

# I. VAIKO TEISIŲ APSAUGA

## IMPLEMENTATION OF MINIMAL CARE OF CHILDREN AT THE LOCAL SELF-GOVERNMENT AND INSTITUTIONAL LEVEL<sup>1</sup>

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### Abstract

The Law on Minimal and Average Care of the Child of the Republic of Lithuania (in effect since 1 January 2008) established the procedure for provision of minimal and average care for the child having behavioural problems and susceptible to crime. The article analyses activities of school and municipal preventive work groups in implementing the minimal care of the child: the first part of the article provides a description of the concept of minimal care of the child and the responsibilities of implementing institutions; the second part analyses obstacles in implementing the law and envisages possible measures of a more effective activity of preventive work groups in municipalities and schools.

**Keywords:** child, minimal child care, juvenile justice.

### Introduction

With a view on implementing the Programme of Juvenile Justice, the Law on Minimal and Average Care of the Child of the Republic of Lithuania (in effect since 1 January 2008, Official Gazette, 2007-07-19 No 80-3214) established the procedure for provision of minimal and average care of the child, the principles and measures of average care, the background and the procedure for allocation, extension, replacement and elimination of these measures, and provisions for application of medium child care measures in child socialisation centres. In order to ensure implementation of provisions of the United Nations Convention on the Rights of the Child (Official Gazette, 1985, No 60-1501), the Havana Rules (1990) and the Riyadh Guidelines (1990) declaring the freedom of the child or, in case of deprivation of freedom, integration of the child into society, efforts of the community members in assuring individual support for the child and family are instrumental. Positive practice of the European Juvenile Justice also highlights the importance of the involvement of community, and specifies three

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main operational spheres of community: prevention, pedagogical education, social and professional integration (Opinion of the European Economic and Social Committee for the Prevention of Juvenile Delinquency. Ways of Dealing with Juvenile Delinquency and the Role of the Juvenile Justice System in the European Union (2006/C 110/13). Thus, prevention is the task of communities which have to join and co-ordinate efforts of concerned institutions (non-governmental organisations, public and municipal institutions, agencies, enterprises and organisations). However, because of complex cases in Lithuania requiring the assistance for the child and family, there is still lack of a clear scheme of activities of institutions and agencies, as well as a clear distribution of responsibilities among different agencies on coordination of provision of complex assistance in cases of the minimal care.

Although usually responsibility for implementation and coordination of minimal care measures is delegated to school specialists, the measures of the provided assistance and efficiency of assistance are not yet consistently analysed at national level.

### **Methodological provisions**

The article is based on the following documents: *The Concept for the Establishment of Social Networks* (Wijk, Van Den Bosch, Volberda, 2003; Darling-Hammond, Laughlin, 1995) highlighting the importance of social networks for each participant of the education process; the systematic approach, according to which every person can grow and develop his/her skills only in interaction with the environment, subordination and harmony (Payne, 2000); the ecological model aimed at encouraging operations groups, organisational structures, social network and physical environment (Germain, Gitteman, 1980, Berns, 2009).

**Object of the Research:** implementation of the minimal care of the child

**The Goal:** to analyse the experience in implementing the minimal care of the child at inter-institutional (municipal) and institutional (school) level.

#### **Tasks:**

- 1) To discuss the prerequisites for the implementation of minimal care of the child.
- 2) To analyse responsibilities of institutions implementing minimal care of the child.
- 3) To identify problems in implementing minimal care of the child at institutional and municipal level.

### **Concept and implementation of minimal care of a child**

Minimal care of the child is understood as the care of the child executed according to the place of residence of the child, and, in case a child does not have a permanent place of residence, according to his/her place of residence (*The Law on Minimal and Average Care of the Child, June 28, 2007, No X-1238*). Pursuant to the provisions of the Law on Minimal and Average Care of the Child, these measures could be imposed only when a school has used all possibilities for provision of educational assistance stipulated in the Law on Education of the Republic of Lithuania. The tasks of minimal and average care of the child could be defined as a set of measures aimed at restricting, neutralizing or eliminating the circumstances stipulating negative socialization of an individual. Pursuant to the Law, responsibility for execution of measures of the minimal care is attributed to preventive school and municipal work groups.

Municipal preventive work co-ordination groups are oriented toward the situation in a specific municipality and long-term preventive measures, whereas school preventive work groups are more directed toward the establishment of short-term preventive measures at institutional and community level.

### **Research methodology**

In order to analyse the aspects of implementation of measures of minimal care of the child at institutional and municipal level, 42 members of municipal preventive work co-ordination groups from four different Lithuanian regions were interviewed; as well as 72 members of school preventive work groups.

The research was carried out in three stages. The first stage included the analysis of the Law on Minimal and Average Care of the Child and the activity of preventive work groups (pursuant to the op-

erational trends stipulated in the Law). During the second stage the agreement was made with the members of preventive work groups on the time of interview. The third stage included the acquaintance with respondents, presentation of the research results, and questions. The sequence of questions depended on the procedure of an interview with respondents and on their emotional state. The data was registered in special sheets (members of the group refused audio recording for the sake of their security). It was necessary to record the data in writing, since respondents' answers while discussing research results were interpreted separately by their job positions (audio record complicates identification of a speaker). The third stage included the *data analysis and interpretation*. Results of the interview were analysed by applying the method of content analysis (including identification of categories and subcategories). The accumulated research data was presented to the participants of the research. Reliability of the analysis was ensured by meeting requirements of the content analysis.

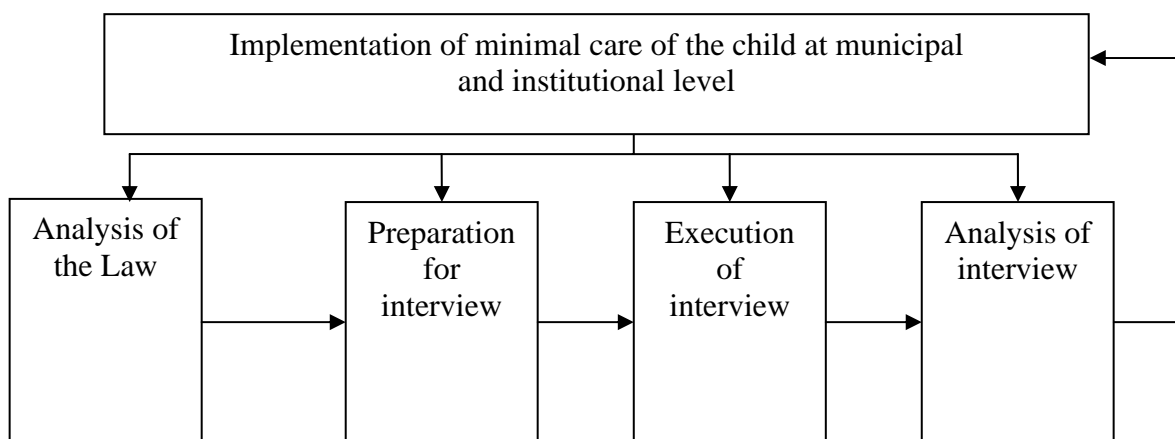


Figure 1. Research procedure

### Peculiarities of implementation of the minimal care of the child at municipal (inter-institutional) level

The Law on Minimal and Average Care of a Child (2007) highlights the importance of inter-institutional assistance provided jointly by social assistance specialists of various institutions. Thus, one of the key terms of effectiveness of the minimal care measures for the child is active co-operation of preventive groups, close relations with the social environment of the child, institutions for the protection of the rights of the child as well as with social, health care and other institutions. Thus, an individual system for provision of assistance to the child could be established on the basis of inter-institutional co-operation.

It is necessary to note, that the success of inter-institutional co-operation depends on properly defined operational spheres of co-operating institutions, on their knowledge and execution of specific roles. Each institution participating in the preventive work has certain commitments in pursuing network objectives and tasks (Furniss, 2003).

According to members of municipal preventive work co-ordination groups (n=42), measures stipulated in the Law on Minimal and Average Care of the Child provide for the assurance of a qualified, child-oriented assistance to the child and family and development of a child-friendly environment. Respondents highlighted the following main operational trends of municipal preventive work co-ordination groups: co-ordination of implementation of inter-institutional co-operation (n=34); and provision of methodological assistance to school preventive work groups (n=40). None of the respondents highlighted the provision of high quality social assistance to the child as the main function of a preventive work group. This assumption is substantiated by the description of operational trends of members of a preventive work co-ordination group: members of school preventive work groups perceive implementation of co-ordination of preventive work at inter-institutional level as "*participation of schools in various preventive events (n=24); and the analysis of preventive programmes and reports about preventive measures (n=36).*"

According to respondents, co-ordination of the activity of school preventive work groups is pursued by *“organising meetings to chairmen of school preventive work groups, exchanging the experience, presenting annual reports; organising workshops for the exchange of the best practice examples; providing individual counselling.”* None of the respondents mentioned a common municipal strategy for preparation of long-term preventive measures based on the current situation of a municipality. Methodological and counselling assistance for the organisation of preventive work in schools is provided during workshops and counselling sessions (*“if needed, we organise workshops; per year we usually organise at least five workshops; together participate in round-table discussions; provide counselling to those who apply for this service: usually they need the assistance of a psychologist or legal advice”*).

In pursuance of an effective activity of a preventive work co-ordination group, members of a preventive work co-ordination group related main problems to low motivation of members of the above group (n=24) and gaps in the legislation (n=42). The reason of low motivation was voluntary work (*“this work is done on voluntary basis; we sacrifice our work time and have to finish direct activities afterwards; often the employer is not interested what we do outside the institution; this work is not paid”*); gaps in the legislation are related to unforeseen responsibilities of parents and children’s guardians for unfulfilled measures (*“the law does not stipulate any measures to be imposed for unfulfilled responsibilities for the child; parents who did not take care of the child in the past will hardly do that in the future: only social educators of schools are running after such children and their parents”*).

According to group members, payment/encouragement of a chairman of a preventive work group and/or case manager (n=24); organisation of study trips for its members (n=39) and division of responsibilities for unfulfilled measures for the child and family (n=42) could help solve problems more effectively. In order to reach more effective resolution of problems, each case under analysis shall have a case manager, but this initiative should also come from an organisation or local self-government institution (*“it is nice to see efforts of all institutions, but who will co-ordinate each case? There is no case manager; chairman is not supposed to coordinate cases, moreover that he does the work on voluntary basis; it would be ideal to have a person (on half-time contract) for co-ordination of different cases and the assurance of an effective follow-up”*).

Nonetheless, members of coordination groups in municipalities identified many positive changes in the work of a preventive work co-ordination group (since 1 January 2008), e.g.: inclusion of a representative of the Prosecution Office into the group; more active work of preventive work groups in schools; a possibility for a municipal preventive work group to make own decisions.

### **Peculiarities of implementation of minimal care of the child at institutional level**

In order to ensure effective implementation of measures of minimal care, it is necessary to connect the knowledge, capacities and skills of various specialists (Merfeldaitė, Railienė; 2007). The authors define a preventive work group as a formal group established by certain persons for a specific purpose: to consider preventive work issues. Activities of school preventive work groups are attributed to the early prevention, therefore, during implementation of measures of minimal care of the child this group realises preventive measures and organises provision of educative assistance to pupils, teachers and children’s representatives (pursuant to the Law).

The analysis of operational results of preventive work groups revealed that these groups highlighted the following trends of co-ordination of school preventive work: education of school community in the sphere of pupils’ occupation (n=54); prevention of violations of law (n=69); protection of the rights of the child (n=69); analysis of preventive work issues (n=72); elaboration of preventive work plans (n=72); work with pupils with behavioural problems (n=51). According to the research, the absence of relevant social pedagogical assistance in solving emotional and behavioural problems of pupils results in low academic self-assessment. The academic self-assessment is conversely related to the expression of hyperactivity, emotional symptoms and problems with contemporaries. Pupils who do not realise their capacities cannot acquire new skills and experience various disappointments at school which only increase the feeling of helplessness and worthlessness. Learning motivation also decreases, pupils get bored during lessons, they are not interested in what teachers say, they do not take any efforts, they do not set goals and find lessons and teachers not interesting. If a child experiences failure at school he feels unwanted, thus it is quite natural that he/she decides not to attend school (didactic teaching/learning problems of 12-14 year old pupils and ways for their resolution, 2009).

According to group members, positive changes after adoption of the Law on Minimal and Average Care of the Child are related to more effective prevention of dependencies (tobacco prevention

(n=30); alcohol abuse prevention (n=36); prevention of psychotropic substances (n=36); more effective social pedagogical assistance to pupils (timely education assistance to parents and other child's representatives (n=48); assistance to pupils (n=45), occupation after lessons (n=54) resulting in better attendance (n=54), less cases of violence (n=48); more effective education of community complying with the relevance of problems in a specific community (n=60).

Members of school preventive work groups highlighted the same problems in implementing the Law on Minimal and Average Care of the Child as members of municipal preventive work coordination group: lack of motivation of specialists (n=69) because of the absence of payment to group members; indifference of parents (n=58) and lack of diverse measures in the Law.

Group members related possible solutions to the selection of group members and motivation measures: possible promotion (n=71); inclusion of exceptionally motivated group members into activity (n=39); anticipation of family responsibilities for unfulfilled measures (n=72); anticipation and preparation of methodological recommendations to members of preventive work groups (n=53).

While evaluating the efficiency of measures stipulated in the Law on Minimal and Average Care of the Child, preventive (school and municipal) work groups highlighted that specialist's consultations is an effective measure if it is applied together with other measures ("*employment programmes, etc.*") (n=112); according to the majority of groups, the commitment to attend day centres is not an effective measure (n=68), ("*there are no day centres in small regions, and school specialists cannot regulate the frequency of attendance of such centres, moreover that the majority of these centres are private*"); obligation to study/learn is not an effective measure ("*the majority of pupils who are entitled the minimal measures have motivation problems*").

Members of preventive work groups were asked about the way and quality of assistance provided by a municipal preventive work coordination group. The interview revealed that usually pupils do receive information ("*we get information about events, meetings, workshops, changes, publications, etc.*") (n=33) and counselling (n=27 got counselling services, 12 did not) assistance. Methodological assistance was least provided to school preventive work groups (the majority of respondents who applied for this assistance, did not receive it). Especially effective was mediation between school and other institutions (n=42 from 45 groups); 15 out of 27 did not receive assistance although applied for the evaluation of efficiency of the preventive work.

In conclusion, the following positive aspects of the Law on Minimal and Average Care of the Child could be highlighted: the assurance of a qualified assistance to the child and family; orientation toward assistance and not punishment of the child; development of the relations with child-friendly environment.

## Conclusions

1. Qualified assistance to the child implies a consistent development of the juvenile justice in Lithuania which is guaranteed both at institutional and inter-institutional level. Implementation of measures of the minimal care of the child at institutional level is initiated by school preventive work groups; at municipal administration level—by preventive work co-ordination groups.

2. At inter-institutional level preventive work co-ordination groups:

- coordinate implementation of inter-institutional co-operation;
- take part in the meetings for the entitlement of minimal and average care for the child;
- accumulate information and submit it to the director of municipal administration.

3. At institutional level preventive work groups:

- work with pupils not attending school or having behavioural problems;
- execute prevention against the use of psychotropic substances;
- organise educative assistance.

The main problems related to the implementation of measures of minimal care both at municipal and school levels are related to low motivation of preventive work groups, because they work on voluntary basis, and gaps in legislation: there are no responsibilities set for parents and children's guardians for unfulfilled measures of the minimal care.

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## VAIKO MINIMALIOS PRIEŽIŪROS ĮGYVENDINIMAS SAVIVALDOS IR INSTITUCINIŲ LYGMENIŠ

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### Santrauka

Įgyvendinant nepilnamečių justicijos programą, 2008 m. sausio 1d. įsigaliojęs Lietuvos Respublikos vaiko minimalios ir vidutinės priežiūros įstatymas (Valstybės žinios. 2007, Nr. 80-3214) įteisino minimalios ir vidutinės priežiūros skyrimo tvarką vaikui, turinčiam elgesio problemų bei linkusiam nusikalsti. Įstatymas nustato vaiko minimalios ir vidutinės priežiūros principus, priemones, šių priemonių skyrimo, pratęsimo, pakeitimo, panaikinimo pagrindus ir tvarką, taip pat vaiko vidutinės priežiūros priemonės taikymo vaikų socializacijos centruose nuostatas. Nors už minimalios priežiūros priemonių įgyvendinimą ir koordinavimą dažniausiai atsakomybė tenka mokyklų specialistams, tačiau teikiamos pagalbos priemonės, pagalbos veiksmingumas nacionaliniu lygiu nėra sistemingai analizuojamas.

Straipsnyje nagrinėjama prevencinio darbo grupių veikla mokyklose ir savivaldybėse, įgyvendinant vaiko minimalią priežiūrą: pirmojoje straipsnio dalyje pateikiama vaiko minimalios priežiūros samprata ir ją įgyvendinančių institucijų atsakomybės; antroje – analizuojami įstatymo įgyvendinimo trikdžiai bei numatomos galimos priemonės efektyvesnei prevencinio darbo grupių savivaldybėse ir mokyklose veiklai. Straipsnyje remiamasi: socialinių tinklų kūrimo koncepcija (Wijk, Van Den Bosch, Volberda, 2003; Darling-Hammondas, Laughlinas, 1995), iškeliančia socialinių tinklų svarbą kiekvienam ugdymosi proceso dalyviui; sisteminiu požiūriu, kuriuo remiantis asmuo gali vystytis ir tobulėti tik sąveikaudamas su aplinka, esant abipusei priklausomybei ir dermei (Payne, 2000); ekologiniu modeliu, orientuotu skatinti grupių funkcionavimą, organizacines struktūras, socialinį tinklą bei fizinę aplinką (Germain, Gitteman, 1980; Berns, 2009).

**Reikšminiai žodžiai.** vaikas, vaiko minimali priežiūra, nepilnamečių justicija.