

Separated Children in Foster Care

April 2011

Introduction

Fostering is caring for someone else's child in one's own home – providing family life for a child who, for one reason or another, cannot live with his or her own parents, either on a short or a long term basis¹. Foster parents/carers provide a stable family environment, nurturing the child to help him or her develop and succeed. There are a wide range of reasons a child may not be able to live with his/her own family: for example, bereavement, illness or family breakdown and in some cases a child or young person may be removed from their family for their own safety.

Over the last decade, over **2,900** separated children, who are children outside their country of origin without the protection of their parents or guardians, have come to Ireland and have been placed into the care of the Health Service Executive (HSE). The Ryan Implementation Plan (2009) recommended that the HSE end the use of these separately run hostels for separated children seeking asylum and instead implement equity of care policy by accommodating them in mainstream care, on a par with other children in the care system. This means that the majority of separated children coming into the care of the HSE are now be placed in foster care after an initial assessment.

Research carried out by UNICEF UK in 2010, showed that practitioners thought foster care was the best placement option for many separated children². Separated children in foster care received more intensive support and were more likely to be accessing and succeeding in education than those in other placements. Generally, key sources of support were social workers, foster carers, faith groups and friends. These were very important in determining young people's access to services and outcomes.

Some practitioners thought that introducing legal guardians for separated children would provide a means of monitoring the levels of support provided to the children and advocacy for them in accessing this support³. The research also showed that while many young

¹ Irish Foster Care Association, <http://www.ifca.ie>

² Brownlees, L. & Finch, N. (2010). Levelling the Playing Field: A Unicef UK report into provision of services to unaccompanied or separated migrant children in three local authority areas in England.

³ Ibid.

people in the study had experienced mental health difficulties, those in foster care appeared to fare better than those in semi-independent accommodation.

Successful foster placements in particular are seen to contribute towards separated migrant children's success in education. The contrast in terms of support, security and continuity is stark compared to the majority of those who are placed in other forms of care, particularly semi-independent accommodation. In addition, practitioners felt that young people in foster placements were better prepared for independent living in the future⁴.

Legal and Policy Context

Foster care in Ireland is governed by the Child Care Act 1991 and the Child Care (Placement of Children in Foster Care) Regulations 1995. In addition, the National Standards for Foster Care (2003) produced by the Social Service Inspectorate as a result of a recommendation made in the report 'Fostering – A Child Centred Practice' in 2001 have a major role to play in ensuring that the foster care placements are adequately supported and that children in foster care are receiving the best possible care⁵.

These National Standards, which have been operational since their launch in 2003, clearly set the minimum standards which must be met by all parties involved in the fostering process. The Health Information and Quality Authority (HIQA) is currently drafting the National Quality Standards for Residential and Foster Care Services⁶.

Under Section 4 of the Child Care (Amendment) Act 2007, the foster parents or relatives who have been caring for a child for a continuous period, of at least five years, may apply to the court for an order to grant them broadly the same rights as parents have to make decisions about their children.

The consent of the HSE and the child's parents or guardians is required before such an order can be made. Under such an order, the foster parent can, for example, give consent for medical and psychiatric examinations, treatment and assessments and sign forms for the issuing of a passport.

Under the Child Care Act, 1991, children can be placed in foster care in two ways:

- Voluntarily – This happens when a parent or family asks the HSE for help and/or
- Court order – This happens when a judge decides that it is in the best interests of the child to be placed in the care of the HSE.

⁴ Ibid.

⁵ Health Service Executive
http://www.hse.ie/eng/services/Find_a_Service/Children_and_Family_Services/Fostering/

⁶ The Health Information and Quality Authority: Draft National Quality Standards for Residential and Foster Care Services, 2010.

With the HSE now implementing its equity of care policy, the majority of separated children coming into the care of the state are now be placed in foster care after an initial assessment. According to the HSE, under the new system, all newly-arrived separated children under-12 years are placed into foster care.

Those who are over 12 years are placed in one of the intake units for a maximum period of 4-6 weeks, where a preliminary assessment of the child and their needs is carried out by a social worker in conjunction with qualified residential social care staff. Input from a psychologist is available if required.

This assessment then informs the most appropriate care option, and determines if the child needs additional supports/links. A placement of up to a month will allow for exploration of the following options for the child:

- Possibility of family reunification;
- Possibility of return to country of origin;
- Medical screening and follow up medical care if necessary;
- Trafficking assessment and abuse disclosure;
- Psychology assessment and intervention if indicated;
- Social Care Worker assessment and care;
- Educational assessment;
- Age assessment;
- Obtain a Personal Public Service Number.
- Commence asylum application
- DNA testing for reunifications where doubt exists about authenticity of the relationship. Results will inform whether the child's placed with family or in care.

According to the HSE, within four to six weeks following arrival, separated children over the age of 12 years are transferred to the HSE Local Health Office (LHO) where an appropriate foster care placement is identified.

This transfer takes place between the Principal Social Worker with the Separated Children Seeking Asylum team in Dublin and the Principal Social Worker in the receiving area. From then on the receiving LHO assumes full responsibility for service provision to the child. Private foster agencies (Five Rivers Ireland and Fostering First Ireland) provide foster placements and support the foster parents, including social work and social care support.

The HSE pays a basic maintenance allowance to foster parents and families. The allowances payable for children in foster care placements are as follows for 2011: Under 12 years – €325 per child per week and over 12 years – €352 per child per week.⁸

⁷ Updated Report on the HSE Separated Children Seeking Asylum Service (April, 2010)

⁸ Citizens Information, <http://www.citizensinformation.ie/categories/birth-family-relationships/adoption-and-fostering/fostering>

Statistics

- Approximately **4,700** children under the age of 18 and in the care of the HSE are in foster care⁹.
- There are currently **27** separated children in foster care in Ireland¹⁰.

Fostering Agencies

The HSE has contracted two private fostering agencies, Fostering First Ireland and Five Rivers Ireland to provide fostering services for separated children. Both agencies have developed, in partnership with the HSE, a specialist fostering service for separated children seeking asylum.

Since separated children often arrive in Ireland having fled conflict, oppression, danger and abuse in their countries of origin, and often experienced arduous journeys, they are in need of foster carers who are equipped and supported to meet their emotional needs as well as their cultural and religious needs.

Both agencies have stated that they actively recruit foster carers who have the capacity and dedication to offer such care to these children. A typical foster placements include:

- A placement agreement
- An assessment of their needs, if requested by the HSE
- Support from a Link Social Worker
- Support from a Cultural Consultant
- Additional therapeutic, education, child care and respite support are available at an additional cost.

The agencies provide intensive support to all of its carers which include weekly support visits and access to 24 hour on-call services.

Barnardo's UK Case Study¹¹

Barnardo's UK has been providing fostering services for separated children since 1999 and currently has around **15** separated children in foster care. The organisation provides training in the areas listed below, for all foster carers wishing to look after separated children:

- Cultural Competency;
- The Emotional Needs of Unaccompanied Asylum Seeking Young People;
- Food from different cultures;
- Trafficking Training;

⁹ Irish Foster Care Association, <http://www.ifca.ie>

¹⁰ Statistics Report from the HSE Separated Children Seeking Asylum Service (March, 2011)

¹¹ Barnardo's UK (2010). Report on Work Undertaken With Unaccompanied Asylum Seeking Young People at Barnardos UK's Fostering Services

- Communication Skills;
- Preparation for Adulthood.

The organisation also regularly sends carers information regarding festivals and religious events to ensure they are able to meet the needs of the young people during these times. They also provide training on the immigration system, supporting young people in their education and looking after a young person's language training needs where English is not their first language.

Some of the key issues arising for Barnardo's work with foster carers, which may be replicated in an Irish context include the following:

- **Language Barrier** – This can be very challenging for some carers and they usually need a lot of support and encouragement to overcome this. There have been many instances where misunderstandings have occurred and were blown out of proportion owing to a lack of understanding around language;
- **Cultural Barriers** – It is very important that carers are culturally competent, ask the right questions and do not assume anything about a culture or religion. Carers are encouraged to routinely clarify and ask young people what they mean to prevent any misunderstandings or unintentionally causing offence;
- **Working with schools/colleges** – Many of Barnardo's UK carers have acted as advocates for young people within the education system to ensure schools and colleges are meeting the needs of the young people. Quite often, schools/colleges do not have the knowledge required to look after the young people and therefore they begin to drift or become disengaged from education;
- **Managing uncertainty** – Barnardo's UK found that many carers find it a challenge to manage the uncertainty of young people who are moving through the immigration system. The organisation has to support carers with identifying solicitors, accompanying young people to the Home Office for meetings and to solicitors meetings. On an emotional level, the organisation supports carers to be able to manage the 'not knowing' what will happen to the young people in the future, particularly if the young people might be returned to their country of origin;
- **Health** – Many separated children have had health issues which they arrived with or have developed since they came to the UK. In the initial stages of a placement carers have to take young people to the doctor for immunisations, check-ups and TB tests in some cases. Barnardo's UK has supported young people with mental health issues, ranging from mild depression, self-harmed to schizophrenia . Mental health support has not always been easy to access and therefore carers often have to do a lot of the support with the help of their supervising social worker. It has been evident that engaging young people in education, ensuring they are able to meet up with people from their country of origin, speaking their language and engaging them in activities they enjoy really helps to reduce feelings of anxiety and depression. Also, having a stable adult role model helps in 'holding' the young person emotionally.

- **Managing culture shock** – It is essential that carers understand the different stages of culture shock so they can then recognise them in the young people they are looking after and support them through this. This can be acknowledged with carers in training or in individual supervision sessions.
- **Trafficking** – Not many carers have worked with young people who have been trafficked; however, it has been important that they are aware of the signs of trafficking and how to keep the young people safe. Carers working with Barnardo's UK have undergone thorough training sessions around the issues of trafficking.
- **Managing expectations** – Barnardo's UK have noted that carers struggle with managing young people's unrealistic expectations e.g. how much money they should get, the role of the young person's social worker, the role of foster carer and the education system. It is imperative that carers are given a lot of support to help young people adjust their expectations to the reality they find themselves in.

Issues of Concern

According to the research in the UK, for many separated children, the presence of other children of their age, the foster family being of the same nationality or ethnicity as the separated child seemed to be a factor in determining whether or not placements were a success. It has been also acknowledged, however, that the success of placements is not always about having the same cultural or religious outlook.

A key factor to consider is that since it may not be possible for foster care agencies to find carers who match the ethnicity of most separated children who come to Ireland, the majority of placements are likely to be trans-racial i.e. black separated children from Africa who may be placed in the care of white English foster carers. In such cases, the HSE and foster care agencies should consider the following points when undertaking and managing trans-racial placements:

- An ability to parent a child is not in itself evidence that the carer will be suitable in a trans-racial or trans-religion situation. Evidence of their ability in this area should be looked at during the assessment process and at annual reviews.
- The carer must be able to deal with issues of racial challenge, identity issues and/or rejection of identity, ethnic heritage or religious affiliation.
- Thought must be given to other children in the family, the extended family and friends of the carers and the impact that a trans-racial placement might have on them.
- Religion and culture are often intrinsically linked – matching should take into account both and one should not be prioritised over the other.
- Race and culture are closely related, but there may be different cultures within the same racial group – these dynamics need to be considered.

- Placement needs of children and young people should be viewed within the context of legal requirements, research, best practice, policy guidance and available resources and the best interests of the child.
- The motivation of the carer and what support systems are in place, both for the child or young person and the carer must be considered.
- Evaluation of the ethnic mix of the area in which they live and whether there will be role models and peers within the community to provide guidance and support should also be considered.
- The carer must have an ability to accommodate any requirements or needs the child or young person may have arising from the ethnic/religious origins.

The research found that the lack of suitable foster placements meant that it was hard to match separated children with appropriate carers, and this could lead to disruption if placements break down.¹² The cultural and racial background of foster carers and the children placed in their care was a factor that impacted on the ability of social workers to make successful placements.

In the Irish context, the following concerns and challenges have been identified.

- The Irish Foster Care Association have stated in the past that foster parents frequently want to continue to support the children in their care once they have reached 18 but are prevented from doing so in many areas around the country by the patchy availability of aftercare support and services. This can cause huge upset to children and foster parents. It is extremely important that aftercare services be developed consistently across Ireland.
- The long time that some separated children spend waiting for a final decision on their asylum cases results in great uncertainty for the separated children and their foster families and has in many instances affected the child's mental well being and may cause distress for the child and the foster family;
- The lack of travel documents for separated children that would allow them to go on holidays with foster families or join their classmates on educational trips outside Ireland;
- The need for language supports for separated children in the locations where they are being fostered;
- The need for educational supports for separated children who have 'aged out' while in foster care, such as provision of access to further education for children who came into the system under the age of 18 and have completed the Leaving Certificate and want to proceed to third level education;

¹² Ibid.

Recommendations

- There should be a legal framework for the provision of aftercare to separated children particularly where their status remains undecided for a long period. There should be some mechanism where a child who has been living in the State for several years or from a certain age is granted humanitarian leave to remain before or after turning 18;
- Separated children who have aged out while still waiting for a final decision on their asylum claim should be assisted by the State in accessing further education especially considering the majority would have gone through the Irish second level education system and completed the Leaving Certificate;
- Independent support (Refugee Legal Service, guardian ad litem) should be provided to separated children who are going through the asylum process and information and supports should be provided to foster parents to enable them to assist the child in preparing and presenting their asylum claim;
- Training and information should be provided to social workers and foster carers to enable them to adequately deal with on the specific issues facing separated children such as trafficking, language and cultural barriers, managing the uncertainty that is the result of going through the asylum and managing expectations. The training should also cover the children's health needs, managing culture shock especially for those separated children who are younger and newly arrived;
- Foster parents who independently want to continue to support the separated children in their care once they have reached 18 but are prevented from doing so in many areas around the country by the patchy availability of aftercare support and services should be supported by the state. It is extremely important that aftercare services be developed consistently across Ireland to support these foster carers and the separated children.
- A temporary emergency travel document should be provided to separated children to allow them to travel outside Ireland with their foster families.