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Guide of a Substitutional Parental Care

Nadace Terezy Maxové dětem



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Introduction

Dear friends,

I would like to present you an English version of the brochure titled Guide to the Substitutional Care, published as a part of our project Adopce.com. I am very pleased that the project has been successfully running since 2000 and it had become a valuable source of information about substitutional or foster family care in the Czech Republic.

Despite major changes in the Act on Social and legal protection of children and a clear preference to placing children in the biological or other foster family care, a large number of children is still forced to grow up in the institutional care. That's why the Tereza Maxová Foundation continues to promote and support all kinds of substitutional family care for children who have lost their home. It also supports prevention programs for families in need, allowing children to stay with their biological parents. These are the reasons to support the project Adopce.com.

The brochure you are holding in your hand aims to help you to understand the system of substitutional care in the Czech Republic, to guide you through the legal process and to answer the questions you might have.

Apart from the brochure, we also offer a web portal www.adopce.com – all the useful information and advice is available online 24 hours a day, seven days a week. The brochure and the portal aim to make the adoption process easier. Let me give my big thanks to the Středisko náhradní rodinné péče, which acts as the expert partner of the project and prepared this brochure, as well as to the NGO Spolu dětem o.p.s., which runs the project on the daily basis. Without all the mentioned partners the project could not exist.

Last but not least, please let me wish all the serious adoption candidates to go through a smooth and swift process of adopting a child, and to all abandoned children to find loving, kind parents, well prepared for this new, rewarding chapter of their lives.

Tereza Maxová

Dear readers,

I'm very pleased to introduce, already, the 6th edition of our brochure: "Guide to Substitutional Care" and I am pleased to present the first English version. We can present this brochure thanks to the project Adopce.com, kindly supported by the Tereza Maxová Foundation and NGO Spolu dětem o.p.s. We are gratefully thankful for all of their support and long term cooperation.

This edition reflects a new situation in the area of Substitutional Care following a new legislation valid since January 1, 2014.

The following chapters include basic information about the possibilities to help a child who, for whatever reason, stayed without home and basic security. A common solution historically proven as sensitive and effective, is finding a new substitutional family, who can secure all the needs of the child: physical, social and psychological.

This brochure is mainly designed for all the candidates interested in family substitutional care – future adoptive or foster parents, but also for each of you interested in this topic. We hope it can be a good guide and helpful on the way to finding and building a new family.

All the best and enjoy reading

Věduna Bubleová
Director of Středisko NRP

1. Children Need to Live in Families

Children left without families (orphans) have commonly been accepted into new substitutional families through the practice of adoption. It has been a common practice in many cultures throughout history. The word adoption originally meant “chosen by”, as the orphaned children were chosen by their new parents. Today, the practice is the opposite. Now, the parents are chosen for the abandoned children.

Every child born has a responsible legal representative. In normal cases, this is the child’s birth parents. If the parent fails to fulfill the role of the guardian or caregiver, the child goes into the custody and care of the state. This makes the role of those who take legal custody of a child who can’t grow up in their own family, very important and very difficult. It is important to understand the role of professionals (e.g. social workers, employees of institutional care centers, child centers, doctors, psychologists, lawyers and other institutions) who protect the best interests of abandoned children. The main focus of their work is to try to provide the children with a healthy and happy family atmosphere. In order to do so, foster and adoptive care are offered as the most suitable options.

The process for foster and adoptive care have their own set of rules and procedures. It begins with a preparation period, and then continues with an evaluation and assessment of the future caregivers. Next, is the process of selecting the most suitable family for a particular child. This selection process is crucial for ensuring the future betterment of life of an endangered child.

Substitutional family care gets precedence over institutional care. This principle, based on both international and Czech laws and legal acts, was confirmed by an extensive re-codification of the Civil Code and its legal acts (valid from 1. 1. 2014). In fact, this legislation makes institutional care the last resort for child care.

According to the current Civil Code, the court may resort to institutional care if measures to resolve the issue with the birth family have not been successful. Simultaneously, the court will also consider the possibility of entrusting the child to another individual.

Institutional care is intended to be a temporary solution for children requiring immediate help. Cases such as when parents are not able, for serious reasons, to secure the child’s well-being, would be reason to place a child into immediate institutional care. As soon as the reasons for the institutional care are resolved, or a better alternative is available for the child, the court is obliged to immediately terminate the institutional care being provided.

2. Where are the Children of Substitutional Care Coming from?

Currently the system of substitutional care rarely addresses cases of truly orphaned children, in which at least one, or both, of the parents are deceased. Most of the time we encounter cases of so-called “socially orphaned” children, who have both a mother and father, or at least one of them, who are unable, do not want to, or do not know how to care for the child.

A child may be entrusted into substitutional care from:

- Birth family directly
- Hospital
- Infant care center*
- Orphanage*
- Facilities for children requiring immediate help
- Facilities for people with disabilities
- Shelters

** According to the legal law (valid from 1. 1. 2013), children should preferably be entrusted to the substitutional care of foster families rather than to the institutional care of infant care centers and orphanages. There needs to be an established net of supportive services for substitutional foster care.*

All of these children have, like other children, the same needs and demands as other children do. They have the same rights to receive love, security, education, health and social care, and most importantly, HOPE. All of these are essential to their further development. In the child’s case, their hope is placed in the adoptive or foster family. The adoptive and foster families need to learn to understand the specific needs and behaviors of these children who have often experienced difficult childhoods. Commonly, they have been unwanted, lived in dysfunctional families or have had negative experiences living in institutional care. The adoptive and foster families need to be well prepared in order to successfully join together as a family with the child.

3. Children Entrusted for Adoption and Children Entrusted for Foster Care

3.1 Adoption

Adoption is the most common form of substitutional family care. It includes a child getting a new family along with all of their extended family relationships. With adoption, the child's former bonds with their biological family come to an end. Adoption forms, by law, a new family relationship with all parental rights and duties given to the adoptive parent. Of course, this does not mean the adoption would erase the child's previous history. The child has their roots, origin, and identity which must not be suppressed. But, on the other hand, the child needs to be integrated and connected with the life of a new family, so that the child's self-confidence is supported.

Adoption requires the consent of the legal guardian, usually the biological parent. But in other cases, the court can decide that this agreement is not necessary before the process of adoption begins. Children older than 12-years-old need to give personal consent for their adoption. An exception may be when the approval would not be in the best interest of the child, or the child would not be able to judge the consequences of their decision. Children younger than 12- years-old must have a legal guardian or parent give the consent instead of the child. But even in this case, the court is interested in the opinion of the child. If the parent of the child for adoption is younger than 18-years-old, their consent is still needed before the process of adoption begins. The biological parents are no longer legal guardians of their children if they have been released from their parental responsibilities and their right to consent to adoption at the same time. Parents with restricted legal rights can act in matters of adoption only to the extent of rights that they are granted.

In the case of parents who have abused or neglected their parental rights, the court deprives the parents of parental responsibilities. Proposal for restriction or deprivation of parental responsibility is generally suggested by the municipality with extended powers. The court may initiate restrictions of its own motion on the basis of information provided to the case. The court is obligated to consider grounds for initiating the process for deprivation of parental responsibilities in case of intentional offense against a child or in case the parent uses the child for intentional offense.

Unless either parent has parental responsibility in its entirety to their child, the court appoints a legal guardian. The guardian is also appointed if the court decides that there is no need for an agreement for adoption from the parents. The guardian is always appointed for children younger than 12-years-old. The child's legal representative is usually a part of social legal protection for children.

Until it is determined whether the child can be adopted, the future adoptive parent can take care of the child during the adoption process, but at their own expense. Or alternatively, the child can be given to foster care. This process is suitable for those candidates who are open to any kind of substitutional care and don't mind the fact that the biological family will be aware of their identity. They also need to consider the possibility that the child can be returned back to the biological family. The benefits of adoption care are that the child skips the institutionalized care and that mutual relations can be developed from the beginning, which has a positive influence on the psychosocial development of the child.

Consent to Adoption

Following the applicable legislation below is irrelevant if the agreement for adoption was given to a specific person (direct adoption). By law, the authorities for social and legal protection of children do not mediate in cases of direct adoption to a particular person.

The biological parent gives consent to adoption by providing a personal statement to the court. Before this takes place, the court informs the parent about the consequences of adoption and its essence. The earliest a mother can give her consent is six weeks after she has given birth. The father can give his consent right after the birth of the child.

Consent of the Biological Parents to Adoption

It is possible to revoke the consent to adoption three months after consent has been given. If the parents do not give one's consent at the same time, the deadline for appealing runs separately for each of them. After the period of three months has passed, it is possible to revoke their consent, but only for the reasons stated in § 817 par. 2 of Civil Code. After six years from the date the parents have given their consent to adoption, the consent is no longer valid if the adoption did not take place.

When Consent to Adoption is not Needed from Birth Parents (according to the Family Law)

Consent to Adoption is not needed in cases when the parent clearly does not have the child in their best interest. The court decides, in its own proceeding, whether there is or is not a lack of interest in the child from the parents. This proceeding is initiated at the request of the

authorities for social and legal protection of children, or at the request of the other parent. The court rules on the basis of the situation on the date of submission of the proposal.

3.2 Children Given to Foster Care

The child is fostered by a person who provides and guarantees their proper upbringing, all in the best interest of the child. Generally, it is preferable that the foster care take place within the extended family or a person close to the family. That is, unless it is not in the best interest of the child. In emergency situations, foster care can be chosen as a temporary solution for a period of time decided by the court. An interim period can last for no more than year year, excluding exceptions prescribed by law.

Foster caregivers for an interim period are registered in the records of The Regional Authority. The choice for this form of foster care has greatly increased after January 1, 2013, when an amendment to the law provided more incentives and benefits to foster caregivers. After the amendment of the law, there are now new conditions for interim foster care parents, and this type of care has become more widely used. Except for some exceptions by law, the interim period of foster care is for the limited time of one year.

Foster care situations can vary just as much as the life stories of the children. There can be frequent contact with the biological family as well as no contact at all. Some children live in foster care from their childhood until their adulthood. Some children return to their biological families. It is necessary to remember that the children in foster care have their own biological families and these family bonds need to be respected. Following the legislation, foster parents are obligated to maintain, develop and deepen the fellowship of a fostered child with his or her biological parents, extended family, and individuals close to the child.

4. Forms of Substitutional Childcare

What types of substitutional childcare in the Czech Republic are established by Czech Law? The basic summary you can find in the following table:

| | Relationship to the Child (who can/cannot be a substitute parent) | Rights and Responsibilities of the (subst.) Caregiver | Benefits for the Child | Financial Compensation to the Caregiver | Social Benefits for the Children | The Rights and the Responsibilities of the Biological Family |
|---|---|--|--|---|--|---|
| Entrusting the Care of the Child to a Particular Individual Instead of the Parent §953, Civil Code | Family member or a person close to the child. | Provides care and education. Other rights and responsibilities are decided and defined by the court. | The child stays in the original family or with someone familiar. | none | Alimony benefits according to the social support. * | Alimony from the parents. The parental responsibility is limited by the court decision. |
| Adoption | According to the judicial practice, adoption is not possible by the child's grandparents, aunt or uncle and there must be an adequate age difference (no less than 16 years). | Full parental responsibilities. | New family, the same as biological children. They have the same rights and responsibilities | none | Benefits according to the social support. * | The connections to the biological family are extinguished. |
| Foster Care | Extended family member, a person close to the child or a person from the list of approved foster parents. | Gives care, education, may legally represent the child only in common affairs. | The child is not in the institutional care and has the possibility to grow up in a family environment. | Foster parents' compensation. | Foster care benefit, benefits according to the social support. * | |
| Foster Care for Interim Period | A person from the list of approved foster parents is suitable for this kind of care. | Gives care, education, may legally represent the child only in common affairs. | The child is not in institutional care and has the possibility to grow up in a family environment. | Foster parents' compensation. | Foster care benefit, benefits according to the social support. * | |

| | | | | | | |
|----------------------------------|---|---|--|-------------------------------|---|--|
| Guardianship with Care | Extended family member, a person close to the child or a person from the list of approved foster parents. | Gives care, education, acts in the best interests of the child, manages their assets. Is under the observation of the court, for some decisions the approval of the court is needed. | The child is not in institutional care and has the possibility to grow up in a family environment. | Foster parents' compensation. | Foster care benefit, benefits according to the social support. * | The guardian does not have alimony responsibilities. The parental responsibilities are on standby, are canceled or extinguished. |
| Guardianship without Care | Extended family member, a person close to the child, a person from the list of approved foster parents or in specific cases, a person from the department of child protective services. | The guardian acts in the best interests of the child, manages their assets, for some decisions the approval of the court is needed. The caregiver can be the original parent, or the child can be in a foster care or in the care of another person according § 45 of a Family Law. | The child's best interests are protected. | none | none | The guardian does not have alimony responsibilities. The parental responsibilities are on standby, are canceled or extinguished. |
| Tutelage | Whoever is appointed by the court, can be from the department of child protective services. | Acts in the best interest of the child, the scope of rights and obligations are determined by court. | The child's best interests are protected. | none | none | The parental responsibilities can be limited. |

** According to the § 32 law 187/2006 Sb., of the Sickness Insurance Act, you are eligible to receive financial maternity assistance in cases of children in substitutional family care when the child was not older than 7-years-old for the period of 22 weeks (in the case of 1 child) or for the period of 31 weeks (in the case of 2 or more children, if you take care at least about 2 of these children).*

4.1 Entrusting to the Care of another Person Instead of the Parent §953, Civil Code

In some cases, if it is required due to the child's welfare, the child can be entrusted to the care of a particular individual instead of the parent by court decision. Looking for the easiest transition for the child, the court usually selects a relative or a person who already has a close relationship with the child, and agrees to being entrusted as caregiver.

The child may also be entrusted to the common care of a married couple. It is possible to give a child into the care of only 1 spouse, but only with the agreement from the other spouse (if they are legally competent or if there is not an unbreakable obstacle for the agreement). The extent of rights and duties of the caregiver to the child are provided by the court. Entrusting the child to another person is possible only if there is at least one parent who can pay alimony for the child.

4.2 Adoption

Adoption is the highest form of substitutional family care in which married couples or individuals take an abandoned child into their own family, and take full parental responsibilities. Through adoption, a new family relationship is formed between the adopted child, the adoptive parents, and all the extended family members. Once adopted, the child's former bonds, including all rights and responsibilities, with their biological family come to an end. Adoptive parents are written in the registry office of births. The child then receives the family name of the adoptive parents. By law, the child becomes related to the other members of the family. There must be an adequate age distance (no less than 16 years) between the adoptive parents and the adopted child.

In the end, the court makes the final decision on the adoption. The child must live in the care of the future adoptive parents for a period of at least six months before the court decision is made. All of the costs are paid by the future adoptive parents. This condition is met if the child was living with the guardian, foster parent or another individual who decided to adopt the child and was previously covering all the costs for the child. In case there is a need of consent from the biological parents regarding the adoption, this six months period of personal care starts after three months from the day the agreement to adoption was given.

There is the possibility to adopt an adult person at this moment, if it is not against good morals. Detailed adoption of an adult governs provisions of § 846 and Civil Code.

Adoption to and from a Different Country; International Adoption

This form of substitutional parental care gives a chance for a child who is unable to find a substitutional family within the country of his or her origin. The Office for International Legal Protection of Children in Brno moderates all international adoptions. It is performed according to the Convention of Child Protection and Cooperation of International Adoptions.

4.3 Foster Care

Foster care is a form of substitutional family care supported by the government. Following the new legislation, benefits given to foster caregivers support the needs of the foster child as well as give fair remuneration to the foster parents depending upon the complexity of the care. The child can be fostered to an individual or to a married couple. Current legislation (valid from 1. 1. 2013) determines that foster care would be in the best interest of the child and is given priority to over institutional care.

The child is eligible to express his or her own opinion, and it should be taken into consideration before assigning them to foster caregivers (with respect to the age and mental maturity of the child).

The foster parent has the right to represent the child and administer only common affairs. In case of special affairs, such as obtaining a passport, the foster parent needs to request permission from the child's legal guardian or from the court. In the case of a disagreement between the foster parent and the legal guardian of the child, the decision must be made by the court. It is possible for the foster care to turn into a guardianship in cases that the biological parents have deceased, have been deprived, restricted or suspended of their parental rights or have been given limited legal rights over their child.

Since the child is placed in foster care by court order, the court is the only institution which can cancel the foster care for a child, but only for very serious reasons. The foster parent always has the right to cancel the foster care should they decide to do so. When the foster child becomes the legal adult age of 18, the foster care comes to an end.

The foster parent is obligated to support the relationship between the child and the family and friends of his or her origin.

A child who has been placed by court decision into institutional care, the facilities for children requiring immediate help, or in foster care for an interim period, can also by court decision, with the agreement of the biological parents, be placed into temporary foster care of a person who is interested in becoming a foster parent. Within a period of 3 months, the temporary foster parent must begin the process for long term foster care or adoption of the child; otherwise the temporary foster care ceases to have legal effect.

As of 1. 1. 2013, there is new legislation which states new regulations on foster care for an interim period. Foster care for an interim period can be provided only by a person who has been professionally trained for these purposes and put on the official list of persons suitable for this form of substitutional family care provided by The Regional Authority.

A child can be placed into foster care by court order for an interim period for the following reasons:

- The child's parent cannot look after their child for a temporary period due to some serious reasons (health problems, imprisonment etc.).
- If there is the need to wait for the passing of the period from the birth of the child after which it is possible to adopt the child (the agreement with adoption can be made at the earliest 6 weeks after childbirth).
- If there is the need to wait for a legally effective court decision about the biological parents' lack of interest – in this case, the agreement of the parents to place the child up for adoption is not necessary (§ 821 Civil Code).
- Children whose parents apparently do not show any interest in the child. In these cases, the biological parents must be informed by child protective services about the possible consequences of their behavior. The biological parents are then issued a period of 3 months to show an interest in the child. If there is no sign of interest in the child during this 3 month period, it is considered a lack of interest and grounds for the court to take action.

The court can also decide to place a child in foster care for an interim period by preliminary injunction.

Foster care for an interim period can be provided only by a person who has been professionally trained for these purposes and has been put on the list of persons suitable for this form of

substitutional family care. An essential element of foster care for an interim period is a professional attitude of the foster parent, focused on the short term manner of this kind of foster care. The foster caregiver is evaluated by their capability of taking care of a child with special needs, to take care of newborn children and also the ability to cooperate with the biological parents of these children.

By the amendment of the legislation (since 1. 1. 2013) the system of support for foster care has changed. The foster care support is now under the law 359/1999 Sb. Social and legal protection of children. (Used to be under the law 117/1995 Sb. State social support.)

Foster care support is provided to:

- A person listed on the official list of people suitable for interim foster care provided by The Regional Authority.
- A caregiver
 - Foster care parent.
 - A person who was a foster parent or guardian of a child until they reached adulthood, and until the child is no longer eligible for child support for their needs.
 - A person registered for foster care who received a child for interim foster care because the court has not yet decided where the child should be placed long-term.
 - A legal guardian who cares about the child.
 - A person who takes care of a child without alimony obligation until the end of the court process.

Type of foster care support:

- Monetary support to cover the child's needs.
- Foster parent compensation.
- Compensation after the child is given into the family.
- Funding towards the purchase of a passenger motor vehicle.
- Monetary compensation after the termination of the foster care.

The financial support belongs only to one of the fostering parents (in the case of spouses) according to prior agreement between them. In the case of a disagreement, the regional branch of the Labor Office makes the decision. The foster care financial support is considered income.

Foster care is supported by legal services. According to §47 The Law on Child Protection, foster care providers and people on the list of foster care parents for an interim period are entitled the right to:

- Permanent or temporary help in providing personal care for a foster child:
 - In the case of sickness of the foster parent or if the foster parent needs to provide care of another close person.
 - In the case of the birth of a child.
 - In the case of acquisition of necessary personal affairs.
 - In the case of death of another person close to the family.
- Get at least 14 days a year of full day care for foster children from the age of 2-years-old.
- Psychological, therapeutic or other professional help at least every six months.
- Knowledge and skill training at no cost.
- A secure place for contact between the foster child and their biological family as well as a chaperone during the meeting.

Foster parents have the duty to keep increasing their knowledge and to protect the best interests of the children. The foster parent, or the parent on the list of foster care providers need to enter into a formal agreement based on the §47 of The Law of Child Protection.

4.4 Guardianship

The court appoints a guardian for a child in the following cases:

- Both parents are deceased.
- The parents have been deprived of parental responsibilities.
- The parents have been temporarily restricted of their parental responsibilities.
- The parents do not have full legal parental responsibilities.

The guardian becomes the child's legal representative who can, but does not have to, personally care about the child. If the guardian personally cares about the child, they also have the right to get the same financial support and benefits as foster parents. There is not the same kind of relationship between the child and the guardian as there is between the child and their biological parents. The guardian does not have any alimony responsibilities. Tutelage is regularly checked by the court, focusing on both the administration of child's property as well as their personal matters. The guardian has to submit a report on the child's current situation to the court once a year. For some decisions, the approval of the court is needed.

4.5 Another Form of Help for Children in Institutional Care – Host Care

Another form of help for children living in institutional care is “host care”. Note that this it is not a type of substitutional care. Children from institutional care can stay with a host family for a certain period of time such as on weekends and holidays. The stay is limited to a maximum of 30 calendar days for the first period. The “host family” is not related to the child and there must be a written agreement given by the child’s legal guardian and biological parents of the child if they have a legal liability to their child. There is usually not the possibility to permanently place the child with the host family. There needs to be taken into consideration the individual plan for the child. The host family and social environment must be examined as well as all of the host family members.

This form of help is generally good for older kids who have lived in the institutional care system for a long time. There might be misconceptions by interested applicants in regards to whom and how host care permission is granted. The host family relationship should be long term, very sensitive, professional and have close cooperation with social services and counselors to achieve the best benefits for the child.

4.6 Guardian

A legal guardianship is not a type of substitutional family care. The guardian is an independent person looking after the best interests of the child. The legal guardian is chosen by the court and can be an authority from child protective services. Guardians are appointed in the case of:

- Conflict of interest between the legal representatives and the child
- Conflict of interest between children of the same parents
- Property interests of the child
- Restriction of parental responsibility
- Waiting for court decision during the adoption process
- Need to protect children's best interests for another reasons.

5. We are Looking for New Families for Children

Every new family needs to be chosen according to the best interest of the child, with special focus on the child's future. The educational and childcare requirements are the same for all caregivers, but there are special obligations for adoptive and foster parents such as:

- They need to have a clear and healthy personal motivation (inner conviction) for taking in an abandoned child.
- They need to have the physical and mental ability to raise a child.
- The most important condition for the best development of the child is that they provide a stable family environment (or safe temporary family environment).
- Among their qualities should be empathy, the ability to understand the child's world and feelings, be tolerant, flexible, open-minded and kind.
- They need to be able to openly communicate with experts and ask for their advice or opinion.
- There should be an appropriate age distance between the child and the adoptive parents
- Their job responsibilities need to reflect the needs of the children (at least in the beginning one of the parent should stay home with the child and cover the needs of the child).
- Their housing situation should meet the needs of the child.
- Their financial situation should be stable and able to cover the needs of the family (in the foster care together with the foster care support).

Who can become a foster or adoptive parent:

- A single person without a partnership.
- People in an unmarried partnership.
- People able to have their own children (families with their own children).
- Families with other children in substitutional care.
- Those who are middle aged and who are open to the specific age of the child.

People with health issues with a good prognosis, as long as the health issues don't limit their abilities as caregivers.

6. The Period Prior to the Granting of Substitutional Care

This is a very important time for the potential caregivers before the final decision, and can be filled with insecurity and a variety of questions.

Inner Motivation

If you are thinking to become a future caregiver, the specialist's advise you to talk about your intention to accept a child through substitutional care with your extended family members. The family's attitude towards the child is very important. It is necessary that the future grandparents, siblings, nieces and nephews accept the child into the family. The same recommendation is valid for foster parents or interim foster parents. We advise you to keep this in mind.

The final decision is yours. You know what is in your heart, your mind and what your abilities are to help. Should you decide to make the commitment, remember that you will connect your life with the child, you will be there for him or her in good and in bad.

Please, take a few minutes and ask yourself the following questions:

- Am I physically and mentally ready to nurture a child?
- Am I tolerant and open to other people?
- What are the highlights of my life, what are the successes?
- What are the failures, what do I miss?
- How was my childhood?
- How is my partnership, marriage?
- Am I able to give up my comfort, my freedom?
- Am I really able to fully commit my life to the child?
- Am I willing to adapt?
- Do I believe that my extended family will accept my decision?
- Am I ready to reduce my work commitment if it is necessary?
- Do I have an idea of what it means to raise a child?
- Do I have any requirements regarding what the child should be like?
- Am I aware of which kind of child I would not be able to raise?
- Can I honestly say how I can be beneficial for the child?
- Am I prepared to accept the history of the child?
- Can I understand his or her feelings?
- Am I prepared to repeatedly talk to him or her about their past and about their family of origin?
- Am I financially stable?

There is no need to have a clear answer for all of these questions right now. Let them be for further thinking, conversations with your close loved ones, as well as with professional therapists, social workers or psychologists who will stand by and support you during that time.

7. Arranging Adoption and Foster Care

The process for adoption and foster care includes the following stages:

- The filled application is sent to the Municipal Office authority with extended powers.
- The applicants are assessed by Municipal Office authority with extended powers.
- The applicants are assessed by the Regional Office authority (they get the file of the applicant from the Municipal Office).
- Following, there will be psychological testing and a medical checkup of the applicants.
- The applicants are then included in the register of people waiting for adoption and foster care.
- Then there is a selection of suitable adoptive or foster parents for the child. The Regional Office has a list of children waiting for substitutional family care. The selection of a child for the adoptive or foster parent(s) is not dependent on the date the application was submitted, but on their requests and how well prepared the caregivers are.
- The Regional Office establishes contact between the adoptive or foster family and the child. The family is first acquainted with the documentation of the child and then the first mediated contact can be made.

Applying

When you have decided you would like to provide substitutional care, first you need to apply and register to get on the list of people interested in adoption or foster care. The application is assessed by the Department of Child Protective Services in the Municipal Office authority with extended powers in accordance to your permanent address. This does not apply if the biological parents have appointed you as future caregiver. In that case, you submit an application to the court and the assessment will be done during the judicial procedure.

You can get an application form at your nearest Municipality Office (also on the web site of MPSV ČR). Other requirements:

- Document showing proof of citizenship or permission of long-term stay in the Czech Republic (at least 365 days)
- Medical check up
- Information about financial and living conditions
- Other documents according to § 21, par. 5 of The Law on Child Protection

Next, you must agree, by written consent, that the authorities from child protective services can search for other information to see whether your lifestyle and habits are suitable for raising up a child. They also want to confirm that all of the previous information given is still correct and valid. You are then required to attend a preparation course for adoption.

A social worker from child protective services will then visit your home and conduct a social investigation. You will need to provide your criminal record. If there is no major problem they will pass all of the documentation to the Regional Office Authority or to the City Hall Authority in Prague.

Expert Assessments

As an applicant, you will be assessed in several areas:

- Personality
- Psychological condition
- Health condition
- Clear criminal record
- The ability to raise a child
- Motivation to provide substitutional care
- Stable relationships
- Family environment, the authorities are interested in the attitude and preparation of the extended family to accept the child. The assessment is describe in details in The Law on Child Protection, in § 27.

Preparatory Courses for Prospective Substitutional Parents

Preparatory courses are provided by the Regional Office Authority, the City Hall Authority in Prague or other appointed people. The aim of the course is to provide further details on substitutional care, to pass real information about common situations and the needs of the children living out of their family of origin. Based on that, it should help to decide which child you can really provide care for.

There is the possibility to meet experienced experts and talk to them openly about your interest and concerns. It is also a great opportunity for adoptive and foster parents, who already take care of accepted children to pass on their experiences and answer questions.

The final decision as to whether you will be accepted or not into the list of applicants for substitutional care, is issued by the Regional Office Authority or the City Hall Authority in Prague. This decision is made during the executive process, which means, that if you do not agree with the result it can be appealed. In very serious cases, the Regional Office Authority or the City Hall Authority in Prague may reject the application even before the expert analysis.

(The application can be put on hold or canceled at any moment you wish to do so.)

8. The Waiting Period

It is hard to say how long this period of waiting for a decision can last. It can be a difficult time for you. Currently, there are more children who could be given to foster care than up for adoption. But at the same time, there are more applicants for those wishing to adopt than to provide foster care. It is best for you to stay in contact with the representatives from substitutional care and you should not hesitate to talk to them when needed.

This time of waiting and expectation can be utilized by preparing yourself for your future role as a foster or adoptive parent. At the same time, you can use it to spend time with your friends, family, partner, interests and hobbies. You can try to imagine where you will place the bed of your child, which clothes you would choose for him or her, or imagine what you will look like together as a new family. You can dream about the games you will play together and topics you will talk about. This would be the time to think about other possibilities of how to use this period of waiting.

For future parents, it can be very beneficial to meet a family who already has a child in substitutional care. There are several non-profit organizations who organize clubs for foster or adoptive families. We encourage you to find these clubs and get familiar with their programs. It is a perfect time for getting more knowledge about parenting. You can get inspired by professional literature regarding childhood development and parenting.

Let us end this chapter with an advice.

The well-being of the child will be dependent upon you and how well prepared you will be for your new role: how will be the environment that your child will grow up in, the atmosphere of your family, and your feelings. Do everything you like in order, to gain the energy you need and to be in the best condition so you are in peace once your child comes. Everything has an influence on your child.

9. Selection of the Best Family for the Child

There is a basic rule in the adoption or foster care process: there is always a chosen family who is ready to accept the child with everything that the child comes with.

What does it mean? It means to accept the child with:

- The whole package of their happiness and worries
- Their strengths and weaknesses
- Their past
- Personal and family history and memories
- Consequences of time spent in institutional care or in a dysfunctional family
- Existence of his or her biological parents and siblings
- In the case of foster care, acceptance of the fact that his or her biological parents or extended family will be part of the raising of the child

The choice of the family for a specific child depends on the requirements, demands, tolerance and social psychological assessments of the applicants.

The decision to provide substitutional care is very important and serious. That is why there are professionals involved who are specialized in substitutional care invited by the officer of the Municipal Office. Their task is to choose the best suitable family for the child.

Once you will be chosen, you will be asked to come and get familiar with the documentation of the child. They will let you know all the known information about the child's life and their family, their situation in the perspective of the law, health and psychological conditions. Then you will have enough time to express your opinions, feelings and thoughts, as well as to rethink if you really want to connect with the child.

10. Connection with the Child

The first visit with the child is very important, it is best to be well prepared for it. Prepare questions for the director of the facility, doctors, and caregivers you will meet. They are the ones who know the most about your child.

The next meetings will be more individual. All will depend on the child, on you, and on the agreement with the institution where the child is.

Babies usually do not have a problem with connection. If the child has some health problems, you will need to learn how to take care of such a child from the professionals at the institution. In that case, there is usually the possibility to stay in the institution for several days and learn how to properly care for the child.

It is usually a bit harder in cases of older children. Be ready. They can be distrustful, shy, and detached. Respect the child, be patient, and gentle. Try to imagine what the child had to go through during their life. How many caregivers have already appeared and disappeared in their life. Why should they trust you? Do not push or force the child, give them all the time they need. This is the only way to build the connection, trust, and affection needed for the transition into your own family to happen as smoothly and with as few problems as possible.

You may be meeting the child in the institution or in another location. You can take the child for walks in the beginning, but as soon as possible, you can start taking him or her to your home for a weekend or longer weekends. The director of the institution decides whether the child is permitted outside of the institution, but they also need a signed agreement from the Municipal Office authority with extended powers.

11. The Beginning of a New Family

New relationships are very important in the lives of the children, as well as to the new families they will be entering. By law, there is the so-called pre-adoptive care period of six months before the court makes a definitive decision about the adoption. This time is necessary for the adaptation of the child and the applicants to the new situation. During this period of time, it is possible to find out if there is the fulfillment of all the assumptions for the development of a successful and strong relationship between your child and your family.

New Cohabitation

Now you are already with your child, you belong to each other, you are a new family! Your dreams, desires and expectations have become reality. The neighborhood observes you with a mix of appreciation and curiosity of how you will live and grow as a family together.

Your life has changed, now you are in a new role. There has been a shift in how you spend your free time and a new financial situation for your family. There is a significant change in your household operation. At this moment, it is very important to have the support of your close family members and friends such as: parents, grandparents, children and friends who can be there for you and you can share your new family with.

The process of getting closer and accepting one another is a long, difficult, and never ending commitment. First of all, you and your family must accept the child even though there may be obvious genetic differences, predispositions, abilities, opinions and experiences of the child. We would like to let you know very briefly about the possible difficulties which can appear after you accept your new child. You should get to know about them and get prepared for them. Do not minimize them or be frightened by them.

If you are in a relationship with someone else, do not forget that you are not just parents but you are also partners. Do not lose this identity because of worries or duties caring for your children. Remember, you are not able to maintain everything perfectly, you are much more important for your child as loving, happy, parents than exhausted perfectionists.

Be prepared for the difficulties you may face with all of the paperwork waiting for you. The relationship with the child and the legal process of caring for the child will take some time, so trust your social worker who will take you through the whole process.

12. Loss of Familiar Environment

Problems should be expected mainly with older children who have already grown up in a non-family environment. According to their experiences, it is very important, in the beginning, to find a proper way to make a child feel safe and familiar with a new place and family members. It is expected that you will talk with the extended family about the child joining your family and agree on some rules of conduct.

The change of environment brings the need for the child to say goodbye to people familiar to them and their familiar daily schedule. Most probably, the child has already experienced some disappointment, loss of someone close to them, a sense of failure and desperation. The child will likely have a fear of what is waiting for them. Will someone love them? Mostly they will try to be with you all the time. They will not leave you, even for a minute. They will require constant attention and your genuine interest, and may need you to be near them constantly.

Sometimes the child can be aggressive towards other children, destroying toys or bullying. You should know that this negative behavior is an expression of fear - the child is full of fear about themselves, their future, but also fear about you, your attention and your love.

A child who grew up in a group of other children, raised up by "aunts" who keep changing, is driven by unwritten rules, which is very different from the typical family environment. From the beginning of your new family life together, be very consistent and clear in terms of the behavior boundaries and rules. The child needs to understand what is acceptable, what is praised, and what is unacceptable. Take the time to be with the child, try to get to understand them. Do not forget to praise them, embrace them, and assure them that you are there for them.

The child needs time and patience, but also kind and gentle care. It will take time to heal the scars and disappointments and to build new trust again. If you feel that some problems last too long, and you cannot handle them on your own, do not hesitate to ask for professional help.

Our Family is Growing

Families, who already have children, whether they are biological or adopted ones, have another aspect to think about. The adoptive child will affect the life of the whole family and change the dynamics between siblings. Those are the reasons why it is best if the adoptive child is the youngest of the family. It is also a relevant question to ask whether it would be a better fit with the other siblings to care for a girl or a boy. There are going to be new duties and limitations for the children who are already living in the family. They will get a new sibling, but at the same

time it will bring a lot of positives. Before you accept a new child it is a necessary to get the agreement from all the children who are already in the family, mainly the teenage kids who agree very hesitantly. Smaller children usually look forward to having a new friend, and there is usually no problem. But it is important to get the whole family prepared for the time when the new child will arrive.

If the new child can communicate, you will need to explain to them all of the unwritten rules of the family. A child coming from institutional care knows a very different environment and does not know some common things from healthy family environments. Those common things may not even come to their mind.

It is very important to continue to pay attention to the other children in the family, especially the one closest in age to the new child. The ability to accept a new member close in age is the hardest for this child. This child needs, more than before, to be assured that the parents still love them, the same way as before, and they will always find the time for their problems too. One method of building relationship between the children and new adopted child is for the new child to have individual time with one sibling at a time. Relationships are made stronger and deeper through the same experiences.

13. Children of Different Ethnicities

In Czech Republic there are mostly children of Roma or Asian roots available for adoption. Applicants are usually afraid to accept a child of different ethnic origins than their own. Mainly they are hesitant to accept children of Roma origin. Often people are afraid of their temperament, which is very often perceived as wilder than in non- Roma kids. But more often, there is the fear of whether the child of different origins will be accepted by the extended family members and people around. Some applicants consider accepting a child with Roma or non-Caucasian origins because there is a shorter waiting time for such a child.

To accept a child of different origin requires a commitment from the new family to work even harder to build an accepting identity. Your family becomes an ethnically mixed family to the people around. Some applicants do not mind to accept a child of different origin if there are no visual signs of a different ethnicity. Be aware that such a child practically does not exist.

Since your child becomes a part of your family, you need to be ready to talk about their origins and ethnicity. It is very helpful if you find information about the culture the child is originally coming from. It is also very helpful if you discover in their culture of origin something you like and can relate to: music, language, stories, and beauties of their country or cultural traditions. If you can do so, then you have almost won. The ideal model would be to build a friendship with a family from the same cultural / ethnic background. If not, it is very important that the child will have the possibility to meet with other children of the same origin living in substitutional families. There are possibilities offered by some organizations where the children can meet each other: clubs for foster or adoptive families, educational programs, holiday stays with programs etc.

14. Every Child Wants to Know their Origins

A very critical time for children is the time when they begin searching for their own identity, the origins of their own life. Every person probably tries to find out the history of their own family, the characteristics of their family members, and their abilities. We ask ourselves: what are our origins, where are we coming from, who do we belong to, and who are we similar to?

Those questions are even more important for children living in a new substitutional family. They will be interested in where they were born, what their early childhood was like and why someone did not want them. It will be up to you, the new parents, to sensitively explain all of the mysteries of the past. You should begin before they will start asking and be ready to answer all of their questions. You need to choose the right form and the proper way according to their particular age. Once the child will start searching for the truth of their past, you will be repeating the history over and over, whenever the child needs to hear it. You need to let the relatives know so they can be telling the same story to the child. It is important not to change the story, just add more details and facts in accordance to the child's age and interest. Try to be prepared for negative attitudes or even the ill will of the neighborhood, which can be hurtful. Questions left unanswered, secrets, or lies can all be dangerous for the relationship with your child and hurtful in the process of growing up. You can lose all of their trust, love, and hope which have taken time to build.

There are experts, such as psychologists, social workers, or therapists, who can give you advice on how to communicate with your child about all these important topics. Professor Zdeněk Matějček said: "There is no such thing as a call of the blood. The person who behaves as a mother to the child is accepted by the child as it's own mother. Adoptive parents, foster parents or other caregivers are psychologically the true, real parents if they really accept the child." (This passage is from the brochure of the professor "What Do We Say to the Adoptive Child", Prague 1986.)

15. Conclusion

We have touched upon only the main areas of the problems connected to the substitutional care for children. You will have several unanswered questions that you will be searching for all by yourself. Do not hesitate, like any other parent in difficult situations, to ask for help from anyone whom you trust, be it your friends or specialists. Your experiences are important for the specialists as they can extend their knowledge and pass it on to everyone who comes after you.

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