guardianship/trusteeship is performed by the specialist in child rights protection within the SAFPD/D in line with the requirements of the respective services.

- *The monitoring of child's placement* in various types of services is carried out in line with the regulations of the respective services. The review of the child's placement in residential services is carried out by the SAFPD/D within 3 months after the placement and then, depending on the need, but not less than once in 6 months. Monitoring implies the periodic reassessment of the child's situation and the introduction of changes in the individual assistance plan depending on the achieved progress and results. The monitoring is done by the case manager who can be the specialist in child rights protection or the specialist from the social service provider. At the end of review, a report is written, which stipulates the reasons for maintaining the child in the residential service and, depending on the case, the actions that are to be taken to reintegrate the child with the biological or extended family or in a family-based service.

If the child is placed in family-based services, the community social assistant is involved in the monitoring process.

The Commission also monitors the child's situation after his/her placement outside the family. This is achieved by requesting information on the review of the individual assistance plan via the SAFPD/D. The child's monitoring by the Commission is necessary to confirm the accuracy of the form of care selected for the child in difficulty.

- *The return/reintegration of the child in the family and in community* is an important objective. This is done according to the individual assistance plan. The process of reintegration is carried out by the specialists from specialized social services or from the SAFPD/D with the participation of community social assistant from the administrative-territorial unite where the child is reintegrated.
- *Post-intervention monitoring*
After return/reintegration of the child in the family and in community follows the post-intervention monitoring. In most of the cases, post-intervention monitoring is carried out by the community social assistant. This is coordinated with the case manager from specialised services or with the specialist in child rights protection. In the case of graduates of residential institutions, children in conflict with the law, children at risk of abandonment or abuse, a post-intervention monitoring plan is drafted. This plan is developed in order to facilitate their integration in community and reduce the risk of repeated state of difficulty.

4. GATE-KEEPING COMMISSION: ESTABLISHMENT, ACTIVITY, TASKS OF THE COMMISSION

Establishment of the Gate-keeping Commission

The Commission is established by the *Raion* Council. The *Raion* Council is supported by the SAFPD/D in this process. The establishment of the Commission has several stages: members' recruitment, approval of the Commission membership and training of Commission members.

To recruit Commission members, the *Raion* Council publicises this activity by placing advertisements on the creation of the Commission in local medias. Commission members can be persons recommended by the *Raion* Council, Local Councils and by relevant institutions (education institutions, Court, Police Commissariat, healthcare institutions, NGOs active in social protection, etc.). Members of the Commission can be persons with at least five years of experience in the field of work with children. The recommended persons or those who apply independently for the position of Commission member will submit their CVs to the *Raion* Council. After a pre-selection, the *Raion* Council holds an interview to identify the skills and features of the person and his/her willingness to participate in this social activity. Finally, the *Raion* Council issues the decision to establish the *raion* Gate-keeping Commission and convenes the first sitting to settle organisational issues. The chair and secretary of the Commission are elected and the work schedule is set at the first Commission sitting.

The Commission's structure is the following:

- 2 members appointed by the *Raion* Council, representatives on behalf of the Council, who are not employed by SAFPD/D or the General Education, Youth and Sports Directorate;
- 2 professionals (e.g. a psychologist, psychiatrist, doctor or teacher);
- 2 members delegated by NGOs operating in social field. If there are no NGOs in the locality, other 2 independent members must be appointed;
- 2 independent members who have authority in the community and are adequate to promote the rights of the child (selected through competition).

So, the Gate-keeping Commission consists of 8 members, one of whom is elected as secretary. The secretary does not have the right to vote.

The Commission's work starts with initial training. The delivery of the training is the responsibility of the *Raion* Council and of the SAFPD/D. This activity is agreed with the Ministry of Social Protection, Family and Child. The subjects recommended for the initial training of Commission members are:

- operation of the child social protection system,
- types of social services addressed to families with children,
- stages of child development and his/her needs,
- assessment of the situation and needs of the child in difficulty,
- ways of solving the situation of the child in difficulty,
- effects of institutionalisation,
- etc.

The Commission must also receive training on the application of the Framework-Regulations of the Gate-keeping Commission, the work procedure within the system for prevention of child separation from the family, the role and responsibilities of Commission members and of other stakeholders involved in this process.

The Commission must also receive continuous training for the consolidation of knowledge in issues it faces most frequently during its activity. It is recommended to deliver trainings to 2-3 *raions* at the same time. This increases the exchange of experience and encourages the competition spirit required for the consolidation of an efficient system of solving the problems of children in difficulty.

The activity of the Commission

The activity of the Commission is described in the Framework-Regulations of the Gate-keeping Commission. According to the regulations, the Commission meets monthly in ordinary sittings and, whenever necessary, in extraordinary sittings. The sitting of the Commission can be held in the presence of at least 5 members. The sitting of the Commission is chaired by its chair or, if the chair is missing, by another person elected unanimously.

Sittings are convened by the Commission's secretary upon notification of the specialist in child rights protection. The sitting is held within 10 calendar days from the moment of notification. All Commission members receive the necessary set of materials on the case to be discussed at the sitting in advance.

Commission sittings are not public, but the Commission can accept other people at the sitting if it considers that their presence is useful. Permanent guests are the specialist in child rights protection, the specialist in issues of families with children at risk the head of the SAFPD/D. The following people can be invited at the sittings: SAFPD/D specialists, employees from the General Education Youth and Sports Directorate, the Bureau for Minors and Morals of the Police Commissariat, teachers from education institutions, medical worker, community social assistant from the child's locality, representative of the authority of the administrative-territorial unit, as well as the child and his/her parents or legal representative.

The sittings of the Commission are held in specially selected premises to ensure the confidentiality of data and information on the child, to protect people looking after the child, foster carers and to create a favourable atmosphere for Commission debates.

A decision of the Commission is taken with the majority of votes of members present at the sitting. Members are not allowed to abstain from voting. In case of voting parity, the chair of the Commission has the decisive vote. On the basis of decision, the recommendation is produced and signed by the chair and the other members participating in the sitting, including the member who has a separate opinion. The recommendation also includes the reasons that support the Commission's decision (Annex 1). The minutes are compiled by the secretary of Commission within next 48 hours after meeting.

Tasks of the Commission

The main task of the Commission is to examine the most complex cases of children in difficulty, which imply separation from the family and placement in residential services. The fulfillment of this task is described in the work procedure of this guide.

In addition, the Commission has the following responsibilities:

1. Involvement in the decision-making process in the foster care service:
 - approval of foster carers;
 - temporary matching of the child with foster carers;
 - annual review of foster carers' professional skills.

2. Monitoring of complaints settlement.
3. Reporting to superior structures:
 - presentation of reports to the *Raion* Council;
 - presentation of reports to MSPFC and to the Family and Child Protection Directorate.

Involvement in the decision-making process in the foster care service

The Commission's responsibilities on the foster care service and the work procedures are reflected in the Regulations of the Foster Care Service.

- *Approval of foster carers.* The applicants for the position of foster carers are recruited, assessed and trained by the SAFPD/D or another organisation that provides foster care services (if this service is provided by an organisation other than the SAFPD/D). The applicants' assessment reports are submitted to the secretary of the Commission for distribution 10 days before the sitting. The Commission members can contact the specialist in issues of families with children at risk, who managed the case, before the sitting to ask questions or to clarify details. At the sitting, the case is presented by the specialist in charge who assessed the applicant, the applicant is introduced and discussed. Then, the decision to approve or reject the application is made. The decision of the Commission is presented in written to the SAFPD/D, the foster care service provider, to the approved foster carer. The foster carer is recorded with the SAFPD/D. When the decision for approval is issued, the Commission introduces the following data in the foster carers' register: number, age and gender of the placed children, as well as the type and period of placement.
- *Temporary matching of the child with foster carers.* The child who was assessed and recommended for placement in the foster care service must be matched with the approved foster carer (the child-adult compatibility must be checked). The specialist in child rights protection presents the information on the child's situation and needs, while the specialist in issues of families with children at risk presents the skills of the foster carer. The Commission has the role of temporarily matching the child's needs with the skills of the foster carer. This is necessary to meet the individual needs of the child more efficiently.
- *The annual review of foster carers' professional skills* is a procedure carried out annually by the Commission. The annual review aims at increasing the degree of competence and professional skills of the foster carer, and at ensuring adequate care for the child in placement. The review starts with an assessment of the foster carer by the specialist in issues of families with children at risk or by the specialist from the organisation providing this service. The specialist drafts the assessment report and presents it at the Commission sitting. The assessment report can contain one of the following recommendations:
 - a) the person continues to meet the requirements in order to work as a foster carer, the terms and conditions of his/her approval are not changed;
 - b) the person continues to meet the requirements in order to work as a foster carer, the terms and conditions of his/her approval must be reviewed specifying the reasons for such conclusion, and the new recommendations;
 - c) the person does not meet the requirements to work as a foster carer anymore and is not reapproved.

The Commission decides whether the foster carer meets the job requirements and the types of placement that can be provided by him/her.

Monitoring of complaints settlement

- The Commission also has the role of monitoring the settlement of complaints made by children placed in social services and other people with regard to the child in placement. The Regulations stipulate access of all Commission members to any type of child care services, the possibility to make visits to child social services and to receive complaints, both verbal and written during the visits. The Commission can also receive complaints in its offices sending them for investigation and examination to the Guardianship Authority. In case of a conflict of interests, the Commission has the right to examine the complaint independently. When the complaint has been examined, the Commission with the Guardianship Authority presents the results of investigations and the recommendations made to improve the situation to the child and to other interested parties.

Reporting to superior structures

- The Commission is required to present quarterly activity reports to the *Raion* Council. These reports must include the synthesis of the work carried out by the Commission specifying the most frequent social problems, the localities with the biggest number of children identified in difficulty, the conclusions on the capacity to meet the needs of children in difficulty by the existing services, suggestions on the needs to develop new child protection services or to consolidate the existing ones.
- The Commission must also present annual reports to the MSPFC, to the Directorate for Child Rights Protection. These reports must reflect the results of the work, the degree of institutionalisation of children in difficulty and the recommendations on the development of social services for families with children.

5. EXAMPLES OF SETTLEMENT OF CASES OF CHILDREN IN DIFFICULTY

This chapter presents several cases that got the Gate-keeping Commission's attention. These are real cases. To ensure confidentiality, the beneficiaries' names are changed and their locality is not indicated. This is a short summary of the investigations and analysis of these cases. The summary describes the practical aspect of the activity within the system for prevention of child separation from the family and shows how the case is solved in the Commission in examples.

Case 1

The case was identified by the community social assistant upon notification of the police officer, who reported that two children had been ill-treated by the owner of a shop for alleged theft. They were beaten with cruelty and required medical assistance. The social assistant referred the children to emergency healthcare services in the *raion* hospital and started the initial assessment of the case.

Summary of initial assessment:

- The children are siblings: Vasile is 8 and Dumitru is 12;
- Their mother died;
- Their father is in prison;
- The children do not go to school;
- The siblings live with their uncle who consumes alcohol;
- The children steal to get food;
- The children are not overseen by adults and are left on their own.

On the basis of initial assessment, the social assistant refers the case to the specialist in child rights protection from the SAFPD/D to decide on the form of protection for these children.

The specialist in child rights protection starts the complex case assessment.

Summary of complex assessment:

- Children have been deprived of parental care for 2 years;
- Their mother died three years ago;
- One year after their mother's death, the father was imprisoned for 5 years;
- When the mother was alive, cases of violence were frequent in the family;
- Since the family came from another locality, they don't have relatives or close relations with the local people;
- Children started attending school, but because of the lack of oversight and support they chose to go to the sheep yard;
- Children's relations with teachers and colleagues from school are not good, especially, the relations of the eldest child, Dumitru, who creates tension among children of his age;
- Vasile is quieter, but is largely influenced by his elder brother. Vasile does not have an interest in education. After two years of school, the child has not managed to integrate among the other children;
- Children live in a house with their uncle. Their uncle is 47, unemployed, consumes alcohol, has outbursts of violence. Children are afraid of him.

On the basis of complex assessment, the specialist in child rights protection proposes in the *individual child assistance plan* the case for discussion at the Commission's sitting recommending the placement of children in the boarding-school of local public administration.

The basic questions discussed at the *sitting of the Gate-keeping Commission*:

- Why did the case get in the attention of social assistance so lately?
- What do children think of their placement in the boarding-school?
- What support can be provided to their uncle so that he can assume responsibility for children's care? Is it possible that he takes children in guardianship?
- What real possibilities are there to identify a guardian in the locality to place children in difficulty? Are there foster carers in this locality to take children in placement?
- What possibilities to involve children in extra-school activities are there at school or in the community? Is there a possibility to feed children at school with hot meal at least once every day?
- What NGOs can be involved to support children in the community?

During the discussion, the Commission members decided that the circumstances children live in are threatening their development and security. They also decided that there is no sufficient potential in the family and in community to maintain the children in their community.

On the basis of these findings, the Gate-keeping commission issued the recommendation. It recommends:

- Placing the children in the boarding-school with a review in 3 months.
- Maintaining relations with their uncle and working on improving the relations between him and the children.

- Considering the possibility to place the children in guardianship/trusteeship.

Case 2

The case was identified by the specialist in child rights protection upon notification of local teachers. The class master and the school administration consider that the 8-year old girl is not able to learn the school curriculum because of mental retardation. The case is referred to the Medical-Psycho-Pedagogical Commission to identify the child's capacities and recommend the further school curriculum.

Summary of initial assessment:

- The 8-year old girl repeated the 1st form;
- The child is shy and suffers from sub-nutrition;
- The child had pediculosis several times during the academic year, which led to her marginalisation by the classmates;
- The child's mother is a single parent;
- The family incomes are very small;
- The case was examined by the Medical-Psycho-Pedagogical Commission, which found a light mental retardation and recommended the child's placement in the auxiliary boarding-school that is located in another *raion*.

The specialist in child rights protection carries out the complex assessment in order to determine the best form of care.

Summary of complex assessment:

- The mother has bronchial asthma and needs permanent treatment;
- The mother has only primary education, is employed and often leaves the child alone from the age of 5;
- Neighbours say that the child is neglected;
- Family incomes do not cover the necessary expenses;
- The child's grandparents died 7 years ago and there are no other sources of support;
- The teachers try to convince the mother that the auxiliary school is the best place for the child, where she will follow a simplified programme and will have better material conditions;
- After the medical-psycho-pedagogical examination, which found a light mental retardation in the child, the mother is confused regarding the decision to place the child in the auxiliary school.

On the basis of complex assessment, the specialist in child rights protection proposes, in the *individual child assistance plan*, the case for discussion at the Commission's sitting recommending the child's placement in the auxiliary school.

The basic questions discussed at the *sitting of the Gate-keeping Commission*:

- To what extent does the community school promote inclusive education of children with special needs?
- To what extent is the light retardation of the child determined by the neglect of the mother?
- How can the child be supported in the mainstream school?
- How can the mother be supported to handle the parental responsibilities?

- How can the mother be supported to receive anti-asthmatic treatment?
- What local NGOs can support the family with food and clothes?

During the discussions, the Commission members decided that the child's circumstances are difficult, but can be settled. There is unexplored potential at community level and possibilities to maintain the child at home.

On the basis of these findings, the Gate-keeping commission issued the recommendation. It recommends:

- Maintaining the child in the mainstream school, transferring the girl in the parallel class to provide a new environment, carrying out additional work with the child after classes in the extended after-class programme, organised by the school administration; feeding the child twice a day from the *primaria's* budget; organising the child's recreation at a summer camp; reviewing the child's situation after 3 months.
- Supporting the mother with anti-asthmatic treatment: sanatorium treatment via the SAFPD, free medical treatment via the Family Doctors' Centre; providing material support from the *primaria's* budget, the Fund for Population Social Support within the SAFPD; involving NGOs in supporting the family with clothes, washing powders, food. To avoid cases of pediculosis and other infection, it is necessary to force the mother to ensure hygiene-sanitary conditions in the house that are adequate for child rearing.

Case 3

The case has been identified by the community social assistant in communication with community members. Neighbours report that 3 children live independently in the nearby house, without parents' supervision. The children are quiet, but they are dirty, the house is not properly maintained and the children do not have food.

Summary of initial assessment:

- Three children: two girls of 3 and 12 years of age and a 16-year old boy;
- Their father who was a military man died;
- Their mother is in Turkey and they don't know anything about her lately;
- During some time, children were taken care of by a remote relative who lives far from them and raises two children of her own alone;
- Children are alone in the house, use wood for heating, but the wood is almost finished;
- They don't have food;
- The boy goes to school, while the 12-year old girl stays at home with her 3-year old sister more than she goes to school;
- They have a well-off aunt in the locality, but she does not want to take care of children or to support them financially.

On the basis of initial assessment, the social assistant refers the case to the SAFPD specialist in child rights protection to decide on the form of protection for these children. The specialist in child rights protection starts the complex assessment of the case.

Summary of complex assessment:

- Children are very united and deeply affected because their mother is missing;

- The mother was declared missing, then it was found that she has a new family in Turkey, she cannot send money anymore to support her children and does not have the intention to come back;
- Children are healthy, have good academic results, have friends and are supported by teachers;
- The only aunt they have in the community does not want to assume any responsibility for them;
- The house they live in is in a satisfactory condition.

To solve the children's case, the *individual assistance plan* is developed. It implies referring the case to the Commission with the suggestion to place the children in the boarding-school, institutionalisation being accompanied by the separation of siblings.

The basic questions discussed at the *sitting of the Gate-keeping Commission*:

- How can siblings be maintained together? Is there a residential institution that would accept children aged 3, 12 and 16? How far is this institution from their locality?
- What do children think of the suggestion to place them in the boarding-school?
- How can their mother be forced to fulfill her parental responsibilities?
- Who could become guardian for these children?
- Are there foster carers or family-type homes available in the locality?
- The boy finishes 9 forms, what are his possibilities to find a job?
- Is it possible to have the youngest child accepted in the community kindergarten?

The Commission members decided that children's circumstances are difficult and they need an adult to take care of them. Children want to be together, separation would be a tragedy for them.

On the basis of these findings, the Gate-keeping commission issued the recommendation. It recommends:

- Identifying rapidly a guardian in the community, preparing the documents for this purpose and placing children in guardianship;
- Feeding children 3 times a day in the school canteen; preparing documents required to take the 3-year old child to the local kindergarten; supporting the other two children at school by involving teachers in this process.
- Reviewing children's situation in 3 months.

**Form
of Gate-keeping Commission's recommendation**

raion _____

date of sitting _____

regarding the child (last name, first name, father's name) _____

date of birth (date, month, year) _____

address _____

The case was submitted to the Commission for:

- a) Placement in residential institution
- b) Placement in the Foster Care Service
- c) Other reasons (specify) _____

Recommendations of the Commission:

1. _____
2. _____
3. _____

Reasons for recommendation:

Commission members and signatures:

No.	Last name, first name	Signature
1		
2		
3		
4		
5		
6		
7		
8		