



FOSTER CARE IN THE CONTEXT OF CHILDREN'S RIGHTS: DECLARATION OF RIGHTS

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Contents

Executive Summary	1
Foster Care In The Context Of Children’s Right: Decleration Of Rights	4
1. The Right to a Safe and Healthy Life	4
2. The Right to Non-Discrimination and Respect	4
3. The Right to Access to Education and Social Activities	4
4. The Right to Access to Health Services	5
5. The Right to Access Psychosocial Services	5
6. The Right to Access Psychotherapy Services	5
7. The Right of Access to Public Services	6
8. The Right to Access to Justice	6
9. The Right to Information	6
10. The Right to Participate	7
11. The Right to File Complaints and Notifications	7
12. The Right to Access to the Best Care	8
13. The Right to Services from Qualified Professionals	9
14. The Right to Contact and Visitation with Biological Family.....	9
15. The Right to Contact and Visitation with Foster Family	10
16. The Right to Privacy and Confidentiality	11
17. The Right to be Supported in the Process of Returning to Biological Family..	11
18. The Right to Equal Treatment for Children of Foreign Nationality.....	12
19. The Right to Support for Children with Special Needs	12
20. The Right to Financial Support	13
Signatory Organizations	14

Executive Summary

Foster Care In The Context Of Children's Rights: Declaration Of Rights has been prepared in order to set out the rights that children preparing for life in foster care and foster families should have in response to their needs. The document also includes the rights of biological families alongside the rights of children in foster care and foster families. It has been considered that in the dissemination and development of the foster care model, it is not sufficient to only determine the rights of children, but it is also crucial to determine the rights of foster families by addressing the system as a whole.

Each right mentioned in the document directly or indirectly serves to support the development of children preparing for life in foster care. When reading the Declaration of Rights, it should be kept in mind that some of the rights included in the document have been enacted through national and international legislation, while others have not yet been enacted but have been added to the document with the request that they be enacted as soon as possible. For the rights that have been enacted, it is requested that the use of the right be detailed and the legislation be updated accordingly.

This document has been prepared based on the results of field research conducted with young people in foster care, foster families and social workers, and the United Nations Convention on the Rights of the Child. During the preparation of the document, opinions were received from young people in foster care, foster families, social workers, lawyers, non-governmental organizations and the Ministry of Family and Social Services.

The rights demanded in the Declaration of Rights are briefly as follows:

The Right to a Safe and Healthy Life

Children have the right to live in a safe, healthy, loving and comfortable environment. In this environment, the child should be protected from harm, have privacy and be respected.

The Right to Non-Discrimination and Respect

Children in foster care, foster families and biological families should not be discriminated against on the basis of religion, language, race, color, sex, marital status, national origin, age or physical disability and should be treated with respect and dignity.

The Right to Access to Health Services

Children have the right to immediate and free access to the health services they need.

The Right to Access Psychosocial and Psychotherapy Services

Children and foster families should have access to qualified psychosocial and psychotherapy services. These services should continue by including the biological family in the process of returning to the biological family.

The Right to Access Public Services

Children should not be restricted from accessing public services while in foster care.

The Right to Access to Justice

Children have the right to access justice and legal aid. Foster families should also be able to appeal in legal proceedings related to foster care.

The Right to Information

Children have the right to know the processes related to foster care. Foster families and biological families should also have access to the necessary information about the child that will not harm the best interests of the child.

The Right to Participation

Children have the right to participate in court proceedings and care decisions in accordance with their age.

The Right to File Complaints and Notifications

Children, foster families and biological families should be able to make complaints and reports about services.

The Right to Access the Best Care

Foster and biological families should benefit from training and guidance services to ensure that children have access to the best care.

The Right to Services from Qualified Professionals

Children and families have the right to receive services from qualified professionals.

The Right to Contact and Visitation with Biological Family

Children should be able to have regular contact and visits with their biological families.

The Right to Contact and Visits with Foster Family

Children should be able to have regular contact and visits with their foster families after they have been returned to institutional care and/or returned to their biological family.

The Right to Privacy and Confidentiality

Children's personal privacy must be protected and information about biological and foster families must be kept confidential between families.

The Right to be Supported in the Process of Return to Biological Family

Children, foster families and biological families should be supported in the process of returning children to their biological families.

The Right to Equal Treatment for Children of Foreign Nationality

Foreign children in foster care have the equal rights as Turkish children.

The Right to Support for Children with Special Needs

Children with special needs in foster care should have access to all the services they need free of charge and receive additional support in response to their needs.

The Right to Financial Support

The allowance given to foster families for the child should cover all the children's developmental needs, including nutrition, housing, education and health needs, as well as emergency/unexpected situations.

FOSTER CARE IN THE CONTEXT OF CHILDREN'S RIGHTS: DECLARATION OF RIGHTS

1. Right to a Safe and Healthy Life

Children have the right to live in a safe, healthy, loving and comfortable environment. This should be a family environment where the child can be reasonably protected from harm, have appropriate privacy for personal needs and be treated with respect.

Basis: United Nations Convention on the Rights of the Child Article 6

2. The Right to Non-Discrimination and Respect

Children in foster care, biological families and persons who meet the requirements to become foster parents under the legislation have the right not to be discriminated against on the basis of religion, language, race, color, sex, marital status, national origin, age or physical disability. Persons and organizations that discriminate in this regard should be subject to relevant legal sanctions.

Children in foster care, foster families and biological families have the right to be treated with dignity, respect and trust. This right to be treated with dignity, respect and trust is multifaceted;

1. By relevant State institutions and personnel
2. By all members of society

Basis: United Nations Convention on the Rights of the Child Article 2- Article 14 - Article 16

3. The Right to Access to Education and Social Activities

Children have the right to an education that develops their potential, appropriate to their age and individual needs. As far as possible, children should remain in their current school. Children have the right to participate in social and extra-curricular activities appropriate to their age and individual needs. These activities should contribute to the child's social and emotional development.

Basis: United Nations Convention on the Rights of the Child Article 27 - Article 31

4. The Right to Access to Health Services

The child has the right to immediate and free access to all health services they need. These services must be appropriate to the age and individual needs of the child.

Basis: United Nations Convention on the Rights of the Child Article 24

5. The Right to Access Psychosocial Services

Qualified psychosocial services for children in foster care and foster families should be provided by social workers and psychologists. These services should be accessible to all children in foster care.

Before and after the child is returned to the biological family, the child, the biological family, and the foster family have the right to regularly benefit from psychosocial services. For foster families, it should be ensured that they continue to receive psychosocial services even after the child is returned to the biological family or institutional care.

Basis: United Nations Convention on the Rights of the Child Article 24 - Article 27

6. The Right to Access Psychotherapy Services

Children in foster care and foster families should have access to qualified psychotherapy services. Psychotherapy support should be provided by psychiatrists and psychologists trained in psychotherapy. Access to free services should be facilitated and paid services should be covered by the state in cases where free services are not sufficient.

Before and after the return of the child to the biological family, the child, biological family and foster family have the right to benefit from psychotherapy services on a regular basis.

Basis: United Nations Convention on the Rights of the Child Article 24 - Article 27

7. The Right of Access to Public Services

It should be ensured that the child in foster care does not face difficulties in accessing public services. In this context, regulations should be made to transform public institutions into foster care-friendly organizations. Specifically, facilitating practices should be developed for health report processes in hospitals, school enrollment processes, and access processes to e-School and e-Nabız, particularly for the health reports required from the foster family and the child.

Basis: United Nations Convention on the Rights of the Child Article 27

8. The Right to Access to Justice

Ensure that children do not face barriers to seeking justice and that access to justice and legal aid do not represent a financial strain. It shall be ensured that a pro-bono lawyer is appointed by the Bar Association.

The right of the child to participate and be represented in proceedings affecting the child's legal status shall be protected.

Foster families should be granted the right to appeal court decisions in certain cases (return of the child to the biological family, termination of foster care, etc.), taking into account the best interests of the child. The child should remain in foster care for the duration of the court proceedings and until the appeal is concluded, provided that the best interests of the child are protected. This right ensures that the best interests of the child are protected.

Basis: United Nations Convention on the Rights of the Child Article 12 - Article 19

9. The Right to Information

Children have the right to know why they are in foster care, what will happen to their parents and siblings, the process and case plans for them. This information should be provided in an age and developmentally appropriate manner.

Children should have access to the information they need about the foster care process.

The service provider should make the necessary arrangements to protect and promote children's right to information.

Foster families have the right to receive information about the child's physical and psychological health, education and other needs before they start living with the child/before the child is placed.

Foster parents should have access to all information they need to have about the child's background that may shed light on the child's care and the caregiving process, provided that the best interests of the child are protected.

Biological families have the right to receive information about the child's situation in care within the framework of the relevant law and in the best interests of the child.

Basis: United Nations Convention on the Rights of the Child Article 13 - Article 25
Related Law: Child Protection Law

10. The Right to Participate

Children have the right, in accordance with their age, to attend court hearings and speak to the judge.

The child has the right to have an opinion about the care service being provided. The way in which services are provided should be determined with the child.

Children have the right to participate in the development of placement and service plans in the care process.

Basis: United Nations Convention on the Rights of the Child Article 12 - Article 13 - Article 25

11. The Right to File Complaints and Notifications

Children in foster care, foster families and biological families have the right to make complaints and notifications regarding the services they receive from the institution and to be protected from any sanctions that may affect their processes due to complaining. The Ministry of Family and Social Services is responsible for establishing the relevant mechanisms for complaint and notification.

The party making the complaint has the right to be informed in writing about the complaint and notification. Foster and biological families have the right to be informed in writing of the results of the investigation if they have been subjected to an investigation based on the complaints filed against them. Foster families have the right to be informed about the decisions of the court or the Ministry of Family and Social Services regarding the child, provided that they ensure the best interests of the child.

Basis: United Nations Convention on the Rights of the Child Article 12

12. The Right to Access the Best Care

Foster families have the right to benefit from continuous training services in order to ensure that the child receives the best care while under protection and care. The training should be oriented to meet the needs of foster families while providing care services and to the age and developmental characteristics of the children under care.

The training that will constitute the basis for foster family service should be provided from the period when the person is deemed suitable to be a foster family but has not yet started to provide care to the child - in the period before officially becoming a foster family.

The foster family has the authority to make decisions about the child's daily life. This includes the authority to make and direct decisions about the child's health, education, travel, social activities and other daily needs. The foster family's right to make decisions affecting the child's daily life should be recognized. Children have the right to receive appropriate parental care to model developmentally appropriate behavior, to be guided by their foster family to have daily routines, and to be supported to develop positive behavior. Corporal punishment, harassment or unreasonable restrictions on children are unacceptable. Necessary measures and sanctions should be taken to ensure that the foster family does not abuse its disciplinary authority and to prevent maltreatment of the child.

The relevant professionals should take the necessary measures to ensure that the relationship between the biological family and the child does not affect the foster family's daily routine with the child.

Basis: United Nations Convention on the Rights of the Child Article 5 - Article 14 - Article 18 - Article 19

13. The Right to Services from Qualified Professionals

Children, foster families and biological families should be served by experienced and well- equipped professionals with a bachelor's degree in social work, a bachelor's degree in psychology, a bachelor's degree in guidance and psychological counseling, and a bachelor's degree in child development, in line with the training they received in their undergraduate education.

Psychology undergraduates should work in the field of psychological and psychosocial support; social work undergraduates should work in the field of case management, counseling and preparation of social investigation reports; guidance and psychological counseling undergraduates should work in the field of guidance and adaptation of the child to educational life; child development undergraduates should work in the field appropriate to the developmental characteristics and needs of the child. In addition, the professional groups included in the Child Protection Law No. 5395 should carry out professional work for the benefit of the child in cooperation within the framework of multidisciplinary approaches.

Considering that the professional staff providing support to the foster family and the child should regularly and continuously follow the child's development, processes and needs, the professional staff working with the foster family and the child should not change unless absolutely necessary.

Professionals responsible for the follow-up of children in foster care should make an effort to regularly visit the child and foster family, get to know the family and the child, and regularly follow the child's development and routines.

Basis: United Nations Convention on the Rights of the Child Article 3

14. The Right to Contact and Visitation with Biological Family

Children have the right to regular contact and visits with their biological families and siblings. This right is important for the child's identity development and sense of belonging.

In cases where children do not want to meet with the biological family, the reason for not wanting to meet with the biological family should be evaluated by the relevant professional staff and the commission, and if it is determined that meeting with the biological family will harm the physical, emotional and social development of the child, the necessary plans should be made by the relevant unit personnel to arrange the child's meeting or not meeting with the biological family for the benefit of the child.

On the other hand, necessary measures should be taken to ensure that the child's meeting with the biological family does not harm the child and does not affect the relationship with the foster family, and professional interventions should be carried out by professional staff.

In this process, if the biological family needs, a budget should be allocated by the institution for their needs such as transportation, accommodation and food and beverage due to extra conditions (travel, etc.) and should be supported within the framework of the institution's budgetary possibilities.

Basis: United Nations Convention on the Rights of the Child Article 9

15. The Right to Contact and Visit Foster Family

Children have the right to regular contact and visits with their foster families and siblings in foster care after being returned to institutional care and/or biological family. This right is important for the protection of the child's psychosocial well-being, identity development and sense of belonging after separation from the people they live with. It is important for the child and the foster family to stay in contact in order to protect the best interests of the child.

In this process, if the foster family needs, a budget should be allocated by the institution for their needs such as transportation, accommodation and food and beverage due to extra conditions (travel, etc.) and should be supported within the framework of the institution's budgetary possibilities.

Foster families who cannot maintain a regular and healthy relationship with the child despite the establishment of a personal relationship should be able to restrict this right, and decisions to establish a relationship that would harm the child's development should be appealed.

Basis: United Nations Convention on the Rights of the Child Article 5 - Article 20

16. The Right to Privacy and Confidentiality

Children have the right to have adequate privacy for their personal needs and to have their personal belongings kept safe. Within the framework of this right, biological and foster families must act in a way that protects the best interests of children.

All information about the foster family must be kept confidential from the biological family. Measures should be taken to restrict the access of biological families to the personal information of foster families. Persons who illegally access and disclose foster family information despite the measures taken should be subject to criminal sanctions.

All information about the biological family that violates the Law on Protection of Personal Data (KVKK) should be kept confidential to the foster family (except for anonymized data about the child's past for the benefit of the child). It should be ensured that relevant measures are taken to restrict foster families' access to the personal information of biological families. Persons who illegally access and disclose biological family information despite the measures taken should be subject to criminal sanctions.

Foster families have the right to keep the personal information they have obtained about the child and the child's biological family confidential and have the right to provide information to third parties only in certain circumstances. Necessary measures should be taken to ensure that this information, which is shared in cases of necessity, is not shared by third parties.

Basis: United Nations Convention on the Rights of the Child Article 3 - Article 5

17. The Right to be Supported in the Process of Returning to Biological Family

In the return of children to their biological families, it should be ensured that the return is spread over time, age-appropriate information is shared with the child for the return, an adaptation process is carried out, information such as the child's routines, education, development, eating habits, items, clothes, etc. related to the child's previous life (by asking the child's opinion if he/she is old enough to express an opinion) are transferred by the foster family to the biological family.

For the psychological and physical safety of the foster family and the biological family, the families should not be encountered and this process should be managed by the professional. In the evaluation of the child's right to live with his/her biological family, a decision should be made taking into account the bond established with the foster family and the best interests of the child.

In this process, relevant measures should be taken and professional practices should be carried out to prevent the child from being in a dilemma between two families and from being harmed.

Bureaucratic procedure should be determined in such a way that it doesn't affect the foster care service and protect the best interests of the child.

Basis: United Nations Convention on the Rights of the Child Article 12 - Article 13 - Article 25

18. The Right to Equal Treatment for Children of Foreign Nationality

Foreign children in foster care have the right to have equal rights with children who are citizens of the Republic of Türkiye, to benefit from special education services, to be supported in accessing employment after care and protection, and to complete the citizenship process in accordance with the conditions defined in the relevant law.

Basis: United Nations Convention on the Rights of the Child Article 22

Related Law: Turkish Citizenship Law

19. The Right to Support for Children with Special Needs

Additional support should be provided for the child with special needs and/or a disability in foster care and for the foster family. Foster families should benefit from all the services they need free of charge when caring for a child with a disability. The Ministry of Family and Social Services should develop a temporary care model to provide short-term and temporary care for the child if needed by the foster family and the child.

Basis: United Nations Convention on the Rights of the Child Article 23

20. The Right to Financial Support

In order to ensure that the child's needs are met and the child receives the best care, foster families are provided with financial support to cover the child's daily living expenses. This support should cover all developmental needs of the child, including nutrition, housing, education and health needs. The type and amount of financial support should vary according to the developmental characteristics (age and disability) of the child in foster care. Financial support for the child should be based on the best interests of the child. The payments made for children in foster care and the amount of allowance given to children should be increased in line with current conditions and the changing needs of children.

Foster families should have immediate access to financial and psychosocial support in the event of natural disasters and unexpected emergencies (e.g. earthquake, fire, flood, bankruptcy, illness, death of a parent).

Basis: United Nations Convention on the Rights of the Child Article 27

Signatory Organizations

Bizim Çocuklar Gençlik Akademisi

Bursa Koruyucu Aile Derneği

Çanakkale Koruyucu Aile Derneği

Denizli Koruyucu Aile Derneği

El Ele Federasyonu

Hayat Sende Gençlik Akademisi Derneği

İstanbul Koruyucu Aile Derneği

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