



Education and Culture

Leonardo da Vinci

Framework for the child protection system
Similarities and differences in conditions
in the nordic countries, Spain and Estonia

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Framework for Norwegian child protection system

The Norwegian child protection system operates within a legal statutory framework and is administered through state-funded organisations. The legislative framework provides a structure to ensure the protection of vulnerable children. The main professional group that provides these services is the social work profession, working within social services departments.

There are two levels of social work service. One is the community level service, and the second is the state level service. This reflects different levels of responsibility.

Community level services

This is where all the cases start, and is the main level for helping children and their families, because the workers practise within the communities within which these children and their families. They have the main responsibility to work within the legal framework, which provides the authority to intervene. This includes taking action against the wishes of the family in order to protect the interests of the child. This means that all such decisions have to be taken by the appropriate court, normally the family court. Social workers at this level are employed by the community.

State level services

These deal mainly with cases of children who need to be in residential institutions, and who may need treatment in government initiated programmes. This also includes specially designed home-based services. The state has responsibility for funding these institutions. Accountability is also ultimately back to central government.

State policy is that where children are unable to live with their biological families, they should be cared for within the foster care system. For instance, within northern Norway (Nordland, Finnmark and Tromsø County, which comprises about 500,000 people,) there are around 800 children who are in foster care, and around 120 in institutions.

One of the difficulties of state-run institutions is that they do not have the expertise to meet the needs of all client groups with specialist needs. For example, this includes heavy drug abuse, severe psychiatric problems, child physical and sexual abuse, and families with domestic violence.

A challenge for many institutions is how to deal with emergency admissions, involuntary admissions, as well as planned and voluntary admissions. This is often due to lack of material resources such as buildings and space, as well as the skilled staff to carry this out and how to know which approach is appropriate. For instance, there may be heavy pressure from the community to accept an emergency admission because of anxiety within the professional system, when a planned admission, in collaboration with family and professional services is indicated, and is more likely to lead to a successful outcome.

Private level services

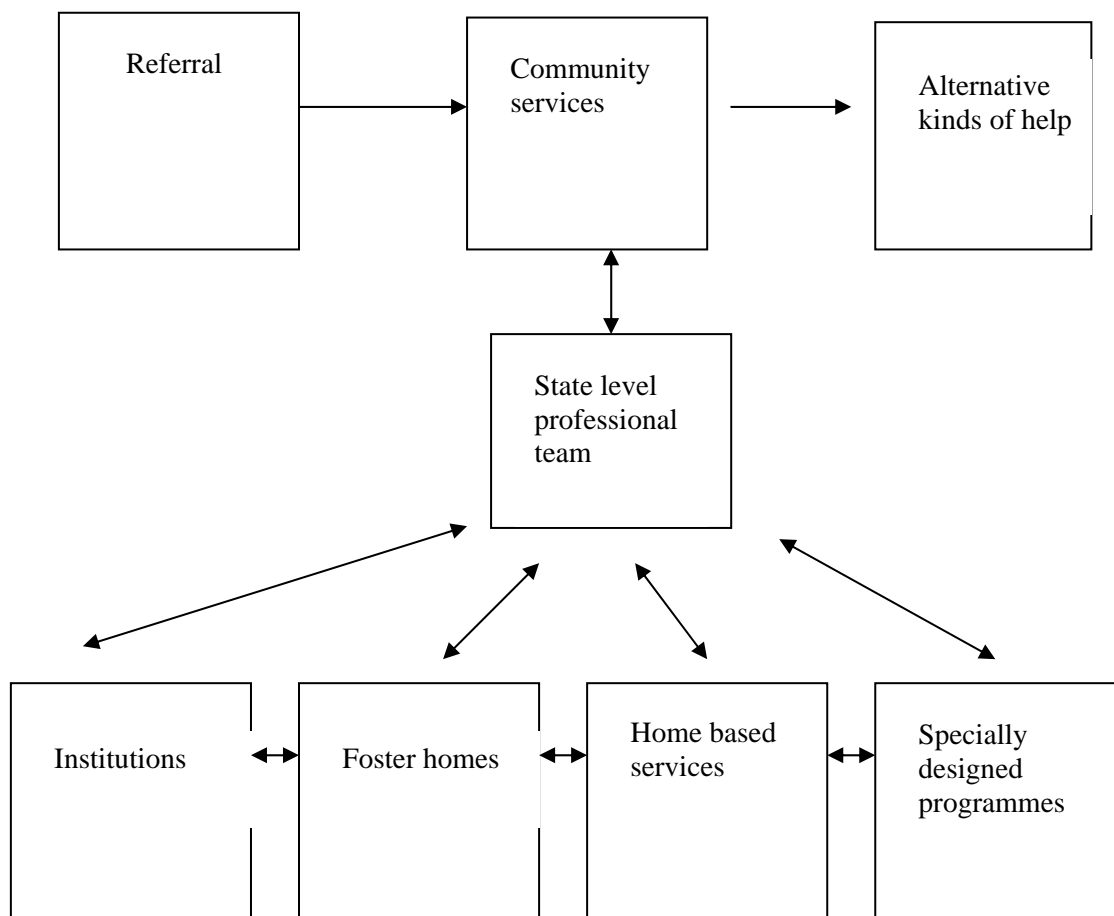
The government has instigated a policy that all privately owned child-care institutions will no longer exist, and that the state will take over those services. (It is noteworthy that this is different to many developments in provision of services in the UK and the US.)

Children's rights

An important distinction is that in Norway in the child-care and child protection system, children have *rights*, and parents have *responsibilities*. Children have a right to experience a life free from physical or emotional violence. Parents do not have the right to hit their child, and have a responsibility to ensure that their child receives care and support appropriate to their age and stage of development.

Within the system of running institutions the professional cannot do anything against the child's will without it being supported by a decision or resolution according to the appropriate section within child-care legislation.

Scheme



Framework for Swedish child protection system

The Social Services Act (Socialtjänstlagen)

The Social Services Act was enacted on January 1st 1982. Since then, it has been amended several times. New regulations have been introduced and old ones have been removed. However, the general aims and fundamental democratic principles of the Social Services remain the same.

On January 1st 2002, the Social Services Act was restructured, and new regulations were added. The Act is now divided into chapters, which makes it easier to search through. This publication tells you what the rights are, and what assistance people are entitled to from the municipal authorities under the Social Services Act.

The most important changes in the new Social Services Act concerning child care

- You have greater rights to appeal decisions about assistance
- The Social Services must always formulate a care plan for children transferred to alternative homes

Who can obtain help from the Social Services Act?

Everyone may need help and support from the Social Services Act at one time or another. The Social Services Act contains regulations regarding your right to financial and social assistance, and regarding the municipal authorities' duties towards residents of the municipality. The support and help initiatives that you are entitled to under the Social Services Act are called *assistance*.

According to the Social Services Act, the municipal authorities have special responsibility for certain groups:

- children and adolescents
- people with drug and alcohol addictions
- people with functional disabilities
- people caring for relatives
- crime victims
- elderly people

All services provided under the Social Services Act are based on free choice and autonomy. These services must be adapted to your individual circumstances and your desire to change your social situation.

The assistance provided to you by the Social Services must be of high quality and carried out by staff with the appropriate training and experience.

If you do not receive the support and assistance you want and have requested, you may appeal the municipal authorities' decision.

If you are dissatisfied with the treatment you receive, with the quality of a service, or with a decision, you should begin contacting the supervisors and public officials in your municipality. However, you can also contact the County Administrative Board (*länsstyrelsen*), which is the supervisory agency for the Social Services.

Who is responsible for the Social Services?

According to the Social Services Act, the municipal authorities are ultimately responsible for ensuring that the residents of a municipality receive the support and assistance they need. The Social Services are governed by the Social Services Act and other laws. A variety of committees within the municipality may be responsible for the Social Services. The Municipal Council (*kommunfullmäktige*) decides which politically appointed committees are responsible for the work of the Social Services. For instance, the Social Services' child welfare activities may be administrated by a child care and youth committee, a social welfare board or a district committee.

Social and financial security for everyone

Everyone who lives in Sweden should confidently be able to turn to the Social Services in their home municipality for support and assistance. The Social Services have a duty to document all the administration of individual cases. This duty regarding documentation ensures that your case is processed according to law and procedural fairness. The documentation should indicate what decisions are made, the grounds for the decision, and the type of assistance you receive. All the staff of the Social Services are sworn to professional secrecy.

The right to assistance

In order to determine your right to assistance, the Social Services must contact an investigation. This investigation is performed with your help and, if necessary, with the collaboration of other parties.

Children and adolescents

Helping children grow up in a favourable environment

One of the most important duties of the Social Services is to help provide children and adolescents with a safe, healthy environment to grow up in. Special attention should be paid to children who show signs of negative development.

Promoting the child's best interests

The UN Convention on the Rights of Children, which Sweden has signed, states that all decisions about children should be based on an assessment of what is best for the child. All individuals up to the age of 18 are regarded as children. Decisions about children must be made from the child's perspective. This means that adults must listen to the child's opinions and consider the child's overall living situation.

In order to determine what is the best for the child, the welfare officer must talk to the child involved in the case and find out his/her views. The Social Services should then consider the wishes of the child, taking into account the child's age and maturity. This is often a difficult task that requires great care, time and sensitivity. Children must never be pressurised into making decisions when difficult choices are involved.

The child's best interests should always be ascertained, documented and considered in the general evaluation that provides the basis for the Social Services' decision regarding appropriate measures.

Help for parents

If you are a parent and require support and guidance in your parental role, you can apply for help from the Social Services. After the Social Services receive your application, they will perform an investigation to determine whether you are entitled to assistance. You may also be offered help without an investigation, for instance through counselling and support sessions, which are currently provided by family centres and parental advice organisations in many municipalities.

Informing the Social Services of children in need of protection

The Social Services are responsible for providing children and adolescents in difficult situations with the support and protection they need. In order to carry out this responsibility, the Social Services need to be informed if a child or adolescent requires help.

The Social Services Act states that anyone who suspects that a child needs the protection that the Social Welfare Committee (*socialnämnden*) can provide *must* report this to the Social Welfare Committee. All adults in society are urged to stand up for their convictions and inform the Social Services of children and adolescents who may need help or protection. Anyone who makes such a report to the Social Services without giving their name has the right to remain anonymous.

Which individuals have a duty to report?

Certain authorities and their staff, for instance schools and health care services, have a duty to immediately report to the Social Services if, in the course of their work, they have a reason to suspect that a child or adolescent is in need of the protection of the Social Services. This duty to report applies to authorities who work with children and adolescents, and other authorities in the health and care sectors and the Social Services. The duty to report also applies to similar independently run organisations.

The Social Services should be notified even if there is only a suspicion that a child needs protection. People with a duty to report need not check that the child definitely need protection before making the report to the Social Services. It is the duty of the Social Services to investigate whether a child or adolescent needs help from the Social Services.

For a reason, authorities who have a duty to report are also obliged to supply any information that may be relevant to the Social Services' evaluation of a child's or adolescent's need for assistance. People who have a duty to report and supply information also have a duty to appear as witnesses in court in certain cases regarding children.

The duty to report overrides the confidentiality rule that normally applies between authorities. The need to give vulnerable children and adolescents the help and protection they need is considered more important than the need for confidentiality between authorities.

Investigation of the child's situation

An investigation of the child's needs is initiated after you have *applied* for assistance. An investigation may also be initiated if someone has *reported* to the Social Services that a child may not be getting his or her needs met in the home.

The investigation must begin *immediately* after the application or report is received, and must be completed within a maximum of four months. However, the Social Services may decide to extend this deadline if there are special grounds for this. For instance, the Social Services may be waiting for a statement from a doctor or a psychologist, or for the outcome of a police investigation.

If you are to be involved in an investigation, you should be informed of this as soon as the Social Services begin the investigation. You should be provided with information on the investigation procedure, the rules regarding child investigations, and your right to retain legal aid during the investigation. During the investigation, all possible efforts should be made to avoid causing unnecessary problems for you and other family members.

During the investigation, the Social Services may get in touch with experts, authorities or individuals whose help is considered necessary in evaluating the child's need for assistance, even if you do not agree to this.

An investigation must be completed even if a child moves

If a child moves from its home municipality during an investigation, the investigation may not be closed or suspended. The Social Services must complete the investigation and determine the measures necessary for the child. An exception is made to this rule if the municipality the child moves to agrees to assume the responsibility for completing the investigation.

Assistance in form of advice and support

Once the investigation is completed, the family may be offered a variety of support initiatives. For instance, it could be assigned a contact family who can ease the parental burden by taking care of the child on certain weekends. Or it could be assigned a contact person or personal helper who comes to the home to help with parental duties.

Transfer to alternative (foster) home

When a parent is unable to care for a child at home for a reason, the child may be placed in a family care home or institution. Before making this decision, the Social Services should always check first whether the child can be taken care of by a relative or other person close to the child.

If the child is placed in an alternative home, the Social Services are responsible for ensuring that the child receives good care. For instance, the Social Services must provide support to the child and its family to help keep in touch with each other and continue the relationship even if the child is living in a new home.

If a parent disagrees with the Social Services' decision to move the child, and the Social Services feel that this measure is necessary in order to meet the child's needs, the Social Services may apply to the County Administrative Court to approve the transfer under the Act on Care of Young Persons (lagen om vård av unga, LVU).

If your child is moved to an alternative home, you are responsible, as the child's guardian, to contribute to the costs of moving the child.

The Social Services must always make a care plan when a child is moved to an alternative home

Often, being moved to a new home, means a major upheaval both for the child and the child's family. In moving a child to a new home, the Social Services assume an enormous responsibility for the child. To further highlight the responsibility of the Social Services in this situation, a new regulation was introduced to the Social Services Act from 1 January 2002. According to regulation, the Social Services must always draw up a care plan when children are moved to alternative homes.

To ensure that your child receives good care, a general care plan should be drawn up stating the child's needs, the aims of the measures decided on, and the parties responsible for implementing them. The care plan should always be supplemented with a treatment plan that indicates in practical terms how the initiatives should be implemented.

The care plan tells you about the Social Services' evaluation of the child's needs, and the reason for transferring the child. The care plan provides the basis for the collaboration between the Social Services, the family and the authorities. For this reason, the care plan should also report the planned measures of other authorities. The care plan is also necessary in order for the Social Services to follow up the results of the care provided, in collaboration with the family.

The care plan should be signed by the family, by the child (if over 15 years), by the new guardian, and by the Social Services. This means that everyone who has signed the plan knows what each person concerned is expected to contribute.

Special responsibility in connection with a change of custody, accommodation and social contacts

When a child's parents do not live together, the Social Services have a duty to provide support and assistance to both the child and the parents in issues regarding custody, accommodation and social contacts. If these matters have been determined in court due to a dispute between parents, the child may have a special need for continued support from the Social Services.

The same responsibility applies in the case of children who move to a family care home. The Social Services also have a special responsibility to meet any specific support and help requirements that adopted children may have while growing up.

Framework for the Danish child protection system

In Denmark the social work for children with special needs are organised in 3 levels.

The State

Regions

Local community

The State

The State makes the law, which is called Law of Social Service.

This name indicates the fact that in Denmark we do not focus that much on children's protection as we focus on prevention and cooperation with the families.

In the recent years, though, our law has been restricted using the term "the child's best" meaning that we must focus on solutions best to the children at the expense of the parents.

The state makes the advertisements and instructions to interpret the law.

Also the state has the responsibility to run special advice centres called VISO, meaning Knowledge Centre of Social Work. The local community may use those centres for help in special difficult family matters as well when it's about children with disabilities or children with psychosocial problems.

Regions

Until 2007 Denmark were divided into 14 counts, which now due to a great community-reform have been abolished. Now we have 5 regions instead.

The region has the responsibility of certain very specialized institutions.

The regions have no authority in relation to decisions made by the local community, a fact that we, who are working in the local communities find very realising.

The local communities

It is in the local communities the practical social work with children with speciality needs takes place.

There are now in Denmark 98 local communities, before the community-reform we had 271.

As Denmark is a small country it is obvious that some of those communities were very small.

Most of those small local communities had serious problems in collecting experience and good enough social service to children and their families.

All decisions about children with special needs are taken in the local community by the social workers except coercive measures. Decisions in these cases are taken by a committee consisting of a judge, a child's psychologist and 3 members of the town government.

The last years the social work in Denmark has been affected by the gathering of many local communities and the services moved from the earlier counts to the local communities.

Especially the gathering of communities has resulted in a big move of social workers, which has meant a great lack of continuity in the practical work.

To day most of the local communities have organized the social work for children with special needs in the same department as the psychologists, the health visitors and the

pedagogic employers. Earlier our work was organised in the departments that also take care of the social security for people with needs for social security.

This new tendency in the organisation of our work has great influence to improve the interdisciplinary co-operation. We are placed close to the other professions working with children and we focus great attempt to improve our skills in working cross-skilled.

Right now in Denmark we are in a situation with extreme demands on saving money. In some local communities this demand has the consequence, that children placed outside the family are home given or that we do not use the possibility of continuing the help two youngsters turning 18 years old. Some local decisions are due to the saving focus illegal.

In my opinion this demand of saving may bear the result that the social work for children with special needs in Denmark can take away the focus from prevention in order to focus on protection of children. If this should happen we will be back to the sixties, where the work for children with special needs were divided in a department for family counselling and a children's protections department.

*Framework for the Spanish child protection system
The case of the Valencia Community.*

To the Public Administrations, within its respective competitions, the adoption of the measures of protection of minors anticipated in the effective legislation corresponds to them, notwithstanding the functions attributed by this one to the Fiscal Ministry and the judicial organs.

In the Valencian Community, the **Consellería of Social welfare** of the Valencian Autonomous Government (Generalitat) is the competent organ to apply the measures of protection of minors, although determined activities it corresponds to realise them to the local organizations (Municipal Social Services).

The municipal social services

Competential aspects

Law 5/1997, of 25 of June, the Generalitat (Valencian Autonomous Government), by which the system of social services in the scope of the Valencian Community is regulated, establishes an intervention at primary level of basic attention, which they develop the local organizations, through the municipal equipment of social services.

General the Social Services constitute the basic structure of the public system of social services, by means of the benefit of an integrated and multipurpose attention directed to all the population, articulated through preventive, welfare and rehabilitating activities, at primary level, with universal and gratuitous character.

It corresponds then, to General the Social Services, the programming, implantation and management of the generalized intervention of primary attention.

The local organizations will be competent to exert the following functions in the matter of social protection of minors:

1. - Prevention of situations of social lack of protection and familiar uprooting.
2. - Information, direction and advising to the minors and the families.
3. - Appreciation, intervention and application of the opportune measures in risk situations.
4. - Familiar Intervention.
5. - Detection and diagnosis of neglect situations and proposal of protective measures to the autonomic organ.
6. - Pursuit of the measures of protection adopted by the autonomic organ.
7. - Participation in the programs of familiar welcome and adoption of minors, in the phases of information, pick up and formation of families, as well as in the pursuits of welcomes and adoptions.
8. - Design, implantation and evaluation of programs of social reintegration.
9. - Other interventions in the matter of social protection of minors who are attributed to them by this one or by other norms.

Special reference to the intervention of the municipal social services before risk situations

With general character, in the risk situations the action of the municipal social services will go to try the attention of the needs of the minor, being improved its familiar means, and specifically, and within the voluntary collaboration of the parents or tutors of the minor, it will be oriented to obtain:

- The integration and the maintenance of the minor in its familiar surroundings.
- The diminution of the factors of social difficulty that affect the personal and social situation of the minors.
- The promotion of the social protection factors of the minors with its family.
- The prevention of situations of familiar uprooting.

Assessed the situation of risk and settled down the intervention program, the parents or tutors will have to collaborate actively in the execution of the decided measures of support, being able to be shaped this administrative document collaboration. The worsening or persistence of the situation of risk by the refusal or the manifest lack of collaboration of the parents or tutors will be able to give rise to the declaration of neglect of the minor.

Of specific form, they are measured of protection of minors the following:

1. - The aid or the familiar support in risk situations.
2. - The assumption of the trusteeship by ministry of the law, previous declaration of the situation of neglect of the minor.
3. - The guard. 4. - The familiar welcome.
5. - The residential welcome.
6. - The adoption.
7. - Any others that result in the interests of the minor, taken care of its personal, familiar and social circumstances.

Risk situation

One considers situation of risk for the minor, that one that, by personal, interpersonal circumstances or of the surroundings, causes a damage for the development and/or personal or social well-being of the same without it is necessary the assumption of the trusteeship by ministry of the law to adopt the measures directed to his correction. In the risk situations, the damage that affects the minor does not reach the gravity sufficient to justify its separation of the familiar nucleus, reason why the intervention of the Administration is limited to try to eliminate, within the familiar institution, the risk factors.

The appreciation, the intervention and the execution of measures before risk situations, are a municipal competition.

The risk situations are solved by means of measures of **familiar support**.

Familiar support

The support to the family is a measurement of directed protection to cover the basic needs with the minor and to improve its familiar surroundings, with the aim of maintaining it in this surroundings in conditions that allow their integral development.

It corresponds to the local organizations the development and application of the resources of support to the family, being able to be these of technical or economic character.

It is understood by measures of support of technical character, the interventions of socio-educational or therapeutic character developed by professionals in favor of the minor and of its family, directed toward the prevention of situations of familiar uprooting.

Also served to the family by the different institutions have this consideration that facilitate the development of the familiar life and allow one better attention to the minors.

It is understood by measures of support of economic character, the benefits or aid that is facilitated when the determining cause of the risk for the development of the minor comes from situations of deficiency or insufficiency of economic resources.

The familiar intervention will be able to be accompanied, among others, of the following special measures of support:

- Compensating Programs of socio-educational character that favour integration and facilitate the suitable exercise of the parental functions, as well as one improves in the socio-familial relations.
- Economic Benefits, to take care of the needs basic of the minors.
- The attendance accompanied by the minor to centres of educative character.
- The intervention of volunteers in tasks of support to the minor and his family.
- The aid at home.
- The diurnal attention in centres destined to support preventive to the social maladjustment of the minors (centres by day).
- Formative Programs of social guarantee directed to adolescents who, leaving the scholastic system, require a professional formation that favours its labour incorporation.
- Programs of direction, mediation and familiar therapy.

Neglect situation

Situation of neglect the one that takes place in fact because of the breach, or of the impossible or inadequate exercise of the duties of protection is considered established by the laws for the guard of the minors, when these are private of the necessary moral or material attendance.

In the neglect assumptions, the gravity of the facts advises to the separation of the minor of the familiar nucleus cause of such situation.

The neglect is declared by the public organization that, in the respective territory, it has entrusted the protection of minors.

In the case of the Valencian Community, the competition is of the Generalitat (Valencian Autonomous Government), through the Consellería of Social welfare that acts through its territorial services.

The legal consequences of the neglect declaration are the following:

- The trusteeship of the minor is assumed by Ministry of the Law (automatic trusteeship).
- The guard of the minor assumes itself, which will be realised by means of residential welcome or familiar welcome.

Automatic trusteeship or Trusteeship by the Ministry of the Law

The trusteeship by ministry of the law (also called automatic or administrative trusteeship), is that one that assumes the public organization when it declares the neglect of a minor without the need that it is constituted by the judicial organs.

It can solely be assumed by the public organization that, in the respective territory, it has entrusted the protection of minors. In the case of the Valencian Community, the Generalitat (Valencian Autonomous Government) is the tutor of the minors declared in neglect, exerting the functions of tutor according to the arranged thing in the Civil Code.

This trusteeship has a provisional state vocation, staying in as much subsist the causes that determined the intervention of the public organization. It entails the suspension of the mother country power or the ordinary trusteeship.

Guard

Generalitat (Valencian Autonomous Government) temporarily assumes the guard of a minor like protection measurement, in the following assumptions:

- When it assumes the trusteeship by ministry of the law, under protection of article 172,1 of the Civil Code.
- When the holders of the mother country power or tutors they ask for therefore it to the Generalitat (Valencian Autonomous Government), justifying not to be able to take care of the minor by serious circumstances.
- When the judge he arranges therefore it in the cases in that legally he comes.

This one will be realised by means of the familiar welcome or the residential welcome.

Familiar welcome

Measurement of protection that adopts the public organization Generalitat, as form of exercise of the guard, by means of which the care of a minor to a person or familiar nucleus is granted, with the obligation of guarding by him, having it in its company, to feed it, to educate it and to try an integral formation to him, with the purpose of to integrate it in a familiar life that replaces or complements temporarily to hers of origin. The minor in familiar welcome can be with automatic trusteeship or in situation of guard urged on the parents (she keeps volunteer).

Residential welcome

Measurement of protection that adopts the public organization Generalitat, as form of exercise of the guard, by virtue of who the minor is welcomed in a centre. It can be:

1. - Of request of the parents or tutors of the minor, when by serious circumstances they cannot take care of the same. This request will go to the Public Organization, either directly or by Municipal Social Services, that if will decide the adoption comes from the measurement. It is denominated colloquially “keeps volunteer”.
2. - Of assumption of the trusteeship by the Public Organization as a result of the declaration of neglect of the minor by this same one.
3. - In agreement of the Judge.

Benefits of the residential centres:

- Services of lodging
- Maintenance
- Educative Support
- Integral Attention.

The Conselleria of Social welfare arranges in the three provinces of centres of residential attention of its ownership, as well as of centres arranged or subsidized of public or deprived ownership without profit spirit, that complements the network of residences of minors of the Valencian Community.

Typology of residential centres

Centres of Reception

They are establishments of welcome of children and adolescents, for his integral attention, immediate and transitory, while it is come to complete the study of his personal, social and familiar situation, and one makes the corresponding proposal of measurement of protection and derivation to the suitable resource or return to his family. Its period of stay does not have to surpass the 45 days.

Centres of Welcome

Are open establishments of integral attention and educative character for children and adolescents in guard situation or trusteeship, who are private of suitable a familiar atmosphere, whose period of stay will be the one that determines the administrative resolution from which its entrance is derived.

Functional homes

They are nuclei of coexistence for children and adolescents in guard situation or trusteeship, of character similar to the relative, as soon as it requires the presence of a person in charge who resides of permanent form in the home, attended by the educative personnel adapted the number and ages of the minors.

Centres of Emancipation

They are establishments that offer a service of welfare and educative character to minors of ages included, preferably, between the 16 and 17 years, and to young people between 18 and 23 years that have left institutions of welcome, with the intention of initiating a process of gradual leave institutions to obtain their personal, social and work autonomy.

Adoption

The adoption is a legal institution constituted by judicial resolution that produces between adoptante/s and the adopted minor a connection bond, at the same time as it extinguishes the legal bonds between adopted and the their previous family. The Generalitat is the one that proposes to the judicial organ the adoption of the minor, when the legal circumstances for it concur.

Framework for Estonian child protection system

Child welfare in Estonia

Estonia has been a part of society where everything was subjected to the state for fifty years, and this has been the case until 1990. The period since becoming re-independent on August 20th in 1991 until 1999 has become known as a period of dependent transition. This meant that the changes in society brought along a need to look over all the relevant structures and measures, and to make corrections or establish new ones, including also social welfare system. Since 1999 we can talk about period that might be called integration. We have gained knowledge from the Nordic countries, the European Union countries, and as a result repaired our systems, made adaptations to make them compliant to the up to date understanding of the concept of social protection.

In Estonia social protection measures can be divided into social insurance and welfare. Social subsistence benefits can be distinguished from the social insurance by the fact that these are paid only in case of destitution. Both social benefits as well as social services could act as welfare instruments (procedures), yet in the last five years there has been tendency in Estonia rather to provide services than passive payment of financial benefits.

Providing welfare is based on principle that people in need get help from their nearest authority that is from their local government. The role of county government is to provide supervision and control; yet they are not responsible for direct arrangements of social welfare. The Ministry of Social Affairs that is the central authority has legislative power in allocating the mandatory tasks to the local authorities.

Estonia has ratified most of the documents related with human rights and the rights of children, yet the actual implementation of internationally recognised rights depends foremost on the developmental level of the state. According to the Estonian constitution the basic function of each family is to bring up their children, parents are provided not only with rights but are also seen as the ones responsible to bring their children up. However the constitution highlights more than once the obligation of state to provide families with help in upbringing their children. Yet the help of state does not always meet the required level in guaranteeing the fulfilment of the needs of all children, international agreements and national legal acts.

As according to the law of social welfare the main responsibility in providing help lies on local authorities the amount and quality of help depends much on the actual means and resources of each authority. In a smaller local government the help might be limited to seeing the social worker and being provided with social benefits, in a larger local government it might be possible to be provided well with services, benefits as well as good advice or counselling. The shortcomings in the Estonian social welfare system are related to the lack of coherence between the helping measures, and insufficiency of social services to cover all the actual needs.

In Estonia the services can be divided into four groups:

1. General public services are characterised by equal availability to all residents (basic education, primary level medical services, child benefits, etc.)

2. Associated/ directed benefits are tied to time and pointed to results. Using these services will result in associating independently living individual with public services so that the need for additional supporting services will disappear or will be reduced to minimal (counselling, case regulation, services for disabled children, etc.).

3. Subsidizing/ intensive services are by their character long-term services and are needed to enable individuals to use general public services (day care centres, domestic services, home visiting, foster care, etc.)

4. Special services are required in case an individual cannot for some reason be related to public services (teaching children with special needs in special residential care schools, placing someone to residential care or children's orphanage, etc.)

Child protection work is regulated by the next: family law, social welfare law and child protection law. All these laws prioritise the best interest's principle of child, and require that the needs and personal will of child should be taken into account. In Estonia child is asked since the age of 7 for his/her personal opinion about the matters that concern the child. The most important issue in family law is that of parents' equal responsibility and rights in upbringing the child and providing the child with subsistence. Social welfare law regulates the provision of social services and the fields of responsibilities. Local authorities' child protection work consolidates both protection of children's rights and social protection. As families with children are primarily provided with help by local government, the illustration is from the practice of Tartu City Government.

Currently there are 11 child protection specialists in Tartu: 1 chief child protection specialist - head of the service and 10 child protection specialists. 6 child protection specialists serve different districts, 2 specialists handle the child related debates, 1 is responsible for children with special needs, and 1 handles the foster care placement issues.

Regional child protection specialist is responsible for protection of the rights of children in her/his region, and in giving judgements on children who are in institutional care. Likewise, there is also enhancing subsistence of children by applying relevant services and benefits. An important field is that of providing parents with social counselling and networking, in order to help all the family.

In solving the children related debates the specialists work in coming to the pre-trial agreements in three main disagreement topics: child placement, subsistence, communication procedures.

Custody specialist monitors the further life of the child who has been separated from their family, and intervenes, if needed; both with the children placed in residential care institutions as well as with these in foster care. This specialist is also responsible for making contracts and custody agreements.

The subject field of the specialist involved with children who have special needs are disabled children, providing them with subsistence benefits and relevant services. Another function in this position is to pronounce measures against minor offenders through minors' commission.

The function of the chief child protection specialist is to organise the work of department, to give one's consent to have deals with the properties of the minor and to change the family name of the minor. Likewise, to participate in the work different commissions to protect children and their families in general.

At the moment there are 17 different types of services and 4 subsistence benefits to help families. City government purchases all these 17 services from different non-governmental institutions.

Tartu Child Support Centre is the biggest non-governmental organisation in Tartu, that provides counselling and treatment services. Now some words to introduce their work.

Tartu Child Support Centre used to be the very first institution in Estonia focusing on helping the abused and neglected children. It was registered as NGO in 1995, involving at that time the only multidisciplinary team in Estonia: paediatricians, psychologists, social workers, prosecutor, juvenile police officer and volunteers. The team of 7 members has got special training to work with abused children and their families.

Tartu City Council has recognized Tartu Child Support Centre by purchasing counselling and treatment services for children since 2002. Currently several parishes have started to purchase the services to treat their abused children and their families.

Early objectives of Tartu Child Support Centre - to counsel and treat abused children, educate practitioners, create network, and raise public awareness – have broadened. Currently the primary goals of the centre are as follows:

- *Help abused children and their family members* (psychosocial rehabilitation); [During 12 years of work over 4000 children and their family members have been provided with help].
- *Conduct trainings for practitioners*, involved in work with children;
- *Network* in solving child abuse cases with other NGOs and relevant institutions;
- *Lecturing* to Tartu University students of medicine, social, psychological and law departments.
- *Prevention* makes an important part of the Centre's everyday activities and includes:
 - making society aware of abuse and violence issues;
 - prevent human trafficking (educating young people to avoid becoming victims);
 - *finding out the risk group* in co-operation with educators, medical practitioners and social workers;
 - providing *support*
 - for children from risk families;
 - teaching better parenting, prevention of domestic violence.
- Supervision of practitioners in complicated CAN cases.

Problems and deficiencies in child welfare system in Estonia (as evaluated by the working group) are seen as follows

- laws are far too declarative, and miss often applicable part. For example, by the family law the responsibility is to bring up a child, yet there aren't any explanations or descriptions how this might function, and by which criteria one can decide that parent meets or does not meet the obligations. Current court

practice shows that the extent of obligations proving that parents neglect their child is different.

- Children's orphanages are still the most common type of foster care in Estonia, being far from the family type alternative homes.
- Children with discipline problems miss rehabilitation service, not covered by social, educational or medicine field.
- Networking in child welfare is at the beginning of development.
- Child protection and social workers have low prestige in society.

Positive in child welfare in Estonia (according to the working group)

- rapid development, huge size children's homes have been turned into more friendly alternative homes for up to 30 children; general child benefits, parental benefits, state subsistence benefit, child care service for disabled children.
- State and local government have encouraged civil initiative, and the role of the third sector in providing welfare services is significant,
- In Estonia wives and husbands have equal roles in family, which has influenced family relationships and secured better management for children;
- foreign help has been recognizable and we didn't have to reinvent the wheel, but could learn from the experiences and mistakes of others,
- social work speciality is taught at the universities, even although child protection speciality is not yet taught as a separate subject.