

OPENING DOORS FOR EUROPE'S CHILDREN

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STRENGTHENING FAMILIES. ENDING INSTITUTIONAL CARE.

SPAIN

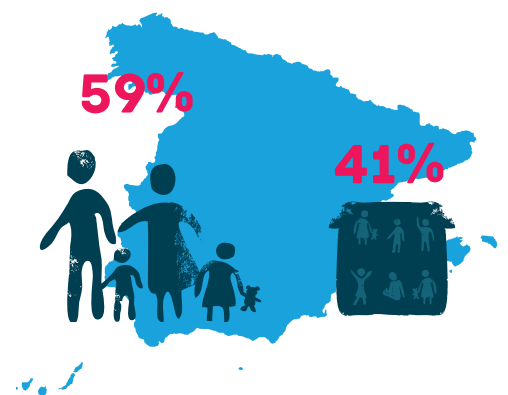
COUNTRY FACT SHEET

Spain has undertaken important reforms of its child protection system over recent years in the direction of deinstitutionalisation. Alternative care for children varies a lot depending on the autonomous community (region). Until 2014, there were 13,562 children in residential care, most of whom were living in the community-based care settings. This number, however, does not include children with disabilities. The majority of institutions for children in Spain provide care to adolescents with behavioural problems. This is considered a temporary measure until they can be reintegrated into their biological families. 19,119 children were in family based care in 2014, the majority of whom in kinship care families. A new law has recently introduced the professionalisation of foster and kinship care parents.

On a political level, Spain is organised in autonomous communities: territories with their own political structure that are given jurisdiction over different legislative matters but whose authority is generally limited to implementing regulations which is subordinate to the content of national law.

In 2014, there were approximately 32,682 children in alternative care in Spain, out of whom 13,562 children in 1,076 residential care facilities. In Spain, the law does not separate institutional care from residential care. The majority of residential care facilities are run primarily by NGOs, and there is no capacity limit of children per setting: the numbers vary depending on the local community. Institutions for children in Spain mainly temporarily house adolescents with behavioural problems until they reintegrate with their families.

In 2014, there were 19,119 children living in family-based alternative care: 5,656 in foster families and 13,463 in kinship care. This figure shows that 70,5% of children in family-based care are placed in kinship families. One of the recent developments in family-based care is Article 20 of the amended Organic Law which for the first time details the family's status as a set of rights and duties. This means that the state should progress with professionalisation of foster and kinship care families and more in-depth regulations. >>



59% OF CHILDREN IN ALTERNATIVE CARE LIVE IN FAMILY-BASED CARE AND 41% LIVE IN RESIDENTIAL CARE



**INSTITUTIONS FOR CHILDREN
IN SPAIN MAINLY TEMPORARY
PROVIDE CARE TO ADOLESCENTS
WITH BEHAVIOURAL PROBLEMS**

>> Children leaving care in Spain are not well-protected and are significantly discriminated against compared to their peers growing up within their own family environment. At the moment, there are 3,800 adolescents approaching the age of 18, while 5,000 children are in the process of leaving care. Young people leaving care are mostly supported by NGOs and not the state. However, approval of the amendment to the Organic Law 1/1996 in July 2015 marked a significant improvement compared to the previous national regulations. Measures towards transition of the young people in care to independent living were taken into account for the first time. The amendment also introduces participation of children themselves in the decision-making process that influence their lives as well as a personal plans for each child starting 2 years prior to the transitioning period towards independent living. The law stipulates that children should be provided with socio-educational mentoring, housing, socio-professional integration, psychosocial support and financial aid. After the approval of the July 2015 amendment, children can be supported by the State until the age of 211.

With regards to EU funding, Spain has designed the so called “Social Investment Packages – Paquete de Inversiones Sociales” within the funds allocated in the framework of the European Social Fund. The funds also aim to cover deinstitutionalisation policies.

FAST FACTS & LATEST DEVELOPMENTS

- **OUT OF 32,682 CHILDREN IN ALTERNATIVE CARE IN SPAIN IN 2014, 41% OF CHILDREN WERE LIVING IN RESIDENTIAL CARE AND 59% OF CHILDREN WERE PLACED IN FAMILY-BASED CARE**
- **70,5% OF CHILDREN IN FAMILY-BASED CARE IN SPAIN ARE PLACED IN KINSHIP FAMILIES**
- **18% OF CHILDREN IN ALTERNATIVE CARE ARE EITHER APPROACHING OR IN THE PROCESS OF LEAVING CARE**
- **FAMILY-BASED CARE IS A PREFERRED ALTERNATIVE CARE OPTION FOR CHILDREN UNDER THE AGE OF 6; RESIDENTIAL PLACEMENTS CAN ONLY HAPPEN IN CASES OF EXCEPTION AND CANNOT LAST LONGER THAN THREE MONTH**
- **THE NATIONAL LEGISLATION THAT REGULATES PROTECTION OF MINORS IS THE ORGANIC LAW 1/1996 OF 15 JANUARY 1996 ON THE LEGAL PROTECTION OF MINORS. AN AMENDMENT INTRODUCED ON 22 JULY 2015 ADJUST THE SYSTEM OF CHILD PROTECTION AND PARTIALLY AMEND THE SPANISH CIVIL CODE AND CIVIL PROCEDURE CODE. THE NEW LEGISLATION REQUIRES THAT THE BEST INTERESTS OF THE CHILD ARE A GUIDING PRINCIPLE FOR PUBLIC AUTHORITIES AND ARE GIVEN PRIORITY IN THE LEGAL SYSTEM. IT AIMS TO STRENGTHEN THE PROTECTION OF CHILDREN IN SITUATIONS OF DOMESTIC VIOLENCE, SEXUAL ABUSE AND ILL-TREATMENT AND EMPHASISES THE NEED FOR CARE OF MOST VULNERABLE GROUPS OF CHILDREN SUCH AS MIGRANT CHILDREN OR CHILDREN WITH DISABILITIES THUS RECOGNISING THE SAME RIGHTS AND ACCESS TO SOCIAL BENEFITS.**



OPENING DOORS NATIONAL COORDINATOR IN SPAIN

FICE Spain is a network of non-profit organisations that aim to improve the quality of life for children at risk and their families by promoting models of family support, community based care and the quality of residential care. To find out more visit www.fice-es.org

NATIONAL PARTNERS

The Campaign in Spain is supported by: FEDAIA www.fedaia.org

The Opening Doors for Europe’s Children campaign supports national efforts to develop child protection systems that strengthen families and ensure high-quality family and community-based alternative care for children, by leveraging EU funding and policy and building capacity in civil society.

It is a partnership between 5 international organisations and civil society across 15 European countries. For more information go to www.openingdoors.eu