

Equity in Permanency

Principles and Recommended Practices for Governments to Achieve Equity in Permanency for Cross-border Families



THE GLOBAL SOCIAL WORK ORGANISATION

Definition

Equity in Permanency refers to principles of child protection practice that prioritise the exploration of family placements, without discrimination of any kind, to achieve optimal long-term outcomes for the child. The principles seek to empower child protection partners globally to have a child rights approach and promote policies and protocols that ensure all family placement options are explored for any child who can no longer be cared for by their parents.

Equity in Permanency: Why Now?

Child protection experts around the world widely acknowledge that those responsible for the protection of children should prioritise efforts to keep children with families and offer increased support to these placements to ensure family members are able to fulfil their care responsibilities.

While the global movement of children across borders is not a new phenomenon, few protection authorities have grown in their knowledge, tools, or political will to seek family placement options in another country. Child protection practitioners may be unsure of how to abide by foreign regulations associated with securing permanency for a child, when working outside of their jurisdiction and without clear guidelines. While race, ethnicity or nationality alone cannot be an indicator of whether a child has family overseas, failing to consider these elements compromises the ability of child protection systems to seek placement options that prioritise a child's sense of identity, roots, language, and culture.

Equitable access to kin in permanency planning and decision-making must form part of a child's rights framework. ISS, an international network providing intercountry child protection casework services, proposes the following Principles and Recommended Practices that governments should prioritise to achieve equity in permanency for cross-border families.

Guiding international standards:

- [Convention on the Rights of the Child \(CRC\)](#)
- [UN Guidelines for the Alternative Care of Children](#)
- [2019 Resolution of the UN General Assembly on the Rights of the Child](#)
- [Equity in Permanency: Assessing the Scope of International Kinship Placements for Children in the U.S. Foster Care System \(2022\)](#)

ISS Documents:

- [ISS/IRC Newsletter n. 262 of September – October 2022](#)
- [ISS Kafalah Preliminary analysis of national and cross-border practices \(2020\)](#)



ISS in essence:

- Is a professional and specialised **global network** founded in 1924 with 132 members in 125 States;
- Has been serving the needs of children and families **for almost 100 years**;
- Contributes to **law and policy development and advocacy efforts**;
- Maintains a **long-standing and close co-operation with** the Hague Conference on Private International Law (**HCCH**) and its Central Authorities (**CAs**);
- Hosts the [International Reference Centre for the Rights of Children deprived of their family \(ISS/IRC\)](#), a program of the ISS General Secretariat based in Geneva, with a mission **for more than 30 years** to equip child protection, alternative care, and adoption professionals across the world with up-to-date research, publications, training, and technical assistance projects;
- Is always at the forefront of **implementing international standards and raising awareness about children's rights** through its direct cross-border case management and advocacy efforts.

Principle	Recommended Practice
<p>1. Children's Rights (Arts. 3, 8, 20, 21 and 30 UNCRC): It is the child's right to live in a safe and stable family home environment, for all decisions to emphasise the best interests of the child, and for the child to be afforded the opportunity to maintain their identity and participate in decisions that affect their life, permanent placement opportunities included.</p>	<p>Implement clear policies underpinned by a child rights approach to ensure family placements are explored and prioritised above other alternative care placement options or other permanent child protection measure such as adoption. Make every effort to involve and promote the child's voice in decisions that will affect their life. This includes carrying out best interests' assessments and determinations and promote children's right to family life and connections to family and culture wherever they are in the world. When considering overseas placements, discrepancies in legal effects deriving from the different forms that family placements can take in different legislations should be addressed. This is particularly relevant - yet not exclusive - to cross-border <i>kafalah</i> placements.</p>
<p>2. Equal Opportunity (Art. 9 par. 2 CRC): Child protection systems should create equitable opportunities for families to participate in placement decisions for children who can no longer be cared for by their parents, including family members who reside overseas.</p>	<p>Utilise technology and alternative communication methods wherever possible to consult with family members across borders when considering placement decisions for children who can no longer be cared for by their parents. This includes utilising professional interpretation services as well as local professionals to strengthen the family support system and advise on matters related to immigration. In the case of a previous placement in the child protection system, all parties involved should be given the opportunity to be heard and provide their informed consent.</p>
<p>3. Local expertise: Child protection systems should engage social workers or paraprofessionals in the same country as overseas family members for identification and assessments for potential placements.</p>	<p>Engage a local social worker or paraprofessional to conduct assessments and advise how the child could access local support services through evaluating their immigration and visa eligibility any time an overseas family member is located and expresses interest in caring for a child who can no longer be cared for by their parents. This includes consideration of legally available alternative care options in the receiving country. Contracted agencies should be experienced in child protection support with verified credentials and professional profiles. Communication between States is key and existing co-operation mechanisms such as the one set in the HCCH 1996 Child Protection Convention should be effectively implemented.</p>
<p>4. No Bias (Art. 2 CRC): Child protection systems should address implicit and unconscious biases that exist amongst key decision makers regarding family placements overseas and in systems or cultures different from their own.</p>	<p>Promote training on systemic, individual, and implicit and unconscious bias for professionals working at all levels. Decision makers must develop awareness of how institutional and historical practices continue to influence overseas family placements.</p>
<p>5. Identity (Arts. 8 and 20 CRC): Child protection systems should prioritise a child's access to their culture, roots, language, community, and traditional land when making placement decisions. This respects the child's right to a robust family life and affords them the opportunity to maintain their identity.</p>	<p>Explore all potential placement options that enable a child to remain within their family and cultural systems, including the exploration of any potential family placement options overseas, when deemed in their best interests. This also applies to cross-border <i>kafalah</i> placement, where overseas solutions may have priority over national placements in case of strong family ties.</p>
<p>6. Adequate Planning: Child protection systems should always prepare a child for a placement with family members overseas through the development of a 'Transition Plan' that includes consideration of pre-placement support for carers to prepare for the child's arrival, and local post placement follow-up and connection to resources.</p>	<p>Develop a comprehensive 'Transition Plan' with the child protection system, local professional/s, the child's current carer and prospective carer. The 'Transition Plan' should include pre-placement support for carers, time-bound contingency plans agreed to by the sending and receiving authorities in the event of a placement break down, and a clear plan to safely move the child to the new home, including ensuring a suitable travel companion. Consideration should also be given to funded post-placement support and visits that assure that the various forms of care have the same legal conditions and opportunities for development.</p>
<p>7. Accountability: Child protection systems should improve data collection, information management and reporting systems related to children without parental care in all settings and situations to close existing data gaps and develop baselines.</p>	<p>Establish systems for data collection, including opportunities to gather knowledge and expertise from children and adolescents. This includes recording when and where children are placed out of their jurisdiction, across international borders. In light of the informal nature of many cross-border <i>kafalah</i> placements, data collection and effective monitoring across borders are of utmost importance.</p>