

The New Alternative Child Care and Support Law: Updating the Legal Framework to Meet the Best Interest of the Child

Description

By Mahlet Mesganaw, Partner at DMLF



In October 2023, the Ministry of Women and Social Affairs enacted a directive on Alternative Childcare and Support Directive No 976/2023. The Directive repealed the previous Directive No 48/2020 on Foster care and Domestic Adoption Services and June 2009 guidelines on community -based childcare, reunification and reintegration programs, foster care, adoption and institutional care service. The Directive shall be in force as of the date the Directive is registered by the Ministry of Justice and posted on the website of the Ministry of Justice.

The new Directive incorporates a holistic approach towards rendering child care services for vulnerable children. Those guidelines which were serving as a stepping stone for child care services are now updated to a standardized binding law.

Family Preservation and Strengthening

The objective of family preservation and strengthening is to enable family members caregivers to care and support their children effectively. Hence supporting families including parents, legal guardians or members of the extended families who act as primary caregivers is the aim. The objective of family preservation and strengthening is to reduce the risk of breaking down or separation and placement of the child into alternative care.

Reunification and Reintegration

Reunification and reintegration aims at reuniting a separated child back to the child's immediate or extended family. Reunification and reintegration guarantee the child or young adult to go back to where she belongs i.e. to family care. Case workers execute this procedure with prior assessment, monitoring and support.

Kinship Care

Kinship care is a form of care rendered for a child who is unable to live with his biological parents for any reason. The child shall be placed with the extended family such as grandparents, uncles, cousins and older siblings. The order for kinship care can be approved by a relevant officer, child protection expert or community care coalition but there is no need for a decision by an administrative or judicial authority.

Foster Care

Foster care bases itself on a contract of agreement entered between a foster family and foster family care service providing organization. Foster care is a temporary form of child care where a child is placed by a foster care service provider with pre-selected, trained and approved caregivers who are not the child's parents, relatives, guardians and who are willing to undertake the care and maintenance of a child.

Adoption

Domestic adoption is the recognized form of adoption by the Directive. Domestic adoption is a form of child care service that requires the approval of a court of law in which a permanent family bond will be created. Adoption is considered as an alternative solution only when reasonable effort has been made to determine that a child cannot remain within his family of origin or cannot be cared for by members of the extended family. One of the requirements to adopt is being an Ethiopian nationality and having lived in Ethiopia for at least two years prior to the application to adopt.

Community Based Care: Supported Independent Living

Community based care, as an alternative child care, incorporates a range of care options that place the child within the community and ensures that the child maintains links with the community. One recognized care service under community-based care is supported independent living. Supported independent living envisages children and young persons living independently under a supervised arrangement approved by the service provider.

Residential care

Residential care is a non-family based group setting established by a government or non-governmental organization or individuals according to appropriate procedures that provide care for children who lost parental care, but does not include boarding school. The residential care shall be provided until the children are reunited with their family or placed in another form of alternative family based care.

Summary

The Directive on Alternative Child Care and Support Services collects the scattered child alternative and child care mechanisms and brings them to a legally binding law. The Directive attempts to be comprehensive in bringing to the table detailed and standardized alternative child care and support services for the many children who need it. We shall in due course provide a more detailed analysis on the requirements of each provision. We note that the enactment of the new law clearly demonstrates the Ethiopian government continued commitment to provide alternative child care services for vulnerable children.

For any child related questions you may contact us at info@dmethiolawyers.com

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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...

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