

Children in conflict with the law

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Report on the outcomes of the qualitative research conducted in Hungary



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Introduction and background

In Hungary four focus group discussions have been organized in February and March 2014 with overall 40 participants (including children, biological family members, foster parents and child protection, juvenile justice experts/stakeholders) in the framework of the project called “Alternatives to Custody for Young Offenders - Developing Intensive and Remand Fostering Programmes - JUST/2011-2012/DAP/AG/3054” in order to analyse the situation of offending children and children with antisocial behaviour referred to or living in alternative care and in juvenile justice residential facilities and to identify the main gaps in services, legislation and policies using qualitative research methods. In addition the aims of the discussions were to provide information on therapeutic/intensive foster care and to explore the wide target group’s attitudes, opinions, views and experiences on the potential application and implementation of such services in the Hungarian environment.

Prior to the qualitative research a desk analysis was carried out on the situation of children in conflict with the law, children with antisocial behaviour and children at risk of delinquency. The outcomes of the two researches will be used to develop recommendations, policy position papers for decision makers to improve the quality and to extend the availability of services and to advocate for children’s rights both at the national and international levels.

During the focus group meetings a common set of predetermined questions developed by the project partners have been discussed to ensure the comparability of results, nevertheless additional country-specific questions were asked in order to make visible the special nature of the Hungarian system dealing with children in conflict with the law.

Each focus group consisted of between eight and twelve persons. Coordinators were asked to inform participants about the purpose of the meetings and prepare them. Four meetings were organised. All of the meetings were interactive, honest and informative, generally slightly longer in duration than planned: focus group No. 1 with experts lasted 2,5 hours, focus group No. 2 and No. 3 with foster and biological parents lasted 3 hours and the fourth discussion with children took 4 hours including a break. Two professionals were present in each discussions, one moderator and one note taker. During the discussion with the children a social worker from the Child Protection Agency was also present as they considered some risk of acting out behaviour and possible run away, as the members of the group have been kept in

a secure unit of the Agency or brought there from another home. He was not intervening or participating in the discussion.

Key messages

- Need to implement the Children Act properly by improving the local basic social and child welfare, family strengthening services and targeted services in order to prevent drop-out from school, juvenile delinquency and unnecessary family separation.
- Priority should be given to family support, and if needed foster care and alternatives to placement out of the family instead of residential care according to stakeholders and experts.
- There is a lack of therapeutic, specialised services provided to children with antisocial behaviour and/or offending children.
- Professionalization of foster parents is needed as the newly introduced obligatory 500 hours long training does not provide specific knowledge for children with special needs, therefore specialized vocational courses and support services are needed for those taking care of children with antisocial behaviour.
- Lack of awareness on the available diversion options, training needs for judges, prosecutors, lawyers acting in judicial procedures to raise awareness about the current legislative framework and alternatives, like restorative practices.
- Integrated vocational training materials and programs are needed including other helping professionals, law enforcement staff and legal experts, including judges, prosecutors and lawyers.
- Foster parents and the personnel of child protection or juvenile justice institutions do not consider birth families as partners, family reintegration is hindered due to this fact.

Entry points

- Specialized foster care and training exist in Hungary in principle but vocational training with focus on children in conflict with the law or children with antisocial behaviour need to be provided, just like high quality supervision and support services.
- Emergency foster parents should be included in the training with specialization on troubled children as early intervention or a gate-keeping measure and prevention of escalation of criminal carrier, recidivism.
- “Preventive probation”¹ has been introduced in the framework of the juvenile justice system. Designing and providing training for the new probation officers allows to strengthen early intervention services and make connection between the child protection and justice systems.
- Shift the current "ad hoc", incidental foster care practice to a children's rights and quality based, planned, transparent, sustainable intervention package continuously supported and regularly assessed by multiagency cooperation, methodological papers and indicators.
- Integrated and harmonised systems to avoid the total separation of child protection and juvenile justice system especially for those who has been supported, supervised by child protection but later are on probation or are involved in preventive probation, so the previous network, relationship and support provided by social and child welfare services can not be utilised.

1 Hungary, Act CCXLV. Of 2013 on Amendment of Certain Laws Connected to child protection (*2013. évi CCXLV. törvény egyes törvényeknek a gyermekek védelme érdekében történő módosításáról*), Article 11, available at: <http://www.complex.hu/kzldat/t1300245.htm/t1300245.htm>

Recommendations

- Awareness raising at political and policy level, promotion of child rights approach instead of punitive approach.
- Public campaign with the focus on children at risk of delinquency and facing difficulties in order to help the society to understand the root causes and possible remedies.
- Re-allocate resources to services and diversion instead of institutional care.
- The legislation on foster care does not need modification however the implementation should be supported by action plans, strategies with clear timeframe and by providing adequate resources.
- The law on petty offences² (Law No. 2 of 2012) should be changed in accordance with international conventions, recommendations, good practices.
- Provision and standards should be developed for children between 12-14 sentenced to juvenile correction facilities or the legislation should be revised and young offenders under 14 should be cared by the child protection system again.
- Additional resources should be allocated to family support, education, social services.
- Restorative practices, alternatives to out of home placements are needed.
- Specialised foster placements should be provided with individualised, closely monitored programs for the children in their care.

² Hungary, Act No. 2. of 2012 on petty offences, procedure of petty offences, petty offences registration (2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről), available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1200002.TV

Alternatives to Custody for Young Offenders – Developing Intensive and Remand Fostering Programmes – JUST/2011-2012/DAP/AG/3054

- The support system needs to be expanded, and strengthened, evaluation and outcomes measurement introduced to improve the quality and learning about the gaps.

- More properly trained professionals provided with high quality supervision, vocational training opportunities should work in the area of child protection and juvenile delinquency.

First Group - High level institutional actors, experts

Participants agreed to produce voice recordings for research purposes.

Basic data on the group

Number of participants: 8 persons.

1. Dr. Pál Vaskuti – judge, specialized in juvenile cases
2. András Vaskuti – psychologist, director of the Chance program, an unique experience therapy programme for hard-to-handle teenagers
3. Aranka Áncsán – educator and program coordinator, SOS children’s villages, Kecskemét
4. Anna Eszter Kovács – probation officer, Ph.D. student on juvenile justice
5. László Csáky – former director of Fót Children’s Town, director of a NGO network contracted by German authorities to place troubled adolescents into Hungarian foster families
6. László Molnár – child protection expert, former director of Budapest Capitol City Child Protection Agency
7. Zsolt Németh Ph.D. – police officer, criminologist, senior lecturer
8. Péter Juhász – director of juvenile correctional facility for boys

Summary

The participating child protection and juvenile justice experts shared their knowledge, experience and views on the proposed foster care programme for children with special needs particularly focusing on children in conflict with the law. They all represented child rights based approach and agreed that juvenile justice should be built on human rights principles.

According to them the main weakness of the current system is the lack of proper prevention and early intervention services, family strengthening programs, school readiness to support children at risk, formalised and integrated connection between child protection and juvenile justice systems and the lack of properly trained professionals understanding each other and working together. Another issue is the long proceeding in juvenile justice. It takes 1-1,5 years on an average until a decision is made by the courts, and the children are not able to make the connection between the offence and the punishment, furthermore the rehabilitation, if any, starts with delay, jeopardizing the effectiveness of the intervention.

Another bottleneck is related to the legislation, since 2013 in case of the commission of exceptionally grave crimes, the law allows the reduction of the minimum age of criminal responsibility from 14 to 12 years in limited circumstances. Perpetrators over the age of 12 years will not receive a punitive sentence but will be subjected to measures in cases involving gravely violent offences (e.g. homicide, grievous bodily harm, bodily harm resulting in death, assault, robbery, plunder). It is a further condition that maturity, sanity and accountability must be proven. The court may order the perpetrator's placement in a correctional facility in these cases. Placement in a correctional facility will continue to remain the most serious sanction that may be imposed on perpetrators younger than 14 years. According to a research on the correctional facilities and their effectiveness, there is no specific program provided to those sentenced for placement, the outcomes are very poor and many judges are in favour of other forms of punishment, not trusting the effectiveness of these institutions. The staff is not provided with any kind of special training, there are no specific treatment programs and hardly any work done with the family of the child to ensure a successful reintegration. It raises some specific questions about the lack of any follow up on the effectiveness, the aim of the programs and their nature, e.g. pre-trial detention, drug rehabilitation, facilitating restorative justice or playing "small prison"³. The experts referred to this research agreeing with its outcomes.

The participants agreed on the important role of well designed and properly managed juvenile correctional facilities but questioned the quality of rehabilitation for children under 14 or even preferably under 16 and of the mixing of different age groups placed there, having very different type of problems. Differentiating is necessary, however application of confinement

3 Hungary, Klára Kerezsi (2007): Care with punishment? (*Büntetve gondozni?*) In: *Esély* 2007/3, pp. 36-54., available at: <http://www.esely.org/index.php?action=mutat&id=40>

against children raises concerns, maturity and discretion capability should be examined by specially trained psychologists following national guidelines, that is not available in Hungary currently.

Official statistics are not available yet but according to the experts, around five children (between 12-14 years of age) have been sanctioned with correctional education (for committing bodily harm resulting in death, sexual assault against a minor, multiply robberies/assaults) since the laws⁴ entered into force last year. In correctional facilities children are living in groups according to their age. Children between 12 and 16 live together and receive the same services, a concern for every expert present. They recommend to develop a special set of methods of interventions and standards for handling offending children in correctional facilities aged between 12-14, in accordance with their needs in order to provide real rehabilitation opportunities. They also suggested preparing an awareness raising programme for children in schools, as most of the children are not familiar with the concept of law and its consequences. The participants of the focus group meet children regularly who are not aware of the violation of laws, when committing offences and facing the justice system.

Another weakness of the current system is the consequences of minor offences committed⁵. Child-friendly judicial system is not enhanced by the Act No. 2. of 2012 on petty offence since it is not applying alternative forms of sanctions only imposing fines and confinement. Juveniles can be detained for 30-45 days for petty offences under the value of a misdemeanour. Short time confinements cannot be executed with any kind of professional or educational programmes but have negative effects: children are establishing relationships with criminals, build connections, identify him/herself as a criminal, are harassed, bullied, abused often by others or encouraged to commit crimes again. It also brings the disproportion of sanctions because some minor offences might involve more severe sanctions than a crime, as

4 Hungary, Criminal Code - Act No. 100. of 2012. – Chapter XI. (2012. évi C. törvény - a Büntető Törvénykönyvről), available at: <http://www.complex.hu/kzldat/t1200100.htm/t1200100.htm> and Act XIX of 1998 on Criminal Proceedings (1998. évi XIX. törvény - a büntetőeljárásról), available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99800019.TV

5 Hungary, Act No. 2. of 2012 on petty offences, procedure of petty offences, petty offences registration. Chapter 4 special provisions, 18. Regulations concerning juveniles and soldiers 27. para (2) (2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a szabálysértési nyilvántartási rendszerről), available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1200002.TV

in cases of crime the punishment can be suspended, but for petty offences this possibility does not exist.

According to the experts besides short-term confinements, juvenile prisons are also useless and harmful. “*It is almost impossible to build a normal life after that*”, it leads to long-term exclusion but in case of multiply reoffending the practice of the courts is to send the juveniles there. In the juvenile prisons conditions are very bad, bullying, abuse and violence is widespread and those designated to supervise and protect inmates are often very violent or at least negligent themselves. Most of the young persons are Roma, however there are no statistics due to the prohibition of data gathering based on ethnicity.

The experts support the idea of therapeutic foster care as an alternative to custody especially as an alternative to child protection placement and juvenile correctional facilities. However according to them the primary aim should be the widespread use of high quality services to families, effective case work and probation, restorative justice methods. The selection of children to be referred to intensive foster care should be a sensitive and careful process, the individual needs of the child and the capacity of the foster family needs to be clearly analysed and matched. A detailed discussion evolved among the professionals on the needed personal suitability, training and curriculum for foster parents to be chosen to provide therapeutic care. According to the participants of the focus group, foster care can help especially younger adolescents committing offences for the first time and in cases of not severe crimes. Safety concerns have to be taken into account, they would not agree to place juveniles who committed serious, violent crimes (e.g.: bodily harm, assault) into a family nevertheless for other offending children particularly for those who have experienced abuse themselves and are lacking role models, stable family environment, it can be the best rehabilitation, reintegration option. Holistic approach is needed and foster carers need specialized training, proper supervision, back up services, increased amount of remuneration and opportunities to provide the children in their care what they need. The education and school attendance of the children placed into foster care has also raised issues as even in cases of “ordinary” placements schools are often not welcoming children coming from public care, partly because of prejudice, partly due to their delays and earlier school failures.

One of the participants shared the programme aiming a similar intensive foster care program. In the framework of a specialised foster care scheme troubled German teenagers are being placed into Hungarian foster families for many years. The philosophy behind the scheme is

that an environment providing different circumstances, language, culture can have a positive impact, contributing to the rehabilitation of the children and help his/her reintegration into society. The programme is coordinated by a foundation, which is subcontracted and financed by a German regional child protection agency. It would be needed to further explore this German practice as it seems to be very controversial, especially as Germany has contracted at State level 25 European countries and it raises many concerns whether this aims primarily providing cheaper services and placing children to a distance. There is no information on the impact and outcomes or any follow up of these services. The Committee on the Rights of the Child in its Concluding Observations for Germany said:

46. While welcoming the legislative measures adopted by the State party to provide support to parents in the fulfillment of their parental obligations, the Committee is concerned about the following issues:

(...)

(c) The practice of placing children with behavioral problems into foster care in other countries of the European Union without proper supervision and evaluation.

47. The Committee recommends that the State party:

(...)

(c) Revise its policy of placing children in other EU countries and provide adequate supervision, follow-up and evaluation⁶.

List of issues according to the experts

- Focus should be given to prevention, family strengthening and family placement.
- Instead of alternative care and placement into correctional facilities diversion and restorative measures should be used.
- Professionals and services do not work together, there is no integrated training, they have got very limited information on the opportunities.
- Very few probation officers are employed, their case loads are very high, they do not get specific training, no supervision is provided, therefore they have no capacity to support offending children and families.
- Foster care could only be an option if clear provisions would be available on the offences, wrongdoing covered.

6 Concluding Observations of the UN Committee on the Rights of the Child (2014): CRC/C/DEU/CO/3-4, p. 9, available at: http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/DEU/CRC_C_DEU_CO_3-4_16304_E.pdf

- Foster parents and children would need a lot of support services, besides the high quality training, supervision, environment and remuneration offered.

Second Group - Foster carers and social workers/psychologists

Participating foster carers did not agree to voice recordings during the meeting despite of the information provided about the research purposes and confidentiality.

Basic data on the group

Number of participants: 9 persons

1. Foster parent and adoptive parent, Budapest
2. Specialized foster parent, Budapest
3. Foster parent, Bács-Kiskun county
4. Foster parent, Csongrád county
5. Representative of a foster parent's trade union, Csongrád county
6. Psychologist, foster parent advisor, Budapest
7. Psychologist, foster parent advisor, Bács-Kiskun county
8. Child rights representative, Budapest
9. Foster parent trainer, Bács-Kiskun county

Summary

Foster parents agreed that in most cases behaviour of hard-to-handle teenagers is a consequence of their family and wider environment and of their previous life circumstances, the experience of exclusion, neglect, maltreatment or abuse. Foster parents can help them to get more personalised attention, being taken seriously, listening to them, provided by a second chance in life, although they also have shared their concerns about the limited opportunities

foster parents can offer without additional and more widespread and child friendly support system. They need the support of local community as well as various professionals including teachers, social workers, and psychologists. Concerning challenging children they would need higher quality of professional support and regular supervision. The Hungarian legislation is allowing placing 3 hard to handle children identified with special needs into the same foster family, and 6 children without special needs. Foster carers agreed that every child has special needs, even if they are not “labelled” or diagnosed and to take care of 3-6 troubled children is exceeding all possible limit and rationality. Foster parents only would consider accepting children in conflict with the law in their families if the numbers would be reduced and conditions guaranteed. Foster carers currently do not feel facilitated properly even though they are trained, they would need more support and resources.

Safety was another issue to be tackled as well as the common practice in Hungary that schools refuse troubled children. Foster carers have been struggling with this since the nearby schools discriminate against the enrolment of Roma children frequently and according to their point of view the same would happen with offending children. Private schooling could be an option but it does not help the integration of children, who in most instances would need specific pedagogical support as well, therefore foster parents were against this option.

Regarding children with special needs, the most important thing is to look beyond their physical and other obvious needs and provision of services. To help them increase their capacities, supporting their development and compensating the previous shortages, more is needed. Every child has special needs, behavioural problems, foster parents expressed that all children in their care currently are also troubled, they do not see a big difference between them and those children’s needs who are in conflict with the law, it is often incidental who is getting in trouble.

Unfortunately professionals are not prepared during their training to deal with any type of specific issue, are not provided by methods, special skills, recognising, assessing and intervening is a challenge for them, they would need more and more specific training. Participating foster carers suggested to train more Roma foster parents as Roma children are overrepresented in alternative care and in juvenile justice institutions. The training should be based on child rights, professional support and culturally sensitive tools. Despite of the training of Roma foster families since the mid 90’s they are seldom employed and not

encouraged to become foster parents partly due to their poor housing conditions and because of the prejudice.

List of issues according to the foster parents and the professionals working with them

- Training and supervision needs to be of high quality.
- High quality, accessible support services for children should be provided.
- It depends on the local community, school, etc. whether they accept the child therefore awareness raising on the need of the program is essential.
- It depends on the foster parents' own family, children – how to fit “hard to handle” children.
- The remuneration and financial support to cover additional needs of children and extra work done by foster parents should be met.
- According to the type of offences, children have to be carefully selected, assessed (e.g. violence, type of offence committed, risky behavior, substance use etc).

Third group – Birth families

Participants agreed to use voice recordings for research purposes after some hesitation, they find the topic sensitive and a private matter but acknowledged the importance of research and system improvement.

Birth families of young people in conflict with the law were present, but also parents who's children were referred to temporary care for different reasons (e.g. truancy), most of their children experienced institutional care, detention before as well as other provisions, like obligatory consultations with child welfare services, specialised services, probation and restorative justice.

Basic data on the group

12 parents and grandparents participated, from 9 families, whose children have been referred to public care on a temporary basis for different reasons (mostly antisocial behaviour, delinquency, drug abuse, truancy of the child in combination with difficulties in the family).

Summary

The families shared their fears and feeling of helplessness. According to them they are lacking prevention services and support of any kind that was leading to the family separation and/or their children's involvement in criminal activities.

Most of them are struggling to provide everyday living to their families and were not able to recognise their children's problem at an early stage, or despite of seeking help, could not get it or were refused. The difficulties escalated, and when the welfare services started to interfere, was often too late. One of the single mothers in the group for instance told that her child was hyperactive, refused by the local kindergartens and the mother had to give up her job to take care of her. The family experienced deep poverty and her other children started to act out, but due to her depression, she was not able to help them. Following a school fight in which her son was involved, the child protection system started to interfere and took away her children but did not offer any kind of help. She would need financial support, consultation and help to find a kindergarten for her daughter, as well as psychological support for her other children. Hungarian system does not provide families with proper prevention and the out of home placement seems a punishment for the "*bad families*", it demolishes the remaining self-esteem of the parents in need and provides the wrong answer for children's and families' needs.

A father of six shared his experiences, when his teenage son was taken to confinement for the first time due to truancy and running away from home. It resulted a good effect on him, realising that "*it is not normal what he was doing so far*". Nevertheless the good effect did not last on long-term, when he was back to the family he continued the same behaviour, "*or even worse*". He had a probation officer who "*did not do anything just signed the necessary papers*". The father was never consulted during the process.

The participating parents had some information about foster care, some of their children have been already fostered. They told that to take care of children in conflict with the law or children with antisocial behaviour is often too hard, foster parents would be confronted with problems that most of them would not be able to cope. They agreed on the harmful effect of institutions and they would consider alternative options to avoid it although they shared their views that children need their own families first of all, not a new one, even if they are professionals.

Members of the birth family group would participate in a training, or parenting program preparing them to help their children, they lack information and resources to tackle their

issues within their families but it would be the best option according to them. They fear that foster care would weaken the relationship with their children, and they can lose them.

They were disappointed because professionals they have met during the child protection administrative and juvenile justice judicial proceedings were only focusing on the acts, not on the root causes and stigmatized their children and them as parents instead of helping them.

List of issues according to biological families

- Preventive and early intervention services and family support would be paramount.
- Out of home care should not be a form of punishment for parents and/or children and only used as a last resort.
- Families should be informed on all matters concerning their children.
- Truancy and drop out of school should not be seen as an offence and the root causes needs to be explored, including the exclusive practice and low quality of schools respond to problems.
- Foster care is undermining family relationships.
- Residential homes are too tempting for many children, shelter, food, clothing provided, no obligations, no requirements.
- Families want to take care for the children in case of adequate support is provided but they are not equipped to resolve the problems, offence is often a sign, symptom, cry for help.

Fourth group – Young people

Participating children agreed to make voice recordings for research purposes in the beginning, but when the discussion was deepening on their lived experience, they asked to turn off the recorder but gave permission to take notes. They expressed strong resistance against talking to professionals. They shared their preconceptions and previous experiences that it would be used to misrepresent them. Group rules were set up together helping them to feel safe. Despite of all the efforts the members of the group tried to demonstrate their lack of motivation to take part in the discussion, tried the group leaders by demonstrating destructive behaviour, to demonstrate their lack of interest and trust but later most of them took an active part.

Basic data on the group

The participating children arrived from three different temporary children's homes, that are accommodating them until the final placement decision is made. Temporary home is a type of child protection alternative care for emergency purposes where in principle no longer than 30 days should children be placed. In practice the decisions are often delayed due to the lack of adequate information, delay in decision making or no placement opportunity.

More children came than were invited because they „*had nothing better to do and were interested on the topic and to meet children from other institutions in similar situation*”.

Number of participants: 11 young people.

Age: 13 - 17 years old

Sex: 6 girls and 5 boys

Place of living: Budapest, 3 different temporary homes

Ethnic background: In the group four children had Roma parents, two had one Roma parent, others were non Roma presumably.

Foster care experience: 5 of them lived with foster parents earlier

Detention experience: 3 of them have been in pre-trial arrest, custody,

The members of the group did not know each other well, it took a long while for them to „warm up” and trust at least a bit each other and the adults present.

1. 16 years old boy, in temporary care, open unit (children's home)
2. 17 years old boy, in temporary care, open unit (children's home)
3. 16 years old boy, in short-term care, open unit (children's home)
4. 17 years old boy, in short-term care, open unit (children's home)
5. 15 years old girl, in long-term care, closed unit (children's home)
6. 15 years old girl, in short-term care, closed unit (children's home)
7. 14 years old girl, in temporary care, closed unit (children's home)
8. 13 years old girl, in temporary care, open unit (children's home)
9. 14 years old girl, in temporary care, open unit (children's home)

10. 14 years old girl, in temporary care, open unit (children's home)
11. 15 years old girl, in temporary care, open unit (children's home)

Summary

In general the teenage girls were hard to handle aside from their physical presence, they contributed little beyond a few awkwardly expressed remarks and opinions that had little to do with the topic at hand. However by the end some of them shared their stories and opinion openly and enjoyed the opportunity, but tried to hide the reasons behind their institutionalisation, often petty offences, stealing, prostitution, drug use. A girl with severe behaviour problems tried to ruin any conversation and encouraged them to leave. The boys tried their best, behaved as gentlemen. All of them were kind and polite but there was lots of moving about, laughing, disturbed or no reaction, neglecting the questions or the conversation. As if on a revolving stage, they changed their seats almost continuously, sometimes stood up and then sat down. They entered into and broke off from conversation to comfort themselves or expressing their anxiety. Children were at ease and informal, and mostly talked continuously at the same time. There was some attempt to flirt with the others coming from different children's homes, but also some verbal and physical bullying among themselves. Their vocabulary was very poor, just like their ability express their feelings, needs and wishes.

Children informed the adults conducting the interviews that they were angry and no one helped them, no one was looking at the root cause behind their behaviour. Participating children shared mostly their experiences in relation to different forms of abuse and exclusion (lack of feeling equity, equality) prior their bad behaviour, mental health problems and choosing the offending, acting out "lifestyle". They were very clearly protesting against foster care, partly because they were afraid to lose the emotional relationship, connection with their biological parents after establishing one with the foster parents. They felt their parents would be angry with them if they would get closer to other adults. Some of them already have been

in this situation and their foster parents made difficult to the biological parents to visit them and did not strengthen the family relationship, got no support. In many instances they were idealising their families, even those experiencing rejection, neglect and abuse earlier. They wanted to demonstrate their loyalty and affection towards the family members, mostly mothers. Children “advertised” child protection residential facilities as a “cool” alternative of attending school and live in a family even on Facebook and informally. They said “*it is less restrictive than a family home, you can meet a lot of interesting children, make friends, moreover they have good food and it is not obligatory to go to school if you live temporarily in a children’s home*”.

None of the children from the group committed severe offences, the reasons of their placement were: truancy, drop-out from school, running away from home, drug abuse and trade, sexual exploitation, antisocial behaviour and small value stealing. All of them wanted to go home, and would not accept a foster family placement. Many of them have had bad experiences in foster placements before and many were not welcome in the home of their birth families anymore. Despite all the experiences described, they agreed that they do not want another family. They like to stay in the children’s home because there is less control and less obligations but more good “*buddies*” with common past experiences.

Children informed us, that they do not receive adequate help and support from the staff in the temporary care home, the majority of the staff can not provide a role model for the children, since they are themselves often troubled, burned out, helpless and aggressive although it is not true for everyone. Some of the staff members provide support, a “*warm heart*” and listen to children. The degradation, humiliation used by the staff were tackled in a very open and clear way, and discussed as part of the issues related to hierarchy. It was mixed up with all kind of disciplinary measures, like different forms of punishment (limiting time to spend away, prohibition of some activities or programs).

During the discussions it was clear that children from the same home had known the others’ stories on abuse, trauma, escapes, runaway and shared them with the social workers, pedagogues as well and often „*received understanding at least*”. In the homes there are five professional carers working in 3 shifts, children can find a reference person often easier than in the foster families, especially teenagers coming into the care system at an older age.

Children also admitted that in residential homes they can often tell older peers their problems and can ask for advice. Conflict resolution in these homes are often managed by the older peers and it has got a special dynamic, sometimes constructive, sometimes destructive, violent, depending on the composition of the group. One of the „good” girls did not dare spending the night in the shared rooms, rather stayed with the staff member in her room all night, she is being bullied since then by the group leaders and other children.

Aggression among children in residential care is a big issue. The new and well-behaved children in the residential facilities are bullied by the others and the reference persons, older children do not interfere due to educational reasons, or agreement with acting out, protest against everything, it is part of their life to be stronger, louder and more aggressive in order to succeed in life and in the children’s homes.

Children have got many annoying experiences in the education system and are strongly against attending any educational facility, they feel excluded there and not interested in studying. The harm is caused by the discrimination, segregation, they would need more empowerment, much more support and experience of inclusion, achievement, being praised, accepted for something.

Despite of their clearly expressed scepticism and resistance at the beginning some of the children found foster care as an interesting option, an alternative to residential care, but they would place younger children there, not adolescents as themselves. They agreed that foster parents should put limitations and rules but if they were too high in comparison with the one of the biological parents or residential care personal children would simply run away. Parents/carers, teachers were mostly seen as adults restricting rights and blocking or prohibiting certain type of activities.

It seemed to be obvious that there are no services provided for the children (therapy, group work, relief work, drama, etc.) to heal and express their feelings, anger. This is the reason why they enjoyed the opportunity to spend time in a friendly environment despite of the fact that they were showing resistance and tried to challenge the facilitator. We brought small presents, primarily sweets, fruits, soft drinks, that also helped a lot to involve children more and provide a more welcoming and friendly environment. They were grateful because „usually they do not get anything just give to adults”.

The lack of perspective, plans, life strategies was clearly expressed, they could not tell any dreams, future strategies for their adulthood, neither studying or working was seen as an option.

List of issues according to the children

- They want to go home, need their own family, parents, caregiver even if those adults are often abusive, rejecting or using them.
- Bad experiences in foster care.
- Foster care is only an option for younger teenagers.
- Belonging to their families, do not need another one.
- Residential homes are providing better opportunities (meaning less control, obligations, but often better food, housing than at home).
- School failures and rejection in many situations lead to dropout from schools, no plans for the future, no ambition to work.
- The “good” ones are bullied and experience a lot of violence and rejection, they learn the culture of rejection, anger, acting out.
- Many of them on medication (Ritalin, Rivotril) for many years, lack any type of help.

Personal narratives (“Life stories”)

The life stories were developed from one-to-one follow up interviews with two children selected from the focus groups. The personal narratives highlight various dysfunctions of the care system.

Both the interviewed children are currently living in temporary child protection care, the first stage - entry point - of public care in many instances. This provision is regulated by Article 72 and 73 of Act XXXI of 1997 on the Protection of Children and Guardianship Administration⁷ as follows:

Article 72

⁷ Hungary, Act XXXI of 1997 on the Protection of Children and Guardianship Administration, Article 72 and 73 (1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról), available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99700031.TV

“(1) If child remains without supervision, or his or her physical, intellectual, emotional, and moral development is severely endangered by his or her family environment or by his/herself, and, as a result, immediate placement of the child is necessary, the notary of the local government, the guardianship office as well as the court, police, prosecution, headquarters of the law enforcement institute (hereinafter referred to as assigning agency) shall temporarily, within the framework of professional provision, ensure placement of the child.”

In this framework special provision and accommodation shall be ensured for children arbitrarily leaving their place of abode, thus staying without provision and supervision. If parents fail to take care of the child within 3 days following the notification about the placement or disapprove such foster care, the guardianship office shall immediately be notified to take necessary administrative measures (suggestion for temporary care of the child).

During temporary care parental rights are suspended. It lasts up to 30 or 35 days and ends with reintegration to the family or with a placement decision to take the child to short-term or long-term alternative care.

We use the children’s own words to describe their stories and summarize the systematic conclusions arising from the case studies afterwards.

1. “Balázs”

17 years old boy, in temporary care, open unit (children’s home)

Balázs will reach the age of maturity in nine months. He grew up as an only child with his family in a deprived housing estate located in one of the most disadvantaged areas of Budapest, the capital of Hungary. He was placed to care for the first time two months ago. He is *“satisfied with the proceedings more or less”*. He was interviewed by the child protection experts after the placement and had the chance to express his views on his future and to modify his individual care plan. *“The social workers were kind and listened to”* him. He already received the placement decision but he has *“no idea what will happen next”* because 30 days earlier he was supposed to move to a group home but he is still in temporary care (in contradiction with the legislation⁸) and *“no one knows when he could move somewhere”*. He does not care because *“the children’s home he is currently accommodated in is friendly enough”*. Drop out from school, truancy, theft and drug abuse were the reasons to be referred to child protection besides the difficulties of his family. *“My father has become homeless a year ago and my mother found a new family for herself. I lived with them in a small flat in the last months but I was a bad example for my step brothers and sisters, I did not attend school, I did not have a job, I hang out with my friends on the streets every night, I got drunk and*

⁸ In 30 days following the decision on temporary placement the guardianship office terminates the placement order, in case it is not needed and the reunification with the family is desirable. In case, the situation has not been resolved, the decision on foster, or institutional care can be decided and the children should be referred to another children’s home, foster parent.

when I returned back to the flat I woke up everybody, I was loud. They had to go to school, work next morning so they were angry with me. We only had one room and 5-6 people to share it, there was no place for me like this, I understand”. He has a good relationship with his mother, “unlike the other boys if I get permission to leave the children’s home I go to visit my mother not my friends. I do not have a problem with her partner or new children but I do not want to go back and they also do not want me there anymore. It is this easy. I will be 18 in 9 months, it is so close I do not care where I have to spend this time. Actually I like to be here, the food is good and you can eat five times a day or even more but the best part that they do not force me to go back to school, because I am older than 16 and I can refuse. I did not know this, before no one told me.” (The new Act on National Public Education brought relevant changes in compulsory education as it reduced the maximum age of compulsory education from 18 to 16 years⁹.)

The social workers informed him about the possibility to be a private student and study from home which *“is a good solution for kids like me who hates school. I will give it a thought, but honestly I do not think I will finish the school ever and definitely not in nine months. I only attended primary school before and I feel ashamed even if I am cleverer than most of the regular kids”*.

He committed minor crimes multiply times (low value thefts, possession of drugs) before. He was on probation but hardly ever met with his probation officer so he does not have opinion on the justice system. *“They say I have serious behaviour problems but I never hurt anyone. Here at the temporary home some of the boys are cruel, you need to fight and need to be stronger otherwise they eat you alive. I am strong enough I grew up on the streets so they respect me. Sometimes I feel sorry for some of the younger boys but they have to learn how to protect themselves.”*

The future plan of Balázs is to find a job and be independent and to help financially her mother later. He thinks they can move back together in a bigger flat if he will be able to earn enough money. Her mother was invited to but did not attend the “placement conference” (where the decision to take the child into care is being assessed) neither she came to visit Balázs in the temporary home. He thinks *“she does not like him anymore as much as before because he caused problems for her but it will change soon”*.

He refuses the idea of being cared by foster parents. In his point of view teenagers of his age *“either needs total freedom and independence or strict rules, to be locked up, but it can not be combined”*. *“To receive love and guidance is too late, our role models are our own parents even if they are in prison, on the streets or under the ground, we don’t mind”*. He thinks therapeutic foster care only can be an option for younger children.

He was in the scope of child welfare and child protection system at an early stage, he was registered in the child protection register and taken under protection years ago, even before his father has lost his job and became homeless, but nothing happened until he started to commit offences. He was abused and maltreated as a child but the child protection signalling system did not identify his needs, it was not recognised. In his opinion he got the necessary help but he is lacking any information on possible services he could have.

⁹ Hungary, Act CXC of 2011. on National Public Education (2011. évi CXC. törvény a nemzeti köznevelésről) para. 45. (3), available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1100190.TV

2. “Anna”

14 years old girl, in temporary care, closed unit (children’s home)

Anna is a 14 years old girl with Roma background. She was placed to a temporary children’s home at an early age when she was around 3 or 4 years old, she does not remember or know the reasons. After a couple of days her parents took her back home but starting from the first entering to alternative care she has been taken back on a regular basis. Her mother was only 15 when she got pregnant and her father was even younger. Anna thinks, *“maybe this caused the problem. They were way too young to have a child”*.

When her father suddenly disappeared her mother was not able to manage the family alone, started to drink and meeting *“strange unknown man”*. Anna was in kinship care during primary school years, she loved her paternal grandmother. During this phase she performed well at school, maintained regular contact with her mother. When she reached the age of 10 her grandmother died and she lived with her mother for a short while but soon she has been separated from her due to maltreatment and Anna was placed to a foster family. She *“hated”* her foster parents, *“there were too many children”* and *“too high expectations, a lot of rules”*. The placement broke down in less than a year because *“of her bad influence on the other children”*. Anna was transferred to a big residential home and spent there an *“excellent”* year and *“learnt a lot about life”*. During these years her mother was able to get back the parental rights and the family was reintegrated when she was 12 years old. Now she is 14 and in the past 2 years she has been taken to emergency children’s home more than 5 times. The reasons were antisocial behaviour, violence, stealing, not attending school and drug abuse. She has never spent more than 3 days in the temporary home until now, currently she has been there for more than 2 weeks, waiting for the placement decision. She thinks she would be placed to a specialized children’s home where the *“crazy and cool”* kids are living. In the temporary home she is currently living in a semi-closed unit because she has beaten up a *“new arrogant girl who thought she had any rights in our territory”*. She believes in violence and aggression since *“this is the only way to succeed in life”*. Another reason to be placed to a specialized children’s home is her drug addiction and related mental health problems.

She knows *“it is not possible to live with her mother anymore”* because her new partner is a *“tough man”*, he *“is selling women”*. Anna’s dream of the future is to become a *“business partner of her stepfather and become rich”*. She does not consider trafficking women *“a bad thing, it is suitable for all parties involved and brings a lot of money”*.

She is clever and a group leader she *“could use her brain and strong personality for good purposes”* but choose to follow *“the path which was given to her”*.

Despite the fact that she has been on the child protection register since the age of 3 she, her family never got proper support. Growing up in the child protection system, affected her personality and future plans to the direction she was aware of as an option. Her mental health problems, the trauma of losing her father and grandmother have never been healed. Therapeutic care should have been provided to her, but the availability of it in the Hungarian system is very limited.

Conclusions

The outcomes of the focus group discussions can contribute to achieve the aims of the project and highlighted the need for better prevention services as well as more appropriate training, vocational training, on-going support and supervision for professionals working with and for children and the need to use alternative, not institutionalizing measures in case of offending children and children with antisocial behaviour. The discussions also draw attention to the lack of services and therapeutic care of children which leads to harmful outcomes both for children and society,

The participants acknowledged the promising changes in Hungary but expressed their concern with the challenges and shortcomings related to children in conflict with the law and children in alternative care:

- The Ministry of Public Administration and Justice dedicated 2012 to the Year of Child-Friendly Justice in compliance with the EU recommendations and policy. As part of this, a number of legislative amendments concerning judicial proceedings were made for the better protection of children. The new Penal Code will treat perpetrators committing offences against children with greater severity. Additionally, public administration proceedings, too, will be more child-centered; the obligatory time limits concerning child protection procedures have been halved and the authorities are required to provide information suitable to the child's maturity. Child friendly hearing rooms have been set up in all counties, at police stations, some training provided, however no systematic and legally guaranteed procedures introduced, the use of the rooms is not obligatory and only limited number of professionals have been trained so far.¹⁰ Nevertheless the reduction of the criminal responsibility age does not fit into the concept of child friendly justice.
- The Child Protection Act¹¹ – gate keeping measure: children under 12 cannot be placed in children's homes only into foster families from January 2014. Those who are already living in children's homes should be placed into foster parents until 2017. The priority is given to children under 3 years of age until 31. 12. 2014., children between 3-6 until 31. 12. 2015 and children between 6-12 until 31. 12. 2016. Unfortunately the law does not apply to children with disabilities and children with chronic illness and multiple sibling groups. The implementation is not realistic, no provisions have been introduced to provide biological families with services and support to avoid out of home placements and re-integration of families, vocational training to professionals

¹⁰ Hungary, Act LXII of 2012 on the Amendment of Certain Laws Connected to the Implementation of Child-friendly Justice (2012. évi LXII. törvény a gyermekbarát igazságszolgáltatás megvalósulásához kapcsolódó egyes törvények módosításáról), available at: <http://www.complex.hu/kzldat/t1200062.htm/t1200062.htm>

¹¹ Hungary, Act XXXI. of 1997. on the protection of children and the administration of guardianship affairs (1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról), Article 11, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99700031.TV

working with families and children and no plans for the emptied residential homes and staff therefore there is a clear passive resistance. Older children seems to be „left behind”, efforts are not being made to improve the services provided to them in the alternative care system.

- Article 66/A. - 66/I. of Act XXXI. of 1997 on the protection of children and the administration of guardianship: From 2014 every foster parent is employed/contracted by the foster parent’s agencies, organisations and in principle is entitled to pension, social insurance, etc. Every foster parent (those who already have got the authorization as well) should participate in a new training for foster parent, 500 hours, besides those 5 years before retirement age or serving as foster parents for more than 10 years. (Earlier the compulsory preparatory training was 60 hours for „traditional” (lay) foster parents and additional 300 for professional (employed) foster parents.) However another weak point of the system the lack of support and supervision after the placements is not addressed.