FOSTER CARE IN SPAIN: ITS ESTABLISHMENT AND CURRENT CHALLENGES

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Foster care was introduced in Spain in 1987, when new legislation created a child care system that was intended to provide a better alternative for children needing out-of-home placement. Until then, practically the only option had been residential care, in which children often remained for many years, if not indeed their entire childhood. Prioritizing the opportunity for children to grow up in a family is one of the issues on which there is greatest consensus among lawyers, researchers and practitioners. However, in the twenty-odd years since its introduction, foster care has failed to become established as the priority option, and residential care continues to predominate. This paper considers the historical development of foster care, analyzes the current situation in detail, and looks at the lessons learned from the research so far and challenges for the future.
Keywords: Foster care, child care, child abuse

El acogimiento familiar, introducido ya en la Ley de 1987 que creó un nuevo sistema de protección infantil en España, se planteó como la gran alternativa para aquellos niños y niñas que tuvieran que ser separados de sus familias. Hasta entonces la medida, casi exclusiva, para estas situaciones era el ingreso en un centro u hogar de acogida, donde permanecían largos años cuando no toda su infancia hasta la mayoría de edad. Esta prioridad de que los niños estén desarrollándose siempre en el seno de una familia es una de las cuestiones de mayor consenso legal, científico y profesional. Sin embargo, en los veinte años transcurridos, el acogimiento familiar no acaba de constituirse en esa medida prioritaria y el acogimiento residencial sigue siendo la medida predominante. Este artículo analiza los detalles de esta situación actual, el desarrollo habido en estos años y lo que la investigación nos enseña sobre esta realidad y sus retos.
Palabras clave: Acogimiento familiar, protección infantil, maltrato infantil

Foster care has a long tradition in many Western countries. The idea that children without a family can be taken in by another family which assumes responsibility for their upbringing and care in all necessary aspects indeed goes back many centuries, though in very different forms depending on the culture in question.

In Spain, as early as the 18th century, in the regulations of the Madrid foundling home or *inclusa*, together with the guidelines governing the collection of children from the locality, it was recommended to maintain as few children as possible in the institution, and that the majority should be raised in the villages close to the capital. To this end, nursemaids were sought out and given wages, always very low, until the child reached the age of seven (Trinidad, 1996). Another measure existing at that time was that of *prohijamiento*, regulated by the Charity Law of 1822, and even prior to that by a Royal Decree of 1796, in accordance with which minors were taken in

permanently by a new family, with a view to their adoption after a few years. In this sense it was more or less comparable to the present day concept of pre-adoptive fostering.

Nevertheless, as Caparrós and Jiménez-Aybar (2001) point out, in Spain *"there is no specific antecedent (or precedent) for foster care as we know it today"* (p. 19). This measure was not introduced in our country until the legislation of 11th November 1987 for the Reform of the Civil Code and the Civil Procedure in Relation to Adoption and Other Forms of Child Protection (*21/1987, de Reforma del Código Civil y de la Ley de Enjuiciamiento Civil en Materia de Adopción y de Otras Formas de Protección de Menores*). Foster care becomes defined as that situation in which minors obtain full participation in the life of foster families, which in turn have the obligation of caring for them, providing them with food and shelter, and giving them a proper upbringing and a comprehensive education (obligations which coincide with the duties inherent in the exercise of parental responsibility or *patria potestad*).

What is important to stress is that the legislation of 1987

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represented a radical change in the direction of social action in the area of child protection up to that point. The Spanish tradition in this area was characterized by institutionalization, which dated back to the foundling homes and poorhouses of the 17th century and was reinforced during the Franco dictatorship through the activities of various bodies, such as the Board for the Protection of Minors (*Patronato de Protección de Menores*), Social Assistance (*Auxilio Social*), or the charitable activities of local authorities. All of these created their own networks of institutions, children's homes and orphanages, which were home not only to orphans and abandoned or abused children, but also those who had been "rescued" from family situations of poverty or serious neglect (Del Valle & Fuertes, 2000).

The closest antecedent to foster care would be the so-called "family placement" measure (*colocación familiar*), actually introduced during the Civil War through a decree of 1st April 1937, for attention to orphans and abandoned children, but which would be reformulated and reinforced in new legislation (*Texto Refundido sobre Tribunales Tutelares de Menores y Protección de Menores*; Revised Text on Juvenile Courts and Child Protection) in 1948. Among the protective measures such Courts could apply to parents who failed to fulfil their duties of upbringing and care for their children was suspension of the rights to their care and custody. As a consequence, the minor was handed over to the Child Protection Board, which could place him or her in a children's home or with another family. In the case of placement with a family, it was required to be a "complete" family (with both a father and a mother), for its respectability to be beyond question, and for its home to be sufficiently large.

A peculiar type of antecedent was constituted by the judicial form of *care and custody* promoted by the MACI (*Movimiento de Atención a Cierta Infancia*; Movement for Attention to Certain Children), first introduced in Catalonia in 1975, on the initiative of L. Sanz, a clergyman committed to helping vulnerable and maltreated children. Through agreements with the Juvenile Courts of numerous provinces, this organization established itself in these provinces with the aim of placing with families those children living in institutions in situations of abandonment or near-abandonment (scarce visits, low likelihood of family reunion, etc.). A care and custody order was requested on behalf of a family selected previously by the organization itself (MACI), and

if the cohabitation lasted, with adequate bonding between guardians and children, an adoption request was made. In this case too, then, we can speak of a practice comparable to today's pre-adoptive fostering (Amorós & Palacios, 2004).

It can be said, therefore, that the possibility of a neglected or abused minor being fostered by another family, temporarily or permanently, had indeed been present within Spanish law since the 1940s. However, the application of such measures was not a high priority, and they never came to constitute an even minimally relevant alternative to the massive institutionalization of children in Spain. This type of historical development sets us clearly apart from the majority of European countries, and most particularly from the traditions of Anglophone countries. As early as the mid-19th century in the USA there began the so-called "orphan train" movement, whose mission was to transport orphans and abandoned children from the large urban institutions to rural camps where they were collected and taken in by families (Askeland, 2006). The professionalization of social work and the incorporation of psychology and other social sciences into the area of child protection meant that by the early 19th century, in Britain and the USA, not only foster care but also support for families in such cases had become priority concerns.

In Spain we had to wait until 1987 for the regulation of foster care and for this resource to be given priority in relation to the institutional model dominant up to that time. Consequently, child protection figures for the end of the twentieth century reveal that the Spanish situation is almost 90% residential care and just 10% foster care, whilst in Anglophone countries the situation is practically the opposite, and in central Europe there tends to be an equal proportion of the two types of care (Casas, 1993; Colton & Hellinckx, 1993).

Foster care, then, is one of the great unresolved matters of child protection in Spain, though it should be stressed that the system has had to contend with an enormous delay in its development with respect to the majority of Western countries, matched only by the delays affecting the implementation of programmes for family preservation and support, the modernization of children's homes and the development of support techniques for the adoption process. The 1980s and 90s saw the transition in this country from a reliance on charity to the kind of public services expected of a welfare state, which included a child protection system focused on the rights of

children and their best interests. In this context, foster care constitutes a response to the fundamental right of the child to grow and develop within the context of a family.

DEFINITION AND TYPOLOGIES

Foster care has many modalities, depending on a series of criteria. Although the 1987 legislation did not stipulate any modalities, that of 1996 (*Ley Orgánica 1/96 de Protección Jurídica del Menor*; Constitutional Child Protection Law) defined different types, extending the possibilities of foster care for covering the highly diverse needs of children. First of all, it was established that the fostering could be simple (of brief duration and with the intention of a return to the family of origin once the situation that led to the care order had been resolved) or permanent (long-term cases with no other alternative). Furthermore, this legislation introduced the concept of pre-adoptive fostering –a step prior to adoption itself–, which is often overlooked in research on fostering, since strictly speaking it belongs to the area of adoption programmes.

As far as the type of care order is concerned, this may be administrative, issued by the relevant authorities, or the result of a court order, when the intervention of a judge is required for the fostering to take place, due to opposition from the child's parents. A contribution of enormous value by this legislation was the introduction of the provisional care option, which allows a child to be placed in foster care immediately, even in the absence of parental consent, while the dispute is being settled. Prior to this legislation, without the agreement of the parents there was no other solution but to place the child in residential care pending a decision by the courts. Currently, this waiting period can be spent by the child in provisional foster care, avoiding the need for recourse to a children's home, and this is an enormous advantage for the welfare of the youngest children in particular.

Other modalities are of a more technical nature, and not specifically enshrined in law. For example, those which distinguish between foster parents who are in some way related to the child –referred to as kinship care– and those who are unrelated –non-kinship care. Another modality is that of emergency or diagnostic foster care, whose purpose is similar to that fulfilled by emergency children's shelters, that is, to provide immediate care pending a decision based on an assessment of the case (provisional foster care, mentioned above, offers enormous possibilities for its use). Another type of distinction is made between ordinary and specialist foster care, the latter being applicable in cases of children with special needs for reasons of health, developmental problems, etc., or where the fostering is complicated due to other factors, such as in cases of adolescents, or groups of siblings fostered simultaneously.

Finally, a modality currently under consideration by several authorities is that of "professional" fostering. This concept involves foster parents who, in return for total availability and dedication to the task, receive remuneration equivalent to a salary (or indeed, a salary *per se*). Obviously, this modality of foster care is conceived for cases of children or adolescents requiring highly intensive care, or presenting special difficulties. Another reason for the introduction of this measure may be the need for foster families that are always available, without running the risk of having nowhere to place a particular child at a given time. Up to now the use of this measure is practically zero in Spain, but some authorities have begun introducing pilot programmes (such as that of Guipúzcoa in the Basque Country).
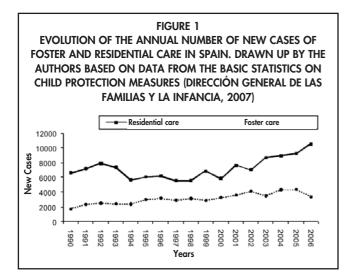
FOSTER CARE IN FIGURES

The legislation of 1987 (*Ley 21/87*) not only regulated foster care, but also framed it within the priority that children deprived of an adequate family environment should receive substitutive care within another family, and not necessarily in a children's home or orphanage. Later, the legislation of 1996 (*Ley Orgánica 1/1996*) developed this idea, extending the potential of foster care through new modalities and facilitating its application. Clearly, the commitment to foster care was a robust one, reflecting the view, from a theoretical perspective, that this was without doubt the most beneficial measure for vulnerable children who for one reason or another could not remain with their families. However, this new initiative had to contend with the resistance of a centuries-old tradition of the use of institutions as an extremely simple alternative, and for which resources were already amply available, while foster care was obliged to start out almost from scratch. We shall continue by considering some figures on the evolution of foster care in Spain over these last twenty years.

As researchers in this field are well aware, there are no detailed or reliable statistics on child protection intervention or family and child welfare policies in this country. Despite the best efforts of the Spanish government in its attempts to compile data from each of

the Regional authorities responsible for child protection, the sole result is the publication of a document called Basic Statistics on Child Protection Measures (*Estadística Básica de Medidas de Protección a la Infancia*) (Dirección General de las Familias y la Infancia, 2007), which contains figures on highly general aspects of the measures applied, revealing nothing about the profiles of the children or their families, or about aspects such as duration, objectives or outcomes. However, we have drawn up a graph representing all the data accumulated in successive editions of this annual report, and which gives the reader an idea of how foster care has developed in comparison to residential care since 1990, the first year for which there are data (see Figure 1). It should be borne in mind that the graph reflects the number of new cases recorded in each half-year –an indicator similar to that of "incidence" in the field of epidemiology.

As it can be seen, starting out from a situation of great predominance of residential care, this measure loses ground immediately after the introduction of foster care. Remaining stable in the mid-1990s, the use of residential care has been clearly on the increase in recent years. As for foster care, although it shows a steadily increasing trend which is maintained throughout the period, it never matches the figures for residential care, and falls well short of the expectations of legislators and professionals, who expected it to become the principal solution to situations of family breakdown and separation. It is important to point out, in relation to the alarming increase in the use of residential care in recent years, that this is linked not only to the availability (or lack) of foster care alternatives, but also, and more plausibly, to the huge quantities of new cases of unaccompanied asylum-

seeking children arriving in this country, a phenomenon that threatens to overload residential care services to breaking point.

Until 2003 these global figures were the only ones available on foster care and its implementation in Spain. However, in that year, the Ministry of Employment and Social Affairs commissioned from us the first descriptive study on the practice of foster care in the different Autonomous Regions (Del Valle & Bravo, 2003), permitting for the first time the presentation of data distinguishing between kinship and non-kinship care (something which the Ministry's statistical report itself has yet to do). Of a little over 30,000 child care cases at the end of 2002, the figures indicate that around 45.3% of the children were in residential care, a similar percentage in kinship care (46.8%), and a mere 7.9% in non-kinship foster care. Comparing the foster care cases only, we find a proportion of 85.5% kinship care as against 14.5% non-kinship care, reflecting the enormous weight of extended family networks in the fostering context in our country. The programmes developed by regional public authorities for recruiting and selecting families willing to foster children with whom they have no family relationship have succeeded in producing a response to only one in ten cases in which children have to be separated from their nuclear family.

Other relevant data from the mentioned study reveal marked differences in the practice of foster care across Spain's different Autonomous Regions. One of the most remarkable findings concerns the financial compensation for foster families, not only with regard to the quantity awarded –which could be as much as four or five times greater in some Regions than in others– but also to the criteria on which it was based. For example, there are Regions in which non-kinship foster parents received more than kinship carers, whilst elsewhere it was the other way around; in others still, it was understood that foster parents from the extended family should receive no remuneration at all. Equally worrying was the finding that the typologies of simple and permanent fostering, established in law as separate types of resource in response to very different situations, were applied on the basis of totally different criteria from one Region to another; in extreme cases, there were authorities that applied only the simple fostering measure, while others applied only the permanent type. The only explanation for such practices was the simplification of procedures by the authorities in question. Finally, with regard to typologies,

FIGURE 1
EVOLUTION OF THE ANNUAL NUMBER OF NEW CASES OF FOSTER AND RESIDENTIAL CARE IN SPAIN. DRAWN UP BY THE AUTHORS BASED ON DATA FROM THE BASIC STATISTICS ON CHILD PROTECTION MEASURES (DIRECCIÓN GENERAL DE LAS FAMILIAS Y LA INFANCIA, 2007)

it was observed that the most specific of them, such as emergency, specialist or professionalized foster care, were extremely scarce.

The research also found that the responsibility for managing foster care programmes, especially non-kinship ones, had been contracted out by public authorities to non-profit organizations.

FOSTER CARE IN PRACTICE

Once the legislation (*Ley 21/87*) defining the new measure of foster care had been published, the various authorities had to implement the corresponding programmes that would create these services. The first and most substantial challenge was to recruit families prepared to do the fostering, a challenge of enormous proportions considering a cultural context in which this measure had scarcely existed previously. Recruitment of families and their selection by means of psychological and social assessment, in the style of that already carried out in adoption processes, was initially considered a key element for subsequent success. Somehow, the idea took root in those early years that foster care would be relatively straightforward, since it was merely a question of taking in child victims of maltreatment who basically needed a good dose of care and attention –something that the foster families would be able to offer quite naturally. Thus, it was reasoned, once these families had been selected, taking care to avoid those with inadequate profiles (especially in relation to expectations of adoption), the process of the child's settling in or adaptation could begin, and it would only remain to carry out some minimal follow-up, in the confident hope that good results would ensue. This simplistic and excessively optimistic vision of foster care may have been the cause of some initial disappointment when it was found that many cases broke down, and that foster families began to demand greater support of all kinds on discovering that these children, in addition to being victims of maltreatment and in need of great care and attention, displayed a whole range of developmental problems to which the foster parents did not know how to react. Moreover, the biological families were present in the process in a way that had often been insufficiently explained. Visits, interference, and the effects on the child of such factors led to numerous conflicts, which in some cases resulted in the foster parents giving up.

The model that prevailed in the early years, then, was based on *recruitment – selection – placement*, having been inspired by that of adoption processes, where it was assumed that once the child had been placed in the family, the rest was the responsibility of the new parents. But this model was in dire need of review. An important landmark in this regard was the publication of the Training Handbook for Foster Families (*Manual de formación para familias acogedoras*) (Amorós, Fuertes & Roca, 1994). The message was clear: apart from selecting families, it was necessary to train them, as there were many aspects of which they may have been unaware, and numerous challenges they had to face. In short, the complexity of these processes and the difficulties they involved began to be acknowledged. This marked the end not only of a period of excessive optimism, but also of the idea of foster care as a low-cost programme. This highly important task of the design of training materials for foster families has been continued by Amorós and his group with other materials for specific types of fostering, such as kinship care (Amorós et al., 2005), emergency fostering (Amorós, Palacios, Fuentes, León & Mesas, 2002) or fostering of adolescents.

Once resolved the added question of training for foster parents to equip them to take on their task with greater expectations of success, there emerged a need to define the elements of the follow-up phase and the type of support required. Thus, the current model involves intervention by means of a *recruitment-selection-training-placement-follow-up* sequence, the most challenging phase being the last of these, without underestimating all the problems encountered in recruiting and in efforts to increase the numbers of families prepared to become foster parents. Foster families, especially those in the kinship care context, according to the findings of research in our country (Del Valle, Alvarez-Baz, & Bravo, 2002; Molero, Mora, Albiñana, & Gimeno, 2006; Montserrat, 2007; Palacios & Jiménez, 2007), are insufficiently and inadequately monitored, and their perception is that they require much more support, both material and technical. But equally, in a recent study by the present authors assessing the state of foster care in Spain and focusing on non-kinship care, the families' criticisms referred mainly to the lack of support they received for dealing with the multiple problems they encountered (Del Valle, López, Montserrat & Bravo, 2008).

RESEARCH IN SPAIN

Research in foster care had been one of the least studied areas of child protection until just a few years ago. Even

though, as already mentioned, publication of the training and intervention materials had begun in the mid-1990s, the first studies on very basic and descriptive aspects of foster care did not arrive until later, emerging –as can be seen from the references– from the year 2000 onwards. Without pretending to provide an exhaustive review, and if only to try and identify the groups that have made important contributions to this field, we shall consider some of the research carried out and the aspects dealt with.

One of the first descriptive works on foster care, referring to kinship care, was that carried out by the present authors in the Principality of Asturias in northern Spain (Del Valle et al., 2002), through the analysis of a sample of 424 cases and interviews with 101 families. Furthermore, we carried out two studies of nationwide scope, the first, as already mentioned, of a highly descriptive nature (Del Valle & Bravo, 2003), and a recent more analytical one, looking not only at profiles and processes but also at results (Del Valle et al., 2008).

One of the most important studies has been the assessment of the so-called "Kangaroo Families Programme" (*Programa de Familias Canguro*), backed by the La Caixa Foundation (a financial organization to which we owe much of the development of foster care in Spain, since it has funded the majority of Autonomous Regions for the implementation of foster care projects). This assessment was carried out in conjunction with two of the most significant groups in foster care work, namely, those led by P. Amorós in Barcelona and by J. Palacios in Seville (Amorós, Palacios, Fuentes, León & Mesas, 2003). These authors, who for many years took responsibility for promoting and extending this project throughout Spain via a range of activities including training, the design of models and instruments, etc., succeeded with this assessment in going for the first time beyond mere description and in properly appraising the contributions of this type of programme to child protection. For their part, we have already referred to the enormous importance of the Barcelona group –pioneers in the field of foster care in Spain– in the preparation of support and training materials for foster families, quite apart from their research on a wide range of issues (Amorós, Freixa, Fuentes & Molina, 2001; Amorós, Freixa, Lozano & Mateo, 2002). In the case of the Seville group their most recent work deals with foster care in Andalusia, with particular emphasis on kinship care (Palacios & Jiménez, 2007, in press), though these researchers also work

intensively in the field of adoption. Finally, we should mention what constitutes the sole foster care manual published in Spain, written jointly by the directors of these two research groups (Amorós & Palacios, 2004).

Also working in Catalonia, C. Montserrat (Montserrat, 2007; Montserrat & Casas, 2006) has published several works focusing on fostering by the extended family, and has participated with our group in nationwide research projects. Researchers in the Basque Country have also carried out several interesting studies on foster care (Balluerka, Gorostiaga, Herce, & Rivero, 2002; Herce, Torres, Achúcarro, Balluerka, & Gorostiaga, 2003; Torres, Herce, Achúcarro, Rivero, & Balluerka, 2006), with assessments of the minors' extent of integration and of their self-esteem and other psychological aspects.

A group in Valencia has also explored the area of kinship care, looking at profiles and needs in this type of fostering (Molero et al., 2006; Molero, Moral, Albiñana, Sabater, & Sospedra, 2007), and a final mention is reserved for the team led by M.J. Fuentes at the University of Málaga, well known for its contributions to the field of adoption research, but which has also published several studies on foster care, in particular on kinship care and the fostering of adolescents (Fuentes & Bernedo, 2007; Lumbreras, Fuentes, & Bernedo, 2005).

There is insufficient space here to summarize what the above-mentioned studies have contributed in relation to knowledge about the practice of foster care in Spain, and for a thorough review of many of these aspects we refer the reader to other texts (Amorós & Palacios, 2004; Del Valle et al., 2008). Nevertheless, we shall discuss some results of a nationwide study with a sample of nearly 700 foster care cases, both kinship and non-kinship, which has made it possible to sketch the profiles of children, foster parents, families of origin, processes and results. This brief summary will permit us to focus on the most significant aspects of these profiles, to provide an idea of how foster care is working in Spain.

The study by Del Valle et al. (2008) revealed that children are fostered at a mean age of 7 years, with no differences between kinship and non-kinship care (our data is based on the "formal" start of fostering in the case of kinship care, and not on its "de facto" beginning). It also showed that in non-kinship care a third of children are fostered after age 9, which indicates that, although the older the child the more difficult the fostering, a large number of placements are being made around age 10. These foster children present disabilities or serious health

problems in very few cases (less than 10%), and in still fewer cases (8%) behaviour problems. It seems clear that these are factors which place enormous restrictions on foster parents' willingness to accept children, and hence the initiatives in various Autonomous Regions to implement specialist fostering programmes for children with special needs.

Foster parents have completely different profiles depending on whether they are kinship or non-kinship carers –a fact which should surprise no-one, since we know that the majority of kinship foster carers are grandparents–, but the magnitude of these differences in certain aspects is worthy of note. In non-kinship care, the foster parents are married couples in 80% of cases, with a mean age of some 48 years, medium or high educational level in 73% of cases, and annual income of over 24,000 € in 40% of cases. In contrast, in kinship care, 36% of cases involve single women (normally widowed grandmothers), mean age is 53 (a quarter being grandparents over 65) and educational level is "primary only" in 59% of cases and "no education" in 25%; a quarter of these types of foster carers earn less than 6000 € per year. The figures show very clearly the different needs of kinship carers and the precarious situation in which they find themselves in many cases. We also find that non-kinship foster parents have their own children in 59% of cases, and that in 40% they are fostering more than one child at the same time.

As far as the fostering process is concerned, two out of three non-kinship cases had passed through residential care, whilst this was so in only a fifth of kinship care cases. Moreover, over half of kinship care cases had begun "de facto" before being formalized by the authorities. As regards the case plan or projected course of the child protection intervention, it is somewhat surprising that just 17% in kinship care and 13% in non-kinship care have a prognosis of family reunification, 70% carrying the prognosis of "continuity" without offering an alternative (a way of saying that the foster care is indefinite).

One of the most interesting and novel aspects of this study concerns the outcomes assessment of the foster care, carried out on a sub-sample of 358 already-closed cases. It was found that foster care cases had a mean duration of 3.5 years in non-kinship care and over 5 years in kinship care. Rate of disruption –termination of the foster care due to unexpected and undesirable incidents (also referred to as breakdown)– is 17% in kinship and 25% in

non-kinship care. As regards termination for other reasons, the most common are reaching adulthood in kinship care (44%) and the decision to change the measure in non-kinship care (50%), which means in the majority of cases adoption (by the foster parents or by other families). An especially noteworthy finding is that 24% of non-kinship care cases end in the child reaching adulthood, and in these situations, two out of three of these young persons continue to live with their foster parents by mutual consent.

A particularly important conclusion of the mentioned study is that non-kinship foster carers do not tend to repeat the experience; they take in one or more children, the episode tends to become prolonged (even as far as the child's adulthood), and they do not usually foster again (not least because the young adult often continues to live with them or has been adopted). This means that foster care in Spain has considerable stability, and it is uncommon to find the situation often occurring in other countries whereby children are regularly moved from one family to another; by the same token, foster cases have a certain tendency to become permanent, converting the model into a quasi-adoptive one that makes it difficult to find families willing to take on a series of different foster children over a period of time.

CONCLUSIONS
One of the most complex situations that can occur in the area of child protection intervention is the need to separate children from their families. Such separation, whose duration can vary considerably depending on the case, and can indeed become definitive, represents a serious adaptive challenge for children. There is a very clear consensus among professionals and researchers on the need for children who cannot be with their own family to be with other families and to develop for as long as necessary in a family environment of closeness and warmth. This priority of the placement of children in foster care, established in the legislation of 1987 and given a decisive boost by the Constitutional Child Protection Law of 1996, has many decades of development behind it in other Western countries, and is an essential principle of child protection. The delay in our own country, justifiable for political and social reasons until the 1980s, must continue no longer. Research data, scarce and as yet highly descriptive, reveal a foster care in Spain that is still incipient –indeed, with only a token presence in several Autonomous Regions. Although compared to the cases of

other countries kinship care has an enormous presence here and swells the foster care figures, we must be realistic and conclude that without an adequate system of non-kinship care, which is the type that requires efforts of recruitment and programme development (kinship care functions and develops independently of intervention programmes since it is a natural survival response of family groups), child protection services will find themselves obliged to turn to residential care for many children in situations of need.

Some Regions are beginning to rise to the challenge of finding foster care places for all the younger children, closing children's homes for those aged 0-3, and in some instances even those for minors up to age six, with a view to implementing stable foster care programmes, capable of providing a response to all cases of very young children requiring family separation measures. It is in fact surprising, in this regard, that the emergency foster care programmes addressing essentially these young children, and which have shown such positive results and satisfaction rates among foster carers, have not taken off and become established resources beyond the experimental phase in which they remain in many authorities.

This is the inevitable way forward to adequately meet the needs of these children, and only when the political will and the initiative of administrators and planners come together to turn ideas into reality shall we have a hope of making up for lost time. The continued presence of children of such young ages in residential care in our country represents an unacceptable anachronism. What is needed is a political vision of greater scope in order to plan, over the next few years, a change that favours foster care and at the same time permits residential care to focus more effectively on those cases which truly need such a measure, such as those of some adolescents with highly specific needs, unaccompanied asylum-seeking children, and so on. The boost received from the research carried out in recent years and the consensus that has been created on the need to give foster care a definitive push forward should serve as cornerstones of such long overdue reforms.

Research data show that foster care practices in Spain are based on criteria which differ widely between the different Autonomous Regions (a point already made elsewhere in this special issue), and also that while we are capable of providing great stability for the children, we tend to use up each foster family on a single case, making it difficult to increase the quantity of available families.

On the other hand, the extended family in this country represents a highly valuable resource that as such should receive adequate treatment. All the research shows that the extended family takes on the upbringing of grandchildren, nieces and nephews, and children of other relatives and friends, all from a position that is often precarious. And the shortcomings are not only financial or material, but also in relation to resources and capacities –for example, knowing how to raise adolescents (a task already difficult enough in itself) when the generation gap is so wide. What is required, then, is for such foster cases to be taken seriously, with good selection and training from the outset, with close and frequent follow-up, and, most importantly, with sufficient economic and technical support to provide these families with the strength and resources they need.

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