



The Links to their Roots: Contact with Birth Families for Children in Out-of-home Care in Malta

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Abstract

This paper explores the concept of contact with birth families for children in out-of-home care within the Maltese context by referring to theory and applying it. The paper does not aim to provide solutions, since the issue has so many facets that it cannot be reduced to a problem to which a solution can be found. It is aimed at encouraging reflection on this issue since, when working with children in out-of-home care, decisions about contact with their birth families need to be taken which reflect the children's best interests. Besides exploring the issue holistically, maintaining a focus on the individual dimension of the issue is a requirement of all practitioners in the field of children in out-of-home care. Failure to do so will be ignoring what is an important dimension for many of the children. Additionally, the Maltese context, as will be seen in this paper, presents particular challenges regarding contact with birth families and adds another requirement to the reflective exercise.

Key Words: Children's best interests, out-of-home-care, birth families.

Introduction

This paper will explore the concept of contact with birth families for children in out-of-home care within the Maltese context. Besides referring to theory, it will also present a direct application of the concept. This paper anticipates raising more questions than it will answer. In fact, this paper does not aim to provide solutions, since the issue has so many facets that it cannot be reduced to a problem to which a solution can be found. At the same time, when working with children in out-of-home care, it is important to tackle these questions, especially since decisions need to be taken which reflect the children's best interests. Although finding solutions might not be possible, exploring the issue on an individual basis is a requirement of all practitioners in the field of children in out-of-home care. Failure to do so will be ignoring what is an important dimension for many of the children. This is even more relevant within the Maltese context and that is why I will continue this paper by explaining this context in some detail.

The Context

Malta is a country that comprises an archipelago of five islands and “apart from five modest gifts of nature – sun, sea, sand, salt and stone – the archipelago is bereft of mineral and other exploitable resources” (Baldacchino, 1994, p. 574). Only the three largest islands – Malta (246 square kilometres), Gozo (67 square kilometres) and Comino (2.5 square kilometres) – are inhabited, the latter by only one family. Malta lies in the middle of the Mediterranean Sea, about 93 kilometres south of Sicily and 290 kilometres north of the African coast. The population stands at about 400,000, making the population density one of the highest in the world (<http://www.worldatlas.com/aatlas/populations/ctydensityh.htm>). These geographical features mean that everywhere in Malta is accessible and that many Maltese people know each other. “The small size/scale environment ensures... a high degree of social visibility” (Sultana & Baldacchino, 1994, p. 16). This makes it easier to reach people but, in helping professional situations, creates problems of boundaries between personal and professional domains, with implications for such aspects as maintaining confidentiality and managing dual and sometimes even multiple relationships. Another implication of the small size of our country is that families and friends are always close by and lack of privacy is more of a problem than isolation. This is particularly relevant to the subject of this paper, contact with birth families.

Maltese society is becoming increasingly secularised and witnessing the shift in values mentioned by Abela (2004, p. 2), “from a wide-spread conformity to traditional authority-directed values towards greater individualised values, diversified lifestyles and pluralistic behaviour”. These values impact the lifestyles of many Maltese people and their life choices, as well as their perspectives on important issues such as family and children. It is interesting to note, however, that “...generally, the Maltese continue to give priority to the values of the family and religion, but are somehow diffident of other people in society” (Abela, 2004, p. 2). This aspect of Maltese culture, particularly the former, is also directly relevant to the subject of this paper, as will be explored further on.

Identifying the features of the Maltese welfare state, Cutajar and Deguara (2004, p 172) state that, “... the Maltese welfare system provides a wide-ranging structure of social protection, which explains why poverty might not be seen as a major issue in the Maltese Islands”. Despite this public perception, “15 per cent of the total population were registered as living at risk of poverty in 2000” (Cutajar & Deguara, 2004: 172), while “official statistics (NSO, 2007) estimate 14.9% of the Maltese population fall below the poverty line.” (Abela & Tabone, 2008, p. 8). This contrast could perhaps be explained by Maltese people’s attitude to welfare policies where, “...there is a general consensus of the state to guarantee the basic needs for all... and to recognize people on their own merits” (Abela, 2004, p. 2). Whatever the reason, Maltese social workers have to struggle with the co-existence of these two realities, the first one so commonly held and the second so evident in their client base. Maltese society’s debate about the existence of poverty, often creates an atmosphere of hostility towards social workers, which atmosphere is also present in a number of persons with whom the social workers will be intervening.

Attempting to classify the Maltese welfare state within the categories identified by Lorenz (1994) is not a clear-cut exercise because it includes some elements from different categories. The role of statutory social workers within child protection services, as described within the residual model, “... they are not only made to draw the line between acceptable and unacceptable child rearing practices but also to weigh up the rights to citizenship between parents and children, without being able to command the resources that would secure the social rights of both” (Lorenz, 1994, p. 24), accurately describes Maltese social workers in these roles. However, Malta lags behind in the privatisation element of this model creating a doubt about whether it fits into this category. For countries which fall within the rudimentary welfare model, “...the

development of social services has been patchy and often unco-ordinated", "the promise of a future comprehensive welfare system remained a strong political factor in securing loyalty and staving off disaffection" and "most professionally qualified social workers... are to be found in public employment" (Lorenz, 1994, p. 27) are all directly applicable to Malta. However, in Malta, the voluntary sector is not as strong as this model would suggest, preventing it from being considered within this category.

Grasselli, Montesi and Iannone (2008, p. 24) say that another model, the Mediterranean model, should be added to the three identified by Lorenz (1994). They see Italy, Spain and Greece as falling within this category, whereas Lorenz (1994, p. 26) classifies these countries within the rudimentary welfare model, raising some questions about the compatibility of these two classifications. Grasselli, Montesi and Iannone (2008, p. 24) see "...responsibility of care-work... is up to family (and, inside family, up to women)" as a primary characteristic of the Mediterranean model and this is definitely applicable to the Maltese context. They also identify monetary benefits to adults and elderly people as being predominant within this model, over the provision of services, another characteristic which applies to Malta. In explaining the Maltese welfare state, Grasselli, Montesi and Iannone (2008) also point out the under-development of the voluntary, non-profit sector, which definitely impinges on the practice of social work in Malta and increases the evidence of state funded initiatives in this sector, as well as highlighting the role of the family in providing informal support.

It is within this context, which combines a Mediterranean richness of solidarity and compassion with a lack of resources and formal structures and within which the family has such prominence that the issue of contact with birth families needs to be considered.

Childhood Memories

After having established the context for this paper, where the priority of the family and issues of proximity and boundaries become evident, the centrality of the issue of contact with birth families needs to be highlighted. Undertaking a reflective exercise on childhood will, for many people, include memories of family members and family activities. Some of these may be positive and others negative but their presence cannot be denied for a number of people. These memories are also likely to evoke feelings, again positive or negative, many of which will be strong. Whatever happened within the childhood of most of us, we carry our childhood memories with us, whether we treasure them or repudiate them. In addition, whether these memories are positive or negative, they link us to our roots and usually carry a certain degree of significance. These reflections immediately highlight the significance of birth families for many of us and explain the heightened emotions expressed on a number of occasions when this issue is dealt with. The positive and negative aspects sometimes co-exist, making any attempt at disentagling them extremely difficult. The challenge for social workers and other professionals working in this field to deal with this issue in a professional way and in a way which guarantees the best interest of the child concerned is sometimes overwhelming.

Managing Contact with Birth Families

When applying the concept of birth families to children in out-of-home care, it is turned almost on its head. First of all, the concept of family in this context is as complicated as one would like

to imagine and defies definition. And yet, the strength of the loyalty towards this ephemeral reality is encountered time and time again when working in this field. It evokes feelings of treading through a minefield when trying to disentangle the various interests to arrive at a decision which protects the child's best interests. This paper will take the journey through this minefield, hoping that, at the end, an appreciation of the need to at least consider the possibility of maintaining contact with birth families will come across.

At this stage, it is important to state that, in general, literature indicates that contact with birth families is in the interest of children in out-of-home care. As Schofield and Beek (2006, p. 252) explain, "...long-term fostered and adopted children need... to achieve a sense of belonging to their birth families, at a level that feels compatible with their particular circumstances, wishes and feelings." The need to achieve a sense of belonging to birth families is stated categorically, even if a number of conditions are laid out. Fox and Berrick (2006, p. 40), also state, "For the majority of children in out-of-home care (regardless of their permanency plan), the preservation of birth parent ties constitutes a primary goal" (Fox & Berrick, 2006, p. 40). That the starting point of the journey is adopting a positive perspective towards the issue is, therefore, clear. However, managing contact with birth families for children in out-of-home care sometimes feels like running an obstacle race. The journey throws up one hurdle after another.

The Child's Best Interests

The first hurdle is deciding **what** is in the child's best interests. This sometimes seems like a stumbling block as the professionals involved try to unravel what is in the child's best interests from all the other factors involved.

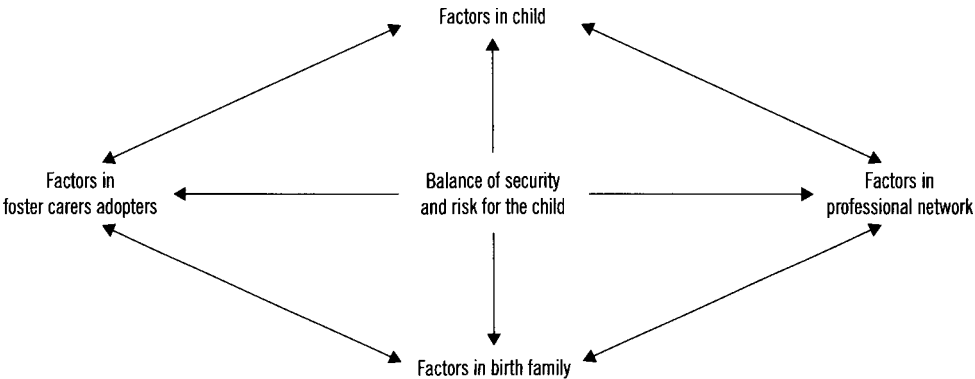


Figure 1
Factors affecting the child's best interests (adapted from Beek and Schofield, 2004, no page number available)

A look at this diagram immediately indicates that this is no easy task. Any risk involved when considering these factors must be weighed against the security of the child. This necessitates the recognition that risk is ever-present and that attempting to negotiate any contact with birth families for children in out-of-home care which is risk-free is an unrealistic prospect.

Beek and Schofield (2004, see Table 1, no page number available) list some of the factors associated with the four categories as:

Table 1
Factors associated with the categories affecting the child's best interests

Beek and Schofield (2004)			
Factors in the child	Factors in foster carers/ adopters	Factors in birth family	Factors in professional network
History of abuse/neglect; state of mind; resilience; capacity to communicate; sense of permanence	Sensitivity to/empathy with child and birth family; openness of thinking/family boundaries	Strengths/risks; current life-style; capacity to prioritise the child and work collaboratively with foster carer/social worker	Resources; Attitudes to permanent foster care/adoption/birth families in social work, health, school, courts

Bringing factors within these four categories together in a way which can protect the best interests of the child, besides being difficult work, sometimes involves overriding the instinctive reactions, needs, attitudes, of the other persons involved. In order to do this, there needs to be a degree of certainty about what "the child's best interests" means. Does it mean:

- What the child wants?
- What will allow the child to feel secure?
- What the carers can cope with?
- What the professionals think will benefit the child?
- What the birth family is demanding in order to allow the placement to continue without disruptions?

This last factor is of particular relevance within the Maltese context, since birth families live close enough to make regular contact, for example weekly, not only possible but the norm for many Maltese families. Some birth families, separated from their children by law, will demand contact and, if prohibited, will threaten the caregivers or the placement. And within the local context, the likelihood for these threats to be carried out is realistic because it is possible to obtain information about both these elements. An additional complication is that these considerations could be in conflict, making the decision even more difficult to take. This bewilderment is also found in the literature, with Jones and Kruk (2005, p. 406) saying, "... the 'best interests of children' is an indeterminate and relative notion, interpreted by legal and social services practitioners in a variety of ways, and there is no consensus on these 'best interests' in the fields of foster and residential care..." The journey seems to be turning into a maze.

The Role of the Professionals Involved

Professionals in the field sometimes feel as if they are playing God as they encourage or discourage, prevent or facilitate, start or stop, contact with birth families. This contact is, very often, unfortunately, at the mercy or availability of the professionals involved, making the responsibility they carry significant. And, at the stage when they are taking decisions or intervening in this regard they are not able to envisage whether, once the children grow into adults, they will bless them or curse them. Their decisions will probably have a major impact on the family relationships these children will have in the future. A number of practical examples will demonstrate this point:

- Sean, 9, is encouraged to have contact with his mother because his behaviour is so disruptive that his residential placement might break down and he will end up living with her;

- Caroline's, 12, decision not to have any contact with her family is accepted even if she has no other significant persons in her life except professionals, and her family is requesting contact;
- Sandra, 2, is prevented from having contact with her family because her foster carers cannot cope with the distress she demonstrates after this contact;
- Kyle, 4, is not allowed to see his father because he is mentally ill and can be impulsive;
- Paul's, 1, parents are not encouraged to visit him in the residential home to try to increase the opportunities for him to be adopted.

Taking Decisions in the Children's Best Interests

The professionals involved, in these complicated situations, need to find ways in which they can be helped to take decisions about contact with their birth families in the children's best interests. The first thing which can help is reflection on situations in considerable depth. At the same time, consultation and supervision will help those taking decisions to ensure that they are not violating the children's rights. The involvement of all the persons working with the child, and the child him/herself will also prevent inappropriate action from being taken. In this process, some issues seem to be clearer than others.

It is in children's best interest to be heard

... young people... gave strong support to consultation with themselves and with those who were important to them... Their most strongly expressed opinions were with respect to decisions about whether, how often and where they had contact with birth parents and siblings... to fail to listen to, or to over-rule, children's wishes on matters about which they feel so deeply must be considered highly likely to damage their long-term well-being (Timms & Thoburn, 2006, p. 167).

When implementing this requirement, the situation is often complicated and it could be difficult to disentangle the child's voice from all the other influencing factors. A case example will demonstrate this point.

Samuel is a 13 year old boy who has been fostered within the same family from a very young age. The family considers him part of it and he considers himself part of the family. In fact, there is the possibility of this placement developing into an adoption. Samuel has no contact with his birth family because of his parents' mental health difficulties. Whenever his case is reviewed, Samuel states very clearly that he wants his foster carer to be present throughout the meeting. When he is asked whether he would like contact with his birth family, he clearly states that he does not. At the same time, when saying this, he often looks at his foster carer, as if for approval. The professionals involved in the case question whether he is being influenced by his foster carer but have no way of verifying this because Samuel continues to insist on what he is saying, even when he speaks to the professionals involved on their own.

The child's voice is being heard, but there are doubts whether it is an authentic voice and the professionals involved have no option but to listen to the content. Other complicating factors could be the age of the child and siblings' having different opinions about contact between them and with their parents. There could also be factors which prevent the implementation of the children's wishes, some of which are linked to resources. However, one situation which is linked to the particular elements within the Maltese environment and which often causes professionals to feel they are betraying the children, is when giving in to the parents' demands is the only way in which the placement could be safeguarded. In these situations, the principle of least harm

(Loewenberg & Dolgoff, 1992, in Cournoyer, 1996, p. 68) needs to be applied but that does not prevent them evoking strong emotions all round.

It seems to be in children's best interest to have information about their birth family

Many children in out-of-home care, particularly those in non-kin care, have little information about their birth families – a reality that is generally understood as having a negative impact on children's development (Fox & Berrick, 2006 p. 39).

Within the Maltese context, this situation presents two different realities. On the one hand, the small size of the country makes it more likely that children in out-of-home care will, one day or another, have some contact with, or information about, their birth family, even if this is unplanned. This raises the issue of whether the contact or provision of information should be planned to make it more controlled and appropriately provided. On the other hand, sometimes this provision of information, with the consequential benefits for the children's development, is not possible because the information is not available. One such situation occurs when the father is listed as 'unknown' on the child's birth certificate and the mother is unable or unwilling to provide his particulars. The situation becomes even more difficult when the children are requesting this information and are obviously suffering because they do not have it. The children's deep feelings often associated with these situations are accompanied by feelings of helplessness on the part of the professionals.

Another possibility within this principle is that the information about the family could be very painful for the children. Professionals working with children in out-of-home care often face these situations which create a dilemma. On the one hand, providing this information could affect the children negatively, for a number of reasons. On the other hand, not providing this information, as Fox and Berrick (2006) so clearly state, will also affect the children negatively. On a number of occasions, providing the information, even if painful, cannot be avoided. For example, when the children are asking to meet their parents and this is not possible because of the latter's serious drug or mental health problems which render them dangerous. A reason for not abiding by the children's wishes has to be given to them. So the painful truth can, sometimes, be impossible to avoid, even if this is desirable. The responsibility of the professionals becomes to support the children while they handle this information, to then decide how they can come to terms with it. When considering that this difficult task is being demanded of children of ages as young as 7 or 8, the inherent unfairness of the situation is immediately apparent.

It seems to be in children's best interests that all those involved in their lives define family as including their birth families

Social workers and caregivers who recognize, support and promote inclusive definitions of family may be more likely to meet the social-emotional needs of children over time (Fox & Berrick, 2006, p. 48).

This principle seems fairly straightforward and should be one which all those involved in caring for children in out-of-home care embrace. One way of ensuring the implementation of this principle, and moving beyond it, is by working in partnership with birth families. At the same time, it needs to be recognised that sometimes the difficulties which the parents of these children face, prevents them from being involved in the care of their children at any level. When this happens, the inclusive definition of the family might seem empty for the children who are experiencing the lack of any family involvement. This should not, however, deter the professionals from not only continuing to use inclusive definitions but doing all in their power to involve the parents or other members of the family in any way possible, as long as this is in the best interest of the children.

It seems to be in children's best interests that their foster family is recognised as providing the opportunity for attachment

Working with birth families thus requires social workers to be mindful of the claims to familial identification that foster-carers often make, and to ensure that these are engaged with respectfully (Riggs, Delfabbro, & Augoustinos, 2008 p. 12).

When reading this quotation, within the context of the foster family providing the opportunity for attachment, and within the context of working with birth families, the need for balance immediately comes to mind. With it comes my experience of its difficulty. While recognising that foster families need to provide these opportunities for attachment, and that this is one of their major purposes, having claims to familial identification from both birth families and foster carers is often difficult to reconcile. The difficulty increases when the two parties are not on good terms, as happens when birth families see foster carers as trying to usurp their position, which they still would like to maintain. The respect mentioned in this quotation is essential. I would go one step further by saying that this respect should not only be shown towards the foster family but towards the birth families. The foster carers need to be recognised as looking for familial identification as a means of providing a sense of belonging and attachment, which is so essential for the children. At the same time, the birth families' assertion of their claim to familial identification, in the case of children in out-of-home care, is often accompanied by feelings of pain because of their inability to be the primary caregivers to their members.

It seems to be in children's best interests that their birth families are supported to continue to feature in their lives

Most respondents had 'moved on' emotionally and valued being part of their foster families whilst still wanting their parents to be provided with whatever assistance was needed in order that they could fulfil a continuing role in their lives (Timms & Thoburn, 2006, p163).

This principle stresses the need to continue to work with birth families. In the local context, the additional implications are that, at the age of maturity, many of these youths will make some type of contact with their birth family. Therefore, the fact that their family has been helped and supported might make their contact less likely to be detrimental to them. At the same time, it needs to be kept in mind that children who are in long-term out-of-home care today come from increasingly complicated family situations and supporting these families is a very challenging endeavour. It becomes even more difficult when the possibility of the child being reintegrated is remote. The families often want contact with helping professionals in order to have their children returned to them. When they realise that this is not going to happen, they may adopt a hostile attitude towards these professionals, perhaps understandably, and refuse to collaborate. This makes the wish mentioned in this quotation difficult to implement and sometimes makes the professionals involved question how and whether they should intervene with birth families.

The Impact of these Decisions on Others

Besides taking into consideration all the practice implications of these principles, professionals working with children in out-of-home care need to be aware that the decisions about the children's contact with their birth families may have an impact on others, including parents and siblings. In these situations, professionals need to ensure that, when the impact on others is inevitable, it is kept to the minimum possible. However, sometimes, doing this is very difficult. And, on occasions, these professionals receive contrasting messages, making it very

difficult to decide how to proceed. An example of this is when professionals are accused by some of giving too much weight to parents' rights by allowing contact while, at the same time, they are urged by others to increase contact to motivate parents to improve their situation. These contrasting demands have to be considered in the context of all that has been said previously in this paper, making it almost a mission impossible. When working with the parents, another possibility is that, in the children's best interests contact is to be encouraged, while the parents do not maintain their commitment. This causes considerable pain and suffering to the children, who often continue to live in pain, refusing to abandon their dream of living within their birth family.

When it comes to siblings' interests, the situation could be caused because the siblings have different living arrangements. For example, one of them could be living in foster care, while the other one could be living in residential care. In these situations, it is more likely that the latter child wants contact with his or her birth family, because he or she does not have alternative family arrangements. In the case of the siblings in foster care, their stability might make contact with their birth families less of a priority and some of them might outrightly refuse contact. The situation, in these cases, might be complicated by the fact that parents often insist that what goes for one sibling, goes for the other. The three-pronged situation makes it impossible to arrive at a solution which meets everybody's needs and the task then becomes supporting the frustration of the unmet needs.

Logistic Difficulties

When and if these hurdles are overcome, the logistics have to be organised. In the local context, we might be talking about weekly face-to-face contact, making the resource implications considerable. And, in a number of cases, this contact may need to be supervised, increasing the demands on the services. On the other hand, in the local context, if supervision is not necessary, and the children are living in foster placements, where direct contact between birth and foster families is usually not encouraged for safety reasons, the logistic demands, which include transportation, might be very difficult to manage. The children might also need to be psychologically prepared for the contact and supported to deal with the impact of this contact. This often requires ongoing psychological intervention, with all its implications. The local context and the proximity of all involved might prevent involvement of foster families in a process where the children would feel safer if they were present. Therefore, even on the level of logistics, it might not be possible to safeguard the best interests of the children as one might wish to.

Conclusion

If one firmly believes that birth families are important in the lives of children in out-of-home care, one has to take on the challenge of managing contact between these children and their families. This involves keeping in mind that:

- Sometimes, causing some harm to one or more of the persons involved is inevitable; in these cases, the principle of least harm should be implemented;
- Contact with birth families should be negotiated on an individual basis;
- A distinction needs to be made between contact and re-integration with birth families;
- Contact does not have to be face-to-face but may take different forms;
- Carers need to be supported and encouraged:

- To provide a secure base for the children from where they can safely engage in contact with their birth families;
- To develop empathy towards birth families;
- To facilitate contact with birth families, for example, by facilitating parents' presence during important celebrations;
- To cope with the children's possible distress after contact visits;
- To be involved in the care plans of the children they are caring for so that they may feel more secure about the children's contact with their birth families.

In conclusion, it is important to keep in mind that, if relationships are positive all round, the children will be calmer.

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