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INTRODUCTION

Alternative care exists in all EU countries, where young children are no longer placed in big institutions. The relocation of children from large institutions became the official policy of the EU, because "the transition of children from large institutions into alternative forms of care in the community" is included in the core rules of the cohesion policy of the European Union for a

period of 2014-2020. The Government of Montenegro recognized the need to undertake relevant measures to implement institutional, legislative and administrative reforms in order to make sure that the rights and needs of each individual child are observed and protected in accordance with the *UN Convention on the Rights of the Child* and the *EU Charter of Fundamental Rights*. One of the key processes in the reform of the social welfare and child protection system is defined¹ as provision of better quality protection of vulnerable groups of children, the disabled, the elderly and the marginalized groups of citizens. Strategic directions of development, include, *inter alia*, decentralization of the system, participation of citizens and beneficiaries, more efficient financial allocations and provision of quality service.

EU accession process continues to drive legislative reform and has a catalytic impact on advancing the child rights in Montenegro. This has been particularly recognized in adopted Action plans for implementation of the two EU chapters: 23 and 24 where due account has been given to further legislative improvement pertaining to child rights. UNICEF supported the Government in development and adoption of several core system laws by providing top notch technical expertise and by enabling consultative process and participation of all relevant stakeholders. The momentum of EU accession process was used for pushing forward child rights focused agenda. EU progress report for 2014 finds that “legal and institutional framework for the observance of human rights is in place and the main elements of international human rights laws have been incorporated into the legal system”.

However, the data show that alternative care, including foster care in Montenegro is still underdeveloped and that protection of children without parental care should be constantly improved. One of the major bottlenecks identified laid in the weak capacity of the system, which provided quick solutions to complex problems for children in need, rather than working with the family, other sectors and community to help the parents meet the needs of the child and receive support in the communities in which the child and his/her family live. High number of children in institutional care represented the evidence of inadequate support to families and lack of alternative services at community level. The system did not provide responses that are individually tailored to the needs and circumstances of each child and his/her family. The response to this situation was UNICEF’s support to the Ministry of Labour and Social Welfare to develop and implement a comprehensive reform of the child care system (a component of a joint initiative² of UNDP, UNICEF and the Government of Montenegro) which has been financially supported by the EU since 2011. The reform includes the ongoing reorganization of the work of Centres for Social Welfare (CSWs) towards introduction of case management practice into every day work and practice, as well as support to CSWs and other sectors to pursue efforts towards strengthening preventive work with children and families at risk, create conditions for their de-institutionalization and reunification or placement in family and community-based care.

Through the reform, the legislative and strategic framework is significantly improved. In this recent period, Montenegro adopted a series of documents in order to establish sustainable and efficient system for alternative care for children: Law on Social and Child Protection (2013),

¹ Strategy for the development of the social and child protection system in Montenegro (2008 – 2012)

² Social Welfare and Child Care System Reform: Enhancing Social Inclusion, IPA 2010, January 2011- July 2014 & Continuation of the Social Welfare and Child Care System Reform (IPA 2014), August 2014 – December 2015

Strategy on the Development of Foster Care in Montenegro 2012-2016, Rulebook on family placement - foster care and family placement, Strategy on the Development of Social and Child Protection System 2013-2017 and National Action Plan for Children 2013-2017.

During the preparation of this document, all relevant documents are taken into account including UN Guidelines for the Alternative Care of Children. Recommendations of the UN Committee for the Rights of the Child are also taken into account which suggested: (a) implementation of policy reviews in order to prevent the placement of children in institutions and reduce the number of children in institutions; (b) continued preference for placement in a family environment versus institutional care by raising public awareness about the negative impact of institutionalization on child development; (c) ensuring regular reviews of placement as required by Article 25 of the Convention; (d) taking into account the guidelines for the alternative care of children contained in General Assembly resolution 64/142 adopted on 20 November 2009, in order to guarantee the implementation of standards and prevent abuse; and (e) expanding and facilitating opportunities for children to submit complaints about ill-treatment in these institutions and conducts prosecution offenses against the rights of the child. Among other topics, the plan addresses the issues of social protection, family environment and alternative care.

The reform focused on the prevention of placement of children in residential institutions by increasing the capacities of the Health, Education and Social Welfare sectors to foster inter-sectoral collaboration in the area of prevention of institutionalization and provision of alternative services, an inter-sectoral Protocol was signed in April 2014 by the ministers of Labour and Social Welfare and Health and the Deputy Minister of Education. Significant efforts have been made to increase the capacity of health professionals to support young mothers to avoid child abandonment and separation through the set of training delivered to health and social welfare professionals from all Montenegrin municipalities. In order to foster prevention of institutionalization and support inclusion of children with disabilities, in parallel UNICEF supported the Ministry of Education in capacity building of the local commissions for orientation of child.

The reform of the system was accompanied with massive awareness raising campaign “Every Child Needs a Family”, which was specifically designed to address negative attitudes and practices which favoured institutional placement of children in child care institutions and specialized schools, as illustrated in the KAP Survey conducted by UNICEF in 2012. As a result, in the past few years there is a reduction in the number of children in institutional care, due to the transformation of special educational institutions into Resource Centres and a decrease in the number of children in child care institutions. In accordance with the MoLSW plans, Komanski Most is now an institution for adults with learning disabilities, and the Children’s Pavilion was closed in 2014. There has been a significant reduction in the number of children in Mladost, Bijela Institution for Children without parental care. There were 154 children in 2010, 116 children at the end of 2013, and 96 in July 2014. The number of children aged 0-3 was steady between 2008 and 2011 averaging at 25 children resident in a year, subsequently, the number began decreasing dramatically, with only 4 children aged 0-3 placed in July 2014.

In parallel, efforts in the area of promotion of foster care have been made, as the data showed that it was not developed adequately to cover the needs for this type of alternative care for children without parental care. The data also showed that kinship care is more developed, i.e. the

extended family (uncle/ aunt / grandmother or grandfather) shows a high level of responsibility when taking over the care of children whose parents are deceased or for other reasons unable to care for them. Further, it showed that Montenegro does not have a sufficient number of unrelated foster carers. Therefore, the Government of Montenegro recognised the need to develop and promote foster care due to its importance for child's proper development, especially during the first days and months of infancy. Despite the best efforts of the employees in the institutions, their structure is such that the human resources are not able to provide all children this best care.

Through the reform of child care system, financially supported by the EU, (apart from the adoption of the new Law on Social and Child Protection (2013), Strategy on the Development of Foster Care 2012-2016 and the campaign "Every Child Needs a Family"), some important elements for proper development of the foster care were set in place: (1) **minimum standards on fostering** were developed in 2012 by a multi-sectoral working group, and incorporated in the **Bylaw on foster care** adopted in April 2014; (2) the **Guide for foster carers** was developed and published in July 2014 (to be used in training foster carers); (3) a mandatory preparatory **program for future foster families** was developed and accredited by the MoLSW (to strengthen the competences of foster parents to recognize and adequately meet the needs of children, and to promote children's independence when they are about to leave foster care); (4) the **Guidelines for CSWs on the implementation of the bylaw** on foster care have been drafted in July 2014; (5) the **professional capacities** of the Centres for Social Welfare (key service providers) were strengthened through relevant trainings (essential knowledge on how to identify, recruit, support and supervise foster families, as well as on how to support children and youth placed in foster families). A team of international experts delivered **basic training on fostering consisting of 5 modules** for CSWs professionals (promotion, contemporary approaches, standards, assessing prospective foster families and assessing children's needs); additionally, for **a group of professionals** from the Social Welfare and Child Care System an **advanced training** was delivered, and they became trainers of foster families.

Significant efforts were also made in finding and training the future foster carers. In order to recruit more foster carers, numerous activities were undertaken, such as open days on foster care organised by the centres for social welfare, the activity which aimed to explain to citizens everything about the role of foster care, as well as about support that the Government of Montenegro offers to those engaged in foster care process.

It is important to bear in mind that the foster care in Montenegro is a service prescribed by law and government is in charge of its development and ensuring that every child lives in a family. Key strategic directions of development defined by the Strategy are: reform of the system of protection of children without parental care and fostering development of a less restrictive forms of care; building of a system of quality care for children without parental care and defining of an efficient system of financing of foster care. At the International Conference of Ministers in Sofia (November 2012), Montenegro, together with 20 other countries from the region, pledged to completely eradicate placement in institutions of children younger than three years. In line with this decision, numerous institutions joined to the efforts to achieve this goal, and numerous activities are conducted including campaign "Every Child Needs a Family". The main goal of the

campaign was to increase the number of service providers-family placement of foster care, reducing the number of children in institutions and raising awareness about the right of every child to grow in a family environment. During the campaign, all centers for social work in Montenegro organized the open days where interested citizens could get information about fostering. Also, under the campaign short videos on the rights of the children on the family were presented and leaflets about fostering were distributed through daily newsletters. The number of children in foster care has been increasing. Namely, in 2008 there were 270³ children in foster care, both kinship and non-kin, while this number was 350 in October 2014 which is an increase of almost 30%. However, there is still need for further development of foster care service and increase in the number of foster carers for those children who are in need for this type of placement.

As a part of reform of the child care system reform, the first “Small Group Home” for children with disability without parental care in Bijelo Polje was constructed and furnished in 2013-2014.

The new Law on Social and Child Protection is in compliance with the latest European and international standards in this area. The most important innovations when it comes to alternative care for children is that the placement in institution under the new law is considered as ultimate measure, which should be provided for shortest possible period and only in case that all other possibilities are considered as impossible or less optimal, while the children up to three years cannot be institutionalized

Also, system of monitoring is being improved through the new set of measurement indicators, stated in the National Action Plan for Children 2013-2017. These indicators include annual data on the number of children without parental care, number of children in institutions, number of children in kinship care, number of children in non-kin foster care, number of abandoned babies, number of children returned to biological families, number of adopted children, etc. Further, through the Child Care System Reform (IPA 2010) an unified methodology for child protection data collection and analysis was developed, followed by development and installation of a software application (national Child Protection Data Base – CPDB). The CPDB was established in order to provide reliable data on the situation of children and their needs, as well as the protection measures and services provided to them by the centres for social welfare. The data needed for detailed analysis is further processed and used to enhance evidence based planning and monitoring of services provided in the area of child protection, as well as for the development of social policies. The software was installed in the Centres for Social Welfare and the MoLSW in December 2012 and has been in use since January 2013.

³ National Action Plan for Children 2013-2017

Despite the improvement of the overall legislative and strategic framework and numerous activities in order to improve alternative child care in Montenegro, there is still need for further improvements.

1. Definitions matrix

Table 1. Definitions of key terms

Term	UNICEF working definition/explanation	<u>Montenegro: definitions/explanation/legal references/data collection</u>	
		English	National language
Children	Every human being below the age of 18 years (CRC Art 1)	A child is a person under 18 years of age (Law on Social and Child Protection, “Official Gazette of Montenegro”, no. 27/13)	Dijete je lice do navršene 18. godine života (Zakon o socijalnoj i dječjoj zaštiti, “Sl. list Crne Gore”, br. 27/13)
Formal family-based care			
Foster care	Situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children’s own family, that has been selected, qualified, approved and supervised for providing such care. <i>(para 29.c.ii) (source: 2009 UN Guidelines for the alternative care of children)</i>	The ministry responsible for collection of the data is the Ministry of Labour and Social Welfare (MoLSW). The data on foster care has been collected by the Centres for Social Welfare locally (municipal level) and then compiled at the national level in the MoLSW. Through the Child Care System Reform (IPA 2010) implemented by the MoLSW with UNICEF support, an unified methodology for child protection data collection and analysis was developed, followed by development and installation of a	Ministarstvo odgovorno za prikupljanje podataka o hraniteljstvu je Ministarstvo rada i socijalnog staranja (MRSS). Podatke o hraniteljstvu prikupljaju Centri za socijalni rad na lokalnom (op[tinskom) nivou, a MRSS ih objedini na nacionalnom nivou. Kroz Reformu sistema dječje zaštite (IPA 2010) koju je MRSS sprovelo uz podršku UNICEF-a, razvijena je uniformna metodologija prikupljanja podataka dječje zaštite, nakon čega je razvijena i instalirana softverska

		<p>software application (national Child Protection Data Base – CPDB). The CPDB was established in order to provide reliable data on the situation of children and their needs, as well as the protection measures and services provided to them by the centres for social welfare. The data needed for detailed analysis is further processed and used to enhance evidence based planning and monitoring of services provided in the area of child protection, as well as for the development of social policies. The software was installed in the Centres for Social Welfare and the MoLSW in December 2012 and has been in use since January 2013.</p> <p>The electronic Child Protection Database is developed in line with the Bylaw on the content of data base and manner of keeping records in the social welfare and child care system and the Bylaw on the organization, standards and methods of work of CSWs (adopted in December 2013) which contains a set of forms for collecting various</p>	<p>aplikacija (nacionalna Baza podataka dječje zaštite BPDZ). Softver je instaliran u Centrima za socijalni rad i MRSS u decembru 2012.g. i u upotrebi je od januara 2013. BPDZ je uspostavljena sa ciljem da obezbijedi pouzdane podatke o situaciji djece i njihovim potrebama, kao i mjerama zaštite i servisima koje im se pružaju od strane centara za socijalni rad. Podaci neophodni za detaljnu analizu dalje se obrađuju i koriste za podsticanje planiranja zasnovanog na činjenicama i praćenje pruženih usluga u oblasti dječje zaštite, kao i za razvoj socijalnih politika. Softver je instaliran u centrima za socijalni rad i MRSS u decembru 2012.g i u upotrebi je od januara 2013.g.</p> <p>Elektronska Baza podataka dječje zaštite je izrađena u skladu sa Pravilnikom o sadržaju baze podataka i sadržaju i načinu vođenja evidencija u socijalnoj i dječjoj zaštiti i Pravilnikom o organizaciji, standardima i metodama rada CSR (usvojenim u decembru 2013) koji sadrži set obrazaca za prikupljanje različitih podataka o korisnicima u</p>
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		<p>data on beneficiaries in the system of social and child protection including on kinship and non-kin foster care. These forms are an already integral part of the Social Welfare Information System (SWIS), so called Social Card. The Child Protection Database will also become an integral part of the SWIS in the nearest future, as soon as all the technical preconditions are met.</p> <p>The new Law on Social and Child Protection adopted in 2013 prescribes several types of foster care: (1) standard; (2) with intensive or additional support (specialized); (3) emergency; (4) respite; (5) other types of foster care. Apart from introducing various types of foster care services, the Law on SCP introduced standards and quality in the provision of foster care - licensing of kinship and foster carers as well as improved benefits for foster carers. The bylaw on foster care – Rulebook on the terms for provision and use of foster care services adopted in April 2014, defines in details the foster care</p>	<p>sistemu socijalne i dječje zaštite uključujući i podatke o srodničkom i nesrodničkom hraniteljstvu. Ovi obrasci su već integralni dio Informativnog sistema socijalne zaštite (ISSZ), tzv. Socijalnog kartona. Baza podataka dječje zaštite takođe će potati integralni dio ISSZ u najskorijoj budućnosti, čim se steknu svi neophodni tehnički uslovi.</p> <p>Novi Zakon o socijalnoj i dječjoj zaštiti koji je usvojen 2013. propisuje nekoliko vrsta hraniteljstva: (1) standardno; (2) uz intenzivnu ili dodatnu podršku (specijalizovano); (3) urgentno; (4) predah; (5) ostale vrste hraniteljstva. Pored uvođenja različitih vrsta hraniteljstva, Zakon o SDZ uvodi standardizaciju i kvalitet u pružanju usluge hraniteljstva - licenciranje srodničkih i nesrodničkih hranitelja kao i poboljšanu finansijsku naknadu za hranitelje. Podzakonski akt o hraniteljstvu – Pravilnik o bližim uslovima za pružanje i korišćenje usluga porodičnog smještaja – hraniteljstva usvojen u aprilu 2014.g. detaljno definiše</p>
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		<p>service operationalizing the Law on SCP in this area.</p> <p>The Law on SCP prescribes that the foster care is provided to children and youth in line with the law regulating family relations. The Family Law ("Official Gazette of Montenegro", no. 1/07) regulates the relationships between parents and children including foster care. The Article 157 of the Family Law defines the concept of family placement – foster care. A child without parental care and a child whose development was disturbed by circumstances in its own family may be placed with another family for protection, care and education, in the manner and under the conditions prescribed by this law. A neglected child may be placed in other family, as well as a child with physical and mental disability.</p> <p>The same Law prescribes in the Article 158 that the custodial body – the Centre for Social Welfare makes decision on placement of a child into another family.</p> <p>All foster carers in Montenegro, in line with the two mentioned laws,</p>	<p>uslugu hraniteljstva tako operacionalizujući Zakon o SDZ u ovoj oblasti.</p> <p>Zakon o SDZ propisuje pružanje uslugfe hraniteljstva djeci i mladima u skladu sa zakonom koji uređuje porodične odnose. Porodični zakon (Sl. List Crne Gore br. 1/07) reguliše odnose između roditelja i djece uključujući i hraniteljstvo.</p> <p>Članom 157 Porodičnog zakona definisan je pojam porodičnog smještaja – hraniteljstva. Dijete bez roditeljskog staranja i dijete čiji je razvoj ometen prilikama u sopstvenoj porodici može biti smješteno u drugu porodicu radi čuvanja, njege i vaspitanja, na način i pod uslovima predviđenim ovim zakonom. U drugu porodicu može biti smješteno i vaspitno zapušteno dijete, kao i dijete sa smetnjama u fizičkom i psihičkom razvoju.</p> <p>Isti Zakon propisuje u članu 158 da organ starateljstva – Centar za</p>
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		<p>have to meet the same criteria to provide and have the same type of support provided by the state. However, in regards to data collection on foster care there is a clear distinction made between the kinship and non-kin foster care so that both the Centres for Social Welfare and the MoLSW have data on the number of children in kinship and foster care and the number of kinship and non-kin foster care families. Guardianship authority decides on the placement of a child in another family, if it is in the best interest of the child. Activities of guardianship in Montenegro are performed by the centre for social welfare centre (under the Ministry of Labour and Socoial Welfare), which keeps records on the number of children placed in foster care families, in accordance with the Rulebook on the Content of Database and Content and Manner of Keeping Records in Social and Child Protection (“Official Gazette of Montenegro”, no. 58/13).</p>	<p>socijalni rad odlučuje o smještaju djeteta u drugu porodicu. Svi hranitelji u Crnoj Gori, u skladu sa pomenta dva zakona, moraju ispuniti iste kriterijume i imaju istu podršku od države. Međutim, u vezi sa prikupljanjem podataka o hraniteljstvu napravljena je jasna distinkcija između srodničkog i nesrodničkog hraniteljstva tako da i centri za socijalni rad i Ministarstvo rada i socijalnog staranja imaju podatke o broju djece na srodničkom i nesrodničkom hraniteljstvu kao i broj srodničkih i nesrodničkih hraniteljskih porodica.</p> <p>O smještaju u drugu porodicu odlučuje organ starateljstva, ako je to u najboljem interesu djeteta. Poslove organa starateljstva u Crnoj Gori obavlja centar za socijalni rad (pod Ministarstvom rada i socijalnog staranja),, koji vodi evidenciju o broju djece smještene u hraniteljskim porodicama, u skladu sa Pravilnikom o sadržaju baze podataka i sadržaju i načinu vođenja</p>
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			evidencija u socijalnoj i dječjoj zaštiti (“Sl. list Crne Gore”, br. 58/13).
Guardian	<p>A guardian is a legally appointed adult representative for a child. The guardian's function is to ensure that a child's rights are upheld and the child's best interests are protected. The existence, process and duties of a guardian will vary from country to country. <i>(Source: The Better Care Network website)</i>. For the purposes of the present CAR, guardianship refers only to situations where the child is looked after on a day-to-day basis in the guardian's own home,</p>	<p>The guardianship (custody) is defined by the Family Law of Montenegro ("Official Gazette of Montenegro", no. 1/07). A child without parental care or an adult who has no capacity to take care for him/her, his/her rights, interests and obligations shall be granted custody. The decision on granting custody shall be made by a custodial body (centre for social welfare at local level).</p> <p>The Ministry of Labour and Social Welfare is responsible for collection of data, keeping records of the number of children granted custody, in accordance with the Regulation on the Content of Database and Content and Manner of Keeping Records in Social and Child Protection (“Official Gazette of Montenegro”, no. 58/13).</p> <p>The data collected by the Centres for Social Welfare at local level are</p>	<p>Pojam starateljstva definisan je Porodičnim zakonom Crne Gore („Sl. list Crne Gore“, br. 1/07). Pod starateljstvo se stavlja dijete koje je bez roditeljskog staranja ili punoljetno lice koje nije u mogućnosti da se stara o sebi, svojim pravima, interesima i obavezama. Odluku o stavljanju pod starateljstvo donosi organ starateljstva (nadležni centar za socijalni rad na lokalnom nivou), Ministarstvo rada i socijalnog staranja je odgovorno za prikupljanje podatakavodenje evidencije o broju djece stavljene pod starateljstvo, u skladu sa Pravilnikom o sadržaju baze podataka i sadržaju i načinu vođenja evidencija u socijalnoj i dječjoj zaštiti (“Sl. list Crne Gore”, br. 58/13).</p> <p>Podaci koje na lokalnom nivou prikupe centri za socijalni rad su</p>

		compiled at the national level in the Ministry of Labour and Social Welfare (see the section above about the electronic Child Protection Data Base).	objedinjeni na nacionalnom nivou u Ministarstvu rada i socijalnog staranja (vidjeti odjeljak u tekstu gore o elektronskoj Bazi podataka dječje zaštite).
Patronat (patronage care)	Family based placement concept by which children are placed in “patronat” families while remaining under the guardianship of the director of their residential institution « of origin » – through a tripartite agreement between institution-family-guardianship agencies. Children and potential “patronat” parents are prepared, selected and accompanied by the institution. The institution retains legal power and financial resources to manage this process and intervene as much as needed.	In Montenegro, there is no such concept as patronat care.	U Crnoj Gori, ne postoji pojam pokroviteljske zaštite.
Informal care arrangements			
Kinship care	Any private arrangement provided in a family environment whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (<i>para 29.b.i</i>) - <i>2009 UN Guidelines for the alternative care of children</i>	No distinction between kinship care and foster (non-kin) care was made in the Law on Social and Child Protection. The bylaw defining the details of the service of family placement – foster care equals kinship and foster care. Although there is no definition/classification of non-kins and kinship foster care. However, the centres for welfare centers keep records on the number of children	Zakonom o socijalnoj i dječjoj zaštiti nije napravljena distinkcija između srodničkog i nesrodničkog hraniteljstva. Podzakonski akt koji bliže definiše uslugu porodičnog smještaja– hraniteljstva potpuno izjednačava srodničko i nesrodničko hraniteljstvo. Iako ne postoji definicija/klasifikacija nesrodničkog i srodničkog hraniteljstva, nadležni centri za socijalni rad vode evidenciju o broju djece smještene u

		placed in kinship and non-kin foster families. The Ministry of Labour and Social Welfare is responsible for data collection, as in case of all other relevant data related to beneficiaries of child protection measures and rights.	rodničkim i nesrodničkim hraniteljskim porodicama. Ministarstvo rada i socijalnog staranja je odgovorno za prikupljanje podataka, kao i u slučaju svih ostalih podataka koji su relevantni za korisnike mjera i prava iz oblasti dječje zaštite.
Residential care			
Residential care	All care provided in a non-family-based group setting, such as places of safety for emergency care, transit centers in emergency situations, and all other short- and long-term residential facilities, including group homes (para 29.c.iv) 2009 <i>UN Guidelines for the alternative care of children.</i>	In accordance with the Law on Social and Child Protection ("Official Gazette of Montenegro", no. 27/13), placement of children in residential institutions is a measure of last resort and banned for children aged 0-3 (it is to be used only in cases when all other options are exhausted and for the shortest possible time). Placement in an institution is provided in a manner to provide preparation of the beneficiary to return to biological family, to other family (foster care) or independent life. Centres for social welfare maintain records on children placed in public residential institutions, in accordance with the Regulation on the Content of Database and	U skladu sa Zakonom o socijalnoj i dječjoj zaštiti ("Sl. list Crne Gore", br. 27/13), smještaj djece u rezidencijalnim ustanovama je mjera zadnjeg utočišta i zabranjena za djecu uzrasta 0-3 (može se koristiti jedino u slučaju kad su sve druge mogućnosti iscrpljene i na najkraće moguće vrijeme). Smještaj u ustanovu se obezbjeđuje na način da obezbjeđuje pripremu za povratak korisnika u biološku porodicu, odlazak u drugu porodicu (hraniteljstvo) ili za samostalan život. Centri za socijalni rad vode evidenciju o djeci smještenoj u javnim rezidencijalnim ustanovama, u skladu sa Pravilnikom o sadržaju baze podataka i sadržaju i načinu

		<p>Content and Manner of Keeping Records in Social and Child Protection (“Official Gazette of Montenegro”, no. 58/13). The Ministry of Labour and Social Welfare is responsible for data collection (see the section above about the electronic Child Protection Data Base).</p> <p>In Montenegro, there are no private residential institutions for child placement. There are several shelters for victims of violence managed by non-governmental organizations that with the women victims of violence occasionally provide placement for their children although not specifically defined as institutions for placement of children.</p>	<p>vođenja evidencija u socijalnoj i dječjoj zaštiti („Sl. list Crne Gore“, br. 58/13). Ministarstvo rada i socijalnog staranja je nadležno za prikupljanje podataka (vidjeti odjeljak u tekstu gore o elektronskoj Bazi podataka dječje zaštite).</p> <p>U Crnoj Gori ne postoje privatne ustanove za smještaj djece. Postoji nekoliko skloništa za žrtve nasilja koje vode nevladine organizacije a koja povremeno uz žene žrtve nasilja imaju na smještaju i njihovu djecu, ali nisu posebno definisana kao ustanove za smještaj djece.</p>
<p>Family Type Home / Family Care Group</p>	<p>Personalized residential care, provided by one or more staff in a house that is not their own, looking after a group of children (typically 10-15) in a home-like environment. <i>UN Study on Violence Against Children, p. 178</i></p>	<p>In accordance with the Law on Social and Child Protection ("Official Gazette of Montenegro", no. 27/13), placement is a service which comprises the stay of beneficiaries: in family placement as fostering, family placement, in an institution, in shelters and other types of accommodation. “Small</p>	<p>U skladu sa Zakonom o socijalnoj i dječjoj zaštiti („Sl. list Crne Gore“, br. 27/13), smještaj je usluga koja podrazumijeva smještaj korisnika: na porodičnom smještaju -hraniteljstvu, porodičnom smještaju, u ustanovi, u prihvatilištu – skloništu i u drugim vrstama smještaja. „Mala grupna zajednica“ kao vrsta usluge smještaja</p>

		<p>Group Home” as a type of placement service is regulated by a Rulebook on Detailed Conditions for the Provision and Use, Norms and Minimum Standards of Placement for Children and Youth in the Institution and in a Small Group Home, adopted in October 2014.</p> <p>. In Montenegro, there are currently no operational small group homes. The construction and equipping of the first small group community for children with disabilities without parental care was completed and its opening is expected soon.</p> <p>However, once operational, the children placed in the Small Group Home will be counted as living in residential care. The ministry responsible for data on children in the Small Group Homes is the Ministry of Labour and Social Welfare (see the section above about the electronic</p>	<p>je regulisana Pravilnikom o bližim uslovima za pružanje i korišćenje, normativima i minimalnim standardima usluga smještaja djece i mladih u ustanovu i malu grupnu zajednicu, kojii je usvojen u oktobru 2014.</p> <p>U Crnoj Gori trenutno ne postoji nijedna mala grupna zajednica. Izgradnja i opremanje prve male grupne zajednice za djecu sa smetnjama u razvoju bez roditeljskog staranja je završeno i uskoro se očekuje njeno otvaranje.</p> <p>Međutim, kad postane operativna, djeca snještena u Malu grupnu zajednicu će se smatrati djecom na rezidencijalnom smještaju. Ministarstvo nadležno za prikupljanje podataka o djeci u Malim grupnim zajednicama je Ministarstvo rada i socijalnog</p>
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			staranja (vidjeti odjeljak u tekstu gore o elektronskoj Bazi podataka dječje zaštite).
Institutions	<p>“Large” residential care facilities (para. 23) <i>2009 UN Guidelines for the alternative care of children</i></p> <p>Generally viewed as any public or private facility staffed by salaried carers or volunteers working pre-determined hours/shifts, and based on collective living arrangements with a large capacity – 2012 <i>Identifying Basic Characteristics of Formal Alternative Care Settings for Children: Discussion Paper of the NGO Working Group on Children without Parental Care, Geneva.</i></p>	<p>In Montenegro, there are several residential child protection institutions. The largest is the one for children without parental care, the Children’s Home “Mladost” in Bijela, with 96 children currently placed in the institution out of which 4 are aged 0-3. The number of children placed in this institution used to be significantly higher, namely in 2008 the number of children in “Mladost” was 175 while in the period 2009-2013 the average number of children was 132. The number of children aged 0-3 in 2008 was 28, while the average number of children aged 0-3 in the period 2009-2013 was 21.</p> <p>In addition, there are three resource centres for children with disabilities – the RC for the children and persons with intellectual disability and autism “1st June” and RC for children and youth “Podgorica” (predominantly for children with visual impairments), both in</p>	<p>U Crnoj Gori postoji nekoliko rezidencijalnih ustanova dječje zaštite. Najveća je ona za djecu bez roditeljskog staranja, Dječji dom „Mladost“ u Bijeloj, sa 96 djece trenutno smještene u ustanovi od čega je 4 uzrasta 0-3. Broj djece smještene u ovu ustanovu bio je značajno veći, naime u 2008. broje djece u ustanovi „Mladost“ bio je 175 dok je u periodu 2009-2013 prosječan broj djece bio 132. Broj djece uzrasta 0-3 u 2008. je bio 28, dok je prosječan broj djece uzrasta 0-3 u periodu 2009-2013 bio 21.</p> <p>Takođe, postoje tri resursna centra za djecu sa smetnjama u razvoju – RC za djecu i osobe sa intelektualnim smetnjama i autizmom „1. jun“ i RC za djecu i mlade „Podgorica“ (prevashodno za djecu sa oštećenjima vida), oba u Podgorici i RC za govor i sluh Kotor, u Kotoru. Broj djece smještene u ova tri RC je takođe smanjen sa 188 u 2008. na 88 u decembru 2013.</p>

		Podgorica and RC for speech and hearing Kotor, in Kotor. The number of children placed in these three RCs also decreased from 188 in 2008 to 88 in December 2013.	
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2. System assessment

2.1. Mechanisms for defining appropriate care for children

Within the ongoing Reform of the Child Care System (IPA 2010 and IPA 2014) a significant improvement in the legal framework in the area of social and child protection, including protection of children without parental care, has been made. Namely, the Strategy for Development of Foster Care in Montenegro (2012-2016) with the Action Plan was developed and adopted by the Government of Montenegro in the first quarter of 2010², the new Law on Social and Child Protection⁴ was developed and adopted by the Parliament of Montenegro and the Bylaw on Foster Care⁵ was developed and adopted by the Ministry of Labour and Social Welfare in first half of 2014. The new Law on Social and Child Protection introduces new social and child protection services, and pluralism of social and child protection services providers. The Law on SCP prescribes, inter alia, the rights and measures related to protection of children, including those without parental care. It sets the ground for development of foster care for children without parental care in line with international standards. In addition to this Law, there is the Family Law (2006) regulating relationships between parents and children, adoption, foster care, custody.

As regards the national policy, the Strategy on Development of Foster Care with the Action Plan for period 2012-2016 supports sustainable, efficient and accessible to all protection system of children and youth without parental care.

In addition, the Government of Montenegro adopted the Strategy on Development of Social and Child Protection System 2013-2017 setting the strategic framework for development of a modern system of social and child protection.

The institutions responsible for the oversight of alternative care are Social Welfare Centers on a local level (there are 11 Social Welfare Centers covering all municipalities in Montenegro) and the Ministry of Labour and Social Welfare (location: Rimski trg, no. 46, 81000 Podgorica, Montenegro).

The decision making institution on the most appropriate form of care for children is the Centre for Social Welfare. According to the role of the Centre for Social Welfare as prescribed by the Law on Social and Child Protection the gatekeeping role belongs to this institution. All preventative services and measures within the system of social and child protection are also a part of the mandate of the Centre for Social Welfare. The Centre for Social Welfare assesses the current situation, needs, strengths and risks related to the child and other persons important for the child and decides on the child's placement into alternative care (following all the steps in the procedure of placement of a child into alternative care prescribed by the relevant laws). The Centre for Social Welfare is a first instance decision making institution, and the Ministry of Labour and Social Welfare is a second instance body.

⁴ „Official Gazette of Montenegro”, no. 27/13

⁵ „Official Gazette of Montenegro”, no. 27/13

Once the child is placed in alternative care, i.e. foster care, the Centre's role is to monitor and support continuously the service provider, i.e. the foster parents and to initiate the changes in type of care/service/protection measures accordingly. The Centre for Social Welfare operates in relation to all formal family based and residential placements. In practice, the Ministry of Labour and Social Welfare supports the designated social workers from the Centres for Social Welfare in reviewing individual care plans of all the children placed in residential institutions thus examining the needs and adequacy of plans in each individual case. As for the children in other types of formal care, i.e. foster care, the Centre for Social Welfare assesses and monitors all the cases. Currently, there are no non-State programmes or facilities for placement of children without parental care.

The following is available for the Centres for Social Welfare, in line with the Law on SCP: assessment and planning services (includes: assessment of the current situation, needs, strengths and risks of the child and other persons important for the child, assessment of the guardian, foster carer, adoptive parent, development of an individual care plan), services to support living in community (includes: day care, in home assistance, supported housing, drop in, personal assistance, sign language translation/interpretation), counseling-therapeutic and socio-educational services (includes: counseling, therapy, mediation, SOS line), services of placement (includes: placement in kinship and non-kin foster care, placement in a shelter, placement in an institution), urgent intervention and other services. Kinship care for a child without parental care is an option to be proposed by the Centre for Social Welfare, if in the best interest of a child without parental care, however, it is not informal as the Law prescribes the same conditions (assessment, training, monitoring) and support (financial and advisory) for the kinship and foster care.

However, although prescribed by the Law on SCP, as recognised by the Strategy on Development of Social and Child Protection System 2013-2017, community and family based services are underdeveloped and this is primarily related to services that prevent child abandonment/family separation and support the stay of vulnerable children in the family environment. There is a growing need for social and child protection services amongst citizens, while capacities of the Centre for Social Welfare are insufficient. There are grounds for conclusions that it is not reasonable that the Centres for Social Welfare, as an authority which should primarily engage in the public domain, takes various functions, including the provision of direct services in the community. Recognizing all the mentioned, the MoLSW has been implementing a comprehensive reform of the system of social welfare and child protection, including a thorough reform, reorganization and capacity building of the Centres for Social Welfare. This reform, inter alia, includes introduction of new methodologies in their work, i.e. case management methodology. Apart from reforming and reorganizing the centres for social welfare, the Ministry of Labour is putting a lot of efforts in developing a range of alternative services that prevent family separation and child abandonment, as well as services that support deinstitutionalization and living in the family environment. The mentioned include support to biological family, the family counseling, family outreach worker service for the most vulnerable families, a network of Day Care Centres for children with disability (8 are already functional while 2 are newly established), foster care service, establishment of the small group homes for children with disability without parental care.

The Centre for Social Welfare is responsible for regular monitoring of the provided care to the child and reviewing the care plans of the children placed in alternative care according to the schedule in the plan. As for the children placed in institutions, the Centre for Social Welfare reviews the placement of the child into an institution at least once in six months.

The Centre for Social Welfare operates in relation to all formal family based and residential placements. Currently, there are no non-State programmes or facilities for placement of children without parental care.

The decision to place a child in an alternative care does not have to include the court, it is made by the Centre for Social Welfare team. Reviews of the placement/individual care plan for the child are done by the Centre for Social Welfare which very often also has the guardianship role – in cases where the child has no parents or the parents are deprived of their parental right – in cooperation with the carers of the child.

The legal/strategic documents based on which the reform of the system of social and child protection is being implemented recognize deinstitutionalization as one of the main aims in regards to children already placed in institutions. Deinstitutionalization is also recognized as one of the key principles in the reform process. A significant shift has been made in new legislative framework from institutional to family and community based type of care for children without proper parental care and in practice the priority is given to alternative types of care based on family and community. The Strategy on Development of Foster Care in Montenegro (2012-2016) with the Action Plan adopted by the Government is one of the key strategic documents supporting deinstitutionalization and development of family based care for children without parental care. A Master Plan of Transformation of Child Protection Services in Montenegro (final draft) was developed with the technical support of the international NGO Lumos and UNICEF, on the basis of inputs provided by Montenegrin professionals working in the social welfare, education and health sectors. The Plan was presented and shared with all three sectors in September 2011, however it was considered as too ambitious by the Ministry of Labour and Social welfare and the system of social welfare and child care at that moment. However, the Ministry of Education developed the plans of transformation of, at that time, so called special schools for children with disabilities into resource centres along the lines of the Master Plan. In line with the key suggested principles in the Master Plan and the Reform of the Social Welfare and Child Care System reform process, the Ministry of Labour and Social Welfare recognized the importance of transforming the child protection institutions. Therefore, the new Law on SCP prescribes the transformation of all residential SW and CP institutions based on transformation plans. In line with this law, with technical support of UNICEF transformation plan for the Institution Komanski Most was drafted and implemented to a great extent; the transformation plan for the Children's Home Mladost in Bijela is drafted, in final stage of finalization. Further, the Ministry of LSW recognized the importance of development of alternative child care services (developed, with UNICEF technical support, a network of Day Care Centres for CWD that is growing, and constructed, with financial support of the US Government and technical support of UNICEF, the first Small Group Home for CWD without

parental care). Thus, although the Master Plan of Transformation of Child Protection Services was not adopted as a document to be implemented, it did serve as a starting point for further discussion on deinstitutionalization and development of alternative care for children.

The development of foster care in Montenegro is part of the reform of social welfare and child care system related to the protection of the rights of children and youth without parental care as the most vulnerable groups, and the approach of this Strategy is innovative, contemporary, realistic and participative.

As per the Strategy on Development of Foster Care in Montenegro, the direct beneficiaries are: children and young people; biological families of children within the social welfare system; kinship foster families; non-kinship foster families; citizens - potential candidates for foster care; employees of social welfare centres, employees of children's homes; state employees and local government officials working in the field of child protection, as well as non-governmental organizations. Indirect target groups are: the media, employees of health and educational institutions and the general public. In other words, the Strategy was adopted to support development of alternatives to institutionalization and support deinstitutionalization of all children without parental care in Montenegro.

2.3. Status of informal (kinship) carers

In Montenegro, there is no formal classification of non-kin foster care and kinship care. The service of foster care is provided for children and young people in accordance with the law regulating family relations. The foster care is provided as: 1) Standard placement; 2) Placement with intensive or additional support; 3) Urgent placement; 4) Respite placement; 5) Other types of placement.

In line with the Law on Social and Child Protection (2013) and the Rulebook on family placement – foster care (adopted in 2014) kinship carers (kinship service providers) can provide the service of family placement - foster care in the same way and under the same conditions as non-kins carers, if they are assessed as suitable and have successfully completed the training, in accordance with the law. They also have the right to technical support, reimbursement of family placement-fostering expenses and remuneration for work. As the kinship care is relatively well developed but still insufficient in Montenegro – there is a need for non-kin foster care as well, the Government made a lot of efforts to develop this type of care since the new Law on Social and Child Protection and the Strategy on Development of Foster Care were adopted. These efforts include not only improvement of the legal framework but also provision of capacity building trainings for the Centres for Social Welfare on the latest standards and methods of the foster care service provision.

2.4. Analysis of the functioning of the formal family-based alternative care system.

Table 2. Qualitative data: description of formal family based care system

Questions	Answers
Foster care	
<p>1. Has foster care been established in your country, if so how? (e.g. by law, decree, regulation or other measure – pls specify details and year of establishment)</p> <p>Explain clearly how foster care is regulated by law. If more than one system of foster care exists (e.g. in Russia), then please provide details for all systems. Please explain if other terms (e.g. maternal assistants) are used in your country.</p>	<p>In Montenegro, family placement - foster care is regulated by the Family Law ("Off. Gazette of Montenegro", no. 1/07), the Law on Social and Child Protection ("Off. Gazette of Montenegro", no. 27/13) and Rulebook on Detailed Conditions for the Provision and Use of Family Placement and Family Placement – Fostering ("Off. Gazette of Montenegro", no. 19/2014).</p> <p>Article 157 of the Family Law, defines the concept of family placement – foster care. A child without parental care and a child whose development was disturbed by circumstances in its own family may be placed with another family for care and education, in the manner and on conditions established by this law. A neglected child may be placed and educated in another family, as well as a child with disturbances in physical and mental development.</p> <p>The Law on Social and Child Protection (2013) introduces standards and quality in the provision of foster care - licensing of kinship and foster carers has been introduced, as well as various types of foster care in an effort to diversify the continuum of alternative care family-based services.</p> <p>The <i>foster care</i> is defined in this Law, in the Art. 65 which prescribes that <i>the foster care</i> is provided to children and youth in line with the law regulating family relations (the 2007 Family Law), the Art. 66 prescribes that <i>the family</i></p>

	<p><i>placement</i> is provided, inter alia, to a pregnant woman, single parent with a child up to three years of age and the Art. 67 prescribes the types of <i>foster care</i>: (1) standard, (2) with intensive or additional support (specialised foster care), (3) emergency, (4) respite, (5) other types of foster care.</p> <p>The Rulebook on Detailed Conditions for the Provision and Use of Family Placement and Family Placement – Foster Care ("Off. Gazette of Montenegro", no. 19/2014) lays down the detailed conditions for the provision and use of family placement-foster care and family placement services, conditions and minimum service standards, assessment of the adequacy of the provision of services, program and method of training, providing technical support, as well as reimbursement of family placement and family placement-foster care expenses and remuneration for the service provider.</p>
<p>2. Has specialized foster care been established:</p> <ul style="list-style-type: none"> ▪ For children below three years ▪ For children with disabilities ▪ For emergency care (placement of children at short notice). 	<p>As mentioned above, for the foster care with intensive support, frequently called specialized foster care, for kinship and foster carers who take care of children with disabilities or with challenging behaviour, all the criteria and conditions, including the procedures for selection of the foster carers are the same as for the standard foster care.</p> <p>However, the foster carers providing this type of placement, are entitled to more intensive and specialised support by not only the Centres for Social welfare but also of other professionals</p>

	<p>from the health or judicial sectors, depending on the issue that a child might have. Further, for kinship and foster carers who take care of children with disabilities or with challenging behaviour, the MoLSW introduced higher payments to foster parents providing this type of supports (Art. 34 of the Bylaw on Foster Care, prescribes that the amount paid per child to the foster carer is 66% higher (100 EUR for one child, 150 EUR for the second child), than the one paid to the foster carer providing the so called standard foster care (60 EUR for one child, 90 EUR for the second child)).</p> <p>However, disability is still one of the factors which decreases the interest for fostering, as shown by the results of KAP survey on fostering in Montenegro 2014.</p> <p>Urgent family placement-fostering is provided to a child when a child is the victim or when there is a risk of becoming a victim of neglect, abuse, exploitation and violence, as well as in the case of an inability of parents to care for the child. Urgent family placement-foster care lasts maximum 30 days during the year.</p>
<p>3. Who has responsibility for the placement of children into foster care? Have the persons responsible for the placement of children in foster care received professional or appropriate training?</p>	<p>According to the Law on Social and Child Protection, the assessment of eligibility of an individual to provide the service of family placement – foster care, professional support and training is performed by the Centre for Social Welfare.</p> <p>Within the IPA 2010 Social Welfare and Child Care System Reform, implemented by the Ministry of Labour and Social Welfare, with technical</p>

	<p>support of UNDP and UNICEF, professionals from centres for social welfare engaged in family placement-foster care have successfully completed a comprehensive training on family placement-foster care (in five modules, on how to recruit, train and support foster carers, how to prepare children for foster care, how to monitor the quality of service and the wellbeing of a child, etc.) and gained knowledge on professional support provision to future foster parents. Twenty-three professionals from all centres for social welfare have passed the advanced training for trainers on foster care and acquired certificates. The trainings for professionals from the centres for social welfare on all other types of foster care are planned within the ongoing IPA 2014 Continuation of the Child Care System Reform.</p>
<p>4. What type of <u>state obligations</u> exist with regards to fostering, e.g. is the state obliged to:</p> <ul style="list-style-type: none"> ▪ establish criteria for screening/selection of foster parents? ▪ provide training of foster parents? ▪ carry out supervision of quality of care? ▪ establish periodic contact with foster parents? ▪ periodically review the continuing need for, and appropriateness of the placement in the light of any developments or of changes in family circumstances? ▪ have a centralized database to monitor children being fostered 	<p>According to the Law on Social and Child Protection the detailed conditions for assessment of eligibility of the providers of the service of family placement - foster care and family placement, the programme and manner of training, the provision of professional support, conditions for obtaining the licence, supervision as well as remuneration of expenses of family placement - foster care and family placement and remuneration for work of the service provider are set and prescribed by the Ministry of Labour and Social Welfare. The bylaw – Rulebook on detailed conditions for the Provision and Use of Family Placement and Family Placement – Foster Care ("Off. Gazette of Montenegro", no.</p>

	<p>19/2014) defines in detail all the mentioned. In addition, the bylaw – Rulebook on the organisation, norms, standards and the work of the Centres for Social Welfare ("Off. Gazette of Montenegro", no. 58/2013) in its articles 41-47 prescribes in detail when and how an individual plan of services is made as well as the dynamics of its revisions. The Centre for Social Welfare is obliged to be in regular contact with foster carers and children at foster care as well as to continuously provide support to them in line with the objectives set in the individual plans.</p> <p>As for the database on the children being fostered, please the section on child protection related electronic database in the text (in the Definitions Matrix, the section on foster care).</p>
<p>5. In terms of the <u>functioning of the actual system</u> of fostering, please identify at what level these obligations are to be effectively met (e.g. central, regional/provincial, local/municipal), (please explain details of any problems):</p> <ul style="list-style-type: none"> ▪ established criteria for screening/selection of foster parents ▪ Provision of training of foster parents ▪ Supervising quality of care ▪ Ensuring periodic contact with foster parents ▪ Ensuring periodic reviews of the continuing need for, and appropriateness of the placement in the light of any developments or of changes in family circumstances ▪ A centralized database to monitor children being fostered 	<p>The Ministry of Labour and Social Welfare has adopted the Rulebook on Detailed Conditions for the Provision and Use of Family Placement and Family Placement – Foster Care ("Off. Gazette of Montenegro", no. 19/2014), which lays down the detailed conditions:</p> <ol style="list-style-type: none"> 1) for provision and use of family placement-foster care and family placement services; 2) conditions and minimum service standards; 3) for assessment of the eligibility of the service provider; 4) for programs and method of training; 5) for technical support provision and periodical reviews of the placement, as well as 6) Reimbursement of family placement-

fostering expenses and remuneration for work of the service provider.

The Centres for Social Welfare at local level, assess the eligibility of service providers of family placement–foster care, provide trainings of foster parents, provide professional support to service providers, ensure periodic reviews of the family placement – foster care service and, if needed, decide on the changing or termination of service provided. The centre for social welfare is obliged to monitor and supervise the quality of care, to be in contact with foster carers and children in foster care in all the matters relevant for proper care and support provided to the child in the foster care. The centre for social welfare is obliged to periodically review the treatment provided to the child and other circumstances relevant to his or her placement.

This practice, certainly, needs improvements, the social workers need more trainings, i.e. on different types of foster care (planned within ongoing IPA 2014 Reform), but the system is set in place and is developing. In addition, the Ministry of Labour and Social Welfare oversees the foster care service provision supporting the Centres for Social Welfare in proper provision and development of the service.

Through effective implementation of the Strategy on Foster Care adopted in 2012, which included improvements in legislation, training of centres for social work and successful implementation of a massive campaign “Every Child Needs a Family”, the number of non-kin foster families has increased by 320% between late 2010 (when there were only 5 families) and the beginning of

	<p>October 2014 (29 families). However, the target of having at least 55 new foster families according to the Strategy on Foster Care (2012-2016) is yet to be reached.</p> <p>As for the database for monitoring application of child rights and related protection measures, including on the children being fostered, please the section on child protection related electronic database in the text (in the Definitions Matrix, the section on foster care).</p>
<p>6. How is <u>data</u> on children in foster care collected? If a central database exists, who has responsibility for it?</p> <ul style="list-style-type: none"> ▪ Is the unit of data collection the number of placements or children? ▪ Apart from the number of children entering foster care (inflow), does the country also monitor the number of children leaving foster care (outflow) and the number of children in foster care (stock data)? ▪ Is it possible that in the situation of temporary foster care (e.g. child taken on holiday by foster parents) that the child is counted twice, both as being in residential care and foster care (please explain the problem of double counting 	<p>An electronic national database on child protection in Montenegro is established, in order to provide reliable data on the situation of children and their needs, and the measures of protection and services provided to them by the social welfare centres. Data are being collected at the local level in the centres for social welfare, and available to the Ministry of Labour and Social Welfare. Data necessary for detailed analysis in the field of child welfare is further processed and used to stimulate evidence-based planning and monitoring of child care provided including services in the area of child protection, as well as for the development of social policies. The electronic child protection database was established in late 2012 and is in use since 15th of January 2013, please the section on child protection related electronic database in the text above (in the Definitions Matrix, the section on foster care).</p> <p>The unit of data collection is the number of children placed in family placement-foster care. Data are being collected on</p>

	<p>the number of children in foster care, based on the decision on the family placement-foster care brought by a competent centres for social welfare.</p> <p>The problem of double-counting is not relevant for Montenegro. The placement into an institution is a different service from family placement-fostering, as stipulated by the Law on Social and Child Protection (“Official Gazette of Montenegro”, no. 27/13). Thus, social welfare centres bring separate decisions for use of these services (as well as other services stipulated by the Law) and collect separate data on every service provided to the beneficiary.</p> <p>In relation to monitoring the inflow, outflow and the stock data, it was recognized through the implementation of the Reform of the Child Care system (IPA 2010) that one of the bottlenecks in the implementation of the Reform, apart from human resources capacities in general, is the capacity and the culture of data analysis and evidence based planning by the decisions makers in the sector. Therefore, an evidence based policy making training for the personnel at key management/decisions making positions in the Ministry of Labour and Social Welfare is foreseen within the Continuation of the Reform (IPA 2014) – in early 2015.</p>
<p>7. Specify if there is any provision of <u>financial support</u> by the state to foster parents (please specify what and the amount in local currency per month)</p> <ul style="list-style-type: none"> ▪ cash benefits ▪ salary 	<p>Monthly reimbursement for family placement-fostering service provider is defined as equal to the cost of placement into a public social and child protection institution, as prescribed by the competent government authority.</p> <p>the placement allowance for occasional and urgent family placement-foster care</p>

is provided in the amount of the fees referred to in paragraph above, calculated by the daily cost of the accommodation in relation to the duration of family placement-foster care.

The remuneration for the work of the service provider of standard, urgent and occasional family placement-fostering is defined as a percentage of the amount of the costs of accommodation in the public institution for social and child protection, as follows:

- 1) 30% for a single beneficiary/one child;
- 2) 15% for each subsequent user when more than one beneficiary/child is placed in family placement-foster care.

Remuneration for service provider of family placement-foster care with intensive or additional support entitled to remuneration for the service, is set as a percentage of the amount of the costs of placement in the public institution for social and child protection, as follows:

- 1) 50% for a single beneficiary/one child;
- 2) 25% for each subsequent beneficiary/child when more than one beneficiary is placed in family placement-foster care.

In case of urgent family placement-foster care the service provider is also provided with remuneration for work while there are no beneficiaries in the given family, for a maximum of one month from the last placement.

The service provider of standard family placement-foster care and placement with intensive and additional support is not entitled to remuneration in case the

	<p>child at foster care in this family is on respite care, for the duration of this, respite placement.</p> <p>Total monthly amount of financial support by the state (reimbursement for family placement-foster care service provider and remuneration for the work of the service provider) is 260€ for one child.</p> <p>The beneficiaries of family placement-foster care service have the right to subsidies for electricity bills (decrease of 40% for bills up to 60€ and 24€ for bills over 60€).</p> <p>They also have the right to rest and recreation free of charge, in accordance with the Law on Social and Child Protection (“Official Gazette of Montenegro, no. 27/13). According to the same law, if a beneficiary of family placement-foster care is a child without parental care, a child beneficiary personal disability allowance or a child beneficiary of care and support allowance, he/she has the right to child allowance (25,50€ for a beneficiary of care and support allowance; 31,80€ for a beneficiary of personal disability allowance; 31,80€ for a child without parental care).</p>
Guardianship	
<p>8. How has guardianship been established in your country? (e.g. by law, decree, regulation or other measure – pls specify details and year of establishment)</p>	<p>The guardianship (custody) is stipulated by the Family Law of Montenegro ("Official Gazette of Montenegro", no. 1/07). A child without parental care or an adult who has no capacity to take care for him/herself, his/her rights, interests and obligations is granted custody. The decision on granting custody is made by</p>

	<p>a custodial body (centre for social welfare at local level).</p> <p>The purpose of custody over a child is that, through providing for, upbringing and education, the personality of a child is developed as fully as possible and that a child is capable for independent life and work.</p> <p>The purpose of custody over other person, who has no capacity or who is not in a position to care for his/her rights and interests, is to protect his/her rights and interests.</p> <p>The purpose of custody shall also be securing property rights and other rights and interests of the beneficiaries and other persons who are provided with protection according to the provisions of this Law.</p> <p>The Family Law of Montenegro ("Official Gazette of Montenegro", no. 1/07) stipulates: 1) custody over a minor; 2) custody of a persons deprived of business capacities and 3) custody in special cases.</p> <p>1) the custody shall be granted for a minor whose parents:</p> <ol style="list-style-type: none">1. died, missing, are unknown or don't have a known place of residence for at least a month,2. are deprived of parental rights,3. lost business capacities,4. abused or seriously neglected exercising of parental rights, and5. are absent and are not in a position to care of the minor regularly, and they have not committed custody of the minor to the person for whom the custodial body has determined that he/she meets the conditions
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	<p>for being a guardian.</p> <p>2) Persons who have been partially or fully deprived of their business capacities by a court decision shall be granted custody by the custodial body.</p> <p>3) Custodial body shall appoint a guardian for certain activities or a certain kind of activities for an absent person whose temporary or permanent residence is not known and who does not have a representative, for an unknown owner of the property when it is necessary that somebody is managing the property, as well as in other cases when it is necessary for the protection of rights and interests of a person.</p> <p>For a minor whose parents exercise their parental rights in relation to him/her a special guardian shall be appointed for the purposes of a dispute conducted between him/her and his/her parents, for the purposes of making certain business arrangements between them, as well as in other cases when their interests are conflicting.</p>
<p>9. Who has responsibility for overseeing guardianship care? Have these persons received professional or appropriate training?</p>	<p>According to the Family Law of Montenegro (“Official Gazette of Montenegro”, no. 1/07), the decision on granting custody are made by a custodial body. Activities of custody are carried out by the centre for social welfare.</p> <p>It is prescribed that the decision on granting custody contains a plan of custody. In the decision on granting custody, the custodial body appoints a guardian and decides on placement of</p>

	<p>the beneficiary.</p> <p>If the beneficiary has any property, the permanent commission of the custodial body shall make the inventory and assessment of the value of the property of the beneficiary.</p> <p>Within the IPA 2010 Social Welfare and Child Care System Reform, implemented by the Ministry of Labour and Social Welfare, with technical support of UNDP and UNICEF offices, professionals from the centres for social welfare have received professional training on application of a legal institute guardianship (custody).</p>
<p>10. What type of <u>state obligations</u> exist with regards to guardianship, e.g. is the state obliged to:</p> <ul style="list-style-type: none"> ▪ provide training of guardians? ▪ carry out supervision of quality of care? ▪ establish periodic contact with guardians? ▪ periodically review the treatment provided to the child and other circumstances relevant to his or her placement? ▪ have a centralized database to monitor children in guardianship care 	<p>According to the Family Law of Montenegro (“Official Gazette of Montenegro”, no. 1/07), custodial body, which is the centre for social welfare at local level undertakes necessary measures to achieve the purpose of custody in the best possible manner.</p> <p>In preparation, making and enforcement of decisions and other specific measures the centre for social welfare uses all the forms of social protection, methods of social and other professional work as well as services of social, health, educational and other organizations and institutions. It may establish an advisory expert body composed of the appropriate experts (doctors of medicine, pedagogues, lawyers, psychologists, social workers etc.) with the task to consider expert issues and to give proposals for undertaking specific custody measures.</p> <p>When granting custody and appointing a guardian, the centre for social welfare is obliged to undertake timely all the measures aimed at proper accomplishing</p>

	<p>of the tasks of custody in terms of personality and property of a beneficiary.</p> <p>The centre for social welfare continually monitors and examines the conditions of life of beneficiaries, particularly minors and it controls their accommodation, upbringing, health condition, process of qualifying for independent life, social environment in which they live, social relationships that they have and how their property is managed, as well as how their rights and interests are protected.</p> <p>In other words, the centre for social welfare is obliged to monitor and supervise the quality of care, to be in contact with guardians in all the matters relevant for proper care and support provided to the child under custody. The centre for social welfare is obliged to periodically review the treatment provided to the child and other circumstances relevant to his or her placement.</p> <p>The centre for social welfare does not provide trainings to guardians, but is obliged to provide any needed support when required by the child or guardian or in cases when noticed by the relevant professionals of the centre for social welfare that such support is needed.</p> <p>As for the database, please the section on child protection related electronic database in the text (in the Definitions Matrix, the section on foster care).</p>
<p>11. In terms of the <u>functioning of the actual system</u> of guardianship, please identify at what level these obligations are to be effectively met (e.g. central,</p>	<p>The obligations stipulated by the Family Law of Montenegro (“Official Gazette of Montenegro”, no. 1/07) for the state and for the guardians are clearly</p>

<p>regional/provincial, local/municipal), (please explain details of any problems):</p> <ul style="list-style-type: none"> ▪ providing training of guardianship parents ▪ supervising quality of care ▪ ensuring periodic contact with guardians ▪ Ensuring periodic reviews of the continuing need for, and appropriateness of the placement in the light of any developments or of changes in family circumstances A centralized database to monitor children in guardianship care 	<p>defined. However, in practice the centres for social welfare need more education in relation to quality application of the guardianship related measures as prescribed by the relevant laws. Recognizing the need, an initial training has been provided on the application of the relevant laws for the centres for social welfare within the IPA 2010 initiative.</p> <p>According to the Law on Social and Child Protection, the CSW is obliged to regularly review the individual plans of all the children at state care. The plans are reviewed according to the set goals for the certain period. Each plan has to be reviewed by the relevant professionals in the CSW at least once in six months. The review of the plan includes participation of the child as well as all persons relevant for the child, including the guardian. Through the ongoing reform of the CSWs and the introduction of the case management methodology the practice of individual care planning and reviewing will be strengthened and the supervision set in place. So far, the Ministry of Labour and Social Welfare has the monitoring role in regards to quality of care provided by the CSWs.</p> <p>As for the database, please see the section on child protection related electronic database in the text (in the Definitions Matrix, the section on foster care).</p>
<p>12. Specify if there is any provision of <u>financial support</u> by the state to guardians – give amount in local currency per month.</p>	<p>The custodial body may determine an incentive for the guardian, if he/she has made specific efforts in performing his/her duties.</p>

	<p>The incentive and reimbursement of costs shall be approved by the custodial body.</p>
<p>13. How is <u>data</u> on children in guardianship care collected? If a central database exists, who has responsibility for it?</p> <ul style="list-style-type: none"> ▪ Is the unit of data collection the number of placements or children? ▪ Is disaggregated data collected on children who are personally cared for by guardians on a daily basis in their own home and children who have legally appointed guardians but are cared for elsewhere? ▪ Is it possible that the child is counted twice, both as being in residential care and guardianship care 	<p>A national database on child protection in Montenegro is established, in order to provide reliable data on the situation of children and their needs, and the measures of protection and services provided to them by the social welfare centers. Data are being collected at the local level in the social welfare centers, and are available to f the Ministry of Labour and Social Welfare through the same application/software. Data necessary for detailed analysis in the field of child welfare is further processed and used to stimulate fact-based planning and monitoring of services provided in the area of child protection, as well as for the development of social policies. The database was established in late 2012 and is in use since 15th of January 2013 (Please the section on child protection related electronic database in the text (in the Definitions Matrix, the section on foster care).</p> <p>The unit of data collection is the number of children granted custody. Data are being collected based on the decision on custody brought by a competent custodial body (the centre for social welfare center). The data is collected both on children who are personally cared for by guardians on a daily basis in their own home and children who have legally appointed guardians but are cared for elsewhere.</p> <p>According to the Family Law (“Official</p>

	<p>Gazette of Montenegro”, no. 1/07), as for a beneficiary placed in an institution, the custodial body appoints a guardian for performing the duties of custody. This guardian might be a professional of the centre for social welfare or a professional in the institution where the child is placed.</p> <p>This means that the guardian must be appointed to a child without parental care residing in an institution. Also, as mentioned above, for a minor whose parents exercise their parental rights in relation to him/her a special guardian shall be appointed for the purposes of a dispute conducted between him/her and his/her parents, for the purposes of making certain business arrangements between them, as well as in other cases when their interests are conflicting.</p> <p>The data on custody and the data on placement in an institution are separate indicators in the national database.</p>
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Table 3. Quantitative data

Main categories	Sub-categories	Data for 2005-2013 (or the most recent year for which data is available)									Comments
		2005	2006	2007	2008	2009	2010	2011	2012	2013	
Informal kinship care	How many children have been notified to the authorities as being in informal kinship care?			251	285	310	349	394	395	378	The total number of users in family accommodation
	Is there an estimate of how many children might actually be in informal kinship care in the country?				270	280	313	329	321	306	Children in foster care
				206	215	234	238	230	205		Foster care families
Patronat (residential care)	If patronat care exists in your country and you are able to distinguish this category of children, as a separate group or within the numbers of children in “foster care” or “residential care”, please specify the numbers in the next column										We don't have this kind of protection in our country.

financing of formal family-based care	Proportion of children in residential care facilities that are funded wholly or primarily by: - The State (central) % - Provincial or local authorities % - Non-State entities in-country (NGOs, religious groups) % - Foreign entities %										The State is financing all costs of formal family-based care (100%).
	Total public expenditure on all forms of formal family-based care (in national currency)			608.508,97	765.490,07	787.046,76	944.720,19	1.107.654,05	1.144.199,54	1.167.724,06	Annual review of public expenditure on formal family-based care 2007-2013.
				339.150,00	368.876,00	387.652,00	372.691,00	407.046,90	354.034,10	338.107,90	Annual review of public expenditure on residential care - Children's Home "Mladost" in Bijelo Polje 2007-2013.
	By type of care: Foster care Guardianship Patronat				206	215	234	238	230	205	Foster care families
				158	164	149	155	131	122	114	Guardianship (number of children in "Bijela")
											We don't have patronat care in our country.
	By source of financing: - Central Sub-regional or local authorities										The only source of financing is central government.
Total non-public expenditure on all forms of family-based care (in national currency)										There is no non-public expenditure on family-based care; all costs are included in public spending.	
financing of residential care	Proportion of children in residential care facilities that are funded wholly or										

primarily by: - The State (central) % - Provincial or local authorities % - Non-State entities in-country (NGOs, religious groups) % - Foreign entities %											
Total public expenditure on residential care (national currency):											
By source of financing: - Central - Sub-regional or local authorities											The only source of financing is central
Total non-public expenditure on all forms of residential care (in national currency)											In our country, residential care is financed from the central (state) bud

Table 4. Children in foster care

Children in foster care (number per year)										
	2008		2009		2010		2011		2012	
By year	Kinship care	Non kinship care								
	264	6	274	6	304	9	317	12	307	14
Total:	270		280		313		329		321	

Table 6. Foster families

Foster families										
	2008		2009		2010		2011		2012	
By year	Kinship care	Non kinship care								
		201	5	208	7	229	5	229	9	220
Total:	206		215		234		238		230	

In terms of children's placement in a family, rather than in an institution, in recent years, a considerable progress has been achieved, and the promotion of the child's right to live in a family / alternative family based services including foster care is still ongoing. The number of children in foster care has increased from 2008, when there were 270 children in foster care, until 2009, when we had 280 children in foster care. In 2010, the number of children was 313, in 2011 we had 329 children in foster care, and 321 children in 2012. Most of these children were placed in kinship families (307 in 2012). A significant improvement in provision of foster care – increase in the number of children placed in foster care is in the period 2012-2014, where in 2014 (data by MoLSW on 10th December 2014) there are 371 children in foster care, out of which 42 in non-kin foster care (compared to 14 children in non-kin foster care in 2012 it is 200% increase). However, there is still need to work on improving the quality of foster care (introduction of various types of foster care) and increase in the number of both kinship and non-kin foster families to provide family care for the children without parental care.

As for the services supporting the biological families and stay of children with their families, one of the services that have a great significance in regards to mentioned is the Day Care Centres services for children with disability who cannot be included in the mainstream education. The number of DCCs in Montenegro is currently 8 functional and 2 in the process of opening/becoming functional in the coming months.

Conclusion: The shift from institutional to community-based care requires the development of a continuum of sustainable and inclusive child protection services at the local level. And it is a very demanding process that requires time. Since 2011, with support of UN agencies and EU funding, the Ministry of Labour and Social Welfare has been implementing a comprehensive reform of the Social Welfare and Social Care System. The reform includes the legal framework alignment with relevant international standards, capacity building of the system – the MoLSW to manage and lead the reform

process and the rest of the system to implement the required novelties, and the development of family and community based services. The development of these services includes preventive services and services to support living in the family and community as alternatives to institutionalisation such are family counselling, family outreach worker, day care centres, foster care services, placement in small group homes (for those children who have no parental care and are with severe disability). Introduction of most of these services relies largely on the reform of the CSW which is ongoing.

3. Description of data system

3.1. Data sources, availability, accessibility and quality

Sources:

Ministry of Labour and Social Welfare is main institution responsible for collecting data on whole social protection system, including alternative care in Montenegro. This ministry collects data from different institutions. Some of them are under jurisdiction of this ministry as Centers for Social Work, daily centres, institutions for placement of children without parental care). Additional support in data collection could provide some other institutions such as international organizations (especially UNICEF), NGOs, etc

Due to the fact that Ministry of labour and Social Welfare collects the most of data from institutions that are directly responsible to this ministry, data collected from these sources are comparable, and they use same terms, definition and collection method.

Before 2014 there was no central database of foster care beneficiaries and alternative care. Each Center for Social Work run its own database, usually MS Excel based. However, all data are collected using same method. Data are aggregated by Ministry of Labour and Social Work and are comparable over time. Since 2014 a national database on child protection in Montenegro is established, in order to provide high quality data on the situation of children and their needs, and the measures of protection and services provided to them by the social welfare centers. Data are being collected at the local level by Centers for Social Work and then aggregated at national level. The database enable unified electronic recording of data. Ministry of Labour and Social Welfare has access to the database in order to analyze the situation and needs of users. Data mostly exist for many areas of child care such as foster care, children placed in institutions, kinship, etc.

Availability:

Data for this report are obtained from different sources. The most of data are obtained from official documents of Government of Montenegro (Ministry of Labour and Social Welfare) such as Social and Child Protection System Development Strategy 2013-2017, National Strategy on Fostering 2012-2016, National Plan of Action for Children, 2013-2017, Regulation on the Content of Database and Content and Manner of Keeping Records in Social and Child Protection, TransMonee database, Annual Report on Work of Ministry of Labour and Social Welfare, MONSTAT, UNICEF, Directorate for information

and analytical-statistical affairs of MLSW. The most difficult data to obtain were the financing residential care data (total public expenditure on residential care).

Accessibility:

The accessibility to data is good since it does not require special permission, ie. These data are annually published in the Report on Work in the administrative areas within the responsibility of the Ministry of Labour and Social Welfare and the others data are from the Directorate for information and analytical-statistical affairs.

Quality:

Through the Child Care System Reform (IPA 2010) implemented by the MoLSW with UNICEF support, an unified methodology for child protection data collection and analysis was developed, followed by development and installation of a software application (national Child Protection Data Base – CPDB). The CPDB was established in order to provide reliable data on the situation of children and their needs, as well as the protection measures and services provided to them by the centres for social welfare. The data needed for detailed analysis is further processed and used to enhance evidence based planning and monitoring of services provided in the area of child protection, as well as for the development of social policies. There are 50 nationally relevant child protection indicators developed. The software was installed in the Centres for Social Welfare and the MoLSW in December 2012 and has been in use since January 2013. The electronic Child Protection Database is developed in line with the Bylaw on the content of data base and manner of keeping records in the social welfare and child care system and the Bylaw on the organization, standards and methods of work of CSWs (adopted in December 2013) which contains a set of forms for collecting various data on beneficiaries in the system of social and child protection including on alternative child care services (including kinship and non-kin foster care). These forms are an already integral part of the Social Welfare Information System (SWIS), so called Social Card which is being introduced and will be fully operational as of January 2015. The Child Protection Database will also become an integral part of the SWIS in the nearest future, as soon as all the technical preconditions are met. The SWIS contains a set of forms for collecting various data on beneficiaries in the system of social and child that are developed in the process of developing of the bylaws for the Law on SCP, and it follows the case management methodology that is being scaled up in Montenegro. The data that has been collected so far, before the SWIS and CP DB, were not consistent and reliable, as the methodology was not unified and different institutions within the same system had different methodologies and dynamics of data collection, disaggregation and analysis. This will be solved by the mentioned introduction of the unified system of data collection and analysis based on the relevant social and child protection regulations.

3.2. The Process of Data collection, review and usage

In order to collect child protection data, in Montenegro, the data are collected from various State institutions. The main issue related to data collection was non existence of the electronic data base in all reporting units/institutions, which was so far one of the main problems in data collection. Therefore, the responsible Ministry is doing everything to recognize such problems and to support those units/institutions in order to improve the quality of collected data. Working on the TransMonEE database and writing CAR a working group was established in order to collect, revise and explain collected data and information which are shared with UNICEF for comments. The collected data are used in every day work in Statistical Office of Montenegro and represents a database for the social policy. This data is used for creation of social policy and for the improvement of vulnerable groups status.

REFERENCE LIST

1. Family Law ("Official Gazette of Montenegro", no. 1/07);
2. Law on Social and Child Protection ("Official Gazette of Montenegro", no. 27/13);
3. Government of Montenegro, Social and Child Protection System Development Strategy 2013-2017;
4. Government of Montenegro, National Strategy on Fostering 2012-2016;
5. Government of Montenegro, National Plan of Action for Children, 2013-2017;
6. Regulation on the Content of Database and Content and Manner of Keeping Records in Social and Child Protection ("Official Gazette of Montenegro", no. 58/2013);
7. Rulebook on Detailed Conditions for the Provision and Use of Family Placement and Family Placement – Fostering ("Official Gazette of Montenegro", no. 19/2014);
8. Rulebook on Detailed Conditions for the Provision and Use, Norms and Minimum Standards of Accommodation for Children and Youth in the Institution and in a Small Group Community

