Alternative Family Care for Children in Sri Lanka
Frequently Asked Questions

An overview of concepts and processes including foster care

In partnership with

Centre of Excellence
In Alternative Care (India)

“Every child should grow up in a family. A family is where children receive love, protection, and care… Institutions must be the last resort. We must focus on alternative care — kinship, foster, and family-based care.”

Hon. Prime Minister Dr. Harini Amarasooriya

@MONTHLY ALLOWANCE OF RS. 5,000 LAUNCHED FOR CHILDREN IN INSTITUTIONAL CARE AND STREET CHILDREN - launch event held at Sethsiripaya in Battaramulla,

15/07/2025

Their Future Today (TFT), has been working in Sri Lanka since 2005 to support the wellbeing, education, protection and human rights of institutionalized children, young women and impoverished families in the Southern Province and beyond.

Our vision is to help end the institutionalization of children by addressing the root causes of child abandonment, such as poverty, and by advocating to introduce a sustainable foster care system. Since its inception, TFT has supported more than 16,000 children and families, steadfastly advocating that children thrive best in families, not orphanages.

“I would especially like to thank Lynn Stanier and Their Future Today for the great partnership with the Southern province, which has seen the development of foster care and some of the most positive changes witnessed in recent times. I hope that our collective efforts will bear the necessary fruits and contribute in a substantial manner towards a better tomorrow for the children of Southern province”.

Mahesh Karunanayake
Southern Provincial Council Secretary

“Congratulations to Their Future Today on reaching this remarkable 20-year milestone of service to institutionalized and disadvantaged children and families in Sri Lanka. Your unwavering dedication has made a profound impact on countless lives, providing not only support but also hope and opportunity for a brighter future. It is an honor to acknowledge your tireless efforts and the positive change you've fostered in the lives of so many. Here's to many more years of transforming lives and creating lasting legacies of care and compassion”.

Rasika Dissanayake
Commissioner
Department of Social Welfare probation and Child Care Services
Southern Province

“I write this message of appreciation and gratitude to Lynn Stanier and Their Future Today, as they celebrate 20 years of unwavering support to the people of Sri Lanka. I first met Lynn when I functioned as the Chairperson of the National Child Protection Authority of Sri Lanka. She enlightened me on the benefits of deinstitutionalisation of children so that they could lead a life of dignity. She encouraged me to attend the International Foster Care Conference in Malta where after participating in the different sessions conducted by the various international experts on the subject, I was energised upon my return strive hard to make Alternative Care for Children a reality in Sri Lanka. Their Future Today has been a warm, benevolent and generous supporter of Sisters at Law during our six years of existence. Our close collaboration has made it possible to pave the way for happier and more productive lives for many a woman and child in Sri Lanka”.

Marini De Livera
Former Chairperson National Childcare Protection Authority (NCPA), Founder, Sisters-at-Law, Lawyer

Acknowledgment

We are deeply grateful to those whose guidance and insights have been invaluable in shaping our understanding of alternative care systems. Your expertise has profoundly influenced our approach to this vital subject.

We also extend our heartfelt appreciation to the practitioners, social workers, and researchers in the field of alternative care, both in Sri Lanka and across the world. Your unwavering dedication and commitment to improving the lives of vulnerable children have been a source of inspiration and have significantly enriched our research and learning.

A special note of thanks goes to the Centre of Excellence in Alternative Care India and Terre des Hommes Foundation for their generous permission to adapt the FAQ from India for use in Sri Lanka. Your provision of resources, data, and insights has been instrumental in making this book a reality.

We would like to particularly acknowledge K.G. Nimali S. Kumari, an inspiring care leaver and a tireless advocate for system change. Her work in giving a voice to institutionalised children and care leavers is at the heart of this book, and her contributions continue to drive meaningful progress in the field.

It is my hope that this book serves as a platform to raise awareness, create understanding and inspire change within the alternative care system.

Thank you to everyone who has been an integral part of this journey.

Lynn Stanier

Deshabandu Lynn Stanier MBE FRSA
Chief Executive

Foreword

In the past ten years, Sri Lanka has made significant strides in the realm of Alternative Care, particularly as global trends shift towards family-based care solutions for the millions of children currently residing in institutions. The country has actively engaged in international efforts to promote family-based care and deinstitutionalisation, leading to a notable reduction in both the number of children placed in institutions and the overall number of such facilities. For instance, in 2013, there were 14,179 children living in 414 institutions, according to the National Institute of Social Development. By 2019, this number had decreased to 10,632 children across 379 Child Care Institutions (CCIs), as reported by the Department of Census and Statistics.

As of now, the primary factors contributing to the institutionalisation of children in Sri Lanka are poverty and family dysfunction (National Institute of Social Development, 2013). Notably, only a small percentage of these children are orphans; approximately 90% have one or both parents (Department of Census and Statistics, 2019). This highlights the critical need for efforts to reunite children within Child Care Institutions (CCIs) with their families. While a minority may require family-based alternative care—designed to support those without biological parental care—it is essential that such care fosters a nurturing and loving environment for children to thrive. According to the United Nations Guidelines for the Alternative Care of Children, alternative care is provided when a child's family is unable to offer adequate care, when a child is abandoned, or when parental rights are relinquished (UN General Assembly, 2010). Moreover, Sri Lankan legislation on alternative care encompasses children who have interacted with or are in conflict with the law within the juvenile justice system (Ministry of Women and Child Affairs Sri Lanka, 2017). It is vital that alternative care respects and upholds a child's rights to survival, protection, participation, and development, as outlined in the United Nations Convention on the Rights of the Child (UNCRC).

This FAQ is intended to support practitioners and child protection actors in Sri Lanka to understanding the various forms of Alternative Care and its processes. The document is based on the various article, policies, researches on alternative care in Sri Lanka and worldwide. The document also draws upon the 20 years of service on deinstitutionalisation projects run by Their Future Today in the Southern province, the views and information gathered from Probation Commissioners, probation officers, child protection officers, parents, care leavers, protection experts, responsible officials in Sri Lanka

This book will serve as a resource for understanding the landscape of alternative care for children in Sri Lanka. It addresses the pressing need for effective policies and practices that ensure the well-being and protection of vulnerable children.

Contents

Abbreviations

CCI	Child Care Institution
CL	Care Leaver
CRPD	Convention on the Rights of Persons with Disabilities
DPCCS	Department of Probation Child Care Services
FAQ	Frequently Asked Questions
GNGN	Generation Never Give Up Network
NCPA	The National Child Protection Authority
NGO	Non- Governmental Organisation
UNICEF	United Nations Children's Fund
UNCRC	United Nations Convention on the Rights of the Child

Introduction

Purpose of Frequently Asked Questions (FAQ)

The Frequently Asked Questions are developed and designed to address three major topics of alternative care in Sri Lanka.

1. Alternative care concepts
2. Alternative care processes
3. Rights and responsibilities

The targeted audience of the FAQ are the actual practitioners and child protection actors who are responsible for promoting and providing alternative care options for children who are separated from family environment.

Methodology for developing the FAQs

The FAQ booklet that you are reading was developed to demystify the concepts of alternative care in the context of Sri Lanka.

Also, this book is grounded in a thorough examination of existing literature, encompassing research articles, authoritative texts, and relevant policy documents. Each source was critically evaluated for credibility and relevance, ensuring that the information presented is both accurate and up-to-date. Additionally, thematic analysis was employed to synthesise findings from diverse materials, allowing for a nuanced understanding of the topic.

PART I: ALTERNATIVE CARE CONCEPTS

Understanding Alternative Care

What is Care for Children

Care for children is a profound responsibility that encompasses various aspects of nurturing, protecting, and guiding young individuals as they grow and develop. It involves a holistic approach aimed at ensuring the well-being of children, providing them with the necessary resources, support, and environment to thrive physically, emotionally, socially, and intellectually. This care is not limited to meeting basic needs; it extends to fostering a sense of security, promoting healthy relationships, and encouraging personal growth.

At the heart of care for children is the recognition of their inherent vulnerability. Children depend on adults for their survival and development, making it essential to create a safe and nurturing environment. This begins with physical care, which includes providing adequate nutrition, hygiene, and medical attention. A balanced diet is crucial for a child's growth, while regular health check-ups help monitor developmental milestones and address any potential health issues. Ensuring that children are safe from harm is paramount; caregivers must be vigilant in creating environments that protect against physical dangers and emotional distress.

Emotional care is equally important in the development of children. Building secure attachments is fundamental, as children need to feel loved and valued to develop self-esteem and confidence. Caregivers play a critical role in this aspect by offering affection, understanding, and support. When children experience consistent emotional support, they are more

likely to develop resilience, enabling them to cope with challenges and setbacks throughout their lives. The ability to express emotions and understand the feelings of others is nurtured through positive interactions with caregivers, peers, and family members.

Social development is another vital component of care for children. Children learn to navigate relationships and social dynamics through interactions with others. Caregivers facilitate opportunities for socialisation by encouraging play, teamwork, and communication. These interactions help children develop essential social skills, such as sharing, empathy, and conflict resolution.
By engaging in group activities and forming friendships, children learn to understand different perspectives and build a sense of community.

Cognitive development is also a critical focus of child care. Early childhood is a time of significant brain development, and caregivers can stimulate this growth through educational activities and experiences. Providing age-appropriate learning opportunities, such as reading, storytelling, and hands-on exploration, fosters curiosity and critical thinking. Caregivers can create enriching environments that encourage creativity and problem-solving, laying the foundation for lifelong learning.

Moreover, care for children extends beyond immediate family members. It involves collaboration with educators, healthcare professionals, and the community to ensure that children receive comprehensive support. Quality child care programs play a crucial role in this ecosystem, offering structured environments where children can learn and grow while their parents work or pursue other responsibilities. These programs often incorporate educational curricula that promote holistic development, ensuring that children are well-prepared for future academic challenges.

What is alternative care for children?

Alternative care for children refers to various forms of caregiving provided to children who cannot live with their biological parents due to circumstances such as neglect, abuse, parental incapacity, or other family issues. The primary goal of alternative care is to ensure that children grow up in safe, nurturing environments that support their development and well-being.

Key Types of Alternative Care

- **Kinship Care**: This involves placing children with relatives or close family friends, helping to maintain family connections and cultural ties, which can be crucial for a child's identity.

- **Foster Care**: This is a temporary arrangement where children are placed with licensed families or individuals. Foster care aims to provide a stable environment while efforts are made to reunite the child with their biological family whenever possible., or adoption placement.

- **Adoption**: In cases where reunification is not feasible, adoption serves as a permanent solution. It legally transfers parental rights from biological parents to adoptive parents, offering children a stable and loving family.

    - ❖ Foster care and adoption can be categorised as both formal and informal types of alternative care.

Importance of Alternative Care

Alternative care is essential for protecting vulnerable children and ensuring their safety and development. It reflects society's commitment to providing support and resources to families in crisis, promoting the well-being of children, and fostering positive outcomes. Access to quality alternative care services can alleviate the stress on families and create environments where children can thrive, regardless of their circumstances.

What is the difference between formal and informal alternative care?

Alternative care for children can be categorised into two main types in Sri Lanka: formal and informal care. Each type has distinct characteristics, processes, and implications for the children involved.

Formal Alternative Care

1. Definition: Formal alternative care refers to structured caregiving arrangements regulated by governmental or institutional bodies. This type of care is typically organised through social services, such as the Department of Probation and Child Care Services, and involves official procedures and standards. It can also be identified as family-like care, where the child is placed in an environment similar to a family, but outside the biological or extended family settings.

Reference source – National Alternative Care Policy of Sri Lanka

2. Types of Care:

- Foster Care
- Adoption
- Residential Treatment Centres
- Certified Schools and Group Homes
- Remand Homes and Detention Centres
- Private Boarding Houses
- Emergency Care Centres and Counselling Centres
- Voluntary Homes and Respite Care Facilities

3. **Regulation and Oversight:**

   Formal care systems are governed by laws and policies that set standards for the care provided. Regular evaluations and monitoring are conducted to ensure compliance with these standards.
   - Support Services: Formal alternative care often includes access to various support services, such as counselling, educational resources, and healthcare, aimed at promoting the overall development of the child.

Informal Alternative Care

1. **Definition:** Informal alternative care refers to caregiving arrangements that occur outside the formal system. Generally organised by family members, friends, or community members, this type of care operates without official oversight or regulation. It can also be identified as family-like care, where the child receives care in an existing family setting, whether it be their own biological family, kin, foster, or adoptive family.

2. **Types of care:**
   - Adoption
   - Foster Parenting
   - Kinship Care:

3. **Regulation and Oversight:**

- Lack of Regulation: Informal care does not involve the same level of oversight as formal care. There are no standardised procedures or requirements for caregivers, which can lead to variability in the quality of care provided.
- Flexibility and Familiarity: Informal care arrangements may offer greater flexibility and familiarity for children, as they often stay within their family or community networks. This can help maintain cultural ties and emotional connections.

Summary of Key Differences

Aspect	Formal Alternative Care	Informal Alternative Care
Definition	Regulated and structured caregiving	Unregulated and personal caregiving
Types of Care	Certified Schools, Voluntary and Group Homes	Kinship care, foster Care and adoption
Regulation	Governed by laws and policies	No formal oversight or regulation
Support Services	Access to professional support services	Limited formal support, often community-based
Flexibility	More structured, less flexible	More flexible, often based on personal relationships

Who needs alternative care?

Alternative care is essential for various groups of children who are unable to live with their biological families due to a range of circumstances. Understanding who needs alternative care helps ensure that vulnerable children receive the support and protection they require. Here are the primary groups of children who typically need alternative care:

1. Children from Abusive or Neglectful Environments

Children who experience physical, emotional, or sexual abuse, as well as neglect, often require alternative care to escape harmful situations. This care provides them with a safe environment where they can heal and thrive.

2. Children with Incarcerated Parents

When parents are incarcerated, children may be left without adequate care and supervision. Alternative care arrangements, such as foster care or kinship care, can provide stability and support during this challenging time.

3. Children with Parental Substance Abuse Issues

Parents struggling with substance abuse may be unable to provide a safe and nurturing environment for their children. Alternative care can offer these children a stable home while their parents seek treatment and recovery.

4. Children with Disabilities

Children with physical or developmental disabilities may require specialised care that their biological families are unable to provide. Alternative care options can ensure they receive the necessary support and resources for their unique needs.

5. Children in Crisis Situations

Emergency situations, such as natural disasters, domestic violence, or sudden family crises, can lead to the need for alternative care. In such cases, children may require immediate placement in safe environments until longer-term solutions are found.

6. Unaccompanied Minors

Children who arrive in a country without a parent or legal guardian, such as refugees or migrants, often need alternative care. These children require protection and support as they navigate their new circumstances.

7. Children with Parents Facing Mental Health Challenges

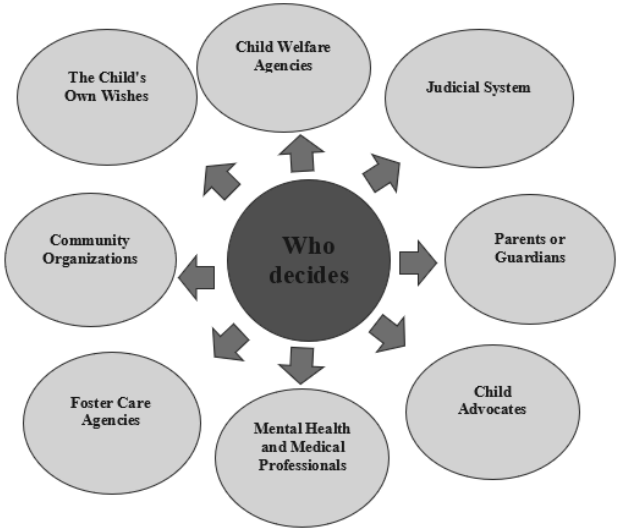
Parents dealing with severe mental health issues may struggle to provide adequate care for their children. Alternative care can provide a stable environment while parents receive the treatment they need.

8. Children in Foster Care Systems

Many children enter the foster care system due to a combination of the above factors. They require alternative care to ensure their safety and well-being while efforts are made to reunite them with their families or find permanent placements.

Who decides which form of alternative care is in the best interest of child?

Determining the most suitable form of alternative care for a child involves a collaborative process among various stakeholders. The primary focus is always on the best interests of the child, guided by legal frameworks, professional assessments, and the child's individual needs. The key players involved in this decision-making process:



1. Child Welfare Agencies (Department of Probation & Child Care Services)

Department of Probation and Child Care Services play a central role in assessing a child's situation and determining the appropriate form of alternative care. Probation officers conduct evaluations, gather information about the child's background, and assess the family's circumstances. They are responsible for making recommendations based on their findings.

2. Judicial System

In many cases, the court system is involved in decisions regarding alternative care. A judge reviews the recommendations from child welfare agencies and other professionals to make legally binding decisions about custody and care arrangements. The judicial process ensures that decisions are made fairly and in accordance with the law.

3. Parents or Guardians

Biological parents or guardians also have a voice in the decision-making process, particularly when they are actively involved in addressing the issues that led to the need for alternative care. Their input is considered, especially when discussing potential reunification or kinship care arrangements.

4. **Child Advocates**

Child advocates or guardian's ad litem represent the interests of the child in legal proceedings. They provide an independent perspective on what is best for the child and may advocate for specific forms of care based on the child's needs and preferences.

5. Mental Health and Medical Professionals

Professionals such as psychologists, counsellors, and medical providers can provide valuable insights into a child's emotional and physical well-being. Their assessments can influence decisions about the type of care that would be most beneficial for the child's development.

6. Foster Care Agencies

Foster care agencies assess potential foster families and match children with suitable placements. They consider the child's specific needs, including any special requirements or preferences, to ensure a good fit with foster caregivers.

7. Community Organisations

Non-profit organisations and community groups often provide resources and support for families in crisis. They may participate in discussions about alternative care options and can offer additional perspectives on what arrangements would best support the child.

8. The Child's Own Wishes

When appropriate, the child's own preferences and opinions are taken into account, especially for older children and adolescents. Their input can be critical in determining the most suitable form of care, as it helps ensure that their voices are heard in the decision-making process.

.

CASE STUDY

Overturning a Judge's Decision to Place a Child in an Orphanage in Favour of Family Care

Marini De Livera, a renowned lawyer and advocate for children's rights, encountered a pivotal case that underscored the profound need for family-based care over institutionalisation. The case involved a 3-year-old girl abandoned as a baby and lovingly raised by a couple who found her on their doorstep. When the biological mother reappeared years later, accusing the couple of kidnapping and demanding custody, the court initially ruled against both parties. Declaring the mother unfit for abandoning the child and citing the lack of biological ties between the couple and the girl, the judge ordered the child to be placed in an orphanage. The little girl, terrified of being taken away from the only family she had ever known, screamed and cried in the days leading up to the court hearing, a heart-wrenching display of the emotional bond she had formed with her caregivers.

Determined to advocate for the child's best interests, Marini invoked the fit person clause of the United Nations Convention on the Rights of the Child (UNCRC), which Sri Lanka ratified in 1991. She argued that the couple, who had provided consistent love and care since infancy, were the most suitable caregivers and that institutionalising the child would harm her emotional and developmental well-being. In a landmark decision, the court overturned its initial ruling and recognised the couple as the child's rightful caregivers, allowing the girl to remain with the family who had loved her from the start. This case not only safeguarded the child's future but also highlighted the critical need for judicial systems to prioritise family-based care. It serves as a powerful reminder of the importance of fostering, alternative care systems, and continued training for judges and childcare professionals to ensure decisions are always made in the best interest of the child.

The legal framework for alternative care

The legal framework for alternative care involves both international and national laws and policies aimed at protecting the rights of children and ensuring their well-being when they cannot live with their biological families. The ratification of the UNCRC influence a range of legal and policy reforms in Sri Lanka, including the introduction of foster care under 'Fit Persons' as a legitimate form of alternative care for children. It also emphasised the need to keep children in family-based settings, whether through reunification, kinship care, or fostering, rather than placing them in orphanages or institutions. Here's an overview:

International Legal Framework

1. **United Nations Convention on the Rights of the Child (UNCRC)**

The ratification of the UNCRC influence a range of legal and policy reforms in Sri Lanka, including the introduction of foster care under 'Fit Persons' as a legitimate form of alternative care for children. It also emphasised the need to keep children in family-based settings, whether through reunification, kinship care, or fostering, rather than placing them in orphanages or institutions.

- Adopted in 1989, it is the primary international treaty protecting children's rights.
- Article 20 specifically addresses children who are temporarily or permanently deprived of their family environment, stating that they are entitled to special protection and assistance.

2. **Guidelines for the Alternative Care of Children**

    - Adopted by the UN General Assembly in 2010, these guidelines provide a framework for the implementation of alternative care, emphasising the importance of family-based care over institutional care.

3. **Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption**
    - Focuses on the protection of children involved in intercountry adoption, ensuring that such processes respect the best interests of the child.

4. **Convention on the Rights of Persons with Disabilities (CRPD)**

    - Acknowledges the rights of children with disabilities and emphasises their right to family life and appropriate care.

National Legal Framework

1. **National Policy for the Alternative Care of Children in Sri Lanka**

- This policy outlines a range of alternative care options and encourages the reform of formal structures providing at-home and out-of-home services for children deprived of care and protection.

Source – National Alternative Care Policy

2. **Fundamental Rights Chapter III of Constitution of Sri Lanka**

    - Article 12 (4) provides a special provision that allows for affirmative action to promote the welfare of children and women.

3. **Directive Principles of the State Policy and Fundamental Duties**

    - Article 27 (13) "The State shall promote with special care the interests of children and youth so as to ensure their full development, physical, mental, moral, religious, and social, and to protect them from exploitation and discrimination."

4. **Children's and Young Persons Ordinance No. 48 of 1939 – Section 15, 34 and 35**

    - Section 15: Remand or committal to custody in remand homes or in charge of fit and proper persons This section allows a court to remand or commit a child to the custody of a fit and proper person when necessary. It ensures that children who require care or are awaiting further legal proceedings are placed in a safe and suitable environment.

    - Section 35: Powers of Juvenile Courts in respect of children and young persons in need of care or protection. This section grants Juvenile Courts the authority to make orders regarding children identified as being in need of care or protection. The court can commit such a child to the care of a fit person who is willing to undertake the responsibility.

5. **Domestic Violence Act No. 34 of 2005**

6. **Judicator Act No.02 of 1978 with amendments**
    - The Act establishes the structure of courts, including the Magistrate's Court and the Juvenile Court, which have jurisdiction over matters relating to child welfare

What is The United Nations Convention on the Rights of the Child?

The United Nations Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child (UNCRC) is a landmark international treaty adopted by the UN General Assembly on November 20, 1989. It is the most widely ratified human rights treaty in history, recognising the civil, political, economic, social, and cultural rights of children. The UNCRC ratified by Sri Lanka in 1991, aims to protect children and ensure their well-being and development in a holistic manner.

Key Principles

The UNCRC is built on four core principles:

1. **Non-discrimination (Article 2)**: Every child has rights regardless of race, religion, or abilities.
2. **Best interests of the child (Article 3)**: The best interests of the child must be a primary consideration in all actions concerning them.
3. **Right to life, survival, and development (Article 6)**: Children have the inherent right to life, and states must ensure their survival and development.
4. **Respect for the views of the child (Article 12)**: Children have the right to express their views freely in all matters affecting them.

Illustration Source: Google search

Rights Enshrined in the UNCRC

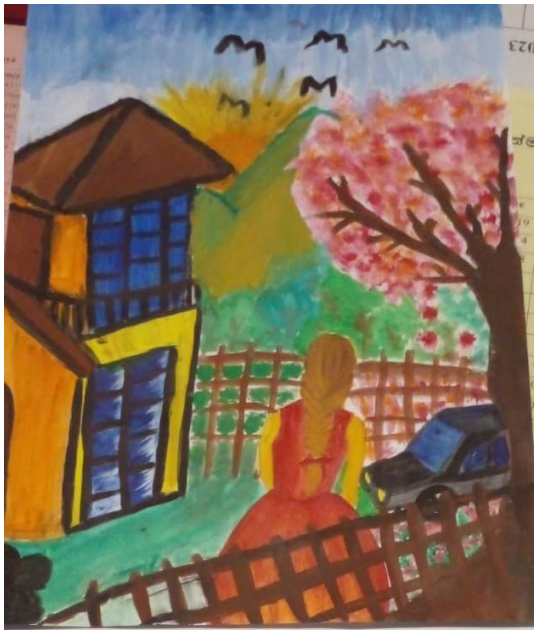
The Convention outlines a comprehensive range of rights for children, which can be categorised into several groups:

- **Civil Rights and Freedoms**: Right to name, nationality, and freedom of expression.
- **Family Environment and Alternative Care**: Right to live with parents unless it is contrary to their best interests.
- **Health and Health Services**: Right to the highest standard of health and access to healthcare services.
- **Education, Leisure, and Cultural Activities**: Right to education and participation in cultural and recreational activities.
- **Special Protection Measures**: Protecting children from exploitation, abuse, and neglect, including protection from violence, sexual exploitation, and harmful practices.
- **Juvenile Justice:** Addressing the rights of children in conflict with the law, ensuring that they are treated with dignity and respect, and that their rights are upheld throughout the justice process.

Implementation and Monitoring

States that ratify the UNCRC are required to implement its provisions and report on their progress to the Committee on the Rights of the Child, which reviews these reports and provides recommendations. The Committee also considers individual complaints about violations of children's rights.

What are The United Nations Guidelines for the Alternative Care of Children?



The United Nations Guidelines for the Alternative Care of Children were adopted by the UN General Assembly in 2009. These guidelines serve as a comprehensive framework aimed at improving the quality of alternative care for children who cannot live with their biological families. They emphasise the importance of family-based care and outline the responsibilities of governments, social services, and other stakeholders in ensuring the rights and well-being of children in alternative care settings.

Context and Purpose

The guidelines were developed in response to the growing recognition of the need for effective systems of alternative care for children. Many children worldwide find themselves in situations where they cannot live with their parents due to various reasons, including abuse, neglect, parental illness, or family breakdown. The guidelines aim to provide a coherent approach to alternative care that prioritises the best interests of the child.

Key Principles

The guidelines are built upon several key principles:

1. **Best Interests of the Child**: The primary consideration in all decisions regarding alternative care should be the best interests of the child. This includes assessing the child's needs, preferences, and rights.

2. **Family-Based Care**: Whenever possible, children should be cared for in a family environment. This can include

foster care, kinship care, or adoption, rather than institutional care, which is often detrimental to a child's development.

3. **Participation**: Children have the right to participate in decisions that affect their lives. Their views should be considered and respected, ensuring they are heard in matters related to their care.

4. **Non-Discrimination**: All children, regardless of their background, should have equal access to alternative care services. Special attention should be given to vulnerable groups, including children with disabilities, refugees, and those from minority backgrounds.

5. **Quality of Care**: The guidelines stress the importance of providing high-quality care that meets children's physical, emotional, and developmental needs. Caregivers should be properly trained and supported to ensure they can provide a nurturing environment.

Implementation and Responsibilities

The guidelines outline the responsibilities of various stakeholders, including:

- **Governments**: States are responsible for establishing legal frameworks and policies that promote family-based care and protect children's rights. They should also ensure adequate funding and resources for alternative care services.

- **Social Services**: Social workers and child protection agencies play a crucial role in assessing the needs of children and facilitating appropriate placements. They must work collaboratively with families and communities to support children and prevent unnecessary separation from their families.

- **Civil Society**: Non-governmental organisations (NGOs) and community groups are essential in advocating for children's rights, providing support services, and monitoring the quality of alternative care.

Alternative care in Sri Lanka

In Sri Lanka, the issue of alternative care for children has gained increasing attention over the years, particularly due to the impact of civil conflict, natural disasters, and socio-economic challenges. The country has made significant strides in developing policies and frameworks aimed at protecting children's rights, but challenges remain in ensuring that all children in need of alternative care receive the support and protection they deserve.

Historical Context

Historically, Sri Lanka has relied heavily on institutional care for children who cannot live with their families. Orphanages and children's homes were the primary forms of alternative care, often lacking the necessary resources and trained staff to provide adequate care. However, the negative implications of institutionalisation, such as emotional and developmental challenges, have led to a shift in focus toward family-based care solutions.

Legal and Policy Framework

Sri Lanka has ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991 and has established several national policies and laws that align with international standards for child protection. Key legal instruments include:

1. **Children's Charter:** The charter emphasises the importance of nurturing, growth, and development of children, and it aligns with the socio-economic and welfare policies of Sri Lanka.

2. **Children and Young Persons Ordinance No. 49 of 1939:** This ordinance provides a legal framework for the protection and welfare of children, including provisions for alternative care.

3. **National Policy Alternative Care for Children in Sri Lanka (2019):** This policy emphasises the importance of family-based care and aims to reduce reliance on institutional care. It outlines strategies for promoting foster care, adoption, and kinship care.

4. **Guidelines for Alternative Care**: In line with the UN Guidelines for the Alternative Care of Children, Sri Lanka has developed specific guidelines to improve the quality of alternative care services, focusing on the best interests of the child.

5. **Foster Care Act:** a proposed legislation aimed at addressing issues related to adoption and foster care. The National Child Protection Authority (NCPA) is leading the effort to draft this law, with support from the Ministry of Justice. The act seeks to provide a legal framework for foster care, making it a more accessible and less cumbersome process compared to traditional adoption. The goal is to ensure that children in need of care can be placed in safe, nurturing environments without the lengthy and often prohibitive procedures currently in place.

6. **Adoption of Children Ordinance in Sri Lanka is Ordinance No. 24 of 1941:** This ordinance provides the legal framework for adoption in the country, including the procedures for making adoption orders and the rights and responsibilities of adoptive parents.

Current State of Alternative Care

In recent years, Sri Lanka has made notable progress in promoting family-based care options. The government and various non-governmental organisations (NGOs) have worked to establish foster care programs and raise awareness about the importance of keeping children within family environments. Some key aspects of the current state of alternative care in Sri Lanka include:

1. **Institutional Care**: Although there has been a push to reduce reliance on institutional care, many children still live in orphanages and children's homes. These institutions often face challenges related to funding, staffing, and the quality of care provided.

2. **Kinship Care**: Many children in need of alternative care are placed with extended family members. Kinship care is often preferred due to cultural norms and the desire to maintain family connections. However, the support systems for kinship caregivers are often inadequate.

3. **Adoption**: Domestic and intercountry adoption processes are regulated by the Adoption of Children Ordinance, No. 24 of 1941. While adoption is recognised as a viable alternative for children without parental care, bureaucratic hurdles and lengthy procedures can deter potential adopters.

4. **Foster Care**: The concept of foster care is gradually gaining acceptance, with efforts to recruit and train foster parents. However, the system is still in its infancy, and more work is needed to create awareness and a robust framework for foster care placements. The Foster Care Act is currently in the draft stage, under the purview of a committee led by the National Child Protection Authority of Sri Lanka and the Ministry of Justice.

Challenges and Barriers

Despite the progress made, several challenges hinder the effective implementation of alternative care systems in Sri Lanka:

1. **Awareness and Training**: There is a lack of awareness among communities about alternative care options, particularly foster care. Additionally, caregivers often lack the necessary training and resources to provide quality care.

2. **Socio-Economic Factors**: Poverty and socio-economic instability can lead to family breakdowns, increasing the number of children in need of alternative care. Addressing these root causes is essential for preventing family separation.

3. **Monitoring and Regulation**: The oversight of alternative care facilities is often inadequate, leading to concerns about the quality of care in institutions. Effective monitoring mechanisms are needed to ensure compliance with standards.

4. **Cultural Attitudes**: Cultural beliefs regarding family and community support can sometimes conflict with the principles of alternative care, making it challenging to promote foster care and adoption.

What is the role of Department of Probation and Child Care Service?

The Department of Probation and Child Care Services (DPCCS) in Sri Lanka plays a pivotal role in the protection, welfare, and development of children. Established under the Ministry of Women and Child Affairs, the DPCCS is tasked with implementing policies and programs that align with national and international child protection standards. This essay explores the multifaceted role of the DPCCS, its functions, challenges, and contributions to the well-being of children in Sri Lanka.

Historical Context

The DPCCS was established in response to the growing recognition of children's rights and the need for a structured approach to child welfare in Sri Lanka. The department emerged from the need to address issues related to child neglect, abuse, and the increasing number of children in need of care and protection. Over the years, it has evolved to encompass a comprehensive framework for child protection and care services.

Key Functions of the DPCCS

1. **Child Protection and Welfare**

    - The DPCCS is responsible for safeguarding children from abuse, neglect, and exploitation. It conducts investigations into child abuse cases and takes necessary actions to protect vulnerable children.
    - The department works closely with law enforcement agencies, healthcare providers, and educational institutions to create a protective environment for children.

2. **Alternative Care Services**

    - The DPCCS oversees the implementation of alternative care options for children who cannot live with their families. This includes foster care, adoption, and institutional care.
    - The department promotes family-based care solutions and provides guidelines for the recruitment and training of foster parents, ensuring that children receive quality care in a nurturing environment.

3. **Community Awareness and Education**

    - Raising awareness about children's rights and the importance of child protection is a critical function of the DPCCS. The department conducts workshops, seminars, and campaigns to educate communities about child welfare issues.
    - It collaborates with NGOs and community organisations to disseminate information and engage the public in child protection initiatives.

4. **Policy Development and Implementation**

    - The DPCCS plays a significant role in formulating and implementing national policies related to child welfare and protection. It aligns its strategies with international frameworks, such as the United Nations Convention on the Rights of the Child (UNCRC).
    - The department conducts research and data collection to inform policy decisions and improve service delivery.

5. **Monitoring and Evaluation**

    - The DPCCS is responsible for monitoring the quality of care provided in institutions and alternative care settings. It establishes standards and guidelines to ensure that children receive appropriate care and support.
    - Regular evaluations are conducted to assess the effectiveness of programs and services aimed at protecting children's rights.

Challenges Faced by the DPCCS

1. **Resource Limitations**

    - The department often operates with limited financial and human resources, which can hinder its ability to implement programs and services effectively.

2. **Awareness and Training Gaps**

    - There is a need for increased awareness and training among staff and caregivers regarding child protection issues, particularly in rural areas where resources may be scarce.

3. **Socio-Cultural Barriers**

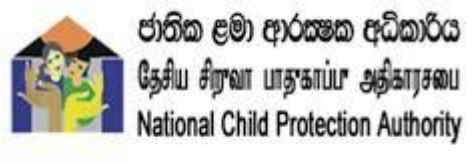
    - Cultural attitudes towards child-rearing and family dynamics can sometimes impede the acceptance of alternative care solutions, such as foster care.

4. **Coordination with Other Agencies**

    - Effective child protection requires collaboration among various stakeholders, including government agencies, NGOs, and community organisations. Coordination can be challenging, leading to gaps in service delivery.

What is the Role of National Child Protection Authority (NCPA)?

The National Child Protection Authority (NCPA) of Sri Lanka is a key governmental body established to ensure the protection and welfare of children across the country. Formed in 1998 under the National Child Protection Authority Act, the NCPA operates with a mandate to prevent child abuse, protect children's rights, and promote their overall well-being. This essay outlines the multifaceted role of the NCPA, its functions, challenges, and contributions to child protection in Sri Lanka.



Historical Context

The NCPA was created in response to increasing concerns about child abuse and exploitation in Sri Lanka. Over the years, the authority has evolved to address various aspects of child protection, aligning its objectives with international standards, including the United Nations Convention on the Rights of the Child (UNCRC).

Key Functions of the NCPA

1. **Child Protection and Advocacy**

    - The NCPA is responsible for formulating and implementing policies aimed at preventing child abuse and neglect. It advocates for children's rights and works to raise awareness about issues affecting children.
    - The authority conducts investigations into reported cases of child abuse and exploitation, ensuring that appropriate legal actions are taken against offenders.

2. **Policy Development and Implementation**

    - The NCPA plays a significant role in developing national policies related to child protection. It collaborates with various stakeholders, including government ministries, NGOs, and community organisations, to create comprehensive strategies for child welfare.
    - The authority ensures that policies are implemented effectively, monitoring their impact on children's lives.

3. **Awareness and Education Programs**

    - Raising public awareness about child protection issues is a critical function of the NCPA. The authority conducts educational campaigns, workshops, and seminars to inform communities about children's rights and the importance of safeguarding them.
    - Targeted programs are designed for parents, educators, and children to empower them with knowledge about child safety and protection.

4. **Coordination of Services**

- The NCPA coordinates with various government agencies, NGOs, and community organisations to ensure a holistic approach to child protection. This collaboration helps streamline services and resources for children in need.
- The authority also works to build capacity among stakeholders involved in child protection, providing training and support to enhance their effectiveness.

5. **Monitoring and Evaluation**

- The NCPA monitors the implementation of child protection laws and policies to ensure compliance and effectiveness. It conducts regular evaluations to assess the impact of its programs and initiatives on children's welfare.
- Data collection and research are integral to the NCPA's work, informing policy decisions and identifying areas for improvement.

6. **Support Services for Victims**

- The authority provides support services for children who have experienced abuse or exploitation. This includes counselling, rehabilitation, and reintegration programs aimed at helping victims recover and rebuild their lives.
- The NCPA collaborates with social services to ensure that children receive comprehensive support tailored to their individual needs.

What is Child Helpline

The Child Hotline in Sri Lanka is a critical service aimed at providing immediate support and assistance to children in distress. Operated by the National Child Protection Authority (NCPA), this hotline serves as a vital resource for reporting child abuse, seeking guidance, and accessing emergency services. This essay explores the purpose, functions, and significance of the Child Hotline in Sri Lanka.

Purpose of the Child Hotline

The primary purpose of the Child Hotline is to ensure that children in Sri Lanka have access to a safe and confidential means of reporting abuse or seeking help. It serves several key functions:

1. **Emergency Assistance**: The hotline provides a quick response for children facing emergencies, including abuse, neglect, or exploitation.

2. **Reporting Mechanism**: It offers a platform for children, parents, and community members to report incidents of child abuse or any concerns regarding a child's safety.

3. **Information and Guidance**: The hotline provides information about available services, legal rights, and resources for children and families in need of support.

Key Features of the Child Hotline

1. **Confidentiality**: The hotline ensures that all calls are treated with the utmost confidentiality, encouraging children and caregivers to reach out without fear of repercussions.

2. **24/7 Availability**: The hotline operates around the clock, ensuring that help is available at any time, day or night.

3. **Trained Counsellors**: Calls to the hotline are answered by trained counsellors who are equipped to handle sensitive situations and provide appropriate guidance.

4. **Multilingual Support**: Recognising the diverse linguistic landscape of Sri Lanka, the hotline offers support in multiple languages to cater to different communities.

Functions of the Child Hotline

1. **Crisis Intervention**: The hotline provides immediate support to children in crisis, connecting them with relevant services such as counselling, legal aid, and social services.

2. **Referral Services**: When necessary, the hotline refers callers to local child protection agencies, healthcare providers, or law enforcement for further assistance.

3. **Awareness and Education**: The hotline plays a role in educating the public about child protection issues, rights, and resources available to children and families.

4. **Data Collection**: The hotline collects data on the types of calls received, which helps the NCPA identify trends in child abuse and inform policy decisions.

Significance of the Child Hotline

1. **Empowerment of Children**: The hotline empowers children to speak up about their experiences and seek help, fostering a culture of openness and support.

2. **Prevention of Abuse**: By providing a means for reporting abuse, the hotline helps prevent further harm to vulnerable children and raises awareness about child protection issues.

3. **Support for Families**: The hotline not only assists children but also provides guidance and support to parents and caregivers, helping them navigate challenges related to child welfare.

4. **Collaboration with Stakeholders**: The hotline facilitates collaboration between various stakeholders, including government agencies, NGOs, and community organisations, enhancing the overall child protection framework in Sri Lanka.

What is the role of the Government?

The government of Sri Lanka plays a pivotal role in the provision and regulation of alternative care for children who cannot live with their biological families. This encompasses various forms of care, including foster care, adoption, and residential care. The government's responsibilities are aimed at ensuring the safety, well-being, and development of these children.

Key Roles of the Government in Alternative Care

1. **Policy Formulation and Implementation**

    - The government develops national policies that guide alternative care practices, ensuring alignment with international standards such as the United Nations Convention on the Rights of the Child (UNCRC).
    - Policies focus on promoting family-based care solutions over institutionalisation, emphasising the importance of a nurturing family environment.

2. **Legislation**

    - The government enacts laws to regulate alternative care practices, such as the Adoption Ordinance and the Children's Act, which provide legal frameworks for adoption and foster care.
    - These laws ensure the protection of children's rights and establish procedures for the placement of children in alternative care.

3. **Regulatory Oversight**

    - The government establishes regulatory bodies to oversee alternative care services, ensuring compliance with established standards for quality and safety.
    - Licensing and monitoring of foster homes and children's institutions are conducted to maintain high standards of care.

4. **Support and Training for Caregivers**

    - The government provides training programs for foster parents and caregivers, equipping them with the skills necessary to meet the emotional and developmental needs of children.
    - Ongoing support is offered to caregivers to address challenges they may face in providing care.

5. **Promotion of Family-Based Care**

    - The government actively promotes family-based care options, encouraging community involvement in fostering and kinship care.
    - Initiatives are designed to raise awareness about the benefits of family-based care and to recruit potential foster families.

6. **Access to Services**

    - The government ensures that children in alternative care have access to essential services, including education, healthcare, and psychological support.
    - Programs are implemented to facilitate the integration of children into schools and communities, promoting their social development.

7. **Monitoring and Evaluation**

    - The government monitors the effectiveness of alternative care policies and programs through data collection and evaluations.
    - Regular assessments identify gaps in services and inform policy adjustments to improve the overall system.

8. Collaboration with NGOs and Community Organisations

- The government collaborates with non-governmental organisations (NGOs) and community-based organisations to enhance the delivery of alternative care services.
- Partnerships help mobilise resources and expertise, ensuring a comprehensive approach to child welfare.

9. Public Awareness and Advocacy

- The government conducts public awareness campaigns to educate communities about alternative care options and the importance of supporting children in need.
- Advocacy efforts aim to reduce stigma associated with alternative care and promote understanding of children's rights.

10. Transition Support for Older Youth

- The government provides support services for children transitioning out of alternative care into independent living, ensuring they have the necessary skills and resources to succeed.
- Programs focus on life skills training, vocational support, and access to housing and employment opportunity

What are the implications of the National Policy for Children on Alternative Care?

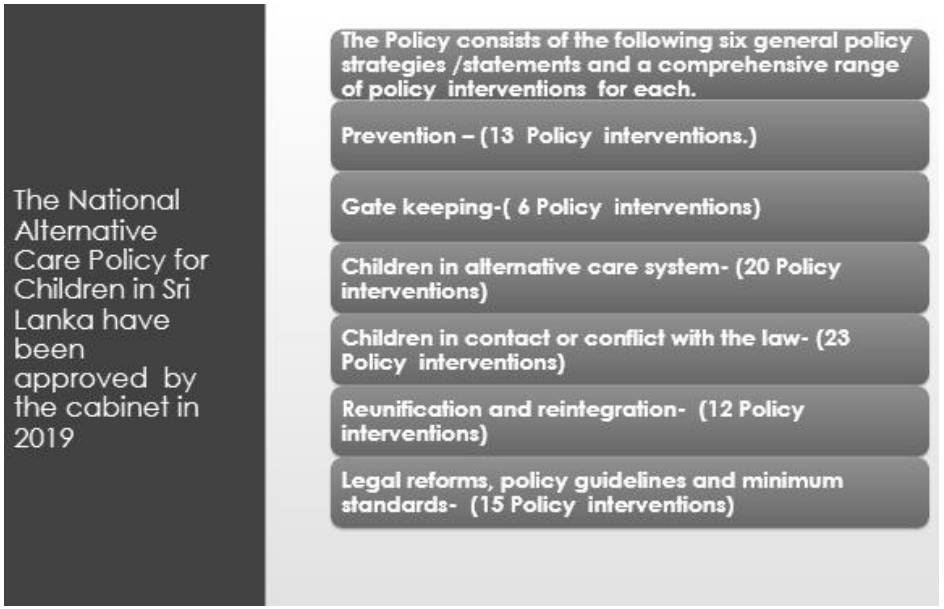
Sri Lanka's National Policy on the Alternative Care of Children presents a comprehensive framework aimed at addressing the needs of children who cannot live with their families. This policy is particularly significant as it not only outlines various alternative care options but also emphasises the reform of all formal structures that provide both at-home and out-of-home services for children deprived of care and protection or at risk of such deprivation. Additionally, the policy extends its reach to children under the care of the Juvenile Justice System, recognising the diverse challenges faced by these vulnerable populations.

One of the core objectives of the policy is to provide solutions for programming aimed at children at risk of family separation. This includes addressing critical issues such as child abuse, neglect, child labour, poverty, addiction, imprisonment, human trafficking, mental and physical disabilities, HIV/AIDS, domestic violence, orphan hood, abandonment, and displacement. The policy also takes into account the plight of children who are forced to live and work on the streets, ensuring that their specific needs are addressed.

In defining alternative care, the policy specifies that it encompasses any care provided to a child away from their parental home. This care is further categorised into two main types: "family-based care," which includes care by relatives, foster parents, or adoptive parents, and "family-like care," which refers to residential settings that resemble family environments. Examples of family-like care include safe houses, emergency shelters, respite care, group homes, and volunteer homes. While Sri Lanka has some existing family-like care options, many residential facilities require significant restructuring to create suitable, family-oriented conditions. This is crucial as children may need temporary placements in

these settings when necessary and conducive to their well-being.

To support this vision, the policy advocates for systematic deinstitutionalisation, which involves implementing strict time limits on the duration of stay in residential facilities. This approach aims to ensure that children are not kept in institutional care longer than necessary. Furthermore, the policy emphasises the need to restructure existing residential facilities by downsizing and creating more child-friendly environments while awaiting reunification or transfer to family-based care.



The policy is organised around six key focus areas that guide its implementation:

- **Prevention:** Initiatives aimed at preventing family separation and ensuring children remain with their families whenever possible.

- **Gatekeeping:** Establishing mechanisms to manage admissions to alternative care, ensuring that only those in genuine need are placed in such systems.

- **Children in Alternative Care Systems:** Ensuring that children placed in alternative care receive quality support and services tailored to their needs.

- **Children in Contact or Conflict with the Law:** Addressing the specific needs of children involved in the juvenile justice system.

- **Reunification and Reintegration:** Facilitating the process of reuniting children with their families when it is safe and appropriate to do so.

- **Legal Reforms and Standards:** Developing legal frameworks and minimum standards to guide the care of children in alternative settings.

Types of alternative care

1. **Family-Based Care:**

    - Kinship Care: This refers to care provided by relatives, such as grandparents, aunts, uncles, or other extended family members, who take in the child when the parents are unable to do so. Kinship care allows children to remain connected to their family and cultural roots, providing a sense of stability and belonging.

    - Foster Care: Foster care is a temporary arrangement where children are placed with trained and licensed foster parents or families. Foster parents provide a nurturing, family-like environment for the child until they can be reunited with their biological family or placed in a permanent living situation, such as adoption. Foster care placements can be short-term or long-term, depending on the child's needs and circumstances.

    - Adoption: Adoption is a permanent arrangement where a child becomes a legal member of a new family, severing legal ties with their biological parents. Adoptive parents assume full parental rights and responsibilities for the child, providing them with a stable, loving, and permanent home.

2. Family-Like Care:

- Group Homes: Group homes are small residential facilities that provide a family-like environment for a group of children. These homes are often staffed by caregivers who offer support, guidance, and a sense of community to the children in their care.

- Safe Houses: Safe houses are temporary shelters that provide a safe and secure environment for children who are in crisis situations, such as those fleeing abuse or neglect. These facilities offer immediate protection and support until a more permanent solution can be found.

- Emergency Shelters: Emergency shelters are short-term accommodations that provide immediate care and protection for children who require urgent assistance, often in response to abuse, neglect, or other emergency situations.

- Respite Care: Respite care is a temporary care arrangement that provides relief and support to primary caregivers, such as foster parents or parents of children with special needs. This type of care allows the primary caregiver to take a break, while ensuring the child's needs are still met.

- Volunteer Homes: Volunteer homes are informal living arrangements where individuals or organisations provide care and support for children in need, often in a more flexible and community-based setting.

3. **Institutional Care:**

- Children's Homes: Children's homes are larger residential facilities that provide care and accommodation for multiple children who cannot live with their families. While these institutions are sometimes necessary, they are generally less preferred than family-based care options, as they may not be able to provide the same level of individualised attention and support.

- Residential Treatment Centres: Residential treatment centres are specialised facilities that offer comprehensive care and therapeutic services for children with emotional, behavioural, or psychological issues. These centres provide a structured environment and access to professional support, such as counselling, therapy, and medical care, to address the child's specific needs.

4. **Other Care:**

- Afterschool Programme Afterschool programme is a community-based social support provision, which offers children a safe place after school to build life skills and complete homework. After-school programmes are an added support to help low-income families. Currently, the Government facilitates children's clubs at the district, divisional and village levels, but it is not available across the country22. Some non-governmental organisations (NGOs) also operate afterschool programmes, but there are shortages in providing consistently good quality support.

What are the Guidelines Governing Adoption of Children?

The National Policy for Alternative Care of Children in Sri Lanka provides the following guidelines for adoption:

1. **Principles of Adoption:**

    - The best interests of the child are the primary consideration in all adoption decisions.
    - Adoption should provide the child with a permanent, stable, and loving family environment.
    - Adoption should respect the child's right to know and maintain connections with their biological family, where appropriate.
    - The adoption process should be transparent, ethical, and in compliance with relevant laws and regulations.

2. **Eligibility for Adoption:**

    - Adoptive parents must be Sri Lankan citizens or permanent residents of Sri Lanka.
    - Adoptive parents must be at least 25 years of age and have a minimum age difference of 18 years between the adoptive parent and the child.
    - Adoptive parents must be financially and emotionally stable, and able to provide a nurturing and supportive environment for the child.
    - Single individuals or couples, regardless of marital status, are eligible to adopt, subject to meeting the other requirements.

3. **Adoption Procedures:**

    - Prospective adoptive parents must undergo a thorough assessment and screening process, including home visits, interviews, and background checks.
    - The child's biological parents or legal guardians must provide informed consent for the adoption, unless their parental rights have been terminated by a court.
    - The adoption process is facilitated through the Department of Probation and Child Care Services, which is responsible for matching children with suitable adoptive families.
    - The adoption is finalised through a court order, which legally transfers all parental rights and responsibilities to the adoptive parents.

4. **Post-Adoption Support:**

    - The Department of Probation and Child Care Services provides post-adoption support and monitoring to ensure the well-being of the adopted child and the adoptive family.
    - Adoptive parents are encouraged to maintain open communication with the child's biological family, where appropriate, to help the child maintain their cultural and familial connections.
    - Adoption counselling and support services are available to both the adopted child and the adoptive family to address any challenges or issues that may arise.

The National Policy emphasises the importance of ensuring that the adoption process is transparent, ethical, and in the best interests of the child. It also highlights the need for ongoing support and monitoring to ensure the long-term well-being of the adopted child and the adoptive family.

Source: Department of Probation and Child Care Services website

What are the types of child care institutions in Sri Lanka?

Approved Schools - As of 2013, Sri Lanka has 2 Approved Schools which were established to shelter and provide psychological and physiological protection to orphaned, deserted, destitute and abused children. There is a great need for psychosocial support for children across every province in Sri Lanka. The need for Approved schools will be assessed and reform brought forth accordingly.

Remand Homes - Remand homes are a type of detention home established to host children while their cases are being heard in court. Children are detained for the following reasons; suspicion of murder, attempted murder, arson, victims of abuse and sexual harassment, theft, fighting, disobedience, straying, being stranded, alcohol and substance use, labour, for further investigation, and unclassified reasons/ Remand homes also will be reformed and restructured as present models lack in family like environments.

Certified Schools - Certified schools provide systematic vocational training to children that are admitted. The reasons for admission are theft/ burglaries, disobedience to parents, sale and use of alcohol, in need of care and protection, attempted suicide and unclassified reasons. Most of the certified schools in Sri Lanka hold too many children with insufficient staff. These also will be carefully assessed and restructured into more child-friendly spaces.

Group Homes - Group homes are personalised homes typically housing 10-15 children with one or more staff in a house not their own in a less formal family-like environment. Usually, children with specialised needs are housed in these homes like for example victims of abuse or those with severe mental and physical disabilities requiring close monitoring and ongoing treatment. Also, group homes can be utilised by children needing more recovery time than a respite centre can offer or act like a transitionary step above large residential facilities until reintegration. Typically, small family-style homes have house parents who care for children until they are ready for reunification with their nuclear families, kin, or adopted families. Sri Lanka has some group homes offering family-style living including those with house-mothers overseeing care.

Private Boarding Houses - Sri Lanka has various private boarding houses which are private homes that provide food and accommodation to children following primary and secondary education away from home. These boarding houses offer rooms on a single or shared basis and fees are charged monthly. In some instances, house owners provide rooms only and lodgers must make their own arrangements regarding meals- they either eat out or have meals delivered.

Detention Centres – Detention Centres provide rehabilitation and shelter to children over eight years of age who are: beggars, caught in burglary, theft and the sale and use of alcohol, disobedient to parents, needing care and protection, and those sentenced for unclassified reasons. Most of the Detention Centre are not family-like in nature due to overcrowding and grouping of children with varied needs; some needing care protection grouped with those in conflict with the law. Assessing Detention Centres for their need to exist and restructuring to more child-friendly ones is essential in the deinstitutionalisation process; as vital is to bring in reforms and address social issues to curtail children from admission to them in the first place.

National Training and Counselling Centres for Children - These facilities provide care for children who are sexually abused, raped, found in acts of disobedience, used for child labor, forced into early marriages, stranded, suspected of committing crimes, and those who have gone astray. Counselling centres offer social and emotional support to children in day or short-term programmes of up to 6 months.

These centres are helpful to those needing psychosocial support provided they do not have a court order to be removed from their families. For children in the judiciary system, counselling services have been offered in remand homes certified schools and detention centres but in a minimal way. Those in outstation locations find it hard to employ counsellors' due to the distance, shortage of counsellors, and inability to pay salaries. Existing centres need more staff and up-to-date tools to provide for the many needs. Psychosocial interventions are vital for children who are victims of abuse, neglect, exploitation, rape, incest, abandonment, and addictions. Children although resilient in many ways, need guidance to help them retain their childhood and recover from traumatic experiences.

Safe Houses - Safe houses are accommodations and places of refuge for children who have pending court decisions and in Sri Lanka, most safe houses are operated by the State. Some safe houses provide shelter for both children and their mothers, some mother's being children themselves. Teen-mothers are provided with vocational training and education while awaiting transition back to a children's home or adoption; most do not return to their communities and families due to reasons such as their own parents remarrying, safety issues due to perpetrators remaining in their homes, stigma and ostracism from society.

Respite Centres - Respite care facilities are available for children with complicated special needs such as physical disabilities, and mental and serious health needs. Some respite care facilities operate during the day where parents/ guardians drop off their children; others are for the short-term where children are provided with medical, emotional and social support. Therapy is offered in various disciplines such as counselling, speech, occupational, and physical therapy. Sri Lanka has few respite care centres and the need for these is great.

Volunteer Homes - Volunteer homes house children typically over 5 years of age who need accommodation for various reasons such as poverty, abuse, neglect, orphan-hood, and family discord. Volunteer homes comprise the majority of CCI's in Sri Lanka and are managed by non-governmental stakeholders and monitored by the Department of Probation and Child Care Services. Like, receiving homes, most volunteer homes in Sri Lanka are not family-like in nature due to overcrowding and understaffing issues. Restructuring these is also an essential task in the deinstitutionalisation process.

Receiving Homes – Government receiving homes are residential facilities that admit new-borns and children typically under 5 years of age. They provide for those who have been abandoned, orphaned and in need of care and protection. Sri Lanka has several receiving homes set up in various parts of the country. Many of them are overcrowded and understaffed leading to a lack in family-like care. Receiving homes will be closely assessed and restructured into family-like child friendly conditions as new-born and toddlers require excessive one-on-one attention and care from a caregiver in their early years of life although not undermining the fact that all children require a considerable amount of attention.

PART II: ALTERNATIVE CARE PROCESSES

Family Preservation and Strengthening in Sri Lanka: A Holistic Approach

The National Policy for Alternative Care of Children in Sri Lanka places a strong emphasis on the importance of family preservation and strengthening as a crucial strategy to prevent the need for alternative care arrangements. This holistic approach aims to empower families, address the underlying issues that may lead to the separation of children from their parents, and ensure that children can grow up in a safe and nurturing environment within their own families, whenever possible.

One of the key components of this approach is the provision of comprehensive family support services by the government, through the Department of Probation and Child Care Services. These services include counselling, parenting education, financial assistance, skills training, and referrals to other social welfare programs. The goal is to equip families with the necessary resources and skills to overcome the challenges they face, thereby strengthening their ability to care for their children effectively. In addition to the family support services, the policy also highlights the importance of early intervention and prevention efforts. By identifying families at risk and providing timely support, the government and its partners, including local authorities, civil society organisations, and community-based groups, aim to address the underlying factors that may contribute to family breakdown, such as poverty, lack of access to healthcare and education, and other socioeconomic challenges.

When children are placed in alternative care, the policy prioritises efforts to reunite them with their families whenever possible. The Department of Probation and Child Care Services, along with other stakeholders, develops and implements individualised case management plans to address the issues that led to the child's separation and facilitate the child's safe return to their family. Reintegration services, such as counselling, skills training, and financial support, are provided to both the child and the family to ensure a successful and sustainable reunification.

Sponsorship

1. **Sevana Sarana Foster Parent Scheme:**

    - This program provides monthly scholarships to help cover the educational expenses of children facing financial difficulties.
    - The financial contributions for these scholarships come from the foster parents.

2. **Program to Enable Non-School Going Children to Attend School:**

    - This program aims to ensure the right to education for all children under 16, as per the UN Convention on the Rights of the Child.
    - It provides necessary school equipment and supplies to children who have dropped out of school or attend irregularly due to economic reasons.
    - The program also includes awareness campaigns for children, teachers, and parents on the importance of education.
    - It is implemented by the Child Rights Promotion Officers at the Divisional Secretariat level.

3. **Kepakaru Deguru Sponsorship Program:**

    - This program provides monthly scholarships to talented children from low-income families to support their educational needs.
    - The selection and referral of children are provided by the Child Rights Promotion Officers.

4. **Assistance for Twins:**

    - This program provides financial assistance to low-income families with twins, triplets, quadruplets, or quintuplets to meet their health, nutrition, and welfare needs.
    - The amount of assistance varies based on the number of children (e.g., Rs. 7,500 for twins, Rs. 15,000 for triplets, etc.).

5. **Medical Assistance:**

    - This program provides financial support for the medical treatment, surgery, nutrition, and equipment needed by children from low-income families, including those with disabilities.
    - The assistance amounts vary based on the specific needs of the child and the family's circumstances.

6. **Assistance in Sudden Disasters:**

    - This program provides assistance to continue the education of children whose families have been affected by unexpected disasters, such as floods, cyclones, landslides, or the death/abandonment of parents.
    - The assistance includes providing funds to replace lost school equipment, with the amount varying based on the extent of the damage.

The key focus of these programs is to support the welfare and education of vulnerable children in Sri Lanka, ensuring their rights are protected and their access to essential services is maintained, even in the face of financial difficulties or unexpected events.

source: https://www.probation.gov.lk/sProgram1_e.php?id=23/Website/Official/
Department of Probation & Child Care

Foster Care

United Nations. Guidelines for the Alternative Care of Children: page 19

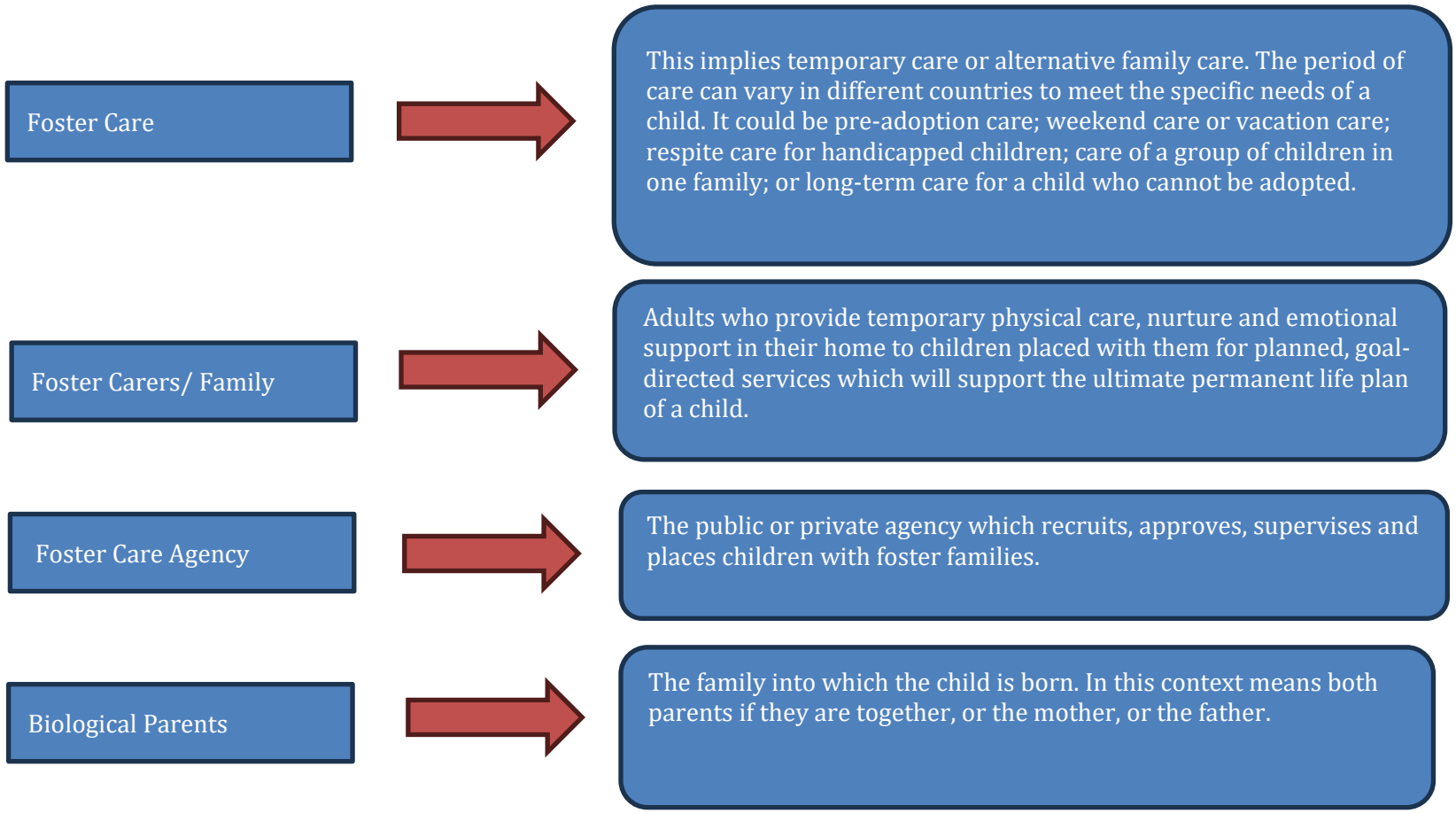
The competent authority or agency should devise a system, and should train concerned staff accordingly, to assess and match the needs of the child with the abilities and resources of potential foster carers and to prepare all concerned for the placement.

A pool of accredited foster carers should be identified in each locality who can provide children with care and protection while maintaining ties to family, community and cultural group. Special preparation, support and counselling services for foster carers should be developed and made available to carers at regular intervals, before, during and after the placement.

Carers should have, within fostering agencies and other systems involved with children without parental care, the opportunity to make their voice heard and to influence policy.

Encouragement should be given to the establishment of associations of foster carers that can provide important mutual support and contribute to practice and policy development.

Definition of Terms



Guidelines for Foster Care - International Foster Care Organisation

Foster care in Sri Lanka is part of the broader child protection system aimed at providing safe and nurturing environments for children who cannot live with their biological families. Here are some key points regarding foster care status in Sri Lanka:

Current Status

- Legal Framework: The National Child Protection Policy and the Children's Act govern foster care in Sri Lanka. The government has been working to strengthen these frameworks to ensure better protection for children.
- Foster Care System: The foster care system is still developing, with a focus on providing temporary care for children who are orphaned, abandoned, or whose families are unable to care for them due to various reasons.
- Government Initiatives: The government, along with NGOs, has been promoting foster care as a preferable alternative to institutional care. Efforts are being made to raise awareness and encourage families to become foster parents.

Challenges

- Awareness and Training: There is a lack of awareness and training for potential foster parents. Many families may not understand the foster care process or the support available to them.
- Cultural Attitudes: Cultural attitudes towards child-rearing and family structures can impact the acceptance and implementation of foster care.
- Resources: Limited resources and support services for foster families can hinder the effectiveness of the foster care system.

Future Directions

- Policy Development: Continued development of policies and guidelines to improve the foster care system is essential.
- Support Services: Increasing support services for both foster parents and children in care is crucial for successful outcomes.
- Community Engagement: Engaging communities to promote the benefits of foster care can help change perceptions and increase participation.

Overall, while there are significant efforts underway to improve foster care in Sri Lanka, ongoing challenges need to be addressed to create a more effective system for vulnerable children

Who is eligible for foster care?

Foster care refers to a system in which a minor is placed into a ward, group home, or private home of a caregiver (the foster parent) who is not the child's biological parent. The placement is typically arranged by a government or social service agency, and it is meant to provide a safe and nurturing environment for children until they can be reunited with their biological families or placed in permanent adoptive homes.

UN Guidelines on Foster Care

The UN Guidelines for Alternative Care of children states that, “A pool of accredited foster carers should be identified in each locality who can provide children with care and protection while maintaining ties to family, community and cultural group.” The UN Convention on the Rights of the Child (CRC), adopted in 1989, serves as a foundational document for child welfare, including foster care. Key principles from the CRC relevant to foster care eligibility include:

- **Best Interests of the Child:** Article 3 of the CRC states that the best interests of the child must be a primary consideration in all actions concerning children. This principal guides decisions about foster care placements, ensuring that the child's safety, development, and well-being are prioritised.

- **Right to Family Life:** Article 9 emphasises the child's right to maintain personal relations and direct contact with both parents, unless it is contrary to the child's best interests. This principle encourages efforts to preserve family connections, even when a child is placed in foster care.

- **Non-Discrimination:** Article 2 mandates that all children have the right to protection and care without discrimination of any kind. This means that eligibility for foster care should not be influenced by race, ethnicity, gender, disability, or socioeconomic status.

Eligibility Criteria for Foster Care

According to UN guidelines and best practices, the following criteria typically determine eligibility for foster care:

- **Age of the Child:** Generally, foster care is available for children and adolescents up to the age of 18. However, some jurisdictions extend support to young adults up to 21 years old, particularly for those transitioning out of the foster care system.

- **Need for Alternative Care:** Children may be eligible for foster care when they are unable to live with their biological parents due to various reasons, including abuse, neglect, parental substance abuse, mental health issues, or incarceration. The determination of need is usually made by child welfare authorities based on assessments of the child's situation.

- **Safety Concerns:** The primary concern for placing a child in foster care is their safety. If a child's home environment poses a risk to their physical or emotional well-being, they may be removed and placed in foster care.

- **Willingness of Foster Parents:** Potential foster parents must meet specific criteria, including background checks, training, and a willingness to provide a stable and supportive environment. They should also be prepared to work collaboratively with social services to support the child's needs.

Process of Placement in Foster Care

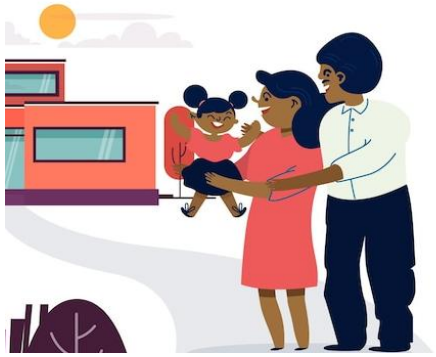
The process of placing a child in foster care typically involves several steps:

- **Assessment:** Child welfare agencies conduct thorough assessments to determine the child's needs and the appropriateness of foster care.

- **Placement Decisions:** Decisions are made based on the best interests of the child, considering factors such as the child's age, needs, and the availability of suitable foster homes.

- **Ongoing Support and Monitoring:** Once placed in foster care, the child's progress is monitored, and support services are provided to both the child and the foster family. This may include counselling, educational support, and regular visits from social workers.

Adoption in Sri Lanka: An Overview of Laws, Acts, and Articles



Adoption is a significant aspect of family law in Sri Lanka, providing a legal framework for the establishment of parental rights for children who cannot be raised by their biological families. The practice of adoption in Sri Lanka is governed by various laws and regulations that ensure the welfare of children while respecting cultural and religious values. This essay explores the legal framework surrounding adoption in Sri Lanka, including relevant acts, articles, and the overall process.

Sri Lanka ratified the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption ("the Hague Convention") and adoptions have been processed and certified in accordance with the Hague Convention since May 1995. Since the 3rd January 2014, the new designated list has included only those countries that have ratified or acceded to the Hague Convention and where the Convention has also 'entered into force' in those States. The January 2014 designated list therefore includes Sri Lanka. *(Source: IAC- Intercountry Adoption Centre, Guideline)*

Legal Framework for Adoption

In Sri Lanka, adoption is primarily regulated by the **Adoption of Children Ordinance No. 24 of 1941**, which was amended in 1990. This ordinance outlines the procedures and requirements for both local and foreign adoptions. Additionally, the **Children and Young Persons Ordinance** and the **Buddhist Adoption Ordinance** provide supplementary guidelines for specific religious and cultural contexts.

Adoption of Children Ordinance

The Adoption of Children Ordinance is the cornerstone of adoption law in Sri Lanka. Key provisions include:

- **Eligibility for Adoption:** The ordinance stipulates that any person over the age of 18 can adopt a child, provided they are deemed fit to do so. This includes considerations of marital status, financial stability, and emotional readiness.
- **Consent Requirements:** The consent of the biological parents or guardians is essential for the adoption process. In cases where the biological parents are deceased or cannot be located, the court may dispense with the need for consent.
- **Court Approval:** All adoptions must be approved by the court. This judicial oversight ensures that the adoption is in the best interests of the child and that all legal requirements have been met.

Children and Young Persons Ordinance No. 48 of 1939

This ordinance focuses on the welfare of children in general and includes provisions related to the care and protection of children. It emphasises the need for the best interests of the child to be the primary consideration in all decisions regarding their upbringing, including adoption.

1. **International Framework**

Sri Lanka is a signatory to the **Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption**, which aims to protect the rights of children involved in international adoptions. This convention establishes standards for intercountry adoptions, ensuring that they are conducted in the best interests of the child and that all legal requirements are met. The convention establishes safeguards to prevent the abduction, sale, or trafficking of children and promotes cooperation among contracting states to uphold these standards. It also seeks to secure the recognition of adoptions made in accordance with the convention across member countries.

2. Process of Adoption in Sri Lanka

The adoption process in Sri Lanka involves several key steps:

1. **Application:** Prospective adoptive parents must submit an application to the relevant authorities, including details about their personal and financial circumstances.
2. **Home Study:** A social worker conducts a home study to assess the suitability of the adoptive parents. This assessment includes interviews, background checks, and home visits.
3. **Consent:** Once the home study is complete, the biological parents or guardians must provide their consent for the adoption. If they are unable to do so, the court may intervene.
4. **Court Hearing:** The case is presented in court, where a judge reviews the application, the home study report, and the consent forms. If the court is satisfied that the adoption is in the best interests of the child, it will issue an adoption order.
5. **Post-Adoption Support:** After the adoption is finalised, post-adoption support services may be available to help families adjust to their new circumstances.

6. Challenges in Adoption

Despite the established legal framework, several challenges persist in the adoption process in Sri Lanka:

- **Cultural Stigma:** There can be societal stigma associated with adoption, particularly in communities where biological lineage is highly valued.

- **Lack of Awareness:** Many prospective adoptive parents are unaware of the legal processes and requirements, which can lead to confusion and delays.
- **Intercountry Adoption Regulations:** The complexities of intercountry adoption, including legal and bureaucratic hurdles, can deter potential adoptive parents from pursuing this option

Source: Department of Probation and Child Care Services website

Adoption Procedures in Sri Lanka for Foreign Applicants

1. Application Requirements

- Applicants must submit a Home Study Report (in duplicate) from a recognised institution in their country, authenticated by the Sri Lankan representative. Passport-sized photographs should accompany both copies.
- Applications must be processed through the Department of Probation and Child Care Services via approved adoption agencies.
- Additional documents required include certified copies of birth certificates, marriage certificates, health certificates, employment records, and police reports, all authenticated by the Sri Lankan Overseas Mission.

2. Submission Process

- Applications and the Home Study Report should be sent to the Sri Lanka Overseas Mission for authentication before being forwarded to the Department of Probation and Child Care Services.
- A formal letter requesting a child for adoption, along with any preferences, must be included.

3. Child Allocation

- The Commissioner assesses the Home Study Report and, upon finding a suitable child, issues a letter to the adoption agency, which informs the applicants.
- Applicants can only proceed to Sri Lanka after receiving this allocation letter, and private adoptions are not permitted.

3. Travel and Interviews

- After receiving the allocation letter, applicants should arrange travel to Sri Lanka and stay for about 4-5 weeks to complete adoption formalities.
- Upon arrival, they must attend an interview at the Department of Probation and Child Care, bringing their passports and the Commissioner's letter**.**

4. Post-Interview Procedures

- If satisfied, the Commissioner issues a letter allowing the applicants to meet the child. They cannot take the child out of the care of the institution without prior approval.
- Legal proceedings for adoption must be initiated with the help of an attorney.

5. Finalisation and Documentation

- After the adoption is finalised, copies of the adoption order must be obtained from the court, and a Certificate of Adoption from the Registrar-General.
- This certificate is necessary for obtaining a passport for the child from the Department of Immigration and Emigration.

6. Visa and Legal Recognition

- Applicants should consult their diplomatic missions regarding visas for the adopted child.
- If the adoptive parents' country does not automatically recognise foreign adoptions, they must take legal steps to have the adoption recognised.

7. Progress Reports

- Adoptive parents are required to submit quarterly progress reports until the adoption is legally confirmed, followed by half-yearly and yearly reports for several years.

8. Legal Requirements

- Joint applications must be made by married couples, both over 25 years old and at least 21 years older than the child.
- Personal attendance at court is required unless the court dispenses with it for health reasons, supported by a medical certificate.
- A social and psychological report from the Commissioner is necessary for court consideration.

9. Regulatory Compliance

- All applications must conform to the Adoption of Children Ordinance and related regulations. Payments or rewards for adoption outside court-sanctioned amounts are prohibited, with legal action against offenders.
- The number of adoptions permitted each year is regulated by the Minister, with notifications to Sri Lankan missions abroad.

The foreign applicants who desire to adopt Sri Lankan children are required to forward their joint applications to the Commissioner of Probation and Child Care Services.

For more details visit the https://srilankahc.uk/consular/child-adoption-procedure/ official website of Department of Probation and Child Care Services.

What is the current situation in Sri Lanka?

Current Situation of Child Adoption in Sri Lanka (2024)

The child adoption landscape in Sri Lanka is influenced by various socio-economic factors, legal frameworks, and cultural dynamics. Here's an overview of the current situation, including relevant statistics:

No. of children given for Adoption

Year	Intercountry Adoption	Domestic Adoption	Year	Intercountry Adoption	Domestic Adoption
1991	789	407	2008	69	1215
1992	396	478	2009	70	1571
1993	325	527	2010	72	1812
1994	194	549	2011	83	1707
1995	105	540	2012	7	1625
1996	37	613	2013	8	1023
1997	25	593	2014	20	985
1998	32	623	2015	23	1079
1999	23	714	2016	10	1061
2000	43	846	2017	11	678
2001	51	881	2018	12	1237
2002	55	827	2019	9	Not available yet
2003	54	823	2020	1	Not available yet
2004	69	887	2021	4	Not available yet
2005	57	1002	2022	10	Not available yet
2006	56	905	TOTAL	2777	22,343
2007	57	1137			

1. Statistics on Adoption

    - **Annual Adoption Rates:** In recent years, the number of adoptions has fluctuated. As of 2023, approximately **200-300** adoptions are finalised each year, with a mix of local and international cases.

2. Demographics of Adopted Children

    - **Age of Children:** Most children available for adoption are typically between the ages of **1 to 5 years**. Older children

are less frequently adopted.

- **Gender:** There is a slight preference for female children among adoptive families, which reflects cultural preferences.

3. Challenges in Adoption

- **Economic Factors:** The ongoing economic crisis has impacted the ability of families to adopt, with many facing financial constraints.

- **Social Stigma:** Adoption still carries a social stigma in some communities, affecting the willingness of families to adopt or foster children.

- **Regulatory Hurdles:** Stricter regulations and the lengthy process of obtaining approvals can deter potential adoptive parents.

4. Support and Services

- **Adoption Agencies:** Several licensed adoption agencies operate in Sri Lanka, facilitating both local and international adoptions. These agencies provide counselling and support services for prospective adoptive families.

- **Government Initiatives:** The government, through the **Department of Probation and Child Care Services**, is working to improve the adoption process and ensure the welfare of children in care

Institutional Care System in Sri Lanka

The institutional care system in Sri Lanka is designed to provide temporary shelter and care for children who are orphaned, abandoned, or in difficult circumstances. Here's an overview of the system, including the number of institutions and the processes involved.

1. Types of Institutions

- **Children's Homes:** These are the primary type of institutional care, providing shelter, education, and basic needs for children. They can be government-run or managed by non-governmental organisations (NGOs).
- **State Receiving Homes:** Managed by the Department of Probation and Child Care Services, these homes cater to children in need of care and protection.
- **Voluntary Children's Homes:** Operated by NGOs and private entities, these homes provide care for children but require registration with the government.

2. Number of Institutions

- As of 2024, there are approximately **379 registered /nonregistered children's homes** across Sri Lanka. This includes both state and voluntary homes, with a significant number located in urban areas.
- The exact number can vary due to changes in registration status or the opening and closing of facilities.

3. Admission Process

- **Referral:** Children are usually referred to institutions by the Department of Probation and Child Care Services, social workers, or through court orders.
- **Assessment:** Upon admission, each child undergoes an assessment to determine their specific needs and circumstances. This includes evaluating their health, education, and emotional well-being.
- **Documentation:** Required documentation includes birth certificates, health records, and any legal documents related to custody or guardianship.
- Care and Services Provided
- **Basic Needs:** Institutions provide food, clothing, shelter, and healthcare services.
- **Education:** Children are registered in nearby schools, and many homes offer supplementary educational support, including tutoring and vocational training.
- **Psychosocial Support:** Counselling and psychological services are often available to help children cope with trauma and adjust to their circumstances.

4. Process for Leaving Institutional Care

- **Reintegration:** The primary goal is to reintegrate children into families or communities whenever possible. This may involve family tracing and reunification efforts.
- **Adoption:** For children who cannot return to their families, adoption is pursued as a long-term solution. The process involves legal procedures and assessments by the Department of Probation and Child Care Services.

5. Regulatory Framework

- **Oversight:** The Department of Probation and Child Care Services is responsible for the regulation and oversight of all children's homes in Sri Lanka, ensuring they meet standards of care and safety.
- **Licensing:** Institutions must be licensed and undergo regular inspections to ensure compliance with government regulations.

6. Challenges in Institutional Care

- **Resource Limitations:** Many institutions face challenges related to funding, staffing, and resources, which can impact the quality of care provided.
- **Stigmatisation:** Children in institutional care may face social stigma, affecting their reintegration into society.
- **Emotional and Psychological Impact:** Children may experience emotional and psychological challenges due to their circumstances, requiring ongoing support.

Aftercare

Aftercare Services Provided through some institutional Care

- **Financial Assistance:** Some programs provide financial support to help cover living expenses, education, or vocational training. This may include a one-time grant or monthly stipends.

- **Housing Support:** Assistance in finding affordable housing or transitional living arrangements is often provided to ensure that young adults have a stable living situation.

- **Education and Vocational Training:** Access to educational opportunities, vocational training, and skill development programs is crucial. This helps young adults gain the qualifications needed for employment.

- **Employment Support:** Job placement services, career counselling, and mentorship programs are available to help youth secure stable employment. Partnerships with local businesses often facilitate job opportunities.

- **Counselling and Psychological Support:** Mental health services and counselling are offered to help young adults cope with the emotional challenges of transitioning out of care. This includes support for trauma and adjustment issues.

Care Leavers in Sri Lanka

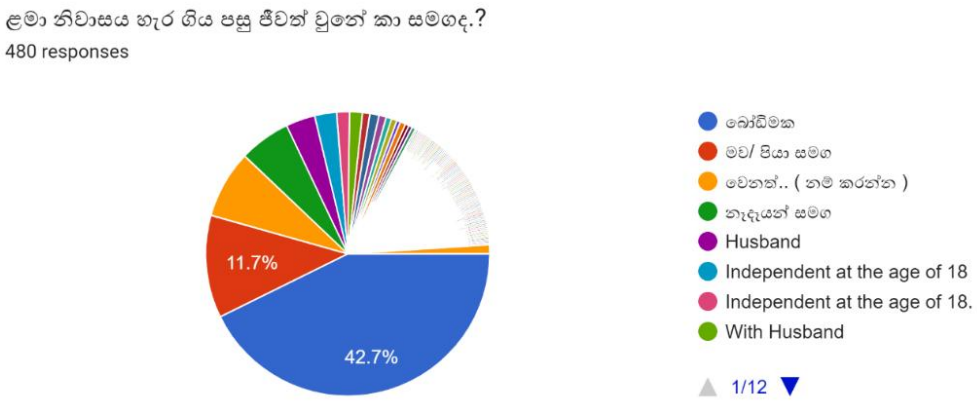
A care leaver is an individual who has transitioned out of a formal care system, such as institutionalised care, residential care, or group homes, typically upon reaching the age of majority, which is often 18 years old. This transition marks a significant turning point in their lives, as they move from a structured environment where they received support and supervision to independent living.

Care leavers often come from backgrounds that include a history of neglect, abuse, or family breakdown. Many have spent significant portions of their childhoods in care, which can lead to unique challenges when they are required to navigate life on their own.

The experience of being in care can vary widely, with some individuals receiving more support and positive experiences than others. Young people transitioning from alternative care settings, often called Care Leavers, are identified globally as a vulnerable group. “Leaving Care” is globally defined as the point where the state ceases legal responsibility for a child receiving care and protection under the alternative care or juvenile justice system, generally occurring at their 18th birthday, when they are no longer deemed as a ‘child’ and hence are expected to age out of the care system. Unfortunately, most often, these young people face significant barriers during their transition to independence, the most critical being, left unprepared to leave care and not being supported after leaving care.

A considerable number of children in Sri Lankan society are deprived of parental protection and care either from birth or at different age levels. At present there are 379 government and non-government institutions providing care for such children of our society. The department of Probation and child care which is the legal government entity that responds to this need finds itself in a quandary when decisions have to be made to reintegrate the children at the age of 18 years. Post reintegration follow up activities reveal that these young people without proper guardians are subjected to numerous difficulties and become victims of social evils after reintegration. These revelations have drawn the attention of those in the field of child protection to the urgent need for a course of action to ensure the safety of youth leaving institutional care.

A collective of youth who had left alternative care formed network on 28th October 2017 titled 'Generation Never Give-Up'. It's a peer-to-peer network, first of its kind in Asia; with over 500 memberships represent varies Child Care Institutions in Sri Lanka. The network care leavers will provide peer to peer support and promote their own right as well as the rights of children still in care.



With whom do you live after leaving the care system?

42.7%	In a boarding house
11.7%	With parents
10.7%	Other
10.3%	Neighbours
6%	Husband

Importance of Supporting Care Leavers

- Promoting Independence: With the right support, care leavers can develop the skills and confidence needed to thrive independently.
- Reducing Vulnerability: Providing resources and guidance can help mitigate the risks of homelessness, unemployment, and mental health issues.
- Enhancing Community Well-being: Successfully integrating care leavers into society benefits the community as a whole, fostering inclusivity and reducing social disparities.

Care leavers key challenges

1. **Lack of Support Systems:** Many care leavers do not have a stable support network after leaving care, which can lead to feelings of isolation.

2. **Employment Barriers:** Finding stable employment is often difficult due to a lack of skills, qualifications, and work experience.

3. **Education Access:** Some care leavers struggle to continue their education or vocational training, which limits their opportunities for advancement.

4. **Mental Health Issues:** The transition from care can lead to mental health challenges, including anxiety and depression, due to the abrupt change in living conditions and support.

5. **Housing Instability:** Many care leavers face difficulties securing affordable and stable housing, leading to potential homelessness.

6. **Social Integration:** Adjusting to life outside of care can be challenging, as care leavers may feel disconnected from their peers and society.

7. **Financial Independence:** Managing finances and budgeting can be overwhelming for those who have not had the opportunity to learn these skills while in care.

What are the challenges facing alternative care in Sri Lanka?

Alternative care in Sri Lanka, which encompasses foster care, group homes, and other forms of support for children without parental care, is essential for the well-being of vulnerable children. However, this system faces numerous challenges that hinder its effectiveness and the quality of life for the children it serves.

One significant issue is the **limited resources** available for alternative care facilities. Many institutions struggle with inadequate funding, which directly impacts the quality of care provided to children. This financial constraint often leads to staff shortages, as there are not enough trained professionals, including social workers and caregivers, to meet the needs of the children. The lack of qualified personnel can result in insufficient support and guidance, leaving children without the necessary emotional and educational resources.

Another pressing challenge is the **regulatory and oversight issues** that plague alternative care settings. There is often a lack of consistent standards across different institutions, leading to variability in the quality of care. Insufficient monitoring and evaluation mechanisms can result in substandard living conditions and inadequate care practices, putting the well-being of children at risk.
Social stigma also plays a significant role in the challenges faced by children in alternative care. Many of these children encounter societal discrimination, which can hinder their reintegration into families or communities. This stigma not only affects their self-esteem but also complicates their ability to form healthy relationships and build supportive networks.

Emotional and psychological challenges are prevalent among children in alternative care. Many have experienced trauma, leading to difficulties with attachment and emotional regulation. The transition into alternative care can be particularly daunting, as children may struggle to adapt to new environments and caregivers, further exacerbating their emotional distress.

A lack of awareness and understanding about alternative care is another barrier to its effectiveness. Public awareness regarding the importance of alternative care and the specific needs of these children is often limited. Cultural attitudes toward child care and family structures can also impede the acceptance and implementation of alternative care options, making it difficult for children to receive the support they need.

Reintegration into families poses additional challenges. Efforts to reunite children with their biological families can be complicated by various factors, including poverty, domestic violence, and a lack of support services for families. Moreover, long-term support for children transitioning out of alternative care is frequently inadequate, leaving them vulnerable as they enter adulthood.

The existing **policy and legislative gaps** further compound these challenges. While there are policies aimed at supporting alternative care, they may not be comprehensive or effectively implemented. Additionally, a lack of coordination among government agencies, NGOs, and community organisations can hinder the delivery of effective services, leaving children without the holistic support they require.

Finally, Sri Lanka's susceptibility to natural disasters and economic challenges adds another layer of vulnerability for children in alternative care. Economic instability can lead to an increase in the number of children needing alternative care, overwhelming existing services and resources.

PART III: RIGHTS AND RESPONSIBILITES

What are the rights and responsibilities of those involved in a foster care arrangement?

Rights of the Child in Foster Care

The CRC recognises that children are entitled to specific rights that must be upheld in all circumstances, including foster care.

1. **Right to Protection:** Article 19 of the CRC states that children should be protected from all forms of violence, abuse, and neglect. In the context of foster care, these right mandates that children are placed in safe environments where they are free from harm. Foster care systems must ensure rigorous screening and training for foster parents to protect the well-being of children.

2. **Right to Family Life:** Article 9 emphasises the child's right to maintain family relationships. Children should not be separated from their parents against their will unless it is necessary for their safety. This right underlines the importance of family preservation and the need for foster care to serve as a temporary solution, with efforts made to reunite children with their biological families whenever possible.

3. **Right to Participation:** Article 12 grants children the right to express their views in matters affecting them. This right is particularly significant in foster care, as children should be encouraged to voice their opinions regarding their living situations and care plans. Their participation fosters a sense of agency and helps ensure that their needs and preferences are considered.

4. **Right to Education and Health:** Articles 28 and 24 of the CRC affirm the rights of children to access quality education and healthcare. Children in foster care must receive the necessary support to thrive academically and physically. Foster parents and social services are responsible for facilitating access to educational resources and medical care.

5. **Right to Identity:** Article 8 highlights the child's right to preserve their identity, including their name, nationality, and family ties. In foster care, it is essential to respect and support a child's cultural and familial identity, ensuring that they maintain connections to their heritage and background.

Responsibilities of the Child

While children in foster care have specific rights, they also bear certain responsibilities:

- **Engagement:** Children are encouraged to engage in their care processes, expressing their needs and feelings. This active participation is vital for their emotional well-being and development.

- **Respect:** Children are expected to respect the rules and expectations set by their foster caregivers. This mutual respect fosters a positive living environment and encourages cooperation within the household.

Rights of Foster Parents

Foster parents play a crucial role in the care and support of children in foster care. They, too, have rights that must be recognised:

1. **Right to Support:** Foster parents have the right to receive adequate support from social services, including training, financial assistance, and resources to help them fulfil their caregiving responsibilities effectively.

2. **Right to Information:** Foster parents should have access to comprehensive information about the child's background, needs, and any relevant medical or educational details. This knowledge enables them to provide informed care.

3. **Right to Respect:** Foster parents are entitled to be treated with dignity and respect by all parties involved, including biological parents, social workers, and the children themselves. A respectful relationship fosters better collaboration and communication.

Responsibilities of Foster Parents

Foster parents have significant responsibilities to ensure the well-being of the children in their care:

- **Provide Care:** They must create a safe, stable, and nurturing environment for the child, meeting their physical, emotional, and developmental needs.

- **Advocate:** Foster parents should advocate for the child's needs in various settings, including schools and healthcare facilities. Their role as advocates is crucial in securing the necessary services and support for the child.

- **Collaborate:** Foster parents need to work closely with social workers, biological parents, and other professionals involved in the child's life. Effective collaboration is essential for creating a comprehensive care plan that supports the child's best interests.

Rights of Biological Parents

Biological parents also have rights that must be respected within the foster care system:

1. **Right to Family Reunification**: Biological parents have the right to participate in efforts aimed at reunifying them with their child, as long as it is deemed in the child's best interest. This right emphasises the importance of maintaining family connections.

2. **Right to Information:** Biological parents should be kept informed about their child's well-being, progress, and any significant changes in their care. Transparency helps maintain the parent-child relationship and supports parental involvement.

3. **Right to Visit:** Biological parents generally have the right to visit their child unless a court order restricts this. Regular visits can help maintain the bond between the child and their biological parents, which is important for emotional health.

Responsibilities of Biological Parents

Biological parents also have responsibilities within the foster care framework:

- **Cooperation:** Biological parents must cooperate with social services and adhere to any court orders regarding their child's care. This cooperation is crucial for the child's stability and well-being.

- **Engagement in Services:** They are often required to participate in services designed to address issues that led to the child's placement in foster care, such as counselling or parenting classes. Active participation demonstrates a commitment to improving their circumstances for the sake of their child.

What are the rights and responsibilities of child care institutions and the children residing in a CCI?

National Guidelines and Minimum Standards for Child Development Centres in Sri Lanka has been publish by NCPA. Which describe the all information and for more details link is here.

https://childprotection.gov.lk/images/news/national-guidelines--minimum-standards-for-CDC-in-SL-e.pdf

Before establishing a Child Development Centre, the applicant must secure a license or temporary permit from the Provincial Department of Probation and Child Care Services. Key requirements include:

1. **Application Submission**: The application must include all required information and comply with relevant instructions.

2. **Background Checks**: The applicant and members of the Management Committee must provide a police report and character certificates from two non-related government staff-grade officers and a Justice of the Peace (totalling three certificates). The committee should have at least five members, with three being permanent residents of the area.

3. **License Validity**: The license is valid for three years from the approval date.

4. **Non- Branch Registration**: If the centre has branches, each must be registered with the Provincial Department, requiring a separate **Transferability**: The license cannot be transferred to another individual.

5. license for each location.

Qualities that the Staff Members Should Possess

- **Emotional and Psychological Skills:** Staff must possess the necessary emotional and psychological skills to work effectively with children.

- **Character Certifications:** Current and prospective staff members must submit three-character certificates from two non-related government officers and a Justice of the Peace.

- **Police Reports:** Applicants and staff must provide a police report from the relevant police station with their application.

- **Criminal Background:** Staff members should not have been charged with criminal offenses related to adult or child abuse.

- **Cancellation of Registration:** If the Provincial Department of Probation and Child Care Services cancels a staff member's registration, they are prohibited from working in any child development centre.
- **Information System:** The Department should maintain a system to track registered and deregistered child care providers.
- **Annual Reporting:** Heads of Provincial Departments must report annually to the National Commissioner and the National Child Protection Authority regarding registered, renewed, and deregistered providers.
- **Immediate Action on Charges:** If a staff member is charged with a criminal offence, their registration will be cancelled, and they must be removed from the premises immediately.
- **Confidentiality**: Staff members are required to protect the confidentiality of children's information.
- **Bankruptcy:** Staff members should not be involved in any bankruptcy-related situations**.**

Responsibilities of Staff Members at Childcare Institutions (CCI)

- Staff members should always be role models to children.

- Child development providers should have friendly discussions with each child on a daily basis, and should be well aware of the changes that are taking place in children.

- Managers and staff members of child development centres should take necessary steps to ensure the continuing care for children in all circumstances.

- It is strictly prohibited for staff members to bring drugs, tobacco products or other illicit substances into the premises of the Centre or to use such substance at the Centre premises or to engage in their duties after using such substances.

- Children in centres should not be used in activities related to the use of drugs or alcohol related products or children should not be encouraged for such activities.

- All staff members should meet at least once a week to discuss the issues at the centre. During such meetings, necessary decisions should be made to avoid such problems. The progress of the implemented strategies should be discussed at the next meeting. The Centre Manager should maintain minutes of every meeting and the Centre Management Committee should be kept informed of this. Also, if there are any special problems, necessary steps should be taken to immediately inform the Commissioner of the Provincial Department of Probation and Child Care Services of such issues.

General Responsibilities of the Administration

1. Record Keeping

The administration must keep the following records:

1. Personal files for each child
2. Daily attendance of children
3. Daily attendance of staff
4. Minutes from staff meetings
5. Minutes from meetings of the Centre Management Committee
6. Guest log book (including date, guest's name, ID number, address, contact details, profession, organisation, and child met)
7. Register of public officers (like Probation Officers and Child Rights Promotion Officers)
8. Register of donations (including donor details and item quantities)
9. Receipt book for donations
10. Inventory of items
11. Daily expense register
12. Daily meal plan

13. Complaints log book
14. Care plan for children's socialisation
15. Records of animal vaccinations

2. Document Submission

All documents must be available to the following people upon request:

1. Provincial Commissioner of Probation
2. Probation Officer
3. Child Rights Promotion Officer
4. National Child Protection Authority Officers
5. Maintaining Personal Files for Children

The Manager must keep updated personal files for all children, which should include:

1. Child's personal information:
    - Photograph
    - Birth certificate or age certificate
    - Court order (if applicable)
    - Medical reports
    - Immunisation records
    - Postal address
    - Contact information for parents or guardians

2. Child's postal identity card
3. Records of letters regarding guardianship when a child is on vacation
4. Relevant request letters for returning the child to their original guardians
5. Reports on allergies and emergency actions
6. Information on chronic health issues and special needs
7. Reports of any injuries while at the centre
8. Permission letters for activities the child can or cannot participate in
9. Information about previous child development centres attended

3. Privacy and Access

- All records must be kept securely to protect the child's privacy.
- Details of meetings or communications with parents/guardians should be noted in the child's file.
- School records and certificates should also be included in the child's personal file.
- Only the Manager, Probation Officers, and National Child Protection Authority officials can access these records.

4. Missing Documents

- Missing documents, like birth certificates, should be obtained within one month of the child's admission.

5. Medical Records

- Medical records must be shared with the medical officer responsible for the child's health.

6. Legal Action

- Legal action should be taken if there are refusals to provide information or if false information is given about the child.

References and Guiding Documents

- Children and Young Person's Ordinance No. 48 of 1939. Children and Young Persons—
- Department of Census and Statistics (2019). Census of children in child care institutions. Sri Lanka. gvbfbf (statistics.gov.lk
- FAQ in India by Centre of Excellence in Alternative Care & Terre des Hommes Foundation
- Foundation Department of Probation and Child Care Services website
- Guidelines on Alternative Care – Better Care Network (https://bettercarenetwork.org/guidelines-on-alternative-care)
- Guidelines for Foster Care International Foster Care Organisation
- Learning Brief: Family-based Alternative Care, Changing the way we are
- National Institute of Social Development (2013). Status of child care institutions and institutionalised children in Sri Lanka: A situational analysis. Department of Probation and Child Care Services, Ministry of Women's and Child Affairs. Probation.pdf (np.gov.lk)
- Research article published online August 29, 2023 The Evolution of Alternative Care in Sri Lanka over the Last Decade and Way Forward by Sohani Fernando NISD
- #SUKA Society and UNHCR Handbook for foster Care
- The National Policy for Alternative Care of Children in Sri Lanka
- United Nations Convention on the Rights of the Child, 2009
- UN General Assembly. (2010). Guidelines for the alternative care of children resolution/ adopted by the General Assembly, 24 February 2010,
- Un Assembly / United Nations A/RES/64/142*
- Workshop on Alternative Care in Sri Lanka ppt By Mrs Nirmalee Perera, Senior Probation Officer, 22.08.2023*(adoption statistics)*

Official Links

- https://bettercarenetwork.org/library/social-welfare-systems/child-care-and-protection-policies/resolution-117-guidelines-for-the-alternative-care-of-children

- https://bettercarenetwork.org/library/principles-of-good-care-practices/gatekeeping/gatekeeping-making-decisions-for-the-better-care-of-children-the-role-of-gatekeeping-inv

- http://www.unicef.org/protection/files/What_is_Child_Protection.pdf

- https://www.freepik.com/free-vector/lovely-family-home-with-flat-design_2927329.htm#fromView=search&page=1&position=33&uuid=70c2baad-f431-4bc5-b56a-cf7c7b36d69e&new_detail=true

Special Acknowledgements

This handbook has been kindly funded by the EA Foundation UK

EA Foundation
Sustainability | Poverty reduction | Education

Technical Support:

Dr. Vasundhra Om Prem
Professor Myrna McNitt
K.G. Nimali S Kumari
Maneesha Wijesinghe -Attorney at Law
Joel Stanier

Year of Publication: 2025

Published by: Their Future Today
Artwork by children in Child Care Institutions (CCI)
Illustrations – Udaya Saman CL /Google search /TFT website /House of Dreams Art Competition/Freepik

their future today

Their Future Today
315 Pinkanda, Dodanduwa
Sri Lanka Registration: BRGA 2544
info@theirfuturetoday.org

Centre of Excellence In Alternative Care (India)

Centre of Excellence in Alternative Care India
C – 234, Sushant Lok – III, Sector 57, Gurgaon, Haryana, 122003, India
info@alternativecareindia.org