Foster care as a form of family support

Abstract: The foster care system in Poland has recently undergone many changes on the basis of new legislation. It has been presented as a part of the work with the child and its family towards reintegration of the child’s family. However, in order for the aim of foster care to be achieved in this form, it is necessary to integrate work with the child and its family with all the elements of the local environment. Similar assumptions are the basis of the pedagogical concept of the environmental educational system by Stanisław Kowalski. The article presents how to implement pedagogical objectives through legal solutions, which emphasize the integration of the local environment. Key words: foster care, family reintegration, local environment, environmental educational system.

Introduction

The foster care system in Poland has changed considerably in recent years, the formal foundation of which is the act on supporting the family and system of foster care\(^1\). The act is an expression of understanding foster care as an element of the local environment, which requires the interaction of individuals and institutions involved in the given area to help the child and its family.

\(^1\) The act on supporting the family and system of foster care of 9 June 2011, Journal of Laws 2011, No. 149, item 887 as amended – hereinafter referred to as the act.
Foster care is to enable working with a child and family in order to return the child to its family, so that it can again take up its tasks\(^2\). To create a greater chance of achieving this goal, the act introduces a number of changes designed to create a support system for the child and family in a difficult situation, based on cooperation and use of resources in the local environment. An analysis of the above act allows to see in it similarities to the pedagogical concept of the environmental care system created by Stanisław Kowalski, who describes the local educational system as a network of institutions involved in the upbringing process, creating layouts in specific environments\(^3\). This means that the institutions come together to depend on one another, they affect each other. This concept refers to the local community as the most important component of the local environment. In the plane of the local community, it is necessary to search for the entirety of interactions entwining in the process of socialization or roles occurring in microstructures (therefore individual institutions), constituting the environment of the life of individuals\(^4\). Therefore, from this point of view, the internal educational system of a specific institution or facility is not important, but the external system of cooperation between particular links of the local environment. It is important here to apply the concept of the educational system to the layout of the entirety of institutions involved in the upbringing process\(^5\). Similarly in the act, emphasis has been placed on cooperation between institutions involved in the process of working with the family of the child placed in foster care\(^6\).

The concept of family support and ways of providing it

The family should be placed under special protection of the state (art. 18 of the Constitution of the Republic of Poland\(^7\)), which should provide assistance to a family in difficult situations, as the basic social unit and particular support allowing to fulfil this function, which will enable to preserve social order. The principle of special protection of the family is the basis of many normative acts, such as the Family and care code\(^8\), the Act on upbringing in sobriety and coun-

\(^4\) Ibidem, p. 141.
\(^5\) Ibidem, p. 42.
\(^6\) See e.g. preamble and art. 2, 3, 96, 137, 176, 180, 182 of the act.
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teracting alcoholism\textsuperscript{9} or the Act on counteracting drug addiction\textsuperscript{10}. On 1 January 2012 the Act on supporting the family and foster care system entered into force, specifying the tools of implementing this policy.

The Act on supporting the family and foster care system is to counteract taking children from their family environment and placing them in foster care only if support from the family is possible in performing its core tasks and functions\textsuperscript{11}. Taking away a child from its parents may be permitted only in a situation when the assistance to the child and family did not bring the desired effect. Otherwise, it would be contrary to the principle of the primacy of parents in upbringing the child\textsuperscript{12}. Supporting the family is understood as a set of scheduled activities to restore the family’s ability to fulfil its care and educational functions\textsuperscript{13}. In the case of problems in carrying out the remaining family functions, e.g. related to financial, social or living problems, assistance to family is based on the provisions of the act on social assistance of 12 March 2004\textsuperscript{14}.

The obligation to support the family was imposed on territorial self-govern-ment entities and government administration bodies, which should cooperate with other elements of the local environment: the courts, the Police, educational institutions, medical actors, as well as churches and religious associations and social organizations (art. 3). Therefore, emphasis was placed on the need for cooperation between the various institutions involved in the process of family support and the development of the support system based on the resources of the local environment.

In pedagogy, the social character of the environment is highlighted. This is, in fact, a specific combination of relations, in which the entity remains, or in which it may enter with other entities or social groups that constitute them\textsuperscript{15}. The environment can also be recognized as an objective system, in which all the elements depend on each other, co-exist and interact with one another. Therefore, the entities co-create the environment\textsuperscript{16}. Of these elements, those which actually have an impact on the entity should be distinguished and their impact on it should be indicated.

\footnotesize{\textsuperscript{9} Act on upbringing in sobriety and counteracting alcoholism of 26 October 1982, Journal of Laws 2007, No. 70, item 473 as amended. \\
\textsuperscript{11} M. Kaczmarek, Szanse i bariery realizacji ustawy o wspieraniu rodziny i systemie pieczy zastępczej, “Problemy Opiekuńczo-Wychowawcze” 2012, no. 5, p. 5. \\
\textsuperscript{12} More: M. Andrzejewski, Prawo rodzinne i opiekuńcze, Warsaw 2011, p. 132–152, 160–165. \\
\textsuperscript{13} K. Tryniszewska, Ustawa o wspieraniu rodziny i systemie pieczy zastępczej – komentarz, Warsaw 2012, p. 13. \\
\textsuperscript{14} Act on social welfare of 12 March 2004, Journal of Laws 2004, No. 64, item 593 as amended \\
\textsuperscript{15} S. Kowalski, Socjologia wychowania w zarysie, Warsaw 1976, p. 67. \\
\textsuperscript{16} Ibidem, p. 67.}
The primary component of the local environment is the local community, which belongs to communities and groups characterized by a kind of connections resulting from residence in the common territory, and independently meeting their needs becoming relatively self-sufficient\(^{17}\). The local community should therefore have the possibility to create institutions ensuring the satisfaction of the basic needs of inhabitants and solving their problems\(^{18}\).

Under this system of relations the family is an irreplaceable reference group for its members. It performs a regulatory function and a kind of educational role. Therefore, the family is significant for the team of entities creating it and for the global society. Its consistency is important, resulting both from the motives and aspirations of its members, as well as the forces acting on it from the outside\(^{19}\). Among these forces we can distinguish patterns and specific social roles, legal determinants, but also the public opinion and informal and institutionalized social control. This means that the local community places informal control on the family, and institutions of inspection and social assistance regulate the functioning of the family and cooperate with it in order to achieve the set objectives\(^{20}\). In order for these tasks to be carried out correctly, however, all the involved links of the educational system should be combined into a functional whole.

Because the environment is an objective system, in which all elements depend on each other, they develop through interaction and performing specific social roles\(^{21}\). So, the child and family are part of a wider environment, which creates their cross-societal situation. The concept of the environmental educational system highlights the essence of dependency between the educational effectiveness of family and its social location, and so ties with a variety of groups and environmental institutions\(^{22}\). The family as an element of the environment implies different needs and the need to organize a specific social support, because it is not able to fulfil an educational role in social isolation\(^{23}\). On this basis, one can try to specify model systems of social contacts for families with specific needs, based on the need for cooperation with particular social institutions\(^{24}\). The family of a child covered by foster care will be a special type of family here. The model of cooperation of the environment in this case will, in fact, be based on the need to level negative elements of the family’s social situation, attempt to compensate


\(^{18}\) S. Kowalski, *Socjologia wychowania w zarysie...,* p. 79.

\(^{19}\) Ibidem, p. 110.

\(^{20}\) Ibidem, p. 111.

\(^{21}\) Ibidem, p. 67.


\(^{23}\) Ibidem, p. 93.

\(^{24}\) Ibidem, p. 93–94.
for deficiencies in its functioning and create a positive bond between the family and the child and their immediate environment.

The realization of the principle of protecting the family by the state should take place in conjunction with the implementation of the constitutional principle of subsidiarity, according to which the aim of providing social assistance is to enable individuals and families to overcome difficult life situations, which, despite efforts are not able to overcome them on their own, bring individuals to make themselves independent in life, individuals who are provided with assistance and to provide assistance in a way that strengthens families\textsuperscript{25}. In pursuing also the principle of a child’s welfare and protecting its paramount interest, the state should build a support system for the family that is educationally inefficient, in such a way as to restrict assistance activities that are conducive to passivity and helplessness of the beneficiary, and strive to expand individual forms of social assistance and specialist guidance. Support activities for families that are educationally inefficient should not be action-like, singular and uncoordinated. They should systematically and purposefully mobilize families to meet their needs individually\textsuperscript{26}.

The subsidiarity principle requires to create a social order in which the position of lower individuals and communities is strengthened in relation to higher communities\textsuperscript{27}. Therefore, individuals and groups are assigned natural functions and tasks, limiting the interference of higher communities to exceptional, justified situations\textsuperscript{28}. Here lies the reason for ordering assistance for families to non-governmental organizations operating in the field of family support, or legal persons or individuals associated with the activities of the Church or other religious association, if their activities also include providing families with support\textsuperscript{29}.

The principle of the autonomy of family, its special protection and the principle of subsidiarity, enable to distinguish a set of directives, which should guide persons involved in helping a child and family\textsuperscript{30}. Therefore, above all, the state should not interfere with the lives of any family, without it being necessary. However, if intervention is unavoidable, it should start from supporting the family without placing a child outside it. Only when the form of such support is insufficient, and the child is placed outside the family, should the aim of such assistance be to enable the child to return to its family\textsuperscript{31}. Only in cases when parents fail to

\textsuperscript{25} See Act on family support and the foster care system of 9.06.2011.
\textsuperscript{26} W. Dykcik, System wspomagania rodzin niewydolnych wychowawczo, Poznań 1988, p. 27.
\textsuperscript{27} Z. Zgud, Zasada subsydiarności w prawie europejskim, Kraków 1999, p. 13.
\textsuperscript{28} M. Andrzejewski, Pieca zastępcza..., p. 416.
\textsuperscript{29} K. Tryniszewska, op. cit., p. 17.
\textsuperscript{30} M. Andrzejewski, Pieca zastępcza..., p. 416.
\textsuperscript{31} W. Stojanowska, M. Sań, Europejskie standardy prawne a polskie prawo rodzinne, [in:] Czy potrzebna jest w Polsce zmiana prawa rodzinnego i opiekuńczego, B. Czech, Katowice 1997, p. 219.
fulfil their duties on a permanent basis, despite the help provided to them, can a child be placed in a foster care institution on a permanent basis\(^{32}\).

We find confirmation of the above directives in pedagogy. From the point of view of the effectiveness of how the educational system functions, the family is an irreplaceable link, shaping the bases of an individual’s personality. The correct course of the educational process should be based on cooperation of institutions with families, and not replacing them by these institutions\(^{33}\). For the elementary influences of the family, as well as its conscious educational efforts, contain the forces of the entire local community. While a condition of effectiveness of educational institutions representing these forces is their interaction with the family. At the disturbance of balance of these interactions, the course of the educational process is disrupted\(^{34}\).

There are two important aspects of the family: its microstructure, among others: the economic status, cultural level, the relationships and lifestyle, moral level, educational atmosphere, and the external, social relations of the family, which is its place in the social macrostructure\(^{35}\). This means the general social situation of the family – its relationships with the institutions of the local environment and position also designated by other microstructures, such as, for example, the local community and professional circles. The properties of the family as a small social group are closely coupled with reach and type of relations with various groups and institutions of the environment, they implicate them and depend on them\(^{36}\).

The concept of the environmental educational system indicates that in the relation of family with the environment the direction of impact from the family towards organizations and institutions of its external environment dominate, while reverse impact is quite rare and weak\(^{37}\). The reason is the fact that making contact with certain institutions takes place rather at the initiative of the family to meet their own needs. However, in relation to a certain type of family, which include the families of children covered by foster care, another direction of impact is clearly distinguished. This refers to families requiring intervention on the part of state organizations. Therefore, these will mainly be families that do not fulfil the basic needs of the child and elementary conditions for normal development\(^{38}\). Such families, in fact, become the centre of interest of institutions of the local environment, obligated first to social control, and then to the necessary assistance. Thus the scope and severity of planned measures in relation to the


\(^{33}\) S. Kowalski, *Socjologia wychowania w zarysie*..., p. 117.

\(^{34}\) Ibidem.

\(^{35}\) S. Kowalski, *Rola rodziny*..., p. 81.

\(^{36}\) Ibidem.

\(^{37}\) Ibidem, p. 95.

\(^{38}\) Ibidem, p. 96.
family expands together with the disclosure of its problems, which require support from the environment\textsuperscript{39}.

Often, however, at the particular levels, the activity of an institution is directed towards the family only initially, it is often incomplete and unequal, as well as not coordinated into a uniform system. The concept of the environmental educational system stresses the need to extend and strengthen the ties between the family and the environment through targeting the activities of social environment institutions at the family and preparing a model of such activities\textsuperscript{40}. Only this can create the conditions for the proper activation of a family in its immediate environment.

**The concept of foster care and its environmental character**

In a situation when a child cannot function in a family, it has the right to alternative care in relation to parental care\textsuperscript{41}) (art. 20 of the Convention on Children’s Rights\textsuperscript{42}). This concept will include various situations in which a child is deprived of parental care, both resulting from causes that are not attributable to a parent (death, illness), as well as from situations being a consequence of a reprehensible manner of parents exercising care of a child\textsuperscript{43}. Foster care is provided in the event of the inability of parents to provide a child with care (art. 32 of the act). This means that if forms of supporting a family without taking away its child fail, it can be placed in a family or institutional foster care\textsuperscript{44}. Undertaking such actions may be a consequence of the decision of the court, or placing a child there at its request or the request of its parents. It is provided for all days of the week and 24 hours a day, basically without any time limit of completion\textsuperscript{45}. Foster care may have a long-term character – up to 18 y.o., or longer in cases referred to in the act (art. 37 of the act). However, it should rather be a provisional solution, lasting only for the time that the parents cannot care for the child independently\textsuperscript{46}. The

\textsuperscript{39} Ibidem.
\textsuperscript{40} Ibidem.
\textsuperscript{41} M. Andrzejewski, *Pieca zastępcza...*, p. 390.
\textsuperscript{44} T. Uliasz, Co zawiera ustawa o wspieraniu rodziny i systemie pieczy zastępczej, “Problemy Opiekuńczo-Wychowawcze” 2011, no. 7, p. 6.
\textsuperscript{45} M. Andrzejewski, *Prawo rodzinne i opiekuńcze...*, p. 161.
\textsuperscript{46} Ibidem.
aim should be to enable the child to return to its family (family reintegration), or if this is not possible, to undertake actions enabling its adoption.

As far as possible, the court should place a child in foster care on the territory of the district where the child’s family resides. At the same time, the court should try to place the child above all in a family form of foster care, only ruling an institutional form when there is no other option. Because it is vital to engage the local environment in helping the family not realizing its care and educational functions in order to solve the problem, which led to such a situation. Therefore, the district should be responsible for helping the child and family, and get local organizations involved in it.

The organization of family forms of foster care has undergone considerable changes based on new legislation towards their locality and cooperation with the environment. Above all, a new institution of the organizer of family foster care has emerged, which can be an organizational unit of a district appointed by the administrator or entity, which is commissioned for this by the district. If this unit is the district centre of family assistance, a special team for foster care matters should be created. The organizer’s task is, first and foremost, the recruitment of candidates for foster caregivers, their training, eligibility and continuing support, as well as the systematic evaluation of the merits of a child being in foster care (art. 76 of the act).

The organizer of family foster care employs family foster care coordinators, whose task is to provide assistance and support to foster families and family children’s homes, as well as children being under their care. The coordinator should advise, assist, cooperate with the family assistants and other entities affecting the child or the persons having foster custody of the child. The coordinator also participates in the preparation of an assistance plan for the child and its family (art. 77 of the act).

Another tool emphasizing the environmental character of foster care is the method of its funding. A municipality is to finance family support and co-finance a child’s stay in foster care in percentage-fixed values, increasing together with the time of the child’s stay (art. 176 of the act), while the districts are to finance institutional foster care facilities and support charges in becoming independent. Thanks to this the child’s closest environment becomes responsible for the realization of reintegration of the charge’s family, which will be compatible with the good of the child, but also rational from the economic point of view. It will reduce the resources issued by the municipality to support a child in a foster care institution.

In accordance with the act on supporting the family and foster care system the municipality is responsible for developing 3-year programmes to support the

48 Ibidem, p. 7.
family, while the district – 3-year programmes relating to the development of foster care in the given district. The basic, thus national assumptions of foster care development, should be used by the local environment in such a way, so that specific institutions involved in providing foster care could use them freely.

Emphasizing the primacy of placing a child in a local environment known to it, refers to the already mentioned concept of the local educational system. The local community is in fact relatively an autonomous whole, characterized by a particular arrangement of internal components. All the elements of the structure and processes are interrelated. Among them, the systems of groups and institutions can be identified which focus around solutions of specific educational problems of a specific community. Social support is included in pedagogy as a kind of social interaction taken by one or both sides in a problematic situation. These relationships occur in the four basic systems: person-person, person-group, person-institutions of the local environment and person-wider systems covering whole local communities. Therefore, individual problems should be resolved in the immediate environment, in relation to the closest individuals and social groups, involving a wider system only when necessary. The environment should mobilize the potential and energy of individuals and groups to resolve difficult problems in a given environment and report readiness to help in such situations, offer specific measures of assistance, as well as monitor the effects of its actions.

In specific systems of institutions, everyone is both a subject and object of various influences, both those intended and those unplanned, depending on specific, direct or indirect, experiences of social participation. This means that individuals participating in the process of education are subject to mutual influences, the desired effect of which may be the result of only social balance and the proper functioning of society as a whole. The process of education itself is understood here as updating in interactions between caregivers and charges, and this can be done only in social microstructures. Therefore, it is necessary to organize cooperation between individuals and institutions involved in work with a given family, so that any environmental resources will be used in a functional way.

In the pedagogical perspective we can also find the transfer of responsibility for the child and its fate to the immediate surroundings. The functioning of the educational system according to Kowalski can be in fact described on three planes: national, a particular territorial community and specific educational institution.
In the national area, the primary organizational frames of the entire educational process are marked. In specific environments, one can identify a specific network of institutions enabling to perform specific educational processes. While specific institutions constitute the primary links of functioning of the entire educational system, however, in this role they are independent. However, every educational institution is determined by the effects of influences of other institutions, or other environmental components, which include natural educational institutions, direct education (appointed to fulfill educational functions) and indirect (appointed for a variety of other functions, but participating in the educational process). Therefore, only the inclusion of functional connections of components of a given local environment can enable the realization of assumed educational objectives.

**Foster family care**

The forms of family foster care are currently: related foster families, unprofessional and professional, including professional acting as a family emergency and specialist professional families and family children’s homes (art. 39 of the act). All forms of family foster care are to provide 24-hour child care and education, providing it with all the resources necessary for the proper development of the child (art. 40 of the act).

Related foster care is a family which can comprise the child’s ascendants or siblings (art. 41 of the act). Ascendants means persons, who the child comes from in a straight line, and siblings means the natural, adopted and half-siblings, but not step-siblings. A professional or unprofessional foster family is a married or unmarried couple, performing foster care of a child, but not related with it in the above line and degree (art. 41). A professional foster family comprises people, who have completed specialist training and collect remuneration for their work.

A professional foster family acting as a family emergency shall accept a child based on a court ruling, when it was brought by the Police or Border Guard or at the request of the child’s parents in the case of the child being in danger of violence (art. 58 of the act). A child should not stay with this family for longer than 4 months, and in particularly justified cases, 8 months, or until the court proceeding for returning to the family, adoption or placing in foster care is completed (art. 58 of the act). A specialist foster family in particular exercises care for children with a disability, or on the basis of the act on proceedings in cas-

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55 Ibidem, p. 44.
56 Ibidem, p. 46.
57 K. Tryniszewska, op. cit., p. 75.
58 Ibidem.
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es of minors\textsuperscript{59} or of minor mothers with children. However, one cannot at the same time place in a specialist foster family a child with a significant or moderate disability and child based on the act on proceeding in matters of minors (art. 59 of the act).

A foster family or the person running a family children’s home takes custody of the child and the responsibility to educate it at the moment of actually placing the child in foster family or family children’s home (art. 49 of the act). More than three children or adult charges can be in a foster family at the same time, unless it is necessary to locate a large number of siblings in it. At the family children’s home there cannot be more than eight children, unless, like in the foster family, it is necessary to locate a large number of siblings (art. 61 of the act).

A completely new solution is the introduction of rules on the so-called assistant family, whose task is to exercise foster care of a child in the case of temporary lack of care for a child by the foster family or person running a family children’s home (art. 73 of the act). Temporary lack of care may be associated with illness, use of holiday or also e.g. random situations\textsuperscript{60}. An assistant family can be created by another foster family or person running a family children’s home, or a person trained for this (art. 74 of the act).

The financing act of foster families has also changed. The families will be differentiated in terms of whether it is a related family, unrelated, professional, or whether the child resides in a family children’s home. For children with special needs, benefits are provided to cover the relevant costs. A novelty is funding holiday outside the place of residence of the child\textsuperscript{61}. Foster families and persons running family children’s homes also obtained the right to a holiday in the amount of 30 days per year and breaks in exercising custody of the children entrusted to them during this time.

Changes in the legislation on family foster care are to enable foster families to exercise care of children in cooperation with the local environment. Families should receive support from the local environment, not only financial, but also specialist and advisory. The introduction of the institution of assistant families provides foster families with the possibility of organizing temporary care of the child in the immediate environment.

\section*{Institutional foster care}

The act on supporting the family and foster care modifies the functioning of institutional forms of foster care. Care and educational facilities run by the district


\textsuperscript{60} K. Tryniszewska, op. cit., p. 111.

\textsuperscript{61} T. Uliasz, op. cit., p. 7.
have been distinguished, as well as regional care and therapy facilities and intervention preadoption centres, which can be run by the voivodeship self-government (art. 93). Both the district and the voivodeship self-government may delegate the running of facilities to e.g. a non-governmental organization.

Among care and educational facilities, facilities of the intervention, socialization, specialist-therapeutic and family type have been distinguished. Intervention, socialization or specialist-therapeutic type facilities are for children above 10 years old, who have special needs or difficulties to adapting to life in the family (art. 95). In exceptional cases younger children can be placed in these types of facilities, if their health condition is a factor, or it concerns siblings. In all three types of facilities, there cannot be more than 14 children or adult charges. In a family type of facility there can be a maximum of 8 children or adult charges. The number of children may be increased with the approval of the director of the facility and the governor, in particularly justified cases. Reducing the number of children in facilities to standards provided in the act will be stretched over time, up to 1 January 2021\(^62\). The purpose of these changes is to enable the individualization of work with charges, treating them like subjects and basing the educational interaction on the personal relation charge-caregiver\(^63\).

In regional therapeutic facilities children requiring special care will reside, who due to their health condition cannot be placed in facilities operated by the district\(^64\). Preadoption centres are intended for children from 0 to 1 year old, requiring specialist care, waiting for adoption. In both types of facilities the children should be provided with specialist medical and rehabilitation care.

Care and educational facilities are to provide the child with round-the-clock care and education, as well as satisfy all of its essential needs. The facility also has the obligation to realize the assistance plan prepared together with the family’s assistant and undertake measures in order to return the child to its family. It should be noted that, in addition to the family assistance plan, a work plan with the family will also often function\(^65\). The facility is required to enable the child to maintain contacts with parents and other people close to it, unless the court decides otherwise.

From the point of view of families it is particularly vital to oblige care and educational facilities to cooperate with the court, the district family support centre, the family, the family assistant, the organizer of family foster care and institutions, which support the educational actions of the facility (art. 96 of the act). This provision allows for families preparing for the function of a foster or adoption family, or other people, e.g. students preparing for work with children,

\(^{62}\) Ibidem, p. 8.
\(^{63}\) M. Andrzejewski, *Prawo rodzinne i opiekuńcze*..., p. 169.
\(^{64}\) T. Uliasz, op. cit., p. 7.
\(^{65}\) K. Tryniszewska, op. cit., p. 137.
to be involved in the process of educating the child\textsuperscript{66}. Persons willing to perform this function, however, should first obtain the consent of the facility’s director and positive opinion of the organizer of family foster care.

The changes being made in the direction of individualization of work with the charge and environmental cooperation between institutions involved, enable to engage many specialists in helping the child and its family. Thanks to this they can obtain the adequate support from the local community, which will lead to reintegration of the family, or to ensure the child an appropriate adoptive family.

**Evaluation of the situation of a child in foster care as a determinant of the effectiveness of the environmental educational system**

The organizer of family foster care is obliged to evaluate the situation of the child placed in a foster family or family children’s home. Its purpose is to check the current family situation of the child, analyze the methods used in working with the child and its family, the modification of the plan for working with the child, as well as check the validity of the charge continuing his stay in foster care (art. 129). Therefore, it is necessary to have current knowledge about the situation of the child’s family and the possibility of its return to it.

When evaluating the child’s situation, the organizer of family foster care is obliged to consult with the foster family or person running a family children’s home, as well as the pedagogue, psychologist, family assistant, representative of the adoption centre and coordinator of family foster care. Participation in consultations about the child is the responsibility of the entities mentioned. If necessary, the organizer of family foster care may apply also to other entities involved in the current situation of the child (art. 130 of the act).

Such an evaluation should take place according to needs, in the case of children under 3 years old, not less frequently than every 3 months, in the case of older children not less frequently than every 6 months. After completing the evaluation of the child’s situation, the opinion concerning the validity of the child’s further stay in foster care is forwarded by the organizer to the competent court.

In care and educational facilities the evaluation of the child’s situation is carried out by a team for matters of periodic evaluation of the child’s situation, consisting of the director of the facility or person indicated, pedagogue, psychologist and social worker employed at the facility, the child’s teacher, the representative of the organizer of family foster care, the doctor and nurse (according to the child’s needs) and other people, e.g. the assistant of the child’s family. An exception here

\textsuperscript{66} Ibidem, p. 139.
is the family type facility, where evaluation is carried out by the facility’s director in agreement with the organizer of family foster care.

As in the case of family foster care, the aim of such an evaluation is to check the current family situation of the child, the analysis of methods used in working with the child and family, the modification of the plan for working with the child, as well as to check the validity of its further stay in foster care, not less frequently than every 3 months. Subject to evaluation, however, is also the ability to change the form of exercising foster care. In accordance with the directive contained in art. 1127 of care and family code, the guardianship court rules placing a child in the institutional form of foster care only if it is impossible to place it in a foster family or family children’s home.

The evaluation of the current situation of the child and its family also has an environmental aim. Thanks to this evaluation, the environmental foster care system is checked – its functionality and efficiency. If, in fact, the instruments used in work with the family do not bring results, it may be a sign of inefficiency of the environmental educational system.

Kowalski distinguishes three groups of institutions participating in education: groups of natural education, institutions of direct education, thus those which function is by assumption education and institutions of indirect education, appointed to fulfil other functions, but participating in the education process in an indirect way. Each of these institutions undertakes certain tasks and plans activities which it implements either individually or in cooperation with other components of the local environment. In order to optimize the way the educational system works, one must take a look at its operation and cooperation of its particular elements. Significant here is the level of integration between components, the range and layout of institutions in situations of solving a specific problem, as well as diversifying contacts in this interaction. An analysis of the layout of elements in the mentioned system will enable to make conclusions with respect to the actual degree of realization of assumed educational objectives in a specific problematic situation.

In the case of children in foster care, it is known that the group of natural education, which is family, has found itself in a problematic situation. Overcoming difficulties should take place in cooperation with other components of the educational environment – with direct and indirect educational institutions. These institutions, through diverse work with the family, should participate in solving problems and enable returning to balance in the educational system of the child. However, if the periodic evaluation of the child’s situation shows that such assistance has not been implemented or has not brought the intended effect, it can

67 S. Kowalski, Funkcjonowanie systemu wychowawczego..., p. 46.
mean that also in local educational institutions the educational system is not organized in an optimal manner.

The model of cooperation of the local environment’s institutions that make up the environmental educational system

Analysis of legal acts and pedagogical objectives of concepts of the environmental educational system enables to isolate a specific model of cooperation of the local environment's institutions, the effectiveness of which is necessary so that work with a child placed in a foster family and its family, has a chance for a successfully completed reintegration of the family.

In the concept of the local educational system, the educational system is a layout of elements extracted from a broader social reality of such internal and external connections, that it constitutes a kind of structural and functional whole. Therefore, elements of the social system create a consistent weave of structures (social bond), where each element takes a specific place and fulfils a specific function, and its change involves changes in other elements of the system. At the same time, this system is connected with a broader layout, as its environment in such a way that thanks to its consistency it is able to regulate its internal relations by using specific control mechanisms, and in particular to keep the balance with its environment and its distinctness69.

This balance is maintained through cooperation of objectified units in groups and institutions that make up the social system, functioning in mutual relations and interactions. In modern societies, creating systems of numerous subsystems linked in various ways, the macrosystem’s regulating functions are fulfilled mainly by organization70.

The network of institutions of natural, indirect and direct education forming the educational system, is understood as a layout of any developmental and educational influences. It is coupled with the broader social system and its subsystems, however, we can distinguish a functional layout of its elements71. Such an approach enables to show the possibilities of creating and implementing the model of a specific educational system of any institution or its group, constituting a component of the entire environmental layout. The model of functioning of institutions in a specific environment will constitute an indirect link between the broadly understood national system and the internal system of a particular institution. Among such systems we can distinguish a particular subsystem responsible

69 S. Kowalski, Metodologiczne zagadnienia..., p. 29.
70 Ibidem, p. 30.
71 Ibidem.
for work with the child covered by foster care and its family. It will be formed by those institutions which in a specific local environment will strive to solve the problems of the child covered by foster care and its family.

The role of each institution in a given model is determined by the actions and influences of other institutions. Therefore, from the point of view of effectiveness of a given model, the following are important: the integral level of functioning of the system, the range of integration of institutions in solving various educational problems and the functioning of the network of institutions in different social environments. The integration of the system can take place on several planes, among which we can distinguish: 1) influences undertaken towards the child and its family by particular institutions and groups of the local environment (integration takes place here in the personality of the child and the members of its family); 2) circulation of information between the institutions about the influences undertaken and 3) organized educational interaction of institutions of the local educational system based on mutually supplied information. The system of information or interaction of institutions in a given environment does not have to involve them equally. Their functioning is determined by undertaken problems and types of assigned tasks. Therefore, it is important to analyze the actual integration mechanism, that is, what institutions or what activities are important in shaping an integrated environmental educational system.

**Summary**

The act on supporting the family and the foster care system significantly changes the legal regulation concerning foster care. The act proposes a number of measures for the reintegration of the family, such as: introducing a family assistant, coordinator of foster care and committing institutions to cooperate in this field. The modification of the foster care system, providing support to foster families and family children's homes, as well as reforming institutional foster care, is to enable greater individualization of working with a child and its family, which may prove to be a key element making it possible for the child to return to its family.

A very important change in the legislation on foster care is to bring out its environmental character. The text presents common elements of new legal solutions with Stanisław Kowalski’s environmental educational theory. In fact, there is no doubt that a child being in foster care is a problem of the local environment and any possible resources of the environment should be involved in solving this problem.

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72 Ibidem, p. 35.
73 Ibidem.
75 S. Kowalski, *Metodologiczne zagadnienia...,* p. 36.
problem. Many legal solutions adopted in the act on supporting the family and foster care system, allow to develop cooperation between various components of the local educational system, thanks to which it can be organized optimally. In his works, Kowalski emphasizes that integration of the educational system in its functioning is an important task of the state. His claim remains valid that the beginnings of integration of particular links, that is individuals, groups and institutions involved in the educational process, are insufficient in terms of integration needs, both in the plane of mutual exchange of information and the interoperability of all systems having reference to socialization of units76.

These claims also indicate the importance of studies on the functioning of the educational system in a specific environment. Because disclosing the overall connections in various planes of education and solving various problems of the local communities can become the basis for improving their mutual ties in terms of the realization of educational objectives, i.e. improving the functioning of the educational system in the environment77, thus help to the family of a child covered by foster care.

**Literature**


77 S. Kowalski, *Funkcjonowanie systemu...*, p. 46.


**Legal acts**


