Case study: Lithuania

1. Definition of terms

Temporary care (guardianship) is the care (guardianship), upbringing, representation and protection of the rights and legitimate interests of a child who is temporarily left without parental care and lives in a foster family, legal family or childcare institution. The aim of temporary care (guardianship) is to return the child to the family.

Permanent care (guardianship) is assigned to children left without parental care, who under the present conditions cannot return to their family. Their maintenance, education, representation and protection of their rights and legitimate interests are assigned to a foster family, legal family or childcare institution.

Care (lt. globa) is assigned to children younger than 14 years. For children aged 14 and above guardianship (lt. rūpyba) is assigned.

In order to facilitate a comparative analysis among the project partners, the general term of “care” will be used in this case study.

Childcare (guardianship) in a family is the care of no more than five children (the total number of children in the family with their own children should not exceed five children) in a natural family environment.

Childcare (guardianship) in a legal family is a form of care where a legal person (family) cares for six or more children (the total number of children in a legal family with their own children should not exceed 12 children) in a family environment.

Municipal childcare homes are homes founded by the municipal authority.

State childcare homes are homes founded by the state authority.

2. Context analysis

By joining the UN Convention on the Rights of the Child on 8 January 1992 and by ratifying it on 3 July 1995, Lithuania has committed itself to ensuring the protection of children in all areas of their lives at a level consistent with international standards provided in the convention. Proper implementation of these commitments in the field of childcare has become a big challenge for the State, especially given the fact that Lithuania, after having restored its statehood 20 years ago, like many other post-Soviet states, inherited vicious practice, and a lot of problems in the field of childcare.

It has been a long-term practice to solve family social problems by limiting parental authority and placing the child in a childcare home, rather than providing help for the child and family. Another legacy of the former childcare system was the fact that children under 3 years of age were accommodated in homes for infants, while older children were placed in children’s homes, thus violating the principle of not separating brothers and sisters. The childcare institution frequently became a long-term place of residence for a child instead of being a form of temporary care, which would ensure safe, healthy and suitable conditions for the growth and development of the child until the question of their return to the biological family or adoption or foster care in another family could be resolved (this continues to be the
case). The financing system of childcare institutions was focused on the maintenance of the institutions themselves rather than on the needs of the children.

It has to be acknowledged that despite the best efforts of the State to reform the inherited practice (through legal regulation and by developing a system of social services for the family), the situation mentioned above has remained in practice for rather a long period. Research carried out by the public organisation “Global Initiative in Psychiatry” revealed that the system of childcare and education institutions in Lithuania still “reflects the philosophy of social segregation, according to which problems encountered by children are solved by isolating them from society”\(^1\). If a child in a childcare institution has a disability, s/he often starts the “career of a disabled person” there: when children with disabilities reach adulthood, they are often automatically transferred to a similar adult care institution.

Research carried out by the Children’s Rights Ombudsman Institution of the Republic of Lithuania in the field of childcare in 2005 showed that children from socially disadvantaged families are often taken into care without sufficient legal grounds and are settled in children’s homes without giving notice to their parents or legal guardians\(^2\).

However, it cannot be denied that during the past two decades, Lithuania has made considerable progress in the field of childcare: the legal framework has been improved, childcare and social services reforms have been implemented, a new form of a childcare in legal families has been developed. Childcare in families has been promoted, and an education programme for foster carers has been launched. Since 1996 day care centres for children have been founded, as well as children’s care homes run by non-governmental organisations, reforms in the field of children’s home financing have been implemented; funds for various target programmes have been allocated, etc.

Since 2001, under the new version of the Civil Code, two types of care have been established: permanent and temporary, as well as the following forms of childcare: childcare in a family, childcare in a legal family and childcare in an institution\(^3\). The main national and codified civil law has established and entrenched the aim, objectives and principles of childcare (guardianship) that comply with the provisions of the United Nations Convention on the Rights of the Child on this issue. It is equally important to mention the fact that on the legislative level, the following principles were established: the priority of a child’s interests, the priority of kinship care or care in the family of other close persons, the listening to a child’s opinion, etc.

Since 2007, when the Government approved the strategy for the restructuring of the childcare (guardianship) system and its implementation, an Action Plan for the period 2007-2012\(^4\), optimisation of the network of childcare institutions has started; the number of children in care (guardianship) in childcare institutions has been reduced; the number of children under

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4 Žin., 2007, Nr.118-4817; 2010, Nr.89-4746
three years old sent to childcare homes has also been reduced; more community services for children and families have been provided; priority has also been given to family care (guardianship) in cases when a child is removed from the biological family; and the conditions for the integration of children deprived of parental care into the society have been improved.

Currently there are several types of childcare institutions in Lithuania: municipal children's homes, state children’s homes, non-governmental children’s homes (including those run by non-governmental organisations and parishes), legal families (since the Law of Legal Families entered into force on 1 July 2010, legal families have the status of a legal entity and are attributed to the institutions), and residential care homes for children and youths with disabilities. According to the latest data of the Lithuanian Department of Statistics (www.stat.gov.lt), at the end of 2009 there were:

- five infant houses (housing children from 0 to 3 years old),
- four residential care homes for children and youths with disabilities,
- 32 municipal children’s homes,
- 32 state (county) children’s homes,
- 22 non-governmental children’s homes.

During the reorganisation and optimisation of the childcare institutions since 1 July 2010, the founding functions of 25 state (county) childcare institutions have been transferred to municipalities. The main reason for this decision was that due to their geographical location (distance from the child's family) the state (county) childcare institutions are not able to achieve the goals and objectives of childcare, nor provide social services to the families. This decision is also expected to promote the development of alternative services in municipalities and reduce the number of children in children’s homes.

There have also been some new initiatives in creating alternative services derived from the non-governmental sector, such as children homes established by religious and other organisations. For example, in 1995 the first SOS village was built in Vilnius, the capital of Lithuania, with a pioneering family-based approach to the long-term care of orphaned and abandoned children. Its family-based approach is based on four principles: each child needs a mother, and grows up most naturally with brothers and sisters, in their own house, within a supportive village environment. Therefore the priority of SOS village is to provide orphaned and abandoned children with the opportunity to build lasting relationships within a family. Furthermore, SOS village established two youth homes for children aged 14-16 years old with the aim of giving them practical skills, such as training them how to plan their income and expenses, how to prepare food, take care of themselves, and the people around them. The SOS Youth facility is the first step where 14-16 year olds learn to live life on their own.

Childcare in an institution is the last resort to protect children's rights and interests and it is applied to cases when all other child and family support measures have been exhausted.

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5 The founding rights of 6 childcare institutions were transferred to the Ministry of Social Security and Labour, by decision No. 627 of the Government of the Republic of Lithuania on 26 May 2010 (Žin., 2010, Nr. 62-3064)
6 The Association of SOS Children’s Villages in Lithuania is a charity fund, established with the Ministry of Justice of the Republic of Lithuania, SOS village Lithuania website, available at: http://www.sos-kaimas.lt/en/content/main/
The statistical data of the most recent years (to be discussed in more detail in other parts of the study) show that the number of children in care has been decreasing. Government and local authorities have made a significant contribution at various levels in their prevention activities.³

This positive trend is influenced by the reform of social services, which focuses on social services for families with regard to their needs, the employment of social workers by local authorities to work with social risk families in 2007, the activity of day care centres, and the establishment and development of other services and infrastructure for families and children.

While implementing the reform of social services, a new Law on Social Services was prepared. The establishment and development of a municipal infrastructure of social services, as well as the employment of social workers to work with social risk families bring tangible results in terms of preventive work with parents: the number of children who are taken into institutional childcare is decreasing, and the time period spent in institutional care is becoming shorter.

Local authorities, social service centres, family support services, and other municipal agencies are employing social workers. Social workers not only provide information and advice on welfare issues, but also provide social skills training and support services. At the same time social and psychological support is provided in solving family problems. By regularly increasing the number of social workers to work with social risk families, the families that need help are more readily identified, their problems are solved and information about them is communicated to municipal social service centres, which identify the need for family social services and provide these services to families and children⁹.

A considerable influence on the solving of social problems of families and the prevention of institutional childcare is made by the activity of non-governmental organisations and their day care centres. Day care centres provide day care, social and other services for children and families so as to meet the basic needs of the child’s personality that cannot be provided by the family, as well as to prevent crises within the family. It is important to mention in this context the fact that day care centres can also be an appropriate place for early identification of a child’s behavioural and emotional problems and their prevention.

The Department of Supervision of Social Services under the Ministry of Social Security and Labour coordinates the programme of the Development of Municipal Day Care Centres by Providing Day Social Services for Children and Families. In 2009 this programme

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³ The mandate to solve the issues of children’s rights protection has been given not only to the special authorities (the Children’s Rights Ombudsman Institution, the National Children’s Rights Protection and Adoption Service at the Ministry of Social Security and Labour, the municipal units of children’s rights protection), but also to relevant ministries: the Ministry of Social Security and Labour, the Ministry of Education and Science, the Ministry of Health, the Ministry of Justice, the Ministry of Interior and their subsidiary bodies (the decision No. 194 of the Government of the Republic of Lithuania on 6 February 2003). In order to improve the coordination of activities by the State and municipal institutions, their cooperation with non-governmental organisations and the implementation of law in the field of the child’s welfare, in 2005 the Interinstitutional Council for Child’s Welfare was established (the order No. A1-176 by the Minister of Social Security and Labour on 21 June 2005).

⁹ Annual report by the National Children’s Rights Protection and Adoption Service 2009 www.ivaikinimas.lt/Veiklos ataskaitos (accessed 2010-11-15)
funded 162 child day care centres (169 in 2008, 151 in 2007) and allocated LTL 7896,4000 for the implementation of projects.\textsuperscript{10}

In 2009 children from social risk families could spend an average of six hours a day, five times a week in day care centres. In 2009 these centres were attended by 5,800 children (in 2008 almost 6,500 children), of which 4,900 (5,1 in 2008) regularly received social and educational services. The largest proportion of children attending the centres (45 per cent), as in 2008, was composed of children from primary schools (7-11 years). Children from problematic families were able to participate in various activities according to their interests in the day care centres. Once or twice a week, psychological support was provided in the centres and individual education was taking place. Sightseeing tours were organised twice a month\textsuperscript{11}.

Significant impact on the strengthening of families’ and children's abilities, and on the prevention of children going into the institutional care system was made by non-governmental organisations which are engaged in family welfare programmes. These organisations and their ongoing programmes (measures) are also being partly funded by the State (other sources of funding include local government budgets and donor funds).

In 2009 the State budget allocated LTL 300,000 for the implementation of activity projects by non-governmental organisations working in the field of family welfare\textsuperscript{12}.

Non-governmental organisations carry out two types of activities in the field of family strengthening: cross-cutting services to beneficiaries (individual psychological, social and legal advice, psychological, spiritual and civic education groups for spouses, lectures for fiancés, the development of parenting skills, meetings, afternoon meeting with families); other types of activities without a direct link to family services (seminars, discussion meetings on topics relevant to families, sightseeing tours, excursions, camps for social risk families and large families, educational activities, maintenance of Internet sites www.gausiseima.lt, www.draugiskiseimai.lt, www.mususeima.lt.)

3. Analysis of regulation, practice and key actors in care

3.1. The assignment of care

In Lithuania the function of protecting children’s rights has been delegated by the State to municipalities, while the planning and provision of social services, the establishment and maintenance of social service institutions (including childcare homes), and co-operation


\textsuperscript{11} Ibid.

\textsuperscript{12} The report by the Department of Supervision of Social Services on the implementation of its programme’s measure No. 2.6 “To Fund Non-Governmental Organisations which are Networks of Other Non-Governmental Organisations Operating in the Field of Implementation of the UN Convention on the Rights of the Child and Representing their Interests, by Selecting their Projects” in the framework of implementation of the measures for the year 2009 of the National Child’s Welfare Strategy and its Action Plan for 2005-2012 www.sppd.lt/lt/informacija/socialines-programos/Ataskaitos/ (accessed 2010-11-15).
with non-governmental organisations is one of the independent municipal functions. Therefore, childcare is organised by the children’s rights protection unit of the local district (or city) municipality. This unit also supervises childcare in the family, legal family or institution (with regard to the protection of children's rights). However, this does not mean that state authorities do not participate in the implementation of children’s rights protection measures. The Department of Supervision of Social Services under the Ministry of Social Security and Labour supervises and assesses the quality of social care services for children, as well as providing methodological guidance. The National Children’s Rights Protection and Adoption Service at the same Ministry gives methodological guidance to local child protection units within municipalities, coordinates their activities and so on.

While analysing the legal framework of a care assignment, two aspects need to be distinguished: the child's legal status and the provision of social services (children's social care), which interact with each other and cannot be analysed separately.

The main legal instrument, which defines the principles for the assignment of childcare is the Civil Code, Book 3 "Family Law" Chapter XVIII "Care and guardianship of minors". Among other topics covered are: aims and objectives, identification of entities (institutions) that are competent to make decisions concerning the child's removal from their families and the assignment of care, establishment of conditions for carers, care forms and types, etc., important aspects of care.

The main aim of childcare (guardianship) is to ensure the child's upbringing and care in an environment in which they can grow safely and properly, develop and advance. The objectives of childcare (guardianship) are to assign a carer (guardian) to the child who will care for, educate, represent and defend the rights and legitimate interests of the child; who will create living conditions for the child which are consistent with their age, health and development; and prepare the child for independent living in a family and society.

This Code establishes the principles for the assignment of childcare, which must be followed in addressing the issue of childcare: the priority of the child's interests; priority right to become foster parents (guardians) must be given to close relatives of the child, if this corresponds to the interests of the child; childcare (guardianship) in the family; non-separation of brothers and sisters, except when it violates the child's interests; listening to the child's view and their participation in decision-making.

The child can be separated from parents or other legal representatives against the child’s will, as well as against the will of the parents (or legal representatives’), only in exceptional cases provided by law and according to established procedures, in compliance with a court decision (verdict) and when such separation is necessary for the child (to avoid risk to the child's life, health, to take care of the child, their upbringing and education, and to protect other essential interests of the child) 13. When a threat is posed to the child's life or health, the child can be immediately separated from the parents or other legal representatives in compliance with the provisions of the Civil Code. The fundamentals for the child's removal from the family are established in the Law on Fundamentals of Protection of the Rights of the Child: when the parents (father, mother) or other legal representative of the child abuse their

parental authority by exerting violence or otherwise causing risk for the child, and therefore there is a real threat to the life or health of the child, the State Children’s Rights Protection Authority or the State Children’s Rights Protection Authority together with the police immediately remove the child from the parents or other legal representatives of the child and put it in care (guardianship) according to the procedures established in the Civil Code. Although due to the regulation being so abstract a number of problems arise in practice (this problem has been analysed in the Children’s Rights Ombudsman Institution on more than one occasion\(^\text{14}\)) and it has been suggested more than once that clearer criteria for the removal of the child from the family be established and that the competence of authorities be more clearly defined; no decisions on this issue have been made yet.

Staff members of education, training, health care, police and other institutions, as well as other persons who have information about minors (lt. nepilnameciai) left without parental care are obliged to notify the local child protection unit immediately about such cases in order to protect minors' rights and interests (cruel treatment of children, illness or death of parents, departure or disappearance, the refusal of parents to withdraw their children from training, education or health institutions, etc.) When the unit receives information about a child who needs care (guardianship), it must ensure the appointment of temporary care for the child within three days.

As already mentioned in section 2 of this study, there are two types of care in Lithuania: temporary and permanent. The foundations and procedures of assignment for these types of care are different. Temporary care is assigned to a child according to an administrative order (an order of the municipality director based on the provision of the Municipal Children's Rights Protection Unit), while permanent care is assigned according to a court order.

Temporary care is established when for some reason the child temporarily falls into a situation where the parents cannot fulfil their parental obligations, as a result of circumstances within or beyond their control. While establishing temporary care, it is usually unclear whether the reasons and circumstances for which it has been established will be present for a longer period of time or permanently.

The foundations for establishing temporary childcare are the following: the parents or a single parent neglect the child, show no interest in the child, do not take care of the child, bring it up inappropriately, exert physical or mental violence, and, therefore, there is a threat for the child's physical, mental, spiritual and moral development and security (as long as the child is to be separated from its parents by legal order), i.e. when a fault of the parent is present.

Permanent care is established for children deprived of parental care, who under the present conditions cannot return to their family, and their maintenance, education, as well as representation and protection of their rights and legitimate interests is assigned to another family, legal family or childcare institution. The Civil Code provides an exhaustive list of grounds under which permanent care is established: both parents or a single parent are dead; both parents or a single parent are declared by the court as dead or missing; the child is

\(^{14}\) The activity report for the year 2009 by the Children’s Rights Ombudsman Institution [www.vaikams.lrs.lt/Metines ataskaitos](http://www.vaikams.lrs.lt/Metines ataskaitos).
separated from the parents in compliance with legal provisions; no parenthood or kinship relations of the child have been identified within three months after its birth; the parents or a single parent are legally declared as incompetent.

The Department of Statistics of the Republic of Lithuania provides the following demographic information about children:\(^{15}\):

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>802.3</td>
<td>775.2</td>
<td>746.2</td>
<td>718.8</td>
<td>695.5</td>
<td>673.8</td>
<td>653.7</td>
<td>636.1</td>
</tr>
<tr>
<td><strong>In comparison with the general population, %</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>23.2</td>
<td>22.5</td>
<td>21.8</td>
<td>21.1</td>
<td>20.5</td>
<td>20.0</td>
<td>19.5</td>
<td>19.1</td>
</tr>
</tbody>
</table>

Children deprived of parental care (per year)

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>3,023</td>
<td>3,267</td>
<td>3,209</td>
<td>3,006</td>
<td>2,824</td>
<td>2,684</td>
<td>2,175</td>
</tr>
</tbody>
</table>

In 2009 there were 11,608 children without parental care in Lithuania, i.e. 1.82% of the total number of children (12,910 children in 2008, 12,306 in 2007, and 13,337 in 2006).

According to data provided in the annual performance reports by the State Child Rights Protection and Adoption Service\(^{16}\), about 80% of children deprived of parental care are appointed temporary care annually, and only about 20% are appointed permanent care.

The analysis of statistical data on the reasons for children’s assignment to children’s homes shows that the vast majority of children are deprived of parental care due to the parents’ abuse, neglect, inadequate childcare and failure to create a safe environment for children.

Article 3261 of the Civil Code enshrines the imperative that children left without parental care can be placed in a state or non-governmental childcare institution only when there is no possibility of taking care of them in a family or legal family.

According to data provided in the annual performance report by the State Child Rights Protection and Adoption Service for 2009\(^{17}\), 50.1% of children deprived of parental care were placed in foster families or legal families by appointing care (guardianship) to them (in 2008 the figure was 46.6%).

According to data from the Department of Statistics, the distribution of children in institutional care is as follows:\(^{18}\):

<table>
<thead>
<tr>
<th>Type of institution</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baby’s home</td>
<td>416</td>
<td>391</td>
<td>372</td>
<td>336</td>
</tr>
<tr>
<td>Care home for children and youths with disabilities (residential institutions)</td>
<td>733</td>
<td>724</td>
<td>711</td>
<td>701</td>
</tr>
<tr>
<td>County children’s home</td>
<td>2772</td>
<td>2643</td>
<td>2554</td>
<td>2267</td>
</tr>
<tr>
<td>Municipality children’s home</td>
<td>942</td>
<td>1023</td>
<td>993</td>
<td>1176</td>
</tr>
<tr>
<td>Non-governmental and parish children’s home</td>
<td>404</td>
<td>445</td>
<td>453</td>
<td>543</td>
</tr>
</tbody>
</table>


\(^{16}\) [www.ivaikinimas.lt/Veiklos ataskaitos](http://www.ivaikinimas.lt/Veiklos ataskaitos) (accessed 2010-11-15).

\(^{17}\) [www.ivaikinimas.lt/veiklos ataskaitos](http://www.ivaikinimas.lt/veiklos ataskaitos) (accessed 2010-11-24).

The principles of organising care for a child deprived of parental care, the pre-selection, training, appointment, dismissal or removal of the child’s carer (guardian), and the appointment and termination of the child's permanent care (guardianship) are regulated by the Regulations of Childcare Organisation, approved by Resolution No. 405 of the Government of Lithuania on 27 March 2002\(^\text{19}\). It should be noted that after permanent care has been appointed for a child, the Children’s Rights Protection Unit or its authorised social partners are obliged to visit the child under permanent care (guardianship) in the family, legal family or care institution at least once a year. The Children’s Rights Protection Unit opens and regularly updates the case (file) of a child in permanent care; the files contains a copy of the application from the Children’s Rights Protection Unit to the court; or a copy of the decision of the court on the assignment of permanent care for the child; a copy of the conclusions of the unit about the need to assign permanent care for the child and the appointment of a carer; as well as other documents related to the permanent care of the child.

Procedures for the assignment of urgent and planned temporary care for a child deprived of parental care in the territory of Lithuania; the assignment of temporary childcare at the request of parents; the implementation of temporary childcare; a change of temporary placement and of a child's carer (guardian); and supervision of temporary childcare, as well as the return of the child to the parents are provided in detail in the Regulations for Temporary Care (Guardianship) approved by Order No. A1-145 of the Minister of Social Security and Labour on 28 May 2007\(^\text{20}\). According to these Regulations, the Children’s Rights Protection Unit or the unit together with the police, after receiving information during working hours about the violence of parents or other legal representatives of the child against the child or other abuse of parental authority which poses a real threat to the health or life of the child; or information about the child left unattended by parents or other relatives, and the resulting risk to the child's health or safety; or information about a found child, immediately go the child’s home or other location and assess the child's environment and threats to the child’s health, life and safety. In emergency cases, the child is temporarily removed from the parents or other location and the child's temporary accommodation is organised by making a decision act on the removal of the child from the parents or other location and the decision act on the temporary accommodation of the child. This decision is communicated to the parent of the child (if they are identified) or other legal representatives of the child. During non-working hours of the unit the police remove the child from the unsafe environment. After temporary care has been assigned to the child, a Childcare (Guardianship) Plan has to be made within 30 calendar days. This plan includes: the childcare (guardianship) plan for temporary childcare (guardianship) decisions; an individual social care plan for the child in care in a family or a social care institution (initiated and made by the municipal social worker or a social care professional according to the Standards of Social Care approved by Order No

\(^{19}\) Žin., 2002, Nr. 35-1275.

\(^{20}\) Žin., 2007, Nr. 61-2360.
A1-46\textsuperscript{21} of the Minister of Social Security and Labour on 20 February 2007); and a childcare plan for childcare supervision (made by the Children’s Rights Protection Unit).

The need for social care for children with disabilities is established by social workers who are appointed following the procedure set by the municipal authority. In cases when the assessment of the child’s social care needs require conclusions by other professionals (health care, education, children’s rights protection services and other), a commission must be established following the procedure set by the municipal authority. The assessment of social care needs for a child with disability has to take place in a location as close as possible to the child’s and his family’s place of residence (in a municipality, a social services centre, a family support centre, etc.).

Staff members of health care, education, training and other institutions, as well as other persons having contact with the child, must provide recommendations to the social worker, which are necessary for the assessment of the social care needs of a child with disability. Professionals (a psychologist, a teacher, a health care professional, etc.) who can give the social worker any recommendations and conclusions which are necessary for the assessment of social care needs of a child with disability, must be involved in the assessment process.

While implementing temporary care of a child, the Social Assistance Unit according to its competence must organise the following: short-term social care for the child in a social care institution or a foster family; social supervision of the parents of the child in care (guardianship); assistance to the foster family and the social care institution on social care issues. The Children’s Rights Protection Unit according to its competence provides assistance to the child’s carer (guardian) on issues of the protection of children’s rights; implements the supervision of temporary care (guardianship) in the foster family care and the social care institution.

It is very important to mention that a person who wants to become a foster parent must be assessed and approved as being appropriate to take care of a child according to the Certification procedure to assess the readiness of persons seeking to acquire the right to take care of or to adopt a child, approved by Order BV-44 of the Director of the National Children’s Rights Protection and Adoption Service of 6 November 2008. The selection and training sessions for individuals wishing to become carers of children are organised by the local (district, city) Children’s Rights Protection Unit or its social partners. In 2008 and 2009 competitions for project proposals to provide services for searching, training, selection, counselling and assistance to carers and foster parents were organised. In 2009 funding was allocated to 23 projects with a total allocation of LTL 650,000. The training of future carers is carried out according to the PRIDE programme\textsuperscript{22}.

In order to ensure the property rights of children in care, the Recommendations for the care, administration and inheritance of property by the child in care (guardianship) were approved by Order No A1-121\textsuperscript{23} of the Minister of Social Security and Labour of the Republic of Lithuania of 22 April 2008; on 28 June 2010 the Description of the management

\textsuperscript{21} Žin., 2007, Nr. 24-931.
\textsuperscript{22} The analysis of trends and situation in the field of childcare (guardianship) for the year 2009 www.socmin.lt/vaiko teisių apsauga/aktuali informacija (accessed 2010-11-25)
\textsuperscript{23} Žin., 2008, Nr.47-1766
procedures of property of children in care (guardianship) of a legal family was approved by Order No A1-295\textsuperscript{24}.

In order to ensure effective care, education and social services provided by the State and local childcare institutions, General Regulations for the State and Municipal Childcare Homes were approved\textsuperscript{25}. The Regulations establish goals and objectives for care homes, the structure of work organisation, and the composition of staff working directly with children. The number of employees in institutions is determined according to the Standards for Time Costs of Social Care Staff\textsuperscript{26}.

According to data of the Department of Statistics, the number of staff in childcare institutions was as follows:

<table>
<thead>
<tr>
<th>Type of institution</th>
<th>Year</th>
<th>Full-time staff</th>
<th>Social workers (including social pedagogues) within the total number of staff</th>
<th>Assistants of social workers within the total number of social workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>County children’s home</td>
<td>2008</td>
<td>2,113</td>
<td>175</td>
<td>73</td>
</tr>
<tr>
<td>County children’s home</td>
<td>2009</td>
<td>1960</td>
<td>433</td>
<td>193</td>
</tr>
<tr>
<td>Care home for children and youths with disabilities (residential institutions)</td>
<td>2008</td>
<td>701</td>
<td>378</td>
<td>274</td>
</tr>
<tr>
<td>Care home for children and youths with disabilities (residential institutions)</td>
<td>2009</td>
<td>697</td>
<td>404</td>
<td>272</td>
</tr>
<tr>
<td>Baby’s home</td>
<td>2008</td>
<td>652</td>
<td>20</td>
<td>13</td>
</tr>
<tr>
<td>Baby’s home</td>
<td>2009</td>
<td>603</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Temporary children’s home</td>
<td>2008</td>
<td>222</td>
<td>73</td>
<td>27</td>
</tr>
<tr>
<td>Temporary children’s home</td>
<td>2009</td>
<td>.</td>
<td>.</td>
<td>.</td>
</tr>
<tr>
<td>Municipality children’s home</td>
<td>2009</td>
<td>856</td>
<td>238</td>
<td>97</td>
</tr>
<tr>
<td>Municipality children’s home</td>
<td>2008</td>
<td>704</td>
<td>118</td>
<td>52</td>
</tr>
<tr>
<td>Non-governmental and parish children’s home</td>
<td>2009</td>
<td>296</td>
<td>164</td>
<td>59</td>
</tr>
<tr>
<td>Non-governmental and parish children’s home</td>
<td>2008</td>
<td>213</td>
<td>122</td>
<td>39</td>
</tr>
</tbody>
</table>

According to data provided by the Department of Supervision of Social Services under the Ministry of Social Security and Labour, in 2009 in county (governed by the state) children’s homes there were 1,304 employees who worked directly with children, which is 66\% of the total staff. The number of staff working directly with children varies greatly among institutions, and ranges from 40 to 80\%.

There is no data on the composition of staff in municipal children’s homes according to this criterion.

While implementing the optimisation plan of care institutions mentioned above, since 1 January 2010 the position of pedagogical staff in childcare homes has been eliminated and instead the positions of social workers or social pedagogues have been established. Data on the changes in staff composition as a result of this reform does not exist.

\textsuperscript{24} Žin., 2010, Nr. 78-4043
\textsuperscript{25} Approved by order No. A1-68 of the Minister of Social Security and Labour on 3 March 2005
\textsuperscript{26} Approved by order No. A1-317 of the Minister of Social Security and Labour on 30 November 2006
Qualification requirements for social workers and their assistants sets out the requirements for the qualification of social workers and their assistants; regulates the qualification training of social workers and the assessment of their professional competence and practical activity, the dissemination of "best practices" in social work, etc.

The requirements for the equipment of such institutions and proper nutrition are regulated by the requirements provided in the hygiene rules adopted by the Minister of Health; the public bodies responsible for this area regularly monitor their implementation.

The operation of care homes for children and young people with disabilities, with regard to their specificity, is regulated by additional documents: Methodology for the Assessment of Social Care Needs of Children with Disabilities, the Law of Social Integration of Persons with Disabilities and others.

After having reviewed the legal framework, it should be pointed out that the operation of non-governmental children's homes is the least regulated. There are no general (reference) provisions, no requirements for the composition of staff and so on. There is no control mechanism for the supervision of proper use of money which is received from the state and municipal budgets for the social care of children. This is because these childcare homes have been regarded as private legal entities whose activities cannot be checked by the State or municipal authorities (except for compliance with social care and hygiene standards).

The Department of Supervision of Social Services does not provide any data on the general trends with regard to the compliance of care homes with the established standards.

Given the fact that the aim of care is not only to ensure an appropriate level of care and living conditions for children, but also to prepare children for independent living, the Action Programme for support of orphans and children deprived of parental care and their integration into society for 2005-2008 was approved by Resolution No. 1279 of the Government of the Republic of Lithuania on 13 October 2004. Within the framework of this programme a number of publications were prepared and published: "The development of independent living skills for children without parental care. Methods and Opportunities" (2007), "Opportunities to Assess the Readiness of Children Deprived of Parental Care to Live Independently" (2007), as well as publications for young people, "Am I Ready to Live Independently?" (2007), "The Guide for Independent Living" (2008).

In 2005 the Ministry of Social Security and Labour commissioned the survey "The Assessment of Life Quality and Readiness for Independent Living of Persons Deprived of Parental Care", which showed that people who left childcare institutions claim that they lack skills "to deal with the finances". The respondents considered that there was a lack of training of these skills. Although various training classes take place in care homes and children are educated through extracurricular activities, children and young care leavers would like to have more lessons on the skills needed to live independently: various household work, management

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27 Approved by order No. A1-98 of the Minister of Social Security and Labour on 5 April 2006 “On the approval of descriptions of qualification requirements for social workers and assistants of social workers, regulation of qualification training of social workers and assistants of social workers, and assessment of their professional competence”.


29 Žin. 1991, Nr. 36-969; 2010, Nr. 60-2958.

of finance, professional and moral guidance. The researchers found that financial management and understanding of money is a difficult issue for both children living in children’s homes and care leavers.

Results of the survey commissioned by the Ministry of Social Security and Labour in 2008 “The Assessment of Life Quality and Readiness for Independent Living of Persons Deprived of Parental Care” showed that despite the fact that older students claimed to have a lot of the skills necessary for independent living, half of the older students and slightly fewer younger teenagers feel insufficiently prepared for independent living. Complete readiness for independent living was claimed by 30% of older and 23% of younger respondents. According to the authors of the study, children living in the family are more oriented towards education than children from children’s homes, and they relate successful independent life with a higher level of education. Children growing up in a family are better aware of what they will do after graduation. Children from children’s homes have assessed their learning outcomes worse than children from biological families.

It should be noted that this study did not include young care leavers, so it was not possible to assess changes in the area of independent living training achieved since 2005. It should also be mentioned that training programmes for independent living skills are being implemented by non-governmental organisations. However, the scope of these programmes does not cover all children in care.

3.2. Leaving children’s care homes

A child leaves a care home after moving to a foster or adoptive family or other institution, or legal family, or when the care comes to an end. Care ends when the child:

- is returned to parents;
- becomes an adult (18 years) or emancipates;
- is adopted;
- marries.

The Department of Statistics indicates these reasons for leaving children’s homes:

<table>
<thead>
<tr>
<th>Reason</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care leavers, total</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children who left care homes</td>
<td>1,718</td>
<td>1,613</td>
</tr>
<tr>
<td>In comparison with total number of children who left care homes, %</td>
<td>100,0</td>
<td>100,0</td>
</tr>
<tr>
<td>Returned to parents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children who left care homes</td>
<td>781</td>
<td>708</td>
</tr>
<tr>
<td>In comparison with total number of children who left care homes, %</td>
<td>45,5</td>
<td>43,9</td>
</tr>
<tr>
<td>Became adults</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children who left care homes</td>
<td>396</td>
<td>423</td>
</tr>
<tr>
<td>In comparison with total number of children who left care homes, %</td>
<td>23,1</td>
<td>26,2</td>
</tr>
<tr>
<td>Were adopted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children who left care homes</td>
<td>143</td>
<td>168</td>
</tr>
<tr>
<td>In comparison with total number of children who left care homes, %</td>
<td>8,3</td>
<td>10,4</td>
</tr>
<tr>
<td>Were taken into permanent care (guardianship) in the family, legal family</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

31 [www.socmin/Moksliniai](http://www.socmin/Moksliniai) research
Children who left care homes | 119 | 123
In comparison with total number of children who left care homes, % | 6,9 | 7,6

**Were taken into temporary care (guardianship) in the family, legal family**

Children who left care homes | 167 | 117
In comparison with total number of children who left care homes, % | 9,7 | 7,3

Children who leave childcare institutions and return to the family, as well as in cases of care in the family, are provided with further social services (if the need for such services has been assigned).

The housing of persons deprived of parental care is regulated by the Law of State Support for the Purchase or Rent of a Place of Residence and Renovation (Modernisation) of Apartment Buildings\(^{33}\), which establishes terms and conditions for renting social housing, and also guarantees persons under 35 years with the right to a state subsidy to cover part of the housing credit. For an adult orphan or a person deprived of parental care coverage of 20% of the credit (or a credit balance) is granted.

After reaching adulthood children deprived of parental care have the right to rent social housing. However, in practice, despite the fact that children deprived of parental care are given priority over other people in renting social housing, this possibility is difficult to achieve due to the lack of social housing stock and the great demand for this type of housing\(^{34}\).

There is no data on how many orphans and children deprived of parental care have received the state subsidy to cover part of the housing credit.

The Department of Statistics provides the following data on social housing provided (the realised right to rent public housing )\(^{35}\):

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total according to the lists</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipal social housing rented to persons (families)</td>
<td>890</td>
<td>922</td>
<td>821</td>
<td>1,191</td>
</tr>
<tr>
<td><strong>Orphans and children deprived of parental care</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Municipal social housing rented to persons (families)</td>
<td>73</td>
<td>85</td>
<td>71</td>
<td>180</td>
</tr>
<tr>
<td>Number of family members</td>
<td>124</td>
<td>161</td>
<td>128</td>
<td>307</td>
</tr>
</tbody>
</table>

**Waiting list to rent public housing:**

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Orphans and children deprived of parental care</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Persons (families) who were on the list for the public housing rent</td>
<td>869</td>
<td>1,235</td>
<td>1,659</td>
<td>2,048</td>
<td>2,383</td>
</tr>
<tr>
<td>Number of family members</td>
<td>1,234</td>
<td>1,684</td>
<td>2,285</td>
<td>2,767</td>
<td>3,239</td>
</tr>
</tbody>
</table>

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\(^{33}\) Žin., 1992, Nr. 14-378; 2010, Nr. 125-6376

\(^{34}\) Research by the Children’s Rights Ombudsman Institution of the Republic of Lithuania in this field: Summary of information provided by municipalities about the rent of municipal social housing (2005) and research on the problems of renting municipal housing (2008) [www.vaikams.lrs.lt](http://www.vaikams.lrs.lt/) Activity/Summaries/research

According to the Law on Benefits for Children\textsuperscript{36}, children deprived of parental care have the right to a single settlement benefit payment equal to 75 basic social benefits (LTL 9,750) when their care comes to an end, or when they reach adulthood, marry or emancipate. These benefits are assigned and paid by local authorities (social assistance units).

The payment for settlement is not paid in cash, except in cases where the part of the benefit left to be paid is less than one basic social benefit (130 LTL). A single settlement benefit can be used to purchase housing (dwellings), to pay part of a housing loan for a building or purchase of housing, to rent housing, to pay for household expenses of a rented or own housing, to repair or reconstruct housing, to buy furniture, household appliances, audio-visual equipment, household supplies, one personal computer, to cover the cost of studies or non-formal education; to purchase a land plot.

A person deprived of parental care can apply for this benefit until the age of 25, on the condition that s/he is not dependent on a state care institution, but the housing issue only becomes urgent when a person deprived of parental care completes education (during the education period accommodation is usually provided by the education institution), acquires a profession and finds a job.

Under current property (housing) market prices, it is obvious that the settlement benefit is insufficient to purchase a place of residence.

According to the data provided in the Statistical Yearbook 2002, in the school year 2001-2002, 1,447 persons deprived of parental care attended vocational schools, 205 attended colleges, and 306 attended higher schools (universities). In recent years, the Department of Statistics has not provided these kinds of statistics.

3.3. Supervision of care leavers

There are no social services specially targeted at care leavers. General social services (information, counselling, mediation and/or representation) are provided if the need for such services is identified (e.g. the person is included on the list of social risk).

The issue of independent living of care leavers after they reach adulthood is topical and it has been addressed at institutions and organisations of various levels.

The annual report of the Children's Rights Ombudsman for 2009\textsuperscript{37} indicates that for many years the issue of settlement and the beginning of independent life remains relevant for children who were living in care homes before their adulthood, emancipation or marriage. Adults in care (up to 24 years of age) have very limited possibilities to remain in institutional care due to the lack of space. After adulthood they have virtually no access to social housing due to the very long waiting lists for social housing in municipalities. Financial support for setting up a home is not sufficient to ensure the start of independent living and solve the problems of housing and settlement. Care leavers do not know where to apply for benefits or where to go to rent social housing, how to manage finances properly, fill out the documents and so on.

There are some non-governmental (usually religious) initiatives for care leavers, e.g. youth home for preparing care leavers, 18-21 years old for independent life, established by

\textsuperscript{36}Žin. 1997, Nr.99-2506; 2008, Nr. 81-3175.
\textsuperscript{37}The Children’s Rights Ombudsman Institution of the Republic of Lithuania 
http://vaikams.lrs.lt/Metines/ataskaitos
All Saints temporary childcare home\(^{38}\), or the Craft Training Center for disadvantaged youth from 16-18 years old (usually after leaving care) to provide housing, craft training, social and psychological services, established by Caritas\(^{39}\). However, these initiatives depend heavily on funding, which is not stable, and project type work.

The problems of preparing care leavers for successful integration into society were discussed during the conference "News and Perspectives for Children Growing up in Childcare Institutions"\(^{40}\). Conference participants, wishing to draw attention to the problems of successful integration of care leavers, adopted a resolution which called on the competent state authorities to establish a provision in legislation stipulating that at least during the first years of adulthood care leavers would be assigned a guardian (social worker, etc.), who would provide counselling and mediation assistance, and who would help solve other problems and issues. However, these proposals were not accepted.

4. Outcomes of care

In assessing the legal framework for childcare (including social care services for children) it is considered that Lithuania has a sufficiently advanced legal basis, but legislation alone without its proper implementation in practice does not guarantee the anticipated (desired) level of protection of children’s rights.

There is a lack of regular monitoring of childcare. Monitoring cannot and should not be limited to the description and comparison of quantitative indicators. Greater attention must be paid to the qualitative rather than quantitative indicators.

A more proactive monitoring of public authorities should be implemented in the field of quality assessment of childcare services. There is shortage of assessment reports of care quality on the national level.

Although statistical data shows that the duration of care for children entering into institutional care is declining, more attention should be paid to the development of service infrastructure for families as a prevention measure for crisis situations in families.

Another disadvantage is the fact that no data on care leavers and their integration into society is collected or analysed. This is also true for data on the application of independent living skills in real life. With these data, it would be possible to assess the quality and efficiency of childcare, based on evidence and clear criteria. As already mentioned in earlier parts of the study, children receive training in independent living skills during the care period (labour/professional activity, household skills, etc.), but there is no summarised information on the national level about the actual application of these skills after leaving care. Today, the collection of such information depends on the goodwill of each care institution and their ability to maintain contact with children who have left the institution.

The care ends when the child reaches adulthood. However it is not only necessary to ensure material and financial support, other care, for example, the appointment of a guardian,
social worker or the like, is also necessary. The duration of such assistance would depend on each individual case.

5. Conclusions and recommendations

The assessment of the legal framework for childcare shows that Lithuania has a sufficiently advanced legal basis, which protects basic children’s rights and children in care rights in particular. However, legislation alone without its proper implementation in practice does not guarantee the anticipated level of protection of children’s rights. Furthermore, leaving care and after care still have no legislative basis in Lithuania.

During the past two decades, Lithuania has made considerable progress in the field of childcare: the legal framework has been improved, childcare and social services reforms have been implemented, a new form of childcare in legal families has been developed, childcare in families has been promoted, and an education programme for foster carers has been launched. However, the public authorities do not publish reports, which suggests that they do not collect data on the quality trends of social care services for children in the country. It is recommended that data about the quality of care services provided be collected and analysed; this would allow clear and precise guidelines for improving the care system to be formulated.

There are no social policy measures in Lithuania specially targeted at care leavers, with the exception of housing benefits. Even in the case of housing benefits, the financial support provided for setting up is not sufficient to ensure the start of independent living and to solve the problems of housing and settlement. It is therefore recommended that measures be taken to ensure adequate financial and housing support for care leavers.

There is no system of social, psychological and other support for care leavers. Actually, only general social services (information, counselling, mediation and/or representation) are provided if the need for such services is identified (e.g. the person is included on the list of social risk). According to research results, care leavers rarely know about these services or how to use them. Thus, significant progress in fostering leaving and after care measures is needed.

It must be noted that important measures of preventive services have been implemented since 2007: more social workers have been employed by local authorities to work with social risk families, more day care centres for children have been founded and more community services for children and families have been provided. A considerable influence on the solving of social problems of families and the prevention of institutional childcare is made by the activities of non-governmental organisations. Thus, further strengthening of preventive services and the role of NGOs would be effective in reducing of number of children in residential and alternative care institutions.

In addition, since 2007 restructuring of the childcare (guardianship) system has started: optimisation of the network of childcare institutions has begun; the number of children in care (guardianship) in childcare institutions has been reduced; the number of children under three years sent to childcare homes has also been reduced; the priority of family care (guardianship) in cases when a child is removed from the biological family has been declared; and the conditions for the integration of children deprived of parental care into
the society have been improved. However, the numbers of children in residential care institutions are still three-four times bigger than in alternative care. Therefore, further decentralisation of large children’s homes and implementation of a family-based approach is needed.

The Lithuanian care system lacks systemic measures for the preparation of care leavers towards greater independence and more successful integration in society in various areas of adult life – financial, medical, housing, psychological, and etc. Despite the value of the prepared publications on how to prepare care leavers to live independently, research results showed great lack of knowledge and skills for this task. Obligatory training attaching equal importance to practical, emotional and inter-personal skills is needed for care leavers.

A needs assessment and a childcare (guardianship) plan are prescribed by legal regulations, but the same plans for leaving care and after care should be implemented, with special attention given towards monitoring and review of these plans in accordance with any changes in the situation. Similarly, care leavers and young persons must be assigned a guardian (social worker, etc.), who would provide counselling and mediation assistance, and who would help solve other problems and issues in the after care period.

Public authorities responsible for the supervision of childcare do not provide information on the qualitative results of independent living skills training. Research shows that children in care do not feel adequately prepared for independent living. It is recommended that this type of data be collected, analysed, and summarised and steps taken to improve the situation. Similarly, there is no statistical information on the integration of care leavers and the success of their independent living. Thus there is also a need to collect and analyse data on the adjustment (adaptation) of care leavers to independent life.