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ECPRD 2812 REGULATION OF FOSTER CARE FINAL SUMMARY

*Prepared by
Library of the Croatian Parliament*

Committee on the Family, Youth and Sports of the Croatian Parliament was interested in foster care regulation in other countries. Questions were:

- 1. Is there a system of non-institutional adoption of children without parental care (in related or unrelated families, etc.)?**
- 2. Are foster parents (of children) entitled to compensation, if yes - what is the amount (per month / year)?**
- 3. Do foster parents benefit the right to health insurance at the expense of the state, based on the fact that they are foster parents?**
- 4. Do foster parents have the right to pension insurance (based on "activities" of fostering children), or can they when other conditions are acquired (eg. age) have a pension based on the fact that they have fostered one or more children?**

Situation in Croatia

- 1. The Republic of Croatia stipulates foster care by Foster Care Act (Official Gazette 90/11 and 78/12) and it is a form of care outside the family in which the child (or adult) is provided with housing and care (in related or unrelated) foster family.**
- 2. As stipulated by the above mentioned Act, foster parent is compensated for their work, care provided and effort invested in the care of the user to the accommodation. The amount of compensation depends on the number of user-hosted and the base for determined amount equals the basis on which support allowance is determined (which is one of social benefits). Foster benefit is not considered salary or other income that is subject to tax.**
- 3. Foster care is not considered a profession, therefore foster parents are not employed and do not have the right to health insurance on the basis of foster care.**
- 4. For the same reason (foster care is not a profession) traditional foster parents are not entitled to their pension on the basis of adoption.**

This request was sent on April 9th 2015 to all ECPRD Correspondents and we received answers from 19 countries.

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Please find the responses we received below:

1. AUSTRIA – BUNDESRAT & NATIONALRAT

Preliminary remark: Austria is a federally organized state consisting of nine federal provinces, called "Länder". The federal provinces have the right to pass their own legislation in certain areas such as building codes or youth support.

The Federal Child and Youth Support Act (FCYSA) and the Federal Child and Youth Support Acts of the 9 Federal Länder, which are implementation acts within the framework of the FCYSA, govern foster care in Austria. There is also a reference within the Civil Code (ABGB).

The compensation for foster parents is determined by the legal ordinances of the 9 Federal Länder. The amount depends on the age of the child and the types of foster care (higher compensations for crises foster care). There are supplementary allowances for special demands (for example therapy, dental braces, basic equipment) as well. Foster parents are also entitled to get child care allowance (Kinderbetreuungsgeld) and family allowance (Familienbeihilfe) when they meet the general requirements.

There are different regional regulations at Länder level at the present [author's comment: on the right to health insurance at the expense of the state]. Therefore the appropriate authorities entered into negotiations for a nationwide standardized health insurance for foster parents.

Basically, foster parents are not medically insured, just because of the fact that they are foster parents. According to Article 12 of the Constitution, in the field of youth welfare the federal government is only responsible for enacting basic law, whereas legislation on implementation and enforcement is the responsibility of the Länder (provinces). The "Bundes-Kinder- und Jugendhilfegesetz 2013" – which is the basic law – states that there must be provided opportunities of social insurance coverage for foster parents. However, normally foster parents are medically insured anyway, either because of employment or co-insurance. Only in the case of the lack of insurance coverage the Länder would have to make provisions as stated in their implementing laws.

There are different regional regulations at Länder level at present [author's comment: on the right to pension insurance]. Therefore the appropriate authorities entered into negotiations for nationwide standardized pension insurance for foster parents.

However, in Austria foster parents do have a right to pension insurance due to parental leave periods if the adoption happened after December 31st, 1987 and if the child has not reached the fourth year of life at that time.

2. BELGIUM – SENAT & CHAMBRE DES REPRESENTANTS

In Belgium, foster care is regulated by decrees of the (Flemish - French speaking - German speaking) communities. In the Flemish community, since 2014, a decree of June 20, 2012 became valid. In the French speaking community, a decree of March 20, 1991, applies.

In the Flemish community, there is a financial compensation related to the age of the child and the question if the child gives right to a family allowance or not. The amount of the financial

compensation varies from 13 euro/day (little children) to 20,95 euro/day (12-18 years old). In the French speaking community, there is also a financial compensation, the amount of which depends on the age of the child and the care needed by the child.

In Belgium, if the foster parents consider the child as their own child for public health care, they benefit the right of reimbursement of medical expenses. This is, however, not always the case and then the parents of the child are responsible for medical expenses (and are entitled to reimbursement by public health care). Since health care is a matter of the federal government, this is the same in the Flemish and the French speaking community.

In Belgium, the foster parents do not have a right to pension based on the fact that they are foster parents. Since pensions are a matter of the federal government, this is the same in the Flemish and the French speaking community.

3. BULGARIA - NARODNO SABRANIE

The issues raised in the request are regulated in the Child Protection Act, the Code of Social Insurance and the Health Insurance Act.

In the Child Protection Act placement of a child in foster care is regulated as a protection measure, which content is closest to adoption, but without intrinsic legal consequences associated with kinship.

Under Art. 31 of the Child Protection Act a foster family are two spouses or a separate person where is accommodated a child for upbringing and tutoring according to a contract of art. 27. As mentioned, spouses or the foster family are not holders of parental rights and responsibilities. The foster care in the law is determined as voluntary or professional (Art. 31, para 4). Voluntary foster parents receive a monthly allowance and grants, which may be in kind. Professional foster families offer more services and receive remuneration for the care they provide. The terms and conditions for providing the aid are regulated by the Regulations for Implementation of the Law of Protection of the Child:

Art. 46.

- (1) Financial aid and/or aid in kind may be granted for support of the child and the family.
- (2) The aid under para 1 shall be designated for prevention and re-integration, the raising of the child by close friends and relatives and in receiving families.
- (3) The financial aid under para 1 shall be:
 1. monthly
 2. one-time
- (4) Basis for determining the financial aid and the aid in kind shall be the guaranteed minimal income determined by the Council of Ministers pursuant to art. 12, para 3 of the law of the social support.

Art. 48.

- (1) For prevention of abandoning and reintegration of the child in a family environment, for raising by a close friends or relatives and in receiving families one-time aid, up to four times a year, may be granted.
- (2) One-time aid is an aid different from the monthly, and it shall be granted in order to meet a certain need having occurred extraordinarily and not related to the support of the child.

(3) The total size of the one-time aid for the year shall be up to the 5-fold amount of the guaranteed minimal income.

(4) The one-time aid under para 1 may be granted in cash and/or in kind.

Art. 49.

(1) (amend., SG 24/04; amend. - SG 68/12, in force from 04.09.2012) For children accommodated for raising by close friends and relatives, the Social Support Directorate may grant monthly aid if the average monthly income of each of the spouses or of the parent/parents living together, and of the children under age is lower than the 5-foldsize of the guaranteed minimal income.

(2) (suppl. - SG 68/12, in force from 04.09.2012) The size of the monthly aid under Para 1 shall be determined at a proposal of a social worker of the department for protection of the child and shall be differentiated in accordance with the age of the child:

1. up to 7 years - up to the 3-fold size of the guaranteed minimal income;
2. from 7 to 14 years - up to the 3.5-fold size of the guaranteed minimal income;
3. (amend. - SG 578/09, in force from 24.07.2009) from the age of 14 to the age of maturity of the child, and if studying - to the completion of secondary education, but not above 20 years of age - up to the 4-fold size of the guaranteed minimal income.

(3) (new - SG 68/12, in force from 04.09.2012) For children accommodated for raising by close friends and relatives, the municipality or the licensed provider of the social service "adoptive care" may grant monthly aid, differentiated according to the age of the child in amount at least as specified in Para 2.

Art. 50.

(1) (amend. - SG 93/06; amend. - SG 68/12, in force from 04.09.2012) For children accommodated for raising in a receiving family shall be submitted resources for raising and education of the child on the grounds of an administrative order or a judicial decision for accommodation.

(2) (new - SG 68/12, in force from 04.09.2012) The funds referred to in Para 1 shall be provided to the provider of the "adoptive care" social service under Art. 34a, Para 4 of the Child Protection Act, with whom the receiving family has concluded the contract art. 27, para 5 of the Child Protection Act.

(3) (Suppl., SG 31/05, In force from 08.04.2005; prev. text of Para 02, suppl. - SG 68/12, in force from 04.09.2012) The resources under para 1, provided by the "Social Support" Directorate shall be monthly paid and differentiated in accordance with the age of the child in sizes:

1. up to 7 years - the 3-fold size of the guaranteed minimal income;
2. from 7 to 14 years - the 3.5-fold size of the guaranteed minimal income;
3. (amend. - SG 578/09, in force from 24.07.2009) from the age of 14 to the age of maturity of the child, and if studying - to the completion of secondary education, but not above 20 years of age - the 4-fold size of the guaranteed minimal income.

(4) (new - SG 68/12, in force from 04.09.2012) The funds under Para 1, provided by the municipality or the licensed provider of the "adoptive care" social service, shall be monthly and shall be differentiated according to the age of the child in amounts not less than those determined in Para 3.

Art. 51. (amend. - SG 93/06) For children with handicap, established by the competent health authorities, paid to the monthly aid under art. 49 or to the resources submitted under art. 50 shall be an extra amounting to 75 percent of the guaranteed minimal income, regardless of the income of the family.

In Chapter Five "A" of the Regulations the contract for raising a child by a professional foster family is settled:

Art. 57a. (new – SG 93/06, in force from 01.01.2007; amend. - SG 68/12, in force from 04.09.2012)

(1) The contract under Art. 31, Para 4 of the Child Protection Act shall be concluded between a provider of the "adoptive care" social service under Art. 34a, Para 4 of the Child Protection Act and the approved professional receiving family before the accommodation of the child in the family.

(2) The contract referred to in Para 1 shall set out:

1. the subject-matter of the contract;
2. the rights and duties of the parties;
3. the remuneration amount for the receiving family and the method of payment;
4. the term of performance of the contract;
5. the liability for non-performance;
6. the conditions and order for amendment and termination of the contract.

(3) Where the professional receiving family consists of two spouses, the contract under Para 1 shall be signed by one of them.

Art. 57b. (new – SG 93/06, in force from 01.01.2007; amend. - SG 68/12, in force from 04.09.2012)

For each child accommodated in a professional adopting family shall be concluded also a contract under Art. 27, Para 5 of the Law on Protection of the Child.

Art. 57c. (new – SG 93/06, in force from 01.01.2007)

(1) (amend. - SG 68/12, in force from 04.09.2012) The amount of the monthly remuneration of the professional receiving family shall be determined in the contract referred to in Art. 31, Para 4 of the Child Protection Act and shall not be less than:

1. (amend. - SG 68/12, in force from 04.09.2012) for accommodation of one child – 150 percent of the minimum monthly employment salary determined for the country;
2. (amend. - SG 68/12, in force from 04.09.2012) for accommodation of two children – 160 percent of the minimum monthly employment salary determined for the country;
3. (amend. - SG 68/12, in force from 04.09.2012) for accommodation of three or more children – 160 percent of the minimum monthly employment salary determined for the country.

(2) (amend. - SG 68/12, in force from 04.09.2012) Following the termination of an accommodation of a child in a professional receiving family within the period, in which no other child has been accommodated in the family, shall be paid a monthly remuneration amounting to the size of the minimum monthly employment salary determined for the country.

(3) The period referred to in Para 2 shall not exceed one month for a single calendar year.

(4) In cases where the child has stayed in the professional adopting family less than a calendar month the employment salary shall be determined proportionally to the number of days.

(5) (new - SG 68/12, in force from 04.09.2012) A receiving parent, providing substitute receiving care, shall receive a remuneration according to the number of the accommodated children and the number of days of their accommodation under the terms of a substitute receiving care.

The contract with members of the professional foster family is essentially a contract of employment and regarding the health insurance the provisions of the Health Insurance Act apply. In art. 40 of the Act specifies the persons who are insured at the expense of state budget but members of host families do not fall within this range. As regards their pension rights there is no difference in the legal system with the rights of other Bulgarian citizens working under labor contracts.

4. CZECH REPUBLIC - POSLANECKÁ SNĚMOVNA

Generally Czech Republic stipulates foster care in the Civil Code (89/2012 Sb.). More details are provided in Social and Legal Protection of Children Act (359/1999 Sb. as amended). Foster care is targeted on children who cannot be taken care of by their parents or guardian. In that case they can be provided with care either by a person related to the original family or by unrelated person or couple.

According to the Social and Legal Protection of Children Act as mentioned above, there are five different kinds of benefits that foster parents receive:

- benefit for covering child's needs (the amount of money is adjusted according to child's age – from 165 € to 240 € per month).
- remuneration for the foster parent (the amount of money depends on number of children in care of the foster parent – e.g. for one child approx. 300 € per month).
- benefit when taking up the child (the amount of money varies according to the age of the child – from 300 € to 370 € at once).
- benefit for buying a car (only for foster parents that are taking care of 3 or more children – at most approx. 3 600 € at once).
- benefit when terminating the foster care (approx. 900 € at once).

No, foster parents do not benefit the right to the health insurance at the expense of the state based on foster care.

For purpose of drawing a pension, foster care remuneration is considered to be an income from dependent work. Therefore foster parents are entitled to pension on the basis of foster care.

5. ESTONIA – RIIGIKOGU

Two basic Acts how foster care is regulated in Estonia are Family Law Act and State Family Benefits Act. Pursuant to the Family Law Act, if parents give their child to a foster family to be cared for a longer period of time, a court may, at the request of the parents or the person who provides care for the child, grant powers of decision in matters concerning custody of the child to the person who provides care for the child. Consent of the parents is required for transfer of the rights at the request of the person providing care for a child (foster parent). A foster parent has the rights and obligations of a special guardian to the extent of the transferred rights. Foster family is a family where a child actually raised and which does not include a parent of the child or a person married to a parent of the child.

Yes, foster parents are entitled to compensation pursuant to the State Family Benefits Act. Foster care allowance shall be paid for a child without parental care, if guardianship has been established for him or her or a foster care contract has been entered into with respect to him or her, and who meets the requirements of the State Family benefits Act. Upon termination of guardianship or foster care when a child attains 18 years of age, payment of an allowance shall continue until the end of the school year when the child attains 19 years of age. The amount of foster care allowance shall be 240 euros for each child in foster care since 2015 (before that – amount was 191.80 euros)

No, foster parents do not benefit the right to the health insurance at the expense of the state based on foster care.

Yes, foster parents have the right to the following pension supplement shall be added to old-age pensions granted pursuant to the State Pension Insurance Act: (1) to one parent, parent's spouse, guardian or caregiver in a family for every child who is born between 31 December 1980 and 31 December 2012 and whom he or she has raised for at least eight years, in the amount of two times the value of a year of pensionable service; (2) to one parent, parent's spouse, guardian or caregiver in a family, who is born before 1 January 1983 and who is not an obligated person within the meaning of the Funded Pensions Act, for every child who is born on 1 January 2013 or later and whom he or she has raised for at least eight years, in the amount of three times the value of a year of pensionable service. In addition to that, pursuant to the p. 10 Funded Pensions Act, Four per cent of the average monthly income subject to social tax in Estonia per each child of up to three years of age shall be additionally allocated from the state budget for making contributions to mandatory pension fund (hereinafter in this section pension fund) to an obligated person who is a parent raising a child of up to three years of age residing in Estonia, spouse of a parent, guardian or caregiver with respect to whom a written foster care contract has been entered into pursuant to subsection 15 (2) of the Social Welfare Act. Additional contributions to a pension fund shall be made for one parent at a time.

6. FINLAND – EDUSKUNTA

According to Child Welfare Act (417/2007) children have a right to a safe growth environment, to balanced and well-rounded development and to special protection. Institutional care is arranged if substitute care for the child cannot be provided in the best interests of the child in family care or elsewhere by means of sufficient supportive measures (Child Welfare Act, paragraph 50). This means that family care is a primary form of care.

Compensation for foster parent is regulated in Family Carer Act (312/1992). Family carer means a person who, based on a commission agreement made with the municipality or joint municipal board responsible for arranging care, gives in his/her home such family care. Family carers are entitled to remuneration for the care they are providing. The amount of the remuneration is at least 686 euros (year 2015) for a person cared for per calendar month. No remuneration for care is payable to a person who is caring for his/her own child under 18 years of age which is placed in family care. In addition the family carer shall be paid a compensation for the expenses incurred through the care and maintenance of the person cared for as well as for the necessary expenses caused by the initiation of care. The amount of compensation for expenses is at least 410 euros (year 2015) for a person cared for per calendar month. Both remuneration and compensation of expenses are subject to tax at a certain extent.

The family carers are entitled to reimbursement of necessary expenses incurred in treating an illness, and loss of income due to short-term incapacity for work.

The family carers have right to pension insurance based to remuneration for the care they are providing.

7. FRANCE – ASSEMBLEE NATIONALE

Les mineurs (âgés de moins de 18 ans) et les jeunes majeurs (entre 18 et 21 ans) qui ne peuvent rester dans leur propre famille peuvent être placés en « famille d'accueil ». Le placement en famille d'accueil ne peut cependant être comparé à une adoption, les liens de filiation entre l'enfant et ses

parents ne sont pas rompus et les parents conservent l'autorité parentale. Ce système est notamment utilisé dans le cadre de la procédure administrative ou judiciaire de protection de l'enfance.

Comme le précise l'article L. 112-3 du code de l'action sociale et des familles (CASF), « *La protection de l'enfance a pour but de prévenir les difficultés auxquelles les parents peuvent être confrontés dans l'exercice de leurs responsabilités éducatives, d'accompagner les familles et d'assurer, le cas échéant, selon des modalités adaptées à leurs besoins, une prise en charge partielle ou totale des mineurs. Elle comporte à cet effet un ensemble d'interventions en faveur de ceux-ci et de leurs parents. Ces interventions peuvent également être destinées à des majeurs de moins de vingt et un ans connaissant des difficultés susceptibles de compromettre gravement leur équilibre. La protection de l'enfance a également pour but de prévenir les difficultés que peuvent rencontrer les mineurs privés temporairement ou définitivement de la protection de leur famille et d'assurer leur prise en charge* ».

L'article L. 421-2 du CASF précise que : « *L'assistant familial est la personne qui, moyennant rémunération, accueille habituellement et de façon permanente des mineurs et des jeunes majeurs de moins de vingt et un ans à son domicile. Son activité s'insère dans un dispositif de protection de l'enfance, un dispositif médico-social ou un service d'accueil familial thérapeutique. Il exerce sa profession comme salarié de personnes morales de droit public ou de personnes morales de droit privé [...] après avoir été agréé à cet effet. L'assistant familial constitue, avec l'ensemble des personnes résidant à son domicile, une famille d'accueil* ».

L'agrément des assistants familiaux est délivré par l'un des services du Conseil départemental: le service de la Protection maternelle et infantile (PMI).

Le Conseil départemental s'assure que l'accueillant :

- présente les garanties nécessaires pour héberger des mineurs dans des conditions propres à assurer leur développement physique, intellectuel et affectif,
- présente un état de santé satisfaisant,
- dispose d'un logement dont l'état, les dimensions, les conditions d'accès et l'environnement permettent d'assurer le bien-être et la sécurité des mineurs.

L'agrément est accordé pour 5 ans. Il précise le nombre de mineurs et de jeunes majeurs qui peuvent être accueillis simultanément. Normalement, leur nombre est limité à 3 personnes (mineurs et majeurs de moins de 21 ans confondus). Une dérogation peut autoriser l'accueil simultané de plus de 3 jeunes, si les conditions d'accueil le permettent et pour répondre à des besoins spécifiques.

Lorsque les conditions de l'agrément cessent d'être remplies, le Conseil départemental peut, après avis d'une commission consultative paritaire départementale, modifier le contenu de l'agrément ou le retirer. En cas d'urgence, il peut suspendre l'agrément. Pendant la période de suspension, aucun jeune ne peut être confié à l'assistant familial.

Les modalités de rémunération des assistants familiaux relèvent d'une décision du Conseil départemental. La rémunération est fixée par rapport au salaire minimum interprofessionnel de croissance (SMIC). Le montant horaire brut du SMIC est de 9,61 € depuis le 1er janvier 2015.

Elle est constituée de deux parties :

- un forfait pour la fonction globale d'accueil : son montant ne peut être inférieur à 50 SMIC horaire brut par mois, soit 450 € ;

- une part variable en fonction du nombre d'enfants accueillis. Elle ne peut être inférieure à 70 SMIC horaire brut, soit 630 € par mois et par enfant.

Actuellement, le salaire minimum mensuel s'élève en moyenne à 1 080 € brut pour un enfant, 1 710 € brut pour deux enfants et 2 340 € brut pour trois enfants.

Les assistants familiaux sont, comme les autres travailleurs salariés, affiliés au régime général de la sécurité sociale auquel ils versent des cotisations assises sur leurs rémunérations pour la couverture des risques (maladie, vieillesse, etc.).

Comme tous les autres travailleurs salariés, les assistants familiaux acquièrent des droits à pension en contrepartie de cotisations prélevées sur leur revenu d'activité. C'est le montant du salaire annuel soumis à cotisation qui sert de base au calcul de la pension.

8. GERMANY – BUNDESTAG & BUNDESRAT

In contrast to Croatia there is no Foster Care Act in Germany that regulates foster care. The legal regulations concerning foster care are stipulated by the German Civil Code (BGB) as well as in the Code of Social Law (SGB VIII).

Persons having the care and custody for a child are entitled to help in education and upbringing (§ 27 Abs. 1 SGB VIII) which includes fulltime-care of children in foster families (§ 33 SGB VIII). In case children are accommodated in foster families according to § 33 SGB VIII their necessary maintenance in the foster family has to be guaranteed (§ 39 Abs. 1 SGB VIII). Therefore the competent welfare youth service grants a monthly care allowance, which should cover the costs for operating charges (financial expenses) as well as for the child's care and education (educational costs). Guaranteeing the necessary maintenance is no independent claim, but a legal consequence of help outside the family. Hence, the person having the care and custody for a child who is entitled to help in education and upbringing is also entitled to the care allowance unless the foster parent(s) has the care and custody for the child.

Insofar foster parents normally do not have an own claim for care allowance. Nevertheless, there are various legal alternatives for them to receive the monthly allowance directly from the competent youth welfare service. For example, they can be authorized by the person(s) having the care and custody of the child for receiving care allowance directly from the youth welfare service or the parents' claim can be transferred to the foster parents. The "Handbuch Pflegekinderhilfe" gives more detailed information as well about foster care in general. The brochure is available only in English and can be downloaded under <http://www.bmfsfj.de/RedaktionBMFSFJ/Broschuerenstelle/Pdf-Anlagen/Handbuch-Pflegekinderhilfe-DJI,property=pdf,bereich=bmfsfj,sprache=de,rwb=true.pdf>.

The monthly amount of care allowance isn't determined throughout Germany but there are regulations in the different German Länder. These regulations are orientated towards general recommendations referring to different age groups that are set by the German Association for Public and Private Welfare (Deutscher Verein für öffentliche und private Fürsorge e.V.). The recommendations for the year 2015 are available under http://www.deutscher-verein.de/05-empfehlungen/empfehlungen_archiv/2014/DV-20-14-Pauschalbeitraege. For children that are not yet six years old the German Association recommends to determine a lump sum of 508 Euro per month to compensate financial expenses. For children at the age of six but not yet 12 years the compensation should be 589 Euro per month respectively 676 Euro for children at the age of 12 but

not yet 18. To compensate educational costs the German Association recommends a lump sum of 237 Euro for all children that are not yet 18 years old. Altogether, the recommended amount of the monthly care allowance is 745 Euro (children not yet six years old), 826 Euro (children at the age of six but not yet 12 years) respectively 913 Euro (children at the age of 12 but not yet 18 years). The recommendation of the German Association isn't binding so the amount of care allowance differs within Germany.

Additional to care allowance one-off payments can be granted for certain reasons especially for the initial equipment of a foster home, for important personal reasons as well as for the child's holiday trips. The concrete reasons and the amount of the granted lump sum are determined by the competent welfare youth service.

In principle, care allowance and one-off payments are tax-exempt.

As well as in Croatia, in Germany foster care generally is not considered as employment. Hence, foster parents are not entitled to the performance of the health insurance companies on basis of foster care.

According to § 39 Abs. 4 SGB VIII foster parents can claim the reimbursement of fifty percent of proven expenses for reasonable old-age provisions. The German Association for Public and Private Welfare recommends the orientation towards the monthly minimum contribution for statutory pension insurance that amounts to 85.05 Euro so that the youth welfare service has to reimburse at least 42.53 Euro per month for expenses for old-age provisions. This claim is also entitled to the person having the care and custody of a child that claims help in education and upbringing. However, it can be transferred to the foster parents as well.

For fostering a child during its first three years of its life the so-called child education time can be recognized for one foster parent if the foster child lives in a common household with the foster parent for a longer period of time. Child education time counts as contribution period for which contributions are paid by the Federal Republic of Germany and that can constitute and enhance right to a pension out of the statutory pension insurance.

9. GREECE - VOULI TON ELLINON

Foster care is a form of child protection recognized by the Hellenic State by Law 2082/1992. Foster care is not an adoption.

Under Greek law, the fostering of minors is regulated primarily by articles 1655-1665 of the Civil Code, which are included to the chapter 12 on "Fostering minors" of Law 2447/96 (GG 278 A) on "Adoption, Guardianship and foster care of a child, etc." as well as to Presidential Decree 86/09 (GG 114 A) on the "Organisation and operation of the institution of fostering minors".

According to the provisions of the Civil Code, foster care may be defined as taking real care of a child by others (foster parents), care which unless otherwise specified by law, does not imply any change in legal relationship between the child and the natural family or his commissioner.

Presidential Decree 86/09, inter alia, specifies the conditions of eligibility of foster parents (article 1) and the conditions and procedures for placing a child in foster care (articles 2, 3). In particular, it specifies that the placement of a child in a foster family is carried out through a contract between the

natural parents or the natural or legal person designated as the commissioner of the child, under the relevant provisions of the Civil Code, or by a court order (article 2).

Finally, in accordance with article 5 paragraph 1 of the same PD, the surveillance of the underwriting is assigned to the local Social Care Units, or the Directorate of Social Welfare, or for minors whose guardianship is entrusted to legal entities of private law, to the Welfare Departments of the Directorates of Health and Welfare of the Prefectures. This competence is now transferred to the Regions, under article 186 of Law 3852/10 (GG 87 A) following the abolishment of the Prefectures.

So far, there are the following forms of foster care:

Kinship foster care: The social worker comes into contact with relatives who wish to take the child and if they accept they take the child into foster care.

Medium Underwriting: This kind of underwriting lasts for up to two years. It happens when families need this time to overcome a crisis in order to retake the child. It is the most common way of underwriting which may develop into long-term placement.

Long-term foster care: The children in this case never return to their biological parents.

Underwriting hosting: It happens when someone wants to host a child at home for the weekend, holidays, summer, etc.

The kinship foster care is mentioned explicitly as a preferred option in each case (article 1 paragraph 1, of PD 86/2009). These provisions also refer in the actual care of a child and not the custody or guardianship of the minor, and therefore to the auxiliary and potentially temporary nature of foster care alongside with the natural parents or the commissioner of the child.

Article 4 of the PD 86/09 foresees a financial assistance (as foreseen by MD of Article 9 paragraph 5 of N.2082/92) to cover current needs of the minor for as long as the foster care contract stands.

The level of underwriting benefits for minors who are in foster care under the supervision of Units of Social Care is regulated by the Ministerial Decision 92798/06 GG B/1163/28.08.06. The amounts come to 260 euro for healthy children, 340 euro for children with mild disabilities, in 340 euro for children with mental health problems, deviant behaviour and learning disabilities, 450 euro for children with severe disabilities and 850 Euro for children with specific diseases - infections.

According to article 11 paragraph 3 of Law 4172/2013 this financial assistance is not included in the total net income of the foster parents.

The foster parents do not have a right to health insurance. Nevertheless, the child is entitled to full medical and nursing coverage and coverage of specific treatments. It is also entitled to some expenses for clothing, footwear and to essential items for its first installation to the family, as well as to school costs. These privileges apply up to the adulthood.

Foster parents do not have the right to pension insurance based on "activities" of fostering children.

10. HUNGARY - ORSZÁGGYÜLÉS

Hungary stipulates the foster care by the Act XXXI of 1997 *on the Protection of Children and Guardianship Administration*.

In Hungary there are three types of foster parents: traditional, professional and special-professional foster parents according to the number and needs of the children.

Children under the age of 12 must be placed in foster families.

According to the Act XXXI of 1997 professional foster parents sign an employment contract, the employment status is compulsory. Foster carers receive remuneration during the legal relationship.

The basic remuneration is at least 30% of the minimum wage per month. The foster carers receive additional payment after every child or young adult, its amount is at least the 20% of the minimum wage per month. If the child or young adult has special needs, the foster parents receive further additional remuneration, which is at least 5% of the minimum wage per month, the amount of state subsidy based on the needs of the children.

The Act LXXX of 1997 *on persons entitled to social security provision and private pensions and on funding these services* determines who the insured parties are. According to this act foster parents have right to health insurance.

According to the Act LXXX of 1997 foster parents have the right to pension insurance.

11. LATVIA - LATVIJAS REPUBLIKAS SAEIMA

Yes, there is a system of non-institutional adoption of children without parental care. Foster parents are responsible for child up to age of 18.

Foster parents receive compensation in amount 54 euros per month and child maintenance allowance 45 euros per month for each child. Foster parents receive all social benefits for parents with children.

Foster parents do not benefit the right to health insurance at the expense of the state, based on the fact that they are foster parents.

Foster parents do not have the right to pension insurance based on "activities" of fostering children.

12. LITHUANIA – SEIMAS

Lithuanian legislation provides for the following forms of alternative care of a child:¹

- a) temporal/permanent guardianship in:
 - foster family,
 - social family²,
 - child care institution;
- b) temporal guardianship under the request of parents;

¹ <http://www.vaikoteises.lt/en/adoption/procedure/adoption.html> (in English)

² A social family is a non-profit public legal person, established in accordance with the Law on Social Families (in Lithuanian: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=453571) and other relevant legal acts. Such family may provide foster care to six and more children (but no more than 12 children, including the family parents' own biological children) in family surroundings. The number of children may be bigger if the children under care are brothers and sisters (inseparable) or if the child under care is disabled.

c) adoption (national or international).

Guardianship may be established for children under the age of 14; curatorship – for children older than 14.

Temporal child guardianship/curatorship means care for and upbringing of a child temporarily deprived of parental care, also representation and protection of the child's legitimate interests in the family, social family or institution.

Temporal guardianship/curatorship may be established when:

- parents or single parent are missing and attempts are made to trace them (pending the court judgement declaring them missing or dead);
- parents or single parent are temporarily incapable of taking care of the child because of the parents' (the father's or the mother's) illness, arrest, imposed sentence, or due to other compelling reasons;
- parents or single parent do not take care of the child, neglect him, do not look after him, do not bring him up properly, use physical or psychological violence thereby endangering the child's physical, mental, spiritual or moral development and safety (pending the court order separating the child from the parents).

The purpose of temporary child guardianship/curatorship is to return the child into the child's natural family. A child is placed under temporal guardianship by the decision of the Director of the Administration of the Municipality under the recommendation of the regional Child Rights Protection Institution.

Permanent child guardianship/curatorship may be established for children deprived of parental care who, under the existing conditions, are unable to return into their natural family, and their care, upbringing, representation and protection of their rights and legitimate interests are entrusted to another family, social family or guardianship/curatorship institution. Permanent guardianship/curatorship may be established when:

- both parents or single parent of the child are dead;
- both parents of the child or his single parent have been declared missing or dead by a court judgement;
- the child has been separated from the parents in accordance with the procedure established by law;
- the child's parents or close relatives are not identified within a 3-month period after the child's birth;
- both parents or the single parent of the child are declared legally incapable in accordance with the procedure established by law.

A child is placed under permanent guardianship by the decision of the court under the application of the regional Child Rights Protection Institution.

The Law on Benefits for Children³ provides for the following benefits for a child raised in a family, social family, child care institution:

- a child, placed under guardianship in a family, social family or child care institution, during the foster care period receives a monthly guardianship (curatorship) benefit of 4 Basic Social Benefit (BSB) (since 2015-01-01 – 152 EUR);

³ http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=471308 (in Lithuanian)

- a monthly targeted additional guardianship (curatorship) benefit of 4 BSB (since 2015-01-01– 152 EUR) is paid per each child placed under guardianship in a social family for ensuring social family activities;
- if a child in foster care is supported (receives free lodging and meal) in the dormitory of the general education school or vocational school, he receives a monthly benefit of 2 BSB (since 2015-01-01– 76 EUR).

The foster care benefit is not granted to children who are detained, arrested, imprisoned, on the run or recognised by the court as a person with unknown whereabouts and where the temporary foster care was established for a child at the request of parents who are temporarily away outside the Republic of Lithuania (Art. 8).

Child benefits (Art. 6):

- Every child, raised in a family or placed under guardianship in a family and who is between 0 and 2 years old receives a monthly benefit of 0.75 BSB (since 2015-01-01 – 28.5 EUR), if the monthly income per family member is less than 1.5 times the amount of the SSI (State Supported Income); (since 2015-01-01 – 153 EUR)
- Every child raised in a family or placed under guardianship in a family and who is between 2 and 7 years old (or between 2 and 18 years old in a families raising and/or fostering three or more children) receives a monthly benefit of 0.40 BSB (since 2015-01-01 – 15.2 EUR), if the monthly income per family member is less than 1.5 times the amount of the SSI (since 2015-01-01 – 153 EUR).

Upon expiry of the foster care due to majority, emancipation or marriage, an individual (Art. 9):

- receives a lump-sum benefit of 75 BSB (since 2015-01-01 – 2,850 EUR) to acquire or accommodate housing.
- receives a monthly foster care benefit of 4 BSB (since 2015-01-01 – 152 EUR) if the individual continues uninterrupted education at the general education school, vocational or high school as a full time student (including the period of academic leave), regardless of his being employed or not, as well as in the cases when both parents or the only parent or foster parent of an individual are dead. The benefit is paid to such individual until he is 24.
- if an individual is supported (receives free lodging and meal) in the dormitory of the general education school or vocational school, he receives a monthly benefit of 2 BSB (since 2015-01-01 – 76 EUR).

Foster benefit is not considered a salary or other income that is subject to tax.

Foster care is not considered as being employment, therefore foster parents are not entitled to health insurance at the expense of the state on the basis of foster care.

For the same reason (foster care is not employment) foster parents are not entitled to pension insurance on the basis of their being foster parents.

13. POLAND – SEJM

The assistance system for families inefficient in terms of upbringing and the foster care system are regulated by the *Act of 9 June 2011 on Family Assistance and Foster Care System*, which defines:

- 1) principles and forms of support for family undergoing difficulties in providing parental care;
- 2) principles and forms of foster care and assistance in transition to independent living for foster care wards;
- 3) public administration tasks in the scope of family assistance and the foster care system;

- 4) funding principles for family assistance and the foster care system;
- 5) tasks in the scope of adoption proceedings.

Foster care takes the form of family care and institutional care. Family care forms are as follows: foster families, family children's homes.

There are following types of foster families:

- related – constituted by spouses or an unmarried person, who are relatives in the ascending line (grandparents) or siblings,
- non-professional (unrelated) – constituted by spouses or an unmarried person, who are not relatives in the ascending line (grandparents) or siblings of the child,
- professional (unrelated) family types are as follows:
 - ordinary – they accommodate from 3 to 6 children at a time. If there is a need to accommodate more numerous siblings in a foster family, the number of children in a foster family may be increased.
 - specialised – in such a family, socially maladjusted children, children with impairments and health issues requiring specific care are accommodated. Such a family may bring up not more than 3 children at a time.
 - family emergency – these families accommodate not more than 3 children temporarily, for a period of time not longer than 12 months, until the child's situation is normalised. In particularly justified cases, the child's stay may be extended, however by not more than 3 further months.

In accordance with the Act, all foster families receive allowances to cover the cost of living of the children raised in these families. Persons running professional foster families and family children's houses are entitled to compensation.

The allowances covering the costs of living of a child in a foster family and the compensation for persons running professional foster families and family children's houses, stipulated in the Act, are minimal amounts. Districts (local government units) responsible for running and financing foster families may increase these amounts by way of a resolution of the district council. The amounts of allowances and compensation are presented in the table below:

Tab. Allowances covering the costs of living of a child in a foster family (per family types) and compensation for persons running professional foster families and family children's houses (monthly)

Family/solution type	Related foster family	Unrelated foster family	Professional foster family	Family children's house
allowance covering the costs of living of a child	PLN 660	PLN 1000	PLN 1000	PLN 1000
child with a certificate of disability — additional allowance of at least PLN 200 monthly	Yes	Yes	Yes	Yes
child fostered on the basis of the Juvenile Justice Code Act (requiring social rehabilitation) — additional allowance of at least PLN 200 monthly	No	No	Yes	No
compensation, minimal amount: PLN 2000 family emergency: PLN 2600	No	No	Yes	Yes

Please note: the compensation may be lowered when the family is "prepared", which means that there are no children in it, to 80% of the basic compensation, and in certain cases indicated in the Act, increased by 20% of the basic compensation.

Moreover, foster families and family children's houses are entitled to a subsidy whose amount is not defined in the Act. The amounts and conditions of eligibility are defined by districts, by way of relevant local regulations.

Tab. Optional allowances for foster families and family children's houses, defined by the district (subsidy amounts are averages for 2012)

Family/solution type	Related foster family	Unrelated foster family	Professional foster family	Family children's house
subsidy for recreation outside the place of residence of a child from 6 to 18 years of age (approx. PLN 450)	Yes, once a year	Yes, once a year	Yes, once a year	Yes, once a year
subsidy for necessary costs related to the needs of the accommodated child (approx. PLN 1150)	Yes, once	Yes, once	Yes, once	Yes, once
subsidy for costs connected with chance events and other events affecting the quality of care (approx. PLN 1000)	Yes, once or periodically	Yes, once or periodically	Yes, once or periodically	Yes, once or periodically
funds for maintenance of residential premises in a multi-family building or a house, corresponding to the costs incurred (approx. PLN 1130)	No	Yes	Yes	Yes
allowance covering costs related to necessary renovation (approx. PLN 3000)	No	Yes, once a year	Yes, once a year	Yes, in accordance with the agreement
coverage of other necessary and unforeseen costs related to child care and upbringing or the operation of a family children's house (approx. PLN 2700)	No	No	No	Yes, in accordance with the agreement

Professional foster families and persons running family children's houses act on the basis of a civil-law agreement concluded with the district governor. This type of agreement is regulated by the provisions of the Civil Code. However, the persons in consideration have certain entitlements, similar to employee rights regulated under the Labour Code. The period in which a family acts as a professional foster family and the period in which a person runs a family children's house is included to the work period necessary to acquire or retain employee rights. Social insurance premiums are withheld in relation to the compensation.

A professional foster family or a person running a family children's house have the right to 30 calendar days of paid leave in the period of 12 months.

14. PORTUGAL - ASSEMBLEIA DA REPUBLICA

Yes, there is a system of non-institutional adoption of children without parental care; the civil sponsorship that establishes a legal relationship of family type between a child or young person under 18 years and a person or family, whom parental responsibilities are assigned, and among those who establish emotional bonds. The civil sponsorship is permanent and results from a court decision or commitment of approval between the parties by the Court.

The [legal regime of civil sponsorship](#), in its consolidated version establishes the [rights and duties of sponsors, godchildren and biological parents](#), such as:

Rights of the sponsors

Consider the godson as a dependent for tax purposes.

Benefit from blood donor status.

Receive technical support from the entity responsible for signing the commitment of sponsorship (social security or protection of children and youth commission).

Rights godchildren

Benefit from the compensation benefits of family responsibilities, including child benefit for children and young people and subsidies for children and youth with disabilities, allowance for special education establishment frequency, lifetime monthly allowance and scholarship, integrating to that the aggregate effect family of sponsors.

Rights of biological parents

Parents who have not been inhibited the exercise of parental responsibilities for infringing culpably duties towards the children have the following rights:

Knowing the identity of the sponsors.

Have the contact details of the sponsors and the child.

Know where the child resides.

Receive information about the full development of their children, their school or professional development, particularly the occurrence of relevant facts or serious problems, including health.

Receive regularly with photos or other child image registration.

Visit the child, as provided for in commitment or judicial decision in particular on the occasion of especially significant dates.

The [Legal Regime of adoption](#), in its consolidated version stipulates [three different allowances in case of adoption](#), which are:

1 - Allowance for adoption

Cash benefit attributed to prospective adopters of children under 15, to replace the work of lost income during periods of impediment to the profession.

Qualifying conditions

- Having warranty: 6 calendar months with earnings registration in the 1st day of impediment to work;
- For the count of six months, are considered periods of earnings registration in other social protection schemes, national or foreign, to cover this type of protection, including the civil service;
- Enjoy such licenses, under the Labour Code, in the case of workers on behalf of others, or equivalent periods in other cases;
- Having contributions for social security paid by the end of the third month immediately preceding the month in which stops working, if self-employed or are covered by the voluntary social insurance scheme.

2 - Social allowance for adoption

Cash benefit attributed to prospective adopters of children under 15 who do not work or work not meet the conditions for entitlement to the allowance for adoption.

Qualifying conditions

- Be resident in Portugal or treated as resident
- Do not have the applicant and his household, the time of application, movable heritage (bank deposits, stocks, bonds, savings certificates, equities and units in collective investment institutions) worth over € 100,612.80 (corresponds to 240 times the indexing of the amount of social support - IAS)

- Meet the condition of resources: The monthly income per household member does not exceed € 335.38 corresponding to 80% of the IAS.

3 - Allowance for adoption by extended license

Cash benefit attributed to any of the adopters or both, alternately, the license extended by adoption of enjoyment situations, assistance for the integrated adopted in the household, provided that the license be enjoyed immediately after the expiry of the concession period adoption allowance or subsidy for adoption by extended license of another adopter.

Qualifying conditions

Having warranty: 6 calendar months with earnings registration in the 1st day of impediment to work. For the count of six months, are considered periods of earnings registration in other social protection schemes, national or foreign, to cover this type of protection, including the civil service.

The allocation of the allowance also depends on the enjoyment of the respective licenses, under the Labour Code, in the case of workers on behalf of others, or equivalent periods in other cases.

You can earn with:

- Compensation and pension for occupational disease or work accident
- Invalidity, old age and survivors (granted to workers for others, self-employed persons covered by voluntary social insurance or other statutory schemes of social protection)
- Early retirement (from exercising framed activity in any of the workers schemes for others, independent or voluntary social insurance since in the latter case, the respective social protection scheme integrates the event)
- Social integration income.

You cannot accumulate with:

- Labor income
- Unemployment benefit (1)
- Sickness benefit
- Benefits provided under the solidarity subsystem, except social integration income Emerging benefits of the same event since about the same interest protected, even if granted by other social protection schemes.

(1) If you are receiving unemployment benefits, they are suspended while you are receiving allowance for adoption by extended license and to inform the employment center within 5 working days, the beginning and the end of the grant of the concession period by adoption, so as to be excused from fulfilling their duties to the job center (eg biweekly presentation).

Foster parents do not benefit the right to health insurance at the expense of the state. Foster parent's benefit only of the National Health system has any other family.

Foster parents have not the right to pension insurance.

15. ROMANIA - CAMERA DEPUTATILOR

In Romania foster care is stipulated by Emergency Ordinance no. 26 of 1997 on the Protection of Children in Difficulty, Art. 8 (1)- If the parents are deceased, unknown, placed under interdiction, declared dead or missing, or deprived of parental rights, and guardianship has not been established, or in case the child was declared abandoned by final court, the committee may decide child custody

to a family or a person who wants this, and presents material conditions and moral guarantees necessary, for the harmonious development of the child.

Specialized Public Service is obliged to consider, with priority, the possibility of entrusting the child of his relatives to the fourth degree, presenting committee reports and proposals in this regard.

Yes, in Romania foster parent is compensated for their care and work. Art. 20 (1) of the mentioned Act said: for each child entrusted or given in placement is given a monthly allowance of maintenance that is indexed through a Government decision.

Art. 20 (3) The person, that has been given into foster children, has the right, during entrusting or placement, at a salary equal to the gross monthly average of a trained social worker, framed according to seniority. This period will be considered seniority. For retired people, this amount will be paid in the form of monthly allowance. The provisions of this paragraph shall apply only to persons who have obtained the certificate of professional caregiver from the committee of their residence. The provisions of this paragraph shall not apply if the child was given in placement to his relative to the fourth degree, inclusively.

The amount of the compensation depends of the revenue of that person/family and the number of children that are in foster care.

Monthly allowance paid placement is 136.02 euros (2015), and is intended to provide the following rights: food, clothing, footwear, materials, sanitary supplies / books, toys, transport, cultural and sporting materials and money for personal needs.

Yes, foster parents have a labor contract during the period they have in foster care a children, and they have the right to health insurance.

Family carers have the right to a pension insurance based their labor contract.

16. SLOVAKIA - NÁRODNÁ RADA

In Slovakia we distinguish two concepts:

Alternative/substitute care - is governed by the Act no. 36/2005 Coll. on family and amending certain laws – alternative/substitute care is under the Family Act several structured, complementary and interdependent temporary measures, which replace personal parental care of a child in cases where parents do not or can't provide it.

The alternative/substitute care is:

- *Entrusting of a minor child to the personal care of another person than its parents and a substitute personal care* - family or close relatives
- *Foster care,*
- *Institutional care.*

By entrusting to one of the forms of alternative/substitute care parents don't automatically lose parental rights and responsibilities. In Slovakia, there is also possibility to appoint (by a court decision) a guardian to a minor child, who will be responsible for education, will represent it and administer its property (in cases where parents died, or were deprived of the exercise of parental rights and responsibilities or they were suspended of their parental rights and responsibilities).

Adoption doesn't belong to the system of alternative/substitute care (conditions of adoptability of a child have to be fulfilled - legally free child, the court decides on the adoption).

Alternative/substitute family care - concept introduced for the purpose of mediation of foster care and adoption by the Act no. 36/2005 Coll. on family and amending certain laws.

- Alternative/substitute personal care is not mediated, because children and substitute parents know each other. To consider all other forms of alternative/substitute care, respectively the adoption is possible only when the child can't be entrusted to alternative/substitute personal care.
- Foster care and adoption – in this case children and candidates for foster care/adoption don't know each other and therefore their relationship must be mediated.

Mediation of foster care and adoption

Mediation of foster care falls within the scope of the designated Office (in state 8 offices designated by law with jurisdiction in the territory of region) and is possible only if parents don't or can't provide personal childcare and the child can't be entrusted to alternative/substitute personal care. Mediation shall be performed by accredited entity with accreditation.

The state supports alternative/substitute childcare by allowances if alternative childcare is carried out personally (by a court decision or decision of the competent authority) by another individual as child's parent. Terms of allowances are regulated by the Act no. 627/2005 Coll. on allowances to support child custody, as amended.

The purpose of the allowances is to provide support for the care of child who can't be brought up in its own biological family. Allowances are provided in the form of one-time/single allowance and regular/recurring allowances.

Types of allowances:

1. One-time/single allowance to a child by entrusting it to alternative/substitute care - intended to help ensure the basic personal equipment of the child, in particular to ensure its clothing, shoes, toiletries, necessary furniture and other things to meet the needs of the child. One-time/single allowance by entrusting into alternative/substitute care is 500 €.
2. One-time/single allowance to a child when terminating alternative/substitute care - intended to support the emancipation/independence of the child. One-time/single allowance when terminating alternative/substitute care is 922, 29 €.
3. Regular allowance to a child entrusted to alternative/substitute care - intended to support the child's needs, mainly the food costs, education and housing of the child. Regular allowance to a child is:
 - 138, 13 € per month in the case of a dependent child who has no income
 - the difference between 138, 13 € and the income of the child (maintenance, which is determined by the court and parents or other individuals are obliged to provide it to a child)
4. Regular allowance to a substitute parent - intended to support the implementation of personal care of a child who is entrusted to the parent to alternative/substitute care. Regular allowance to a substitute parent is 175, 62 € per month. If the substitute parent (personally) takes care of three or more children who are siblings, allowance to a substitute parent is increased by 124, 91 € per month. This increase belongs to a substitute parent, even if she/he is not entitled to regular allowance.

5. Special regular allowance to a substitute parent - intended to support the implementation of personal care of a child entrusted to alternative/substitute care, who is severely disabled. Special regular allowance to a substitute parent is 72, 36 € per month for the care of each entrusted child, who is a citizen with a severe disability.

The amount of allowances to alternative/substitute childcare is annually adjusted by the Ministry of Labour, Social Affairs and Family by the coefficient which adjusts the sum of subsistence minimum.

A foster parent or a person to whom a child was entrusted into alternative/substitute care has the entitlement to maternity benefit from the social insurance system, if she/he fulfils the conditions for entitlement to such benefit.

An insured person who meets the conditions for entitlement to sickness benefit and who cares of a sick child entrusted to her/him to alternative/substitute parental care on the basis of the decision of the competent authority (§ 39 - § 43 of the Law on Social Insurance) shall be entitled to nursing benefit (from the first day of the need of personal and all-day treatment of sick child until the end of the need of personal and all-day treatment of sick children, but longest until the end of the tenth day).

Foster parents in Slovakia are not guardians or legal representatives of the child. Children still have their legal representatives (parents or guardians). People who have children entrusted to them by a court decision (foster care, alternative/substitute personal care), including adoptive parents can work. Health insurance is paid by employer. If the person is unemployed and registered by the Office of Labour, Social Affairs and Family in the register of jobseekers, health insurance is paid by the state.

Foster parent or the person to whom the child was entrusted to alternative/substitute care may be covered by pension insurance as a natural person resident in the territory of the Slovak Republic, who cares of a child under six years of age (in the case of unfavourable health conditions of a child - until 18 years of age child), unless she/he is not covered by pension insurance as an employee or self-employed person, it was not granted to her/him an early retirement or disability pension, has not reached retirement age and filed an application for pension insurance because of this care. In this period is the pension insurance paid by the state.

17. SLOVENIA – DRŽAVNI ZBOR

In the Republic of Slovenia we don't have »non-institutional adoption system« for children without parental care. We have another institute of family law – a foster care, which has a long tradition in Slovenia.

Foster care is an institute of family law, governed by the Marriage and Family Relations Act (Official Gazette of the Republic of Slovenia, No 69/2004 – official consolidated text, hereinafter MFRA) as a special form of care of children who need to be cared for by persons other than their parents. The purpose of foster care is to give a child, with persons who are not his or her parents, an opportunity for healthy growth, education, balanced personal development and preparation for work and an independent life. In foster care are placed children who have been taken away from their parents by a centre for social work or when parents agree that they should be placed in.

Implementation of foster care is the subject of a special regulation in the form of the Foster Care Implementation Act (Official Gazette of the Republic of Slovenia, No 110/2002, 56/2006-odl. US,

114/2006-ZUTPG, 71/2008-ZUTPG-A and 109/2012-ZIRD-A, hereinafter FCIA). Foster care encompasses activities of foster families and this area is regulated in a unified way. The FCIA regulates the conditions a person wishing to implement foster care must fulfil, the procedure for acquiring a permit for this activity, the method of foster care, monitoring the implementation, the way in which it is financed and other related issues.

Foster carers are entitled to a monthly foster care payment per child, which includes a care allowance and a payment for work. The care allowance consists of the amount intended for the material costs related to the child and the cash benefit in the amount of child allowance for the first child paid out to families at the lowest income level, in line with the special regulation governing family allowances (older than 18 years old are not entitled to this cash benefit). Since 1.1.2015, the amount for the material costs is 291,27 EUR while the cash benefit in the amount of child allowance is 114,31 EUR. Thus this part of the care allowance totals 405,58 or 291,27 EUR. The payment for the foster carers work amounts to 123,51 EUR.

The amount paid for the material costs may go up by 25% or down by 25% or 50% (if the child have maintenance or survivor's pension), dependent on the needs of the child, and the payment for work may be increased by 25% or 50% if the child needs special care.

A foster carer thus receives 529,09 EUR foster care payment for one child or 414,78 (for older than 18 years); without increases or reductions. This amount is not subject to income tax.

Since 1.1.2013 is implemented a new benefit – a single benefit at the first placement of the child; the amount is 280,00 EUR.

Only foster carers who carry out foster care as a profession benefit the right to health insurance at the expense of the state.

Only foster carers who carry out foster care as a profession have the right to pension insurance.

A foster carer who has a permit to implement foster care may do so as a profession; the conditions for carrying out foster care as a profession are:

- fulfilling standards – at the same time three children must be placed into foster family;
- he or she should not be employed, a partner in a private limited company or an institution in the Republic of Slovenia with a management position, and should not carry out any other activities as the only or main profession on the basis of which he or she is included in the mandatory pension and disability insurance.

Social security contributions are paid for foster carers who implement foster care as a profession in line with special regulations governing the payment of social security contributions. These are calculated on the basis of the amount of the lowest pensionable earning plus taxes and contributions, as specified in the regulations governing pension and disability insurance.

The foster care payments and social security contributions are provided in the budget of the Republic of Slovenia.

18. SWEDEN – RIKSDAG

Foster homes for children through the social services

The Swedish social services can decide to place a child outside of its own home under the Social Services Act (SoL) or the Care of Young Persons Act (LVU). Placements under the SoL are voluntary placements, where the child/parent consent to the placement. When needed with regards to the wellbeing of the child/youth or the child's/youth's own behavior, the social services may, under the LVU, decide on placement without the child's/youth's/parent's consent.

When placement outside of the child's or young person's own home is decided, the child may be placed in a foster home (in Sweden called *family home*) or in an institution. Foster home is the most common form of placement among children and young persons in social care. On November 1st 2013, in total approximately 13 600 children and young persons was placed in a foster home and around 8 300 was placed in an institutional home. There are different types of foster homes. For some children the social services used so called *network homes*, which is when the child is placed with someone in its family or network of people. There are also *standby homes*, families that on short notice receive children for short-time placements. The most common type of home is however the traditional *foster home*, a family that receives a child in their home to raise and care for the child in a non-professional way. When a child is placed in a foster home the custody of the child remain with the child's biological/legal parents. After three years of consecutive placement in the foster home the social services should consider transferring custody to the foster parents (see more below)

Adoption in foster care

There are several types of adoption enabled through Swedish law. The most common is *international adoption* of children. However there is also *national adoption*. A national adoption is when a child residing in Sweden is adopted by a Swedish family. National adoption may occur when parents decide to leave their newborn for adoption or when the child is adopted by its foster parents. The most common type of national adoption is however the so called "stepchild-adoption", when a child is adopted by the husband/wife/registered partner of the child's parent. National adoptions are rare in Sweden, in 2013 approximately 360 national adoptions were decided, of which just over 300 were adoptions of stepchildren, 45 were adoptions of children under 1 year and 11 were adoptions of children in foster care.

The National Board of Health and Welfare has recently (2014) studied if the social services raise the issue of adoption when a child has been placed in the same foster home for a longer period of time. They conclude that raising the issue of adoption in foster care is very rare. The Social Services Act states that the social service should consider transferring of custody to the foster parents when the child has been in the same foster home for three years. Transferring custody is a less intervening alternative to adoption. Transferring of custody is also rare, but more common than adoption when it comes to long-term placements in foster homes. The main principle in Swedish legislation is that a child placed in foster care child should be reunited with its biological/legal parents as soon as possible. In cases when long-term placements are needed, transferring of custody or adoption are the main tools, however sparsely used. In 2012 246 transfers of custody and 14 national adoptions of children in foster homes were decided. That year around 2 500 children had been placed outside of their home for 5 years or more, so the most common situation is that the biological parent remain as the legal custodian. Also, it is worth mentioning that the foster homes usually are obligated to help the child to stay in touch with their biological/legal parents and to have a functional relationship with them.

Social insurance and benefits for foster parents

Foster parents are compensated by the municipalities when they receive a child in their home. There are two types of compensations, a *fee* and an *expenses allowance*. If the foster parents need to stay at home from work they can also be compensated for loss of income. As a rule, caring for a foster child is meant to be a part of everyday life and foster parents are meant to work and live as other families. Compensation for loss of income is therefore only meant for special cases or in the beginning of a foster home placement when the child and the family needs to adapt to the new situation. Expenses allowance is meant cover expenses related to caring for the child and the fee is a compensation to the foster parents. The expenses allowance is considered a taxable income, but it does not entitle to health insurance or pension. The fee is a taxable income that entitle to health insurance and pension rights (however not any other employment related benefits such as unemployment benefit or paid vacation). Sweden has an income-related pension system which means that the amount a person receives as their pension depends on how much they have earned, how long they have worked and how incomes in Sweden have grown. For those who have had little or no income from work in their life there is a guarantee pension.

Foster parents are not employed by the municipality. When a child is placed in a foster home the terms and obligations of the foster home and the social services are set in a contract between the municipality and the foster parents.

The fee varies with the age and care need of the child. The cost allowance is made up of a standard sum that varies with the age of the child and additional individual costs. The standard sum is calculated using estimations of basic costs for children of different ages by the Swedish Consumer Agency (SCA). The calculation assumes that children in foster homes have larger needs than other children and the sum is therefore set slightly higher than SCA estimations. The recommended expenses allowance and fee are calculated yearly by the Swedish Association of Local Authorities and Regions (SALAR).⁴ Table 1 specifies the recommended levels of the fee and the cost allowance for 2015 in SEK and EUR⁵.

Table 1 Recommended foster home fees 2015, SEK per month and child

Age	Basic fee	Examples of higher fees in cases of children with high care needs		
0 -12	5 630 SEK/604 EUR	8 981 SEK/963 EUR	10 671 SEK/1 144, EUR	12 632 SEK/ 1 354 EUR
13 - 19	7 303 kr/ 783 EUR	8 981 kr/ 963 EUR	10 671 SEK/1 144 EUR	12 632 SEK/1 354 EUR

Table 2 Recommend expenses allowance for foster homes 2015, SEK per month and child

Age	Basic allowance	Highest possible additional allowance
0 -12	3 894 SEK/418 EUR	5 563 kr/596 EUR
13 - 19	4 450 SEK/477 EUR	6 304 SEK/ 676 EUR

⁴The Swedish Association of Local Authorities and Regions (SALAR) is an employers' and stakeholder organization for municipalities and county councils. Its role is based on improving the framework for municipalities and county councils to exercise local and regional self-government.

⁵ Exchange rates on 2015-04-23, 1 EUR =9,33 SEK

19. UNITED KINGDOM - UK PARLIAMENT

In England the Children Act 1989 is the primary legislation governing “looked after” children and fostering services. Available online at: www.legislation.gov.uk/ukpga/1989/41/contents.

Much of the detail about fostering is contained in guidance and regulations; there is a government guide to these online:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274220/Children_Act_1989_fostering_services.pdf

Or you might find the government guide to how to become a foster carer in England more accessible: <https://www.gov.uk/foster-carers/becoming-a-foster-carer>.

Children who are fostered are distinct from those who are adopted. Foster parents do not have parental responsibility; adoptive parents do have parental responsibility. Fostering placements can be short or long term.

Foster care can be arranged by a local authority, an agency on behalf of a local authority or (less commonly) privately.

Separate (but similar) legislation is in place for fostering in Wales, Scotland and Northern Ireland. All foster carers receive an allowance to cover the cost of caring for a child in their home. For foster carers working on behalf of an agency, this is set by the individual fostering agency, and is usually dependent on the age of the looked after child. In England the government introduced national minimum allowances for foster carers (these allowances are not paid by central government, but in the case of local authority placements are the responsibility of that authority).

These minimum rates are as follows (<https://www.gov.uk/foster-carers/help-with-the-cost-of-fostering>):

2015 to 2016 - minimum foster allowance rates

Weekly rates	Babies	Pre-primary	Primary	11 to 15	16 to 17
London	£142	£145	£163	£184	£216
South East	£136	£140	£156	£177	£208
Rest of the UK	£123	£126	£139	£159	£185

Foster carers get a fixed tax exemption of up to £10,000 per year per household plus an amount of tax relief for every week a child is in their care.

The UK does not have an insurance-based health system. Foster parents are entitled to use the UK National Health Service on the same basis as other UK residents.

Foster carers are eligible to receive National Insurance Credits which count towards meeting the qualifying conditions to receive the contributory State Pension.