

## **PECULIARITIES OF WORK WITH MINORS BY GUARDIANSHIP AND TRUSTEESHIP AUTHORITIES IN DEVELOPED FOREIGN COUNTRIES**

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### **INTRODUCTION**

#### **The importance of child welfare systems in developed countries**

Protecting the rights and welfare of children is a cornerstone of any developed society. Across the globe, child protection systems aim to ensure the safety, well-being, and development of minors, particularly those in vulnerable circumstances. Guardianship and custodianship (trusteeship) institutions-commonly referred to as child welfare agencies-play a pivotal role in addressing the needs of minors, especially those subjected to neglect, abuse, or abandonment. The effective functioning of these institutions is not only a reflection of a country's social priorities but also a legal obligation under international frameworks such as the United Nations Convention on the Rights of the Child (CRC). Article 3 of the CRC highlights that "in all actions concerning children... the best interests of the child shall be a primary consideration". However, implementing these principles varies significantly across countries, shaped by cultural norms, legal systems, and resources.

This article seeks to explore how child welfare agencies operate in developed countries, emphasizing their organizational features, intervention models, and challenges. By analyzing practices in nations such as the United States, the United Kingdom, and Scandinavian countries, the article will highlight common trends and innovative approaches. The study aims to draw comparisons, identify strengths and weaknesses, and offer recommendations for improving child welfare systems worldwide.

#### **Research objective and methodology**

The central objective of this article is to analyze the features of child welfare systems in developed countries, focusing on their effectiveness in supporting minors. The analysis draws upon theoretical and practical insights, including:

- Legal and social frameworks governing child protection.
- Case studies illustrating the functioning of child welfare agencies.
- Comparative analyses of policies and programs.

Through this study, we aim to shed light on how advanced systems balance the interests of the child with family preservation, resource constraints, and ethical considerations. The findings

will serve as a foundation for discussing the potential adaptation of these practices in other contexts.

## **THEORETICAL FRAMEWORK**

### **The concept and functions of child welfare institutions**

Child welfare institutions are established to protect the fundamental rights and well-being of minors, particularly those exposed to adverse conditions such as neglect, abuse, or family dysfunction. The concept of child welfare encompasses a range of services designed to provide safety, stability, and opportunities for development. The United Nations Children's Fund (UNICEF) defines child protection as “measures and structures aimed at preventing and responding to abuse, neglect, exploitation, and violence affecting children”.

Key functions of child welfare systems include:

- **Prevention:** Identifying at-risk children and intervening early to address family challenges.
- **Protection:** Rescuing children from harmful environments and ensuring their safety through foster care or institutional placement.
- **Rehabilitation:** Providing psychological, social, and educational support to help children recover from trauma.
- **Placement and Adoption:** Facilitating safe and permanent family environments, either by reunifying children with their families or by arranging adoption.

These functions align with the principle of the best interests of the child, as outlined in Article 3 of the United Nations Convention on the Rights of the Child (CRC), which serves as a cornerstone for national and international policies on child welfare.

International frameworks, particularly the CRC, have established a universal set of standards for child welfare practices. The CRC emphasizes four fundamental principles:

1. **Non-discrimination** (Article 2): All children, regardless of background, must have equal access to protection and care.
2. **Best Interests of the Child** (Article 3): Policies and actions must prioritize the well-being of the child.
3. **Right to Life, Survival, and Development** (Article 6): Governments are obligated to ensure conditions that promote a child's holistic growth.
4. **Participation** (Article 12): Children have the right to express their views in matters affecting them.

These principles provide a foundation for evaluating the effectiveness of child welfare systems in various countries. For example, the Scandinavian model, with its emphasis on early intervention and family support, strongly reflects the CRC's principles. By contrast, systems

in other regions may emphasize punitive measures, reflecting divergent interpretations of these international norms.

Developed countries employ a range of approaches to child welfare, often influenced by their cultural, legal, and social contexts. Key theoretical approaches include:

- **Family-Centered Models:** Prioritize keeping children within their biological families, offering financial aid, counseling, and parenting education to struggling caregivers.
- **Child-Centered Models:** Emphasize the individual needs of the child, including immediate safety and psychological well-being, even if this means removing them from the family environment.
- **Community-Based Models:** Engage communities in monitoring and supporting at-risk children and families, leveraging local networks to ensure child safety.

For instance, the **United Kingdom** employs a family-centered approach through initiatives such as **Early Help Services**, which provide targeted support to families before problems escalate. Similarly, **Sweden** integrates child-centered and community-based strategies, emphasizing preventive measures and universal access to social services.

### **Key features of child welfare work in developed countries**

Child welfare systems in developed countries are distinguished by their robust legal frameworks, extensive social support networks, and evidence-based intervention strategies. Below, we examine the features of child welfare systems in several advanced nations, including their organization, practices, and innovative approaches.

#### **1. United States: A complex and decentralized system**

The child welfare system in the United States operates under a federal framework, with significant variation at the state and local levels. The Adoption and Safe Families Act (ASFA) of 1997 underscores the dual priorities of ensuring child safety and achieving permanency, often through adoption or reunification.

#### **Key Features:**

- ❖ **Foster Care Programs:** The U.S. has one of the most extensive foster care systems globally, accommodating children removed from abusive or neglectful homes. According to data from the Children's Bureau, over 400,000 children were in foster care in 2021.
- ❖ **Adoption Incentives:** Financial incentives encourage states to expedite adoption processes, particularly for children in long-term foster care.

- ❖ **Preventive Services:** Programs such as Family First Prevention Services Act (FFPSA) promote in-home support, parenting classes, and substance abuse counseling to prevent family separation.
- ❖ **Challenges:** Despite these measures, the system faces significant challenges, including high caseloads for social workers and disparities in service quality between states.

**Case Example:** In California, Wraparound Services integrate therapy, educational support, and family reunification programs, significantly reducing foster care durations.

## **2. United Kingdom: Early intervention and multi-agency collaboration**

In the United Kingdom, child welfare agencies prioritize early intervention and preventive measures, as outlined in the Children Act of 1989 and subsequent updates in 2004. Local authorities are primarily responsible for implementing child protection policies.

### **Key Features:**

- **Early Help Services:** These programs identify families at risk and provide tailored support before crises escalate. For example, parenting workshops and financial aid programs aim to stabilize vulnerable households.
- **Child Protection Plans (CPPs):** Children identified as at-risk are placed under CPPs, which outline steps to ensure safety while working toward family preservation.
- **Multi-Agency Approach:** Social services collaborate with schools, healthcare providers, and law enforcement to address child welfare holistically.
- **Focus on Family Reunification:** Whenever possible, efforts prioritize reuniting children with their biological families through counseling and rehabilitation.

**Innovation:** The Signs of Safety approach, widely adopted in the UK, emphasizes partnership-based planning with families, encouraging their active involvement in creating safe environments for children.

## **3. Sweden: Universal access and preventive measures**

Sweden's child welfare model reflects the country's strong social safety net and commitment to universal access. Guided by the Social Services Act, municipalities are mandated to provide comprehensive support to families and children.

### **Key Features:**

- ✓ **Universal Child Support Services:** Swedish families have access to free or low-cost childcare, healthcare, and education, which reduces stressors contributing to child neglect or abuse.
- ✓ **Focus on Prevention:** Authorities intervene early through home visits, counseling, and financial assistance to struggling families.

- ✓ **Legal Framework:** The Children and Parents Code emphasizes the rights of the child to be heard in matters affecting them.
- ✓ **Foster Care:** Foster families receive extensive training and financial support to provide a stable environment for children.

**Case Study:** The Family Centers in Sweden integrate healthcare, education, and social services under one roof, offering a one-stop solution for family support and reducing the likelihood of child welfare interventions.

#### **4. Germany: Balancing Child-Centered and Family-Centered Approaches**

Germany's child welfare system, governed by the Youth Welfare Act (Kinder- und Jugendhilfegesetz), aims to balance protecting children with supporting families.

##### **Key Features:**

- **Youth Welfare Offices (Jugendamt):** These local agencies provide a wide range of services, including counseling, financial aid, and intervention in cases of abuse or neglect.
- **Structured Foster Care System:** Foster care is treated as a last resort, with preference given to extended family placements or intensive family support measures.
- **Child Participation:** German law emphasizes the right of children to participate in decisions about their placement and care.
- **Focus on Education:** Programs such as Hilfen zur Erziehung (help with education) support children's psychological and academic development in challenging family situations.

**Notable Practice:** Germany's Family Group Conferencing model involves extended family and close friends in developing plans to ensure a child's safety and well-being.

#### **5. Common practices across developed nations**

Despite their differences, many developed countries share common practices aimed at improving child welfare outcomes:

- **Evidence-Based Interventions:** Programs are evaluated for effectiveness, with funding allocated to strategies proven to reduce abuse and neglect.
- **Training for Social Workers:** Comprehensive training ensures social workers are equipped to handle complex cases, including those involving trauma and multicultural issues.
- **Technology Integration:** Digital case management systems improve coordination and tracking of child welfare cases.
- **Cultural Sensitivity:** Many systems address the unique needs of minority and immigrant families, acknowledging cultural differences in parenting styles and family dynamics.

By analyzing these systems, it becomes clear that developed countries prioritize a mix of preventive measures, strong legal protections, and community involvement. However,

resource constraints, ethical dilemmas, and bureaucratic inefficiencies remain significant barriers to achieving optimal outcomes.

## **Challenges and issues**

Despite the sophistication of child welfare systems in developed countries, numerous challenges hinder their effectiveness. These issues arise from structural limitations, resource constraints, and ethical dilemmas inherent in balancing the rights of children, families, and society. Below, we examine some of the most significant challenges faced by child welfare agencies.

### **1. Overburdened social workers**

Social workers are the backbone of child welfare systems, yet they often face overwhelming workloads. A study in the United States revealed that many social workers handle caseloads exceeding recommended limits, leaving them with insufficient time to address the complex needs of each child and family. Similarly, in the United Kingdom, The British Association of Social Workers reports that high caseloads lead to burnout, reduced job satisfaction, and increased staff turnover.

#### **Implications:**

- Children may not receive timely interventions, exposing them to prolonged harm.
- Reduced quality of care and oversight in foster placements.
- Difficulty building trust and meaningful relationships with families.

**Potential Solutions:** Investments in hiring additional staff and providing robust training programs can alleviate the strain on social workers. For example, Sweden's system benefits from a higher ratio of social workers to cases, enabling more thorough and individualized support.

### **2. Insufficient funding**

Child welfare systems often operate under constrained budgets, which limit their ability to provide comprehensive services. In the United States, for instance, federal and state funding disparities lead to significant variation in the quality of care. Similarly, Germany faces challenges in meeting rising demands for family support services due to financial constraints.

### **Consequences:**

- Limited access to preventive services such as parenting programs and family therapy.
- Overreliance on short-term solutions, such as emergency placements, rather than long-term family stability.
- Inequities in service delivery, particularly in rural or economically disadvantaged areas.

**Recommendations:** Governments must prioritize child welfare in their budgets, recognizing that early investments in prevention can reduce long-term societal costs associated with juvenile delinquency, poor educational outcomes, and mental health issues.

### **3. Ethical and legal dilemmas**

Balancing the best interests of the child with parental rights and cultural considerations often leads to ethical and legal conflicts. For example:

- **Parental rights vs. child safety:** Removing a child from their home can be traumatic, yet leaving them in a harmful environment poses risks. In some cases, courts delay decisions due to insufficient evidence, potentially endangering the child.
- **Cultural sensitivity:** Immigrant families may have parenting practices that differ from local norms, leading to misunderstandings and, in some cases, unnecessary interventions.

**Illustrative Case:** In Germany, debates around the removal of children from immigrant families have sparked controversy, with critics arguing that cultural biases sometimes influence decisions.

**Proposed Strategies:** Cultural competency training for social workers and the inclusion of mediators from diverse backgrounds can help address these challenges. Additionally, clearer legal guidelines can reduce ambiguity in balancing child safety with parental rights.

### **4. Challenges in foster care systems**

While foster care is a critical component of child welfare systems, it is not without flaws. Common issues include:

- **Instability:** Frequent placement changes disrupt children's sense of security and hinder their emotional development.
- **Recruitment and Retention of Foster Families:** Many countries struggle to recruit enough foster families, particularly for older children or those with special needs.
- **Inadequate Support for Foster Families:** Limited training and financial support often leave foster parents ill-equipped to handle complex situations.

**Example:** In the United States, a study by The Annie E. Casey Foundation found that over 20% of children in foster care experience more than three placements, increasing the likelihood of mental health issues and academic struggles.

**Innovative Approaches:** Sweden addresses foster care challenges by providing foster families with extensive training and assigning dedicated caseworkers to offer ongoing support.

## **5. Addressing trauma and mental health needs**

Children entering child welfare systems often experience trauma, whether from abuse, neglect, or the separation from their families. Addressing these psychological scars is critical for their long-term well-being but remains a significant challenge.

- In the United Kingdom, studies show that children in foster care are four times more likely to suffer from mental health disorders than their peers.
- Similarly, in the United States, access to mental health services is inconsistent, particularly in rural areas or underfunded regions.

### **Proposed Solutions:**

- Expanding access to trauma-informed care and mental health professionals within child welfare systems.
- Integrating counseling and psychological services into foster care programs.

**Case Study:** In Canada, programs like The Trauma-Informed Practice Initiative provide training for social workers and foster parents, improving outcomes for children with complex psychological needs.

## **6. Societal and political challenges**

Public perceptions and political priorities significantly impact child welfare policies. In many countries, societal stigma surrounding families involved in child welfare cases creates barriers to collaboration and trust. Additionally, shifting political landscapes often lead to policy changes that disrupt the continuity of programs.

**Example:** In the United States, changes in federal funding priorities under different administrations have led to inconsistent support for prevention-focused programs like the Family First Prevention Services Act.

## RECOMMENDATIONS AND JUSTIFICATION

To improve the efficiency of child welfare systems in developed countries, several strategic measures are proposed to address identified challenges and enhance the protection and support offered to children and families. Below is a detailed explanation of the key recommendations and their justification.

### 1. Increasing funding for child welfare systems

**Issue:** Insufficient funding limits the capacity of child welfare agencies to provide preventive services, family rehabilitation, and support for foster families.

**Recommendation:** Governments should increase investments in preventive programs, social worker training, and expanded access to mental health services.

#### Justification:

- **Economic Efficiency:** Early investments in prevention and family support significantly reduce long-term costs associated with foster care, institutionalization, and societal consequences. For instance, studies in the United Kingdom demonstrate that every £1 spent on early intervention saves up to £5 on later interventions.
- **Successful Example:** In Sweden, universal access to social and educational services helps prevent families from entering crisis situations, highlighting the effectiveness of such investments.

### 2. Strengthening the workforce of social services

**Issue:** High caseloads for social workers lead to burnout, lower service quality, and insufficient time for meaningful engagement with families.

#### Recommendation:

- Increase the number of social workers.
- Introduce mandatory professional development programs, including training on trauma-informed care and intercultural communication.

#### Justification:

- **Reducing Workload:** Optimizing staff-to-case ratios allows social workers to dedicate more time to each family, improving the quality of care. For example, in Germany, lower caseloads in Jugendamt agencies allow for more thorough oversight of cases.

- **Professional Growth:** Specialized training equips social workers to handle emotionally challenging situations. Trauma-informed approaches, as seen in Canada, have proven effective in supporting children who have experienced abuse or neglect.

### **3. Expanding access to psychosocial and mental health services**

**Issue:** Children in the child welfare system often experience trauma, but access to qualified psychological support is limited.

**Recommendation:** Integrate psychosocial and psychological services into child welfare programs, including the creation of mobile teams of specialists.

#### **Justification:**

- **Child Mental Health:** Research indicates that children in the child welfare system are 2–4 times more likely to suffer from depression, anxiety, and post-traumatic stress disorder. Without timely intervention, these issues can become chronic.
- **Successful Practice:** In the United States, programs like Wraparound Services include mental health support as part of comprehensive services for families, improving emotional outcomes for children.

### **4. Strengthening interagency collaboration**

**Issue:** Lack of coordination between social services, schools, healthcare providers, and law enforcement can lead to duplicated efforts or overlooked aspects of child protection.

**Recommendation:** Implement mandatory protocols for collaboration and regular meetings between agencies working with children.

#### **Justification:**

- **Holistic Approach:** Interagency cooperation enables a comprehensive understanding of a child's and family's needs, ensuring a multi-faceted response.
- **Example from the UK:** The Multi-Agency Safeguarding Hubs (MASH) model demonstrates how data sharing across agencies can facilitate early intervention and prevent crises.

### **5. Enhancing preventive measures and family support**

**Issue:** Many child welfare systems focus primarily on crisis intervention, while measures to prevent family problems are underdeveloped.

**Recommendation:**

- Expand early intervention programs, such as parenting counseling, financial aid, and educational support for parents.
- Introduce mandatory monitoring of families at risk.

**Justification:**

- **Reducing Family Separations:** Early intervention programs, such as the Early Help Services system in the United Kingdom, have shown that timely support significantly decreases the likelihood of children entering foster care.
- **Cultural Adaptation:** Considering the cultural context of families fosters more effective rehabilitation and reduces conflicts between families and social services.

## **6. Technological modernization of case management systems**

**Issue:** Outdated documentation systems hinder coordination between services and increase the administrative burden on workers.

**Recommendation:** Implement digital platforms for case management, data analysis, and interagency information sharing.

**Justification:**

- **Efficiency and Transparency:** Digital platforms, like those used in Australia, enable real-time tracking of child welfare cases, streamline data sharing across agencies, and reduce delays in decision-making.
- **Reducing Bureaucracy:** These tools free up social workers' time, allowing them to focus more on direct work with children and families.

## **7. Promoting cultural competence**

**Issue:** Cultural differences between families and child welfare agencies can lead to misunderstandings, particularly with immigrant families.

**Recommendation:** Train social workers in intercultural communication skills and involve mediators familiar with the cultural backgrounds of the families.

**Justification:**

- **Building Trust:** Understanding cultural contexts fosters more productive interactions between families and agencies, avoiding unnecessary conflicts.

**Example:** In Germany, the Family Group Conferencing model successfully incorporates extended family members and cultural representatives in decision-making processes, ensuring solutions align with the family's values and traditions.

## **CONCLUSION**

Implementing these recommendations would significantly enhance the effectiveness of child welfare systems, making them more sustainable and results-oriented. Each proposal is grounded in international best practices and proven approaches, ensuring their relevance and applicability across different social and legal contexts.

By prioritizing funding, strengthening workforce capacity, enhancing access to mental health services, fostering interagency collaboration, and addressing cultural differences, child welfare agencies can better protect and nurture vulnerable children, ultimately contributing to healthier and more resilient societies.

The analysis of child welfare systems in developed countries highlights the complexities and nuances of safeguarding vulnerable children while addressing the needs of their families. Nations like the United States, the United Kingdom, Sweden, and Germany demonstrate diverse approaches to child protection, balancing preventive measures with intervention strategies. Key elements of success include early intervention, multi-agency collaboration, evidence-based practices, and robust legal frameworks that align with international standards, such as the United Nations Convention on the Rights of the Child (CRC).

However, significant challenges persist, including overburdened social workers, limited funding, ethical dilemmas, and the need for trauma-informed care. Addressing these issues requires coordinated efforts at multiple levels:

1. **Policy Reforms:** Governments must prioritize funding for child welfare and ensure equitable access to resources across regions.
2. **Capacity Building:** Investments in social worker training and recruitment are essential to improving service delivery.
3. **Family-Centered Interventions:** Supporting families through counseling, financial aid, and education can reduce the need for child removal.
4. **Global Collaboration:** Sharing best practices and innovations across borders can strengthen child welfare systems worldwide.

Ultimately, the best interests of the child must remain the guiding principle of all actions and policies. By learning from the successes and failures of developed countries, policymakers can create more effective systems to protect and nurture children, ensuring a brighter future for the next generation.

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