



ALTERNATIVE FAMILY CARE IN ITALY

ALFACA

Country specific separate annex to the ALFACA
Manual

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Istituto
degli
Innocenti



NIDOS
guardianship for refugees

© Nidos, Istituto degli Innocenti, April 2019

Published by: Nidos, Maliebaan 99, 3581 CH Utrecht, The Netherlands

Developed under the Profuce (**P**romoting **F**oster Care for **U**naccompanied **C**hildren in **E**urope) project
www.profuce.eu

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Co-funded by the
REC programme of
the European Union



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EXECUTIVE SUMMARY

Facts and figures	
Number of unaccompanied minors	10.787 (on 31/12/2018)
Reception in families	<p>Provided by the law.</p> <p>Scattered: reception in families is implemented diversely, according to the capacity of the municipalities to promote effectively family foster care.</p>
Centralized/decentralized reception system	Mixed, as reception of unaccompanied minors is a responsibility of the central government, and the municipalities participate in the implementation of the reception system – voluntarily or in emergency – and receiving special funds for the purpose.
Implemented by regular youth care	Implemented by the municipalities – overall responsible for social assistance services and for youth care.
Opportunities for development	<p>A comprehensive law on unaccompanied minors has been recently adopted, introducing many protection measures (L. n. 47/2017) such as:</p> <ul style="list-style-type: none"> • special reception system for foreign minors; • standard procedures for identification and age assessment; • register of voluntary guardians; • family reunification procedures in the interest of the child; • bringing the assisted repatriation under the competence of the Juvenile Courts; • simplified procedures for getting health assistance and education courses; • family foster care for unaccompanied foreign minors.
Potential actions to initiate development	The training for the voluntary guardians has started throughout the country, initiated by the National and Regional Children Ombudsman.
Challenges	<ul style="list-style-type: none"> • Numbers of unaccompanied migrant children have grown in the last years. • Numbers of available families are still insufficient
Opportunities	<p>Recent law provisions (Law n. 47/2017) boost family foster care: for unaccompanied minors:</p> <ul style="list-style-type: none"> • protection provided to unaccompanied children has to be the same as for Italian and EU children; • family foster care is the first option for children without an adequate situation in the original family, therefore it applies to unaccompanied minors as well; • municipalities are encouraged to establish programs to reinforce family foster placements as more suitable than residential care; • programs to select and train voluntary guardians have been planned (and successfully implemented in the first rounds), therefore these are actors who may act positively and stand effectively for family care.

1. CURRENT NATIONAL CONTEXT

1.1 Facts and figures general context

1.1.1 Number of unaccompanied children¹

Unaccompanied minors located and registered in Italy are 10.787 on 31/12/2018, of which 92,7% are male and 7,3% are female.

The distribution per age bracket is as follows:

- 17 years old: 60,2%
- 16 years old: 24,8%
- 15 years old: 8,0%
- 7-14 years old: 6,2%
- 0-6 years old: 0,8%

Furthermore, 5.229 children disappeared, in the sense that it is reported to the authorities they have abandoned the reception facilities in which they were placed.

Among the main countries of origin are the countries of Central and Sub-Saharan Africa (more than 50%), Albania and Kosovo (approximately 15%) and the countries of North Africa (approximately 15%).

1.1.2 Reception System

The entry and the reception of unaccompanied minors is regulated in accordance with the international and European law.

According to the legislation on immigration², in no case an unaccompanied minor can be rejected at the borders.

For first aid needs and immediate protection, unaccompanied minors are hosted in first reception governmental facilities designed for them, for the strictly necessary time (no more than 30 days), for identification and age assessment. In these facilities, unaccompanied minors get information on their rights and on how to exercise them, including the right to seek international protection.

First, reception facilities are activated and managed by the Ministry of the Interior, in agreement with the local authority of the territory in which the facility is located, and through conventions with local authorities.

After first reception, minors are introduced within a Protection System for Asylum Applicants and Refugees, a programme financed by government resources, under the coordination of the Ministry of Interiors.

Local authorities taking part in the programme, receive contributions and organize personalized reception and integration paths.

The facilities for minors need to be authorized or accredited in accordance with regional legislation on the reception of minors.

In case of temporary unavailability of reception, local authorities in which the minor is located are required to take temporarily charge of him/her, with costs borne by the central government; or – for those aged 14 and above – the Prefect may specify the placement in temporary facilities (with a capacity of up to 50 people).

Reception measures have to be ratified by the Juvenile Court, who opens the guardianship and appoints a guardian.

1.2 Legislation

The numbers of unaccompanied foreign minors arrived in Italy - significant since the end of the 90s of the last millennium - have raised up dramatically in recent years in conjunction with the general growth of the migrations flows along the routes of Africa and the Balkans. This evolution has caused a revision of the legislation defining specific rules for unaccompanied foreign minors - otherwise governed by the general rules on abandoned children - in order to better respond to the problems that have emerged in the reception management and for the effective protection of the rights.

With a law in 2015³:

- the system of first and second reception was regulated;
- the connection of jurisdictional and administrative tasks has been clarified;
- the procedures for tracing family members have been defined;

More recently, a new legislation⁴ has been introduced with new measures:

- re-organizing the specific reception system for foreign minors;
- standardizing the procedures for the verification of age and identification;
- establishing a register of voluntary guardians;
- establishing two unique types of residence permits: for minors and for family reasons;
- paying special attention to family reunification in the best interest of the child;
- transferring the responsibility for assisted return to the Juvenile Court.
- simplifying procedures for obtaining health care and access to certain educational courses.

Finally, the so called “Salvini decree”⁵ has to be mentioned, which has abolished the “humanitarian protection”, that is a residence permit once frequently granted to the unaccompanied minors. After this, the minor becoming 18 year-old has the right to stay in Italy only for studying, working or waiting for a job, under condition that he/she has lived in Italy at least for three years, or he/she is under guardianship or foster placement.

1.3 Reception in families

Regular youth care is mandated to the municipalities, within the social security established by national and regional legislations.

Foster care placements are therefore a measure of the municipal social services, and it is recommended by the law for *any* child deprived of a family, regardless of the nationality.

The first comprehensive law on foster care - and adoption - in Italy is the Law n. 184/1983, which particularly governs the *temporary* foster care, and is decided on by the judge or by social services for the purpose to recover the family of origin.

Therefore, the function of fostering is to provide the child who has been temporarily deprived of his family with an environment that ensures, in a familiar way, the support, the instruction, the education he/she needs.

At the same time, the social services – and the justice – operate, insofar as possible, in order to restore parent’s parenting competences in the view to reunite the original family.

To this end, to maintain an important link, during the foster placement social services have to facilitate the relationship with the original family.

Two years – extendible – is the normally established period to complete the path of the temporary family foster placement.

Foster care can be consensual, when the social service operates in agreement with the parents of the child, or judicial, when it is ordered by the Juvenile Court as a limitation measure of parental responsibility.

Moreover, the law distinguishes between the proper family foster care and the placement in a family-type community, these, however, are residential professional facilities.

In addition to the temporary foster placements, in some cases of limitations of parental responsibility, custodies are arranged by the judge without pre-set duration.

The foster care legislation dates back to a time when unaccompanied children migrants flow had not appeared yet, and therefore the aim was helping the child *and* the original family. However, the basic rules apply to any minor of any nationality in Italian territory.

1.4 Weaknesses and promising practices

As the numbers above have shown, a large number of unaccompanied children arriving in Italy are close to 18 years. This arises specific questions, as the assistance measures for them have to be fit to “grown up” children, with a formed personality, who will soon reach the status of majority.

An unaccompanied migrant child can be granted a residence permit once he/she reaches 18 years, normally for education or work purposes.

On the other hand, as soon as guardianship ends along with reaching maturity, the social service support may still be granted until 21 years, after a decision by the Juvenile Court, in parallel with the placement in a family or in a community (the so-called “administrative follow-up”).

As the social services may meet some difficulties in finding families ready to ordinary full-time foster care, an alternative is semi-residential or part-time foster care. In this way the reception may be easier: both for the child – still hosted in a community – who has landed into an unknown cultural and linguistic milieu to which he/she can be better introduced by the family; and for the family itself, who can experience a flexible fostering suiting the real availability.

In some other cases foster placement is also appropriate, for instance for children coming with only one parent – maybe surviving from the trip: the family becomes a crucial ally helping the migrants in being received and integrated in the local environment.

1.5 Key actors

The most effective measures to the benefit of the unaccompanied minors come from the synergy and cooperation in the network supporting concretely each single child: court, social service, families, communities, *voluntary guardians*.

A key role is played by the *voluntary guardians*, whom are appointed by the Juvenile Courts as soon as the state of abandon is assumed.

The *voluntary guardian* is a new concept of a legal guardian figure, which has been introduced by the recent law on unaccompanied foreign minors⁶. A register has been set up in which specially selected and trained citizens can be registered, willing to exercise the protection of an unaccompanied foreign minor (or of several minors, if siblings).

The voluntary of guardianship differs from the ordinary guardianship – which keeps on applying normally to Italian and EU children – because the latest is a mandatory official assignment for the legal representation of the minor, while the former expresses a social parenting attitude and active citizenship taking on effectively the unique relationship with the child, its needs, its problems.

As this is a new concept of guardianship, its potential and limits still may have to be fine-tuned and clarified in practice – and to this purpose appropriate training programmes have been launched by the Ombudsman. In fact, the voluntary guardians can play a powerful role in the protection of the rights, because they are fully legitimated to advocate the priority of family foster care as the best solution for the unaccompanied children. Meanwhile, it is important that the voluntary guardians can act in cooperation with – not as opposed to - the Juvenile Court and the social service to make the system work smoothly.

2. RECRUITING FAMILIES⁷

2.1 How to recruit

The recruitment of foster families is mainly based on awareness raising campaigns via various channels and directed both to the general population and to segments that are supposed to have particular interest and motivation.

In particular, such initiatives may be:

- open days within large-scale public events, where the municipality social workers are available to provide information on foster care projects.
- more focused information events directed to smaller audiences, with special attention to associations and religious organizations;
- monthly information meetings open to citizens, organized by the municipality social service centers.

Information and promotional material, such as gadgets, flyers, etc. is expressly created and disseminated for the events, bearing the logo of the municipality office.

In order to reach the greatest number of people, radio campaigns are deemed appropriate to target potential families. Additional events are promoted aiming to spread the culture of foster care, involving local authorities and testimonials such as well-known actors etc. Finally, actual foster parents may be high impacting when involved in interviews and advertisements telling their case-story.

2.2 Which families to recruit

With special regard to unaccompanied minors, it is good practice to detect the presence of any relatives within the national territory, in order to initiate a possible intra-family placement. This screening takes place at the first approach with the child after his arrival on the municipal territory and possibly with the support of a cultural mediator.

In order to adapt the foster care practice to the needs of the unaccompanied foreign minors, the recruitment campaigns may be directed to special targets for the matching, such as the volunteers who help in the reception centers, as these may have already established good relations with some of the minors.

Another important instrument is working with ethnic *key figures*: persons who have an eminent position and accept to help advocating and promoting the family placement issue among the co-nationals. However, such work requires an accurate elaboration. To this aim the role of the professional cultural mediators is also fundamental: they shall cooperate between the municipality social service and the eminent *key figure* in defining the action in all aspects: strategy, contents to be transmitted, timing, opportunities or events when the influence is exerted, etc.

Communication materials in the targeted foreign languages may be designed and produced to address the homo-cultural foster placements, that is involving families from the same countries of origin of the unaccompanied minor.

The families reacting to the campaign get in contact with the social services and declare available for foster care, then they are registered and attend a group training (4/5 meetings).

3. SCREENING FAMILIES⁸

3.1 Who and when to screen

The screening of the families takes place after group training. It comes with a series of a maximum 2-hours interview conducted jointly by a team of a social worker and a psychologist. The number of meetings is variable and depends on the family characteristics and on the need for in-depth analysis by the operators.

A candidate family usually follows this routine:

1. one meeting during which the history of the family is explored with the underlying dynamics;
2. meetings during which the life stories of each member of the family are traced, focusing in particular on the individual psychological profiles;
3. a home visit during which the minor or other members present in the nucleus are known;
4. a return meeting.

3.2 How to screen

A *screening protocol*⁹ is applied to people and families applying for family foster care.

The candidate family, or single persons, will formally express to be available for the different kinds of foster care, also considering the characteristics of the candidate child to be accepted.

If available to receive an unaccompanied foreign minor, during the 5th training meeting and in the screening procedures all the aspects of this type of foster care are examined by the family and the team. In particular the following questions are deepened:

- particular intercultural skills in the family unit;
- willingness to accept the minor until he reaches the age of majority, and eventually to support him/her in the achievement of autonomy after the fostering;
- possible migratory background;
- willingness to maintain and favour contacts with the family of origin.

4. MATCHING AND PLACEMENT¹⁰

4.1 Matching

The matching process is started after the request of the territorial social services to find a foster resource. This is identified in the database of foster families and is selected on the basis of what represents the best match between the characteristics and needs of the child and the characteristics and resources of the family available. Useful evaluation criteria for the evaluation are the following:

- expressed availability by the foster family;
- capacity to offer the child a context for growing, that is the possibility to get a psychological and emotional space all his/her own;
- possibility to encourage the meeting between the child's resources and those of the family, in order to enhance the protective factors in place;
- attention to maintain the family system stability, especially where other children are present.

These principles are extended and integrated with regard to the matching of unaccompanied foreign minors. The welcoming family should in fact:

- be able to adopt an attitude as open as possible towards the habits and lifestyles of a child from a different cultural context;
- be able to accept the experience resulting from the migration of the child;
- be open to a different developmental path on the part of the minor, who may be able to make autonomous decisions about his or her future.

4.2 Placement

Following the identification of a foster family, a process is started that will ultimately lead to the placement of the child in the selected family unit, according to the procedures that have been formulated. This takes place gradually, through a series of meetings between the child and the family, in order to promote mutual knowledge and adaptation. During and at the end of this period a verification meeting is held with the members of the foster care team in order to evaluate the progression, after which, if there are no impeding factors, the foster care is implemented as planned.

As far as unaccompanied foreign minors are concerned, the joint work with the operators of the reception centers will be crucial, in order to promote on the one hand a deeper knowledge of the minor and, on the other hand, to guarantee a good communication between adult reference figures.

A positive predictive marker of the foster project is the achievement of a good collaboration with the family of origin of the child, so as not to subject the child to the stress caused by a conflict between the two families.

Also, with regard to unaccompanied foreign minors, it is necessary to seek such compliance on the part of the family of origin. This can be implemented through telematic conferences contacts with the child's original family members. It is therefore of primary importance to employ cultural mediators to support the operators in the translation and transmission of the characteristics and objectives of the project.

Notes

¹Data and elaborations from the Monthly report on unaccompanied children by Ministry of Labour and Social Policy.

²Law n. 286/1998.

³Legislative decree n. 142/2015, art. 19.

⁴Law n. 47/2017.

⁵Law-decree n. 112/2018.

⁶Law n. 47/2017.

⁷We make special references to the practice in use in the Municipality of Florence

⁸We make special references to the practice in use in the Municipality of Florence.

⁹We refer to the practice in use in the Municipality of Florence.

¹⁰We make special references to the practice in use in the Municipality of Florence.