Hello,

Dear Colleagues,

We are happy to bring you the 10th edition of the IACN Quarterly. This issue includes knowledge resources that answer frequently asked questions about family strengthening and family-based alternate care, as well as strategies and challenges in creating a loving and safe family environment for children. The reflective write-up delves into the approach to achieving deinstitutionalisation and reintegration of children into their families. Another piece observes the circumstances and potential risks leading to the institutionalisation of children and describes a demonstrable model of supporting families at risk of separation. This issue also includes the interviews of care leavers who speak about their enabling experiences with Care Leavers Networks. Please check the Events and Announcements section to read about the seminar organised by IACN to deliberate on the Mission Vatsalya Scheme and its possible implications for family-based care in the country. We appreciate everyone who helped make this newsletter edition possible. If you wish to share resources or information for the IACN website or quarterly, or would like to discuss any issues of mutual concern, please reach out to us at iacnsecretariat@iacn.in. We look forward to your continued support.

Updates from the field

Learnings and experience shared by our fellow members

Finding Evidence to Develop the Scope of Family Strengthening Initiative: Insights from Families Together Initiative in Delhi | Dr Gurneet Kalra, Udayan Care

Perspectives

Commentary, analysis and insights

Reflections on Mission Vatsalya: Strengthening Alternative Care and Aftercare in India | Advocate Leena Prasad, Udayan Care

Reintegration of Children in Child Care Institutions: Notes from the field | Dr Sanya Sinha, Counsel to Secure Justice (CSJ)

Events and Announcements

Catch up on the latest updates on webinars, trainings and conferences from our network

Introducing Mission Vatsalya: Stakeholders' Perspectives | India Alternative Care Network(IACN) with support from Butterflies and Miracle Foundation India

Manthan- A Workshop on Strengthening Foster Care | CERI (Children's Emergency Relief International)

First Person

Interview with Care Leavers

- Akshata speaks
- Surja speaks

Knowledge Resources Updates

UNICEF/UN0591657/BHARDWAJ

Deinstitutionalisation and Alternate Care of Children Separated from their Families
bit.ly/3WlYTf8

ADRIENTAYLOR/UNSPLASH

Child Rights in Jeopardy: Challenges in Recruiting Families for Foster Care in India
https://bit.ly/3FQqkgT

JUNE 2022

EVERY CHILD'S RIGHT TO FAMILY LIFE: AN INTRODUCTION TO FAMILY STRENGTHENING AND ALTERNATIVE CARE IN INDIA

Every Child's Right to Family Life: An Introduction to Family Strengthening and Alternative Care in India

https://bit.ly/3YJt9SE

For Every Child, A Family

Resources
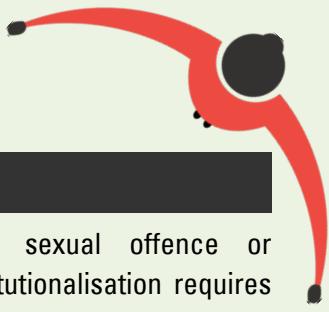
Deinstitutionalisation and Alternate Care of Children Separated from their Families

Shoba Koshy
Former Chairperson
Kerala State Commission for Protection of Child Rights

Children all over the world are separated from their families for many reasons. Yet, for the harmonious development of their personality, it is their right to live within a family environment. This right, enshrined in the UNCRC, has been a continuing concern in its implementation. UN General Assembly Resolution no. 74/ 395 urges all countries to implement the paradigm shift from the traditional, institutional mode of providing children care and protection to family-based alternate care options, for which guidelines are also available in GA Resolution no. 64/142.

The issue of deinstitutionalisation and family-based care has assumed urgency for two reasons:

- Studies show that institutionalisation creates severe stress, and adversely affects emotional and cognitive development, and mental health. This totally negates the best interest of the child.
- During covid, children in institutions had to be deinstitutionalised. Post covid, the number of children who were brought back to institutional care, after an assessment using care and protection standards prescribed in the JJ Act 2016, has shown a significant reduction.

This scenario raises many questions:

- Why were these children previously in institutions when many did not meet the statutory parameters for providing such care and protection? Why did their Individual Care Plans (ICPs) not reflect that they were ready for rehabilitation?
- This large-scale covid deinstitutionalisation confirms the possibility of the progressive elimination of institutionalisation. But how adequate are the alternate arrangements? Are there any strong and effective follow-up mechanisms to ensure that the children's rights are being protected in the new setups? How many of the children have come back before the Child Welfare Committee (CWC)/ Juvenile Justice Board (JJB) due to repeated exposure to vulnerabilities including sexual offence or conflict with law?Deinstitutionalisation requires collaboration between all stakeholders, both within and outside government. This requires commitment at the highest level because the proposed paradigm shift in the very approach to the provision of care will need a change in the management of resources, (both human and financial), in addressing the root causes that separate children from their families, for strengthening gatekeeping activities, and for plugging gaps in the existing care and protection system. It also requires skilled handling of change management, especially in addressing the concerns of those who currently manage institutional care so that their interests can be aligned with the best interests of children. It also involves the challenging task of bringing about social behaviour change at all levels in the system and the community.

- Effective and continuous capacity building of all functionaries and stakeholders, proper MIS and documentation and appropriate technology induction have also to go hand in hand to sustain the quality of care and to effectively address the various dimensions of care, especially during periods of stress.

These and other related issues were the focus of discussions at a workshop organised by the Kerala government and UNICEF with four other states and an NGO with international experience. The important takeaways from these deliberations in the context of deinstitutionalisation and family-based alternate care can be accessed here.

UNICEF/UN0591657/BHARDWAJ

Child Rights in Jeopardy: Challenges in Recruiting Families for Foster Care in India

Dr Vasundhra, Dr Subhradipta Sarkar

Identification of families to protect the children requiring alternative care is a fundamental element in foster care services popularly known as "recruitment" in the western world. Finding suitable and appropriate family needs planning and resources. Various mediums and techniques are essential to make recruitment successful. Providing alternative care for a child is his or her basic right as stipulated in the United Nations Convention on the Rights of the Child. This article is an attempt to broadly view the issues and challenges of foster family recruitment specifically targeted in the Indian context. The lack of financial resources, technical know-how, and human resources is impeding the efforts in selecting families from the community. In the absence of awareness in the community, it is difficult to attract families and make the scheme successful. A policy supported by evidence-based research with strong political will and sufficient resources can only ensure that every child grows in a family environment and their rights are upheld.

Read the full article here.

Endnotes

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ADRIENTAYLOR/UNSPLASH

Every Child's Right to Family Life: An Introduction to Family Strengthening and Alternative Care in India

India Alternative Care Network (IACN)

The document, titled 'Every Child's Right to Family Life: An Introduction to Family Strengthening and Alternative Care in India' is compiled by the India Alternative Care Network (IACN) in collaboration with Hope and Homes for Children and UNICEF, India.

It answers the most frequently asked questions surrounding family strengthening and alternative care while also addressing the misconceptions around it. The document puts an emphasis on permanent, safe, and caring families as the best place for children, and explains the concept of family strengthening and gatekeeping as a means of keeping families together. It discusses the possibility of moving away from institutional care by citing relevant case studies from across the world and explores family-based alternatives – including kinship care and foster care – for children who cannot be adequately cared for by their own families. It explains the concept of aftercare, its need for young adults with lived experience of care, and the aspects of strengthening aftercare services. In explaining the continuum of care for children, the document positions the discourse within national and global policy guidelines and instruments.

The FAQs can help practitioners, child protection workers, and researchers to build a better understanding of family strengthening and family-based care, to ensure that every child in India grows up in a nurturing and protective family environment.

Updates from the field
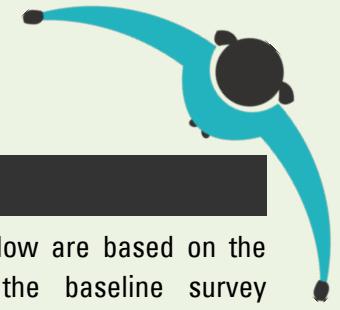
Learnings and experience shared by our fellow members

Finding Evidence to Develop the Scope of Family Strengthening Initiative: Insights from Families Together Initiative in Delhi

Dr Gurneet Kalra
Research Lead, Udayan Care

While there is a lot of evidence and literature on the causes and harms of family separation, there is little research on policy and practice that works to both prevent and reduce institutional care of children, especially in the Indian context. The history of Alternative Care in India is witness to the fact that institutions or residential care have been the first go-to choice for the care and protection of children without residential care. At the same time, it is clear that most placements in child care institutions (CCIs) in India are unnecessary as children have one or both living parents.

This article is a follow-up to our previous article published in IACN Quarterly Issue 9, which highlighted the situation, experiences, challenges and the current situation of children restored to families from institutional care as part of the rapid restoration drive due to the pandemic. The present piece observes the circumstances and potential risk factors leading to the institutionalisation of children and highlights the FiT (Families Together) model, initiated by Udayan Care with other partners to establish a demonstrable and scalable model of supporting families at risk of separation and those who have had their children reintegrated and need support to stay together.

In a quick household-level assessment of over 480 families in five pockets of South Delhi District conducted during Sept – Nov 2022, it was revealed that many families believed that institutions were a great way to raise their children as they saw them as "hostels" and did not know about the harms of separating a child from parents. The majority of these families belong to low-income groups and almost every second family is struggling with issues of health, disability, alcohol addiction and domestic violence. Many families live in conditions that lack facilities such as proper housing and basic amenities like toilets. The awareness regarding schemes for social protection is almost absent.

The case studies presented below are based on the information collected during the baseline survey conducted in five pockets of South Delhi. They highlight the ground realities of the vulnerabilities faced by children and families, and the likely risk factors that push the families to send their children to institutional care.

Case Studies

Dipti Kushwah[1] is a 25 years old young woman who got separated from her husband 3 years ago and currently lives with her 5-year-old daughter in a slum on Lodhi Road. Her husband was an alcoholic and frequently assaulted her physically while her in-laws were also not supportive. After battling domestic violence for years, she decided to get separated from her husband and had no choice but to stay at a friend's house. Dipti does not have any job yet and does all the household chores of the house she lives in, and in return, she and her daughter get two meals a day. Dipti aspires for her child's better future and while sharing her life's struggle, she said, "I want my daughter to get a good education and become independent in her life, so she doesn't face difficulties in the future and also gets the courage to face all kinds of challenges bravely."

Kaushalya is a 26 years old widow who lives with her three children (a 10-year-old son, an 8-year-old daughter and a 4-year-old son). It's been almost 2 years since her husband's death, who was the sole breadwinner of the family. She never worked outside when her husband was alive but after the sudden demise of her husband, the responsibility of the whole family fell on her shoulders. She courageously took up all the responsibilities and is currently engaged in a house cleaning job while working hard to meet the basic needs of her children. She earns around Rs. 5000 per month with which she is barely able to meet her household expenses and the basic needs of her children. Both her children are enrolled in a government school and she

lives in a temporary shelter on government land which can be removed or displaced at any time. Kaushalya stated, "I sleep in fear of displacement. I am very concerned about the uncertainty of my children's future".

Bharti is 30 years old and a single primary caregiver of her 2 sons (8 and 5 years old) and her mother-in-law, who is 60 years old. She lost her husband around 3 months back. Her family had migrated from UP around 10 years back and had been living at the Indira Gandhi Camp. She has a debt of 60 thousand. She had taken a bank loan for her husband's illness, after which she is currently in debt of the mentioned amount. Bharti has completed her schooling till 10th standard. After the death of her husband, she started working as a domestic help and currently earns Rs 5000 per month. She is not aware of how to avail the benefits of government schemes for herself and her mother-in-law (widow and old age pension). Where she lives, there is a lack of basic amenities like toilets and water and the condition of public toilets is poor and unsafe for children. Recently an incident happened in a public toilet where the caretaker of the toilet sexually assaulted a 5-year-old girl and now the caretaker is in jail. She stated, "The environment of our camp is very bad where people fight every day after consuming alcohol and children learn what they see. Leaving the children at home and going to work is very risky, but one has to go to earn for the family. Without a husband or any support, I am not able to raise my children alone. If you could find a good CCI for my children that would be a great help". She is grateful that both sons are going to school but she is worried about their future. When they grow up, will she be able to fulfill their needs?

Dipti, Kaushalya and Bharti are not the only ones. There are many more in similar situations. Their case stories depict the vulnerabilities of children and their families and elaborate on their struggles to meet their livelihood, secure a safe shelter, strive for better educational opportunities for their children, and in addition, they are unaware of their rights and entitlements. It is evident that these risk factors amongst others push families to send their children to institutional care with the hope of better livelihood and educational opportunities.

Families Together is an initiative that aims to develop a community-driven family-strengthening program on preventing unnecessary separation of children from families and reintegrating children into suitable family-based care choices, through the eight domains of the circle of care and protection, those being – basic needs & safeguarding, household economy, learning opportunities, physical health, emotional well-being, parenting skills and parental knowledge, social connections, self-awareness, faith and community connections. Families Together program is being conceptualised as a family-strengthening initiative in India to ensure well-functioning, protected and resilient families, empowered, hopeful and connected individuals and stronger communities. This demonstrable model puts forward the gatekeeping mechanism, strengthens the family and prevents unnecessary separation of the child from their family. The initiative aims at making efforts to bring key stakeholders together to ensure that families are supported and provided with quality and accessible services that enable them to continue discharging their childcare roles. Families Together as an attempt strongly reiterates that it is in families where children acquire a sense of identity, belonging, and connectedness and hence a convergent and collaborative effort is needed to see children and families thriving. Children should be placed in out-of-home care only when it is necessary and empowering family-based care for every child in India should soon become a reality.

Endnotes

¹Pseudonyms have been used

Experience with Care Leavers Network

As narrated to the Coordinator, India Alternative Care Network

We interviewed two young adults named Akshata Shenoy and Surja Chauhan. Akshata is a 21-year-old youth living in Pune. She is a care leaver who grew up in an NGO-run Child Care Institution in Mumbai. Surja is also a 21-year-old youth and is a care leaver from Udayan Care.

Akshata is pursuing MA Social Work Programme from Pune. She finds happiness in music and dance. She has learnt Kathak and has performed in college and other platforms. She aspires to become a social worker and finds inspiration from Ms Medha Patkar, who despite the challenges, continues to strive for the good of the community.

Surja has completed her graduation in BA Political Science from Delhi University and is a fellow at UNICEF-UC LIFT fellowship, a first-of-its-kind exclusive fellowship for care leavers. She is highly passionate about doing advocacy on the rights of care leavers, with a focus on care leavers with special needs through writing blogs and articles on social media. She is working on forming a Care Leavers Network in UP as part of her fellowship. She is currently pursuing MA in Journalism and Mass Communication.

The youth shared about their views about the care leavers groups and networks they are part of.

Akshata speaks:

Q1) Which care leavers network are you a part of?

I have joined the Youth Ambassador Programme supported by Miracle Foundation India. There are about 12 care leavers who lead the programme.

Q2) When and why did you join the care leavers network?

I joined the Youth Ambassador Programme two years back. It brings together youth who are leaving care institutions. I remember when I was about to leave the children's home and aftercare home, I was anxious and stressed about what is going to happen next. What will life be like when I move out? I think most children go through similar experiences at the time of leaving care and after moving out from Child Care Institutions (CCIs).

I joined the network to be able to support the youth during this phase of their lives. I think I can do it. I think I have that in me.

Q3) How do you see your role as a member of the care leavers network?

The Youth Ambassador Programme encourages its members to come up with ideas to support care leavers. We become part of the meetings where we discuss ideas and plans. My vision as a member of the Youth Ambassador Programme is to support care leavers in obtaining documentation. I realised the need for this when I faced challenges in getting my birth certificate. Care leavers are unable to access many services due to lack of proper entitlements and documentation. I want to create support for care leavers for housing, health, education, and career development through donor programmes and by linking them through government schemes. I want to advocate for the rights of children and youth. I plan to start a newsletter where care leavers can voice their issues.

Q4) How has care leavers network impacted your life?

I wanted to work for care leavers like me but didn't know how to do it. The group has provided me with the path to achieving my vision. It has also helped me to present my views on public forums and improve my confidence level. I feel happy and get a sense of satisfaction.

Q5) What is the importance of the care leavers network in the lives of the care leavers?

If the care leavers stay in the network, they can share their problems with each other. Like I made a friend when I participated in a marathon organised by a care leaver network. Now my friend talks to me when he wants to share his happiness, seek advice for his education or career or everyday problems. I also do so. Care leavers also gain confidence by being part of the group. Many of them are hesitant and shy when they join, but they open up by the 3rd or 4th session. They get encouragement from each other. Their knowledge about the outside world also increases.

Q6) Do you see any challenges in forming a care leavers networks and sustaining it? If yes, what are these?

Many care leavers are not aware of the existing groups or networks. Also, since the existing networks can have

a limited number of care leavers, some of those who want to join are unable to do so.

Q7) What are your suggestions for sustaining and strengthening care leavers networks?

In addition to the state and national networks of care leavers, local-level care leaver networks should be formed to allow more and more youth to join. This will give them the platform to gain confidence and then join the state or national-level networks.

Q8) What do you think is the role of Government and civil society in supporting care leavers networks?

They should create awareness about care leavers groups. They should keep the data of care leavers who could be brought together to form the networks, as youth are not aware of the existing networks and are also hesitant to join them. Government should also take care of the basic needs of the care leavers like housing and health, and support their education, so they can focus on participating in the activities of the network.

Surja speaks:

Q1) Which care leavers network are you a part of?

I joined Delhi CLAN in 2019 and with 3 years of experience in CLAN now, I am forming a network in Uttar Pradesh as well with objectives to support each other in every form as a family. In a state as big as UP, with a significant number of care leavers who are unaware of their rights, it makes it even more important to form one such network that can provide them with a platform to come together and support each other in all forms.

Q2) When and why did you join the care leavers network?

Back in 2019, when I joined this independent body of care leavers from Delhi, I was overwhelmed. I was introduced to each member who had been through similar set of challenges. Very soon, I became an important member of this family. Care Leavers Network can be as good as a family for young care-experienced people like me, and believe it or not, but I do visualise that sense of family bonding in each session, meeting, workshop, and event of this network. Being part of a network which is led by youth like me with common experience, gives me the strength to fight the odds of life. Each member of this network understands and supports each other like a family.

Q3) How do you see your role as a member of the care leavers network?

As a member of CLAN or as a care leaver, I help many like me (experienced care leavers) to act as role models for young children who are about to leave care or are struggling with the transition to independent living through peer mentoring/support. I guide and support them to spread awareness in society on their challenges and thus, create a sensitive outlook towards the lives of experienced children and adults.

I empower all members of the network to become advocates and change champions, feel supported, empowered, and equipped with the right tools and contribute to improving the juvenile justice system. As a team member of CLAN and stakeholders, I work closely with the district and state child protection system to be able to contribute to policy development, care reform and implementation of the state action plan on care leaving systems and processes. We CLANians work as agents to come collectively and create a resourceful platform for all care leavers.

Q4) How has care leavers network impacted your life?

This family has helped me build my confidence. Being part of the Delhi-based network for care leavers for the last four years, I became more knowledgeable and aware of the common experiences of care leavers. This family has taught me the beautiful message of humility and gratitude. It has helped me shape my destiny and achieve success. It has moulded me into a strong and independent person.

Q5) What is the importance of care leavers network in the lives of care leavers?

This network provides a safe platform wherein care leavers can voice their needs and ensure that all youth have the space and mechanism to input their experiences into achieving a larger common collective vision. It helps bring children and youth with similar experiences together as a family. The network can provide a strong sense of belongingness and warmth. It helps every care leaver to know about relevant issues through workshops and training sessions for their development and benefit organised by CLAN. This develops a strong mutual support system for care leavers to address issues faced by them, be it for further education/vocational training, placements, or learning soft skills.

Q6) Do you see any challenges in forming care leavers networks and sustaining it? If yes, what are these?

Yes, the very first challenge is that care leavers are unaware of their rights to get support after 18 years of age. And with this, care leavers hardly know about such a network to be part of it. The second difficulty is in finding out the database of care leavers. The networks lack collective support from CCIs and supporting bodies. It is difficult to reach out to stakeholders to support the network. The network lacks logistic and holistic support.

Q7) What are your suggestions for sustaining and strengthening care leavers networks?

Every CLAN can participate in sessions and workshops for more support and to create visibility about the network. The activity sessions and workshops should be organised or conducted regularly for members of the network with the help of experts. The network should be officially registered so that it raises support for each member. It should get recognised and connect with national and international care leavers networks.

Q8) What do you think is the role of Government and civil society in supporting care leavers networks?

The state can help in providing all kinds of support to the network. The state can help in officially registering such a network by providing a lawyer and office place for the network. They can encourage the network and support care leavers in creating visibility in the community and reducing stigma to help care leavers feel integrated into the society. Both state and community should empower and strengthen such networks by providing resources to the network like financial assistance etc. If everyone works as advocates in spreading awareness about such a network, it will benefit the care leavers in their smooth transitions. If CCIs and stakeholders know any care leavers, they can connect them with the network and share opportunities with the network.
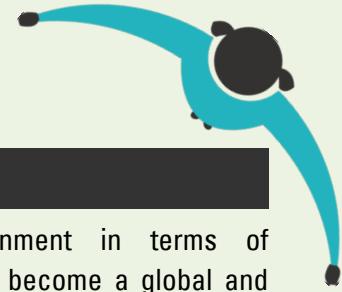
UNICEF/UN061998/Vishwanathan

Perspectives

Reflections on Mission Vatsalya: Strengthening Alternative Care and Aftercare in India

Advocate Leena Prasad
Associate Director, Advocacy, Research and Training,
Udayan Care

On 7th July 2022, the joint secretary of the Ministry of Women and Child Development, Government of India announced the Implementation Guidelines of the Mission Vatsalya[1]. These guidelines replace the Integrated Child Protection Scheme that was being implemented as the central government's flagship program since 2009 and gets implemented retrospectively from 1st April 2022.

The objective of Mission Vatsalya, as stated in the press release and the policy document, is to:

- secure a healthy and happy childhood for each and every child in India,

- ensure opportunities to enable them to discover their full potential and

- assist them in flourishing in all respects, in a sustained manner,

- foster a sensitive, supportive and synchronized ecosystem for the development of children,

- assist States/UTs in delivering the mandate of the Juvenile Justice Act 2015 and achieve the SDG goals.

- promotes family-based non-institutional care of children in difficult circumstances based on the principle of institutionalisation of children as a measure of last resort.

The key components under Mission Vatsalya include:

- Improve functioning of statutory bodies;
- Strengthen service delivery structures;
- Upscale institutional care/services;
- Encourage non-institutional community-based care;
- Ensure emergency outreach services;
- Training and capacity building.

As a policy, Mission Vatslaya lays strong policy frameworks to care for, support and protect children in various difficult circumstances and backs the 2015 Juvenile Justice Act. Mission Vatsalya reflects the recent intent of the government in terms of deinstitutionalisation which has become a global and national mantra. Accordingly, for the first time, we see a policy framework laying strong emphasis on preventing unnecessary separation of children from their families, and attempting to prioritise family-based alternative care over institutional care.

Mission Vatsalya for the first time creates history through the use of the term "alternative care". So far, this term was not found in any legislative or policy document of the government of India. Additionally, the policy elaborates on sponsorship for families and providing support services to combat addiction, data collection on children in alternative care and children at risk of being separated from their families, as well as aftercare support for young people aged 18-21 who leave alternative care.

Mission Vatsalya has renewed the focus and attention on aftercare, as an issue of child protection and Alternative Care that we have been passionate about in our work. The addition of a new paragraph (section 4.3 on page 35) will definitely help in making the implementation of aftercare stronger on the ground:

"After Care is meant for all young persons, who during their childhood have grown up in any form of Alternative Care such as children's homes, observation homes, etc., or fit facilities and had to leave them upon attaining 18 years of age. This transition for a young person leaving the childcare setting and moving to independent living throws up various challenges as well as offers opportunities as they go through these situational and emotional changes. This transition period is a delicate period because if young persons remain unsupported during this time, opportunities available to them may be lost."

In accordance with the UNCRC, the UN Guidelines on Alternative Care and the recent outcomes of the UN DGD focus on Alternative Care, it is indeed heartening to note that the Govt. of India is now using the term "Alternative Care". We hope that this will expand the scope of aftercare to children growing up in foster care and kinship care in the future.

Another highlight of Mission Vatsalya that needs appreciation is the addition of the Individual Aftercare Plan or IAP in 4.3.3. IAP was proposed by the first-ever seminal research study on aftercare by Udayan Care

Reflections on Mission Vatsalya

published in 2019 with the support of UNICEF India and other partners. Titled "Beyond 18 - Leaving Child Care Institutions, Supporting Youth Leaving Care - A study of Aftercare Practices" has a suggestive template which can be used as a framework for all practitioners. Like the Individual Care Plan format that is prescribed in the Juvenile Justice Law, it will help functionaries to have a framework to develop IAP for all youth, keeping in mind their individual needs, talents and aspirations. Rehabilitation for our aftercare youth will definitely become better with the use of IAP.

But sadly, the mission document does not live to the mandate of making institutions the last care choice for children. It still operates from the fundamental approach of funding Child Care Institutions (CCIs) and does not adequately invest in or fund programs or services that promote family-based alternative care such as foster care and others. The mission remains similar to the ICPS way of funding CCIs and gives monetary incentives for keeping more children in the CCIs. The funding remains at a norm of at least 50 children in a CCI thus legitimising their prevalence instead of strategizing a reduced dependency on CCIs and truly making it the last resort for children in practical terms.

The mission has put a cap on staffing at the District Child Protection Unit (DCPU) to a maximum of 1 counsellor, 3 social workers and five outreach workers. Given the existing vacancies and overburdened staff members of the juvenile social workforce, this capping of maximum

staff may be cause for worry in many districts with a large workload. The policy document doesn't focus appropriately on safeguarding aspects in the work of the DCPUs, and this may be a risk factor since all staff in the DCPUs are meant to be working directly with children in difficult circumstances and vulnerable situations.

Children without parental care need stronger commitments from the Government of India. There is a lot more than what the mission document could have captured. One such example is the principle of including children and care leavers in the policy-making and decision taking processes. The mission document could have leveraged the potential and skill of many young care leavers as a resource pool. The shift from institutional care to family-based alternative care will need more rethinking and redefining of some of the provisions. Nonetheless, Mission Vatsalya is the first policy framework for India which clearly strengthens family-based alternative care in the country and hopefully will give the right impetus required by state governments and the child protection workforce to move in the right direction.

Endnotes

[1]https://pib.gov.in/PressReleasePage.aspx?PRID=1839815

Reintegration of Children in Child Care Institutions

Reintegration of Children in Child Care Institutions: Notes from the field

*Dr Sanya Sinha, Social Worker Facilitator,
Counsel to Secure Justice (CSJ)*
with support from
*Arti Mohan, Program Manager
Restorative Justice & Practices, CSJ[1]*

Enabling all children to develop to their full potential is an essential objective of the Indian Constitution as well as our child protection framework. The Juvenile Justice (Care and Protection) Act, 2015 (JJ Act) understands rehabilitation and social reintegration of children as important aspects of children's welfare, including children who stay in Child Care Institutions (CCIs). The

law requires that the rehabilitation process starts within the institution itself and offers various provisions for reintegration, including developing an individual care plan (ICP) for each child that helps understand the child's myriad needs and take steps to meet them and help the child reunite with their family or guardian.

As per the JJ Act and the research on the impact of institutionalisation on children, CCIs only ought to be used as a last resort and are the least desirable outcome.[2] However, certain circumstances necessitate children staying in CCIs, including when there is a danger to the child's wellbeing and safety.

In this context, CSJ works with children in CCIs toward their holistic rehabilitation. CSJ also supports CCI staff through training and handholding on quality institutional

care while also working towards deinstitutionalisation through transition planning, acknowledging that every child has a right to ultimately return to their family.[3]

CSJ's work is premised on acknowledging the potential adverse impact of institutionalisation and the need to enhance the CCIs' positive impact. The latter includes offering children support to heal and recover from difficult, sometimes traumatic experiences, and enhancing their sense of responsibility for their actions.

As a Social Worker Facilitator working with CSJ in Rajasthan, I work in CCIs that house children in need of care and protection (CNCP) and children in conflict with the law (CiCL). In my work with children and caregivers within institutions, I have witnessed first-hand the lives of children in CCIs and some challenges they face that can hinder their successful social reintegration. Based on this, I propose a three-pronged approach for working

1. Reducing the adverse impact of institutionalisation

I believe that the first prong of working on children's rehabilitation involves addressing and pre-empting the adverse impact of institutionalisation on children. Children are adversely impacted in institutions because of being labelled as 'bad children', not having access to their families, witnessing and being subject to bullying and violence, inter alia.[4] Two of the most significant challenges I have witnessed are the use of terminology that is not child-friendly and the need for enhanced counselling support.

Using intentional child-friendly language

CCIs and child protection and welfare systems are intended to be entirely distinct from adult legal systems and custodial institutions, even in the case of CiCL. For example, the law is intentional about avoiding the legal terminology of 'trial', 'judge', 'jail', 'prisoner', and 'jailer' and has specific terminology such as 'inquiry', 'Juvenile Justice Board', 'CCI' and 'CiCL and CNCP', 'person-in-charge', respectively. The latter terminology is intended to be child-friendly and avoid the stigma and shame attached to the legal system.

However, I have witnessed that, in practice, language and terminology from adult systems often trickle into CCIs for CiCL. For example, children often hear the terms 'jailer sir', 'jail' and 'prisoner'. I believe that being perceived and labelled as children in 'jails' is a

significant impediment to successful reintegration as it begins to influence children's self-perception. This is especially important because children often learn by observation and can quickly internalise others' perceptions of them. If children think of themselves as wrongdoers, it becomes harder for them to believe they are good human beings, which in turn, could impact their ability to reintegrate successfully. In my opinion, one way to mitigate this challenge is to increase and continue sensitisation training for stakeholders within the system. In addition, raising awareness among the general public on the true nature of CCIs as a space for rehabilitation (and not punishment) is also needed.

Providing effective and non-judgemental counselling intervention

Psychological counselling can effectively support children in processing the toll that an institution can take on them. I have observed that while in principle, effective counselling ought to be offered to all children, this is often not the case. I perceive a need for capacity building of counsellors on counselling tools and methodology. I have often seen advice given to children as a part of the counselling process rather than it being a space for the child to be heard. I have also noticed that some CCIs do not have a counsellor. In addition, some counsellors are given multiple roles to fulfil, reducing their ability to provide dedicated counselling. CSJ has been working on assisting counsellors through creating formats and frameworks and providing capacity building on tools to use during the process. Effective counselling can be a helpful means of assisting children and preparing them for rehabilitation.
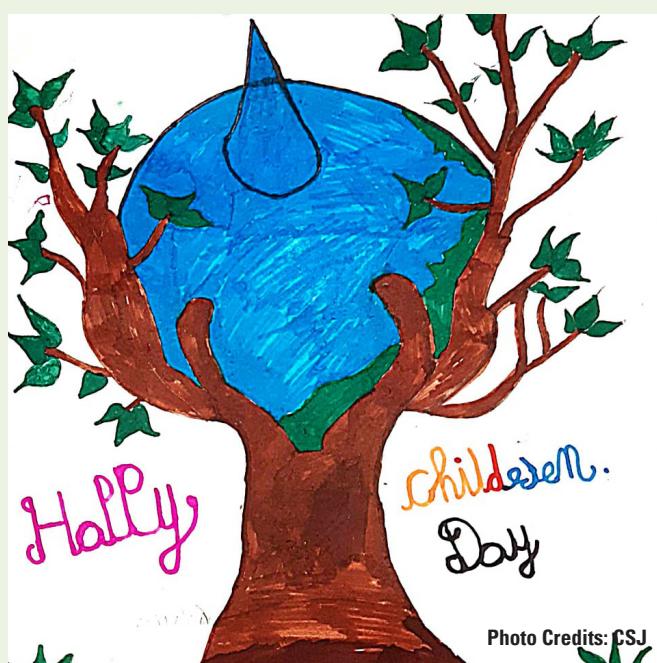
Photo Credits: CSJ

2. Ensuring children's rights are upheld

Another aspect of reintegration is ensuring that while children are in CCIs, they are treated with respect and each of their rights is upheld and honoured. Denial of rights while in the CCI only goes on to adversely impact children emotionally, mentally, and socially, further acting as an impediment to their rehabilitation. In my experience, rights that particularly need attention are the right to have a voice and the right to have information about their case.

Creating space for children's voice and agency

Avoiding authoritarian discipline tactics

Despite the focus on creating spaces that enable children to have a voice and exercise their agency,[5] in my experience, CCIs use practices that may not always allow for this. For instance, authoritarian discipline often challenges children's rights to express opinions and thoughts. A culture of fear that is often believed to be a tool to ensure discipline can stifle children's voices. I was conducting activities in a CCI when a caregiver entered the room. While the caregiver was present, the children were silent, did not share their experiences, and resumed sharing only when the caregiver had left. Creating spaces for alternative ways of building social capital and good behaviour can promote the well-being of all children and do away with the need for authoritative discipline. Restorative circles, spaces that intentionally create an environment for children to voice themselves in a safe space without fear of judgment or rebuke, maybe one way to build such spaces.[6] CSJ has been holding spaces in different CCIs in Delhi since 2018 and in Rajasthan since 2019.[7]

Creating space for engagement and voice

The law prescribes children's active engagement by creating spaces for their needs to be voiced through mechanisms such as the children's committee meeting, a meeting of children to discuss their grievances in the CCIs.[8] However, in my time in the CCIs, I witnessed that these processes are not treated seriously, with reports not maintained and grievances not recorded. I believe that if these already existing mechanisms are encouraged and implemented with fidelity, children's right to have a voice will not only be upheld, but they will also be able to develop better decision-making capabilities simultaneously.

A tool I have found helpful while conducting activities with children is encouraging them to voice themselves and reminding them that there will be no repercussions for sharing. At the same time, I also acknowledge the right to remain silent for those who do not wish to participate, enabling a truly safe space. I believe that when children have a voice, they are able to grow in terms of self-esteem as well as responsibility, which can indicate higher chances of effective reintegration.

Access to information regarding case status

Another challenge I have frequently witnessed is the inadequate information children and their families have about their legal cases. While most children I work with have lawyers, their families' low literacy levels and residence in distant villages often impact their ability to communicate with the lawyer. Lack of information about the status of their case is not only a violation of their rights but can take a significant emotional toll on children. I have been working with the CCI staff to provide children with preliminary information about the legal inquiry and equip them with questions they can ask the lawyers to understand the case better. Increased knowledge of the case will help children effectively understand the possible period they may be required to stay in the CCI and prepare for their future.

3. Planning for the child's future

Thirdly, I believe that reintegration also requires planning for the child's future in ways that specifically meet the child's individualised needs. These include tangible needs such as the need for life skills and vocational training and emotional and social needs relating to their relationships with the family and society.

Need for training on life skills for the children in the CCI

Life skills are a group of psychosocial and interpersonal competencies that help children (and adults) make informed decisions, solve problems, think critically and creatively, communicate effectively, build healthy relationships and constructively manage life.[9] All these skills are essential to social reintegration and living a socially productive life. However, I have observed very little focus on training children in life skills, and I believe this to be a significant challenge. For example, some children shared with me that they were apprehensive about how they would communicate with their friends and family when they were released. Some also shared the risk of engaging in harmful behaviour on being

released. Life skills, on the other hand, would help children to integrate more smoothly into their families and society after leaving the CCI.

Need for individualised vocational training and other opportunities

I do believe that it is vital to identify the individual interests of each child, rather than focusing on group interests. I have perceived a lack of individualised identification of needs as well as measures to meet them. In my observation, only half the children actively participate in vocational training as they are not interested in the particular subject, and I have been working on helping identify these needs. For instance, some children told me they would benefit from training in repairing mechanical and electrical appliances. While pragmatically, it may not be possible to provide vocational training opportunities for each distinct need due to budgetary constraints and the short-term stay of some children, I do see the need for a bridge between what children need and what is offered to them.

Strengthening the child's relationships

Children need to have strong and sustainable relationships with their caregivers for successful reintegration. However, I have seen many children express during circles, that they have not been able to meet their parents, which affects their emotional well-being. Economic challenges also impact the family's ability to meet with the children. The CCI staff are sometimes unable to establish contact with the child's family due to their physical distance or anger at the child. In one case, an 8-year-old child did not speak the same language as the CCI staff. The staff and members of the Child Welfare Committee tried for four months and could finally locate the parents' address, but they have not been able to be contacted. Intensive and sustained work involving the counsellor can help identify caregivers in such instances.

Addressing stigmatisation from the community and society

Some children also experience severe societal disapproval because of their actions or involvement in the juvenile justice system. I worked with a counsellor in a CCI who highlighted the multiple challenges of reintegration for a child whose community was outraged and did not even let the counsellor enter the village.

For children in institutions, a reintegration process, when apt, and based on the child's decision, is one way to support them to transition into their family, community, and society and develop to their potential.[10] A reintegration process focuses on meeting the needs of children staying in CCIs as they transition out of these institutions by providing them with support and opportunities to exercise their agency. In cases where the family is furious, the process can support both the family and the child in their needs and in having a conversation to plan for the child's future. In cases where the family is experiencing stigma, they may also require additional support.

Conclusion

Based on my work in the CCIs, conversations with children and CCI staff, I do believe that rehabilitation does not begin when the child leaves the CCI but from the first day when they enter, and I believe it is integral to create a space for them that is safe and nourishing. As per the Beijing Rules of 1985 (United Nations Standard Minimum Rules for the Administration of Juvenile Justice), institutions aim to assist children in becoming productive members of society. This three-pronged approach that focuses on reducing the adverse impact of institutionalisation, upholding children's rights and planning for their future can pave the way for children's successful rehabilitation. Creating safe spaces such as restorative circles can be extremely helpful. Reintegration processes that involve the child and their caregivers can also address many of these needs.

Further, rehabilitation and social reintegration of children are not the responsibility of only one stakeholder. For a successful transition of a child from the CCI, the family, caregivers, siblings, peer groups, teachers, school and community must all play a role in supporting children.

Author Bio

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Reintegration of Children in Child Care Institutions

Endnotes

[1] The author is also grateful for the thoughts and inputs of (in alphabetical order) Nimisha Srivastava, Executive Director, CSJ; Shivranjana Rathore, Communications and Development Officer, CSJ and Urvashi Tilak, Director, Restorative Justice, CSJ.

[2] Counsel to Secure Justice. (Forthcoming). Children deprived of liberty in India: A follow up to the UN Global Study on Children Deprived of Liberty. Kathmandu School of Law.

[3] 3 (xiii) of JJ Act

[4] Mohan, A. (2021). Children in child-care institutions: the adverse impact of marginalisation and institutionalisation on children's mental health. The Mariwala Health Initiative Journal | Reframe, October, 2021(4), 40-43. Retrieved from https://mhi.org.in/media/insight_files/Reframe_webfinal3.pdf (last accessed 1 August 2022).

[5] See for instance, Article 12 of the CRC (United Nations, 1989)

[6] Counsel to Secure Justice. (2020). Restorative practices: a primer. https://csjindia.org/wp-content/uploads/2020/11/RP-Primer.pdf

[7] Counsel to Secure Justice. (2020). Bonds of Hope. https://csjindia.org/wp-content/uploads/2020/12/UNICEF-Study-April-2020_Final-1.pdf

[8] Section 53 (iii) JJ Act

[9] UNICEF. (2022). What is basic life skills.

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Events and Announcements

Introducing Mission Vatsalya: Stakeholders' perspectives | India Alternative Care Network(IACN) with support from Butterflies and Miracle Foundation India

The Indian parliament has passed several landmark laws, including the Juvenile Justice (Care and Protection of Children) Act 2015, amended in 2021, the Protection of Children from Sexual Offences Act 2012, the Commissions for Protection of Child Rights Act, 2005, the Prohibition of Child Marriage Act, 2006, and the Right to Education Act 2009, in its commitment to protect and promote the rights and welfare of children. India is a signatory to two significant international agreements, the Hague Convention on the Adoption of Children and the United Nations Convention on the Rights of the Child, which call for the systemic improvement and bolstering of the child protection system in the nation. In this direction, Mission Vatsalya is the Government of India's latest endeavour, to provide a roadmap for achieving development and child protection. The vision of the scheme is to secure a healthy and happy childhood for each and every child in India; ensure opportunities to enable them to discover their full potential; and assist them in flourishing in all respects, in a sustained manner.

IACN in its initiative to facilitate the learning and exchange of knowledge on the issues related to children at risk situations organised a seminar "Introducing Mission Vatsalya: Stakeholders' Perspectives" on November 15, 2022, at India Habitat Centre. The discussion brought out the key highlights of the scheme and its implications for child protection and family-based care in the country. The eminent panellists comprised practitioners, researchers and academicians with expertise and in-depth knowledge of the subject area. The complete report of the seminar can be accessed here.

Manthan- A Workshop on Strengthening Foster Care | CERI (Children's Emergency Relief International)

Six districts in Rajasthan plan for an innovative foster care program.

On 29 November 2022, Government Officials - Child Welfare Committee (CWCs), District Child Protection Unit (DCPUs), and staff of Child Care Institutions (CCIs) from the Udaipur division (Udaipur, Banswara, Chittorgarh, Rajsamand, Pratapgarh, Dungurpur) met for "Manthan", a workshop on strengthening Foster Care, organised by Foster Care Society in partnership with UNICEF and CERI. The workshop aimed to design a foster care program that is globally relevant and locally applicable.

The way forward was clearly etched in 4 ways:

1. Capacity-building training is necessary for CCI staff, DCPU staff, and CWC members. The CCI staff pointed out the need for training to effectively prepare the ICP and SIRs to facilitate the child's placement back into their family or in family-based care. DCPU officials shared the necessity to develop skills of the social workers in preparing comprehensive Home Study Reports required to identify suitable foster care families for children.

2. It was discussed that a clear strategy should be laid down to guide the foster care process and to run the foster care programme smoothly. This would include a step-by-step guide to carry out the placement of a child in a foster care arrangement.

   i. Two layers of screening to select the best potential foster parents

   ii. Standard counselling of potential foster parents and children

   iii. Ensuring the best interest of the child during the matching process, and

   iv. Continuous support to family and foster children before and after placement.

3. It was highlighted by the stakeholders that they require handholding support in implementing the process of foster care. This includes support in form of counselling for the prospective foster

parents, child and birth parents, at the time of pre-placement, during, and after the placement of a child in foster care arrangement.

As expressed by the Government stakeholders – the DCPU officials and CWC members, there is a need to create awareness regarding foster care as a means of family-based alternative care for children in risk situations among society by using different mediums like social media, posters, pamphlet, videography, advertisement etc.

Insights also came from chief guests including comments from Mr Govind Beniwal's (State Child Protection Consultant, UNICEF, Rajasthan) session:

▶ The current foster care system has progressed through 3 phases - in the first phase institutionalisation of children in need of care and protection was focused. Later, adoption gained momentum where efficient structures and protocols were developed to carry out the process. In present times Non-Institutional Alternative Care (NIAC) has gained the impetus.

▶ From the year 2014, Foster Care Rules that came into existence in Rajasthan and Udaipur are operating successfully. From the year 2020, Rajasthan Government rolled out all NIAC options.

▶ NIAC in Rajasthan is provided for 4 Services: Vatsalya Yojna: Individual Foster Care, Samarth Yojna: After Care, GoradhayaYojna: Group Foster Care, and Utkarsh Yojna: Sponsorship.

Mr Devashish Mishra (National Child Protection Consultant, CERI) observed during his session:

▶ Foster Care program is running globally for about 150 years. But there have been many problems in other countries, the primary being placement breakdowns, which severely affect a child's development and emotional health.

▶ Foster care placements could be made more stable and successful through careful matching of child and foster care parents. This requires a comprehensive Home Study Report, assessing the willingness of prospective foster care families to foster the child, the family structure, dynamics and relationships among family members. Mr Mishra cited the relevance of regular counselling and continuous follow-up. He

emphasized that to ensure a successful foster care experience for a child and family, a child's placement in foster care should not be seen as the end of the process, but rather a beginning.

Additional Information

Foster Care Society – Foster Care Innovator in India

Foster Care Society's mission is to establish and model best practices for foster care organisations seeking to help foster youth and their parents throughout India. Foster Care Society set out to move children from institutions such as orphanages to individual families. We believe that every child deserves a nuclear family that can provide love and support.

Foster Care Society is working for the last 6 years and is currently managing 25 Foster families in the Udaipur division. Currently, Foster Care Society is working on a Project with UNICEF named "Strengthening Foster Care Programme in Udaipur Divison" and working on "Non-Institutional Alternative Care" schemes. The project objective is to spread awareness and strengthen "Foster Care Programme" in the Udaipur division.