

ENOC SURVEY CONCERNING CHILDREN'S RIGHTS AND ALTERNATIVE CARE

The aim of this survey

The survey explores the present state of children's rights in alternative care in the ENOC countries, in order to support the elaboration of an ENOC policy position statement for the protection and promotion of the rights of children in alternative care. The survey is sent to Children's Ombudspersons in the institutions (43) in the participating ENOC countries (33) and we hope that you answer the questions in your capacity as a Children's Ombudsperson in your jurisdiction.

The ENOC policy position statement will be finalized at the ENOC 28th Annual Conference in September 2024. Before that, the survey needs to be completed after which the ENOC working group will start preparing its proposal. Due to the tight schedule, we ask you to complete the survey as soon as possible, at latest before March 24th, 2024.

The nature of the survey

The survey has been designed by the ENOC Working Group to map out the key themes of children's rights in alternative care. There are questions about legislation, formal regulation, practice, and, most importantly, about your informed views about the topic. The survey acknowledges the variation of practices and terminologies across the jurisdictions. In case the terminology and categories used in the survey are not adequate, there will be free text options to add information and more nuances from your jurisdiction perspective.

The survey consists of five sections. Alternative care is approached step-wisely. There will be questions about the decisions made about taking children into alternative care (Section I), about the practices while children are in alternative care (Section II), and when children leave care (Section III). Please provide your answers accordingly. Sections IV-V address your overall views about children's rights in alternative care and the survey itself.

There will be 96 questions. Please prepare your answers in advance, because the survey must be completed at one go.

The survey may be answered by a team of informants. We expect, however, to have only one form from one jurisdiction. If you need to complete more forms per jurisdiction, please provide information about this choice in Q95.

If any problems arise while answering the survey, please contact Terhi Tuukkanen, the Office of the Ombudsman for Children, Finland (e-mail: terhi.tuukkanen@oikeus.fi) and/or Tarja Pösö at Tampere University (e-mail: tarja.poso@tuni.fi).

The survey material is owned by ENOC. The data will be analysed by Elina Pekkarinen and Terhi Tuukkanen in the Office of Ombudsman for Children, Finland, together with an independent expert advisor, Professor emerita Tarja Pösö, Tampere University, Finland. Although some results will be presented in a country-specific way in the report, the names of the informants will not be presented. The data will be processed in accordance with data protection directions and good research ethics. The material may also be used for a scientific article, co-edited by Professor Pösö, until 1st of September 2025 after which it will be destroyed.

Alternative care refers here to a service decided on by public authorities following the country's/jurisdiction's legislation and administrative practices and provided by public authorities and other recognized service-providers. Alternative care refers to services that are implemented for the sake of the protection and welfare of children and with the sole or main motives for removals of children from parental care (excluding arrangements for punishment, education, or medical care). The lack or quality of parental care (e.g., due to abuse and neglect) are some of the main conditions for alternative care. The forms of alternative care may vary, with the typical ones being family-based foster care, residential care, or formal kinship care.

There may be informal arrangements for the care of children without any involvement of public authorities. These arrangements may take place within families, with relatives, or with friends (e.g., informal kinship care). We refer to this as informal alternative care. The focus of this survey is on formal alternative care, which is determined by the decision(s) of public authorities.

Inter-country adoptions are excluded from this survey.

It is likely that most jurisdictions have a variety of types of removals. The survey questions do not systematically cover all types of removals as the survey mainly focuses on removals that are more or less long-term, restrict parental rights, and give the authority rights and obligations to make decisions about the child. For the sake of simplicity, we refer to these types of removal as care orders. This definition is provided in Q2.

The last question of the survey provides a free text option for you to add additional information, clarifications, and any comments about the survey.

Section I: Mapping out alternative care in the ENOC countries; children entering alternative care

1. Please provide the names of legislation which defines the criteria for removals of children from parental care into alternative care as defined above, and present the criteria as in legislation for such removals. Indicate also the country or jurisdiction which your answers cover.

Country / jurisdiction which I consider in this survey

Names of legislation

Criteria for removal decisions

2. The types of removal decisions into alternative care as defined in legislation in Q1 in your jurisdiction. Please, choose all the options provided by the legislation in Q1 in your jurisdiction.

	Yes	No	I do not know
Adoption (a child needing alternative care is permanently removed from birth parents' care to the private care of adoptive parents and the birth parents' rights are terminated)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
"Care order" (child is taken into public care on a long-term basis, birth parents' rights are restricted or terminated, and public authorities have rights to make a variety of decisions concerning the child)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Short term placements (for support or respite, no restriction of parental rights, voluntary entry and exit)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emergency placements (short-term removals in the cases of urgent needs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Change of guardianship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other type of removal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. You answered "other type of removal". What type of a removal?

4. What is the related decision-making body?

	Court of law or equivalent body	Social services	Other
Adoption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
"Care order"	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Short term placements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emergency placements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Change of guardianship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other type of removal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. Is there something that you would like to elaborate about the removal types in your legislation?

6. The forms of alternative care in your country/jurisdiction as defined in the legislation mentioned above in Q1.

	Yes	No	I do not know
Family-based foster care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Formal kinship care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Residential care in institutional setting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other forms of care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. You answered "other forms". Please specify.

8. The number of children entering alternative care in a year (number + % of child population), according to the types of decisions as Q 2 (years 2018, 2020 and 2022). If there is no information available, please leave this blank.

ADOPTION

2018

Number of children _____

% of child population _____

2020

Number of children _____

% of child population _____

2022

Number of children _____

% of child population _____

9. The number of children entering alternative care in a year (number + % of child population), according to the types of decisions as Q 2 (years 2018, 2020 and 2022). If there is no information available, please leave this blank.

"CARE ORDER"

2018

Number of children _____

% of child population _____

2020

Number of children _____

% of child population _____

2022

Number of children _____

% of child population _____

10. The number of children entering alternative care in a year (number + % of child population), according to the types of decisions as Q 2 (years 2018, 2020 and 2022). If there is no information available, please leave this blank.

SHORT TERM PLACEMENTS

2018

Number of children _____

% of child population _____

2020

Number of children _____

% of child population _____

2022

Number of children _____

% of child population _____

11. The number of children entering alternative care in a year (number + % of child population), according to the types of decisions as Q 2 (years 2018, 2020 and 2022). If there is no information available, please leave this blank.

EMERGENCY PLACEMENTS

2018

Number of children _____

% of child population _____

2020

Number of children _____

% of child population _____

2022

Number of children _____

% of child population _____

12. The number of children entering alternative care in a year (number + % of child population), according to the types of decisions as Q 2 (years 2018, 2020 and 2022). If there is no information available, please leave this blank.

CHANGE OF GUARDIANSHIP

2018

Number of children _____

% of child population _____

2020

Number of children _____

% of child population _____

2022

Number of children _____

% of child population _____

13. The number of children entering alternative care in a year (number + % of child population), according to the types of decisions as Q 2 (years 2018, 2020 and 2022). If there is no information available, please leave this blank.

OTHER TYPE OF REMOVAL

2018

Number of children _____

% of child population _____

2020

Number of children _____

% of child population _____

2022

Number of children _____

% of child population _____

14. If information is not available in your jurisdiction to answer the question above, please provide here available information about the numbers of children entering

alternative care in 2018, 2020, 2022.

15. The majority of children who enter alternative care in my jurisdiction are:

- ☐ Children below the age of 2
- ☐ Children between the ages 2 and 12
- ☐ Children older than 12

16. The UN Guidelines for Alternative Care state that children under the age of 3 should be placed in family-based settings. Are children under 3 years placed mainly in family-based settings in your jurisdiction?

- ☐ Yes
- ☐ No
- ☐ I do not know

17. You answered "no". Please describe the reasons why not.

18. What are the main three reasons in your jurisdictions for children to be taken into alternative care?

19. What is the source of knowledge for your answer?

- ☐ Statistics that systematically cover the reasons for removal decisions in my jurisdiction
- ☐ Research and reports that explore the reasons
- ☐ Other sources

20. You answered "other sources". Please specify.

21. Are there any groups of children and/or families that are under- or overrepresented among the children taken into alternative care in your jurisdiction?

- ☐ Yes
- ☐ No
- ☐ I do not know

22. You answered "yes". Please specify which groups and why they are under- or overrepresented.

23. In many societies there are families in which children’s welfare and safety are at stake but there is no (adequate) involvement of public authorities. In your informed view, how common it is in your jurisdiction that:

Very common	Common	Uncommon	Never happens	I do not know
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	Very common	Common	Uncommon	Never happens	I do not know
Families try to avoid the child welfare authorities for the sake of stigma and fear of loss of autonomy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Families prefer to organize support for children within their family networks and children may move informally to live with their relatives or friends for informal alternative care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Families are left without adequate support, as the child welfare authorities do not have enough skills and resources to recognize the risks and to support families	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Welfare services focus on the parents' needs and wishes and that is how children's needs are not met	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Children are taken into alternative care as other (formal and informal) support measures are not adequate enough or they do not exist	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Children are abandoned by their families because of a lack of support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

24. What are the norms in legislation about including children in the decision-making process about "care orders" (Q2)?

25. In your informed view, how well are those norms about children's involvement met in practice?

- ☐ Very well
- ☐ Well
- ☐ Adequately

- ☐ Needs improvement
- ☐ Inadequately
- ☐ I do not know

26. What are the main problems and obstacles in involving children?

27. What other topics which we should know about regarding the relevance of placing children into alternative care in your jurisdiction?

Section II Alternative care in practice

Alternative service care provision

28. In 2022, how many children in alternative care were placed in family-based foster care, formal kinship-care, residential care, and other forms of alternative care on a given day? Please, provide the number of children and % of children in alternative care on a given day.

Family-based foster care

The number of children _____

% of children _____

Formal kinship-care

The number of children _____

% of children _____

Residential care

The number of children _____

% of children _____

Other forms of alternative care

The number of children _____

% of children _____

29. Regarding question 28, there is

- ☐ no information available
- ☐ information available in a different way

30. If the categories in Q28 are not relevant for your jurisdiction, please describe the profile of the placements regarding foster care vs. residential care.

31. What are the main formal norms that guide the choice of a type of placement and a particular foster home/residential institution for a child?

32. In your informed view, how well are those norms met in practice?

- ☐ Very well
- ☐ Well
- ☐ Adequately
- ☐ Needs improvement
- ☐ Inadequately
- ☐ I do not know

33. You answered "needs improvement or inadequately". What are your main concerns?

34. Which rights do children formally have to influence and to be included in the choice a placement and how well are those rights fulfilled?

35. Regarding formal regulation concerning placements:

	Yes	No	I do not know
Are there regulations concerning how many children can stay in the same residential care unit at the same time?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are there regulations on how many children can stay in family-based foster care at the same time?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

36. You answered "yes". How many children can stay in the same residential care unit at the same time?

37. You answered "yes". How many children can stay in family-based foster care at the same time?

38. Regarding formal regulation concerning placements:

	Yes	No	I do not know
Are there formal qualifications for staff working in residential care units?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are there formal qualifications for foster carers in family-based foster care?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are there formal supervision mechanisms concerning residential care?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are there formal supervision mechanisms concerning family-based foster care?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

39. What are the formal supervision mechanisms concerning residential care?

40. What are the formal supervision mechanisms concerning family-based foster care?

41. Regarding formal regulation concerning placements:

	Yes	No	I do not know
Is there closed/secure residential care for children in alternative care in your jurisdictions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does your jurisdiction allow cross-border placements?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do children have rights and age-appropriate mechanisms to make complaints about the quality of alternative care?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

42. What is the closed/secure residential care for children in alternative care in your jurisdictions?

43. Please describe in more detail how children are informed about the rights to make complaints and how they are supported to make the complaints.

44. In your informed view, do you have any concerns about the topics mentioned above (regulations concerning a number of children in the same care unit, formal qualifications for staff/foster carers, formal supervision mechanisms, closed/secure residential care, cross-border placements, age-appropriate mechanisms to make complaints) from the point of view of children’s rights?

- ☐ Yes
- ☐ No

45. You answered "yes". Please describe your concerns.

The nature of the placement

46. Do you have any follow-up information about how long children stay in alternative care in your jurisdiction?

- ☐ Yes
- ☐ No
- ☐ I do not know

47. What is the average length for removal decisions such as care orders (Q2)?

48. What would be your informed estimate about the length of a stay by a care order decision?

49. How often is the need for the placement of a care order decision (Q2) assessed in accordance with legislation or other formal regulations?

- ☐ Monthly
- ☐ 1-2 times a year
- ☐ Less frequently
- ☐ Only when someone asks for such assessment
- ☐ I do not know

50. Does your jurisdiction have a regulation according to which children should be included in such assessments and have a formal say in decisions on whether care should be continued or not?

- ☐ Yes
- ☐ No
- ☐ I do not know

51. In your informed view, how well is children's inclusion manifested in practice regarding their views about the continuation of a placement?

- ☐ Very well
- ☐ Well
- ☐ Adequately
- ☐ Needs improvement
- ☐ Inadequately
- ☐ I do not know

52. Are there formal regulations about the placement of siblings together?

- ☐ Yes
- ☐ No
- ☐ I do not know

53. In your informed view, are there any concerns about the placement of siblings in practice?

54. Do children have access to a person of trust, assigned by the authorities, in whom they may confide in total confidentiality?

- ☐ Yes
- ☐ No
- ☐ I do not know

55. Who is this person?

Maintenance of contact in alternative care

56. Is there legislation in your jurisdiction to define ‘maintenance of contact’?

- ☐ Yes
- ☐ No
- ☐ I do not know

57. Please describe in more detail with whom contact is supported, how often contact is supposed to take place, and who decides about the nature and frequency of contact.

58. Which forms of contact are implemented in practice?

- ☐ Visits outside the placement
- ☐ Visits in the placement
- ☐ Phone or video calls
- ☐ Letters
- ☐ Supervised meetings
- ☐ Overnight visits outside the placement
- ☐ Other forms of contact

59. Is the safety of contact a problem at the present?

- ☐ Yes
- ☐ No
- ☐ I do not know

60. You answered "yes". Please give more information about the problems encountered.

61. If siblings with existing bonds are separated by removal decisions, how is their contact maintained?

62. In your informed view, how often are children in alternative care in contact with their families, relatives, friends, or others outside the placement?

- ☐ Daily
- ☐ Weekly
- ☐ Monthly
- ☐ 1-2 times a year
- ☐ Less frequently
- ☐ Not at all

63. How are children supported to maintain their culture, language, religion, and/or identity roots if they differ from those of the placement?

64. In your informed view, how well is this currently implemented in alternative care?

- ☐ Very well
- ☐ Well
- ☐ Adequately
- ☐ Needs improvement
- ☐ Inadequately
- ☐ I do not know

65. If there is a need to restrict contact between a child and parent(s)/siblings/other relatives/friends, are formal decisions required?

- ☐ Yes
- ☐ No
- ☐ I do not know

66. Are children included in and influence such decisions?

- ☐ Yes
- ☐ No
- ☐ I do not know

67. What happens in practice if children maintain contact with a person(s) against the will of the public authorities (e.g. children run away to meet someone, they are in contact with persons via social media with whom they are not permitted to be in contact)?

68. In your informed view about the practice of contact maintenance, what are the present strengths and weaknesses in maintaining contacts between children and their families and other close people in your jurisdiction from the point of view of children’s rights?

Quality of alternative care

69. Are there any groups of children whose needs and rights for welfare and protection are ignored or systematically poorly met in alternative care?

- ☐ Yes
- ☐ No
- ☐ I do not know

70. Please describe the issue in more detail.

72. Please briefly explain which of topics mentioned above are in most urgent need of improvement in your jurisdiction?

Section III Alternative care exit

73. How many children exited alternative care in 2022 (number + % per child population in the country). If there is no information available, please leave this blank.

Aged-out of care

The number of children

% per child population

Exited care before the age of 18

The number of children

% per child population

74. Are there formal regulations for providing services for children leaving care:

	Yes	No	I do not know
Under the age of 18	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At the age of 18	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

75. What are the formal regulations for providing services for children leaving care under the age of 18?

76. What are the formal regulations for providing services for children leaving care at the age of 18?

77. In your informed view, what are the main concerns about children leaving care currently?

78. In your informed view, which are the most successful services for families to support their reunification in your jurisdiction?

Section IV Overview of the state of alternative care from the point of view of children's rights

79. In your informed view, what is the current state of alternative care for children in your jurisdiction from the point of view of children's rights and what are the main issues requiring changes?

80. How well are professionals and public authorities working with children in alternative care informed about children's rights?

- ☐ Very well
- ☐ Well
- ☐ Adequately
- ☐ Needs improvement
- ☐ Inadequately
- ☐ I do not know

81. Are there any groups of professional or authorities who would need extra education about children's rights?

- ☐ Yes
- ☐ No
- ☐ I do not know

82. Which groups would need extra education about children's rights?

83. In your informed view, how well does alternative care in its present form support children’s right to participation?

	Very well	Well	Adequately	Needs improvement	Inadequately	I do not know
In alternative care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In other childhood institutions (e.g. school)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In other areas of society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

84. Are there any forms of activism among care-experienced children, young people and/or their parents to have an impact on services?

- ☐ Yes
- ☐ No
- ☐ I do not know

85. What types of activism?

86. In your informed view, what are the ‘best practices’ regarding children’s rights in alternative care that you have in your jurisdiction?

87. What are the main duties and rights of the Children’s Ombudsperson in your jurisdiction regarding children and their rights in alternative care?

88. How well can you meet those expectations at present?

- ☐ Very well
- ☐ Well
- ☐ Adequately
- ☐ Needs improvement
- ☐ Inadequately
- ☐ I do not know

89. What are the main obstacles to fulfilling expectations?

90. Do the OPCAT inspections belong to the duties of the Children's Ombudsperson in your jurisdiction?

- ☐ Yes
- ☐ No
- ☐ I do not know

Section V Comments about the survey

91. How many people provided their answers to the survey?

- ☐ 1
- ☐ 2
- ☐ 3 or more

92. How confident are you about your (joint) expertise in answering the questions?

- ☐ Completely confident
- ☐ Somewhat confident
- ☐ Not confident at all

93. Did you find relevant statistical information to answer the questions?

- ☐ Yes
- ☐ No

94. Did you find relevant research, reports, or other material about alternative care practice to inform your answers?

- ☐ Yes
- ☐ No

95. Please use this space to write your comments about the survey or to add more information about alternative care and children's rights in your jurisdiction.

96. We know that there are wishes for exchange of information about research and best practices among the Children’s Ombudspersons. Please list below if there are reports, articles, studies, or websites relevant for alternative care and children’s rights in your jurisdiction that you would like to share with your colleagues. The language of the material is not limited to English.
