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OVERVIEW OF THE FOSTER CARE SYSTEM IN POLAND, AND THE PROCESS OF CARE LEAVERS' GAINING INDEPENDENCE: POSSIBILITIES, LIMITATIONS, AND DIRECTIONS FOR FURTHER CHANGES

Przegląd systemu pieczy zastępczej w Polsce oraz proces usamodzielniania się
podopiecznych: możliwości, ograniczenia
oraz kierunki dalszych zmian

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Abstract

The social and political transformation that occurred in Poland following the fall of the communist system has resulted in an intensive development of non-governmental organizations, including those offering services for children and families. Social policy began to be perceived as a tool that allows for investing in the future of the youngest members of society (children and youth) rather than as a system of care services. Hence, the aim of this paper is to indicate threats, and possibilities as regards the functioning of the foster care system, and the process of adult care leavers' gaining independence. A synthetic overview of formal changes that have occurred in Poland since 1982 in the range, and forms of functioning of the mentioned institutions provides the basis for conclusions regarding the key problems. Based on this overview, the threats and possibilities of the contemporary foster care system are indicated, with particular attention paid to the process of care leavers', as well as to determining directions for further changes of this system.

Keywords: foster care, the process of gaining independence, institutional forms of foster care, family-type forms of foster care.

Streszczenie

Przemiany społeczno-ustrojowe, które nastąpiły w Polsce po upadku systemu komunistycznego, zao-wocowały intensywnym rozwojem organizacji pozarządowych, w tym świadczących usługi dla dzieci i rodzin. Polityka społeczna zaczęła być postrzegana jako narzędzie, które pozwala inwestować w przyszłość najmłodszych członków społeczeństwa (dzieci i młodzieży), a nie jako system usług opiekuńczych. Stąd celem niniejszego artykułu jest wskazanie zagrożeń i możliwości w zakresie funk-cjonowania systemu pieczy zastępczej oraz procesu usamodzielniania się dorosłych wychowanków. Syntetyczny przegląd zmian formalnych, jakie zaszły w Polsce od 1982 roku w zakresie i formach funkcjonowania wymienionych instytucji, daje podstawę do wniosków dotyczących kluczowych pro-blemów. Na tej podstawie wskazano na zagrożenia i możliwości współczesnego systemu pieczy zas-tępczej, ze szczególnym uwzględnieniem procesu wychodzenia z opieki oraz określenia kierunków dalszych zmian tego systemu.

Słowa kluczowe: piecza zastępcza, proces usamodzielniania, instytucjonalne formy pieczy zastę-pczej, rodzinne formy pieczy zastępczej.

Key moments in the transformation of modern foster care in Poland

Considering the transformations in the foster care system occurring over recent years, one is inclined to ask the question concerning the direction assumed by the state sys-tem of supporting families in crisis, particularly in the context of children and youth growing up in such circumstances. Practitioners and theoreticians indicate two, not quite compatible, points of view as regards these transformations. On the one hand, one can notice the deinstitutionalization of the foster care system, as evidenced in the changes introduced by the legislator in normative acts; on the other hand, problems concerning the implementation of the formal assumptions can be observed. The indi-cated incompatibility creates a situation in which the actual qualitative changes in the foster care system are prolonged in time, thus leading to the necessity of a constant adaptation to social, cultural, and economic changes.

These transformations have been observed since the breakthrough moment in the modern history of Poland, that is the year 1989, when the economic and political system changed, consequently affecting all dimensions of the state functioning, in-cluding the foster care system. Hence, it is important to briefly present the crucial events creating the formal foundations of the foster care system, before discussing its present shape.

The social and political transformation that occurred in Poland, following the fall of the communist system, has resulted in the intensive development of non-governmental organizations, including those offering services for children and fami-lies. Then social policy began to be perceived in terms of a tool that allows for invest-ing in the future of the youngest members of society (children and youth), rather than merely a system of care services. The model of care services was based on the inte-grated cooperation of many entities, with the key role given not only to the state but

also non-governmental organizations, local governments, and also families themselves. Local institutions began to play the most significant role since they were most familiar with children's needs and problems, but also with the condition of social infrastructure in given regions. These institutions also had direct insight into the possibilities of providing services and support to individuals, and communities that needed assistance. This resulted in the decentralization of many rights and entitlements which were consequently transferred to local governments.

The most critical and significant moment for the transformation of the foster care system occurred in 1999 as a result of the changes to the state structures introduced by the Act of 24 July 1998 on the Introduction of the Country's Three-tier territorial Division (Journal of Laws of 1998, No 96, item 603). The reform carried out then led to the transformation of institutional forms of care and transferring care services to County (District) Family Support Centres established in County administrative structures. These centres were responsible for the administration of the system, transformations consistent with the provisions of the reform, and for the on-going control, and monitoring of the foster care system. It should also be observed that in 1999 the department of care over a child temporarily, or permanently deprived of the possibility of living with the biological family was transferred from the Ministry of Education to the Ministry of Social Policy.*

Another significant moment for the changes in the foster care system was the passing of the Act of 12 March 2004 on Social Assistance, that increased interest in the system of foster families. The implementation of the regulations stipulated by that Act was comprehensively reviewed. The conducted analyses emphasised that the system of foster families was neither coordinated nor consistent, which resulted, among other problems, in increased numbers of children returning from care facilities to their biological families. Since those families were not supported, and work was not carried out with children's biological parents, they did not participate in the process of gaining independence (Kwak, Rymysza, 2006, p. 6). The absence of well developed models of cooperation between various institutions involved in the care offered for the child and family was stressed, as well as the fact that the implemented activities continued to be a form of "rescue" rather than providing proper support and assistance (Diagnosis of the foster care system in Greater Poland [Wielkopolska], p. 13). Conclusions from studies carried out both at the local and state levels were the impetus for further changes in the functioning of the system of care provided for the child and family in crisis.

* By virtue of the Competence Act of 24 July 1998 (Journal of Laws of 1998, no 106, item 668), as of 1 January 1999, provisions concerning foster families and educational care centers of the Act on the Education System were revoked and introduced in the Act on Social Assistance to Section II "Child and Family Care" (Act of 12 March 2004 on Social Assistance; Journal of Law of 2004, no 64, item 593).

The Act of 9 June 2011 on Family Support and the Foster Care System (Journal of Laws, no 149, item 887 with subsequent amendments) was the response to these various shortcomings and problematical areas in the foster care system. This Act constitutes a holistic approach to the care and support offered to the family in crisis, and to the foster care system. The material scope of this act determines:

- 1) the principles and forms of supporting the family having difficulties in fulfilling care and educational functions;
- 2) the principles and forms of foster care and support in gaining independence by adult care leavers;
- 3) tasks of public administration as regards family support and the foster care system;
- 4) the principles of financing the assistance offered to the family, and the foster care system;
- 5) tasks as regards the process of adoption.

This Act comprehensively regulates the issues concerning family support and the foster care system, including preventive activities dedicated to families at risk of becoming dysfunctional or experiencing difficulties. It constructs the mechanisms of working with the child's biological family, organizes the foster care system, and regulates the issue of gaining independence by adult care leavers. This act introduced new structures, and new professions different from the structures of social welfare, though sometimes related to each other (Królak, Rączka, 2017).

The formal and legal functioning of the foster care system is still regulated by the aforementioned Act. However, its provisions and changes occurring in different social and economic spheres enforced a number of amendments to improve its functionality.

This introduction, synthetically providing crucial information, indicates that policy makers are strongly interested in the fate of children and youth in foster care. This is greatly satisfying especially for practitioners who actively participate in the creation of care reality. The introductory remarks also lay foundations for the further section of this article, that focuses on defining foster care, and discusses the process of gaining independence by care leavers. It appears that the process of gaining independence is of particular significance because, as primarily intended by the foster care system, this is the crucial moment often affecting the future of young people leaving care. This is also evidence for the implementation of the main idea behind the general care system in Poland, that treats all services as a sort of investment in the person, the benefits from which should be perceptible for the entire society via gaining a full-fledged citizen. This should be a citizen who will contribute to the common good, and thus with his actions, return resources invested in him.

Foster care system in Poland – formal and legal treatment

The foster care system is understood to be “a system of people, institutions, and services whose aim is to ensure temporary care and upbringing for children in the event when it is impossible for parents to provide care and upbringing” (Article 2.2, Act on Family Support ...). As specified in this definition, it is easy to notice that the legislator intended to create a system based on integrated activities of various public organs, institutions, and non-governmental organizations that should complement each other in attempting to improve the situation of families in crisis, and secure the well-being of children and youth in such families. Several years of my professional work allows me to confirm the validity of this intention. It turns out that private entities and non-governmental organizations are of great significance, and assistance since their services efficiently close loopholes in systemic solutions. They are also more flexible in adapting their services to the individual needs of young people in care.

It should be stressed that legislation was constructed in such a way that the limiting of parental rights and the placement of a child in suggested forms of foster care are the last resort. The legislator assumed that even the best substitute will not replace the family environment being, as is well known, the basis for the normal development of every person. Thus, the Act provisions for a number of possibilities to support families experiencing difficulties. Article 8.1 of this Act states as follows:

“The Mayor ensures support for a family experiencing difficulties in fulfilling care and upbringing functions, in particular in the form of:

- 1) analysing the family situation and the family environment, and the reasons for the family crisis;
- 2) strengthening the role and function of the family;
- 3) developing the caring and upbringing skills of the family;
- 4) increasing awareness regarding the planning and functioning of the family;
- 5) helping to integrate the family;
- 6) preventing the marginalization and social degradation of the family;
- 7) seeking to reintegrate the family.”

Significantly, the offered assistance and support may be carried out in a two-fold manner: via working with the family and via assisting in the care and upbringing of the child.

An important change for the benefit of families introduced by the new legislation was the establishment of the institution of the family assistant. As the name itself implies, the present foster care system is primarily focused on providing support, rather than, as was often the case previously, helping the families out in various difficult and crisis-laden situations and offering ready solutions. The lack of customization of these solutions resulted in their minimal efficiency. The legislator determined very precisely all constituents operative for the family assistant. Detailed regulations are

contained in Section II of the discussed Act in Articles from 12 to 17. The legislator not only specified requirements with respect to education, but, importantly, indicated the areas of activities that should be implemented in order to improve the situation of a given family. The phrase “areas of activities” is employed here purposefully since, as may be presumed, the legislator formulated them in general terms, thus allowing for the customization of professional activities that the assistant, in cooperation with the family, social worker, and coordinator of foster care, specifies in the support plan for the family (Article 15.1 and 15.2, Act of Family Support ...).

Moreover, the legislator established another form of supporting a family in crisis, i.e., a supportive family. Article 29 of the major Act states as follows:

- 1) A family that experiences difficulties in fulfilling care and upbringing functions may be assisted by a supportive family.
- 2) A supportive family, in cooperation with a family assistant, helps a family that experiences difficulties in:
 - a) taking care of and bringing up a child;
 - b) running the household;
 - c) developing and fulfilling basic social roles.

Importantly, the legislator specified that the function of a supportive family may be granted to persons from the child’s closest environment who have not been convicted by a valid court order for intentional offence (Article 30, Act on Family Support...).

It should be stressed that a family assistant and a supportive family provide support for a family and a child in a non-residential setting and this should prevent the necessity of removing the child from the biological family and placement in foster care. Unfortunately, despite the changed approach and limiting the dynamics of removing children from biological families, this situation has not been eliminated. Thus, despite a number of services offered to support families in overcoming crises, for different reasons such activities are not effective. Consequently, to secure children’s best interest, the legislator established foster care, as a place where the child should be placed and remain in there until the biological family overcomes the crisis.

According to the legislation, as already indicated, foster care should be provided in the event when parents are unable to ensure care and upbringing for a child (Article 32.1, Act on Family Support...), and extending its scope, including legal guardians who actually have custody of the child. As specified in the Act, foster care should ensure:

- working with the family to enable the child to return to biological family, or – when it is impossible – striving for adoption, and when adoption is impossible, providing care and upbringing in a foster setting;
- preparing the child for: a dignified, independent, and responsible life, overcoming life difficulties according to ethical principles, establishing

and maintaining close, personal, and socially acceptable relationships with family and peers, in order to ease the results of loss and separation, and attainment of social skills;

- meeting children's emotional needs, including, in particular, basic living, health, education, cultural, and leisure needs (Article 33, Act on Family Support...).

It is evident that despite this apparently general provision, the legislator indicated a wide scope of activities that foster care may undertake in order to improve the functioning of both the child and family. This is an important element that fits the assumptions of the modern system of care and upbringing of children and youth. These assumptions emphasize the crucial role of the family in the child's development, and prioritize the family in all activities undertaken by the social support system.

Significantly, foster care can be organized either in a family-type or institutional form. Presently, work is being carried out to develop the former form. This intention is obviously justified and legitimate; however, it is difficult to implement this solution for many reasons that will be discussed further on. Institutional foster care is also being profoundly transformed both as regards the approach to children in care and its formal basis. As intended by the Act, since its introduction till 1.01.2021 (Article 230, Act on Family Support...) the number of children who can be placed in one care and educational centre was supposed to be gradually limited so that after that date the number of children in one facility did not exceed 14. This idea results from long-term observations and analyses of both theoreticians and practitioners who indicate that a larger number of children living in one home affects their upbringing negatively, and the preparation of children for independence is much more difficult.

In the context of the discussed issues it is important to present the structure and possible forms of family-type, and institutional foster care established by the legislation. This will allow for identifying the differences between the two forms, and illustrating the possibilities of local governments who take care of the well-being of the youngest citizens. Additionally, it will systematize information in this area.

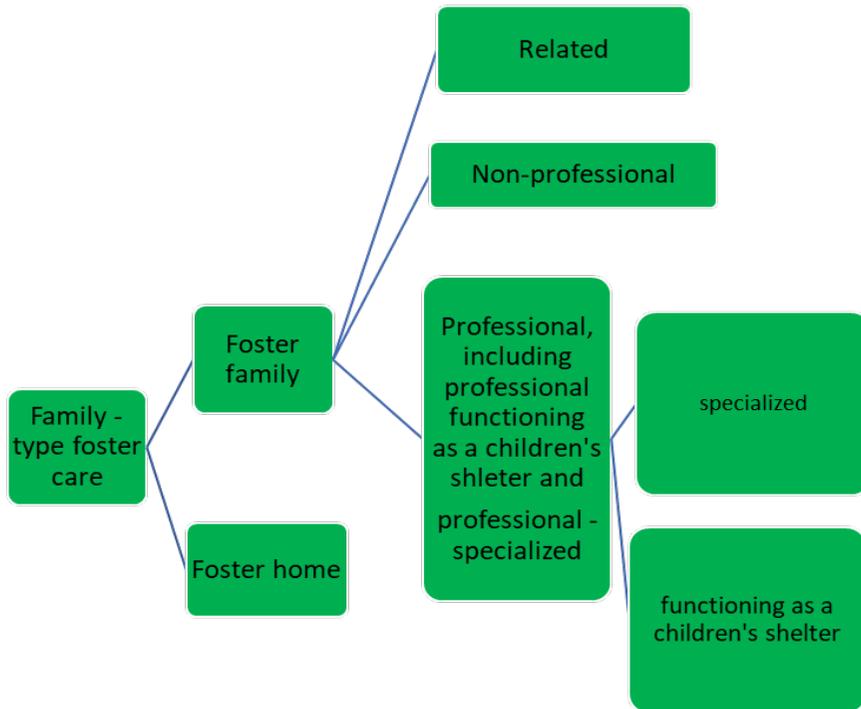


Fig. 1. Family-type forms of foster care

Source: Own elaboration based on the Act on Family Support and the Foster Care System of 9 June 2011 (Journal of Laws of 2020, item 821)

This graphic representation of family-type foster care that is provisioned in the Polish system of foster care indicates its multiple forms and adaptation to the specificity of children placed in foster care. This responds to the actual needs as evidenced by absolute numbers provided in the analyses of the Central Statistical Office (Central Statistical Office, Foster Care in Poland in 2019). According to data referring to foster care for 2019, the total number of children in foster care was 72.1 thousand, including 55.4 thousand of children placed in family-type foster care, and 16.7 thousand in institutions. Within the framework of family-type foster care, there were 36 006 foster families, and 666 family-type children's homes. Among foster families, related families constituted 64.3%, non-professional families – 29.8%, and professional families – 5.9%.

Institutional foster care can also be organized in various forms, as graphically presented below.

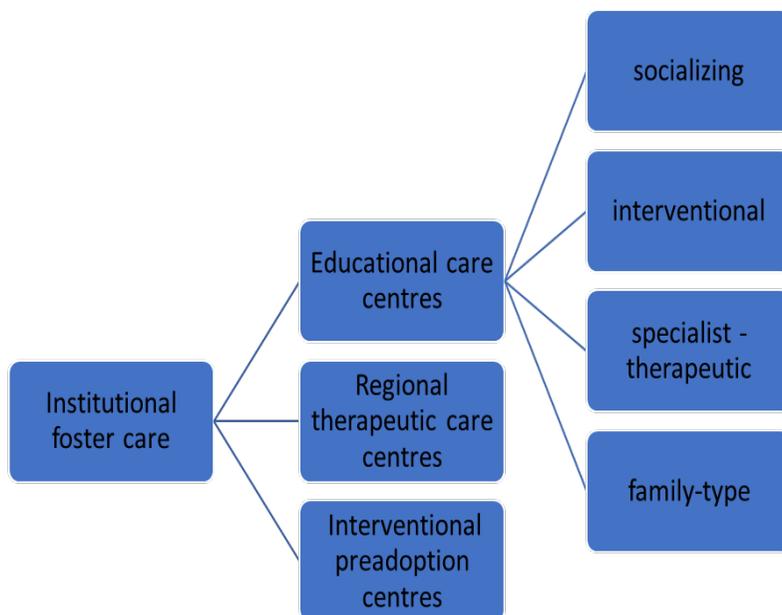


Fig. 2. Institutional forms of foster care

Source: Own elaboration based on the Act on Family Support and the Foster Care System of 9 June 2011 (Journal of Laws of 2020, item 821)

The presented figure demonstrates that the legislator adapted the types of educational care centres to the needs of children and youth from families in crisis whose legal guardians for different reasons do not fulfil parental duties adequately. Referring to the earlier statistical analyses (Central Statistical Office, Foster Care in Poland in 2019), as of the end of 2019, 1 166 educational care centres, 10 regional therapeutic care centres, and 2 interventional preadoption centres functioned in Poland. To further specify their types, according to statistical data, there were 720 socializing centres, 230 family-type centres, 41 interventional centres, 24 specialist therapeutic centres, and 151 centres that combined different duties.

Statistical data imply that the changes introduced by the Act are indeed being implemented, and family-type forms of foster care outnumber educational care centres. However, the issue is not as obvious as it may seem. A general analysis demonstrates that related families constitute the majority of family-type foster care. This can be interpreted in two ways. On the one hand, it may be assumed that this results from taking care of the child's best interests, as the child continues to remain in his primary environment. This is fully justified considering the sense of safety that is significant in the context of the child's development. On the other hand, given my several years practical professional experience, the reasonability of this solution can actually be questioned. Since almost 55% of individuals who constitute foster families are in the

age group 51–70 years (Central Statistical Office, Foster Care in Poland in 2019), it may be assumed that the actual care is provided by grandparents. This means that the care-providing responsibilities are partially shifted from biological parents to grandparents, and the latter take over parental duties. Often all of them live together, which is a paradoxical situation that has nothing to do with ensuring children's development. Based on the presented statistical data, it can also be concluded that foster parents become unable to adequately fulfil their functions and duties when children enter adolescence. One of the reasons for this situation may be the significant age difference that occurs when the grandparents become foster parents. Of course, this phenomenon cannot be generalized and certainly requires deeper analysis, but it is a legitimate concern about the quality of care and the upbringing process. This is partially confirmed by the Central Statistical Office data according to which children ranging in age from 1 year to 13 years of age dominate in family-type foster care, constituting 35.4% of all children in care in this framework, whereas youth aged from 13 to 18 years of age are predominately placed in institutional forms of care (<https://stat.gov.pl/obszarytematyczne/dzieci-i-rodzina/dzieci/pieczka-zastepcza-w-2019-roku,1,4.html> 25.06.2020). The above considerations are also confirmed by the analysis made by the Supreme Chamber of Control, which reads: "Related foster families are the most numerous group. In foster families, the parents' relatives are close, such as grandparents or siblings. However, they are often unable to cope with this function, because in the case of grandparents, too great age difference between foster families and the child generates a number of problems, especially during the child's adolescence, and aging of the caregiver, there are situations when the caregiver, due to his, or her age and health problems, requires the care of a third party himself, or herself while acting as a foster family. The problem also occurs when biological parents live together with foster parents, which has a destructive effect on the functioning of the foster family and the child, because in fact their situation does not change, and does not allow them to change their environment and learn about other, better patterns" (https://www.nik.gov.pl/do_druku/typ,0,id,2930.html?referer=https://www.nik.gov.pl/aktualnosci/nik-o-dzialaniach-powiatow-na-rzecz-tworzenia-i-nbsp-wsparcia-rodzin-zastepczych.html 15.11.2020). These numbers and correlations justify the claim, that young people whose behaviour raises legitimate concerns regarding their development, health, and sometimes life are placed in educational care centres, who are also recruited from dissolved foster families. This means that the legislator ceded significant effort on the employees of institutional forms of foster care, as well as great responsibility for the implementation of activities that are aimed to allow children and youth in care proper functioning, often until they reach the age of majority.

Consequently, the question arises as to how the legislator secured the process of care leavers' gaining independence, and thus their return to society, and fulfilling social roles assigned to them. Before formal aspects of this issue are presented, the no-

tion of independence should be specified. Independence is understood slightly differently by each person, and defined subjectively based on personal experiences. In order to systematize this notion for the purposes of this discussion, it may be assumed, following M. Winiarski, that “Life independence may be understood as a feature of character, or a situation, the state of autonomy in life... Independence is manifested mostly in that individuals decide on their own about their lives, guide their lives according to professed and preferred values, solve various problems (including the difficult ones) that they face in their lives. They are able to satisfy their biological, as well as social and cultural needs on their own. Independence in the situational context means that individuals are able to manage on their own any situation (normal, difficult, adverse) in various spheres of life, transform these situations at their own discretion (consistent with their preferred values), and even create new situations that facilitate their optimal self-fulfilment” (Winiarski, 1999, p. 251).

Process of care leavers’ – possibilities and threats

As for formal issues, in Polish legislation the process of gaining independence is referred to in two major acts regulating foster care, i.e., the Act of 9 June 2011 on Family Support and the Foster Care System (Journal of Laws of 2020, item 821), with detailed regulations contained in the section *Assistance for individuals gaining independence*, and the Act of 12 March 2004 on Social Assistance (Journal of Laws of 2019, item 1507), Section 4 *Assistance for individuals gaining independence*. Unfortunately neither of the Acts specifies the procedure and constituents of the process of gaining independence. Hence, the Ordinance of the Minister of Labour and Social Policy of 3 August 2012 on providing assistance for gaining independence, continuation of education and settlement (Journal of Laws of 2012, item 954) serves as a supplementary regulation. This ordinance specifies:

- conditions and procedures for granting financial assistance for gaining independence and financial assistance for the continuation of education, the amount of this assistance as well as amount and constituents of settlement;

- procedures of discontinuing assistance for gaining independence and financial assistance for the continuation of education (§ 1, Ordinance of the Minister of Labour and Social Policy of 3 August 2012 on providing assistance for gaining independence, continuation of education and settlement).

This ordinance also specifies the procedure that conditions granting the allowed financial assistance for the individual gaining independence. It provides guidelines for educational care centres, based on which assistance for gaining independence is organized in cooperation with County Family Support Centres, and social welfare centres. This regulation specifies the following conditions, under which assistance can be granted to care leavers:

- 1) providing by the person gaining independence the following personal details at least two months before reaching the age of majority: name, surname, place of residence, and corresponding address of a person who undertake the function of the assistant supervising the process of gaining independence, and written consent of that person;
- 2) submitting the individual program of gaining independence;
- 3) submitting the application for granting the support (§ 2, item 1, Ordinance of the Minister of Labour and Social Policy of 3 August 2012 on providing assistance for gaining independence, continuation of education, and settlement).

It should be noted, that the legislation stipulates that the assistant supervising the process of gaining independence must be a person who guarantees due execution of the entrusted tasks (§ 2, item 2, Ordinance of the Minister of Labour and Social Policy of 3 August 2012 on providing assistance for gaining independence, continuation of education, and settlement). Additionally, it must be stressed that the previously mentioned Act of 12 March 2004 on Social Assistance also contains information concerning the assistant supervising the process of gaining independence. According to its stipulations, the person gaining independence is supported in the implementation of the individual program of gaining independence by an assistant who can be a social worker employed in the County Family Support Centre, educator, psychologist, or social worker employed in a nursing home, juvenile centre, reform school, special care educational centre, special care centre, youth socio-therapeutic centre ensuring 24 hour care, youth care centre, or any other person indicated by the person gaining independence (Article 88.7 of the Act of 12 March 2004 on Social Assistance). This means that the function of the assistant may be granted to a person who is not related with the care leaver.

The most important, but simultaneously rather generally formulated, tasks of the assistant supervising the process of gaining independence include:

- 1) becoming familiar with the documentation and life of the care leaver;
- 2) designating and modifying the individual program of gaining independence together with the care leaver;
- 3) cooperating with the family of the care leaver and the local community, especially school and commune;
- 4) providing opinion for the application for financial assistance for gaining independence and continuation of education (§ 9, Ordinance of the Minister of Labour and Social Policy of 3 August 2012 on providing assistance for gaining independence, continuation of education and settlement).

Figure 3 presents the procedure associated with process of gaining independence to facilitate a clear order for the undertaken activities.

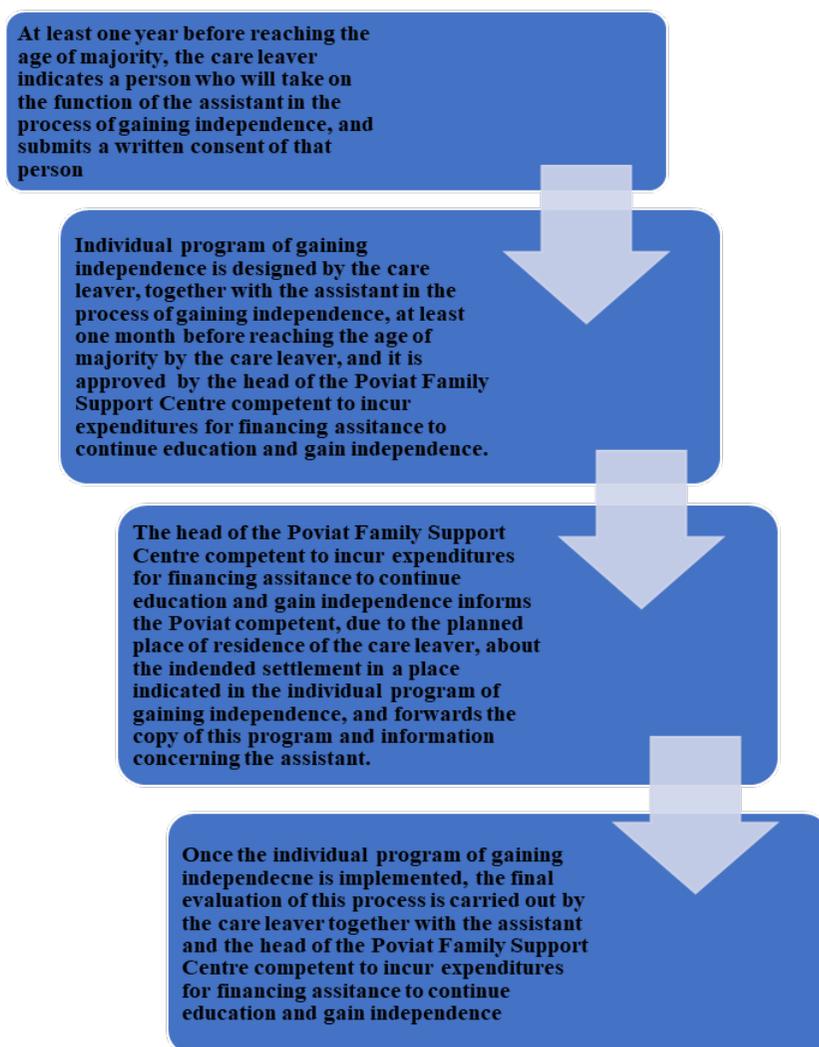


Fig. 3. Overview of the process of care leavers' gaining independence

Source: Own study

The presented information overviews the basic structure and nature of foster care, and the process of care leavers' gaining independence. As can be easily noticed, the stipulations of the valid legislation are rather general. This can be associated both with some possibilities, and limitations in practice, particularly in the context of the effectiveness of specific activities.

As regards the foster care system, legal regulations in force since 2012, and also subsequent amendments, indicate an already signalled trend in the changes. Specifically, the transformation of foster care and the associated changes are focused on

strengthening the family-type forms of foster care. The adopted trajectory of changes is fully justified, because the intention is to act primarily for the child's best interest, and this process may be termed deinstitutionalization. This approach is justified in the report prepared by WiseEuropa Institute, Przyjaciółka Foundation and Coalition for Family-type Foster Care within the project "Creation and implementation of a research tool for the verification of the process of deinstitutionalization of foster care in counties" (Bitner, et al., 2018). According to this report, deinstitutionalization should not be understood as the resignation from any type of institutional form of care. Such a common understanding does not reflect the dynamic nature of this phenomenon. Deinstitutionalization is the process of transition from residential care to that provided at the level of local communities. The word "process" is crucial here as any process requires a long-term political strategy backed up with adequate resources for the development of alternative (with regards to institutions) support services at the local level (Bitner, et al., p. 18)[†]. This report offers crucial information constituting the analysis of the possibilities and limitations of the discussed process. It also attempts to identify tools necessary to implement the assumptions associated with the suggested transformations in the present structure of foster care.

Within the suggested changes involving the deinstitutionalization of foster care, the process of care leavers' gaining independence merits particular attention. The significance of this issue is supported by the previously mentioned general provisions of the legislation regulating this issue. This means that foster care institutions, and the supervising organs, have some freedom in constructing detailed guidelines regarding activities to implement the premises of the Act. Unfortunately, as indicated in the Report of the Supreme Audit Office concerning assistance in gaining independence by care leavers at the age of majority from 2014, solutions introduced after 2012, stipulated by new legislation, do not correspond to the needs of the involved young people. The control of this process carried out by the Supreme Audit Office indicated a number of irregularities negatively affecting its effectiveness. In the context of the discussed issue, the following statement from the report merits particular attention: "the Act on Foster Care does not specify many practical issues, regulated in the Act on Social Assistance, whose provisions are still valid for children and youth placed in resocialization canthers, and those who began the process of gaining independence before 1 January 2012" (The Supreme Audit Office, Information on the control results. Assistance in gaining independence by foster care leavers at the age of majority, Warszawa 2014). Among detailed information contained in this document, some conclusions are of particular significance. The analysis of the collected data indicated that:

[†] The information constitutes the Opinion of the European Economic and Social Committee on long-term social care and deinstitutionalization (exploratory opinion) (2015/C 332/01) of May 2015.

- the lack of a tool based on which the situation of care leavers might be evaluated is a significant difficulty as regards those who left foster care after 1 January 2012;
- the Act on Foster Care did not provide the template for the individual program of gaining independence to follow;
- in the case of care leavers leaving a family-type children's homes, educational care centres, and regional therapeutic care centres, the Act on Foster Care did not retain the possibility, provisioned in the Act on Social Assistance, of having access to the help of specialists employed in these facilities for three years following leaving care, which would constitute a natural prolongation of support (The Supreme Audit Office, Information on the control results. Assistance in gaining independence... p. 10).

This is only the proverbial tip of the iceberg with respect to doubts that require detailed analyses, and undertaking both legislative and practical work, that would allow for changing the existing situation. It is worrying that despite time passed since indicating specific problematical areas the situation seems to remain unchanged. However, what is beneficial is the fact that more frequently youth placed in foster care remain in the facilities after reaching the age of majority. This is a positive change since it facilitates the better preparation of young people for independent participation in social life.

Conclusion

The analysis of the currently valid legislation, available studies, and statistical data concerning the functioning of foster care and the implementation of the process of gaining independence justifies conclusions, that should serve as the impetus for specific remedial actions.[‡] Figure 4 presents a list of conclusions and suggestions. This list is obviously not exhaustive as regards all constituents of the foster care system that require remedial actions to improve their effectiveness. However, the enumerated ones seem to be crucial in the context of gaining independence, the main focus of this discussion.

[‡] See: NIK (2014); Bitner et al. (2018); Abramowicz, Strzałkowska, Tobis (2012); Andrzejewski (2012); Golczyńska-Grondas (2015); Kulig, Sołtys (2012); Milczarek (2018).

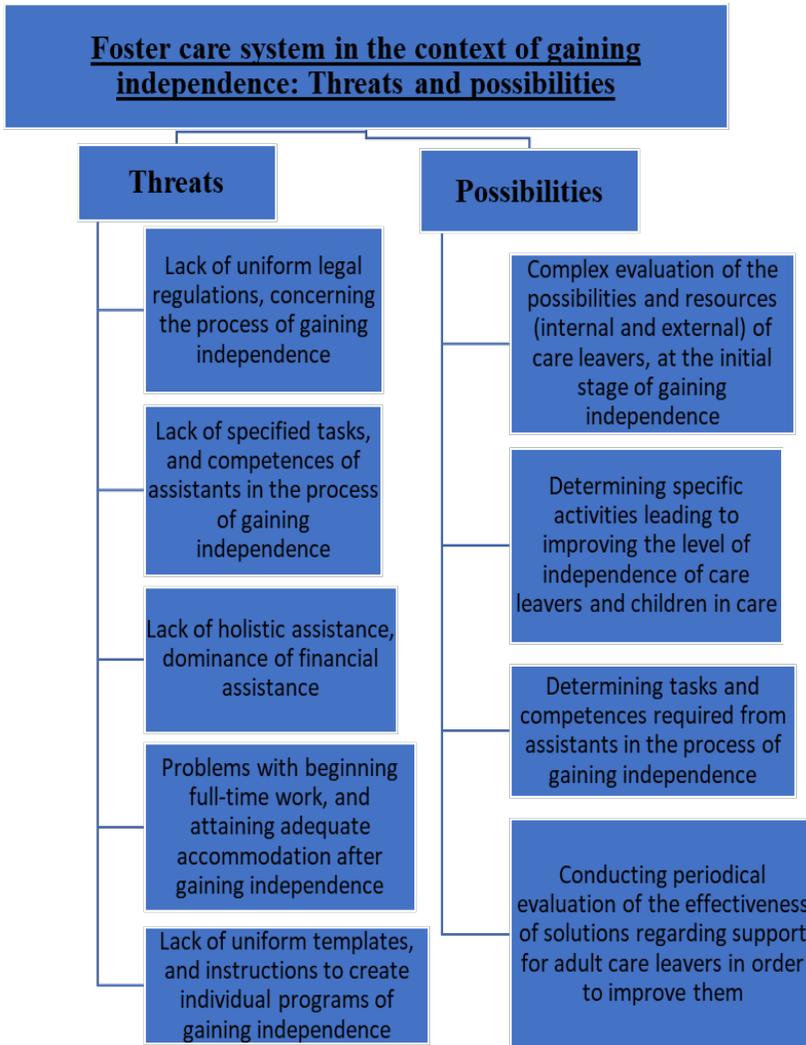


Fig. 4. Threats and possibilities of the process of adult foster care leavers' gaining independence
 Source: Own study

The identified threats for the adequate implementation of activities undertaken in the framework of foster care, and suggestions as to how to eliminate them, indicate the complexity and multidimensionality of these phenomena. They also point to the need to begin a national-scale, or even international discussion to confront the existing practical experiences, and based on these, formulate systemic solutions to ensure the most effective realization of the assumed aims of foster care. Consequently, trusting in readers' positive criticism and insight, the author leaves the evaluation of the adequacy of the hypotheses and conclusions to them. It appears that subjective assessments and

opinions of academics in correlation with practitioners' point of view should constitute the basis for creating objective knowledge, as a foundation for further transformations of foster care in Poland. Such an approach will facilitate the identification of the directions for changes while indicating their dynamics.

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Legislative acts

1. Act of 24 July 1998 on the Introduction of the Country's Three-tier territorial Division (Journal of Laws of 1998, No 96, item 603).
2. Act of 9 June 2011 on Family Support and the Foster Care System (Journal of Laws, no 149, item 887 with subsequent amendments).
3. Act of 12 March 2004 on Social Assistance (Journal of Laws of 2019, item 1507).
4. Ordinance of the Minister of Labour and Social Policy of 3 August 2012 on providing assistance for gaining independence, continuation of education and settlement (Journal of Laws of 2012, item 954).
5. Ordinance of the Minister of Labour and Social Policy of 23 December 2004 on providing assistance for gaining independence, continuation of education and settlement (Journal of Laws, No 6, item 45).
6. Ordinance of the Council of Ministers of 11 March 2018 on verified income criteria and amounts of financial assistance in social welfare (Official Gazette of the Republic of Poland of 13 July 2018, item 1358).
7. Announcement of the Minister of Family, Labour and Social Policy of 23 March 2018 on the amount of benefits entitled for a foster family and persons running a family-type children's home and the amount of assistance for care leaver gaining independence (Official Gazette of the Republic of Poland of 29 March 2018, item 326).