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EDITORIAL

One size fits all: A family for all children, irrespective of the situation?

'Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding' (Preamble of the UNCRC): Does this not create a strong incentive to be advocating for a family for all children in all circumstances?

Advocating for the rights of children entails an individualised assessment of their needs and responding accordingly – the basic premise of tools, such as UNHCR's Best Interest Determination model. Is there an exception to such an approach when it comes to alternative care and adoption? Shall we go as far as to impose family-based solutions on all children deprived of their families? This Editorial examines the tensions of such decision-making – often well-intentioned, but arguably not without risks.

A family for all in alternative care, irrespective of the situation?

The UN Guidelines for the Alternative Care of Children clearly note the necessity of family-based care for children under three years and a move away from large-scale residential care, whose risks are now well known and evidenced. Given the latter, there is an encouraging movement against orphan tourism (see p. 4). Yet, the unanimously-accepted international standards steer away from ranking the breadth of options in between these two examples.

Should the UN Guidelines have gone further? As arguably the great majority of children's needs are met in a family and research overwhelmingly shows the harmful effects of large scale residential care, should they and therefore we, simply fit all placements within a family? Can families meet the needs of all children?

How do we cater for the child that does not wish to live in a family or a child living in street



situations or an adolescent seeking an independent living arrangement? Is a family-based setting, for instance, most appropriate for a child – unaccompanied and separated – who has been travelling independently?

Surely, in these cases, we see the wisdom behind the UN Guidelines, as their response is a tailored approach to care placements, ensuring they meet identified needs. Arguably, a rights-based approach is more about ensuring that such children have access to a broad range of services, including by way of accommodation, that meet their needs, such as the innovative tool centralising such information in an application for a number of European Union States developed by Missing Children Europe (see p. 9).

Further noting that few families will ever have the capacity to solely care for children with disabilities – particularly with severe disabilities – unless they are well-resourced. Thus, the development of tools, such as the one presented on page 6, aimed at strengthening the capacity of professionals and families must be supported. Even when fully supported by the State, the use of

small group homes in certain circumstances may be considered and beneficial. Indeed, to meet the severe medical and psychosocial needs of children may require the pooling of scarce resources in a tailored environment, such as this type of homes. Admittedly, the balance must be found against the development of poor quality residential care in the guise of small group homes and low staff/children ratios, as part of deinstitutionalisation strategies. These resources can be maximised through capacity-building tools, such as recently developed by USAID (see p. 6). One of the challenges here is the missing internationally agreed definition of what counts as a small group home. Indeed, there is a clear need for clarification about the role of community-based alternatives, such as small group homes for children with disabilities.

If we ignore such questions and more, do we not risk situations where we unnecessarily discriminate against the use of quality community-based arrangements, particularly those that are directly meeting the individual needs of children?

A family for all in intercountry adoption, irrespective of the situation?

The issue of one family for all is likewise closely linked to intercountry adoption. Here, the principle of subsidiarity requires that efforts with the family of origin have been undertaken, and that domestic options have been explored. The debate then turns to whether, if the only available solution for children being large-scale residential care in some countries, is better than the opportunity to live with a family in another country (see Editorial in Monthly Review No. 204, August 2016). Is it helpful to promote a family at all costs? Of course, this will have to take place in an environment with a systematic and reliable system of assessment, preparation and support of potential families and children as well as supervision of residential care placements. Facilitating such an approach is one key factor in preventing risks that may lead to placement or adoption breakdowns (see Jeannin, C. (Ed.) (2018).

Towards a greater capacity: Learning from intercountry adoption breakdowns. Geneva, Switzerland: ISS).

Furthermore, how does an individualised approach also take into account the child's views? In fact, there are cases where the family is not imposed, such as [*Pini and Others v Romania, Applications Nos. 78028/01 and 78030/01*](#), in which the European Court of Human Rights respected that the two adopted girls had not given their consent to the adoption and had rejected the latter. Only time will tell whether such a decision resulted in the institutionalisation of these girls, although, for now at least, their wishes have been heard.

Moreover, at a time of increased attention to migration movements, in particular in emergency situations, and strict border control in destination countries, is the resort to adoption a legitimate way of ensuring that a child, who is unaccompanied and/or separated, has a family? In this respect, it is worth remembering that intercountry adoption is not recommended in situations of crisis, including in relation to refugee children (see Conclusions and Recommendations of the Special Commissions of 2010 (Paras. 38-40) and 2000 (Para. 70)), and it could even be considered as forced migration in some very specific circumstances (see Editorial in Monthly Review No. 220, April 2018).

One approach for all respectful of all situations?

In the midst of debates about a family for all children, ISS prefers to move the discourse towards the importance of promoting an individualised approach in line with international standards: an assessment taking into account the child's specific needs and his or her voice. This entails ensuring that there is a breadth of options that can respond to the various needs of children. Arguably, this is the only approach that can be truly in the best interests of each and every child.

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