



**Alternatives to deprivation  
of liberty of young  
offenders:**

**The development of  
fostering programs**

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## International Juvenile Justice Observatory

- IJJO Aims:
  - To bring an international and interdisciplinary vision of juvenile justice
  - To create multidisciplinary network of experts
  - To promote development strategies, policies and intervention methods
- Beneficiaries: Children and young people at-risk of exclusion or in conflict with the law
- Pillars
  - Prevention of juvenile crime
  - Intervention Measures and law reform
  - Social & professional inclusion
- Activities: research, advocacy, training, technical assistance, information,...



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## European Council



- 27 NGOs; organisations and professionals with a thorough field understanding and experiences of interventions on the ground.



- 27 Researchers and Professors tied to Faculties, Departments and / or Universities.



- 27 Representatives of national bodies in charge of juvenile justice such as Ministries or Departments of Justice.

- A network dedicated to the promotion of a **child-friendly justice** approach throughout administrative, civil and judicial proceedings.
- Professionals committed to imagine, draft and set up effective and sustainable **policies preventing youth violence, promoting alternatives to detention and advocating in favor of an enhanced social inclusion of the most vulnerable children.**
- A knowledge **of the EU and international institutions**, which facilitates the draft of concrete **recommendations** and efficient **advocacy work**.
- A **network bridging the gap between juvenile justice stakeholders** at EU level.



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## **EU Project: Alternatives to custody for Young Offenders - Developing Intensive and Remand Fostering Programmes**

Foster care is mentioned by the article 40 UNCRC as one of the **alternatives to institutional care-detention**, whose negative impact on child's development is widely recognized.

Despite this recognition, the care-detention and **custody measures are still being used in the praxis of many EU MS when dealing with young offenders.**

The project studies at EU level **Remand and Intensive Foster Care**, which are believed to have **the potential to provide young people with a caring environment** and **prevent them from negative consequences of detention and custody.**

### **Objective to produce:**

- A training programme and briefing documents designed to be effective tools
- Targetting multi-agency networks, foster carers, fostering and youth justice staff, criminal justice and police personnel
- Core minimum standards, guidelines
- Information for young people.



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<b>Applicant: British Association for Adoption and Fostering</b>	<b>NGO</b>	<b>UK</b>
<b>partner 1. Eurochild</b>	Network	Belgium
<b>partner 2. International Juvenile Justice Observatory</b>	Network	Belgium
<b>Associate a. Kensington and Chelsea</b>	LA	UK
<b>partner 3. A National Voice</b>	NGO	UK
<b>partner 4. Family Child Youth Association</b>	NGO	Hungary
<b>Associate b. Budapest Child Protection Agency</b>	LA	Hungary
<b>partner 5. National Network for Children</b>	National Network	Bulgaria
<b>partner 6. Social Activities and Practices Institute</b>	NGO	Bulgaria
<b>Associate c. local authority</b>	LA	Bulgaria
<b>Partner 7. Università del Salento – Department of Law - Lecce</b>	Research Department	Italy

**EU RESEARCH IN ALL MS**



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## The Multidimensional Treatment Foster Care (MTFC) In Europe

### •Origine:

•Based on social learning theory which was developed in the USA during the 1980s. It was initially developed for work with **boys with serious and chronic criminal behaviour** and was later extended to girls. It has also been developed and tested as an **alternative to hospitalisation for adolescents with mental health** problems and as an early intervention with **very young children at risk** of long-term care. The use of MTFC with these populations has been **positively evaluated** in a number of controlled studies in the USA (Chamberlain and Reid, 1991; Chamberlain and Reid, 1998; Fisher *et al*, 2000).

### •Description:

MTFC is a **community-based intervention** in which a **multi-disciplinary team** works intensively with **young people and their families during a placement** with specially trained **foster carers**, encouraging and **reinforcing positive behaviours** and **diverting young people from delinquent peers**.



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## Differences between MTFC and routine foster care

- MTFC differs from routine foster care in that it offers **treatment** as well as substitute care.
- It provides young people with a **short-term foster placement followed by a short period of aftercare**, and is delivered by a **professional team** and highly **trained and supported foster carers**



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## **BELGIUM:**

### **Programme:**

Foster care is available as a juvenile justice measure and as a youth care measure in the general youth welfare system.

It is the public **prosecutor who decides whether to qualify a case as a juvenile justice case or a child welfare case.**

- The **foster family is chosen by the judge** or by a **specialized foster care service** and is supported and helped by this service (financial support)

### **Objective:**

- FC is temporary and the ultimate aim is always the return of the child to his or her legal parents. At the latest, 'official' foster care ends when the child turns 18 years old

### **In practice:**

- The organisation and regulation of foster care is a competency of the communities. As a result, there are **no uniform rules for the whole of Belgium.**
- **foster care is an exceptional measure within the juvenile justice system**





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## The Netherlands:

### Programme Multidimensional Treatment Foster Care :

- aims to **re-educate a juvenile** through the use of foster care.
- MTFC is usually imposed as **part of a non-custodial treatment order**. In theory, MTFC could also be used as an **alternative for pre-trial detention**, as a learning project or as a condition for suspended custodial treatment.
- applicable to children from the age of **12 to 18** years old

### Objective:

- **stimulate positive behaviour**, social abilities, problem-solved capacity and to encourage the development of relationships with adults and peers.

### In practice:

- MTFC is used **only occasionally** and there is not much research available on the impact and outcomes
- A juvenile in conflict with the law could be diverted to foster care programmes within the child protection system. Foster care, including MTFC, can be regarded as **an alternative for closed youth care**
- The enforcement of foster care has been regulated by the 2005 Youth Care Act
- **Foster care plays a limited role** in the juvenile justice system in the Netherlands



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## England and Wales:

### Intensive fostering programme

- **The aim of the IF is that, the young person will return to their family**
- **To ensure that any gains** made during foster placement **are not lost** when they leave, **birth family therapists undertake work with parents** or alternative carers during both the foster placement and the aftercare period.
- The intention is to ensure that the young person **returns to an environment where they will receive a reasonable amount of consistent and authoritative care and support**, and that desired behaviours will continue to be encouraged and reinforced in a positive manner.



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## UK: The key elements of the Intensive Fostering

- a consistent reinforcing environment (**mentoring and encouragement**):
- a clear structure, boundaries and consequences, **close supervision**
- diversion from associations with anti-social, peers develop positive social skills, **promote the formation of positive relationships**
- specially **trained foster carers**
- **Individual behaviour management plans**
- Young people's activities are restricted
- they move through a series of levels (privileges)



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## UK: The full Intensive Fostering team

- *a programme supervisor*, to oversee the therapeutic work of the team with each young person
- *a programme manager*, to manage the team
- *a family placement social worker*, to recruit and support the foster carers
- *a skills worker*, to work with the young person on developing social skills
- An individual therapist for the child
- *a birth family therapist*, to work with parents or follow-on carers
- *a Parent Daily Report (PDR) caller*, to collect the information from foster carers



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## Results – one year after entering IF

- reconviction rates were significantly lower for the young people in the IF group; fewer offences and lower mean gravity score for those offences than for the comparison group.
- fewer days in custody during this period.

*N. Biehal et al: Children and Youth Services Review 33(2011) 2043—2049*



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## Challenges:

- need for intensive support in the community over a longer period – if the gains made during the course of the IF placements are to be sustained.
- more attention should be paid to the environments to which they return and to post—treatment social adjustment (Bottoms, 2006; Rutter et al., 1998).
- Local services need to undertake proactive and intensive work with these young people and families once they have returned; without this there seems little chance that any gains will be sustained.

*N. Biehal et al: Children and Youth Services Review 33(2011) 2043—2049*

- need for close collaboration between the care and justice system
- “Low number of foster families and family based placement of children and still a widespread use of institutionalization” (yesterday Kirsten Sandberg)



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## Some conclusions for the COE:

- . Develop a partnership between COE, MS, Ngos concerning the **implementation of the CM/REC (2008)11 European Rules for juvenile offenders subject to sanctions or Measures.**
- . widen the scope of the **Child Friendly Justice Guidelines to children submitted to sanctions and measures.**
- . widen the **collect of data concerning children offenders** (in collaboration with the EC and FRA).
- . Create synergies with EU institutions and MS in case of the adoption by the **European Parliament of Proposal of Directive concerning procedural safeguards for children suspected or accused in criminal proceedings.**
- . Develop synergies with UN bodies concerning the **elimination of violence against children in the field of crime prevention and criminal justice.**
- . Making CCL a priority: Children in conflict with the law and in particular children deprived of liberty are more likely to suffer abuse and violence.



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