

Residential Care Facility: A Temporary Shelter for Children in Need

Description

By DMLF



The Ethiopian Ministry of Women and Social Affairs(MoWSA), introduced in October 2023 “Alternative Childcare and Support Directive Number 976/2023” (hereafter the Directive). The Directive adds a new form of child care support service, namely residential care. The preamble of the Directive stresses the

increasing number of children in Ethiopia facing natural and man-made disasters. As a result there is the need for alternative childcare and support systems. Therefore it became necessary to provide standardized and comprehensive childcare and support for these children. Identifying current alternative support and care mechanisms are found scattered in different documents and legally not binding making implementation difficult. Hence this Directive attempts to gather up scattered child support and care systems into one document and developed a comprehensive directive that encompasses all alternative childcare services in this Directive.

The Directive sets out and recognizes three sorts of alternative care. The first are family based care namely family preservation and strengthening, reintegration and reunification, kinship care, foster care and adoption. The second type of child care is categorized under community-based care. Last but not least is residential care. Our focus shall be on residential care.

Residential Care is defined as an establishment founded by a governmental, a non-governmental organization or individuals according to appropriate procedures that provides care in any non-family-based group setting but does not include boarding schools.

All residential care facilities including community integrated childcare facilities must be registered in accordance with government directives contained in the Organizations of Civil Societies Proclamation 1113/2019. The Directive prohibits any organization not to operate as a residential care facility unless it has received prior approval from the MoWSA or the relevant licensing authority to operate a residential care facility.

The objective of residential care is to provide short-term alternative care. The short term support includes *catering for the basic and psychosocial needs (food, shelter clothing, education, sanitation, and health, play and recreation, counseling, emotional needs as well as social interaction) of children in the residential care institutions for their holistic growth and development.* In addition to this the residential caregiver shall opt for the *child's reintegration within their family or, where this is not possible or in the best interests of the child, to secure their safe, stable, and nurturing care in an alternative, family-based care arrangement.* Residential care shall in no way, irrespective of size, be viewed as a way to fulfill a child's right to live in a family environment.

Where the reunification of a child with his parent(s) or placement in kinship care is not possible or suitable and in the best interests of the child, another form of alternative family-based care shall be sought. Where appropriate and desirable, such alternatives include foster care, or facilitating local adoption services for children who cannot be raised by their own families. Children aged below three (3) years should not be admitted to residential care facilities in line with international best practice, unless this is strictly temporary with the view to foster care placement or another community-based placement as soon as possible

Moreover, should there be any need, children and young people who have left the residential home should have the opportunity to receive assistance and support after they have left care for up to three years. The residential home must designate a staff member to contact the care leaver at least quarterly to establish whether advice or support is required. The frequency, however, will be determined by the case worker based on the individual needs of a child. The residential home should have an open-door policy. Children and young people who have lived there can always return to the residential home for advice and support, provided it remains operative.

The scope of the Directive extends to apply to all appropriate Federal and city administration

Government institutions, charitable organizations, relevant stakeholders, and alternative childcare service providers authorized to provide childcare services as per the requirements of the Federal Government. It is advised based on this Directive, that regions and city administrations adopt or prepare their own contextualized Directive. However, the Directive shall not apply to institutions for child juvenile offenders.

In conclusion, residential care is introduced as a temporary alternative child care and support mechanism. Residential care objectives coincides to certain extent with private or government orphanages. The Revised Family Code Proclamation No 213/2000 on Article 192 provides that *government or private orphanages may give any child under their custody to adopters. In addition to this the orphanage before giving the child for adoption, provides sufficient information to the government organ having authority to follow up the well being of children as to the identity of the child, how the orphanage received him and about the personal, social and economic position of the adopter.* Residential care does the same. The Directive seems to purposely ignore the word 'orphanage' and also opted to come up with a different term that partly encompasses the task of 'orphanages' namely 'residential care'.

For any inquiry, you may contact us at info@dmethiolawyers.com

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RESPONDING TO CHILD ABUSE AND NEGLECT

By Dagnachew Tesfaye, Partner at DMLF The Alternative Child Care and Support Directive Number 976/2023 by Ministry of Women and Social Affairs, October 2023, incorporates a section namely Responding to Child Abuse and Neglect. The State is given the responsibility to respond to child abuse and neglect. The procedure of reporting, assessment, court approval, emergency...

June 30, 2024

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By DMLF The Ethiopian National Dialogue Commission (hereafter the Commission) was established by Proclamation 1265 /2021(hereafter the Proclamation). The Proclamation was done as of 13th of January 2022. The term of office of the Commission is three (3) years.The term of the Commission shall begin from the time Commissioners have been appointed in accordance...

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Date Created

January 28, 2024

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