

Children's Rights Situation in the Residential Care and Education Institutions in Lithuania

Report

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Survey Introduction

In the autumn of 2005, six organizations, namely Global Initiative in Psychiatry, Lithuanian Association of Telephone Emergency Services, “Viltis” Lithuanian Welfare Society for Persons With Disability, Human Rights Monitoring Institute, Children Support Centre, and Children’s Rights Ombudsman of the Republic of Lithuania, have formed a coalition with a purpose of surveying children’s rights situation in child care and special education institutions in Lithuania.

Between November 2005 and April 2006, the experts from the coalition have visited 20 institutions involved in the care, support and education of children, as follows: special children’s education and care residencies in the cities of Vėliučionys, Čiobiškis and Gruzdžiai, social care institutions for children and youth with intellectual disability in Vilnius and Vilijampolė, special boarding school No.3 in Vilnius, special boarding schools in Rusnė, Žagarė, Mažeikiai, Rudnia, child psychiatry department in the children clinic of the hospital in Šiauliai, boarding school in Švėkšna, children’s rights protection service as well as special pedagogy and psychology centre of Vilnius and Kaunas, pedagogic psychological service in Vilnius, “Pastogė” Welfare Centre for Children in Kaunas, infant and child care home of Algimantas Bandza in Panevėžys, education and support centre of Kaunas district, and foster home in Šiauliai.

In the report, we will refer to special schools, special children’s education and care residencies, social care institutions for children and youth with intellectual disability, as well as foster homes using the term of residential care and education institutions.

The following experts participated in the survey:

Dovilė Juodkaitė – director of the Global Initiative in Psychiatry, lawyer;
Eglė Rimšaitė – project manager in the Global Initiative in Psychiatry;
Aušra Kurienė – director of Children Support Centre;
Rimantė Šalaševičiūtė – Children’s Rights Ombudsman;
Audronė Bedorf – consultant to the Children’s Rights Ombudsman service;
Dainius Pūras – docent in Vilnius University, head of the Child Psychiatry and Social Pediatrics Centre;
Robertas Povilaitis – head of Children Support Line of Child Development Centre, affiliate branch of Vilnius University Children Hospital; board member of Lithuanian Association of Telephone Emergency Services;
Vytautas Blažys – Child Psychiatrist, staff member of Child Development Centre, affiliate branch of Vilnius University Children Hospital;
Dana Migaliova – head of “Viltis” Lithuanian Welfare Society for Persons With Disability, member of the Council for the Affairs of People with Disability under the Ministry of Social Security and Labour;
Agnė Kurutytė – project manager in the Human Rights Monitoring Institute.

The support for the project came from European Commission and Nordic Council of Ministers.

The experts involved in the project have created a questionnaire, which included the following topics:

- general information on the institution: purpose, operation, functions, services rendered, work methods used, rotation of children, and staff thereof;
- children cared for in the institution, information on their family, medical condition, and major needs thereof;
- ensuring and implementing the right of the child to be reared in the family, communicate with parents, brothers and sisters;
- cooperation with other institutions: children’s rights protection services, health care institutions, education and care, as well as social security institutions, police, etc.
- major problems in the operation of the institution due to post-soviet heritage, loopholes in the laws, inefficient interdepartmental cooperation, ineffective management of the child care system, etc.

The following principles of the UN Declaration on the Rights of Children (1959) and UN Convention on the Rights of the Child (1989) were used as the guidelines in the preparation of the questionnaire:

- Children shall be guaranteed all their rights without exceptions.
- A child shall enjoy special protection, and shall be given opportunities and facilities to enable him to develop in a healthy and normal manner.
- A child shall be guaranteed comprehensive social security and health care.
- A child with special needs shall have the right to special care and assistance in pursuance of normal life thereof and integration into social environment.
- A child shall have the right to live with, be loved and cared for by his parents. A State shall assist the parents in their realization of the aforementioned right of the child.
- A child shall have the right to education, recreation and leisure.
- A child shall be protected against all forms of neglect, cruelty and exploitation.
- A privacy of a child shall be protected.
- A child shall have the right to his opinion and expression thereof.

Monitoring method was used to detect children's rights violations in the Lithuanian child care system.

Monitoring method is used to evaluate human rights status in the institutions that limit human liberties in a certain way. Monitoring process includes the (written or oral) presentation of survey results, submission of recommendations to competent national and international authorities and media, as well as follow-up survey of the progress in the implementation of the foregoing recommendations.

Monitoring is considered to be one of the most effective methods of preventing abuse and inadequate care. According to the subordination of the institution performing the monitoring, these are the types of independent monitoring:

- Ombudsman office established by the parliament. The office is usually given broad authorization to fight for human rights and review relevant complaints. Ombudsman's reports are submitted to the Parliament.
- Audit or control instances under respective ministries are granted dual authorization: supervision of detention conditions and provision of recommendations to the ministry.
- Non-government organizations authorized to conduct monitoring. Monitoring reports prepared by the foregoing organizations tend to contain more openness, disclosure, and criticism. Although these organizations come across the problems of financing and authorization to visit the institutions in question¹.

Before the visit to an institution, Children's Rights Protection Ombudsman would submit a request to the administration of the institution to provide the following information: the articles of the institution; internal regulations thereof; list of work shifts in 2005 and information on shifts available; official regulations for the staff working with children; the list of children staying in the institution currently and in 2005; agreements signed with the parents (or foster parents, guardians) and/or other persons; information on documents filed for a child; methods and methodology of working with a child; activities report for 2004; auditing and review reports. This way, the experts had access to the foregoing information beforehand.

The form of a survey conducted was verbal semi-structured interview of unset length. In a single institution, the experts would interview 5 to 10 staff members and 10 to 15 children. First off, the group of experts would

¹ Monitoring Places of Detention. A Practical Guide. Association for the Prevention of Torture. Geneva, 2004.

direct their questions to the administration. After that, the experts would conduct individual interviews with staff members, as well as the children receiving care and/or education in the respective institution. A group of 3-7 experts would spend 3 to 6 hours in one institution. Same day after the visit, the experts summarized information collected during the visit, which was later used in the preparation of the final report.

During the planning of the survey, the list of institutions to be visited consisted of 15 residential child care and education institutions. Nonetheless, in the course of communicating with the administration members of institutions visited, preparation of reports and discussions about the activities of those institutions, the experts saw the need to correct the number of institutions to be visited and types thereof. The group of experts decided to broaden their scope of survey adding institutions that are an important part of the child care and assistance services system, even if they do not provide child care services directly. Namely, these are: Children's Rights Protection Service, Special Pedagogy and Psychology Centre, Pedagogic Psychological Service and Šiauliai hospital, as well as the modern Child Wellness Centre "Pastogė", which is offering new services in child care.

Data provided in the report has been collected from the children, administration of the abovementioned institutions, and staff directly working with children. Since the purpose of the survey was to detect violations, the names of specific persons that provided information is not given in order to protect the sources of information from persecution in accordance with the *Law on the Protection of Personal Information of the Republic of Lithuania*.

The names of the institutions visited are mentioned only in this section of the report, and later sections will not include the names or types of institutions in question. The purpose of the survey was to analyze children's rights situation in the child care system of Lithuania on the whole, and not in the separate institutions. Therefore, the report does not include information on specific violations detected in specific institutions. Also, most of children's rights violations detected should not be attributed to specific institutions, since they are caused by ineffective cooperation between various services as well as incomplete distribution of responsibility, i.e. systemic problems.

What were the reasons for conducting children's rights monitoring? There are several answers to the question.

First of all, the survey was determined by the specifics of the target group. Children are considered to be one of the most vulnerable groups in the society, and the protection of their rights requires exclusive attention. Furthermore, children with disabilities are even more vulnerable since they depend on their caregivers in order to meet their very basic needs. Because of limited communication skills, insufficient knowledge of their rights and protection thereof, it is much harder for these children to protect themselves and complain. Possibility of children's rights violations becomes much higher when children are raised in an institution instead of a family.

The second reason for children's rights monitoring was our eagerness to detect violations. According to Powers, Mooney and Nunno 1990², there are three types of violations, which occur in institutions:

- individual level – e.g. when children are subjected to sexual or emotional abuse from the staff or other children;
- program level violations – lower than minimal service standards, inappropriate behavior adjustment methods (e.g. managing child's aggression by increasing the dosage of medication);
- violations due to unsuccessful functioning of the system – incorrect diagnoses, unjustified order for institutional care, insufficient effort to bring the child back to the family, growing dependency on institutions, etc.

Shaughnessy 1984³ added another type of violation to the foregoing ones: insufficient support for the child, who is leaving the institution upon reaching legal age.

² Powers, J.L., Mooney, A., & Nunno, M. (1990). Institutional abuse: A review of the literature. *Journal of Child and Youth Care*, 4, 81-95.

³ Shaughnessy, M. F. (1984) 'Institutional child abuse.' *Children and Youth Services Review*, Vol. 6, pp. 311-318.

In the institutions, children are faced with violations affecting their aggressive behavior, emotional, communication and psychological problems, which hinder their successful development. In addition, upon reaching legal age and leaving child care institution, these young persons are not ready for living independently. They do not have elementary everyday life skills, as one such youngster “did not even know how to sweeten up the tea”⁴.

The third reason – the scope of the problem. Lithuania belongs to Central and Eastern Europe region, which is known to have a high number of children cared for in the institutions. Currently, there are 14 thousand children growing without parental care, and 6 thousand of those are cared for in the institutions. According to the Statistics Department of the Republic of Lithuania, there are 96 child care institutions in Lithuania, including 54 state owned foster homes. 32 of the state owned foster homes have been established by regional governments, and 22 – by municipalities. In total, there are 6.4 thousand children cared for in child care institutions in Lithuania (end of 2004 data). According to the data from the Ministry of Social Security and Labour, approximately 3 thousand children lose parental care on average per year, and this figure has not been decreasing.

Fourth reason – results from the survey named “Human Rights Monitoring in Closed Mental Health Care Institutions” conducted a year ago. Experts that conducted the survey have noticed that some of the residents in psycho-neurological boarding homes are former residents of residential child care institutions, who reached legal age. They were not offered any alternatives of life and care in the community, and they were automatically placed from child care institution of the same profile into the adult care institution⁵. In other words, a “career of a disabled person” starts from childhood (Egger 1999)⁶ – moving from one care and treatment institution to another, never having an option of living in the community.

Fifth reason – recommendations from influential international organizations, which analyzed child care system in Lithuania. It was recommended to conduct regular monitoring of child care institutions, in order to detect specific violations in the institutions, as well as systemic shortcomings.

Residential Child Care and Education Institutions

In this chapter, we provide a general discussion of child care and education institutions visited during the project: regional and municipal foster homes, special schools, special children’s education and care residences, and other related institutions that do not directly fall into the institution types listed above.

Regional and municipal foster homes

According to the data from the Ministry of Social Security and Labour, in the beginning of 2005, 14.5 thousand children were being raised without parental care, including 43 percent of the children cared for in various child care institutions⁷.

As mentioned above, there are 54 state owned foster homes in Lithuania: 32 regional and 22 municipal. According to the information received from Children’s Rights Ombudsman’s office, there is one more municipal foster home.

⁴ Kathleen Hunt, (1998) report “Abandoned to the State: Cruelty and Neglect in Russian Orphanages”. Human Rights Watch.

⁵ Arūnas Germanavičius, Dainius Pūras, Dovilė Šakalienė, Eglė Rimšaitė, Lina Mališauskaitė, Robertas Povilaitis (2005) “Human Rights Monitoring in Closed Mental Health Care Institutions”. Project Report. Human Rights Monitoring Institute, Global Initiative in Psychiatry, “Viltis” Lithuanian Welfare Society for People with Disabilities, Vilnius Psychosocial Rehabilitation Centre, Vilnius.

⁶ Egger, P. 1999, Die Konstruktion “Behinderung” oder die Macht der Normierung. Institut für Erziehungswissenschaften der Geisteswissenschaftlichen Fakultät der Universität Innsbruck.

⁷ Regional and municipal foster homes. Children’s Rights Ombudsman’s Office of the Republic of Lithuania. Information bulletins <http://vaikams.lrs.lt/apibendrinimai/apskr%20ir%20sav%20g1%20namai.htm>.

Child care institutions are financed from the state or municipal budget funds and other sources. Main source of financing for regional foster homes comes from state budget funds, and these fund allocations are managed by regional administration. Main source of financing for the municipal foster homes comes from the municipal budget, and these fund allocations are managed by the very foster homes. Hence, the financing of foster homes varies between institutions depending on the regional and municipal budget and views on social services rendered at foster homes⁸.

On January 1, 2005, there were 2034.67 shifts occupied in regional foster homes, and there were 2040 actual staff members working these shifts. 62.05 percent of the staff had direct work contact with kids, and 37.95 percent – indirect contact. Most of the staff directly working with children was teachers and their assistants. A similar tendency can be seen at the municipal foster homes – 54.92 percent of the staff worked directly with children, and 45.08 percent – indirectly. Pedagogue shifts make up 37.83 percent. Staff in most of the foster homes state that there has been an increase in children with delinquent behavior tendencies recently and these children have an especial need for psychological help. There is a shortage of psychologists working in foster homes. Some of the foster homes only have 0.5 a shift for psychologist, while some do not have any at all. Almost all of the institutions have additional development specialists and/or social pedagogues employed, but there is an evident lack thereof.

The following services are rendered in foster homes: permanent attendance, education, occupancy, social work, social rehabilitation and reintegration, and other social services. Appropriate provision of social services highly depends upon financial resources of foster homes. Monthly financial resources per child in regional foster homes range from 811.64 LT to 2007.31 LT. In some instances, foster homes located in the same region with children of the same group may have very different resources allocated per child.

Monthly financial resources per child in the municipal foster homes range from 453.82 LT to 1884.02 LT. Hence, municipal foster homes receive markedly less resources per child compared to regional foster homes. Since there is no unified money “basket” per child policy set, often foster homes receive financial resources only required to cover their minimal needs.

Special Schools

There are 13.4 thousand children with disabilities in Lithuania. Almost one third of the children live in special schools. 82.5 percent of the children studying in special schools have intellectual disabilities. Nonetheless, most of the students are children with slight mental retardation, and they could be integrated into general education schools. The foregoing group of children makes up 51.5 percent of the children studying in special education institutions. Some of the special schools do not have children with severe or profound mental retardation at all, and still the number of children staying there is not getting smaller.

The following staff is employed in 41 special boarding schools and special developmental centers in Lithuania: 775 special pedagogues, 25 social pedagogues, 13 social workers, and 12.5 shifts for psychologists. 65 percent of the staff members (1995 specialists) work directly with children in special education institutions, and the rest (1058 staff members) – technical economic staff – do not work directly with children. On average, one child gets 0.45 of the staff member (excluding the personnel not working directly with children). On average, one education facility has one special staff member. There are 126.75 shifts confirmed for health care specialists in 41 special education institutions, approximately 3 specialists per institution.

On average, special education institutions receive 1210 LT per child monthly (from 775.5 LT to 1980.2 LT).

Geographic distribution of special education institutions between regions is uneven; Šiauliai and Telšiai regions have the lowest density of the institutions.

⁸ Ibid.

National Child Welfare Measures Plan does not include plans for reorganization of special schools. Although plan of measures for 2005-2008 of the resolution of the Government of the Republic of Lithuania “Concerning the Realization of the Provision of Special Education Services” includes the measures of adapting the environment of general schools to individuals with special needs, creating the shifts for assistant pedagogues and assistants for students with special needs, as well as modernization of special schools in 2006.

Special Children’s Education and Care Residencies

These institutions aim to provide comprehensive assistance, in order to attain positive changes in the behavior of under-aged individuals with behavior disorders, and assist these individuals in their integration into society by adopting an acceptable value system⁹.

Currently, there are three special children’s education and care residencies for boys and one for girls in Lithuania. In accordance with the effective Law, children are referred to special children’s education and care residences on the decision of the court or interdepartmental commission, which is organized by the order of Education and Science Minister or regional governor. Such practice, when the freedom of a child may be limited by the decision of the executive power, is against international Law and the Law of the Republic of Lithuania¹⁰.

Notably, Education and Care Centre of Kaunas district should be categorized as a special children’s education and care residence based on the purpose and activities of the institution, while it is not included into the system of these institutions. The same should go for Sanatorium - Boarding School in Švėkšna, as the type of activities and services offered in the institution coincide with the status of special children’s education and care residence.

Current distribution of these institutions, i.e. concentration thereof in the district of Vilnius, is not in the best interests of children, as it does not properly ensure the right of children to preserve the relationship with the family as well as the communication with parents.

Monthly costs per child in the special children’s education and care residences range from 1800 LT to 4000 LT.

As the current data on the structure of special children’s education and care residences indicates, there are not enough specialists employed in these institutions, including psychologists, social pedagogues, etc. Low wages stand behind high rotation of specialists, as well as the lack thereof.

⁹ *Special Children’s Education and Care Residences*. Children’s Rights Ombudsman’s Office of the Republic of Lithuania. Information bulletins <http://vaikams.lrs.lt/apibendrinimai/specialieji%20globos%20namai.htm>.

¹⁰ Ibid.

Legal Regulation of Residential Child Care and Education Institutions

Organization of Care

Child care is a care, education and upbringing, creation and preservation of the environment for spiritual and physical growth of, as well as the protection and representation of personal, material and legal interests of a child left without parental care, entrusted to physical or legal persons in pursuance of the effective laws¹¹.

The main laws regulating the organization of child care are Civil Code, Law on the Fundamentals of Protection of Children's Rights, and Law on Social Services.

The purpose of child care is to ensure education and care for a child in an environment beneficial for the child's safe growth, development and improvement.

Child care types and forms are as follows¹²:

Child care types:

1. temporary care;
2. permanent care.

Child care forms:

1. care in a foster family;
2. care in a large foster family;
3. care in child care institution.

When a child loses parental care, he may be placed in the state owned or private child care institution, if there is no possibility for him to be cared for in a foster family or large foster family¹³.

A number of social factors played a role in the establishment of child care institutions in Lithuania. Institutional care inherited from the soviet times has not been reformed yet. Therefore, various problems arise – problems related to financing, organization of care, staff qualification, etc.

In this section of the report, we will discuss legal regulation of the four types of institutions providing residential care and education services:

- state owned and municipal foster homes;
- foster homes for children and youth with intellectual disabilities;
- special schools;
- special children's education and care residences.

Foster Homes

Children who lost their parental care are placed into an institution of social care – foster home – for a certain period of stay¹⁴.

Foster home subordination may differ from institution to institution, but these institutions must follow unified regulations for the assignment and organization of child care. Children's rights protection management was

¹¹ Order of Health Care Minister on the *Confirmation of Hygiene Norm HN 124:2004 of Lithuania "Child Care Institutions. General Health Care Requirements"*// Official Gazette, 2004, No. 45-1492.

¹² Civil Code of the Republic of Lithuania // Official Gazette, 2000, No. 74 – 2262; Official Gazette, 2000, No. 77; Official Gazette, 2000, No. 80; Official Gazette, 2000, No. 82, Article 3.252

¹³ Civil Code, Article 3.261

¹⁴ Order of Health Care Minister on the *Confirmation of Hygiene Norm HN 124:2004 of Lithuania "Child Care Institutions. General Health Care Requirements"*// Official Gazette, 2004, No. 45-1492.

assigned to the Ministry of Social Security and Labour by the resolution of the Government of February 6th, 2003¹⁵. According to the resolution, the Ministry prepares and implements social policy, supervises the functioning of social security of the child, youth and family, coordinates the realization of children's rights protection policy, compiles and organizes information on the issues of children's rights protection, coordinates the activities of social care institutions, and assumes the development of social services infrastructure¹⁶.

Regulations for the Organization of Child Care¹⁷ confirmed by the resolution of the Government on March 27th, 2002, regulate the principles of the organization of child care for a child who lost parental care, as well as the procedures for the selection, preparation, appointment, release or removal of child's guardian, as well as the procedures for court ruling of permanent care and termination thereof.

Regulations for Temporary Child Care (Guardianship)¹⁸ confirmed by the Minister of Social Security and Labour on April 18th, 2002, regulate the following procedures: expedited court decision on temporary child care, temporary child care planning, planned court decision on temporary child care, execution of temporary child care, change of child's place of residence, supervision of temporary child care, and temporary child care termination. Temporary child care is defined as a "care, education and upbringing, creation and preservation of the environment for spiritual and physical growth of, as well as the protection and representation of personal, material and legal interests of a child temporarily left without parental care, entrusted to physical or legal person in pursuance of the effective laws"¹⁹.

The laws define two aims of temporary child care: ensure nurturing of and care for a child in the family, large family or child care institution environment, where a child can grow, develop and improve safely and appropriately, until he can return to his real parents; evaluate current situation in the family of real parents of the child and the possibility for the parents to bring the child back into the family, including assistance to parents to seek the return of the child.

A child may be provided temporary care in a foster family, large foster family, or child care institution through an expedited or planned procedure. Based on municipal territory, temporary care is organized and supervised by the municipal Children's Rights Protection Service.

State owned, municipal or non-governmental organization based child care homes may be established for the implementation of child care for orphans or children who lost parental care. General Regulations of Non-Governmental Foster Homes²⁰ confirmed by the resolution of the Government on March 14th, 1995, set the requirements for the establishment, financing of, referral of the child to these child care institutions, as well as other requirements of the activities of non-governmental foster homes. According to the regulations, non-governmental foster homes are a constituent part of social security system. Orphans and children, who lost parental care, as well as children, who lost parental care temporarily, (if both of the parents become sick or in case of a single parent, the parent becomes sick), are placed into these foster homes. In addition, children from socially supported families may be referred to the foster home, if appropriate living and child development conditions are not provided in the family.

These regulations were set exclusively for the status and activities of non-governmental foster homes, while there were no special legal acts governing the requirements for state-owned and municipal foster homes.

¹⁵ Resolution of the Government *Concerning the Assignment of Children's Right Protection Management to the Ministry of Social Security and Labour, and Setting the Competence of Other Ministries* // Official Gazette, 2003, No. 15 – 611.

¹⁶ Resolution of the Government *Concerning the Confirmation of Articles of the Ministry of Social Security and Labour* // Official Gazette, 1998, No. 66 – 1916.

¹⁷ Resolution of the Government *Concerning the Confirmation of Regulations for the Organization of Child Care* // Official Gazette, 2002, No. 35 – 1275.

¹⁸ Order of the Minister of Social Security and Labor *Concerning the Confirmation of Regulations for Temporary Child Care (Guardianship)* // Official Gazette, 2002, No. 68 – 2798.

¹⁹ Ibid, Item 3.

²⁰ Government resolution *Concerning the Confirmation of General Regulations of Nursing Homes for the Elderly and General Regulations of Non-Governmental Foster Homes* // Official Gazette, 1995, No. 25 – 567.

Only on March 3rd, 2005, the order of the Minister of Social Security and Labour confirmed General Regulations of State-Owned and Municipal Foster Homes. The following items and requirements for the activities of state-owned and municipal foster homes are governed in the Regulations: aims, objectives and rights of the foster homes, work organization, staff employment and release, salary procedures, financing, child placement, release or leave, as well as liquidation, reorganization, and reformation of foster homes²¹.

Even though Social Services Infrastructure Development Program²² of 1998 includes the statement that the main direction of social services policy is decentralization of services and development of non-residential services, legal basis for the reform of child care system was set only in the implementation measures of the Government Program for 2001-2004²³, including the plans for the execution of the reform of the child care system, making child care in the family a priority, and improvement of the support system for the orphans and children who lost parental care. The Program for the Support and Social Integration of Orphans and Children, Who Lost Parental Care for 2005-2008²⁴ was confirmed by the resolution of the Government on October 13th, 2004. The Program is intended for the support and preparation for independent life in the society of children, who were legally assigned care, and individuals, who were legally assigned care until they reach legal age or full civil capacity according to the law. The aim of the program is to establish conditions appropriate for social integration and development of independent living skills in the children, who lost parental care. The priority is given to children living in foster homes.

Another official document that talks about the need for child care reform, emphasizing the principles of child protection and support, is the Concept of State Policy on Child Welfare²⁵, confirmed by the Parliament in 2003. It is noted in the Concept that upon the necessity to take the child away from biological family, the state shall organize the replacement care via the authorized institution, having regard to the criteria of child's return to his biological family or prioritized adoption, instead of long-term care. In addition, the Concept stresses the necessity to organize the control of child care quality and continuity; sets the term for the review of the child care plan, which is supposed to answer the question whether the child should be returned to his biological family, adopted, or should his care be prolonged. A child, who may be cared for in a foster family or adopted, should not permanently live in the institutions. When the care for a child is organized, one should adhere to the principle of secure living environment, which would be closely related to living within natural family, since the child can prepare for independent living in the society only in the foregoing environment.

In pursuance of the improvement in the organization of temporary and permanent child care, the Minister of Social Security and Labour has adopted the order "Concerning the Organization of Temporary and Permanent Child Care"²⁶ on August 26th, 2005. Following the order, Municipal Children's Rights Protection Services have to organize temporary child care review for the children, who are temporarily cared for in child care institutions for over 12 months. According to the law, children's rights protection service that is reviewing temporary child care case, must prepare the documents for the return of the child to his natural parents, extension of temporary care or assignment of permanent care. In addition, municipal children's rights protection service must ensure that social work will continue with the family and the child, upon the return of the child to his natural family.

²¹ Order of the Minister of Social Security and Labour *Concerning the Confirmation of General Regulations of State-Owned and Municipal Foster Homes* // Official Gazette, 2005, No. 3 – 1079.

²² Resolution of the Government *Concerning the Confirmation of Social Services Infrastructure Development Program for 1998-2003* // Official Gazette, 1998. No. 19-478.

²³ Resolution of the Government *Concerning the Implementation Measures of the Government Program for 2001-2004* // Official Gazette, 2001, No. 86-3015, Article 29.

²⁴ Resolution of the Government *Concerning the Confirmation of the Program for the Support and Social Integration of Orphans and Children Who Lost Parental Care for 2005-2008* // Official Gazette, 2004, No. 152 – 5546.

²⁵ Resolution of the Seimas *Concerning the Confirmation of the Concept of State Policy on Child Welfare* // Official Gazette, 2003, No. 52 – 2316.

²⁶ Order of the Minister of Social Security and Labour *Concerning the Organization of Temporary and Permanent Child Care* // Official Gazette, 2005, No. 106 – 3932.

Social Care Institutions for Children and Youth with Intellectual Disability (boarding houses)

The Ministry of Social Security and Labour adopted an Order on September 4th, 1998, “Concerning the Confirmation of Regulations on the Course of Development of Social Services at Home, and Improvement of the Effectiveness of Residential Care Institutions”. According to the Order, social services at home are considered to be a priority community based social services. A person should be referred to residential social care institution only if social services rendered at home occur to be ineffective and do not ensure proper independence of the individual.

Residential social care institution is an institution that provides long term (from 30 days to one year or longer) social care and nursing services under permanent supervision of specialists. Residential social care institution becomes the place of residence for the client for a certain period of time. Day social care or short-term social care services may be organized and rendered in such an institution²⁷.

The Strategy for the Reorganization of State Owned Social Care Institutions²⁸ confirmed in 2002 set the direction of reorganization of State Owned Care Institutions in 2003-2008. The aim of the Strategy is to reorganize state owned residential social care institutions so that these institutions were integrated into the system of community based social services, in order to ensure purposefulness of social services and improvement of living conditions of the community members, as well as more rational realization of state budget funds intended for the financing of the provision of social services. This strategy is aimed at the state owned care institutions – nursing homes for the elderly subordinate to the administration of regional governor, care institutions for adults with intellectual disability, as well as care institutions for children and youth with intellectual disabilities.

In the implementation of the Strategy, plans are to develop and expand the network of community based services gradually year by year, reduce the number of beds in residential care institutions, improve living conditions and quality of the services rendered in the foregoing institutions. One of the objectives is to reduce the number of persons staying in a care institution so that the number of persons staying does not exceed 300, and the number of persons per room – no more than 4 individuals, and the room should relate to the atmosphere of home as much as possible.

Special residential social services are rendered in care institutions for children and adults with intellectual disability. Requirements for social care institutions and for the procedure of referral of an individual into residential social care institution were confirmed by the order of the Minister of Social Security and Labour, dated July 9th, 2002. The Order regulates the following aspects of the activities of residential social care institutions: work organization, staff norms, services rendered, rights and obligations of residents, requirements for the buildings and the surroundings of care institutions, placement into and leave from the institutions, the quota for individuals residing, etc.

Special Schools

Law on Education of the Republic of Lithuania (2003) and Law on Special Education of the Republic of Lithuania (1998) are the main legal acts regulating national education system. The purpose of special education is to assist an individual with special needs in his development, to help him learn according to his abilities, attain an education level and acquire a qualification; and to overcome social exclusion²⁹. Students with special needs must be allowed to develop and study in a pre-school or general education school under the

²⁷ Order of the Minister of Social Security and Labour *Concerning the Confirmation of Social Services Catalogue for 2000* // Official Gazette, 2000, No. 65 – 1968.

²⁸ Order of the Minister of Social Security and Labour *Concerning the Confirmation of the Strategy of State-Owned Social Care Institutions* // Official Gazette, 2002, No. 71-2991.

²⁹ Law on Education // Official Gazette, 2003, No. 63 – 2853, Article 15

form of full or partial integration³⁰ or in a school providing special education curriculum³¹. The school should be located as close as possible to the place of residence of the student. Access to education for individuals with intellectual disability is ensured by adapting the environment of the school, providing psychological, special pedagogical and special assistance, supplying compensatory equipment intended for education and special educational means, as well as other measures set by the law.

Even though, special education is regulated by the separate law³², special education is considered to be an integral part of the education system. Special education includes early and pre-school education, general training, vocational, college and university education, adult education and supplementary education; non-formal education is considered to be supplementary education³³. Persons with special needs are educated at the state, municipal and non-state institutions of all types of general and special education, care institutions and special centers for adults³⁴. Persons unable to attend educational institutions are instructed at home.

The Law on Special Education guarantees equal and same education conditions for all members of the society including individuals with special needs³⁵. According to the Law, special education needs are divided into mild, moderate, severe and profound³⁶. After special education needs are assessed for specific individual, an appropriate special education is organized.

Special schools and special education centers are established in pursuance of the resolution of the Government “Concerning the Confirmation of the List of Criteria for the Establishment, Reorganization, Liquidation and Reform of General Education, Special Education, and Vocational Training Schools, as well as Institutions Providing Support to Students, Teachers and Schools”³⁷.

The order of the Minister of Education and Science “Concerning the Admission Procedures of Individuals with Special Needs into Special Education Institutions”³⁸ defines the criteria for admission into special education institutions, and sets the principles of ascribing an individual with disability to specific group of special needs.

Individuals with special needs under the age of 21 with severe or profound special education needs are admitted into special education institutions. The Order explicitly sets that children and youth with the following disabilities may be educated in special education institutions:

- complex disorders, i.e. various combinations of intellectual disorders and physical or motion disorders, impaired vision, hearing, or speech and speaking disorders, emotional or behavior disorders;
- intellectual disorders, i.e. profound, severe, moderate or mild mental retardation.

Children with the diagnosis of mild mental retardation are admitted into special education institution (special group or class) only after their unsuccessful attempt to study in the general education facility under the form of full integration, upon the approval of pedagogic psychological service.

³⁰ A student with special educational needs must have an option of education facility – special school, general education school with special classes, integrated school, or special education centre.

³¹ Law on Education // Official Gazette, 2003, Nr. 63 – 2853, Article 34(1)

³² According to the opinion of “Viltis” Welfare Society for People with Disabilities and specialists in the field, the very fact that there are two separate laws indicates the disunity in the education system. Currently, a work group has been organized in the Ministry of Education and Science, which is preparing proposals on the integration of resolution of the Law on Special Education in the Law on Education; such integration would establish the unity of the education system.

³³ Non-formal education – education according to supplementary competence attainment programs, stimulating the growth of personality, satisfying the needs of knowledge, education and self-expression; although it does not provide education in accordance with the requirements of state education standards. Law on Education // Official Gazette, 2003, No. 63 – 2853, Article 16.

³⁴ Law on Special Education // Official Gazette, 1998, No. 115 – 3228, Article 9 (2)

³⁵ Law on Special Education // Official Gazette, 1998, No. 115 – 3228, Article 4

³⁶ Law on Special Education // Official Gazette, 1998, No. 115 – 3228, Article 6

³⁷ Resolution of the Government *Concerning the Confirmation of the List of Criteria for the Establishment, Reorganization, Liquidation and Reform of General Education, Special Education, and Vocational Training Schools, as well as Institutions Providing Support to Students, Teachers and Schools* // Official Gazette, 2004, No. 95 – 3510.

³⁸ Order of the Minister of Education and Science *Concerning the Procedures of Admission of Individuals with Special Needs into Special Education Institutions* // Official Gazette, 2000, No. 17 – 421.

The Program for the Provision of Special Education Services³⁹ was confirmed by the resolution of the Government of the Republic of Lithuania on November 22nd, 2004. The Program should improve access to education for individuals with special needs, by creating beneficial educational environment for these individuals. It should also ensure that teachers are qualified to educate individuals with special needs of various ages. In the implementation of the plan of measures of the Program for the period of 2005-2008, plans are to adapt the environment of schools to the needs of individuals with special needs, as well as improve access to the support of assistant teachers and other specialists. In addition, plans are to modernize special schools in 2006, and promote the functions of methodical centers in these schools, etc.

National Education Strategy Guidelines⁴⁰ for 2003-2012 were confirmed by the resolution of Seimas of the Republic of Lithuania. The Guidelines include the objective to provide opportunity for all the children and youth with special needs to study in schools of all types in an auspicious educational environment in accordance with formal or non-formal education curricula by 2012.

Since special boarding schools still provide social care services for individuals with disabilities besides the education function, they must follow the laws regulating the activities of social care institutions as well. More than a half of the students studying in special boarding schools reside in the boarding houses by those schools⁴¹.

On June 27th, 2005, the Minister of Education and Science issued an order “Concerning the Change in the Type of School for State Owned General Education Boarding Schools Providing Care Services”⁴². The objective is to separate the main activity of the schools – formal and/or non-formal education – from care services. All the general education schools providing care services (general education boarding schools, special boarding schools, sanatorium type boarding schools, special development centers) were obligated to change the type of the school, as well as the regulations by September 1st, 2005, defining child care as a secondary activity, which must be stopped by August 31st, 2007. In addition, starting August 1st, 2005, these schools cannot submit requests for assigning them as guardians, and should apply for the release from the guardian status to the municipal Children’s Rights Protection Service. The Law instructs that children with severe or profound special education needs may study in the special school or special education centre and reside in the boarding house of the foregoing school, if the institution is assigned to be the guardian to the individual.

The Laws regulating special education contain contradictory regulations. On one hand, the laws regulate that a child with special education needs has a right to study as close as possible to his place of residence in order to avoid social isolation; and educational environment should be adapted to the needs of the child. On the other, the laws declare that the abovementioned child shall have a choice between general education school or special school. Usually, families opt for the institution that meets the needs of the child in a better way, i.e. special school. Under this option however, the child is removed from his immediate environment; in other words, his social isolation increases.

Special Children’s Education and Care Residences

Crime rate among children is relatively high in Lithuania. One may notice the tendency that the crimes committed by children are getting more serious and tend to repeat. Younger children are being caught committing legal offences, misdemeanors and crimes. The usage of tobacco, alcohol and other addictive

³⁹ Resolution of the Government *Concerning Confirmation of the Program for the Provision of Special Education Services* // Official Gazette, 2004, No. 170 – 6263.

⁴⁰ Resolution of Seimas *Concerning Confirmation of Regulations of State Education Strategy for 2003-2012* // Official Gazette, 2003, No. 71 – 3216.

⁴¹ Approximately 65 percent of the students in five special boarding schools visited during monitoring lived in the boarding houses of the school.

⁴² Order of the Minister of Education and Science *Concerning the Change in the Type of School for State Owned General Education Boarding Schools Providing Care Services* // Official Gazette, 2005, No. 81 – 2982.

substances among children is on the rise. There are more instances of physical and psychological violence in schools and in their vicinity. The number of socially and pedagogically neglected children and children with no motivation to study is increasing. Poorly developed and ineffective support for the child and family may explain for the fact that medium⁴³ and maximum level supervisory⁴⁴ measures⁴⁵ are imposed on children more and more.

As a member of the society, a child must follow general behavior norms and respect the rights of others. For constant and malignant violations of law and order, and also for perpetration of dangerous (criminal) activity, the following compulsory educative enforcement (disciplinary) measures may be applied: warning; obligation of a public or other type of apology to the victim; release upon guarantee, in custody of parents or other persons; home supervision (leisure limitation); placement in a special educative and disciplinary institution; other measures provided for by laws (considering the age of the child, the type of violation committed by him and other circumstances)⁴⁶.

There is a lot of attention paid to educative disciplinary measures as a preferred form of penalties, compared to the more strict measures, in the Law on the Fundamentals of Protection of Children's Rights and Criminal Code. Educative disciplinary measures are intended to change and correct the behavior of the child. However, current legal regulations, infrastructure and prevalent practice determine that more often than not the strictest educative measure is used, namely referral of a child to special children's education and care residence.

Child's parents or guardians, juvenile affairs police officers, municipal Children's Rights Protection Services, and school and foster home administration tend to choose and initiate the implementation of educative disciplinary measure in the form of referral to special children's education and care residences, as the only way to solve the problems due to child's behavior. In this case, the issue of child's referral to special children's education and care residence is solved in accordance with the subordinate legal acts. Interdepartmental commission organized by the body⁴⁷ that established special children's education and care residence decides on child's referral to the foregoing institution. Such regulation conflicts with the Constitution of the Republic of Lithuania and the Law on the Fundamentals of Protection of Children's Rights. According to the foregoing laws, the freedom of an individual is inviolable; and a child may be referred to special educative and disciplinary institution exclusively on the decision of the court.

There are four special children's education and care residences (SCECR) established in Lithuania. Three of those – institutions in Čiobiškis, Gruzdžiai and Vėliučionys – are intended for boys, and SCECR in Vilnius is for the girls. According to SCECR regulations, juveniles are referred to those institutions on a differentiated basis, considering their sex and age.

Temporary regulations of special children's education and care residences declare that the number and establishment of such institutions are determined by general social situation and the number of juveniles of asocial behavior. The Ministry of Education and Science⁴⁸ or municipal/regional administration are responsible for the establishment, reorganization and liquidation of SCECR according to the law.

⁴³ Provision of social, psychological, pedagogic and other support in pursuance of positive changes in juvenile behavior in correctional institutions with permanent supervision.

⁴⁴ Provision of social, psychological, pedagogic and other support to juveniles in pursuance of positive changes in their behavior in the special education institutions.

⁴⁵ Resolution of the Government *Concerning Confirmation of Juvenile Justice Program for 2004-2008* // Official Gazette, 2004, No. 83 – 3008.

⁴⁶ Law on the Fundamentals of Protection of Children's Rights // Official Gazette, 1996, No. 33 – 807.

⁴⁷ The Ministry of Education and Science and districts of Šiauliai and Vilnius are the founder of the four special education and care residences operating in Lithuania.

⁴⁸ Before September 1, 2003, Ministry of Education and Science performed all the functions of the founding body of special children's education and care residences. Following the order of the Government No. 809, dated June 25, 2003, subordination of special children's education and care residences was divided as follows: Governor of Šiauliai district undertook the function of the founder of special children's education and care residence in Gruzdžiai, and the governor of Vilnius district – of the special children's education and care residence in Čiobiškis.

Special Children's Education and Care Residence⁴⁹ is a state owned general education institution of special regime for juveniles with asocial behavior; it is a part of the education system of the Republic of Lithuania.

SCECR institutions are ascribed to basic school type (basic and primary curriculum) of general education school group. The purpose of these institutions is to form behavioral skills, as well as the skills of personal hygiene and cultural communication in children, and allow the child to attain primary and general secondary education, undergo vocational training for working and living in the society. Description of the foregoing institutions differs in the regulations of each specific institution, although primary function thereof stays the same⁵⁰.

According to temporary regulations of SCECR, the child cannot stay in the institution after he reaches 18 years of age. The court sets the term of stay in the institution for the child referred to SCECR under the court decision. According to Article 88 of the Criminal Code of LR, the child may be referred to SCECR for the period between six months and three years, and the child must be under 18 years of age during that time.

Resolutions of each of SCECR define somewhat different minimum and maximum terms of child's stay in the institution⁵¹.

In some cases, SCECR undertakes the functions of the child's guardian as well. Usually, SCECR is assigned to be the guardian of the child, when disciplinary measure – referral to special children's education and care residence – is implemented following the court decision. In that case, special children's education and care residence is committed to ensure proper care for a child and perform all the duties of the guardian according to the law. The absence of single approach and practice concerning the assignment of guardian functions to SCECR determines the problems that arise between SCECR, municipal Children's Rights Protection Services, juvenile affairs police officers and parents (guardians) of the child in the distribution of responsibility for the care of the child. There is a tendency to solve the issue by referring the child to the special children's education and care residence leaving all responsibility to the institution.

In an effort to remove legal regulation gaps and create effective, high-quality system appropriately representing children's rights and legal interests, the Government of the Republic of Lithuania has confirmed the concept of the Law on Minimal and Medium Care for the Minors of the Republic of Lithuania. The system of minimal and medium care for minors should be reconciled in essence with the international legal norms and become an important part of children's rights protection system ensuring the welfare of children. The Law on Minimal and Medium Care for the Minors shall set the procedures of the placement of juveniles

⁴⁹ Resolution of the Government Concerning Confirmation of Temporary Regulations of Special Children's Education and Care Residence // Official Gazette, No. 39 – 971.

⁵⁰ Regulations of the special children's education and care residencies define special children's education and care residences as follows:

- special institution of preventive upbringing and general education, which provides education and care to minors, in pursuance of positive changes in their social experience and behavior.
- special education and care residence is a non-profit state institution, an integral part of consecutive education system of the Republic of Lithuania. Operating as a general education institution, special education and care residence is also a rehabilitation and special upbringing institution for juveniles with asocial and delinquent behavior.

⁵¹ The following terms of stay are set in the special children education and care residences:

Minimum term of stay for children between 8-14 years is 6 months; maximum term is set by the decision of Teacher's Council Meeting upon the approval of [...] the commission organized by the regional governor; minimum term of stay for children between 14-16 years is 6 months, and maximum – 2 years.

Maximum term of stay in SCECR may be extended upon (written) request from the student himself, his parents or guardians and approval of the institution, if the child wants to finish primary or basic education curriculum, finish the class or for other reasons in child's interests.

Minimum term of stay for children between 12-14 years – 1 year, and for children between 14-16 years of age – 2 years.

Maximum term of stay may be extended upon (written) request from the student himself, his parents or guardians and approval of the institution, if the child wants to finish primary or basic education curriculum, finish the class or for other reasons in child's interests.

Minimum term of stay for 12-14-year-old children – 3 months, maximum – 1 year; for 14-18-year-old children – up to 2 years.

If the student wants to acquire a profession, the length of stay may be extended to 3 years. Maximum term of stay may be extended under the (written) request of the student himself, if he wants to finish basic school, class or for other reasons in his interests; the student shall leave the institution when he reaches 21 years of age.

in medium care institutions (e.g. special children's education and care residences). In addition, the Law should help solving the problems of the provision of social and psychological help to the juveniles. More opportunities will be created for the socialization of children with delinquent tendencies.

Despite the number of effective legal acts⁵², there is no effective support intended for the family that wants to correct the behavior of its problem child with delinquent tendencies.

Contemporary Principles of the System for the Support of the Child

Historically, care homes performed the following two functions: provide care to abandoned children, and protect the society from children and adolescents with socially unacceptable behavior. Surveys of residential child care institutions in a number of countries have shown that it is very hard to ensure welfare, rights and full development of the child in such institutions. Following contemporary standpoint, it is an obvious truth that children must be reared in the family, since no institution can substitute for the family environment. Starting approximately the seventh decade of the 20th century, the number of care homes has decreased markedly throughout Europe, while the number of children cared for in the families has increased. This tendency was based on the view that for a child, who cannot live with his biological family for some reason, all efforts should be made for him to live in the environment as close to living in the family as possible; the child could be living with the step-parents, guardians, or relatives. Another process that occurred simultaneously was the change from large care homes into small institutions that related to the home environment, with 3-4 kids staying there.

Following contemporary principles of child care, the fact must be accepted that services for children and the family are closely interrelated. Education and health care – universal preventive services provided to everybody – constitute one side of the system. The function of these services is to protect the family from becoming a problem, risk family. If that does not happen, secondary preventive services should be provided, which would prevent the child from being separated from the family. If both of the prevention stages were unsuccessful, and the child has to be separated from his family, all efforts should be made to shorten the period of separation to the minimum (tertiary prevention). If the efforts to bring the child back to his family are unsuccessful, the child should be adopted and a stable family environment should be provided to him this way.

Institutional child care is the result of the failure in two preventive stages, which indicates that there were not enough effort made providing support to the family and seeking preservation of its integrity. The fact that a child is placed into residential care institution and leaves it only by reaching legal age, demonstrates serious gaps in the child care system.

The term “prevention” has various meanings. In this report we refer to the term *preventive services* meaning services provided in an effort to prevent the separation of the child from the family. Services rendered to a child that was separated from his family in the protection of his welfare could be referred to as *protective services*.

The following main prevention objectives could be distinguished:

- ensure the provision of child support together with the family support;
- prevent the child from getting into the care system;
- protect the child from neglect and violence;
- protect the child from prolonged stay in the care system;
- protect the child in care from isolation.

⁵² Regulations on the type and system of treatment and support to juvenile delinquents, current shortcomings and possible resolution thereof were discussed in the Juvenile Justice Program for 1999-2002, Program for Minors for 2004-2008, National Program for Crime Prevention and Control, Plan of Implementation Measures of National Crime Prevention Program for 2005-2006, and Program for the Socialization of Children and Youth.

These objectives could be basic principles used in the evaluation of the system of social services to the child and the family. If the support system is only oriented towards one member of the family and the family on the whole, we get the support system which protects the child from the abuse in the family, but it does not protect him from isolation. After all, it was this one sided philosophy that was the basis of the number of large child care institutions, which protected children from neglect in the family, but allowed new risk factors to appear, namely the isolation and limitation of rights mentioned above.

Survey Results

Mission of Institutions and Compliance Thereof With the Contemporary Principles of Child and Family Support

Regulations in the institutions visited define the aims thereof as follows:

- “Develop value orientation in every student, which would allow him to become honest, independent, responsible, and patriotically inclined person; develop communication skills important in the present life of the student, as well as contemporary social competence and skills for building independent life.
- Resocialization, adaptation and behavior correction in the students with delinquent behavior.
- Create the conditions under which under-age students with social behavior problems could attain contemporary cultural and social competence (help them comprehend general human values, cherish the morals and public-spirit, develop personal hygiene skills, and the skills of cultural and democratic communication, respect for human rights and freedoms, as well as the awareness of the responsibility for one’s actions). Encourage the students to study and become a responsible a person, by assisting them in decreasing the contact with the negative environment, and giving the skills for comprehensive life in the society.
- Ensure the continuity of education creating beneficial environment for education and living, taking individual psychophysical strengths of the child into consideration, in pursuance of the consistency in the methods and measures, and applying the environment of the institution.
- Having regard to the social experience, needs and individuality of the child, differentiate education and living conditions, nurture physical and spiritual strengths in children, encourage the growth of physical, mental and social maturity in children under the principles of consistency and humanity.
- Prepare the child for independent life, nurture his spiritual, mental and physical strengths, instill human values in the child, educate an independent person, who is able to organize and value his life.”

All the foregoing objectives unanimously stress the individuality in the child, his resocialization and integration into the society, as well as the preparation for independent life.

The very staff of the institutions describes the objectives of the institution in a more simple way: protect the children from the society and society from them, “save” them from asocial families, prepare children for independent living, care for them by providing the rest of the services to them, prolong the happy childhood, etc. In fact, the most of the attention is paid to the daily living concerns and the provision of school education.

In the regulations, care institutions often use various terms describing social integration, and define it as one of the most important aims. Although the administration of those institutions believes that the abovementioned integration should occur after the child leaves the care institution; while the child stays in the institution, the primary task is to ensure his “happy childhood”. Most of the institutions do not strive to bring the child back to the family. Municipal Children’s Rights Protection services usually “relax” after placing the child into child care institution, and from that moment on, no more attention is paid to the issues of that child and his family. Staying in the institution, the contact between the child and his family becomes increasingly weak, as the family is not able to visit the child due to social problems in the family – poverty, lack of social skills, alcohol abuse, etc. So the child becomes increasingly isolated from the family and usual social

relations. We do not want to put the blame on the care institutions and especially not on the staff thereof, as staff members usually are eager to help in every way possible. It is absolutely clear that an institution cannot ensure the contact between the child and his family, or provide support to the family or render any other related services for the children coming from remote areas. Care institutions have neither funds nor human resources for the work with the family in pursuance of bringing the child back to the family.

Staff of the care institutions believes that the function of working with the family, in order to bring the child back, belongs to municipal Children's Rights Protection Services, and it also requires the initiative from parents themselves. Care institutions invite parents to events and celebrations held in the institution, they also encourage parents to take children home during the holidays. Nonetheless, these institutions do not undertake any measures assisting the parents in bringing the child back to the family. One may notice the tendency of the staff in the institutions to put the blame on parents, referring to them as "bad parents" and such. During some of the interviews with the staff of child care institutions and municipal Children's Rights Protection Services, we heard the opinion that "child's family abuses alcohol just the same as before, completely ignores the child, etc."⁵³ Perhaps, it would be naive to expect the problem family to change on its own, without outside support. It would be unusual and strange, if it were able to solve its social problems on its own, and sought the return of the child back to the family. These cases are very rare, occurring once or twice in several years.

When the child is placed into the education and care institution, the aim of the child's integration into society is understood as the adjustment of child's behavior, in order to bring the child back home. In this case, the institution itself works with the child in changing his behavior, while the family is left behind. Therefore, even if the institution is efficient and successful in the appropriate correction of the child's behavior, his behavior often gets worse again and he is repeatedly placed into the special education institution, after his return into the usual environment.

Another paradoxical issue, related to the main objective of the child care institutions, i.e. social integration, is the development of child's independence. The administration of the institutions supposedly strives to teach children how to live independently, even though children do not get the opportunity to learn how to manage money, gain the essential everyday-life skills, or assume responsibility for one's decisions. Children are not even allowed to keep money in the special education institutions, since theft is common and the safety of money kept cannot be assured in these institutions. In addition, such an opportunity is sometimes viewed as a problem, as it causes additional concerns of stopping money being taken away by the peers. Having regard to the importance of money, administration of some of the institutions tries to give an opportunity to children to have pocket-money. All the institutions though lack the methodology for teaching the children to manage money. Lack of money management skills may be an important obstacle in the child's public integration and subsequent independent life. Administration of the institutions confirms this, and raises the issue of welfare allowance intended for starting the life after leaving the care institution being spent too fast and inappropriately.

Living in an institution, children are not given opportunity to learn even the very basic every-day-life skills. Food is served to them in the lunch-room (restaurant principle), it is prepared by the chefs. As a rule, the child is not even allowed to enter the kitchen. The staff does comprehend the absurdity of the situation, but they must follow the effective hygiene norms, which strictly regulate food preparation procedures in the abovementioned institutions, and do not allow the involvement of children in the process.

One may state that social disintegration occurs in most of the institutions instead of social integration. As one of the main rights of the child is violated – the right to live in the family, environment is set for the violation of other children's rights as well.

Main Children's Rights Violations in the Institutions

⁵³ Information received in the interviews with the administration and staff members during monitoring.

Right of the Child to Protection of Private Life

The respect of child's privacy in the residential child care and education institutions is an unusual practice. Often children live in the unlocked rooms, which can be entered any time by other children or personnel without even knocking. Some institutions lock the living premises during school time, and children cannot enter to their rooms when they want. The environment at these institutions relates more to staying in the institution with a hard discipline than being at home. The rules are set not for the sake of the children, but for managing them easier. Calendars, timetables and schedules are an inseparable part of the everyday life in these institutions, as the regulation of children's time and place of staying is an effective way of control. The rules and control in some institutions harshly violate the principle of child's privacy and dignity. For example, children are taken to the toilet, shower together, etc. Children do not have any personal belongings, except one or two items. Most of the things belong to the institution, and children do not care for them. They do not learn to appreciate and save clothes, furniture, learning materials, thus making the institution expenses grow.

Children have special clothing in some institutions, while their clothes are locked to prevent theft. Children's mobile phones are usually kept by the staff and children are allowed to call only at some specific time of day. All the foregoing measures are designed to prevent theft, but they are so far from resembling home atmosphere.

Children's Right To Have And Express His Opinion

According to the regulations of the institutions, the child's right to participate in the decision making is achieved with the help of children and student councils. Nevertheless, such councils function in just several of institutions, and even if they are formally established, they are not really functioning in practice. Community meetings are not organized; participation of children in the decision making process is an especially unusual phenomenon.

The Law establishes the consent and application of the child for his admission into the institution as a duty of respecting the point of view of the child. The implementation of this right is often distorted and transformed into a disciplinary measure, e.g. children are forced to fill out an application to transfer them from a care home to special children's education and care residence. Nevertheless, it has nothing to do with the actual intentions of the child, and it is only an intimidation measure applied by the administration.

Children's Right To Protection From Exploitation of Any Type And Improper Treatment

In order to protect the child from improper treatment at home, a child is placed into the residential child care and education institution, where other forms of exploitation and inappropriate behavior can be found.

There are many institutions caring for children with behavior problems. Some children are referred to these institutions because of the abovementioned problems. Therefore, a bigger part of energy and human resources in the process of child's resocialization naturally goes to the correction and suppression of their inadequate behavior. Risk of inappropriate behavior with children is hidden in this process though.

Intervention measures, such as a talk or limiting privileges are used in the attempts to manage the aggressive behavior of children: children are not taken to the trips outside the institution, are not allowed to go out to the town, they are not allowed to have their own money or meet their parents. Some of these measures violate fundamental rights of the child, such as the right to communicate with parents, the right to enjoyable pastime activities, etc.

Quite often, the staff feels helpless trying to manage the aggressive behavior of children and has little understanding of the real reasons behind such behavior. According to the staff, children disobey them, "they are not even afraid of the police", and the sanctions implemented by the staff often turn out to be ineffective. Such an approach to behavior correction is often based on fear; i.e. the staff believes that children will not misbehave if hard punishments are applied.

Another disciplinary measure, rarely discussed openly, but practiced quite often, is the transfer of the child to another institution (e.g.: special education and care residence, psychiatric hospital, Social Support and Prevention Centre for the Juveniles, etc.) Some of the institutions use solitary confinement rooms for misbehavior management, where a child must stay for a week for running away from the institution for example.

Inadequate behavior of the employees with children is often related to the lack of competency. When staff members do not have appropriate skills for the successful management of misbehavior in children, they use “traditional” disciplinary measures. Night shift staff often has no special education, as lower requirements are set for the candidates. Therefore, these employees are more apt to choose repressive and punishment methods. On the other hand, only a couple of employees stay in the institution during the night, and it is difficult to adequately manage misbehavior of children. We received various pieces of information on the inappropriate behavior from the side of the staff from several sources: misbehaving children are forced to kneel down holding their hands up (sometimes they have to hold a chair in their hands as well), children have to keep climbing the stairs up and down, they are beat up, they are not given enough food, their personal belongings are taken away, children are placed into solitary confinement, etc.

None of the institutions have set the definition of violence. Most actions of violence are not documented. Often, the administration denies any occurrences of violent behavior from the side of children, as well as the personnel. Thus, an ambiguous situation is formed. On one hand, there is no violence according to administration. On the other, there are medical records of certain injuries that implicate the presence of violence, e.g.: bruise of private parts while playing basketball (the staff states that the child hurt himself with an elbow, while medical file of the hospital states that the child was hurt by his peer); fractured skull after falling down the stairs resulting in the intensive care in the hospital, etc. During the visits, representatives of the administration did not want to accept the presence of the cases of violence in the beginning. Although, after reminding them of the relatively recent case documented by the nurse where the child’s skull was fractured, they did remember of several cases of violence after all. In addition, we came across the case of sexual abuse among children by visiting another institution, where the victim of the abuse was transferred, and the case was documented in the “secret archives”.

Hierarchical relations based on exploitation, violence and fear form among children in these institutions. The culture of “hazing” and the punishment of “rats” are still prevalent there. All this indicates that institutions do have something to hide. In addition, it is possible that the administration may not even know of some cases. Children of 13-17 years of age constitute the majority of special care and education institution residence, and most of them had criminal experience. This experience influences their norms of communicating, which remind of non-statutory relations in the custodial institutions. Prison’s jargon, violence against the weaker ones, physical and sexual exploitation are used in the special care and education residencies⁵⁴. Younger children experience a lot of violence in such an environment and “attain a prison school education”. This practice is witnessed by the children’s jargon (which is especially popular in the Special Children’s’ Education and Care Residencies, although it also occurs in other care homes as well). The following jargon words obviously testify of a certain psychological or physical abuse: „užparašinimas“, „ožinimas“, „gaidinimas“, “rat”, „karceriuukas“, etc.

It is clear that the administration has problems acknowledging that the cases of violence do occur in the institutions. Asked about the violence of staff towards the children, the answer from the administration always was that there is no such thing. Nonetheless, a more detailed review sometimes brought up cases when a member of staff was dismissed because of inappropriate behavior towards children, or the fact that a director does have some information on inappropriate behavior of a certain staff member. Although we were never given specific information on the type of inappropriate behavior that was used or which member of the staff did it.

⁵⁴ Under the initiative of the older children, younger ones, who have not reached criminal responsibility yet, get involved into criminal activities. The older children exploit younger ones gratifying their sexual desire, and the abused kids become „užparašintais“ outcasts

The personnel of the institutions believes that cases of violence are the inside matter of the institution, and it should not be documented or made public. This problem should be solved at the discretion of the institution and with the measures available.

None of the institutions have clearly regulated procedure for submitting and reviewing claims. Such a procedure is essential in the attempt to solve the cases of inappropriate behavior and prevent them in the future. Administration of some of the institutions stated that they had no complaints from children in the last 15 years; although this is very hard to believe. The foregoing fact indicates that children do not submit their claims to the administration at all, or, if they do make the claims, the review of the claim is not documented, since there is no claim submission, review and documentation procedures set. A verbal clarification is a very popular method of case review, and the administration regards it positively. Representatives of the administration often state that children are always welcome to open their heart to the administration, and tell the administration of any problems the child may have at the time. Nonetheless, looking at this statement objectively it becomes rather doubtful, since the complaint of the child is reviewed by the same institution that the child resides in, and the future of the institution depends on the behavior of its staff. Often, institutions keep the letters of explanation filled out by the children as well as the staff. However, such documentation hardly represents the actual situation, since the procedure is not mandatory.

There are no clear regulations on the type of documentation that should be kept. Mostly, institutions keep the case files of children, which contain the main information on the child – admission documents, court decision, information on the parents, etc. Documenting inappropriate behavior of the staff towards the children would provide a lot of additional information about the children's rights situation in the residential child care and education institutions. Since there is no such documentation, and a problem behavior is not documented, one may get an incorrect notion that children's rights are not violated in these institutions. Hence, the public, the politicians, and even institutions that are supposed to supervise and control child care institutions are simply uninformed of children's rights violations in there.

Actually, some institutions keep the files on some children with problem behavior under the initiative of the administration. These "secret files" contain letters of explanation and apology of children as well as the letters of explanation of the staff. These "secret archives" provide crucial information shedding more light on the actual situation. For example, the foregoing files contain requests of children (sometimes several of those filled out by the same child) to be transferred to the special care home, as well as the notes of explanation concerning sexual abuse suffered or sexual abuse towards another person. These cases are usually never mentioned by the administration. Although the foregoing archives (journals) were not usually mentioned in the official documentation, and were not shown to the experts conducting the monitoring. The journals were accessed only after requesting the administration specifically to submit them to the monitoring team, and under favorable circumstances (e.g. if the member of staff responsible for these files was at work at the time).

The fact that children often fill out the requests (sometimes repeatedly) to be transferred to special children's education and care residence, and the requests are not implemented, but are stored in the "secret files" indicates that these requests are used as a disciplinary measures, as mentioned above. For example, a child may be blackmailed this way by telling him that if he misbehaves, he will be transferred to special children's education and care residence "under his own request". Children with an acute problem behavior giving a lot of problems to the staff of the care home are placed into the foregoing institutions. Special children's education and care residences have a bad reputation among children, so the notion that children submit a request to be transferred there on their own allows one to make an assumption that children are forced to fill out those requests.

Right of the Child to Live With Parents in Their Love And Care.

A state should secure the support necessary for parents to realize this right of the child.

The monitoring survey have shown that the administration of most of residential child care and education institutions is not in touch with the families of their residents, nor do they make attempts to initiate the contact with the parents of children cared for. Furthermore, the mechanism of child's return to the community is not

set either. The cooperation of these institutions with the Municipal Children's Rights Protection Services is also complicated. After their placement into child care institution, children find themselves out of the range of activities of these services. The staff of the foregoing services states that they are unable to care for children placed into child care institutions, due to the lack of staff and a big work load. It should be noted that some of the staff members of the Municipal Children's Rights Protection Service believe that institutional care is a better solution for the children compared to living in a problem family. Children placed into the residential child care and education institutions have only an episodic contact with the Municipal Children's Rights Protection Service, in those rare instances when the questions of their care, limitation of their parents rights, or temporary return home during the holidays and celebrations are being solved by the service.

Some care institutions have social pedagogues, which are cooperating with the municipal social workers. Although according to the directors of special education and care residencies, Municipal Children's Rights Protection Service employees do not undertake any measures for bringing the children back home. Furthermore, the staff of the foregoing services requests the directors of special children's education and care residences to keep the children in the institution for a maximum term possible. When there are no problem children – there is no responsibility for them. Sometimes, the head of the Municipal Children's Rights Protection service does not issue an agreement for the child's return to the family during the holidays. Meanwhile, the contact of children staying in residential child care and education institutions and their parents is broken, and the renewal and strengthening thereof is not encouraged.

Significance of Geographical Location of Institutions

As already mentioned above, most of the institutions consider an integration of the child into society as one of the primary tasks thereof. In this section of the report, we will try to find out whether physical location of the institution is favorable for the abovementioned purpose, whether a child living in the care institution has a possibility to feel as an integral part of the society, freely get in touch with his family members, and use the variety of services provided by community based social institutions.

Only a small part of residential child care and education institutions are located in the cities, regional centers or near the main roads. Most of them are in the small towns and villages. It is difficult to reach them by public transport and they are not easily found even by the car. In the soviet time, an isolated place of the institution corresponded to the ideological attitude of separating problem children and children with disabilities from the society. This was considered to be done for the safety of children as well as for people in the community. Moreover, it was thought that it is easier to foster and educate children in a closed institution. On the other hand, children cared in the institutions far from the cities grow up without having any social experience and family ties.

Following a modern child care approach, active participation of the child in the life of the community, growing in the family atmosphere is emphasized⁵⁵. The administration of the visited institutions stated repeatedly that they do try to implement this attitude, and encourage child's contact with the family. Although, it is difficult for less motivated parents of socially weak families to visit a child in the institution far away, due to the inconvenient transportation.

This problem is especially relevant to special children's education and care residencies (intended for delinquent juveniles 14-17 years of age) and boarding houses for the children with disability (for children with moderate and profound disability). Since there are only several institutions of this type in Lithuania, it is highly probable, that children placed into such institutions will find themselves far from their parent's home and will have few possibilities of contacting their family. This way, the ties between the child and his family are in risk of deterioration or complete break. Students of the special care and education residencies often escape from the residencies in order to reach parents home, many of them located farther than 100 kilometers,

⁵⁵ EU Member States respect the right of the child separated from one or both of the parents to keep permanent contact with them (...) UN Convention on the Rights of the Child, 1989, Part 3 Article 9.

and they go there hitchhiking or even by foot. Such a trip is very unsafe, but the escapes of children eager to visit their parents are unavoidable since this is the only possibility for them to contact each other.

One more problem of the institutions situated far from the bigger cities, is the lack of new young staff. Representatives of various foster homes complained of the situation when the bigger part of the staff are near the retirement age and the replacement of them with new young specialists is complicated due to the reluctance of working in a remote location. This is most important when speaking about the representatives of new specialties – psychologists, social employees, special and social pedagogues, i.e. specialists, whose input can lead to the tangible improvement of the quality of children's education.

Children in the Residential Child Care and Education Institutions

Following formal criteria and reasons set in the Law, children are placed into various residential child care and education institutions. Quite often however, it is not a severity of disability or formal diagnosis that determines the placement of the child to one or another care institution. According to the employees of the institutions, the main reasons for referring a child to the institution are social-economic family problems such as – alcohol abuse, low income or neglect of child care due to other circumstances. Employees of various special children's education and care residencies have a unanimous notion that up to 80 percent of children could avoid placement into such institutions if there were no abovementioned problems in the families.

Special care and education institutions have been created under the ideology that children with special needs have to be educated in the schools for children with special needs or boarding schools, separately from the other children. According to the modern view, the fact that the child has special needs does not mean that he must be separated from the society. In reality however, most of children with special needs are educated in the special schools. The child placed in such a school finds himself far from home, since parents often make a decision to leave him at school for the entire week. Despite the notion that children with special needs should be integrated into the general education schools, in reality, they do not get access to general education system since most of the specialists are concentrated in the specialized institutions. In the problem family, disability of the child and the option of residential institution become the main reasons for choosing specialized boarding school. According to non-governmental organization of parents raising children with disabilities, parents need an exceptional motivation to send the child to general education school or community based institution close to home, if there is one of course.

It is especially difficult for parents to raise the child with a complex disability at home and find a community based care alternative. Such a child needs continuous care and nursing, whereas there are no such conditions in the community. For this reason, such children are usually placed into child care (or children and youth) boarding houses for continuous care. Chances are high, that under the foregoing decision of parents such a child will remain in the institutional care for the whole life, and will be placed into residential care home for adults, when he reaches legal age.

Symptoms of slight mental retardation can arise as a result of social neglect of the child. This retardation may disappear with time, if a child is trained, educated and cared for in the special school. Still, some of the institutions do not follow the requirement of referring the child to the pedagogic psychological service every 2 years; this is done much more rarely. Reviewing case files of children of special schools, we found cases where evaluation of child's abilities was done only once – before the child was placed into the institution; and the student was about to finish the school by the time of the survey. Often, repeated evaluation of the child's special needs is not performed at all, although in some cases, it could mean their transfer into the system of general education.

It is not clear how exact the evaluations of children are, since there are no research methods or standard techniques used mentioned in the findings. Findings lacked clearly defined family problems, their possible reasons, existing reasons for child behavior disorders, description of child-parents relations, interaction

peculiarities between children and their contemporaries. On the other hand, there seems to be no need for the institution to describe the real reasons, which determined the placement of the child into the institution, as the institution has no possibilities of dealing with these problems. There is practically no possibility for choosing another educational institution, because the child would be behind compared to the curriculum of general education, and his integration in the class would be complicated; often the family is problematic and the return of the child home would raise additional problems for Children's rights protection service of the municipality. Therefore, a solution of leaving him at the special school is the simplest one.

Officially, children with intellectual or psychical disabilities cannot be admitted into the special children's care and education residences. In reality however, students in such schools often have undiagnosed behavior disorders. We saw cases where the diagnosis was changed in order to place a child with extensive behavior disorders into the special children's education and care residences. According to the regulations of these institutions, a child can be placed there for the period from six months to two years. Nevertheless, this period can be prolonged under the request of the parents or a guardian. One may notice a tendency that children in such institutions stay for the maximum period of time, and quite often after leaving it, return there after just several months of absence, since specialists did not pursue positive changes in the detrimental environment for the child outside the institution.

Child Placement and Discharge Procedures in Residential Child Care and Education Institutions

Foster Homes

Placement of Children into Foster Homes

Children who lost parental care on a temporary or permanent basis are placed into care homes. A tendency is observed that most of these children do have parents. Only 1 out of 13 children living in the care residence is an orphan. The child is often placed into a foster home hastily, without having used all possibilities in avoiding child's institutionalization. Even though the child could be cared for in the foster family or large foster family, a number of children cared in the foster families is less than 10 percent of all foster children⁵⁶ in Lithuania. Rarely a child, who has been placed into the foster home, returns to the family. When the child is placed into the foster home, a work of the institution providing Social services to the family becomes minimal. The family is not encouraged to take the child back. There is a tendency for the municipal children's rights protection service to stop its work with the family when the child is placed into the care institution. The problem is considered to be solved. Such an attitude and results thereof prevent the return of the child to the family and the society on the whole.

A child (from birth until the age of 18), who has been assigned temporary or permanent care or a child, who lost parental care can be placed into the foster home until his care question is solved⁵⁷. In the special cases, children from the age of 2 may be admitted into the institution, if their family members have temporary or permanent care assigned in the same institution⁵⁸. The education of student at the age of 18 can be extended until he finishes secondary school (according to their request and with the agreement of the founder). Former inhabitants of a foster home may be allowed to live in the institution during studies. Former students of a foster home under 24 years of age are allowed to live there for up to 6 months, if they have guardianship adjudged to them.

Temporary Placement of the Child into Foster Family, Large Foster Family or Foster Home

⁵⁶ Children of Lithuania, LR Statistics Department, 2005.

⁵⁷ Order of the Minister of Social Security and Labor *Concerning the Confirmation of General Regulations of State-owned and Municipal Child Care Homes* // Official Gazette, 2005, No. A1-68.

⁵⁸ A collection of documents presented by the institutions during the monitoring.

From the moment a child is taken from the family (or is brought from the street or comes himself) until he is assigned a temporary care, children's rights protection service organizes temporary residence of the child at the foster family, large foster family or foster home. The service draws up a written decision concerning the taking of the child from the family or other place of residence and informs the parents or other legal representatives of the child about the fact. Then, the director of the municipal administration prepares the order on the assignment of temporary care. In accordance with the valid legal norms, the order must be prepared in 3 work days since the day of child's temporary settlement. In 30 calendar days from the assignment of temporary care, children's rights protection service or a social partner authorized by the service has to prepare the plan on a temporary care of the child.

Usually, children are placed into temporary care residencies which are established in the same foster home in the most regions, as there are only several non-governmental organizations in Lithuania that provide services of temporary care. According to a norm set in the Civil Code, temporary child care must be assigned in 3 days after taking the child from the family. This way, the path of the child into the foster home is "shortened". In pursuance of the foregoing norm, all the necessary documentation is prepared as soon as possible, and children officially become the residents of the foster home and usually start a long-lasting "institutional career"⁵⁹.

Organizations providing services of temporary care that function separately from foster homes in some Lithuanian municipalities make child's way to foster homes longer. Usually children live in the centers of these organizations for several weeks (in this case, the norms of the Civil Code are ignored). At the same time, organization conducts an active work with the family, which is given a possibility to bring the child back to the family. According to the experience of these centers, big part of the children, which are referred to them, return to their families. For the rest of the children, foster home should not become the only option of care. The experience from other countries shows that care in a large foster family or foster family especially is a serious alternative to centralized institutions. Living in the foster family is noticeably less harmful for children. Also, despite of high costs of the reform in this field, a well developed network of families or large families providing child care is more useful to the state financially than an inflexible system of foster homes. Nonetheless, the fact that the state has not shown any considerable interest in child care organized in foster families or large families indicates the efforts to retain the current network of institutions without reducing it.

The following documents are required for placing a child, who has been assigned temporary care, into the foster home:

1. Order of the municipality administration director regarding assignment of temporary care and appointment of the guardian.
2. Child travel document to foster home issued by the administration of the district administration (if the child is referred to the state foster home).
3. Other documents concerning the child and his immediate relatives, which are submitted by the municipal children's rights protection services⁶⁰.

The following documents are required for placing a child with a court ruling on permanent care in foster home:

1. Court decision on the assignment of permanent care to a child.
2. Other documents concerning a child, which are submitted by children's rights protection service⁶¹.
3. Act on temporary placement, which is necessary for placing the child into temporary boarding house by the foster home⁶².

⁵⁹ Ibid.

⁶⁰ Order of the Minister of Social Security and Labour *Concerning the Confirmation of General Regulations of State and Municipal Foster Homes* // Official Gazette, 2005, No. A1-68.

⁶¹ Resolution of the Government *Concerning the Confirmation of Regulations on the Organization of Child Care* // Official Gazette, 2002, No. 35-1275.

⁶² Ibid.

The decision on the termination of permanent child care and his return to the family can be made under the following procedure: parents submit the claim concerning the limitation of power of the parent; one of the parents submits the request to the court concerning the cancellation of separation of the child from his parents; guardian of the child or the prosecutor submits the request to the court concerning the termination of permanent child care.

Usually, children are placed into foster homes on the initiative of the staff of the municipal children's rights protection service. When it becomes necessary to take the child from his family, children's rights protection service conducts a case review of the child. Although every children's rights protection service conducts the procedure according to its own rules, as the general procedure of the removal of a child from his family has not been confirmed yet. For example, it is not clear who must participate in the child case review, etc. Since the employees of the municipal children's rights protection services do not have clearly defined work guidelines, they often fall into ambiguous situations, where they are forced to make an individual decision according to the circumstances at hand.

Discharge Procedures in Foster Homes

A child is discharged from the foster home under the following circumstances:

1. By returning to the parents after the period of care ends.
2. By assigning temporary or permanent care in the foster family, large foster family or another child care institution, i.e. replacing the guardian of the child.
3. In case of adoption.
4. By reaching legal age or the court decision of legal capacity (emancipation).
5. After a consent is received for a child, who reached 16 years of age to live separately from his guardian.
6. Once the person gets married⁶³.

An establishment of temporary care is especially useful to older children, when a „secret“ adoption is no more possible or when there is still hope of returning the child to his biological family. As mentioned above, the establishment of care in foster families or large foster families is not a preferred form of care in Lithuania. Therefore, few children leave the institution this way. The possibility to leave the child care institution, when parents are relieved from limited powers of a parent, is even more rare as social work with the family of the child sent to child care institution is minimal.

Small children that are orphans, or it is unquestionably clear that their return to the family is impossible, can expect the adoption. Such an adoption requires a court decision concerning termless limitation of parent's power and assignment of permanent care for a child. Sometimes, children are cared for by the foster home on a “temporary basis” for years, even though there is no real possibility of their return to the family. This way, they lose their chance to be adopted.

In some cases, children may be transferred from one care home to another, if their brothers or sisters reside there, for example. Children may also be transferred from care home to an institution of another type, such as the special school. Child transfer to another institution goes in accordance with the respective procedures: it requires written request from the child or his guardian and permit of the founder of the care home. Quite often, administration of child care home obtains such a request using threats or “blackmail”. It is considered to be one of the most effective disciplinary measures⁶⁴. We came across cases, when children were forced to fill out a request to be transferred to special children's education and care residence, pointing out specific institutions and reasons for transfer, as well as misdemeanors done by the child. If it is determined that a child

⁶³ Order of the Minister of Social Security and Labor *Concerning the Confirmation of General Regulations of State and Municipal Child Care Homes* // Official Gazette, 2005, No. A1-68.

⁶⁴ Ibid.

has special needs, he is referred to an institution that is able to meet those needs. One may notice a tendency to “get rid of” misbehaving children or to “take a rest from the problem” in other words, by transferring such children to institutions of another type – usually an institution of a more strict regime.

Usually, public integration of individuals, who reached legal age and left the care home, is complicated. These young people have neither necessary skills, nor conditions for the adjustment to the society and living a full-fledged life. As mentioned above, the reason of these multifaceted problems is incapability of the state to provide an adequate complex of social services to the problem families.

The future of students that left foster home is rather vague. A child is usually entered into the list for getting shelter in advance, as the lump-sum grant for settling down and purchasing a place to live is insufficient (even for long-term rental). More over, young people leave child care institutions and start independent living without a practical knowledge of money management (as in practice, they did not have any money for personal expenses before reaching 18). Hence, the only property they have is a lump-sum grant for settling down of 6500 LT.

Special Schools

Following the Law on Special Education (1998)⁶⁵, special education can be assigned after the child’s level of disability and his special needs were evaluated. Special needs may be mild, moderate, severe and profound⁶⁶. After the special needs of the student have been assessed, special education is assigned to a child, and the form of education as well as individualized curriculum is selected considering the needs of the learner⁶⁷.

Special Education Commission and/or Pedagogic Psychological Service assign special education to a learner, in accordance with the order confirmed by the Ministry of Education and Science. Special education is assigned considering the wishes of the student and upon the permission received from parents/guardians. Usually, permanent or temporary special education is appointed with a periodic evaluation of the changes in the abilities of the child⁶⁸.

Persons are admitted to the special education institution only with the conclusion of pedagogic psychological service of the territory where the person lives and with the request made by the parents (or guardians) of the child.

The abovementioned conclusion regarding special education of the person in the special education institution is made only after a thorough evaluation of the person’s special education needs in pedagogical, psychological, medical and social aspects. Evaluation results are discussed with the parents/guardians of the child as well as the teachers, and a final conclusion of the evaluation is prepared. Special education in the special education institution is assigned based on the foregoing conclusion, considering the wishes of the child and upon the approval of parents/guardians.

Persons with severe and profound special needs under the age of 21 can be admitted to a special education facility⁶⁹.

The admission of students into the special schools visited during the monitoring period is conducted in accordance with the regulations approved by those institutions. According to those regulations, students are

⁶⁵ Law on Special Education // Official Gazette, 1998, No. 115 – 3228, Article 6.

⁶⁶ Order of Minister of Education and Science, Minister of Health Care and Minister of Social Security and Labour *Concerning the Procedure of the Assessment of Individual’s Special Education Needs* // Official Gazette, 2000, No. 85 – 2608.

⁶⁷ Order of the Minister of Education and Science *Concerning the Procedure of Assignment of Special Education* // Official Gazette, 2000, No. 71 – 2214.

⁶⁸ Order of the Minister of Education and Science *Concerning the Procedure of the Assignment of Special Education* // Official Gazette, 2000, No. 71 - 2214.

⁶⁹ Order of the Minister of Education and Science *Concerning the Admission Procedure of a Person with Special Needs into Special Education Institution* // Official Gazette, 2000, No. 17 – 421.

admitted into special education institution after delivering parents (guardians) request and a recommendation from the pedagogic psychological service regarding the education according to the special education program. Orphans or children living without parental care have to submit an order of the municipality administration director about the assignment of temporary care for a child and determination of the place of residence to be admitted into special education institution. Child's admission to the school is formalized by the order of the director of the school. At the moment of student's admission, a bilateral education agreement is drawn (between parents/foster parents/guardians and the director of the school).

A departure of the student after finishing the education curriculum or by changing the school is formalized by the order of the director. If the departing child did not finish the school; a certificate about the classes completed is issued in accordance with the law⁷⁰.

As mentioned above, the admission of children to the institution of special education is based on the conclusions of pedagogic psychological service and recommendations regarding education of the student according to special education curriculum. However, we came across a number of conclusions of the foregoing service, which included recommendations for education in the special education institution⁷¹, but not according to special education curriculum. Such recommendations reflected the approach of the time, when the only way of educating a child with special needs was to send him to the special education institution. Recommendations of such type are not used since 2000⁷². Nevertheless, a reality stays the same – a child's referral to the special school is programmed this way.

Lately, different attempts are made to organize special education in the special or tutorial classes of general education schools. Rather often though, these attempts are unsuccessful as students are simply not admitted to general education schools with the arguments that there is a lack of specialists. It should also be noted that during the visits to the institutions, we noticed that the evaluation of the special needs of a number of students was conducted back in 1996-1997, and they have not been reviewed since then. Meanwhile the law includes a provision according to which there is a possibility of conducting a repeated (secondary) evaluation of individual's special education needs, if it has been recommended at the first evaluation or if such evaluation is requested by the special education commission of the education institution after changes in student's special education needs were noticed.

However, compulsory periodic review of the conclusions of Pedagogic Psychological Service is not set in the law and is left at the discretion of special care institutions. We noticed that special schools rarely initiate a repeated evaluation of special education needs of the student. On one hand, administration of the schools in most cases point out that they do not doubt the „diagnosis“ of children and the relevance of it to the needs of these children. On the other, it is acknowledged by the administration that „often normal sisters and brothers are placed in such institutions together with the family members with intellectual disability in order to solve socio-economic problems of the family“⁷³. Such tendencies are also reflected in the data about children placed in the institutions and their special education needs. From a total number of students attending special schools, 65 percent of children on average have an insignificant or slight mental retardation⁷⁴. The research of UNICEF has confirmed this as well.⁷⁵

Sometimes objective obstacles prevent special schools from sending a child for a repeated evaluation of special education needs or receiving help in general from pedagogic psychological services. There are 53 pedagogic psychological services in Lithuania operating in the level of municipalities. These services

⁷⁰Collection of documents presented during the monitoring.

⁷¹Ibid.

⁷²Interview with the representatives of Special Pedagogic and Psychological Service.

⁷³Information obtained from discussions with the administration during the monitoring.

⁷⁴Collection of documents presented by the institutions during the monitoring.

⁷⁵From all the children studying in special boarding schools and special education centers (41) that participated in the UNICEF survey, 51.5 percent of children studying in all the special education institutions had insignificant mental disability (62 percent of children with intellectual disability); 25.8 percent of children have medium mental retardation (31 percent of children with intellectual disability), 4.6 percent of children have severe mental retardation (6 percent of all the children with intellectual), and 0.6 percent of children have profound mental retardation (1 percent of children with intellectual disability). 17.5 percent of children do not have intellectual disability. UNICEF research “Children and disability in the transition period in the Middle and Eastern Europe, CIS and the Baltic Countries”, 2004.

primarily provide services to the institutions established by the municipality. Currently, district Pedagogic Psychological Services, which provided services to state care institutions in the district of their jurisdiction, have been liquidated⁷⁶. Municipal Pedagogic Psychological Services are not obliged to provide services to the state special education institutions, although they may draw service provision contract with these institutions. There is an acute shortage of human resources, i.e. specialists able to provide services to an increased number of care and education institutions. Pedagogic Psychological Service under the Ministry of Education and Science used to conduct primary and secondary (repeated) evaluation of special needs. Although later on, this center was reorganized into Special Pedagogic and Psychological Centre, which only coordinates the activities of municipal Pedagogic Psychological Services, and does not conduct evaluations of the special needs directly⁷⁷. Even though integration processes of people with special education needs have been started in 1991, only now the discussions on the need for the concept of the reform of special schools are started. Special Pedagogic and Psychological Center is assigned to prepare theoretical model of the reform⁷⁸.

The law obligates to admit children with a slight mental retardation detected into special education institution only after an unsuccessful attempt to teach them in general education school under the form of complete integration with the approval of pedagogic psychological service. Although as already mentioned, such “unsuccessful” integration is often programmed due to the reluctance or lack of capability of general education schools to admit students with special needs. The documents presented by educational facilities do not reflect whether attempts were made to educate these children in the general education schools before referring them to the special education institutions. After checking the number of children transferred from special education to general education schools, we saw that in average only 2 or 3 of such cases occur yearly though⁷⁹. According to the representatives of school administration, “teachers of general education schools pay little attention to children with special needs due to negative views of the society and lack of assistant pedagogues. Environment enabling students with special needs to study in general education schools is not created; therefore, integrated education of children with intellectual disabilities is impossible. Teachers in normal schools are incapable of working with pupils with special needs, they do not know how to treat them, and therefore such children sit in the back of the class. General education schools lack specialists, as the majority thereof are concentrated in special schools”⁸⁰.

Departure of Students

Rarely a child leaves the special school for the reasons of integration set in the education system, i.e. he is transferred into general education school. In most cases, once a child enters special education institution, he stays there throughout the course of study, that is spends there 9 to 13 years (because special education may continue until 21 years of age). For this reason, admittance of a child into the special school ensures his long-term dependence on such an institution, and resulting complications in the integration of such individual into the society.

The administration of the special schools considers the decrease in the number of students in these institutions to be a problem. In addition, they suggest teaching children with medium and severe mental retardation exclusively in the special institution, where they can receive qualified special pedagogic-psychological support, even though one special education institution has an average of 0.3 shift of psychologist.

Not always a student of 18 years of age leaves the special school after finishing the education of 10 classes. Some of the youngsters stay there until the age of 21 and longer. After completing their education course, some students of the special schools continue their education at another special school of vocational education. Sometimes they start working in their parents’ farm or engage in similar activities. Special schools should take measures in order to provide some certainty to their students leaving the school, i.e. the school should take care of the living place and income of their school graduates, etc. Some of the students, who do not have relatives and are in need of permanent care, are paced into the boarding homes. Often, there is a

⁷⁶ Absolute majority of special boarding schools are state owned.

⁷⁷ Collection of documents presented during the monitoring

⁷⁸ Information, obtained from discussions with the administration during the monitoring.

⁷⁹ Collection of documents presented by the institutions during the monitoring. .

⁸⁰ Information obtained from discussions with the administration during the monitoring.

queue of applicants to the boarding home, and the special school has to prolong the stay of its student as there is nowhere for him to go. For this reason, a procedure has set in to make an advance reservation for a student leaving the special school one year before his graduation. Hence, the path from one institution to another of the individual with special needs is “programmed” this way.

Special Children’s Education and Care Residencies

Children are placed into the special education and care residence following the court decision or the decision of the appropriate interdepartmental committee.

The following measures of educational influence may be imposed on a juvenile who committed a criminal offence or committed a crime and is exempted from criminal responsibility or punishment⁸¹. This measure may also be adjudged by changing one educational measure into another⁸².

Under the decision of interdepartmental commissions, children, who systematically commit violations of administrative law, their behavior is harmful and dangerous to others, and the efforts of their parents (foster parents or guardians) and local community are insufficient to reach positive changes in their behavior, as well as socially neglected children that have a hard time adjusting to the environment of the general school, are referred to special children’s education and care residences. In this case, referral of the child to the special children’s education and care residence may be initiated by the child’s parents (foster parents), child care or other institution working with children, as well as the director of the school, where the child is educated or Municipal Children’s Rights Protection Service.

According to temporary regulations of Special Children’s Education and Care Residencies⁸³, individuals may be admitted to the education and care residence by the application of parents or persons representing the parents and agreement of the child and the referral document of the Ministry of Education and Science as follows:

- Juveniles of 16-17 years of age that continuously commit administrative law infringements (if administrative measures were adjudged to them no less than 3 times in a year);
- Juveniles of 12-16 years of age, who continuously break the rules of their school, miss classes, and run away from home, or are vagrants (according to the documents presented by the administration of the school the minor attends, the institutions of internal affairs – the police);
- Juveniles of 12-14 years of age, who committed an (aggravated) act dangerous to society (according to the documents presented by the institutions of internal affairs – the police).

However, the documents presented by the institutions indicate that children can be admitted to the foregoing institutions even from the age of 8.

The following persons may submit application to the Ministry of Education and Science concerning the admission of a juvenile to special education and care residence under the written request of the parents (foster parents) and consent of the child: representatives of the institutions of interior affairs, children’s rights protection services, head of the school, where the minor is educated, or parents (foster parents) of the minor.

Placement to the special education institution is fixed for the period from three months to three years, but the minor must be under 18 years of age during the time. The exact period of child’s stay in the special disciplinary institution is set by the court or interdepartmental committee, considering the individuality of the

⁸¹ Criminal code // Official Gazette, 2000, No. 89 – 2741, art. 82

⁸² If a juvenile in respect of whom two or three measures of educational influence have been imposed does not fulfill it or fulfils it improperly and for that reason was warned not less than two times, the court basing on the recommendation of the institution controlling the exercise of that measure may change it by other measures of educational influence, including placement to a special educational institution. Criminal Code // Official Gazette 2000, No. 89 – 2741, art. 89

⁸³ Resolution of the Government *Concerning Approval of Regulations on Special Children’s Education and Care Residencies* // Official Gazette, 1995, No. 39 – 971.

minor, whether his delinquent behavior is repeating, past disciplinary measures used, and other circumstances of the case.

A set time of stay in the special children's education and care residence may be extended under the request of the student himself or his parents (foster parents), if the student wants to finish an education program or for other relevant reasons according to the interests of the minor (the student must leave the institution when he reaches 18 years of age).

Upon the admission of a child to special children's education and care residence, all the documents required by the law must be submitted as well⁸⁴.

According to the documents submitted by the institutions, most of the children are placed into special children's education and care residencies based on the decision of the interdepartmental committee. A court decision of implementing a disciplinary measure to a juvenile – refer a child to the special education institution – is not a common court practice. The discussions with the representatives of the institutions showed that they are not interested in admitting children that were referred there under the court decision for disciplinary measures, since these children need special attention. Most of them have a large “history” of criminal experience, and they willingly share this experience with the other students of the institution, while the majority of the peers are happy to learn of this experience. A work with such children needs additional investment in qualified human resources as well as financial ones.

The requirement set in the law concerning the submission of child's consent to be admitted into special children's education and care residence, when the decision is made by interdepartmental commission, is an important issue. We learned from the interviews with children that often such a consent (request) is gained through psychological pressure, deceit, persuasion, or fear of more serious consequences (e.g. children's rights protection service representative persuades the child to draw the consent (request) to be admitted into special children's education and care residence by promising that the child will have to stay only for a minimal term, that his freedoms will not be limited, that this way the child will avoid more serious consequences of his acts, etc). Children that submit such a request in the foregoing way feel cheated, disappointed and hurt.

According to the representatives of special children's education and care residencies, children are placed into the residencies behind time, i.e. qualified and necessary assistance is not provided to them in time in their community, and the behavior of such children becomes hard to control, while the situation turns into very complicated. Such children become a problem for the family members, as well as the school community and for people around. For this reason, people are eager to “get rid of” such a problem-child fast and for the longest period possible by separating him from the society. In respect to this, one may draw a conclusion that the majority of children currently residing in the special children's education and care residencies could have escaped from a similar destiny, if they and their families have received a qualified aid in time.

Some of the children are placed into the special children's education and care residence repeatedly (for the second or third time). Staff of the institutions tries to explain this by the absence of continuous work after the child leaves the institution. The staff notes that children receive education in the special children's education and care residences. Their social skills and behavior is formed in accordance with legal norms as well as the requirements of behavior in the society. Children live in a restricted and structured environment. Therefore, they are unable to resist the influence of the harmful environment at home, once they return there. According to the opinion of the staff of the institutions, children need care and control after they return from special children's education and care residence. In the interviews, children did not deny that their behavior would be the same (or similar to) as it was before their placement into special children's education and care residence, as there will be no control, care and responsibility out there. Some of children residing in the special children's education and care residencies think that after returning home they will continue their previous behavior – they will not obey to their parents, nor will they learn, etc.

⁸⁴ For example: court decision, decision of the interdepartmental committee (referral document), application of parents (foster parents, guardians), the agreement of the child, etc.

Child Release Procedures

According to the documents of the institutions, children placed into the special children's education and care residence according to the court decision are released by the court following the application of the the director of the institution in question. At least once a year, the director shall submit an application to the court, and the court shall review the benefit of child's staying in the institution. Children placed into the institution under the decision of the interdepartmental committee are released under the decision of the teacher's council and with the approval of child's parents or foster parents, municipal Children's Rights protection service of the municipality and other related institutions. The main condition for a child to be released from the institution is the improvement of his behavior, positive attitude to life and moral norms, readiness for the social adaptation and integration, as well as improved conditions at home.

In practice, cases when a child is released from the special children's education and care residence after staying for a minimum term are extremely rare. Children's rights protection service operating in the place of child's residence, as well as the local police institution apt not to accept child's release from the special children's education and care residence after the minimal time of stay. One of the most frequent arguments given is insufficient (unsuccessful) correction of the child's behavior. It should be noted that not all institutions cooperate closely with children's rights protection service in the child's place of living, local police and other related institutions. Considering this fact, one may draw an assumption that most of the negative conclusions regarding the release of the child from special children's education and care residence are of subjective nature and are based on assumptions more than objective circumstances.

Problems of child's release home arise after the maximum term of child's residence expires as well, especially when the court assigns the care for the child to special children's education and care residence. It should be noted that in practice, a question of child care during his stay in the special children's education and care residence is solved in different ways. In some cases, the court that decided to refer the child to the special children's education and care residence appoints the institution to be the guardian of the child as well. Sometimes, institutions authorized by the municipality also appoint special children's education and care residency to be the guardian of the child.

Special Children's education and care residence assigned as a guardian of the child takes responsibility for care, education and nurture of the child. The employees of special children's education and care residencies themselves view the appointment of the institution to be the guardian of the child with criticism, since this is one of the obstacles that hinders successful discharge of the child from the special children's education and care institution. Some children stay in the education and care residency longer than was intended upon their admission, due to the lack of interdepartmental cooperation, negative attitude towards the students of special children's education and care residencies, and unwillingness to accept them back into the society.

These institutions have been established under the philosophy, which says that inappropriate behavior of the child can be corrected by separating him from the negative environment. The fact that problematic behavior can emerge from disrupted relations in the immediate environment of the child is not taken into consideration following the foregoing approach. Therefore, it is imperative to solve the issues of nurture and relationships in the family in order to attain positive changes in child's behavior. According to the staff of the very institutions, episodic correction of child's behavior is not effective. For this reason, continuous support to the child released from the special children's education and care residence, as well as his family is necessary.

Staff of Residential Child Care and Education Institutions

Children that lost parental care on a temporary or permanent basis are especially vulnerable. Therefore, their subsequent psychological and physical development highly depends on the ability of people that provide care to the child to create positive environment and relations, which could ensure the welfare of the child, namely: physical and psychological safety, care and love, possibilities for self-expression, nurture and development of

proper social skills and competencies. Children with special needs possess the right for special care and security, and this right requires special knowledge from the employees.

Staff of Child Care Homes

On the 1st of January 2005, there were 2034.67 work shifts employed in the *district child care homes*, and the actual number of employees working there amounted to 2040. Of all the employees, 62.05 percent worked directly with children. Most of the personnel working directly with the children were educators and their assistants. Similar tendency could be observed in the *municipal child care homes*, where 54.92 percent of the staff worked directly with children. Pedagogues constituted 37.83 percent of the staff. All institutions lacked additional education specialists, as well as social pedagogues and psychologists. A conclusion can be made that there are no unified criteria under which the founding body confirms the list of staff in a given institution.

A modern concept of working with orphaned or abandoned children, children with behavioral disorders, as well as the children with special needs fundamentally differs from the understanding and work specifics rooted in the soviet years. A modern approach emphasizes the development of child's abilities to adapt to the environment, renewal of the contacts with the society, comprehensive integration into the society, and complex social and psychosocial functioning, psychological adaptation, thorough analysis of child's sexual behavior, as well as his emotional disorders and addictions, support in managing the effects of traumas by correcting emotional and behavioral disorders. Unfortunately, modern understanding and the methods applied in practice of working with the abovementioned children, differ because of several reasons. Employees working in the child care system for years, who practice traditional methods of work with the child according to obsolete child care approach is one of the main reasons behind the prevalence of operation and work principles of old system.

The main negative feature of such team of specialists is obsolete and often unacceptable methods of working with children and the disregard of children's rights⁸⁵. Since staff turnover in the abovementioned institutions is minimal (most of the employees have been working there for 20-30 years), there is an apparent lack of the renewal and dynamism of the staff in these institutions. The situation will become even worse in a couple of years, when most of the employees will leave their work place going into pensions and it will be difficult to find a replacement for them.

Most of the institutions experience the same problem – it is difficult to find proper specialists even when there are vacancies for work shifts. The issue is especially actual at the institutions located far from the cities. These institutions are not attractive to the specialists due to transport expenses and long travel time⁸⁶. Working with children in the foregoing institutions is especially complicated, requiring special knowledge as well as proper personal features. Nonetheless, low salaries make potential specialists look somewhere else. According to the representatives of the institutions, psychologists, social and special pedagogues are hardest to find. Another reoccurring problem is the lack of staff and refusal of the founding body to establish additional work shifts.

Although most of the administration representatives of the foregoing institutions stated that the staff does undergo in-service training and other courses, in practice, staff of some of the institutions seems to lack the knowledge in the field. It occurred that explicitly sexual behavior of youngsters in some of the institutions was interpreted incorrectly and the reaction/actions of staff were inappropriate. There is also a lack of knowledge on managing the aggressive behavior among children, solving conflict situations, etc. Work methods, which were acceptable in the Soviet system are hard to get rid of and can not change on their own⁸⁷. Therefore, there is a need for thoroughly designed staff training plan, which corresponds to the current needs.

⁸⁵ For example, in February 2005, Children's Rights Ombudsman found the evidence of physical and psychological abuse used against children in a particular foster home. In addition, it has found that the employees take the food home, it is very cold in the inside the foster home, and there is a shortage of the most necessary medicine. Unfortunately, the powers of the ombudsman in such cases are rather limited – she could only appeal to the founding body of the institution (district or municipality) and propose to take proper actions, *Children Wronged in the Foster Homes. Lithuanian radio*, 02-02-2005.

⁸⁶ Ibid.

⁸⁷ Ibid.

A reform of the foregoing institutions, according to which children will have to reside in the ordinary care homes, while special schools will provide only an educational function starting 2007, have caused a lot of confusion in the staff of special schools. Mentors working with children are worried about losing their job and are already considering the alternatives⁸⁸. Meanwhile, administrations are not eager to accept new staff since the future of some of the institutions is not clear because of the undergoing reorganization.

⁸⁸ Information obtained during the discussions with the employees in the time of monitoring process.

Conclusions

1. Child care and education system reflects the philosophy of social isolation. According to this philosophy, the problems of the child, family or at school are solved by isolating the child from the society. Often times, even the physical location of the institution contributes to public isolation of children in need of special care and attention, it determines the deterioration of the contact with the family and lack of responsibility of the real parents towards their child, and it hinders full integration of the child into the society.

2. Children living in residential care and education institutions become increasingly dependent on the system, and their independence is not developed. Responsible institutions and instances lack collaboration, initiative and efforts to bring the child back to the family and the society before he reaches legal age; and usually, when the child reaches the legal age, his prolonged stay in the institution has “programmed” his unsuccessful integration into the society.

3. The model of child and family support, when the child is placed into residential, closed-type care and/or education institution, does not comply with the principles of deinstitutionalization, integrated education, contemporary child care, as well as the principle of priority of the child’s interests. Child care in an institution should be an extreme measure. The child may be placed into an institution only in an extreme case, and only if it does not conflict with the child’s interests. Child placement into the institution has become one of the primary measures of “support” to a child due to the loopholes in legal regulations, slow changes in the established practice and system, lack of qualified specialists able to provide effective, complex support to the child and family, as well as unsuccessful practical interdepartmental collaboration.

4. Life in a residential care and/or education institution, contrary to the aims thereof, weakens or breaks the relationship of the child with his family, and undermines his socialization.

5. Child placement into residential care and/or education institution more often than not is a result of insufficient and ineffective work with the child and family. Preventive work with risk group families and children is done inconsistently. The family rarely receives complex support in order to prevent the separation of the child from the family, or if the separation is unavoidable, to minimize the period of separation.

6. Motivation of some of the staff in the care or education institutions is very low. One of the reasons – there is no continuity in the work with the child, upon his return to the family and society. There is a high possibility that the child will return to the same or other institution again. Another reason for the lack of motivation – due to lack of specialists, institutions in the remote areas employ people living nearby setting low requirements for them. As the staff does not have the required qualification, staff members limit their work responsibilities to the provision of daily needs of the child, without pursuing the necessary changes in the child’s behavior, and his successful integration into society, etc.

7. There is no unified record keeping system in the residential care and/or education institutions, since various departments or instances keep separate records of children residing in their subordinate institutions. When statistical data on children in institutions is given, the most accurate information is given on the children in the care of the institution, although children, who stay in the institution for a certain set term or most of their school age, are not placed into the records for one reason or another. Hence, the society does not have accurate information on institutionalized children.

8. Children’s rights are in risk to be violated because the specialists from various institutions and services are not inclined to cooperation; there is a lack of initiative and goodwill, as well as consistent and comprehensive approach to problem solving. Quite often, institutions and their specialists try to avoid looking for a solution to the problems of the child and his family, which requires direct responsibility and intensive work. Following these few functions set in the regulations of the institution, they try to relegate the care for such a child to another institution. For this reason, children and their families with multiple and inveterate problems, which require complex interdepartmental help, are harmed most of all.

9. There is no single unified system for the financing of child care and/or education institutions. Therefore, unequal funds are allocated to the care of children in child care institutions of different subordination. Financing system is oriented towards the upkeep of the care institution (to cover the expenses of building maintenance, utilities, staff salaries, and other expenses), while only a small portion of funds is left to the direct provision of major needs of the child.

10. Lithuanian legislation does not have effective legal measures set to prevent the placement of individuals with mild and moderate disability into special education institutions, i.e. measures to follow the principle of “last resort”. Therefore, integration of children with slight intellectual disability into general education schools is very slow. Special schools strive to keep the students with special educational needs and attract new ones, since it ensures their survival, as well retention of staff and buildings.

11. Quite often, children with developmental disorders determined mostly by social factors and not medical are sent to special education schools. Hence, studying in a special education school ensures a solution to a number of their social problems, besides special educational needs – food, clothing, bed, security and warmth – things that should be an integral part of the support to the family.

12. Since the majority of specialists are employed in the special schools, general education schools see a shortage of special pedagogues and other specialists able to provide high quality and adequate support to the individuals with special educational needs. Without access to such services and sufficient support in the general education facilities, students with special educational needs and/or their parents are left with the only option for attaining education – special education institution.

13. Students of general education schools do not get an opportunity to be in contact with individuals with disabilities in the school environment. For this reason, their tolerance towards people “different” from others is not formed. The earlier the children get to meet individuals with disabilities personally, the more tolerant they will be in the future.

Recommendations

1. The view towards institutional care should be changed and the mission of residential care institutions should be clearly defined considering the principle regulations of the United Nations Convention on the Rights of the Child – the child must be raised in the family, and if the separation is unavoidable, it must be done in the best interests of the child with the condition to return the child to the family, and if there is no family – to prepare him for independent life.

2. Child care reform should be started immediately, by gradually moving towards foster home model, which would conform to the objectives of child care and would prepare the child for independent life and public integration most effectively, by making the changes in the structure of staff, approximating child care and education to the model of care in a family or large family, as well as ensuring the readiness of children leaving such institutions to live in the society independently, and strengthening child’s self-confidence.

3. In order to keep the child living in the family, effective principles of the work with risk families should be implemented by providing enough specialists with proper qualification and ensuring the mechanism of interdepartmental cooperation.

4. Comprehensive, qualified and effective support should be provided to the child left without parental care.

5. Qualified and motivated staff should be working in the child care and education institutions. This staff should be able to help the child cope with the negative experience, provide the support necessary for the child's acquisition of social skills and successful integration into the society, as well as his preparedness for independent living.
6. The number of children in the residential care institutions should be reduced gradually by encouraging child care in the family. Child care status should be in agreement with the real situation and interests of the child – return to the family or be adopted.
7. Children with behavior and emotional disorders require especial care and support. Specialized institutions should be established, where such children could receive all the necessary (medical, psychological, social, etc.) and effective support, which would allow for their successful adaptation and integration.
8. In order to reorganize child care system successfully, it is very important to implement services financing mechanism that is in agreement with the interests of the child, i.e. establish the model of “services basket”. After the child “services basket” is implemented, it will be possible to provide services to children according to their needs. It will also allow the planning of the network of child care institutions in a more rational way, and strengthening of financial stability and independence of child care homes.
9. Clearly defined norms (criteria) for the formation of child care home budget should be set. In the planning of the budget needs, the number of children staying in the care home, as well as their needs, social and educational services, and other factors should be considered. Situation could be improved by state financed target programs for the improvement of child occupancy, renovation of buildings and premises, etc. The government should conduct an in depth review of an obsolete principle of the distribution of budget resources, when most of the funds is set to maintain the current residential child care institutions, and the new alternatives designed for the effective prevention of institutionalization receive minimal fund resources if any. This faulty practice should be abandoned, and the modern program principle should be established giving the priority to the development of preventive programs in the community, involving authorities of various levels and public organizations into this continuous process.
10. Prevention of unsuccessful socialization of a child and family should be number one priority in the planning of the support from the structural funds of European Union to Lithuania for the period of 2007-2013.
11. All the staff in child care institutions, whether working directly or indirectly with children, should have a single and clearly defined understanding of the purpose of the institution, based on the same value principles and in the best interests of the child.