

1.Turkey

Turkey's Services for Children-in-need: A short analysis

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1. Foreword

In Turkish culture, services for children in need of protection has traditionally been carried out via family and community-based services with the contributions of civil society. With the spread of total war and the start of modernization process, orphanages has begun to spread all around Turkey. Despite starting the development of family-based services over time, these services has not progressed in the required level until recently.

There were abrupt violence on children in the Malatya Orphanage in 2005 and after this case, de-institutionalization process has started in Turkey. In the last decade, returning to the biological families with the financial support given, the number of children staying in institutional care has been reduced significantly. Moreover, quasi family, foster family and adoption service models have picked up steam, the legislation of these service models has been renovated in line with the international perspective.

In the upcoming period, it is needed to adapt to this rapid transformation as well as to overcome the problems encountered in the current situation. This report in your hand summarizes the situation in a comprehensive way and handles the way ahead in the Turkish Child Protection Mechanism in the final part.

2. Children-in-need in the context of Turkey

2.1. Institutional Care

2.1.1. History

Orphanages did not exist in traditional societies. The children in need would either join other families, or would be protected by their close relatives. In such a society where governmental structures were not prominent, it is observed that non-governmental organizations had a significant role in the protection of children in need.

As wars started impacting masses, orphanages came into existence. "The very first orphanage has been opened by the Mayor of Tuna County at the Niş Province. Later on, "Darüßsafakat'ül İslamiyye" (House of Compassion) was started to be runned by volunteers to educate the artisan apprentices at Kapalıçarşı, Istanbul. It was the time of Sultan Abdülhamit II when Darülaceze and Darülhayr-ı Ali were founded.

After the Balkan Wars during 1911 and 1912, İttihat ve Terakki founded some orphanages as well. It is also known that on the Eastern Front, Kazım Karabekir has founded orphanages. In 1917, Himaye-i Etfal was founded to structure

orphanages and found them nationally. With the efforts of non-governmental organizations, the amount of orphanages increased. After the 1980 Military Coup in Turkey, the Turkish Child Protection Institution was abolished for 5 years on May 5th, 1981. On May 24th, 1983, with the legislation number 2828, Social Services and Child Protection Institution Law passed. On 2005, the Child Protection Regulation was enacted to protect the children in need and juveniles directed to crime, and regulate the means to protect their rights and safety. Furthermore, Turkey was a part of the 1990 UN Conventions on the Right of the Child.

2.2. Family and Society Based Care

2.2.1. History

2.2.1.1. Foster Care Model at the Ottoman Empire

Foster Care Model within Ottoman Empire was influenced by Islamic practices, and was referred to as adopting.

Tebenni Practice: The child would stay with another family until adolescence, and was called with his or her father's name. In this practice, their relatives, or other people that are interested in taking care of the child would protect children from low-income backgrounds, or children born of adultery. Families also used to let their children grow up with rich families, so they would have access to quality education. The children who converted to Islam would also be adopted, yet they were not entitled to an inheritance.

İcra-ı Sağır(Fostering in exchange for to become a servant): Families from high economic statuses would agree upon a fee to foster children with them in exchange for to become a servant in their daily lives.

Non-governmental structures and subdivisions of treasury: Until "İslahane - Institutional Care" started opening in Ottoman Empire, children in need would be matched to families. The families would be entitled to benefits from non-governmental organizations and subdivisions of treasury.

2.2.1.2. Foster Care Model in Modern Turkey

While the foster care model was officially introduced to the legal system with Article 272 and 273 of "abrogated Turkish Civil Law", dated 17.2.1926, it is known that foster care practices existed before, in traditional forms. At that legislation, Turkish Civil Law asserts that a child should be given to another family, if his or her family is not present for child-care. Certain regulations such as the "General Health Law" and the "Municipalities Law" also asserted that children in need should be taken care of by other families.

Laws specific to the foster care model has been enacted in 1984 with the Foster Care by-laws, and regulated in 1993 and 2012.

The paradigm-change from institutional care to the family and society based care has started in the 5-year development plans of the 5th plan (1985-1989). In this plan, there is an emphasis on institutional care, whereas foster care comes into prominence after 1989. The current 10th development plan states "alternative care models for the children in need will be expanded, foster care in particular, and other models such as adoption."

3. Current Situation in Foster Care Model

In Turkey, changes in foster care legislation made in 2012, revealed new concepts, definitions and also awareness of the foster care service. By the December of 2012 there were just 1225 foster families, but with the help of studies, done under the aegis of President Recep Tayyip Erdoğan and his honourable wife Emine Erdoğan, in the end of 2015 the number of foster families is 4600.

3.1. Different Models

3.1.1. The Kinship/Relatives Foster Care Model

This care model is the one, in which relatives, neighbours or caretakers, who is in touch with the child, take the responsibility and become foster family. If they decide to be foster family, they need to have the basic parents educations.

3.1.1.2. Temporary / Stationary Foster Care Model

This care model is the one; when the child is in need of urgent care before the care service plan is ready or not placed yet in institutional care, Professional persons or families who have the basic parents, the first and second level of foster family educations, take care of the child for just a couple of days to a month.

3.1.1.3. Periodical Foster Care Model

This care model is the one, when the child will not return to biological family or cannot be placed in a permanent family, the persons or families who have the basic parents and the first level of foster family educations take care of the child.

3.1.1.4. Experted Foster Care Model

This care model is the one; in which the persons who have the bachelor's degree to help the children having special handicaps and needs, take care of the these special children. One of the couple has to have at least primary education and the persons or families have to have the basic parents, the first and the second level of foster family educaitions.

3.2. Who is Eligible to Become a Foster Care?

Everyone; who has the patience, tolerance and flexibility and can present a safe and compassionate environment, wants to make a difference in the life of child with love and can handle it with the institution together can be foster family.

- Citizen of TR
- Inhabitant of TR
- In the middle of ages 25-65
- At least Primary School graduate
- Regular income
- Not the biological parents or legal guardian of the child
- Single or married, having kids or not

can consult the local institution of foster care model to become a foster family.

To become a foster parent, couples have to consult together.

The relatives, neighbours or family friends close to the child are generally preferred.

If the relatives of the child want to be fosters, their educations and ages are the considerations for social study reports.

While evaluating the ages of foster family candidates, if the difference between couples is up to ten years, the little one's age, otherwise the average of the couple's ages is based on. The ages of the candidates by the date of application, their ability to display appropriate behaviour to the child's age period, setting up a parent-child relationship are considered.

3.3. Incentives for Fosterers

The foster families, if they want, are paid monthly according to the ages of children they take care.

Payment per month for foster families	
Age and School	Monthly paid (Turkish Liras)
0-3 ages	456,08
4-5 ages	684,11
6-14 ages	783,01
(Primary 1-4 and secondary 5-8th grades)	809,66
15-18 ages	881,91
(High school)	
19 +ages	998,57
(university)	

189 Turkish Liras is paid for school services by the state. Also state supports financially the courses for training.

Besides, one of the foster couples' insurance premium is paid up to 527,04 Turkish Liras by the state.

4. Current Situation on Adoption

4.1. Legislation

Adoption services are regulated according to the law congruent with September 1, 2014 dated Protection of Children and International Adoption Cooperation contract and 01.08.2002 dated no 145 Adoption directive prepared by our General Directorate and (01.01.2002 dated no 305-320) Turkish Civil Code.

Adoption services in Turkey are regulated by Ministry of Social Policies and Child Services General Directorate in Turkey.

4.2. Adoption Conditions

People can apply for adoption if they are

- » Married for at least 5 years or
- » 30 years of age,
- » Married or single,
- » With or without children

People who wish to adopt can adopt one or more children at different times or at the same time.

- » Spouses can adopt together.
- » Adoptive parents should be at least 18 years older than the child,
- » Adoptive parent and child can have maximum of 40 years of age difference. (If spouses have 10 or more years of age difference, the average age of spouses will be taken into consideration, in other cases the age of the younger spouse will be taken into consideration, people who are older than 40 will be advised to adopt children according to their age. For example, a person who is 40 during application and 44 during the actual adoption cannot adopt a child younger than 4.)

Person who will adopt should be or have

- » Consistent, balanced and someone who is capable of providing enough love for the child,
- » Adequate income, social security rights, appropriate environmental and life conditions,
- » At least have primary school degree.

Adoption is possible after the child is taken care of by the family for a year.

4.3. Course of Adoption

There are two ways of adoption for someone who fulfills the requirements in our country. Evlat edinme şartlarına sahip bir insanın evlat edinmesi ülkemizde iki yolla olmaktadır.

- » Institutions in cooperation with our General Directorate,
- » The biological parents or guardians of the child.

4.4. Specifications of the Adoptive Child

- » Children whose parents have given consent for them to be adopted by a court decision,
- » Children who by court order are eligible for adoption without the parents' consent as per Child Services General Directorate initiation.

Conditions under which no consent is required;

- » No information about the identity or whereabouts of the parents,
- » Presence of a mental health condition,
- » Having no ability to distinguish,
- » Not fulfilling the personal responsibility for the care of the child

4.5. Adoptive Rights of the Child

- » Adopted children gain the same legal status as biological children.
- » Parental rights and obligations are passed on the child.
- » Adopted child becomes an heir to the adoptive parent.
- » If the adopted child is underage, he takes the adoptive parents' surname.
- » Adoptive parents can rename the child on request.

» Underage children who are adopted by spouses are specified as the child's parents in the national identification system.

4.6. Confidentiality

Adoption records, documents and information cannot be revealed without a court order or without the adopted child's request.

4.7. Statistics

Since the official statistics began to be registered regularly in 1983, nearly 15 thousand children were adopted. Recently, the average number of adoption per year has increased from 300-400 to 700-800. The main reason behind this fact is that the status of children who benefit from foster family service model changes to 'available to be adopted' if they lose contact with their biological parents for 2 years. In this case, primarily the foster family is asked whether they wish to adopt or not. If they do, the child is adopted by his/her foster family and if not, the child is placed with the next family already in line to adopt.

5. Socio-Economic Support Legislation

Socio-economic support is given through Socio-Economic Support Legislation, in order to endorse families claiming the care of their children or teens who can not provide their basic needs and who have trouble to sustain their lives because of poverty. 71.845 children have been supported through this legislation. Annually an average of 230 million USD (700 million TL) is granted to the families who are covered by this legislation. Today, the practice of taking children under protection because of poverty has almost come to an end.

6. Family Reunification

The Turkish people reacted very strongly in 2005 over the broadcast of hidden video recordings which revealed that the children in Malatya Institutional Care were being tormented by their caregivers. This incident have triggered the transition of Turkish child protection system from an institutional care model to a family-based model. From this date on, not only foster parenting model has started to be examined broadly, but also families whose biological children stayed in foster care institutions because of poverty started to be supported. 11.085 children have reunified with their biological families.

7. The Way Ahead

7.1. Respecting child rights and involving them in decision-making

In Turkey, children's participation in policy-making process and in their daily lives is very weak. With the contributions of UNICEF, a national yearly meeting is organized about the children's participation. Children under legal protection also participate in this meeting. Except for this meeting, there is no tool for the right of participation of children under legal protection. Especially in the protection period, children cannot determine their choices whether they live in a foster care model, foster family or institutional system. In addition, the bureaucrats always dominate their daily routine and life choices not only in the protection model but also in their educational choices, and so on.

NGOs' participation is also very weak to monitor the children's rights. Especially in the child protection system, there is no mechanism to educate children on their rights, no monitoring mechanism. Therefore, there are common news on child abuses in the institutional system. In the foster care model, there is also a very weak inspection mechanism by the state. Two years ago, with the contributions of Embassy of UK, the Foster Care and Adoption Association organized a technical training programme for the Turkish Inspectors. In this programme, UK's inspectors come to Turkey for a workshop. It was seen in the programme that there is a huge weakness on the awareness of the inspectors on their jobs to monitor the deficiencies in the child protection system.

7.2. Prevention of institutionalisation

In Turkey, the Government has made great efforts to close the institutional model by replacing it with children's homes, foster family and adoption models. Despite these efforts, social awareness on the closing of institutions is very weak. Also, many NGOs are against the closing of institutions because of the parochial interests rooted in the resource-endowment process of their organizations. Also, many of the social workers are against this new model because of the bureaucratic interests and traditional way of doing their jobs. Innovative NGOs are trying to force the government and other NGOs to change the model with a more qualified family and community based models.

7.3. Creation of community-based services

The government in Turkey have created community based services but social supports are very low in comparison with the EU levels. For example, a foster family can be subsidized 100 Euro for 0-3 year old child. According to age levels, this subsidies increases and reach 250 Euro for the adolescents.

The government also supports kinship foster family models. In addition, nearly 44.000 children are supported by the government by not institutionalizing them. 17.000 children lives under legal protection and nearly 4.600 of these children are under foster care model. 10.000 children live in institutionalized system, children homes, and so on.

7.4. Closure of institutions

Institutions have been closed by the Turkish government but children with special needs are under risk. There are very few specialized agencies that work for the disabled children. In addition, children who have few deviant behaviors are not placed at the children's homes and are sent to the rehabilitation centers which are very problematic in Turkey's context.

7.5. Restriction on investment in existing institutions

The government has been building new institution-based models in contrast to EU's decree "not to build new institutions and spend government budget to the community based services." These institutions are built in the peripheries of the cities and cannot be monitored by the activists, people and NGOs. There are frequent child abuse reports from these newly-built institutions.

7.6. Development of human resources

Adult education in Turkey is very weak. As Hayat Sende Youth Academy Association, we prepare adult education programmes for the social workers, teachers, nurseries that works for the children. Also, Denizli Foster Care Association has implemented a EU project on the trauma solutions for the foster families. Two years ago, we also implemented a technical workshop for the inspectors on the Child Protection Agency with the contribution of UK Embassy. Except for these programmes, there is no NGO which aims to contribute to the human resource capacity of the social workers. Many social workers are burn out because of low wages and tiring job requirements. There is a huge resistance for social workers who have been accustomed to working for the institutional model. Foster families always complain about the insufficient service of the child protection agency. In addition, youngsters cannot attain to the mentoring opportunities adequately especially in the post-protection period.

7.7. Efficient use of resources

Turkish government uses the resources efficiently by converting the institutional based resources into the community based resources. But, foster families cannot be paid enough to take care of the children. In the kinship support model, there is also weak payments to the kinship families.

7.8. Control of quality

There is no independent monitoring mechanism for the child protection services in Turkey. NGOs are very weak to monitor the institutions and foster care

system. The government doesn't publish abusive treatments of the child protection system. Children also cannot attain to the complaint mechanisms on abusive treatments. Also, there is no quality standard such as ISO, etc.

7.9. Holistic approach

In Turkey, there are Islamic prejudices against foster family and adoption models. To overcome this obstacle, the government does its best by the contributions of the General Directorate of Religious Affairs. But, the coordination is very weak with the other branches of the government, such as Ministry of Education and Ministry of Health. In the employment process of the post-protection period, the public sector works well but the contribution of the private sector is very weak. Despite the legislation on subsidies for the private sector, there is very few employment in the private sector.

7.10. Continuous awareness-raising

There is an ongoing campaign on ending institutionalization and to promote the foster family model. Three years ago, there were only 1.225 fostered children but now, the number of fostered children reached to 4.600. Despite the ongoing campaign, in the least developed regions of Turkey, there is no foster family.