

Foster Care in the Light Charter of the Rights of the Family and Other Selected Documents: Polish Initiatives and Solutions

Pieczca zastępcza w świetle Karty Praw Rodziny i innych wybranych dokumentów: polskie inicjatywy i rozwiązania

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Received: 19 Apr 2024

Reviewed: 16 Mai 2024

Accepted: 15 Jun 2024

Online First: 16 Jun 2024

Abstract: There is a constant need to provide children with foster care in its various forms, both family and institutional. Situations where natural parents do not want or cannot take care of their children show an increasing trend. The issue of foster care should be known to society and be the subject of research exploration. The following article is part of the necessary and ongoing discourse on foster care. The main considerations are the assumptions regarding foster care included in the Charter of Family Rights. The entities and principles of foster care were presented in a synthetic way, and the assumptions regarding foster care found in other legal documents, both international and Polish, were described in more detail in the context of the postulate expressed in the Charter of Family Rights, which is the adoption of appropriate solutions regarding foster care and respect for natural rights of parents. In preparing the article, the method of analysing selected documents in the field of law and literature on the subject was used, as well as the method of content synthesis and the historical method.

Keywords: foster care, Charter of Family Rights, child, family

Abstrakt: Nieustannie zachodzi konieczność otaczania dzieci pieczą zastępczą w różnych jej formach, rodzinnych i instytucjonalnych. Sytuacje, gdy rodzice naturalni nie chcą lub nie mogą sprawować pieczy nad swoimi dziećmi, wykazują tendencję wzrostową. Problematyka pieczy zastępczej powinna być znana społeczeństwu i być przedmiotem eksploracji badawczych. Niniejszy artykuł wpisuje się w potrzebny i podejmowany dyskurs o pieczy zastępczej. Główną osią rozważań są założenia w zakresie pieczy zastępczej ujęte w Karcie Praw Rodziny. W syntetyczny sposób przedstawione zostały podmioty i zasady pieczy zastępczej, a szerzej opisane założenia w zakresie pieczy zastępczej znajdujące się w innych dokumentach prawnych tak międzynarodowych, jak i polskich, w kontekście postulatu wyrażonego w Karcie Praw Rodziny, jakim jest przyjęcie odpowiednich rozwiązań odnośnie do pieczy zastępczej oraz poszanowania praw naturalnych rodziców. W przygotowaniu artykułu zastosowana została metoda analizy wybranych dokumentów z zakresu prawa oraz literatury przedmiotu, jak również metoda syntezy treści oraz metoda historyczna.

Słowa kluczowe: piecza zastępcza, Karta Praw Rodziny, dziecko, rodzina



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INTRODUCTION

Let On October 22, 1983, the Holy See announced the Charter of Family Rights. As written in the introduction to it, it was created at the request expressed by the Synod of Bishops, which took place

in Rome in 1980 and was devoted to the tasks of the Christian family in the modern world (Charter of the Rights of the Family, 1983, Preamble). His Holiness Pope John Paul II in the Apostolic Exhortation *Familiaris consortio* took up the wish of the Synod and obliged the Holy See to develop a Charter of the Rights of the Family so that it could be submitted to interested circles and authorities.

The essence of the rights formulated in the Charter of Family Rights is perfectly explained by Henryk Skorowski. In his opinion, they are aftermath and a simple consequence of a specific vision of man and family. This document draws attention to the fact that every human being, from the moment of conception, is a person characterised by self-possession, belonging to oneself, self-governing, and non-transferable responsibility for oneself. The Charter of Family Rights emphasises that each human as a person has a unique value, the justification of which is not only natural, but also supernatural. Through the prism of such a vision of man, this document recalls the fundamental theses regarding the family as a unique community of people. These are theses stating that the family is a natural, basic, indispensable and necessary community for the emergence of a new human being, as well as a necessary and indispensable community in the overall integral development of a person and an environment for the person to realise his or her human subjectivity. In this perspective of the Charter of Family Rights, family is not only a biological, psychological, ethnological and cultural reality, but also a social, ethical and religious one. As such, it is also, on the one hand, a fundamental value of the human person and, on the other hand, a fundamental value of every community. And this is the first element of its importance, and it is to remind and thus make all those responsible for the shape of social life aware of the indisputable value of the family, thanks to which a person lives his or her life to the fullest and the community becomes a community that is dynamic in its existence. The second dimension of the meaning of the Charter of Family Rights should be seen in the content of the rights formulated therein. However, the full content of these rights is clear only on the basis that the family is not only the basic social unit that must be protected, but that real social life can be meaningfully built only based on the family. This thesis affects the content of the rights contained in this document and their specific character (Skorowski 1995, 71-72).

The Charter of Family Rights contains an extensive catalogue of rights of the family that relate to various aspects of life and development of both the entire family community and its individual members. It is thus an expression of the Catholic Church's commitment to protecting the dignity and well-being of the family, which were among the priorities of the pontificate of St. John Paul II. The significance of its publication by the Holy See can be considered in various aspects, in particular theological, pastoral, philosophical, legal, political, sociological and as an international event. Studies on the content of the Charter of Family Rights have led to the conclusion that this document is fully relevant nowadays, in some aspects perhaps more relevant than at the time of its publication (Zamelski 2015, 271, 289).

Zbigniew Babicki also draws attention to the validity of the Charter of Family Rights, pointing out that despite the years since its publication, it has not lost its relevance. On the contrary, all the indications contained therein retain their importance and the strength of argumentation of the problems raised. Firstly, it clearly defines the identity and essence of the family as the environment for the child's development. Secondly, it is an extremely important appeal and encouragement addressed to governments, international organisations responsible for creating pro-family policies and appropriate programs to strengthen their commitment to defend family rights and strengthen as well as support the institution of the family (Babicki 2021, 148).

The Charter of Family Rights has universal and timeless standing. Therefore, it is worth returning to it, reminding about its importance, referring to it in various general and specific aspects regarding the family. The aim of this study is to analyse its indication regarding care for children deprived of the care of their natural parents by providing them with foster care, as well as finding in other official legal documents, both international and Polish, to what extent they meet the demand expressed in the Charter of Family Rights to adopt appropriate solutions. regarding foster care and respect for the rights of biological parents. The following research problem was adopted: What dispositions regarding foster care are included in the Charter of Family Rights and how consistent are the solutions adopted in Polish and international legal documents with these? The ongoing scientific discourse is important because more and more children are raised outside their natural families, when biological parents do not want or cannot take care of their children. Then we consider their social or natural orphanhood, partial or total, which

results in the need to provide the children with foster care in various forms, from family to institutional. The situation is illustrated by the latest statistical data, which show that at the end of 2022, there were 72.8 thousand people in foster care, children deprived completely or partially of the care of their natural family, including 56.2 thousand in family care and 16.6 thousand in institutional care. Compared to 2021, the number of children in foster care increased by 0.7% (Foster care in 2022). At the end of 2023, there were 75.3 thousand minors in foster care, including 58.2 thousand in family care and 17.1 thousand in institutional care. Compared to 2022, the number of children in foster care increased by 3.5% (Foster care in 2023). The number of children requiring foster care is increasing, and this places demands on the system to provide room for children in need of care and its appropriate quality, in particular adapting it to the needs of children, but also organising it in accordance with the applicable rules.

The implementation of the adopted goal and research problem required the use of appropriate methods, namely the method of analysis of selected documents in the field of law and literature on the subject, as well as the method of content synthesis and the historical method. Analysis, according to Stanisław Krawczyk, is “a thought process consisting in breaking down a certain whole into its component parts and considering each of them separately.” Synthesis, according to the same author, is “combining factors, elements, parts, features and relationships from the structure of the problem isolated by analysis. Synthesis, using such mental operations as comparison, abstraction and generalisation, aims to detect significant properties and relationships in the new whole that the component parts did not have” (Krawczyk 2016, 74). According to Elżbieta Osewska, “a comprehensive presentation of the issue requires the use of appropriate methods: the method of critical analysis and synthesis. The method of critical analysis of source materials will allow for the review of legal documents and selected studies, while the synthesis method will enable the collection and systematic ordering of scattered content regarding the issue being discussed” (Osewska 2020, 25). The historical method allowed to show the development of legislation in the field of foster care.

1. THE CONCEPT, ENTITIES AND PRINCIPLES OF FOSTER CARE

The very term “foster care” implies that this care is only “substitute” in the sense that it replaces the natural family, which is considered the best care and upbringing environment for a child, even though

some families actually do not have such an attribute, because they neglect children, harm them, abandon them, or for other reasons want or need to give up custody of children. This replacement may last for a shorter or longer time, even until the child reaches the age of majority, which often occurs, but this cannot invalidate the assumption of only a substitute form of care.

This should be related to the “right to be raised in a family”, which should be understood as the child’s right to be raised in it, and at the same time, the parents’ right to the child to be raised in a natural family. It is guaranteed by legal provisions that do not, because they cannot have, decisive significance. It is necessary to shape the way of thinking about upbringing in the family as a right of parents, who should not deprive themselves of it, much less their children. Any deviation from this, apart from situations over which the parents had no influence, such as their illness or death, should be treated as a failure of parents and society, where the former were unable or unwilling to raise their children, and society failed to protect them from this or was unable to support them in this task (Krajewska 2020a, 141,152,163).

When a natural family is lacking or does not fulfil its functions and does not support the proper development of the child, and is even a source of negative and often traumatic experiences, substitute care and educational environments appear which try to compensate children for the lack of their own and properly functioning family (Błasiak 1999, 143-144). These are primarily foster families, related, non-professional and professional. Professional foster families are ordinary professional foster families, professional foster families serving as family emergency services, and specialised foster families. In addition, there are family orphanages which, together with foster families, co-create family foster care. The entities of institutional foster care include socialisation, intervention, specialist-therapeutic and family care and educational facilities, as well as regional care and therapeutic facilities and pre-adoption intervention centres.

They all create a complex subjective mesh of foster care, differing in details in terms of competences, which should be distinguished from adoption. This involves accepting the child into the adoptive family permanently and breaking off formal relations with the natural parents. It is therefore a more advanced form of replacing the natural family and providing the child with care and upbringing compared to foster care.

Adoption means establishing a legal family relationship between adopters and the adopted person, similar to the relationship between parents and natural children, but it should be emphasised that this relationship is similar, but not the same, when it comes to its details and different types of adoption (Smyczyński 2009, 251). However, adoption is tantamount to accepting the child into the family and granting it all rights and obligations (Gołąbek 1999a, 3).

Foster care is based on several extremely important principles. At this point, due to the limited scope of the study, they can only be indicated by referring to a separate study devoted to them. These are the principles of: the good of the child and family covered by foster care, subsidiarity of foster care, its temporary nature, priority of family foster care over institutional care, application of foster care based on a court decision, hearing of a child placed in foster care, placing a child in foster care as close as possible to his or her current place of residence, the right of a child in foster care to contact with natural parents and other close relatives, not separating siblings in foster care, not separating a minor mother in foster care and her child (Krajewska 2020b, 12-24). The gravity of each of them for the functioning of the foster care system is different in the sense that the principles indicated first are priority, and those listed later complete their entire roster. This is how they should be perceived in the context of the Charter of Family Rights and other documents important for foster care.

2. THE ASSUMPTIONS OF THE CHARTER OF FAMILY RIGHTS REGARDING FOSTER CARE

Article 4 point f of the Charter of Family Rights states that “orphans and children without parents or guardians should be provided with special care by society. In matters relating to adoption or the acceptance of children for upbringing by another family, the state should introduce appropriate legal acts that will make it easier for families able to accept children in need of care, permanently or temporarily, while taking into account the natural rights of parents.”

The Charter of Family Rights treats orphanhood and the situation of parental deprivation separately, although in the literature on the subject they are understood to be the same. Namely, according to Wincenty Okoń, orphanhood is a state in which a child is deprived of parents. When both parents are deceased, the child is an orphan, and when one is, a half-orphan. A distinction is made between natural orphanhood as a result of the death of parents and social orphanhood, which involves depriving a child

of a normal family environment as a result of the breakdown of the family or its dysfunction (Okoń 2004, 369). Małgorzata Kupisiewicz puts it in a similar way, namely that orphanhood is a condition in which a child is permanently or temporarily deprived of the opportunity to grow up in a biological family due to the lack of appropriate care and educational conditions. A distinction is made between natural orphanhood caused by the death of parents and social orphanhood, when parents, for various reasons, do not want (e.g. abandoning a child), are unable (e.g. deviant way of life) or cannot (e.g. long stay in hospital or emigration) fulfil parental duties (Kupisiewicz 2014, 325). Wiesława Gołąbek's characterisation of orphanhood also fits into this understanding. The author indicates that orphanhood is the situation of a child who has lost its parents due to death, abandonment or deprivation of parental rights by court decision. A natural orphan is a child whose parents have died, and a half-orphan is one who has only one parent. In the legal sense, an orphan is also a child whose parents have been legally deprived of parental authority (Gołąbek 1999b, 422). It seems that when the Charter of Family Rights mentions orphanhood, it refers to natural orphanhood, and when it refers to the situation of parental deprivation, it refers to social orphanhood. In fact, however, there is no difference in this respect as to the need for particular care for children. This care should be special, i.e. greater than the standard care that all children should receive. This is understandable and necessary because children deprived of the care of their natural parents are unguided and in need compensation regarding various emotional, living and other needs.

The Charter of Family Rights expects such care from society. This can be understood as meaning that at various levels of social organisation, people should provide support to children deprived of the care of their natural parents. This role should be assigned to local communities, but in Poland, poviats have the main competences in this respect. Other communities, including religious ones, and non-governmental organisations also have an important role to play in this area. However, in general, and in the context of the Charter of Family Rights, the activity of the state must be of particular importance in this perspective, as it should introduce appropriate legal regulations to make it easier for families able to accept children in need of care, permanently or temporarily, and at the same time, taking into account the natural rights of parents. The Charter of Family Rights therefore requires, on the one hand, the adoption of solutions that will encourage and facilitate taking up foster care, which in Poland should focus on its

family forms, i.e. foster families and family orphanages, and on the other hand, on the rights of natural parents being respected. As for the latter, what is most important is the temporary nature of foster care, which gives prospects for the child's return to the natural family when it regains the ability to care for them, as well as the right of natural parents to have contact with the child in foster care, if said contact does not conflict with the child's welfare or threaten it, or placing the child in foster care as close as possible to his or her current residence, also facilitating contacts with natural parents.

It is worth emphasising that the Charter of Family Rights distinguishes “adoption” from “adoption for upbringing.” The latter should be identified with foster care, which, unlike permanent adoption, is supposed to be temporary. The indication of this document is that the solutions adopted at the state level make it easier for people willing to adopt and take on the burden of being a foster parent. Facilitation means the shape of the regulations in question in such a way that, taking into account the best interests of the child, they do not require from future foster parents who are foster families and run family children's homes, as well as from persons employed in institutional foster care entities, anything that is not necessary to ensure an appropriate standard of this care. It must also be about appropriate material incentives to undertake such responsible tasks, because good hearts alone are not enough to support themselves and the children entrusted to the care of such individuals, but also appropriate financial resources for ongoing maintenance and in the form of decent remuneration.

In accordance with the Charter of Family Rights, legal regulations regarding foster care should take into account the rights of natural parents. This must be related to the provisions of Article 5 of this document, according to which “parents, because they have given life to children, have the original, inalienable right and priority to raise their offspring and therefore must be recognised as their first and main educators.” This is because the natural family is the first, natural environment, characterised by the bonds between parents and children, bonds that cannot be built elsewhere. These bonds are why the family is called a community. It is ahead of other environments, and at the same time, due to the fact that it is a specific social system, it is a school preparing for life in society (Stala 2001, 199). Foster care is therefore of a subsidiary nature when natural parents cannot or do not want to enjoy caring for their children, accompany them in their development, form them in accordance with their good, growing themselves

thanks to this role. Care and upbringing in the family is a two-sided gift of humanity, because thanks to parents, children can understand who they are and why they live, thanks to them they can learn about their dignity and identity, as well as learn responsibility for themselves and others. However, thanks to children, parents learn about humanity, learn sensitivity, sacrifice and are enriched with new experiences (Olearczyk 2007, 106-107). If, for any reason, all this cannot be realised in the natural family, it must be replaced by foster care providers or an adoptive family, respecting the special and priority role of the former.

Therefore, we must agree with Agnieszka Regulska that among the purposes of organising foster care for a child by state authorities, the need to ensure comprehensive protection of the child's rights and well-being, not only as an independent subject of rights, but also of the child as an integral part of the natural family, becomes particularly important. Family and child care, as an element of state social policy, aims to emphasise the autonomy of the family and the primacy of parents in raising children, as well as the right of the child and family to help and support from public institutions. A child has the right to care and upbringing in foster care, but first of all he has the right to be raised in his natural family. Therefore, foster care is secondary in nature in relation to the child's right to be raised in a natural family. This means that all forms of substitute care for a child have an auxiliary or subsidiary character in relation to the natural and primary care of biological parents (Regulska 2022, 137-138).

3. FOSTER CARE IN THE CONVENTION ON THE RIGHTS OF THE CHILD

On November 20, 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child (Journal of Laws of 1991, Issue 120, Item 526). It is referred to as the international constitution of children's rights, and its main assumption is that the family is the basic educational environment ensuring the proper and comprehensive development of children and satisfying their fundamental needs: love, security and belonging (Janus 2006, 81). This corresponds to the standard of the Charter of Family Rights, even though these documents are completely independent of each other.

Pursuant to Article 20 Section 1 of the Convention on the Rights of the Child, "a child who is temporarily or permanently deprived of his or her family environment or who, for his or her best interests, is unable to remain in that environment, shall have the right to special protection and assistance

from the state.” Paragraph 2 of this article provides that “States Parties shall, in accordance with their domestic law, provide alternative care for such a child.” His mouth 3 specifies that “this type of care may include, inter alia, placement in a foster family, kafala in Islamic law, adoption or, when necessary, placement in an appropriate institution established for the care of children. When selecting appropriate solutions, appropriate consideration should be given to guidelines for maintaining continuity in the child’s upbringing and his or her ethnic, religious, cultural and linguistic identity.” This indication is similar in essence to that provided for in the Charter of Family Rights, being slightly more extensive when it comes to the continuity of the child’s upbringing, which is so important for the child’s well-being.

The regulations of this international document regarding foster care go even beyond the standard expected by the Charter of Family Rights in the sense that it only requires individual countries to adopt appropriate legal regulations. However, the international community and its institutional entities are also interested in their creation, which is also reflected in the relevant provisions of the Convention on the Rights of the Child, which does not forget about children deprived of the care of their natural parents.

4. GUARANTEES REGARDING FOSTER CARE IN THE CONSTITUTION OF THE REPUBLIC OF POLAND

The Constitution of the Republic of Poland of April 2, 1997 (Journal of Laws of 1997, Issue 78, Item 483, with later amendments) in Article 72, Paragraph 1 states that “The Republic of Poland shall ensure the protection of children’s rights. Everyone has the right to demand that public authorities protect children against violence, cruelty, exploitation and demoralisation.” Paragraph 2 of this article specifies that “a child deprived of parental care has the right to the care and assistance of public authorities.” The Constitution gives children a special status as a starting point for adopting the provisions of the Convention on the Rights of the Child, and makes the obligation to ensure the protection of their rights a principle of state policy (Garlicki 2021, 116). Katarzyna Bieniek discusses the subject constitutional and convention regulations together (Bieniek 2019, 112), which confirms their common importance for foster care.

The protection of children’s rights must be seen in a broader perspective of the protection of family rights, which is guaranteed by the constitution. In Article 18 it states that “marriage as a union of

a woman and a man, family, motherhood and parenthood are under the protection and care of the Republic of Poland”, and in Article 71, Section 1 that “the state takes into account the good of the family in its social and economic policy.”

All this, to some extent, meets the standards guaranteed by the Charter of Family Rights, and during the preparation of the draft constitution, various existing legal documents of the international community were taken into account, including the Charter of Family Rights, which was taken into account in the course of work on the draft constitution. However, it does not express the personalistic concept of man on which the Charter of Family Rights is based, i.e. as a “persona” but as an “individual” (Stadniczeńko 2023, 288), which, however, would be an excessive expectation when the constitution as the most important legal act in the state it should unite and not divide all people, including believers and non-believers, and the former belonging to various churches and religious associations. However, when it comes to foster care standards, the provisions of our Constitution, although more modest than the provisions in this respect of the Charter of Family Rights, remain consistent with them. However, there is no provision in the constitutional norms at all, which would also be important for foster care, about the fundamental and primary role of the natural family in the care and upbringing of children, for which the Charter of Family Rights could be a good inspiration.

5. FOSTER CARE IN THE FAMILY AND GUARDIANSHIP CODE AND THE ACT ON FAMILY SUPPORT AND THE FOSTER CARE SYSTEM

The Polish legislators have adopted appropriate legal regulations regarding foster care, thus meeting, perhaps unrelated to the call for it in the Charter of Family Rights, but it is good that it does, the standard expected by this document. The first legal act containing provisions in this regard is the Family and Guardianship Code of February 15, 1964 (Journal of Laws of 2023, Item 2809), which in Articles 112¹-112⁸ contains provisions regarding foster care. Due to the space limitations of this study, it would be impossible to attempt to characterise them in any detail. Suffice it to point out that they provide in particular that a child may be placed in foster care only after the possibilities of supporting the natural family have been exhausted, on the basis that they are of primary importance in the care and upbringing

of the child, and that such placement may continue until such time as conditions enabling the child's return to the natural family or placement in the adoptive family.

Family and Guardianship Code in Article 113, Section 1 also provides that parents and children have the right to maintain contact, which is independent of their parental authority. Further provisions of this legal act provide for the possibility of depriving natural parents of this right, but only if their contacts with the child threaten or violate the child's well-being.

Detailed regulations regarding foster care are included in the Act of June 9, 2011 on family support and the foster care system (Journal of Laws of 2024, item 177). It is an extensive legal act that contains over two hundred and fifty extensive articles, which makes it impossible to discuss them even briefly. Therefore, we need to focus on those that are particularly important from the perspective of meeting the standards of the Charter of Family Rights. Its Article 4 indicates, among others, that "when applying the Act, the subjectivity of the child and the family should be taken into account, as well as the child's right to be raised in the family, and, if necessary, to raise the child outside the family, to care and upbringing in family forms of foster care, if this is consistent with the well-being of the child, as well as the right to return to the family." This respects the only temporary nature of foster care and the primary role of the natural family in the care and upbringing of children. This is confirmed by Article 32, Section 1 of the Act, according to which "foster care is provided in the event of the parents' inability to provide care and upbringing to the child."

The relevant provisions of this act provide for appropriate support for people undertaking the task of foster care. These include, in particular, remuneration for them, financial resources for maintaining the children, but also cooperation with the organisers and coordinators of foster care, as well as the possibility of using the support of support families who can temporarily replace foster parents. It is a whole conglomeration of incentives and assistance, which also corresponds to the vision of foster care expressed in the Charter of Family Rights.

Foster care also becomes the subject of scientific discourse, which, through the so-called scientific evidence, i.e. data from public statistics or social research, can provide arguments for implementing political programs (Raclaw 2019, 64). The interpretations and evaluations of aspects of foster care are

expressed in numerous publications. The results of these explorations may influence changes in the field of foster care, regarding its preferred forms, appropriate organisation, and those that best respond to the needs of children. Moreover, legal regulations are important, and this is the task of the Ministry of Family, Labour and Social Policy, which is the appropriate and responsible state office for shaping foster care. Through a government program, the Ministry also supports counties in organising and creating family forms of foster care, securing appropriate funds for this purpose. There is a constant need for educational impact in order to build or increase social awareness of the organisation of foster care, its ideas, and, consequently, for individuals and families to make decisions about active participation in foster care. In this area, the Ministry also undertakes activities, such as a competition for offers for a social campaign promoting foster parenthood.

The adopted legal regulations expressed in various documents, the demands included in the Charter of Family Rights regarding foster care, as well as social sensitivity to children's harm and concern for their well-being are certainly the premises for properly organised foster care. Considerations undertaken in research explorations and conclusions from the social debate on child care in general, and foster parenting in particular, are also important.

SUMMARY

The Charter of Family Rights sets good standards for the family in general and foster care in particular. They are important because "the life of the family, as the first and basic social unit, is under the influence of increasingly greater social changes that have their sources in many factors of the dynamically changing everyday reality of the world. These changes have different impacts on family life, and not all families are able to cope with them, maintaining their identity and fulfilling their basic tasks" (Brzeziński 2014, 75-76). Unfortunately, there are often situations when the natural family must be replaced by foster care providers, although their role is only temporary and not permanent, and the rights of the natural parents are respected.

Saint John Paul II, in the Encyclical *Evangelium Vitae*, published on March 25, 1995, Issue 93, wrote that "a particularly eloquent sign of solidarity between families is the adoption or taking into care

of children abandoned by their parents or living in difficult conditions. Regardless of the bonds of flesh and blood, true paternal and parental love is also ready to accept children from other families, giving them everything they need for life and full development” (John Paul II 1995, 93). It is good, therefore, that the current priority is to prevent children from being removed from their biological families, and, if necessary, to quickly reintegrate members of the nuclear family. Moreover, the process of de-institutionalisation of foster care is important, which focuses on the development of family forms of foster care and, consequently, on limiting the role of institutional forms in this space (Skalec-Ruczyńska 2023, 75,78). In practice, it works out differently, but practice requires good legal foundations and unquestionable guidelines, which also come from the Charter of Family Rights. Therefore, it is worth recalling it after forty years of its validity and exploring its individual provisions, including those relating to such an important area of family and social life as foster care.

The growing need to place children in foster care who cannot be cared for by their natural parents forces it to be evaluated and improved. Based on statements, reports or statistics, analyses are undertaken and a system image is created. This picture shows that family forms prevail over institutional ones, which is consistent with the goal and assumption of care policy. Unfortunately, there are not many forms of family foster care, and there is a lack of foster families and family orphanages where children who have experienced a difficult childhood should be placed. Therefore, we should recommend continuous promotion of foster care, take care of its quality, but also talk about the difficulties occurring in modern families and the forms of their support in these situations, so that family problems can be solved quickly and effectively, and thus do not generate the need for foster care towards the children raised there.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Conflicts of Interest: The author declares no conflict of interest.

REFERENCES:

- Act of June 9, 2011 on family support and the foster care system (Journal of Laws of 2024, item 177).
- Babicki, Zbigniew. 2012. „Rodzina w świetle Karty Praw Rodziny.” *Pedagogika Społeczna Nova* 2: 143-162.
- Bieniek, Katarzyna. 2019. „Dysfunkcje rodziny a piecza zastępcza.” *Dziecko Krzywdzone* 4: 107-122.
- Błasiak, Anna. 1999. „Gdy zabraknie rodziny.” In *Jaka jesteś rodzino?*, edited by Władysław Kubik, 138-161. Kraków: Wydawnictwo WAM.

- Brzeziński, Mirosław. 2014. „Rodzicielstwo wzajemnym obdarzaniem człowieczeństwem a wyzwania współczesności.” In *Rodzina i rodzicielstwo. Między tradycją a współczesnością*, edited by Adam Skreczko, Bożena Bassa and Zdzisław Struzik, 75-94. Warszawa: Wydawnictwo Instytut Papieża Jana Pawła II.
- Charter of the Rights of the Family, 1983, Preamble. Accessed on: 6.04.2024. https://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_19831022_family-rights_en.html.
- Constitution of the Republic of Poland of April 2, 1997 (Journal of Laws of 1997, Issue 78, Item 483, with later amendments).
- Convention on the Rights of the Child of November 20, 1989 (Journal of Laws of 1991, Issue 120, Item 526).
- Family and Guardianship Code of February 15, 1964 (Journal of Laws of 2023, Item 2809).
- Foster care in 2022. Accessed on: 15.05.2024. <https://stat.gov.pl/obszary-tematyczne/dzieci-i-rodzina/dzieci/pieczka-zastepcza-w-2022-roku,1,7.html>.
- Foster care in 2023. Accessed on: 15.05.2024. <https://stat.gov.pl/obszary-tematyczne/dzieci-i-rodzina/dzieci/pieczka-zastepcza-w-2023-roku,1,8.html>.
- Garlicki, Leszek. 2012. *Polskie prawo konstytucyjne. Zarys wykładu*. Warszawa: Wolters Kluwer.
- Gołąbek, Wiesława. 1999a. „Adopcja.” In *Słownik małżeństwa i rodziny*, edited by Edward Ozorowski, 3. Warszawa–Łomianki: Wydawnictwo Akademii Teologii Katolickiej, Fundacja Pomoc Rodzinie.
- Gołąbek, Wiesława. 1999b. „Sieroctwo.” In *Słownik małżeństwa i rodziny*, edited by Edward Ozorowski, 422. Warszawa–Łomianki: Wydawnictwo Akademii Teologii Katolickiej, Fundacja Pomoc Rodzinie.
- Janus, Katarzyna. 2006. *Pedagogika i psychologia. Zagadnienia, pojęcia, terminy*. Warszawa: Buchmann.
- John Paul II. 1995. *Encyclical “Evangelium Vitae.”*
- Krajewska, Beata. 2020a. „Prawo do wychowania w rodzinie. Znaczenie, gwarancje, zagrożenia.” In *Prawa dziecka w teorii i praktyce. Problemy i rzeczywistość*, edited by Beata Krajewska, Jan Niewęglowski and Barbara Kałdon, 137-168. Warszawa: Wydawnictwo Naukowe UKSW.
- Krajewska, Beata. 2020b. „Zasady pieczy zastępczej jako podstawy funkcjonowania jej systemu. Katalog, charakterystyka i znaczenie.” *Problemy Opiekuńczo-Wychowawcze* 6: 12-24.
- Krawczyk, Stanisław. 2016. *Pojęcia uniwersalne w badaniach naukowych*. Zielona Góra: Oficyna Wydawnicza Uniwersytetu Zielonogórskiego.
- Kupisiewicz, Małgorzata. 2014. *Słownik pedagogiki specjalnej*. Warszawa: Wydawnictwo Naukowe PWN.
- Okoń, Wincenty. 2004. *Nowy słownik pedagogiczny*. Warszawa: Wydawnictwo Akademickie Żak.
- Olearczyk, Teresa Ewa. 2007. „Rodzina środowiskiem rozwoju oraz ochrony godności i tożsamości ludzkiej osoby.” In *Pedagogika wiary. Książka dedykowana Księdzu Profesorowi Zbigniewowi Markowi SJ w 60. rocznicę urodzin i 35. rocznicę kapłaństwa*, edited by Andrzej Hajduk and Janusz Mółka, 97-109. Kraków: Wydawnictwo WAM.
- Osewska, Elżbieta. 2020. *Rodzina i szkoła w Polsce wobec współczesnych wyzwań wychowawczych*. Kraków: Wydawnictwo Naukowe UPJPiI.
- Raław, Mariola. 2019. „Rodziny zastępcze jako element polityki opiekuńczej: pewność dowodów, niepewność sądów.” In *Pieczka zastępcza i przysposobienie w polskim systemie prawa*, edited by Jakub. M. Łukasiewicz and Rafał Łukasiewicz, 63-78. Toruń: Wydawnictwo Adam Marszałek.
- Regulska, Agnieszka. 2022. „Pieczka zastępcza a realizacja praw i dobra dziecka.” *Studia Gdańskie* 51: 137-144.

- Skalec-Ruczyńska, Agata. 2023. *Proces profesjonalizacji opiekunów zastępczych w Polsce. Główni aktorzy i zasoby*. Warszawa: Difin.
- Skorowski, Henryk. 1995. „Rodzina jako kategoria aksjologiczna.” *Seminare* 11: 61-74.
- Smyczyński, Tadeusz. 2009. *Prawo rodzinne i opiekuńcze*. Warszawa: Wydawnictwo C.H. Beck.
- Stadniczeńko, Stanisław Lech. 2023. „Karta Praw Rodziny z 1983 roku a Konstytucja Rzeczypospolitej Polskiej z 1997 roku.” *Biuletyn Stowarzyszenia Absolwentów i Przyjaciół Wydziału Prawa Katolickiego Uniwersytetu Lubelskiego* 2: 269-293.
- Stala, Józef. 2001. „Rodzina naturalnym środowiskiem dla katechezy.” *Paedagogia Christiana* 1: 199-210.
- Zamelski, Piotr. 2015. „Karta Praw Rodziny w urzeczywistnianiu praw człowieka.” *Teologia i Człowiek* 1: 271-292.