

Foster Parents on Custody and Adoption



REGIOPLAN
BELEIDSONDERZOEK

FOSTER PARENTS ON
CUSTODY AND
ADOPTION

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SUMMARY AND CONCLUSIONS

Introduction

At the request of the Dutch State Commission on Changing Parental Relationships (*Staatscommissie herijking ouderschap*), Regioplan was commissioned by the Research and Documentation Centre (WODC) of the Dutch Ministry of Security and Justice, to conduct a study among foster parents and foster guardians on custody and adoption. The objective of the study is to provide the State Commission on Changing Parental Relationships with insight into a number of aspects concerning foster parents/foster guardians, and custody and adoption.

Twenty-two foster care organisations have cooperated in the study by distributing a questionnaire to foster parents. The participating foster care organisations have distributed the questionnaire to their total base of foster parents, except for foster parents whose e-mail addresses were lacking, and foster parents who had indicated they do not want to receive newsletters and such. In this way, 9,327 foster families have been reached (58% of all foster parents in the Netherlands).

The questionnaire was open from 23 April until 18 May 2015. A total of 2,217 foster parents have fully completed the questionnaire. This amounts to a net response of 24 percent. To gain more insight into the background of the results of the questionnaire, we have conducted fifty telephone interviews with foster parents and foster guardians. We interviewed 33 foster parents without custody of their foster child, fourteen foster guardians and three foster parents who had adopted their foster child.

In the sections below a summary is given of the findings and the research questions are answered. The summary ends with a number of concluding observations.

Answering the research questions

1. How many foster parents are there in the Nederland in the year 2015, divided into:
 - a. foster home placements without a child protection measure;
 - b. foster home placements in connection with a (family) supervision order;
 - c. foster home placements with regard to which a certified institution is responsible for guardianship;
 - d. foster home placements with regard to which foster parents are responsible for guardianship;
 - e. kinship and non-kinship foster care (where possible within the above-mentioned types of foster parenting).

The latest registration data on foster care are about the situation on 31 December 2014. These data show that 21,956 minors have been placed in 16,223 foster homes. The following applies to these foster children:

- 27 percent have been placed without a child protection measure (5,928 minors);
- 37 percent have been placed in the context of a supervision order (8,124 minors);
- 29 percent have been placed in the context of a guardianship order, in which guardianship is the responsibility of a certified institution (6,367 minors);
- 7 percent have been placed in the context of a guardianship order, in which guardianship is the responsibility of foster guardians (1,537 minors).

In 58 percent of the placements (12,734 minors) non-kinship foster care is concerned and in 42 percent of the placements (9,221 minors) kinship foster care is concerned. With regard to the type of placement, no registration data are available on the division between non-kinship and kinship foster care.

2. Do foster parents who do not have custody of their foster child experience problems in bringing up and providing care to their foster child, that are related to their not having custody?
 - a. If so, what problems?
 - b. What are the differences between placement without a child protection measure, placement within the framework of a supervision order and placement with regard to which guardianship is the responsibility of a certified institution?
 - c. What are the differences between kinship and non-kinship foster care within the types of foster parenthood mentioned above?

About half of the foster parents experience (practical) problems in bringing up and providing care to their foster child, that are related to their not having custody. These problems are connected to an inability to act quickly, because the parent(s) or child protection worker first have to grant permission. In addition, foster parents often have differences of opinion with the parent(s) or child protection worker about what is best for the foster child. Examples of situations where problems can arise are: applying for a bank account or scholarship, school enrolment, holidays abroad and medical treatment.

The (practical) problems occur relatively more frequently in foster homes with foster children that have been placed in the context of a supervision order, than in placements without a child protection measure or a placement with regard to which guardianship is the responsibility of a certified institution. Non-kinship foster parents do not experience (practical) problems significantly more often than kinship foster parents (and vice versa), at any rate, not in those cases in which the child is placed in the context of a child protection measure. With regard to placements in foster homes without a child protection measure,

kinship foster parents experience problems significantly more often than non-kinship foster parents in bringing up and providing care to the foster child.

3. What have been the motives of foster guardians who have custody of their foster child to actually take up guardianship?

The main reasons for foster guardians to become a foster guardian, have been that it allows them to make their own decisions when it comes to important issues; permission or a parent's and/or child protection worker's signature is no longer necessary. Furthermore, the child may regard it as an acknowledgement that he or she truly belongs to the family. Some of the foster parents are both foster parent and foster guardian. As appeared from the interviews, the reason why they are not the foster guardian of one or more foster children has to do with the difficult contact between foster parent and parent and/or problems of the foster child.

4. What are the motives for foster parents who have a foster child that is placed under the supervision of a certified institution, to refrain from taking up guardianship themselves?

- Under what conditions would they be willing to do so?
- What are the differences in motives and conditions between kinship and non-kinship foster care?

Nearly a quarter of the foster parents have indicated their intention to take up guardianship of their foster child at some point in future. The need is greater among foster parents with foster children under a supervision order than foster parents with foster children with regard to whom a certified institution is responsible for guardianship. The motives of these foster parents who intend to become foster guardians correspond to the motives of foster parents who have actually taken up guardianship (see research question 3). Reasons include: to be allowed to make one's own decisions when it comes to important issues, and on behalf of the foster child, the acknowledgement that he or she truly belongs to the family.

The main motive for not taking up guardianship given by foster parents who do not want to take up guardianship or are indecisive in this respect, is that they prefer the current situation, in which the child protector worker supervises and monitors the contact between the parent and the child. Consequently, the most important condition for foster parents to take up guardianship is that the child protection worker remains actively involved in assisting the foster family. Other conditions that have been mentioned are: continued entitlement to fees; that parents consent to the guardianship; or that parents have deceased or are totally out of the picture. By contrast, however, more than half of the foster

parents have indicated that they are not, under any circumstances, willing to (currently) take up the guardianship.

There are no significant differences between non-kinship and kinship foster parents when it comes to motives to refrain from becoming foster guardians or conditions they mentioned in this respect.

5. Are foster parents who do not want to be burdened with guardianship, nevertheless in need of some sort of partial custody?
 - a. If so, with regard to what subjects should the power of decision be with the foster parents?
 - b. What are the differences in the need for partial custody between kinship and non-kinship foster care?

Slightly over a third of the foster parents who do not wish to take up guardianship, are in need of partial custody. Four out of ten of all foster parents would be in need of partial custody. Especially full-time foster parents and emergency foster parents indicate this; the share of respite foster parents that would be in need of partial custody is significantly lower.

Foster parents are in need of the authority to sign with regard to practical issues, such as opening a bank account, but also when enrolling their foster child in a school or in case the child needs medical treatment. Non-kinship foster parents are in need of partial custody significantly more often than kinship foster parents.

6. What are the motives of foster parents and foster guardians to either or not adopt their foster child?

Less than one out of ten foster parents indicated they want to adopt their foster child at some point. The most important motive of foster parents who intend to adopt their foster child is that to the child it implies an acknowledgement that he or she truly belongs to the family. The main motive of foster parents who do not want to adopt their foster child or are indecisive in this respect, is that for their foster child it would be too drastic to sever the legal bonds with the parents.

7. How often do foster guardians submit an adoption request?

Domestic adoption does not occur often in the Netherlands. In the period between 2000 and 2012 an average of 35 Dutch children have been adopted (Statistics Netherlands, CBS). Domestic adoption includes various types of adoption, namely children who have been given up for adoption, stepparent

adoption and foster adoption. It is not known to us exactly how many of the group of adopted children have been adopted by foster parents, but in any case the number concerned is a few dozens per year at the most.

Concluding observations

When foster parents experience (practical) problems in bringing up and providing care to their foster child that are related to their not having custody, it seems that it is easier to take care of affairs if the custody is the responsibility of a certified institution than if parental authority is restricted (placement under supervision). In the latter case, foster parents both have to deal with the parent(s) and the family supervisor. Consequently, the need for partial custody is connected to the problems foster parents experience. A number of foster parents indicate that there is a need for the authority to sign with regard to practical issues, such as opening a bank account, but also more crucial or drastic matters, such as school enrolment or permission for medical treatment. With regard to the last two examples, as a result of the amendment of the child protection legislation, since 1 January 2015, the family supervisor may request the judge with regard to these parts to transfer parental authority to the certified institution when a supervision order in combination with placing in care is concerned. However, this does not alter the outcome that foster parents, even if to a lesser degree, also experience problems if the authority rests with a certified institution. Due to various reasons (including a change of child protection worker) foster parents must sometimes wait long before they receive permission or a signature of the child protection worker, and are allowed to act.

Part of the above-mentioned problems cannot necessarily be solved right away. A foster parent should – leaving aside exceptional situations – take into account the parent(s) of the foster child; this is inherent in foster-parenting. However, the practical problems experienced by foster parents in consultation with the certified institution could be better organised.

Nearly a quarter of the foster parents have the intention to take up guardianship of their foster child at some point in future. This offers opportunities when considered in the light of the objective that was set when the guardianship method was implemented; namely that over time in thirty percent of the guardianship cases guardianship is terminated because custody is transferred to the foster parents.

The motivation of foster parents who intend to take up guardianship at some point is that it allows them to make important decisions with regard to the foster child. Apart from that, another reason for taking up guardianship that was mentioned about as often is that foster parents believe that the foster child regards it as an acknowledgement that he or she truly belongs to the family. An interesting follow-up question would be what the view of the foster child is with regard to this.

The main reason given by foster parents for not taking up guardianship is that they prefer the current situation, in which the child protection worker monitors and supervises the contact between the parent and the child. From the interviews it also appears that contact with the parent(s) or not wanting to interfere with the contact between the parent(s) and the child are tricky matters when it comes to taking up guardianship. It seems that to some foster parents, the relationship with the parent(s) is more important than 'having a say'. This is a good starting point, provided that foster care workers and child protection workers invest in supporting parents in relation to their acceptance that the child is growing up in a foster family (in situations in which there is no perspective on returning home). If parents can accept the fact that their child is growing up in a foster home and know that foster guardianship does not necessarily mean that the contact between the parents and the child changes, this may create room for all those involved to talk about (and opt for) foster guardianship without further complicating the relationship between foster parents and parents.

Foster adoption occurs only sporadically and many foster parents do not want to adopt because they are of the opinion that it would be too drastic to sever the legal bonds with the parents. However, the results also reveal that the familiarity with foster adoption among foster parents is significantly lower than familiarity with foster guardianship. This is connected with the fact that foster adoption is hardly ever discussed openly with foster parents or foster guardians. The reason for this may be that professionals are not familiar with foster adoption, however, foster adoption may also conflict with the view of certified institutions and foster care organisations. To foster parents it is indeed always propagated that the parents of the foster child will always remain the parents; even if this means parenting at a distance.

It goes without saying that the above findings affect the extent to which matters related to custody are discussible, and that they influence foster parents' opinions and the form they choose (foster guardianship or foster adoption). Therefore, in discussing the themes of custody and parenthood it is important to have clarity on how youth care organisations can support and guide parents and foster parents with regard to subjects such as foster guardianship and adoption and what is the view of youth care organisations with regard to these two forms of custody.

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