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Foster Care in Germany

A quick and dirty introduction

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Overview

- Forms of foster care in Germany
- Legal structures and regulations
- Basic facts about foster care in Germany:
Knowns and unknowns
- Organizational structures and resources
- Perceived challenges



Forms of foster care

(incomplete listing, not all forms are mutually exclusive)



- Short term foster care (*Kurzzeitpflege*)
- Emergency foster care (*Bereitschaftspflege*)
- Regular full time foster care (*Vollzeitpflege*)
- Full time foster care for children with special needs (*Vollzeitpflege für besonders entwicklungsbeeinträchtigte Kinder*)
- Kinship foster care (with authorization) (*Verwandtenpflege nach § 33 SGB VIII*)
- *Informal foster care (mostly kinship foster care without authorization)*
- *Voluntary vs. involuntary foster care*



Legal structures and regulations

- Germany is a federal republic, therefore there is relevant federal legislation and legislation by the federal states (e.g. about authorization for carers to provide foster care)
- Moreover there is
 - a (federal) family law as part of the civil code (Bürgerliches Gesetzbuch) regulating conflicts between carers and state intervention in families and
 - a (federal) social code (Sozialgesetzbuch) regulating duties and rights of the children and youth authority (Jugendamt) including the obligation to provide foster care services as one form of support for families in need.



Involuntary state intervention

- Involuntary state intervention has to take place if a family court decides that there is a situation to be judged as child endangerment (*Kindeswohlgefährdung*) and if the parents are judged to be unable or unwilling to improve the child's situation (§ 1666 Civil Code).
- Child endangerment (*Kindeswohlgefährdung*) has been defined as a present threat that will lead to severe impairment of the child's well-being and development if no action is taken.
- Involuntary state intervention can lead to parent-child separation (and involuntary foster placement) if and only if there is no other way to improve the child's situation (§ 1666a Civil Code)
- There are special rights for the children and youth authority to temporarily remove children from their parents in cases of emergency (*Inobhutnahme* § 42 Social Code VIII)



Legal position of birth parents

- Right to get some support from the children and youth authority if they want to place a child in foster care on a voluntary basis (§ 36 Social Code VIII).
- Reasonable efforts of the children and youth authority to reunify a family during an appropriate time interval after a child has been placed in foster care (§ 37 Social Code VIII).
- Right to have contact with a child placed in foster care in a way that is in the child's best interest unless contact is judged by a family court to constitute child endangerment (§ 1684 Civil Code)

Permanency & foster parents's rights

- The children and youth authority can decide whether a placement is permanent or limited in time (*§ 33 Social Code VIII*)
- This decision however is of little relevance in front of the family court if a parent requests reunification services.
- A birth parent with custody has the right to request reunification services for a child placed in foster care at any time (*§ 1632 civil code*). If the children and youth authority considers this to be a serious threat to the child's best interest it can apply for a court order to remove custody (*§ 1666 civil code*).
- Foster parents also can apply for a court order if the child has lived with them for a longer period of time and if the removal of the child from the foster family would endanger the child (*§ 1632 civil code*).



Basic facts

- Number of children in full time foster care
- Reasons why children are in full time foster care
- Contact with birth parents
- Reunification with birth parents
- Well-being of foster children



Number of children in full time foster care

- At a given point in time there are about 50.000 children in Germany living in formal full time foster care. That is about 0.3% of the population below the age of 18.
- This number has been quite stable in the last years.
- Including all forms of informal foster care Walter & Blandow (2004) estimate that about 120.000 children live in full time foster care (0.8%). The ratio of children in kin vs. non-kin foster care is about 60:40.
- Calculating life-time prevalence Walter & Blandow estimate that about 4% of all children live in foster care at some point during their childhood.

Reasons for foster care placement

- Official state statistics about children and youth services do not include data on the reasons for foster care placement.
- But there are at least three recent and large but non-representative samples (Erzberger 2003, Walter & Blandow 2004, DJI 2006a) with social workers as informants reporting that a clear majority of the children has experienced neglect and/or abuse.
- For up to three quarters of the birth parents significant impairments of parenting capacity are described.

Visiting birth parents

- At a given point in time 35% (Erzberger 2003), 56% (DJI 2006a) or 58% (Walter & Blandow 2004) of all foster children are reported to meet their birth mother at least from time to time.
- Figures for visits with birth fathers range from 20% to 39%.
- Visits with birth mothers and fathers are described to occur monthly or with an unregular pattern in a majority of the cases.
- Using social workers or foster parents as informants 10 to 20% of of all visiting arrangements are described as stressful or very stressful for the child.
- Valid data on children's wishes, observable quality of contact and long-term correlates are missing.

Separation & Reunification

- Substantial proportions (60 – 40% in available studies) of all foster children have experienced at least one other major separation before the current placement.
- There are no longitudinal studies using survival methodology or case tracking. Therefore our picture of children's trajectories through the foster care system is not very clear.
- Each year about 15% of all foster placements end. In 40 to 50% of these cases there may be a placement breakdown.
- For children going into full time foster care reunification is considered to be an option in only a quarter of the cases (Erzberger 2003). At a given point in time reunification is planned in less than 10% of the cases (DJI 2006a).



The well-being of foster children

- In one study (Walter & Blandow 2004) social workers rated children's global developmental progress in care as positive or very positive in more than two thirds of all cases.
- Asking social workers or foster parents more detailed questions revealed figures between 60 -70% with behavior, school or health problems (Erzberger 2003, DJI 2006a, DJI 2006b).
- Using the CBCL 30-40% of all foster children scored in the borderline or clinical range for internalizing or externalizing (DJI 2006b).
- For children's attachment relationships the same picture emerged. Global ratings were very positive. More detailed studies showed a much more mixed picture (Nowacki 2006, Hochfilzer 2006).
- There are no studies with ICD 10 or more objective educational data, no multiinformat studies, no long-term longitudinal studies, no cohort comparisons and no studies about child maltreatment while in care.



Organizational structures and resources in the foster care system 1

- Children and youth services are organized at a local level with some degrees of freedom for each community.
- In most but not all communities foster care service forms a organizational unit within the children and youth authority (*Jugendamt*). In some communities there is a private non-profit contractor providing foster care services. In other communities foster care service has been (re-)integrated into the general state children and youth service.
- Even if there is a special foster care unit workers there are often are not responsible or not alone responsible for providing parenting support to birth parents.

Organizational structures and resources in the foster care system 2

- For communities with special units providing foster care services two studies report high variability in worker case load or available time per case.
- To support workers and structure the work process formulating a plan for each case and doing some consultation with colleagues is required by law.
- Beside that there are no empirically validated instruments available to support decision making.

Perceived Challenges

- Asking foster care service managers (DJI 2006c) three challenges are named most often:
 - Rising rates of foster children with severe or multiple problems
 - Qualifying foster parents
 - Finding enough foster parents
- Asking experts in the field (many of them are present here) named challenges include:
 - How to strengthen permanency planning in Germany
 - How to qualify workers decision processes