

# Lithuania Family and Child Welfare

Subjects: **Family Studies**

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In Western societies, two ideologies of child welfare, namely, family support and child protection, have shaped social work practices with children and their families. Family support can be seen as services and interventions that strengthen parents' abilities to care for their children, whereas child protection interventions aim to identify and protect children from abuse and neglect. Gilbert et al. also identified a third "child-focused" orientation, which contains features of child protection and family support but concentrates on the child as an agent who has an independent relation to the state. The child welfare system in Lithuania as a post-Soviet country with a relatively young, thirty-year history of developing child and family services.

child welfare

children's rights

child protection orientations

## 1. Orientations to Child and Family Welfare

Numerous studies have been interested in how the child welfare system aims to tackle child abuse and promote families' well-being <sup>[1][2][3][4][5]</sup>. Child welfare is connected to the broader societal and political settings and includes areas such as material situation, housing, health, subjective well-being of the child and family, education, child relationships, civic participation, risk, and safety. What lies behind child welfare outcomes is the interaction between resources and risk factors operating in the child's personal life, in his or her family, school, or the wider society <sup>[6]</sup>. International treaties, such as the Convention of the Rights of the Child (CRC) of the United Nations, the Millennium Development Goals (MDGs) and subsequently the 2030 Agenda for Sustainable Development (SDG), national policy programs, and laws affect the composition of the child welfare system and the professional practices it contains. Countries have different approaches to addressing the needs of parents and children in vulnerable situations through policies, legislation, and services <sup>[7][4][5][8]</sup>.

Gilbert <sup>[1][2][4]</sup> could be named as a pioneer in this area in the USA, and Parton <sup>[9][10][11]</sup> as a European scholar who has analyzed child protection policies and practices in England and internationally over the last thirty years. The first comparative study led by Gilbert <sup>[1]</sup> analyzed child protection systems in nine countries (Belgium, Canada, Denmark, England, Finland, Germany, the Netherlands, Sweden, and the USA). The mentioned research revealed the two ideological orientations: family support and child protection. This comparative research was repeated later <sup>[2]</sup>. In addition to all original countries, it included Norway. The researchers described the basic features of child protection systems based on Esping-Andersen's <sup>[12]</sup> conventional typology of welfare state regimes and outlined the legislative reforms related to child abuse. Additionally, they defined policy developments and their implications for reorienting child protection systems and promoting child welfare. The research showed that child welfare systems had expanded during the 15 years after the original comparison in all countries. Moreover, the approaches

to how children are protected from abuse and maltreatment had become more complex, hence the two original orientations—child protection and family service—did not cover the multifaceted reality, and they conceptualized a new child-focused orientation. The authors provided a table summarizing the findings of orientations—Child Protection, Family Service, Child-Focused—and their transpiring dimensions, namely the driver for intervention, the role of the state, the problem frame, the mode of intervention, the aim of intervention, state–parent relationship, and the balance of rights. They point out that orientations can be seen as a continuum and as a three-dimensional framework when countries do not portray pure orientations but “fall within a framework—closer to some planes than others” <sup>[13]</sup> (pp. 255–256).

From the international research group, Parton <sup>[11]</sup> has continued theoretical, system-level analysis and developed a typology based on two value dimensions—Individualism and Collectivism, and Authoritarianism and Permissiveness. Authoritative Individualism is very similar to Gilbert, Parton, and Skivenes’ child protection orientation, and Permissive Individualism is close to family service orientation <sup>[13]</sup>. Authoritarian Collectivism focuses on intervening in and regulating collective societal behavior toward children and young people and the role of the state is focused on regulating communities and organizations. Permissive Collectivism emphasizes the support of communities to improve children’s well-being; it also downplays the role of the state. As Connolly et al. point out, developing typologies of child protection systems is important because it may “facilitate discussion about the objectives and performance of such systems; and ... inform choices about the way in which a particular system will develop”<sup>[8]</sup>.

Overall, as previous research shows, states have come a long way in designing and developing child welfare systems. Kahn <sup>[14]</sup> and Ben-Arieh <sup>[15]</sup> termed this development as a path from the desire to save the child’s life by seeking to ensure the child’s development of “here and now”. The modern concept of child welfare is defined by the implementation of the principles embedded in the Convention on the Rights of the Child.

## 2. The Convention on the Rights of the Child of the United Nations

The development of family and child welfare systems has been strongly inspired by the adoption of The Convention on the Rights of the Child (herein after the CRC) in 1989 by the General Assembly of the United Nations <sup>[16]</sup>. The CRC heralded a new epoch about how the state’s parties of the CRC should consider the matter of a child’s rights throughout their child and family’s policies, laws, and implementations. The state’s obligations under the CRC, as emphasized by Gilbert <sup>[4]</sup>, had introduced a new approach on the state’s role in promoting the development of children within the policy orientations attempting to achieve a constructive balance between serving families and protecting children. As stressed by Gilbert, the CRC has prompted the “changing objectives of modern welfare states from social protection against the vagaries of the market economy toward social activation and inclusion, which sought to enable citizens to be productive workers in part by investing in human capital” <sup>[4]</sup>.

It should be emphasized that the CRC is primarily laid on human rights and extends Gilbert’s insights. As it was expressed by the CRC Committee, “when a State ratifies the Convention on the Rights of the Child, it takes on

obligations under international law to implement it. Implementation is the process whereby [a] State's parties take action to ensure the realization of all rights in the Convention for all children in their jurisdiction" <sup>[17]</sup>. The CRC provides for all human rights such as political, civil, economic, social, and cultural rights for all children. The CRC seeks to promote positive as well as negative rights.

Child protection is a human right and a pillar of the CRC provisions. Child protection is a negative human right. Negative rights cover the child's right to be free of the state's intrusions, including rights to freedom of expression (art. 13), to express one's views in all matters affecting the child and to participate in all decision-making that affect them (art. 12), freedom of thought (art. 14). Article 19 promulgate the state's obligation to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation", including by "the child's parents, legal guardians or family members" (art. 2.2.).

Child development is the positive human right, which is in conjunction with a family of a child. Positive rights provide for the state's obligations to protect and to promote child's rights to the development of the child (art. 6), protection and care as is necessary for his or her well-being (art. 3.2.), including rights to education (art. 28), health (art. 24), and many others. Family, as defined in the Preamble of the CRC, is considered as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, and it should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community. As a general principle and a main provision, the CRC stipulates that every child should grow up in a family environment, in an atmosphere of happiness, love, and understanding (CRC preamble). For this purpose, the CRC provides for the obligations of the states "to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child ... shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children. (art. 18). Thus, the CRC explicitly provides for the child's protection against any forms of discrimination and violence, and equally, for the support of parents and family for the full and harmonious development of the child. Herewith, the child's best interests shall be a primary consideration (art. 3.1., see also General comment No. 14 (2013) by the CRC Committee) <sup>[18]</sup>. Numerous studies demonstrate substantial implications that the CRS raises for child and family's policies, including for social work, in all states' parties of the CRC. Heimer and Palme <sup>[19]</sup> observe the weak imprint of the CRC on Swedish legislation when the lawmaker recognizes parents' rather than children's participatory rights. The authors suggest to recognize the children's agency through the reconceptualization of child welfare to unlock the stalemate in child policy development in Sweden, as well as to dissolve the tension between children as 'beings' and 'becomings'. James <sup>[20]</sup>, when analyzing Family Law in England and Wales, identifies that, although the rhetoric of children's rights is widely accepted, welfare practitioners, the willingness and ability to make these real in the context of family proceedings is, for a variety of reasons, less in evidence. Discourse about parental rights becomes more and more evident in the context of an increasingly influential fathers' rights lobby. Research on children's involvement in decision making regarding involuntary child removal by Berrick et al. <sup>[21]</sup>, using a welfare-state frame in England, Finland, Norway, USA, reveals the wide range in practices, and the wide space for professional discretion in this regard. This research did not identify differences between the family service systems and child protection systems

included in this study. McCafferty <sup>[22]</sup> argues for a more empowering approach to children's involvement in social work decision making whilst simultaneously keeping children safe, in relation to the implementation of article 12 of the CRC on the involvement of children in decisions that affect them; the role of the social worker is in representing and reporting the needs, rights, wishes, and views of children for the purpose of representing their "best interests" to the court is highlighted.

Bartholet <sup>[23]</sup> discusses about the possible positive impact of the CRC of the United States of America, which is not a CRC State Party, to develop its domestic law in dramatically new directions that would empower children, provide important benefits to them, including health, support, and education, also rights to protection against maltreatment, and rights to nurturing parental care. Scherrer <sup>[24]</sup> recommends to the National Association of Social Workers of the US to oversee implementation of the CRC once it is ratified at the US and use the CRC as a basis for all child welfare policy statements.

### **3. Child Welfare and Protection in Lithuania**

In Lithuania, the UN Convention on the Rights of the Child was ratified on 3 July 1995. The Law on the Protection of the Rights of the Child of the Republic of Lithuania (No. 60-1501) <sup>[25]</sup> states that the protection of the rights of the child in the Republic of Lithuania is guaranteed by the state and its institutions, local government institutions, and public organizations, whose activities relate to the protection of the rights of the child. National legislation puts emphasis on family autonomy and the rights of biological parents. The system is divided into two levels: child protection service (CPS) operates at the state level by employing specialists (mainly those coming from law), and family and child welfare services by employing case managers and family social workers at the municipal level.

In Lithuania, the main actor in the child protection system is the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor (hereinafter referred to as the 'State Protection') that implements the Children Rights Protection Policy in the territories of the municipalities and participates in the process of the state policy making in the field of Children Rights Protection itself or through its territorial structural divisions (<https://vaikoteises.lt/protection-of-children/the-lithuanian-child-rights-protection-system-/> accesses on 12 March 2021). The State Protection was established in 2000 as the "Adoption service". From 2005 up to now, the State Protection, in collaboration with other international, state, and municipal institutions, as well as with non-governmental organizations, has implemented national and international measures for the protection of children's rights. Since 1 July 2018, the State Protection has been reorganized, and several updated and new laws and orders have been settled. Currently, there are 12 Child Rights Protection Divisions of Lithuanian Municipalities (hereinafter referred to as the 'Divisions') operating in Lithuania under the governance of the State Protection. The essence of this reorganization was to create a single and coherent system that would facilitate a prompt and professional response to reports of child neglect and violence. The divisions work according to the same standards, unifying values and goals; the same practice of the application of the law is formed; and united, clear, and concrete actions are taken in order to represent and protect the interests of children throughout the country (<https://vaikoteises.lt/apie-tarnyba/> accesses on 10 March 2021). Child protection has become a universal service, not particularly designed for low-income "risk families" as before. Reporting is mandatory for all institutions and

other persons who have data on violations of the rights of the child <sup>[25]</sup> (Article 35). Since 1 July 2018, the State Protection has responded to reports of violations of the child's rights, has identified the need for child protection, and has made decisions on the child's displacement from the family and return to the family. Specialists of CPS in case of possible violation of the rights of the child assesses the situation of the child, initiates the examination of the case, makes decisions regarding individual cases of protection of the rights of the child (Order No. 293 of the Government of the Republic of Lithuania (2005) "On the approval of the regulations of the state service for the protection of the rights of the child and adoption under the Ministry of social security and labor". (Version 28/03/2018 accesses on 10 March 2021). In a case of child rights violation, CPS refers the case to a case manager working in the family and child welfare services system. According to national legislation, CPS specialists are not considered social workers and are not social services providers.

Public and non-governmental organizations provide social services to a family in the particular territory of the municipality or in a part thereof. Case management of child protection cases is designated to municipal institutions as well to family social workers at the municipal level. Case management was introduced from July 1, 2018. Based on legislation <sup>[26]</sup>, the aim of case management is to ensure the coordinated provision of social support, education, health care services, community, and legal counselling for families at the municipal level to strengthen the responsibility, abilities, and opportunities of families to solve their issues independently and overcome social exclusion. While in practice, the main responsibilities of case managers include setting up a care plan for families and following up its implementation. Family social workers are the main actors—professionals who support and empower families by establishing a working alliance with them. Comprehensive and preventive services for families and children are provided for by legislation, while in reality, the extreme lack of such services is observed.

Lithuania can be located among the Central and Eastern European (CEE) countries. In the arena of child welfare, these countries, including Lithuania, share similarities, but each of them has its own different cultural, historical, political, social, and economic backgrounds that were strongly influenced by the Soviet ideology. Anghel, Herczog, and Dima <sup>[27]</sup> highlight that the CEE countries are culturally very different, but some similarities are identified in child protection legislation and policy implementation. In order to meet the EU policy and in order to be a member of the EU family, the CEE countries have made strong efforts to meet all the requirements provided for by the EU policy legislation. Child welfare protection has been a part of those actions. In all the CEE countries, significant influences have been initiated by the ratification of the UNCRC in the 1990s, which has, according to Melton et al. <sup>[28]</sup>, universalized demands for democracy and challenged the belief that even the smallest and most vulnerable ones, such as children, could be justifiably denied full recognition as persons entitled to human rights. The UNCRC has been a key document bringing about changes in the CEE countries. Such features as a person-centered approach, child empowerment, alternative services, foster care practice implementation, family participation, and community involvement have become discourses revealed in the documentation and in the rhetoric of the policy makers. Anghel et al. <sup>[27]</sup> argue that the gap between policy and practice have become extremely visible, whilst children have become invisible or have been named as a group of "children left behind". After the Communist regime collapsed, the CEE countries started deinstitutionalization processes. The period from 1989 to 2020 has revealed that each of the CEE countries is at a different stage when comparing the beginnings of the implementation of new practices that take into consideration the child's best interests, appropriate practices, and

attitudes to vulnerability. These are the consequences of the Soviet understanding of child care. The CEE countries have been dealing with problems such as a minimal financial investment into child welfare, a lack of professionalization, and accountability. What is more, child welfare systems have followed the research data at a minimum, and research proposals on this topic tend not to be popular. The practice of child welfare has been built mainly on political documents without the investment into the analysis and evaluation of the services and need [27].

After the ratification of the CRC, the CEE countries have been involved in new different reform initiatives regarding child welfare. The CRC [16] states that “the child, for the full and harmonious development of his or her personality, should grow up in a family environment”, which has given the CEE countries an incentive to understand the negative impact of institutional care. As Partskhaladze [29] highlights, such reform as the deinstitutionalization of residential institutions was started, and later on, two strategic ways such as child care system reform and family strengthening were developed. Family strengthening was started with the focus on preventative social work practice and programs at local and national levels, especially in the medical sector. For example, in some of the CEE countries, in Georgia, early intervention and prevention programs have significantly reduced the relinquishment and abandonment of children. Moreover, the role of the social work profession and the importance of social work practitioners have increased [29].

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