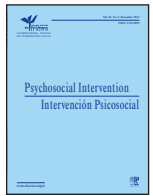


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Child protection in Italy and Spain: Influence of the family supported society

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ABSTRACT

The analysis of the historical development of child protection in Spain and Italy shows remarkable common aspects. There has been a strong tradition of using residential care by means of large institutions, mostly run by catholic religious organizations, in both countries, and both have had to face the challenge of changing the tendency of this institutional care to a family based care. On the other hand, both countries share a Mediterranean culture where the family has been the main provider of personal and social wellbeing, although the welfare state has achieved a high level of development with large health, education, and social services coverage in the last decades. The current financial crisis of these countries is jeopardizing these recently attained advances and again the importance of family support is becoming crucial. The article reviews the historical development of out-of-home care in both countries and compares foster family and residential care, as well as the main research contributions to these topics in both countries.

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La protección a la infancia en Italia y España: La influencia de la sociedad apoyada en la familia

RESUMEN

El análisis de la evolución histórica de la protección a la infancia en España e Italia muestra importantes aspectos comunes. En ambos países ha existido una gran tradición del uso del acogimiento residencial mediante grandes instituciones, mayormente gestionadas por organizaciones religiosas católicas, y ambas han tenido que afrontar el reto de cambiar la tendencia del acogimiento institucional por el familiar, más acorde con los tratados internacionales y los derechos del niño. Por otra parte, ambos países comparten una cultura mediterránea en la que tradicionalmente la familia ha sido el principal proveedor de bienestar personal y social, aunque en las últimas décadas ha alcanzado un alto grado de desarrollo el Estado del bienestar con amplias coberturas de salud, educación y servicios sociales. La actual crisis económica de estos países está poniendo en riesgo estos avances recién conseguidos y de nuevo la importancia del apoyo familiar está siendo decisiva. El artículo revisa el desarrollo histórico de las medidas de protección con separación familiar y compara los datos de acogimiento familiar y residencial, así como las principales aportaciones de la investigación a estos temas en ambos países.

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Palabras clave:

Protección a la infancia
Medidas de separación familiar
Acogimiento familiar
Acogimiento residencial

When Gøsta Esping-Andersen (1990) worked on his book, *The Three Worlds of Welfare Capitalism*, to distinguish the different welfare systems, he identified three main types of welfare regimes in which modern developed capitalist nations cluster: liberal, conservative-corporatist, and social democratic. The traditional examples of the three types of welfare states are the United States (liberal), Germany (conservative-corporatist) and Sweden (social democratic).

“Mediterranean model” is a label for Italy, Spain or Greece, where the family network is important to provide welfare solutions.

He did not use homogeneous categories for differentiating the models, partially considering the funding (fiscal, corporatist, insurance-based) of welfare provisions (for example, the Italian welfare system is mainly tax-financed, so it is structurally equivalent to those in the Scandinavian countries). He partly favoured cultural differences rather than structural differences, related to financing and supplying welfare provision. In this way, Spain, Italy, and Greece are assimilated under the idea that the main subject of the welfare system is represented by the family instead of the institutions. If we

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look at the evolution of the Italian and Spanish welfare, this is not the case, since in the last 50 years welfare solutions have been based on the support provided by both institutions and families.

As it will be seen throughout this review, both countries share a recent past in which institutionalisation was considered as practically the only available measure for children in care. Many different children were looked after for problems arising mainly from poverty and the social marginalisation of their families. This was done by religious institutions or managed by state organisations with limited professionalism. It was not until the 1970s in Italy and the 1980s in Spain that attention to cases of mistreatment, the adoption of family separation measures which ensured the interest of the child over that of the family, and the development of more community-based measures as alternatives to institutionalisation began to appear.

Although opposition to institutionalisation began to spread in Italy during the end of the 1960s, a change in the management model and child protection legislation had to wait until the 1970s and coincided with the transfer of responsibilities for these matters to local authorities.

In the case of Spain, this change of model was delayed even more by the impact of the Spanish civil war and the dictatorship which was in place before 1978. The transition to the new model occurred in Spain in the 1980s, when responsibilities were also transferred from the state to the autonomous communities.

Nevertheless, outside the political context, what really unites these countries is the value of their culture, which is characterised by the importance given to the family when dealing with the needs of its members. Strong family ties have caused, among other things, some aversion and slowness in consolidating foster family care as an alternative for out-of-home-care (OOHC), leading to the prevalence of high rates of the use of residential care or the adoption of alternatives within the extended family (kinship care).

The article examines the historical development and legislative framework in the area of child protection in both countries and goes on to show the key data on children in care and the use of OOHC measures. Finally it explores the most important lines of research being carried out at the moment and the current challenges facing professionals, legislators and researchers.

Child protection in Spain

Child protection framework

The recent history of child protection in Spain is closely linked to the political situation which existed after the civil war (1936-1939) and the subsequent dictatorship which lasted until the Constitution of 1978 and the return of a functioning democracy to the Spanish state. During the almost forty years of dictatorship, social services, and in particular child protection, underwent a return to the charitable practices of the beginning of the 20th century. In this model, large children's homes, ran mainly by religious orders, had a prominent, almost exclusive, role in child protection. These institutions housed not only children who had been abandoned or mistreated, but also a large number of children from poor families, or families with serious problems such as alcoholism, mental illness or prostitution, who were sent into the care of these institutions without any other course of action being taken regarding their families.

This exceptional political and social situation makes it understandable that it would take until 1987, and the first large-scale legislative reform of child protection, for family foster care measures to be regulated in Spain. It was introduced as the most desirable method of out-of-home placement, consistent with child protection practices in other developed countries and therefore, it was almost as late as the 1990s before it was put into practice. As it will be apparent from this article, this lag in child protection practice still has consequences in the difficulty in the establishment of family foster care as

a widespread cultural practice. There are still few Spanish families who take part in these kinds of programmes and there are vast differences between the Spanish autonomous communities.

Following the constitution of 1978, Spain was divided into 17 autonomous communities, all with their own parliament and government, as well as the responsibility for administering the main services (education, health, social services and so on). During the 1980s, the autonomous communities began drafting their own social services laws, with support from central government regarding both financial and technical aspects, so that there was some degree of harmony across the different communities. In an effort to overcome the charitable and institutionalising model from the dictatorship era, a child care system has been developed in Spain over the last 30 years based on the general social services model of the welfare state.

These new social services systems were designed around the newly-established responsibilities of the autonomous communities. As discussed above, all autonomous communities had responsibility for drawing up their own social service legislation between 1982 and 1991. Given that there are two levels of administrative organisation (municipalities and autonomous communities) in Spain, there are two separate levels of social services. These are:

Community social services. Run by municipalities and based on the community model. The types of services offered to children and families include prevention programmes and the identification of risk situations, family support programmes, and social integration programmes aimed at individuals who are socially excluded.

Specialised social services. Responsibility for these services lies with the autonomous community administration. Specialised services in the field of child protection include residential child care (both for welfare and judicial reasons), foster care and adoption services, as well as coordination and support for community programmes.

The municipal and regional levels (autonomous communities) have complementary roles in terms of social services. In the field of child protection, the main responsibilities of municipalities lie in the areas of prevention, early detection, and family intervention. On the other hand, regional social services are responsible for child protection files, legal decisions, and specific programmes such as residential child care, family foster care and adoption.

The recent development of the legal framework with respect to child care provision can be summarised as follows:

Foster care and Adoption Law, 1987. This law reformed the civil code in Spain, facilitating foster care and adoption. This same law also established new responsibilities and a new model of child care.

The constitutional Child Protection Law, 1996. This law constitutes the main legislative framework for child protection, enhancing all aspects of children's rights and treating children as citizens. It also established different types of foster care and introduced an important concept into child care practice: the consideration of the interests of the child as paramount in all decisions taken with regard to his/her welfare. In addition to the above, each autonomous community has developed its own social services laws and its own child protection laws.

At the present time, the Spanish parliament is drafting a reform of this law to update it and to adapt it to current needs. The reform will address dealing with unaccompanied asylum seekers, therapeutic residential care, professional foster care and streamlining adoption measures and protection in general.

Child care figures

Spain has a population of 46.8 million, of which 17.8% are under 18. It has one of the lowest birth rates (1.36) and the general ageing of the population is a major concern.

There is a significant problem in monitoring child protection statistics, as it is the responsibility of the autonomous communities, so there are 17 administrations, each one managing its own data. Although

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