

# **LABOR et EDUCATIO**

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### **STUDIES**

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## **Transformation of Social Services in Ukraine: the Deinstitutionalization and Reform of the Institutional Care System for Children**

## **Transformacja usług społecznych na Ukrainie: deinstytucjonalizacja a reforma opieki instytucjonalnej nad dziećmi**

### **Introduction**

Creativity and social resource are a strategic basis for the modernization of society, as shown in the monograph “Human Development in Ukraine: the social and demographic factors of modernization of the national economy” (Libanova, Makarova and Kurilo 2012). In the modern conditions of Ukrainian societal development, such a creative potential and social resource is childhood. New political and economic state foundations of Ukraine require a qualitatively new approach to ensuring full development for children in accordance with their needs. The all-round development of a child’s personality, the creation

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of conditions necessary for their realization, and the protection of their rights and freedoms is a priority task for any modern democratic and legal state. According to the legislation of Ukraine, in particular, the Law of Ukraine “On the Protection of Childhood” (dated April 26, 2001 No. 2402-III), the protection of childhood is defined as a “nationwide strategic priority,” which “is important for ensuring the national security of Ukraine and the effectiveness of domestic state policy and in order to ensure the realization of the child’s right to life, health, education, social protection, comprehensive development and upbringing in the family environment, it establishes the basic principles of state policy in this sphere based on ensuring the best interests of a child.” (Law of Ukraine “On the Protection of Childhood” 2001)

At the same time, despite the significant changes that have occurred in the provision of social services to various groups of children in recent years, the current situation in the field of child protection is complicated by the political and socio-economic problems in Ukraine. In the context of socio-economic transformation and the conduct of military operations in a part of the territory of Ukraine, the issue of protecting children and providing them with high-quality and efficient social services are of particular importance. Note that children are certain indicators that determine societal level and development, the state of security and the level of social risk; children are very sensitive to all changes taking place in society. The reduction in the number of children in the population is worrisome: in January 1991, the number of children was 13,187,117 – and 7,609,297 as of January 1, 2018. (Social protection of children who need special attention of society 2018) (Fig. 1) There are problems in the areas of child social protection, education and health care, the spread of social orphanage, child neglect and homelessness, deviant manifestations in their environment, an ineffective system of protecting children from violence and abuse, and the like.

Economic and social contradictions that affected all spheres of state activity and all segments of the population affected, first and foremost, its least protected category: children, including orphan children and children deprived of parental care. Therefore, there is an urgent need for increased state attention to children; especially important is the issue of ensuring the right of a child to be brought up in a family. Therefore, it is relevant to study the issue of transforming the system of children’s social services in modern Ukraine, particularly in the context of reforming the institutional care system for children and the deinstitutionalization policy.

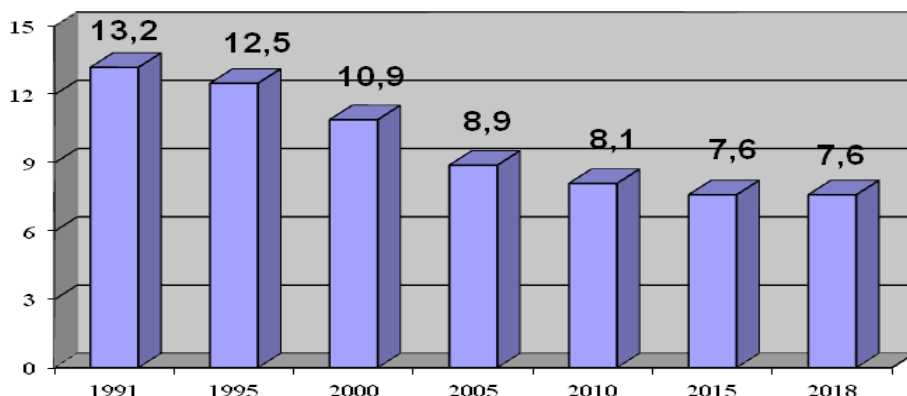


Fig. 1. The number of children under the age of 18 (million people)

## 1. The concept of “orphan child” and “child deprived of parental care”

Before addressing the issue of reforming the system of institutional care for children, it is advisable to find out the meaning of the concepts of “orphan child” and “child deprived of parental care.” In this context, we can talk about the definitions of these concepts that are given in scientific literature and in regulatory legal acts. It is also important to pay attention to the conformity of a particular type of orphanage to a certain group of children, since within this framework, scientists and practitioners use such concepts as “biological orphanage,” “social orphanage,” “biological orphans,” “social orphans,” “orphan child,” and “child deprived of parental care.” At the same time, the terms “orphan child” and “child deprived of parental care” are applied in the legal framework for the provision of social services to various group of children in the system of social policy and social work in Ukraine (Table 1).

**Table 1.** Types of orphanage and groups of children

No.	Types of orphanage	Group of children	Official status of children, established in accordance with applicable law
1.	Biological orphanage	Biological orphans	Orphan children
2.	Social orphanage	Social orphans	Children deprived of parental care

Source: own elaboration.

In scientific literature, there is no unambiguous interpretation of the concepts of “orphan children” and “children deprived of parental care.” Note also that with respect to the second concept, namely “children deprived of parental care,” scientific literature usually uses the term “social orphans.” Therefore, we proceed to clarify the meaning of these concepts. One of the most common interpretations of the concept being studied is the following: “an orphan child” is “a child who temporarily or permanently is outside the family environment as a result of the loss of parents, as well as a child who cannot remain in the family environment for some reason or needs protection and assistance from the state” (Kapska, Bezpalko and Vaynola 2001, p. 54). With regard to the author’s interpretation of this concept, we propose the following definition: “orphan children” are orphaned children whose parents have died, who are guaranteed special social and legal protection by the state and whose status is documented.

The concept of “social orphans” (“children deprived of parental care”) is the most ambiguous in interpretation and understanding, since this term is often used to refer to various groups of children (“abandoned children,” “street children,” “children from dysfunctional families,” etc.). The actualization of the social orphanage phenomenon indicates a crisis in the institution of marriage and the family, who are not able to cope with the existing socio-economic and socio-political realities. Most scholars interpret “social orphanage” as a special state of childhood, due to its place in the context of a certain social structure; in the system of the social relations in society, it refers to all children who are left without proper care and upbringing, regardless of the social status of parents (Lopatchenko 2014). In scientific literature, there is a significant number of definitions of this concept. We will provide some of them: “social orphans” are “a special group of children who, due to social, economic, moral and psychological reasons, have become orphans with living parents;” “children who stay with living parents without proper care and upbringing, without emotional support and participation regardless of their officially recognized status,” (Kovalenko 2006, p. 4) etc.

Given the current trends in the practice of social work and the system of social services in this area, it is important to note that “abandoned children,” “street children,” “children with dysfunctional families” are a slightly different group of children, different from “social orphans” (“children deprived of parental care”) and require social services that are appropriate for them.

Therefore, we offer the following author's definition of this concept: "social orphans" are children deprived of parental care for social reasons who are guaranteed special social and legal protection of the state and whose status is documented.

At the legislative level, in particular in the Article 1 of the Law of Ukraine "On the Protection of Childhood" (dated April 26, 2001, No. 2402-III) (Law of Ukraine "On the Protection of Childhood" 2001) and in the Article 1 of the Law of Ukraine "On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care" (dated January 13, 2005, No. 2342-IV), (Law of Ukraine "On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care" 2005) this interpretation of the studied concepts is presented:

- 1) an "orphan child" is "a child whose parents have died;"
- 2) "children deprived of parental care" are "children left without parental care in connection with deprivation of their parental rights, taking away from parents without deprivation of parental rights, recognition of parents as missing or incapacitated, declaring them dead, serving sentence in places of deprivation of their freedom and their detention during the investigation, their search by the bodies of the National Police related to the lack of information about their locations, the long illness of the parents, preventing them from carrying out their parental duties, as well as children separated from family, children thrown up, whose parents are unknown, children abandoned by parents, children whose parents do not fulfill their parental duties for reasons cannot be ascertained due to the stay of parents in the temporarily occupied territory of Ukraine, in the areas of the antiterrorist operation, the implementation of measures to ensure national security and defense, repelling and deterring the armed aggression of the Russian Federation in the Donetsk and Lugansk regions, and street children."

While analyzing the problem of social orphanage, the main causes of social orphanage in modern Ukraine can be attributed to the deterioration of the material situation of the population, the fall of the moral foundations of the family, reduced stability of marriage, "military conflicts, social upheavals, interethnic conflicts, increase in the number of refugees" (Ilyk 2018), alcoholism and drug addiction, the state of crisis in the system of education

and upbringing, and state institutions in the family sphere. However, the principal cause is the family crisis: its authority and educational potential is weakened, traditional moral norms are destroyed, fundamental human values are lost, and the number of children affected by the cruelty of parents, physical, sexual and mental violence, and negligent relationships increases. As a result of the ever-deeper penetration of these processes in the life of the family, morality is destroyed, the connection between generations are lost, the best family traditions disappear, children's neglect and homelessness are growing, the phenomenon of social orphanage is being formed in society itself.

## **2. The legal basis for establishing the official status of “orphan child” and “child deprived of parental care”**

The UN Convention on the Rights of the Child (UNICEF 1989) states that “the family is the basic unit of society and the natural environment for the growth and well-being of all its members, especially children,” and therefore one of the rights of a child is “the right to live in a family,” “the right not to part with parents,” and the “right to their care.” According to the State Statistics Service of Ukraine, the number of orphan children and children deprived of parental care was 70,240 as of January 1, 2018, which is 0.9% of the total number of children (2005 – 97,829 children, 1.1%; 2010 – 98,119 children, 1.2%; 2015 – 73,183 children, 0.9%). (Social protection of children who need special attention of society 2018) It should be noted that since 2009 there has been some reduction in the number of children in this group thanks to an active social policy: working with families who find themselves in difficult life circumstances, with dysfunctional families, with single mothers; support for national adoption, development of social services in communities, and the like. It is important to note that there has been a decrease in the number of such children in the last three years, but this was due to a reduction in the territory that is under control and where these children can be counted – this is also a certain social problem.

In order to obtain relevant social services stipulated by the legislation of Ukraine for orphan children and children deprived of parental care, children in this group need to establish the appropriate official status of “orphan child” or “child deprived of parental care,” which must be documented. As L. Balym notes on the issue of determining the status of an “orphan child” and “child deprived of parental care,” the presence of the necessary documents defining

and confirming it is the key to timely and full provision of the necessary social and legal protection to these children. They are subject to the same guarantees of social protection and benefits (Balim 2005).

Note that the term “status of an orphan child and a child deprived of parental care” was first introduced at the legislative level in Ukraine in 2005 in the Law of Ukraine “On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care” (dated January 13, 2005, No. 2342-IV). In the modern edition of the abovementioned regulatory act, this term is interpreted as follows: “The status of an orphan child and a child deprived of parental care” is “the situation of the child determined in accordance with the legislation, which gives him the right to full state security and the benefits provided by the legislation and which is confirmed by a set of documents certifying the circumstances because of which the child has no parental care” (Law of Ukraine “On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care” 2005).

The legal basis for establishing the official status of an “orphan child” and “a child deprived of parental care” is governed by the following basic legal acts:

- The Law of Ukraine “On the Protection of Childhood” (dated April 26, 2001, No. 2402-III) (Law of Ukraine “On the Protection of Childhood” 2001);
- The Law of Ukraine “On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care” (dated January 13, 2005, No. 2342-IV) (Law of Ukraine “On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care” 2005);
- Decree of the Cabinet of Ministers of Ukraine “Issues of the activities of the tutorship and guardianship authorities related to the protection of the rights of the child” (dated September 24, 2008, No. 866) (Decree of the Cabinet of Ministers of Ukraine “Issues of the activities of the tutorship and guardianship authorities related to the protection of the rights of the child” 2008).

To establish the official status of “orphan child” and “child deprived of parental care,” it is necessary to prepare a documentary confirmation, depending on the reason why the child was left without parental care. According

to paragraphs 23, 24 of the “Procedure for the implementation of guardianship activities related to the protection of the rights of the child,” approved by the Decree of the Cabinet of Ministers of Ukraine (dated September 24, 2008 No. 866) (Decree of the Cabinet of Ministers of Ukraine “Issues of the activities of the tutorship and guardianship authorities related to the protection of the rights of the child” 2008), the “status of an orphan child” is granted to children whose parents died, as evidenced by the death certificates of each of them; the “status of a child deprived of parental care” is granted to children (1) whose parents are deprived of parental rights, confirmed by a court decision, (2) taken from parents without deprivation of parental rights, confirmed by a court decision, (3) whose parents are recognized as missing, as evidenced by a court decision, (4) whose parents are declared dead by the court, as evidenced by the death certificate issued by the civil registration authorities, (5) whose parents are recognized as incapable, as evidenced by a court decision, (6) whose parents are serving sentences in places of deprivation of liberty, which is confirmed by a court sentence, (7) whose parents are in custody during the investigation, which is confirmed by a court order, (8) whose parents are on the wanted list by the internal affairs bodies related to evasion from paying alimony and there is lack of information about their locations, as evidenced by a court ruling or a certificate from the internal affairs bodies on the parents search and the absence of information about their locations, (9) due to the long-term illness of the parents, which prevents them from performing their parental duties, as evidenced by the conclusion of the medical-social expert commission on a father or mother having a disease, which prevents them from performing parental duties, issued in the manner established by the Ministry of Health, and (10) foundlings, whose parents are unknown, abandoned in the maternity hospital or other health care institution or whose parents or other relatives refused to take from these institutions, which was drawn up in an act approved by the Ministry of Health and the Ministry of Internal Affairs.

### **3. Family and institutional forms of placement for orphan children and children deprived of parental care in modern Ukraine**

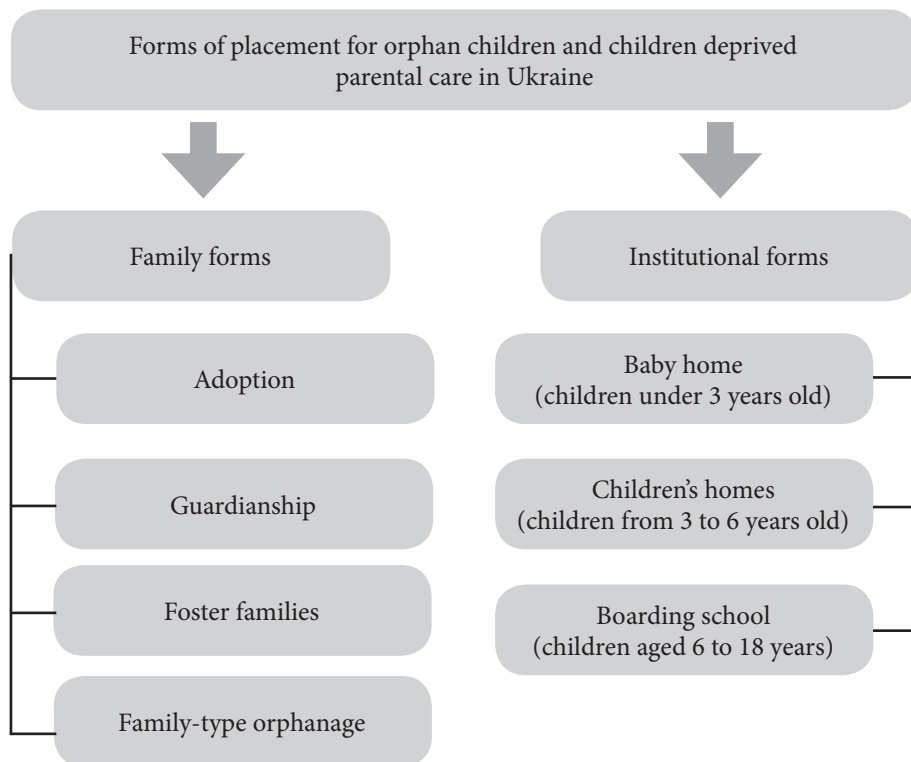
For many decades, child care systems in Ukraine have been formed and developed based on the idea of raising children in public institutions, such as children’s homes, orphanages, boarding schools, etc. Historically established



forms of family placements for orphan children and children deprived of parental care in Ukraine are adoption and guardianship. In modern Ukraine, in the period of 1991–2018, alternative forms of family placement for children in the above-mentioned group were developed, in particular foster families and family-type orphanages.

At the legislative level, in particular, the Law of Ukraine “On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care” (dated January 13, 2005, No. 2342-IV) (Law of Ukraine “On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care” 2005) defines the basic forms of placement for orphan children and children deprived of parental care (Fig. 2).

Fig. 2. Forms of placement for orphan children and children deprived of parental care



Source: own elaboration.

Considering the specifics of family forms of placement for orphan children and children deprived of parental care in each country, there are specific features in the Ukrainian system of child guardianship. Therefore, we briefly describe the family forms:

1) “adoption” is “adopting a child into his family as a daughter or son, carried out on the basis of a court decision;”

2) “establishing guardianship” is “the placement of orphan children, children deprived of parental care, into families of Ukrainian citizens who are primarily in family, kinship relations with these children,” guardianship is established over children under the age of 14, guardianship of children aged 14 to 18 years;

3) “foster families” is “voluntary acceptance for pay by a family or an unmarried individual, from institutions for orphans and children deprived of parental care, from 1 to 4 children for upbringing and for living together;”

4) “enrollment in a family-type orphanage” is “enrollment into a separate family, which is created at the request of the spouses or an unmarried individual, in upbringing and for cohabitation of at least 5 orphan children and/or children deprived parental care; the total number of children, including relatives, in such a family cannot exceed 10 people.”

In analyzing the problem of the deinstitutionalization and reformation of the institutional care system for children, it is important, first of all, to consider certain aspects of the upbringing of children in residential institutions. Among these aspects, the risk of harmful children institutionalization, which has a number of causes and negative consequences, requires special attention. The “loyalty theory” formulated by J. Bowlby in 1951 has received wide recognition. Studies have documented the relationship between separation from family and delayed child development. The main concept of this theory is the concept of “loyalty,” that is, the long-term relationship between the child and his primary caregiver. (Bowlby 1951) It is also important to pay attention to the works of K. Browne, who justifies any institutionalization as potentially harmful to the child. Exploring the implications of institutionalization for health, he notes that if a child lives in institutions for more than three months and does not receive exceptional care from parents or guardians, then they are considered as receiving “long-term institutional care,” which is potentially harmful (Browne 2005).

In addition to the possible risk of harmful institutionalization, the need for deinstitutionalization is due to financial reasons. Institutionalization is not only inadequate and inefficient in terms of the level of socialization, development, training and education, mental health, but also more financially costly compared to the models of family maintenance and support at the community level, as well as the creation of family forms of care. A study commissioned by the EU DAPHNE program (DAPHNE) showed that institutional care on average in Europe is 2 to 3 times more expensive (for disabled children and children without health issues, respectively) than adoptive families. (DAPHNE, UNICEF 2009, p. 34) The structure of government spending on institutional care for children in Ukraine is as follows: 70% of the funds go to finance staff salaries, 12% of the funds to the upbringing of children (clothes and shoes, food, medical treatment), 11% of funds to utility bills, and 7% of the funds to other expenses. (Monitoring research of the functioning of the system of boarding schools and institutions of social Protection of children (institutional care institutions) 2016) It is clear that the share of expenditures on the basic needs of children as compared to other expenditures in child care institutions is insignificant, which casts doubt on the ability of many institutions to ensure the social formation, development and successful socialization of the children.

The international experience of state guardianship policies for children indicates a gradual abandonment of residential care for orphaned children and children deprived of parental care, and an orientation towards the creation and support of family care forms. Institutions for institutional care for children also function in family-oriented countries, such as Sweden, France, Germany, the United Kingdom, and other countries. At the same time, only a small number of children really need institutional care; it concerns children with special needs, conditioned by the state of their mental or social development.

#### **4. The reformation of institutional care for children and deinstitutionalization policy**

The formation of a modern system of social work in Ukraine with the corresponding development of best practices in the provision of social services to various categories of social work clients, including children, began in 1993 in compliance with the Article 6 of the Law of Ukraine "On Assistance to the Social Formation and Development of Young People in Ukraine," dated February 5, 1993 No. 2998-XII, which regulated the creation of social services in Ukraine

(Law of Ukraine “On Assistance to the Social Formation and Development of Young People in Ukraine”1993). The process of standardization of social services with the appropriate development and creation of standards of social services in modern Ukraine began in 2003 in accordance with the Law of Ukraine “On Social Services” dated June 19, 2003 No. 966-IV (Law of Ukraine “On Social Services” 2003), which defines the basic organizational and legal framework for the provision of social services to various groups of people.

An important direction of social policy and social work in modern Ukraine in the context of the provision of social services to various groups is social work with orphan children and children deprived of parental care. We believe that the state policy in this area has undergone significant changes over the years of its formation and implementation; there has been a significant modernization of the forms, methods, approaches, and, in general, the vision and strategy of its development. As N. Romanova notes, the concepts, strategies, approaches, and work models gradually changed, the types of clients and work technology expanded; that is, the state system of social work was being formed, which was formed in stages depending on government priorities, financing, and needs of the population. At each of these stages, there was a need to adopt a number of legal documents and other types of formal improvements related to structural changes in the sphere of social work, taking into account the ability of social institutions to provide quality social services for the population of the country (Romanova 2017, p. 184).

Therefore, one of the directions of the modernization of the system of social policy and social work with orphan children and children deprived of parental care at the present stage is the policy of deinstitutionalization and reformation of the system of institutional care for children.

In the context of the problem under study, let us briefly dwell on the meaning of the notion of “deinstitutionalization.” We note, however, that we are not aiming to study the conceptualization of “deinstitutionalization,” but actually strive to explore the features of modern processes of deinstitutionalization policy and reforming the system of institutional care for children in conditions of increased social risks in modern Ukraine. Therefore, without resorting to an in-depth analysis of the concept of “deinstitutionalization,” we briefly clarify its meaning for further understanding and elaborating on this concept.

We consider it appropriate to note that the concept of “deinstitutionalization” is certainly broad and is interpreted by different branches of science in different contexts, therefore we aim to establish an understanding of this

concept into the processes of deinstitutionalization in the system of social work and reformation of the system of institutions for orphan children and children deprived of parental care. The concept of “deinstitutionalization” can be interpreted both in a broad and narrow sense. In the narrow sense, the concept of “deinstitutionalization” is defined as “reducing the number of children in institutions through the development of alternative forms of the device” (DAPHNE, UNICEF 2009, p. 16). In a broad context, the “policy of deinstitutionalization,” apart from “a significant reduction in the number of children in residential institutions,” implies “the process of replacing the system of institutional care for children (residential institutions) with a system that ensures upbringing of children in the family or the creation of conditions as close as possible to the family living, raising and educating children who cannot be transferred to families” (DAPHNE, UNICEF 2009, p. 5). As the analysis of legal acts shows, at the legislative level in the modern domestic legal field of the concept of “deinstitutionalization” is not defined.

The study of the problem of deinstitutionalization and reforming the system of institutional care for children in modern Ukraine has shown that since 1991, alternative family forms of placement of orphan children and children deprived of parental care have been actively developing in Ukraine, in particular: foster families and family-type orphanages, and such family forms as adoption, guardianship and trusteeship of the historically established forms of guardianship of children in Ukraine. In 2005, the Law of Ukraine “On ensuring the organizational and legal conditions of social protection of orphan children and children deprived of parental care” (dated January 13, 2005, No. 2342-IV) was adopted. The Article 6 “Priorities for the placement of orphan children and children deprived of parental care” indicated that “subject to the loss of the parental care by the child, the relevant guardianship authority takes significant measures to place a child in the family of citizens of Ukraine – for adoption, guardianship, foster families, orphanages of family type. In institutions for orphan children and children deprived of parental care, regardless of the form of ownership and subordination, a child can be accommodated if, for certain reasons, it is not possible to accommodate it for family upbringing,” (Law of Ukraine “On ensuring the organizational and legal conditions of social protection of orphan children and children deprived of parental care” 2005) Currently, this provision is declared at the legislative level, and family forms of accommodating orphan children and children deprived of parental care is a state social priority for the social protection of this category of children.

“Deinstitutionalization measures” are directly mentioned for the first time at the Decree of the Cabinet of Ministers of Ukraine dated April 22, 2005 No. 117-p “On approval of measures for the implementation of the Ukraine-EU Action Plan in 2005.” Chapter 10, “Ensuring the Observance of the Rights of the Child,” in the context of implementing the recommendations of the UN Committee on the Rights of the Child as of 2002 and implementing the UN Convention on the Rights of the Child, considers projects and/or technical assistance programs from the EU, EU member states, and other donors to support the implementation of Action Plan Ukraine – EU. Among them are “deinstitutionalization of children and the promotion of their family integration” and “the development of comprehensive measures to provide social assistance to vulnerable families and children” (Decree of the Cabinet of Ministers of Ukraine “On approval of measures for the implementation of the Ukraine-EU Action Plan in 2005” 2005).

The document that launched the process of deinstitutionalization and reformation of the system of institutions for orphan children and children deprived of parental care in Ukraine in 2007 was the “State Targeted Social Program for Reforming the System of Institutions for Orphan Children and Children Deprived of Parental Care,” approved by the Decree of the Cabinet of Ministers of Ukraine (dated October 17, 2007, No. 1242). The program was designed for the period leading up to 2017 and included four stages of reforming the system of institutions:

- the study and sharing relevant international experience, the improvement of institutions, the introduction of the children accommodation in families of citizens (one year);
- the creation of a regulatory framework, the regulation of institutions, search for additional sources to finance activities identified by the Program, including with the participation of international organizations (one to two years);
- the formation of new type institutions, transfer of children to them, retraining of pedagogical and social workers (three to four years);
- the redevelopment of institutions and their optimal use (seven to eight years). (Decree of the Cabinet of Ministers of Ukraine “On approval of the state target social program of reforming the system of institutions for orphan children and children deprived of parental care” 2007).

An interim document in this area was the Action Plan for the implementation of the Concept of reforming the social services system leading up to 2012, approved by the Decree of the Cabinet of Ministers of Ukraine dated July 30, 2008. In this document, the issues of deinstitutionalization were addressed by a separate section “Modernization of social services and institutions,” which provided for “taking measures to deinstitutionalize the social services system, introduce modern forms and methods of social work in state and communal entities providing services to socially unprotected categories applying innovative social service models” (Decree of the Cabinet of Ministers of Ukraine “On approval of the Action Plan for the implementation of the Concept of reforming the social services system leading up to 2012” 2008).

In decree to ensure that every child receives the right to be brought up in a family, grow in a safe family environment, increase the efficiency of state bodies and local governments to prevent social orphanage, improve the system of providing social services to children and families with children, in 2012, the “About National Strategy of prevention of social orphanage for the period up to 2020” was approved by the Decree of the President of Ukraine dated October 22, 2012 No. 609/2012. (Decree of the President of Ukraine “On the National Strategy of prevention of social orphanage for the period up to 2020” 2012) Among a number of tasks defined by the Strategy, some directly relate to the issue of deinstitutionalization, in particular: “the introduction of new social technologies aimed at early identification of families with children in difficult life circumstances, raising responsible paternity, preventing cases of the child being taken away from parents without depriving them of parental rights,” and “the introduction of social services for parents whose children are in foster care in boarding schools, in order to create conditions for the return of children for parents’ upbringing.” Currently, there are a certain number of children staying in boarding schools without having an officially established status of a “child deprived of parental care” and have biological families, but are there for various reasons, primarily due to difficult socio-economic the position of families.

Note that the above-mentioned “State Targeted Social Program for Reforming the System of Institutions for Orphan Children and Children Without Parental Care,” approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1242 dated October 17, 2007, was designed for the period of 2007 to 2017, and the fourth stage of this program, “the redevelopment of

institutions and their optimal use,” was preparatory to the next stage in this reformation: the phase of deinstitutionalization, which started in 2017.

## **5. Deinstitutionalization in Ukraine: National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017–2026**

The process of deinstitutionalization began in Ukraine with the approval of the “National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017–2026,” by the Decree of the Cabinet of Ministers of Ukraine (dated August 9, 2017 No. 526-p). (Decree of the Cabinet of Ministers of Ukraine “On the National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017–2026 and the Plan of realization of its I Stage” 2017) According to the National Strategy, by 2026, the number of children in institutional care establishments should be less than 0.5% (currently 1.5%) of the total population of children. Children who, for various reasons, will still remain in institutional establishments, and not in families, live in small institutions in conditions as close as possible to family ones (up to 10 people in one institution). In each community, affordable and quality services should be created for families with children. There will be a market for these social services, at least 50% of which will be provided by professional public organizations.

For comparison purposes, we give data on the presence of children of this group in institutional care establishments in Ukraine. In particular, according to the data of the Commissioner of the President of Ukraine on the Rights of the Child, as of January 1, 2018, the proportion of orphan children and children deprived of parental care who are brought up in boarding schools, in the total number of children in institutions was: 3.2% – boarding schools for gifted children; 5.1% in sanatorium boarding schools; 9.9% in special boarding schools; 12.5% – in boarding schools; 42.2% – in children’s homes; 58.8% – in orphanages; and 51% – in boarding houses. (Report of the child’s rights Commissioner of the President of Ukraine 2018)

The Ministry of Social Policy of Ukraine has been designated as the coordinator of the reform of deinstitutionalization in Ukraine, and with the support of the Canadian project EDGE, the National Office for the Deinstitutionalization Reform has been established under the Presidential Commissioner for Children’s Rights. It should be noted that the reform is



complex; in Ukraine, residential institutions for orphan children and children deprived of parental care are subordinate to three ministries: the Ministry of Health of Ukraine, the Ministry of Education and Science of Ukraine, and the Ministry of Social Policy of Ukraine. The system of the Ministry of Health of Ukraine brings up children under 3 years old (child homes), the system of the Ministry of Social Policy of Ukraine includes children with disabilities, and the highest number of boarding schools and children in them are in the system of the Ministry of Education and Science of Ukraine and usually these are children's homes and boarding schools for orphan children and children deprived of parental care.

Today, the first stage of the implementation of the “National Strategy for Reforming the System of Institutional Care and Parenting for 2017–2026” is in action. Each region should evaluate the network of residential institutions, find out which children come to them and why, and which social, educational, rehabilitation, medical services are already provided in the communities. The action plan of the first phase of the National Strategy implementation is designed for 2017–2018 and provides that the Ministry of Social Policy of Ukraine, together with public organizations, local executive authorities, local governments and experts should (Decree of the Cabinet of Ministers of Ukraine “On the National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017–2026 and the Plan of realization of its I Stage”, 2017):

- develop and adopt legal acts, organize the methodological support necessary for the implementation of the reform of the children institutional care and education;
- analyze the existing network of establishments of institutional care for children, assess ensuring of the children rights in each region, and approve regional plans for reforming the system of children institutional care and upbringing;
- form and train regional teams to implement the abovementioned strategy;
- develop curricula for training and retraining specialists, in particular, those who work with children with special educational needs;
- develop criteria for monitoring the process of reforming the system of children institutional care and upbringing;
- attract investments for the reform implementation.

Changing the system of children institutional care and upbringing cannot simply consist of closing orphanages. It foresees the creation of a system that provides care and upbringing of a child in the family or close to the family environment, and the elimination of relevant institutions arises as a result of the fact that there is no need to place children in such institutions.

## Conclusions

The study of the problem of deinstitutionalization and reformation of the system of institutional care for children in the context of current transformation processes occurring in the social policy of the state as a whole and in the sphere of modernization of the system of providing social services to children in particular, allows us to draw certain conclusions and generalizations.

The process of deinstitutionalization and reformation of institutional care for children is aimed primarily at modernizing social services for orphan children and children deprived of parental care, ensuring their right to be raised in a family. Exploring the meanings of the concepts of “orphan child” and “child deprived of parental care” came to understand the interpretation of these concepts in this context: “orphan children” are children whose parents have died, who are guaranteed special social and legal protection of the state and whose status is documented and “children deprived of parental care” (“social orphans”) are children deprived of parental care for social reasons, who are guaranteed special social and legal protection of the state and whose status is documented.

In Ukraine, orphan children and children deprived of parental care after the establishment and documentation of a corresponding official status can be placed:

- in family forms of education: adoption, guardianship (for children up to 14 years old) and guardianship (for children from 14 to 18 years old), foster families, family-type orphanage;
- to institutional forms of education (institutional care establishments): baby home (up to 3 years), children’s homes (from 3 to 6 years), boarding school (from 6 to 18 years).

The main regulatory and legal acts governing today and determining the main principles, tasks and mechanism for implementing the process of deinstitutionalization and reforming the institutional care system in Ukraine

are the Law of Ukraine “On ensuring the organizational and legal conditions for the social protection of orphan children and children deprived of parental care” (dated January 13, 2005, No. 2342-IV), “The State Targeted Social Program for Reforming the System of Institutions for Orphan Children and Children Deprived of Parental Care,” approved by the Resolution of the Cabinet of the Ministers of Ukraine (dated October 17, 2007, No. 1242) (for the period 2007–2017), the “National Strategy for the Prevention of Social Orphanage for the Period until 2020,” approved by Decree of the President of Ukraine (dated October 22, 2012, No. 609/2012) and a document on strategic importance in the field of deinstitutionalization, “The National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017–2026,” approved by Decree of the Cabinet of Ministers of Ukraine (dated August 9, 2017 No. 526-p).

The coordinator of the modern deinstitutionalization reform in Ukraine that is carried out in accordance with the “National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017–2026” is the Ministry of Social Policy of Ukraine and the National Office for the Reform of Deinstitutionalization under the Authorized Canadian project EDGE.

The social policy of recent years in Ukraine is accompanied by various initiatives in the framework of the general process of deinstitutionalization. We believe that in addition to the main task of deinstitutionalization, namely reforming the institutional care system, subject to effective public policy in this area, deinstitutionalization can be both a catalyst and a source for creating and developing new social services that are better and closer to children and families. Today, the country is faced with the task of enhancing the effectiveness of positive processes in the sphere of the social and legal protection of orphan children and children deprived of parental care, primarily in the development of family forms of education. After all, the family is capable of creating all the necessary conditions for the upbringing and development of children, to surround them with an atmosphere of special attention and care. Therefore, the common task of both state and public of Ukraine is to ensure the right of every child-citizen of the state to be raised in a family environment.

**Abstract:** This article focuses on the study of current transformation processes occurring in Ukraine in the provision of social services to various groups of children, in particular orphan children and children deprived of parental care. The meanings of the concepts of “orphan child” and “child deprived of parental care,” aspects of establishing this group of official status children, giving the right to receive appropriate social services and provide social and legal protection are considered. The features of the deinstitutionalization and reform of the system of institutional care for children in modern Ukraine are investigated in the context of the legal, organizational and social aspects of this reform. The necessity and importance of the process of deinstitutionalization for the formation, successful socialization, personal development of the child and ensuring the right of each child to be brought up in the family or in the environment closest to the family has been substantiated.

**Keywords:** deinstitutionalization, reforming, orphan children, children deprived of parental care, social services, family forms of education, institutional care

**Streszczenie:** Artykuł dotyczy współczesnych procesów transformacyjnych zachodzących na Ukrainie w zakresie zabezpieczenia usług społecznych dla różnych kategorii dzieci, w tym dla dzieci-sierot i dzieci pozbawionych opieki rodzicielskiej. Rozważano nad istotę pojęć „dzieci-sieroty” i “dzieci pozbawiony opieki rodzicielskiej”, specyfikę ustanowienia tej kategorii dzieci o statusie oficjalnym, co daje prawo do otrzymania odpowiednich usług społecznych i zapewnia ochronę społeczną i prawną. W artykule omówiono cechy deinstytucjonalizacji i reformy systemu opieki instytucjonalnej nad dziećmi we współczesnej Ukrainie w kontekście prawnych, organizacyjnych i społecznych aspektów tej reformy. Podkreśla się konieczność i znaczenie procesu deinstytucjonalizacji dla socjalizacji a rozwoju osobowości dziecka i zapewnienia każdemu dziecku prawa do wychowania w rodzinie lub w środowisku najbliższym spokrewnionym z rodziną.

**Słowa kluczowe:** deinstytucjonalizacja, reformy, dzieci-sieroty, dzieci pozbawione opieki rodzicielskiej, usługi społeczne, rodzinne formy opieki, opieka instytucjonalna

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