

## Selected Aspects of Foster Care Systems in Poland and Germany

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**Abstract:** This article compares the foster care systems in Poland and Germany, particularly focusing on the moment when young people are prepared to leave the support system and live an independent adult life. The data was collected as part of the work of an international project team in Poland and Germany in the framework of a joint research project, and included an analysis of foundational data (systematic textual analysis and secondary data analysis). An important part of the article is an analysis of the reforms of the foster care system in both countries. In Germany the reform was implemented in 2021 and in Poland the relevant law was changed in September 2022. The result is a comparison of the support systems Poland and Germany offer care leavers and a preliminary assessment of the reforms recently introduced in both countries.

**Keywords:** foster care, care leavers, gaining independence, foster care reforms in Poland and Germany

### 1 Introduction

This article is based on the results of a joint research project of a Polish-German team carrying out the comparative study of the structures, practices, and experiences of leaving care in Poland and Germany. The study was conducted from October 2021 to June 2022, and funded by a grant from the German-Polish Science Foundation (DPWS).

The aim of this study was to determine the state of the foster care systems in Poland and Germany, with a particular focus on the moment of exit from the system, the transition to adulthood, and what support the both system offers for the foster care receiver shortly before and after leaving – taking into account the formal guidelines described in legislative acts. The comparison between Poland and Germany is supposed to show similarities and differences within the process of leaving care. To a certain extent, this analysis is intended to illustrate the functioning of both systems and is also an attempt to show what solutions from both systems work best, and what can be learned from each other. Comparative analysis of foster care systems is primarily an opportunity to confront legal provisions and practice. The premise of such an approach is to draw knowledge from past experience, which can fill in the gaps in the various contemporary systems. Significant in this perspective seems the proximity of borders of the two countries, which results in the movement of people between Poland and Germany.

Thus, knowledge of common legal regulations and applied solutions towards families experiencing certain difficulties seems fully justified. The knowledge gained in the process of analysing the aforementioned two systems can significantly contribute to improving the quality and efficiency of the work of those presenting social, welfare and educational institutions in both countries.

Through a comparative analysis based on systematic textual analysis (including both legal acts and academic sources) and secondary data analysis (referring to data collected by governmental and public institutions), the general characteristics of the two systems are described. Some historical background that has influenced the development of the two systems is also provided. Selected elements common to both systems will be described, as well as those that set them apart.

The need for a Polish-German comparative analysis seems important to us for several reasons. Firstly, in both Poland and Germany, there has been a recent moment of change in the foster care systems (changes in Germany in 2021 and in Poland in 2022) and it is cognitively interesting to analyse how these systems look today in both neighbouring countries.

Secondly, there is still a high level of migration between the two countries, especially from Poland to Germany (Poles are one of the largest national groups in Germany), and therefore the findings of this research can inspire a wider audience of practitioners and theorists to pursue further research initiatives.

In conclusion, the analysis shall cover the aspect of how the shape of the foster care systems prevailing in both countries and the recently introduced reforms may affect the young people, who are affected by these changes. This comparative review may also be helpful in better understanding the peculiarities of the systems in the neighbouring countries and may provide a starting point for further comparative empirical research.

## **2 Methodological assumptions**

The methodological aspect of the study involved conducting secondary analysis of data originating from:

- scientific works of other researchers who analyse at the empirical level the course of leaving care,
- statistical and descriptive data collected by governmental and other organisations, such as CSO, NIK, Eurostat, and others.

Furthermore, textual analyses involving analysis and interpretation of legal acts and procedures were conducted.

The data were sought to be used in an interpretative and comparative manner, referring to the assumptions of the interpretative social science paradigm (Croucher, Cronn-Mills 2021, 27-32; Neuman 2011, 103-104.). In line with its assumptions, interpretative procedures were hermeneutic in nature, referring to the spiral procedures of a systematically deepened understanding of the data used (Neuman 2011, 103; Bleicher 1980; Schwandt 1994, 118-137).

In the process of comparing the two systems, consideration was given to:

- comparison background, including historical background that influences the development of today's foster care systems in Poland and Germany;
- the legislation and institutional framework of the foster care system in Poland and Germany;
- general guidelines of the foster care system in the process of becoming independent and leaving the system in Poland and Germany;
- selected key terms defining the foster care system in Poland and Germany;
- changes in foster care systems and their impact on young people in terms of the assumptions of the recently implemented reforms.

### **3 Comparison background**

The situation of care leavers – a term which refers to young people leaving residential care or foster families as young adults – has been a subject of academic debate in Poland and Germany for more than a decade (for example: Lorenz & Urban-Stahl 2020; Amann & Kieslinger 2017; Sievers, Thomas & Zeller 2018; Köngeter, Schröer & Zeller 2012; Nowakowska 2018; Donecka 2017; Gumowska & Pankowska-Lier 2013; Kabza & Krupa-Lipińska 2016). However, a Polish-German comparison of the situation of care leavers has yet to be carried out. According to statistical data of the German Federal Statistical Office (Statistisches Bundesamt, 2022) there were a total of 122,659 children and young people housed in residential care or other types of accommodation in Germany in 2020, according to § 34 SGB VIII. Of that number, there were 87,329 young people living in foster care (§ 33 SGB VIII).

In Poland at the end of 2020 there were 71,500 children in foster care who were totally or partially deprived of the care of their natural family, including 55,500 in family care and 16,000 in institutional care.

To better illustrate the proportions, it is useful to compare these figures with the population in both countries. They show that the numerical proportions of people receiving some form of care are quite similar in both countries - 71,500 thousand in Poland (with a population of about 38 million) compared to about 123 thousand in Germany, whose population is on average twice as large as in Poland.

In the Polish context, two processes are worth pointing out. On the one hand, it is the decreasing overall number of people in the foster care system. Compared to 2019, the number of children in foster care in Poland decreased by 0.8%. The decrease in this number pertained to children in institutional care (GUS, 2021).

On the other hand, attempts at reforms aimed at the so-called deinstitutionalisation of this system - meaning replacing institutional forms of care (or 'children's homes' run by the state) with foster family care. So even if one observes a continuing decrease in the number of children in foster care in Poland over many years, this situation does not solve the fundamental problem of the insufficient number of foster families, including professional families acting as family emergency units. This means even small children end up in institutional emergency care. In 2018, it happened that children under one year old were also placed in institutional care (NIK, 2020).

In both countries, residential care for young adults often ends rather abruptly, rather than at an age of choice, as is the case for young adults who have not lived in residential care. By this assumption, young people from foster care are not generally ready to lead an independent life at the age of eighteen; by comparison, this seldom occurs with their peers outside of custody. The moment of formal adulthood is in both countries an important caesura marking the moment of possible exit from the system, which happens relatively often. Eurostat research from 2020 shows that men in Germany leave their family home at an average age of 24.7, and women at 23.1. In Poland, by contrast, the average age is 29.2 for men and 26.9 for women. For the European Union as a whole the average age is 26.4 (Eurostat, 2022).

Young adults who have grown up in their family settings therefore enjoy the possibility of longer family support, which they can also fall back on at any time in their lives (Ehlke/Strahl 2020: p. 141). This shows that the living situations of care leavers and young people who have not lived in residential care are completely different at the age of eighteen. Care leavers are faced with starting an independent life much earlier than their peers who are not in foster care; in Poland, for example, a man leaves home on average over a decade after becoming a legal adult.

And yet care leavers still are in various transitional situations (school, training, studies) and, at the same time, have fewer support resources to fall back on. Owing to lack of support from the family environment, care leavers find themselves in precarious life situations that are institutionally determined and cannot be negotiated. This situation applies to both Germany and Poland.

In Germany this could now change as a result of the latest reform of the youth welfare law - i.e. here SGB VIII reform and the coming-back-option formulated there, as well as aftercare. Moreover, a care leaver movement has emerged, initiated by the care leavers themselves and supported by social workers and researchers (Urban-Stahl & Lorenz 2020: p. 38). An association Careleaver e.V. has been founded, having emerged from a research project at the University of Hildesheim. It campaigns for the rights of care leavers and to improve the transition to self-employment (Careleaver e.V. n.d.).

In Poland, there is some increase in the involvement of third-sector organisations in the support and integration of care leavers, but these efforts are very limited in scope. They include for example the Robinson Crusoe Foundation's activities, such as: Independent Living Vehicle or the very interesting Senior-Junior Initiative. There is also a new initiative by the Kulczyk Foundation offering a phone app for care leavers. As mentioned above, such NGO initiatives are very valuable, but unfortunately, they are not usually available across the country and have a limited time frame. Altogether, the structure of the care leaving process in Poland is highly diversified and may not appear to be entirely regulated. For this reason, one can speak of the framework nature of this process's regulations, also indicated by the considerable diversity of practices to support the process of becoming independent, implemented at different district levels (Polish: *powiat*, NIK, 2014, p. 24). The comments in the aforementioned report justify the need for in-depth analyses of the process of becoming independent. It may be assumed that the legislator, by not overtly specifying this process, as well as the individuals participating in it, was guided by the idea that the specificity of the place, the form of foster care and the young people gaining independence would serve as the basis for the ultimate shape of this 'obligation'. Practical experience and an analysis of the formal requirements for care leavers entering adulthood point to significant discrepancies, in which there is no justification whatsoever for the existing arrangements.

Comparative analyses of experiences in other EU countries (Kolankiewicz 2012; Nowakowska 2018; Donecka 2019) in gaining knowledge on how young people without full parental care and under state care as they enter adulthood are an important aspect in Poland's ongoing discussion on improving support for families in crisis and the foster care system. 'On the one hand, we can talk about the deinstitutionalization of foster care enshrined in formal guidelines, while on the other, there is a whole series of problems in practically implementing these assumptions. The lack of this consistency makes the actual changes in the foster care system stretch out over time' (Kulikowski 2020).

### **3.1 Historical background: Influencing the development of today's foster care systems in Poland and Germany**

The origin of residential care in Germany can be traced back to the orphanages and sanatoriums of the Christian churches on the one hand, and to the criminal law tradition of educational and correctional institutions for young delinquents on the other (Wiesner/Wapler/Wapler SGB VIII § 34 Rn. 7, 8).

In the Weimar Republic (1918–33), the youth welfare law (RJWG) came into force to regulate the welfare education (§ 63 RJWG). This particularly affected poorer families and out-of-marriage children and young people. For children under the age of eighteen, caregiving could be ordered by the guardianship court based on (dangerous) neglect, or the parents could arrange for this themselves. At this time, residential care was primarily intended as an educational measure; in practice, however, it was used as an instrument for disciplining inappropriate behaviour (Peukert p. 146 ff.; Kohtz p. 766, quoted according to Wiesner/Wapler/Wapler SGB VIII § 34 Rn. 7).

In the National Socialist period, the distinction between 'educable' and 'uneducable' children and young people became more pronounced. Young people branded as uneducable were held under prison-like conditions, which became even more severe after 1940, in youth concentration camps (Wiesner/Wapler/Wapler SGB VIII § 34 Rn. 7). Racial differentiation, persecution and extermination were carried out against Jewish and Romani children and young people who were deported and murdered in concentration and extermination camps. Other (gentler) forms of public education were developed for so-called 'hereditarily healthy' and 'normally gifted' children, conforming with National Socialist logic.

At the beginning of the BRD (West Germany) and the GDR (East Germany), the legal systems were the same, but they increasingly diverged after 1950 (Kaminsky 2019: p. 55). Children in care were marginalised in both the BRD and the GDR (Kaminsky 2019: p. 68). In the early Federal Republic, the legal system was initially continued, though without the National Socialist content. The old RJWG was slightly reformed in 1953 and the law for welfare of the young (JWG) was introduced in 1961, creating a federal legal basis (Wiesner/Wapler/Wapler SGB VIII § 34 Rn. 9). Corporal punishment was legally legitimised in the BRD (Kaminsky 2019: p. 66). Until the 1970s, residential care in the BRD was highly denominational (Kaminsky 2019: p. 61). Change and discussion ensued as a result of revolts in children homes (supported by the student movement) in the 1960s. In these campaigns, children in care homes were freed and the first residential communities were established (Gründer & Nowacki 2020: p. 24). The result has been the deinstitutionalisation, decentralisation and differentiation of housing and forms of residential care since the 1980s. The general attitude to educating young people was changing, but it was a long process. The change was also favoured by generational shift, the professionalisation of the staff and better equipment (Kaminsky 2019: p. 70).

In the GDR (1949–90), residential care was primarily a means of disciplining politically and morally deviant behaviour (Wiesner/Wapler/Wapler SGB VIII § 34 Rn. 10). Residential care in the GDR was organised and centralised by the state; from 1950 on, there were no longer any free and private providers for young people (Notzke 2019: p. 181). The child and youth welfare law (KJHG/SGB VIII), was passed with the reunification of Germany in 1990. This meant residential care was reorganised. Since 2006, a new (international) debate has arisen concerning the history of violence in children's homes. In Germany, this debate was initiated through the independent organisation of adult former child care recipients, who made their experiences of violence public and petitioned to be heard (Lorenz 2020).

The beginning of the foster care system in Poland is thought to date to the late 1910s, when the Polish state had just regained independence and, after a very difficult First World War, was urgently forced to regulate the issue of foster care, especially given the huge number of orphans or children missing one parent, who required immediate care. The first regulations appeared in 1920 (Ordinance of the Minister of Labour and Social Welfare of 15 February 1920 on the establishment of Children's Care Centres) and concerned the operations of the 'care centres' in all cities and larger villages. Regulations on foster care also appeared in the new Constitution of 1921 and in subsequent legal acts of the interwar period. In the 'care institutions' thus established, priority of admission went to children with no parents.

During the People's Republic of Poland period (1947–89), the provisions on parental authority were clarified, including its limitations, suspension or renunciation of parental authority, and the adoption process itself. The previous care institutions were replaced by 'children's homes', which existed alongside such forms of foster care as: school and educational centres, boarding schools and other care and educational institutions, and foster families. Apart from a few changes, the foster care system in Poland operated in this form until 1989.

The socio-political transition in 1989 did not immediately bring about any visible changes in how the system operated. However, the crisis in the state's finances made itself known. At the same time, there was a lack of consistency in terms of the directions of change, and in the first half of the 1990s foster care was brought under the jurisdiction of various ministries in Poland. But the change in the political system in 1989 contributed to an open debate on reforms of the child and family welfare system in Poland.

The first new regulations were the Act of 29.11.1990 on social assistance and the Act of 7.9.1991 on the educational system, which clarified the conditions for providing assistance to families with educational problems.

Then, in 1996, supervision, management and financing were transferred to local authorities. There were also regulations concerning the deinstitutionalization of the system and the creation of 'family children's homes' (Regulation No. 24 of 6.04.1989 on the organisation of family children's homes).

One of the initiators of public debate in the 90's was an association called Towarzystwo NASZ DOM (OUR HOME Society in English), which organised the first national conference on the reform of the child and family care system in Poland in 1997. Over a hundred directors of institutions, education superintendents and representatives of non-governmental organisations took part in it, and the event became a cyclical event until 2013.

In the 2000s, the existing legislation was amended to further deinstitutionalize the existing facilities. This included limiting the number of children in a single facility to thirty (although this was still a large number) or the number of children that could be attended by a single tutor in various circumstances (on-site, off-site, night duty). These trends were reinforced by the Act of 9 June 2011 on family support and the system of foster care, which reduced the number of children in institutional foster care to fourteen as of 1 January 2020. The Act of 2011 is still in force, although it has been amended many times, as mentioned earlier in this article.

In the recent history of changes in the foster care system, the Child and Family Foundation, was also of great importance, whose representatives were actively involved in the construction of legal provisions separating the foster care system from the social welfare and educational systems. To date, the Foundation's activities have been one of the main advisory and expert voices on changes to the system of support for the child and family in crisis.

It would be trivial to state that the historical background described above is very comprehensive. So Germany historically reflects the background of two systems (West Germany and East Germany), of which, after reunification, the western one proved to be the leading one.

In Poland, despite a number of reforms, the legacy of the previous system is still the considerable institutionalisation of the entire care system and the domination of state institutions, with a much smaller share of non-state initiatives (e.g. from the non-governmental sector, but also from the church or the private sector), compared to what exists, for example, in Germany.

#### **4 The legislation and institutional framework of the foster care system in Poland and Germany and an overview of the most important changes**

In the following, the basic statutory and institutional framework of the foster care system in Poland and Germany will be described, together with a brief description of the most significant changes in them.

Several paragraphs are relevant in terms of leaving care in Germany. When it comes to the definition of foster care systems, in Germany the term has at least two meanings and depends on the context: in the legal sense it is a time period, by the young people who are designated care leavers in Germany it is more of an identity. So § 27 SGB VIII and the following points (§§ 28 to 35) regulate the legal claims to different forms of residential care. Until 2021, care leavers were covered by § 41 SGB VIII. Under this paragraph, the continuation of assistance up to the age of twenty-one was regulated by law, and in justified individual cases, it could be guaranteed for an extended period of time (up to the age of twenty-seven). Paragraph 41 SGB VIII is connected to § 27 and § 35a SGB VIII. A decision is made about the ongoing need for assistance as part of the process and planning discussions, to determine need for further support based on the individual case of the young person (Raabe & Thomas n.d.).

Under Polish law, the Act on Support for the Family and the System of Foster Care (Journal of Laws of 2022, Item 447) is considered the main legal act regulating the foster care system. It is the basic source of information on the functioning of the whole system. Importantly, the act in question is a result of changes in Poland after 1989, so it should be treated as a "new document," still subject to amendments, of which there have been as many as eight during the

eleven years of its enactment. The most recent revision came in September 2022. This act takes a comprehensive approach to care and support for families in crisis and foster care.

As a rule, foster care in Poland is exercised in two forms, family and institutional (Art. 34). People in foster care are entitled to various forms of assistance: to continue their education, become independent, develop their skills or become employed. Although the legislators acknowledge no differences in the scope of assistance and support in the process of becoming independent for various forms of foster care, one exception is the duration of the stay. Aid for continuing education, for becoming independent and for managing a household is granted to a person who is becoming independent and has been in foster care for at least three years (for a person leaving a related foster family) and one year (for a person leaving a reliable foster family, a professional foster family, a family orphanage, an educational-care centre or a regional education-therapy centre) (Art. 141, Par. 1).

Another legal reference to the process of becoming independent is contained in the Act of 12 March 2004 on Social Assistance (Journal of Laws of 2021, Item 2268), Chapter 4: Assistance to the Self-reliant. Unfortunately, the legislator in these two legal acts did not indicate the exact procedures and components in the process of becoming independent. The rules of assisting self-reliant persons were therefore specified in an executive act, the Regulation of the Minister of Labour and Social Policy of 3 August 2012 on assistance for self-reliance, continuing education and development (Journal of Laws of 2012, Item 954).

The position of the legislator with regard to people who have become independent, indicated in the legal regulations in two separate acts, introduces a danger of differentiating approaches to forms of support, if only due to the above-mentioned criteria of the length of stay in foster care, with particular consideration to its form.<sup>1</sup> This is confirmed by the conclusions contained in a Supreme Chamber of Control report, "Aid in foster care for adults becoming independent" (NIK, 2014).<sup>2</sup> This report, published in 2014, pointed to a number of irregularities in this process, which can be summarised by its conclusion.

The results of the audit indicate that providing material conditions for young people is not enough to achieve success. Therefore, it is necessary to create a comprehensive system that also provides emotional and social support. Negligence leads to having to pay much higher social costs in the future (NIK, 2014: p.14).

The analysis of the Polish and German perspectives shows the convergence of problems in the activities related to assistance and support for young adults. The result of work on improving systemic solutions in Germany was the adoption of reform of SGB VIII and the Kinder- und Jugendstärkungsgesetz (Children and Youth Strengthening Act), which came into force on 10 June 2021. As a result of this reform, care leavers will be given more attention and approached in various ways. On the one hand, the reform in § 41 SGB VIII emphasised that

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<sup>1</sup> This situation results from the historical conditions for regulations in this area. It should be remembered that care of an orphaned child was long under the jurisdiction of the Ministry of Education, which regulated the process of providing care, leaving the issues of supporting children after they reached the age of majority to social care in its broadest definition. Therefore, it may be assumed that the 2011 division into two separate and, unfortunately, only superficially independent legal acts, cannot be seen as entirely successful.

<sup>2</sup> It should be emphasised at this point that the aforementioned Supreme Chamber of Control (NIK), is the highest auditing body in Poland, whose main task is to verify the manner and quality of the implementation of functioning legal solutions, created within various areas of the state and society.

young adults need more time to become independent, that they are not fully self-employed at the age of eighteen and need extended support, especially with longer school and training periods (Overbeck 2021, p. 426). Although there was a target provision for continuing residential care before the reform, this was not often implemented in practice, which is why this should be made more legally clear and secure (Overbeck 2021, p. 426). As part of the SGB VIII reform, public youth welfare organisations were engaged to check whether an independent life can still be ensured for the young adult after the assistance came to an end. If this was not possible, appropriate and necessary, care had to be provided (Overbeck 2021, p. 430).

Furthermore, the assessment basis for continuing care was adjusted. The coming-back option was also formulated in this paragraph (§ 41 Abs. 1 S. 3 SGB VIII), as requested by care leavers themselves. A renewed granting or continuation of care is no longer denied, even after it has been terminated or continued (§ 41 Abs. 1 S. 3 SGB VIII). As a result of the SGB VIII reform, § 41a SGB VIII was also introduced. This paragraph regulates the aftercare of care leavers. Previously, there was no legal regulation for aftercare.

From the Polish perspective, changes in the legislative work can also be observed when it comes to the basic legal acts regulating the foster care system. As mentioned above, the Act on Support for the Family and the System of Foster Care has been amended nine times in little more than a decade. The reconstruction of foster care and related changes implemented since 2012 aim to strengthen family forms of foster care; their premise is to act primarily for the benefit of the child, a process that is part of deinstitutionalization (Kulikowski 2020). New amendments to the law regulating foster care in Poland were enacted in September 2022.

Important changes:

- the deinstitutionalization of the system (in the next phase – no new institutional foster institutions can be established)
- increase in salaries for foster families
- there will be a central register to collect data on individuals and the custody system, although it remains to be seen exactly what information will be collected
- during the transition to independence, young people can return to foster care (in the event of a failed transition), but only once!

There is still a lack of guidance in the executive acts on the ministry level as to when the changes will be implemented, and in what form.

Changes directly related to the process of becoming independent can be seen in the proposed amendment concerning the guardian of independence. It proposes expanding the catalogue of persons who can act as guardians of independence to include an employee of a non-governmental organisation, as defined by the Act of 24 April 2003 on Public Benefit Activity and Volunteerism, or another person appointed by that organisation to act as guardian of independence. The legislator has rightly argued this change by stating that non-governmental organisations often have people who are very well prepared for this role and who can provide real and active support to the newly independent care leaver.

It can be seen that both systems introduce changes of a similar nature, e.g. in both countries there is the possibility of returning to the system in the event of failure (even if only once as in Poland now) and the extension of the support period and its greater flexibility.

## **5 General guidelines of the foster care system in the process of becoming independent and leaving the system in Poland and Germany**

The institutional differences between the two countries' systems are anchored in culture and language. In Germany, the term care leaver, in its literal English form, is already prevalent in scientific discourse, but also among professionals, educators and increasingly in everyday speech. In Poland it is not present, but there is a Polish term for people who have already left foster care: osoby usamodzielnione, which literally means independent persons in English. The term care leaver in Polish refers to a self-dependent and empowered person. It seems to create a linguistic illusion of an effective and accomplished socialisation process in foster care and full preparation for adulthood. However, the experience of stigmatisation by young care leavers (Męczkowska-Christiansen 2020) triggers a tendency to hide their stories and display social behaviour that allows them to 'blend in with the crowd'. In the same way, the system, through the euphemism of the 'self-dependence' of care leavers, creates the appearance of assisting the everyday existence, living conditions and social capital of these young people. From a formal or legal perspective, expressed in the Act of 9 June 2011 on family support and the foster care system (paragraph 7, point 2), 'self-dependent' is used to describe an emancipated person (in the process of transitioning to an independent life), who, in the course of this process, acquires the social skills to cope with independence, including moral, social, emotional and educational resources, allowing them to overcome their difficulties and maintain harmonious social relations. However, the Act does not define the process of becoming independent, nor does it list the elements of this process or the basic criteria for assessing its effectiveness.

In Germany as well, in general, the task of residential youth welfare is to prepare young adults for independent life (§ 34 Abs. 2 Nr. 3 SGB VIII) and to promote their development by combining everyday experiences with educational and therapeutic programs (§ 34 Abs. 1 SGB VIII). The focus lies in teaching the young people everyday skills so they are able to live alone, run a household independently, and fit normative structures (Hilkert 2019).

In the Polish system, these tasks are defined in a very similar way; in order to systematise the understanding of this form of care, it is necessary to refer to the binding definition of the Polish legal system, which states that "the system of foster care is a group of persons, institutions and activities aimed at providing temporary care and upbringing of children in the event of the parents' inability to provide care and upbringing" (Art. 2.2. of the Act of 9 June 2011 on Family Support and Foster Care System). It is important that foster care is exercised when it is impossible for the parents to provide the child with care and upbringing (Art. 32.1 of the Act on Family Support). This means that placing a child in foster care is a solution when all other forms of support and assistance offered to the family in crisis have been exhausted. In order to indicate the scope of support offered in the foster care system to a child or a young person under this form of assistance, it should be noted that the provisions of the aforementioned law stipulate that a person in foster care should acquire the social skills for independent living (e.g. ethical ways of overcoming difficulties in life, development of a support network through contact with the family and a peer environment). In addition to the obligations connected to satisfying living requirements, family and institutional forms of foster care are obliged to undertake activities to meet emotional, educational, health and cultural needs.

In Germany, the literature mentions various types of preparation. On the one hand, there is assisted living, when independent living can be tried out for the first time (Sievers/Thomas 2018). The responsiveness and support from professionals remain, but are gradually reduced (Dörnhoff 2014, p. 163). There are also transition groups, where it should be tested whether the young adult has gained the independence they need to live without the residential care structures (Overbeck 2021, p. 3). This happens, for example, in a separate apartment in the vicinity of the facility. The young adults are meant to learn to organise everyday life on their own (Sievers/Thomas 2018: p. 8). Nevertheless, the literature shows that although many facilities have set up such forms of housing, it seems to be facility-specific and not a rule of thumb (Sievers/Thomas 2018: p. 8). Further contact between the facilities/caregivers and the care leavers is also facility-specific, as there are no structural measures in place (Urban-Stahl & Lorenz 2020, p. 40); this should now change with the SGB VIII reform.

The process of preparing to leave foster care in Poland concerns those who have reached adulthood in a foster family, in an educational-care centre and/or in a re-socialisation centre. It can be divided into two basic stages, involving activities before (1) and after (2) reaching eighteen years of age.

(1) The process begins one year before reaching adulthood. During this period, a guardian is appointed; this person is generally expected to accompany the young person in achieving their goal of achieving independence. In the last year of their stay in foster care, they both draw up an individual plan for becoming independent (IPU in Polish), which is based on the young person's internal (individual) and external resources.

(2) The next stage takes place when the young person turns eighteen and leaves their place of residence (an institution or foster family). During this period, the young person implements the assumptions worked out with the guardian in the IPU, cooperating with the other family members (if possible), with the local environment, including school etc. The IPU also specifies how further education or work will be pursued. In the process of becoming independent, the young person is entitled to further support from various forms of material and non-material assistance, e. g. to continue learning, for 'self-reliance and management', in obtaining employment and appropriate housing conditions, or psychological and legal support (Chrzanowska 2017, p. 161).

In a way, the IPU is equivalent to the assistance plan (Hilfeplan) in Germany; according to our analyses, it addresses the same points, such as the young person's current situation, goals to be achieved, action plan, the extent of interaction between the foster recipient and the guardian, possible changes in plans, etc.

Despite these seemingly positive assumptions, the process of gaining independence in the Polish system is marked by several negative tendencies. In Poland one of the negative tendencies, which has raised the most legitimate concerns about the effectiveness of the whole system, is the conclusion emerging from the reports that 'all the state support available to a young person leaving an institution or a foster family, in practice mainly comes down to ad hoc, minimal financial assistance. This is all the more worrying as the young people often treat obtaining financial benefits as a GOAL and not a part of the process of becoming independent' (NIK 2015). This problem is not the only aspect requiring special attention in terms of analysing the effectiveness of the process of gaining independence. As noted by P. Chrzanowska, in the course of offering assistance and support to the self-reliant young people, they face a number of problems, resulting from the insufficiency of formal solutions,

systemic solutions and the country's socio-economic situation (Chrzanowska 2017: p. 159–62). For individual activities, tasks are additionally distributed and placed within the scopes of various institutions. There is no single comprehensive approach which could streamline the process of entering adulthood and shorten the period until they achieve relative stability.

In Germany, care leavers also face various challenges when leaving care. Due to their age when leaving (usually 18 years), they are still in various transitional situations, as the results from the SOS study on empowerment (survey of alumni of SOS-Kinderdorf e.V.) showed (Sierwald et al. 2017). The respondents in the study were largely still in school or undergoing vocational training. Some are unemployed despite having completed their education, others are already employed. The financial situation of the care leavers is below to at the subsistence level and can mostly only be achieved with state support (Sierwald et al. 2017). In addition care leavers have poorer educational opportunities. Consequences of this are homelessness or the lost of housing, unemployment and poverty. In addition to these financial barriers, there are also emotional and social ones. Relationship breakdowns with friends or caregivers in residential care and lack of support go hand in hand with leaving care (Amann & Kieslinger 2017). The difficult biographical living conditions that were the reason for starting help seem to have little significance at the end of help (Thomas 2013). At the age of eighteen, care leavers in Germany are in a transition gap that entails many disadvantages in social and economic life situations, exacerbating social inequalities and making it almost impossible to compare them with peers who live with their parents and have not been in care (Ehlke & Strahl 2020).

The various solutions that can be placed between institutional forms and self-functioning are a kind of 'middle option'. These include sheltered housing, in particular. Under Polish law, as from the German perspective, shelter housing is one form of support after leaving foster care. People staying there function independently: they prepare meals and learn how to manage a household budget responsibly. They may use the support of specialists supervising the protected flat. A stay here is usually limited to twelve months, with a possibility of prolonging the stay in special cases, but for no longer than another twelve months. It should be stressed that this form of social welfare support may be provided by any social welfare unit or public benefit organisation, while it is a mandatory task for a municipality (Art. 17 Par. 1 point 12 of the above mentioned Social Welfare Act) and for a district, an optional task (Art. 19 point 11 of the same Social Welfare Act). However, these forms are not accessible to all those wishing to participate, due to financial and organisational constraints. It follows that, as in Germany, it is the specificity and involvement of a given organisation that is decisive rather than a rule that is reflected in actual activities.

## **6 Selected key terms defining the foster care system in Poland and Germany**

In terms of the guidelines and the process itself there are many similarities between the Polish and German systems. Both systems define the role of the guardian as sharing responsibility for planning the process of gaining independence and its implementation.

In Germany, this person is the professional in the youth welfare office, who is responsible for the case, supporting the planning procedures and leading the help plan. The guardian is also responsible for regularly reviewing the care process and deciding on whether to terminate or continue care (Senatsverwaltung für Bildung, Jugend und Wissenschaft: p. 8). The service provider and the professionals it employs should implement assistance in accordance with the help plan and the goals specified there (Senatsverwaltung für Bildung, Jugend und Wissenschaft 2014: p. 7).

In Poland, a guardian of the process is also appointed, with the difference that they are appointed by the person who will leave the system in the year(s) to come.

Unlike Germany, the guardian in Poland does not have to be an employee of the assistance office, but can be practically anyone indicated by the foster carer. So the guardian may be a person from a foster family, a family foster care coordinator, a social worker, or another person designated by the person seeking to become independent and accepted by the manager of the District Family Assistance Centre of the district competent to provide financing assistance (NIK, 2014: p.19).

Often this is an older sibling or other relative, who is often not competent to serve this function, as managing their own lives properly is already a challenge.

Finally, it should be mentioned that the ambiguities associated with the need to translate the terms related to this subject. One of the key concepts in the Polish legislation is autonomy (*usamodzielnienie*), whose literal equivalent in German is *Verselbstständigung*. Even if the Anglo-Saxon terms that come closest to the concepts of *usamodzielnienie* and *Verselbstständigung* refer to the concept of 'gaining independence' and 'becoming autonomous', it is difficult to believe that they mean exactly the same and therefore always require some clarification.

## **7 Changes in foster care systems and their impact on young people in terms of the assumptions of the recently implemented reforms**

Against the background of the reforms currently being implemented in both countries, the following question is posed: How might the conditions in both countries and the reforms being introduced affect young people?

The first aspect is the conviction, increasingly evident in legislators' decisions in both countries, that adulthood and independence do not automatically begin upon reaching the age of majority. It is important to have a flexible approach to the process, as exemplified by the new possibility of returning to an institution or family. In Poland, for example, the legislator has provided for one such opportunity; it also seems that under certain conditions, more than one such return could be made possible. This is certainly a step in the right direction.

Another important element in Poland is the above-described deinstitutionalisation; it is difficult to assess to what extent the postulate to cease creating new institutions will be realised, nor is it easy to assess whether the increase in financial expenditure will result in an actual increase in the number of foster families. Without them, it will be impossible to reduce the number of institutions. This process will be supported by demography, however, as the total number of children in the Polish population is decreasing. Effort will also be required to improve the professionalisation and selection of foster families and – most importantly, it seems – the presence of supportive environmental interventions to enable young care leavers to gradually enter adulthood. These involve monitoring interventions, often psychological, legal and economic assistance, and educational coaching.

In Germany, in contrast, this seems to be provided by the self-organising process of care leavers, which has been a promising development in recent years (Meysen 2020: 55–56). Compared to Germany, non-governmental organisations in Poland have less of an impact on the process of empowerment and the support provided to its actors.

Another problem in Poland is a kind of ‘invisibility’ of those leaving the system, who are treated as adults. There is a lack of nationwide research showing their fate in early adulthood (there are only a few concerning one or two cities and regions); this data would be quite valuable further optimising their assistance. Perhaps the planned ‘central register’ will provide support.

In Germany, for instance, a disproportionate number of young people leaving foster care end up homeless (Frietsch & Holbach 2016). For about 50% of care leavers, the interventions that follow the agreed help plan simply fail (Fendrich et al. 2018). It is also necessary to provide more support for guardians, who are often underprepared for their role. It is necessary to facilitate access to legal and psychological counselling, both for foster carers and guardians. In the case of Poland, however, this is a wider problem affecting many social groups. There is still no empirical data on the post-reform situation in Germany. New regulations are still being implemented nationwide, and so far, only individual municipal initiatives have been seen.

Perhaps the very aim of being self-reliant and independent should be fundamentally changed to the concept of ‘extended dependency’ (Elsley et al. 2017), which emphasises that, in the current social climate, the pursuit of independence is very difficult and it is much more effective to have an ‘extended dependency’. This would link the young person to the environment in which they are to be placed, and to various significant people there, in order to create a complex network of interdependencies. This conviction, however, is very difficult to grasp and is virtually absent from most of the recent reform proposals in both countries.

## **8 Conclusion**

Returning to our original comparative question about what support the care systems in Poland and Germany provide when leaving the system, it can be said that both systems have shown similarities in the past and are changing in a similar direction. The comparison between Poland and Germany makes it clear that residential care, and thus, leaving the system of residential care, is a socio-political issue, in which understandings of education and images of young people are expressed.

Care leavers in both Germany and Poland face similar challenges when leaving care. Leaving care in both countries is characterised by financial, social and emotional problems. Also, when care leavers reach the age of majority, they are usually left to their own devices and are discharged from assistance, although coming of age does not necessarily imply the ability to live independently. In both countries, care for the care leavers ends very quickly. Although the legal situation in both countries says that people living in residential care should be educated to become independent people. But the reality for care leavers when they leave care is different. The process is guided by a person in both countries. In Germany, this is a professional from the youth welfare office who is delegated to the care leavers. In Poland, there is the process supervisor, who can be chosen by the young people themselves and must be approved by the manager of the District Family Assistance Centre of the district competent to provide financing assistance. It does not matter whether this person is a professional or an older sibling.

The comparison of the two systems in Poland and Germany also showed that the most recent system reforms and attempts to make the possibility of return for care leavers more flexible coincided. In Poland, however, only the first steps have been made in this direction. The legacy of the previous system and state-run foster care institutions, burdened with a number

of stereotypes, is still present, although smaller groups of foster families are on the rise. In Germany, time will tell whether the negative trend of overrepresentation of care leavers among homeless youth can be managed through SGB VIII reform. Furthermore, the cases of Poland and Germany clearly illustrate how the system and legal history of residential care have always been shaped and part of political regimes, and reforms. The challenge in both countries is also to keep alumni in the (family or institutional) system longer in order to expand their education, increase their professional skills, and thus navigate the labor market.

For a long time, the situation of care leavers has received rather little scientific attention in both countries and most of the research on this topic is from the last decade or so (see above section - background) and within them some specific areas of research analysis can be seen there.

In Poland and Germany there does seem to be a sensitisation to the issue of transition. The question of how young care leavers in both countries assess the transition and what experiences they have in their respective social work systems seems particularly vital to this question of the professionalisation of the care-leaving process. Much more emphasis is also needed for the concept of extended dependency, which, if implemented correctly, could be of great help in bonding the care leavers to their new home environment.

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