

## **NOFCA 2016**

Date: 2-4 september

Location: Pohjoinen Hesperiankatu 15 A, Helsinki

v/M, Tove's Norwegian Wahlstrom Foster Home Association

### **Theme: Visitation between the foster child and family**

#### **Law basis**

There are many dilemmas associated with visitation, but the clear starting point is that children and parents have the right to contact with each other.

Non-resident the right is a result of the biological principle, based on that it has an intrinsic value for the child to maintain contact with their family even if the family is split. This right is rooted in the European human rights Convention (EMK) article 8 and the children's Convention arti 9 (3), which has provisions on respect for family life, and the right to maintain contact after separation. Non-resident the right is also embodied in the Norwegian children's Law § § 42 and 43 and the children's Protection Act § 4-19

**Volunteer location:** here's parents and children free to deal anything about visitation in cooperation with foster parents and childcare service, provided that the system works for the child.

**Involuntary placement :** After a care takeover have fylkesnemda pursuant to the Child Protection Act § 4-19 duty to take a stand to the non-resident the scope between children and parents. Fylkesnemda can also decide that it in the interests of the child shall not be visitation or other contact between the child and the parents.

**Non-resident the right** is a right of the child, and for the parents. The consideration to the child's best interests are not the only consideration to be count by questions a about visitation between the child and the parents. It means that fylkesnemda can fix visitation in cases where it does not appear to be specific for the child neo good, but how it also does not appear to be directly harmful to the unlucky or the child.

#### **The child's opinion**

There is broad agreement that it is important to bring up the child's own opinion on visitation. The child's right to express their views and be with and decide in question is also warranted in the children's Act section 31, child protection law § 6-3 and BK art 12.

But when it comes to how much weight to put on the child's opinion, there are no clear rules. It follows from the child protection law § 6-3 that the child's opinion should be attributed to weight in accordance with age and maturity, but what this specifically means, in practice, often unclear.

When fylkesnemda or the Court should treat the issue of visitation in connection with case about care takeover are usually very careful to safeguard the child's right to be heard, through the appointed spokesperson for children under 15 years. Children over 15 years of age have the right to their own lawyer.

Questions about visitation is in practice often treated something sjablongmessig. When there is talk of long-term foster home placements are respect to objective about your child to get peace to

attach themselves to the foster home without too much interference, often set out a minimum of visitation, a few hours each time with parents.

The Supreme Court has treated several cases of non-resident right, and the number of visitation by longtime foster home placements have in most varied between three and six per year. (cases in which there are only determined for a parent company or private visitation for both).

In 2014 was the child's general right to involvement in child welfare matters specified in the child protection law § 4-1. From the same time a stepped regulation with the purpose to pave the way to strengthen the child's right to participation and influence in the social services. It should be noted here that the child should get adequate and customized information and be given the opportunity to freely express their views.

### **Visitation with other**

Foster children often have other biological family, grandparents, aunts, uncles and cousins, as it may be of value to maintain contact with. Basically, the parents and children who have a statutory right to visitation with each other after the child law and the Child Welfare Act. In particular cases (where one of the parents is dead or decided that one can not have visitation with the child) can the child's relative and other child has had close ties to the child require that fylkesnemda takes the position to whether they should have visitation and samvær's scope.

### **Visitation with siblings**

It was determined from the jan 2014 that child protection service to which the consideration of the child did not speak against it, to facilitate contact with siblings.

It was impaired in a variety of law nov to see closer to 2014 on the need for changes in the child welfare law, including the question of søskensamvær and any party's rights. The Committee will deliver its assessment in the form of a NOU with postponement from Aug. 14 to 29. September 2016. Here it should also be clarified which party shall have the status, if any, in sibling fylkesnemda in non-resident questions.

In Norway it is so that the authorities can increase the presence, but not lessen it. That child services can not decide less often than Fylkesnemda have determine experienced as problematic from all parties. The need for changes here are recorded to the child welfare law selection from the Norwegian Foster Home Association.

### **Visitation in practice**

#### **Content in visitation in a foster home CF young**

Norwegian Foster home's Association was the collaborative organization to Change the factory's project *Advice to child protection staff, parents and foster parents* with a background in information and needs that came to the project to the child welfare office Vitamins (2008). Young people, parents and foster parents were invited in the project, to share experiences and give advice to child services in Norway about visitation. The result is a non-resident and temahefte Pros from a movie.

The booklet contains the experiences, check points and specific targets.

There is a lot at stake. Foster the child's family is a lot of the foster child's identity. They are still on identity construction even if they don't live with their parents. When they become adults, they are looking forward to contact with their parents. (Finished the reconstruction book is a good medtode to strengthen the child's/youth identiet)

The youth in the project believed that the goals of the samværene must be known to all,

- A good relationship between parents and children
- The child becomes aware of their parents
- Parents get to see the child

Visitation can be about a lot of emotion for children, parents, others in the family and foster parents.

The child's emotions can be:

Joy, longing, regret, unrest, sadness, uncertainty, fear ....

Parents ' emotions can be:

Joy, sorrow, anger, powerlessness, worthless, longing ...

Foster parents ' emotions can be:

Joy, excitement, uncertainty, frustration, stress..

### **Good companionship for all**

Samværene, a: as parents in youth and believe that samværene must be good, and everyone must know what the content is going to be. Young people, parents and foster parents want that child welfare together with them, to agree on:

- How to ensure good experiences
- Who should decide what is to be done
- How both children, young people and parents can be satisfied and safe
- If it takes control of food, for example, in the House or substance
- Who has responsibility for what
- What not to talk about, that the child soon to be ex move home

Children and young people need to be queried, and the adults need to listen and find out what's important to them.

Child protection has the primary responsibility to determine who in the family or the network the child or adolescent shall have contact with mother, father, siblings, grandparents, others in the family or friends. The young stressed that child protection must make sure that they can hit everyone in the family that they are attached to.

Many older children miss having contact with siblings. Here it will be looked into and added to right a party's rights, if any, for siblings in the promised the setting from the child protection law Committee (29.09.2016)

The youth are concerned with good information. As they say *I lack information about what child protection driver with, whether it actually concern me.* (secured through finished the reconstruction book)

Important is also that parents get information and not least to the foster parents. Ideally, youth, parents and foster parents be to determine:

- How much information about the child and the family to be given
- When will the foster parents get the different pieces of information
- Parents should inform the foster parents

It is shown to the finished the reconstruction book multiple places in the note. It is often problematic to get to a good content in samværene. But parents are sitting on a lot of information that is important for your child now and in the future. Do you get it to the completion of the book of life can be a part of the contents of the visitation. Parents feel when they can contribute something positive.

### **The adults need to collaborate**

The kids think it's good when the foster parents and parents know each other and have telephone contact. It feels good that they talk positively about each other. The authorities have the responsibility to create room for parents and foster parents can get together before the baby moving in.

Foster parents ' great tips to cooperation with parents:

- Meet the parents, siblings and other family with positive attitude
- Provide from the start expression that your child is ours, we collaborate and share in the responsibility
- Give credit and praise of the parents, it creates peace of mind,
- Compete not, think team mothers or fathers team
- Show respect towards parents so the child, foster hears it
- Recognize them as parents, let them tell about themselves and their history
- Hang pictures of the child's family in a foster home
- Send letters to the parents, with information about the foster family
- Get to know your child's family
- Take the with on important events if the child will
- Open home for foster children's family, URf.eks for Christmas, birthday and confirmations, that the parents can see that their child has it well
- Try to look big on the feelings flooding over with his parents
- Find the balance between support that visitation is positive and it to support the child if it seems painful and often difficult is.

Theme booklet takes up what the young child protection mean contact with parents to be,-with young people and with the foster parents.

**Ideas from parents and fosestrforeldre about how to determine the visitation :**

Collaborative team determines:

Foster parents, parents and child protection officers from sitting together. A representative for the child taking part, they need to arrive at a consensus around visitation.

Responsibility Group Meeting decides:

Responsibility group meeting is conducted every 6. week, or less often, but my 4 times a year. Here, visitation is determined. Here are taking part: parents, foster parents, psychologist/expert with knowledge of foster children and the child welfare service, plus, where appropriate, interpreter.

Family advice:

A standardized family advice can determine the visitation, one with the knowledge of the visitation, must attend. It must here be worked hard to reach an agreement. If not consensus here-to the legal instrument.

The young people suggest non-resident plan:

- Date, time and place for visitation
- Who is included in the contact pattern
- Whether others can participate in the presence
- Special activities to be done or parents can be with your child on, leisure activities the school shutdown mm
- If there is supervision under the contact pattern and who it is
- Or expenses child protection does not cover
- If there are special rules for telephone contact and other contact
- Who, if any, to bring your child to the visitation

The plan should be for ½ years to one year at a time.

The young people have opinions on how the implementation is going to be and what should happen after samværene is completed.

The booklet also contains advice from foster parents to the foster parent for visitation.

The authorities have to evaluate the samværene regularly-

Norwegian Foster home's Association for a long time have lobbied that all aspects surrounding the visitation must be reviewed, and that good practices need to be added to the reason. It is the hope that a NOU will attend to and thoroughly gjennomdrøfte visitation both research nationally and internationally and get to the good practice. Training and good quality in guidance are in short supply in Norway within visitation.