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PROTECTION MEASURES FOR THE CHILDREN WITHOUT A PARENTAL CARE

ABSTRACT: Foster care is the most important measure of the protection of the rights and interests of the children who have either been left without a parental care or have had certain developmental and behavioural disorders, and cannot live with their biological parents. In addition to a foster care as a measure of the protection of the children without a parental care, in a legal system of Republic of Serbia, there are some other institutes of a legal guardianship and adoption too. Foster care is most often associated with altruism and humanity of the people who have decided to be foster parents, and who had had these qualities even before that decision. Foster care in Republic of Serbia has had its ups and downs. The social crisis has also affected this institute, but the humanity that foster care carries in its nucleus and the fact of helping the helpless has always managed to ensure a foster care not to disappear from the legal regulations. By using the comparative, historical, analytical and descriptive method, the aim of this paper is to analyse a foster care as one of the measures of protecting the children without a parental care, as well as to indicate the current state of foster families in Republic of Serbia and the position of children in them.

Keywords: *foster care, children's protection, legal guardianship, adoption, family.*

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1. Introduction

In the legislation of the Republic of Serbia, the most important measures that protect the rights and position of children without parental care are contained in two legal texts: the Family Law of the Republic of Serbia from 2005 and the Law on Social Protection from 2011. In that way, foster care, as a form of child protection, is classified in the institutes of family and social law. Family, because it contains a family law relationship in itself, through the establishment of a foster-child relationship, and in the function of education and raising the child. Social, in the sense of social law, because these are minors who are in a state of social need and who exercise their protection in the social protection system. In addition to the mentioned two legal texts, two ordinances are of special importance for the realization of foster care: the Rulebook on foster care which determines more detailed conditions and standards for child protection in a foster family, and the Rulebook on closer conditions and standards for social services regulates foster care financing.

Foster care is the most important measure of protection of a child without parental care, ie a child under parental care who has mental and physical disabilities or behavioral disorders, and who is temporarily unable to live with his parents (Rulebook on foster care, 2008. Article 2). The primary goal of foster care is to ensure the safety and well-being of vulnerable children (Chipungu & Bent-Goodley, 2004. p. 76). The purpose of foster care is reflected in the temporary protection of the child and lasts until the critical situation in the child's biological family is resolved, however, foster care is not limited by the legal deadline and it can last until the child becomes independent and reaches full maturity. The goal of placing a child in a foster family is to provide the child with an adequate family environment in which that child can be brought up, grow and develop, be educated and trained for independent living, in accordance with all its ambitions and natural potentials. In this way, the child is given the same chances of success as children who grow up in their family, together with their biological parents.

For foster care to be successful, it is not enough to give the child only home and love. Children in foster families were left without the care of their biological parents and were often neglected. That is why the role of a foster parent is crucial and crucial, in order for those children to regain their faith in adults. The belief that there are some people who are ready to provide happiness, security, love, intimacy and emotional relationship that they could not get in their family. Foster parents who accept this task must be aware and familiar with all the problems that the child had in his family, and treat

him without discrimination and prejudice. The foster parent should accept the child as he is, and in the light of the experience he had in the family in which he was born, with all the characteristics and behavior that need to be understood and, if necessary, corrected for something better.

Being a foster parent means having the necessary knowledge and skills of raising and educating children who have early experienced injuries on their body and psyche. Their sense of identity is endangered due to the major changes, rudeness and inconvenience they experienced during their short life. Deprived of the love, feeling of warmth and security that the family provides, these children usually do not even know how to get them. These children are often introverted, withdrawn and “cocooned” in the shell of their dark reality, often as little builders they build an impenetrable wall around themselves in fear of being hurt again, and these traumas are sometimes the biggest challenges of foster care (Holland & Gorey, 2004. p. 117). The task of a foster parent is all the more difficult and responsible because he needs to accept such a child with all his specifics and fears, to develop skills that will make it easier for them to recognize and understand such children’s behavior. Foster parents should be in the service of correction to help children change their expectations and behavior (Dozier, 2005, p. 29). Foster parents know that the child has not contributed in any way to the current situation, nor is he guilty of his past, which will mark him for the rest of his life. Therefore, the foster parent has a mission to direct the child towards the development of the potential that the child has, but also to help the child in a subtle way so that the child accepts and understands his past. However, a child’s bad life experience can create a distorted picture of the child’s potential (for example, separation from parents and living in an institution can have consequences that are reflected in developmental delays). This can deceive the caregiver, as well as create a wrong picture of the child’s potentials, seemingly showing the child’s potentials less than they really are. In such a situation, the knowledge and skills of a skilled foster parent stand out and come to the fore, who should apply his experience and do everything to strengthen the child, restore his self-confidence and help him make up for everything he missed by staying in a dysfunctional family.

These are situations and specifics in which the challenges of foster care are hidden, tasks that biological parents do not have and do not meet with them. Belief in the child and commitment to achieving results, when everyone else gives up, is a task only for the chosen ones, because not everyone can be a foster parent. However, because of that, the satisfaction is higher when the progress in the child’s development is seen. This success is important not only for the child, but also for the foster parents, but, more broadly, for the society,

which remains a young, healthy person and a successful citizen ready to join the society. Without the work of a foster parent, these children would not have been successfully built and realized as a person, they would have borne the burden of insecurity all their lives, without the will to become independent and continue their life path successfully.

In times of major social upheavals and great human suffering (epidemics, revolutions, wars, natural disasters ...), it is necessary to provide temporary shelter and protection to children who have lost their parents or parental care until those circumstances pass, ie. while there is a need for someone to take care of that child as well. Scandinavian countries are known for their rich and long history and tradition of foster care, based on the opinion that a child's stay in a foster family is a natural and desirable part of his growing up, maturing and becoming independent. "Thus, in Norway, where the tradition of foster care has been known for centuries, it was considered a special honor for a foster family to accept someone else's child for temporary upbringing, and a child given foster care was considered to have a special privilege to gain such experience. During the 19th century, members of social elites considered it a matter of their prestige to prepare their children for future life in this way as well" (Draškić, 2014. p. 140).

2. Historical overview of foster care in Serbia

The most important legal document of insurgent Serbia, the so-called "Karadorđev zakonik"¹ from 1805, contains the first written traces of regulating the placement of children in another family. Article 30 of the Code regulates the provision on an "illegitimate mother" who is obliged to feed a child, but provides for the possibility: she must not kill the child because it was punishable by death (Mirković, 2008. p. 128).

During the 19th and 20th centuries, Serbia took part in many wars, which resulted in a large number of children who were left without a family and who needed to be taken care of. The suffering of the people did not force the state

¹ Karadorđev zakonik (Karadjordjev's Code) is one of the two generally recognized laws of a general character from the period of the Serbian uprising. It was of great importance in the establishment of the legal system in the newly formed Serbian state and as such represents a great turning point, because it relied heavily on the provisions of Austrian law. Karadorđev zakonik represents a sudden turn and deviation in relation to the law that has dominated under Turkish rule for centuries. The matter of Karadorđev zakonik is a mixture of customary law on the one hand and criminal / civil law on the other, but the influence of the Orthodox Church in its standardization is also noticeable.

to seriously deal with this problem, because it was necessary to take care of a large number of orphans at once. Thus, the solidarity and humanity of relatives, but also of those families that were not related to the unfortunate children, which also helped to take care of these children, was shown in action.

The Civil Code of the Principality of Serbia (better known as: The Serbian Civil Code is the most important civil law act in Serbia during the 19th century, adopted in 1844. It contains only one article (Article 144) that could refer to foster care, however, it is not possible to state with certainty whether it is about foster care institutes, adoption or just caring for children. “However, based on the linguistic analysis of documents scattered in various archival funds and comparing the description of relations between children and their dependents with the regulations on institutes similar to foster care, it can be concluded that the mentioned relations cannot be anything other than foster care. The archives speak about the manner of establishing foster care, the categories of children who were with foster parents, the sources of funds for child support and the duration of foster care” (Drakić, Kulauzov & Stanković, 2018. p. 570). Article 144 of the Serbian Civil Code mentions foster care in the context of adoption: “it can be adopted without the declaration of the first person or the second, and then such adoptive parents are considered as foster parents, and adopted as foster child, having only the right to decent maintenance and not to the family name and other family rights” (The Serbian Civil Code, 1927).

However, we can see from the legal norm that The Serbian Civil Code did not regulate the rights and obligations of foster parents. “The decree passed on July 17, 1851, prescribed that a certain part of the child’s property could be ceded to the foster parents of the child under guardianship, but only at the proposal of the guardian and with his obligations to monitor whether the foster parent fulfills his duties well and to guarantee that he ceded the property and will not ruin it” (Drakić, Kulauzov & Stanković, 2018. pp. 570–571). The formalities envisaged for the establishment of foster care under the The Serbian Civil Code did not exist, so it was created by taking the child under foster care. There is not much historical documents and preserved legal acts about the costs of foster care. One of them is the Decree from 1847, which”... says that the municipality is obliged to support orphans only if no one will accept them, which means that the foster parent could support the child with his own funds” (Kulauzov, 2014. p. 281.)

After the First World War, a large number of civic and charitable associations were founded, which, using the help of humanitarian organizations from abroad, participate in helping homes for children. The first family

accommodation, on the territory of Serbia, in this period, was recorded in the vicinity of the town of Šabac, in the village of Štitar, in 1920, which was organized by the Society for the Protection of Children and Youth. Two types of accommodation were envisaged: accommodation of children in a home and accommodation of children in families. It is estimated that one fifth of the children were cared for in foster families. "Since 1919, when the Rulebook and Rules of Procedure of the State Protection of Children and Youth were adopted, and a few years later the Law on the Protection of Children and Youth, the development of family accommodation has been encouraged. Family accommodation experienced a special momentum between 1929 and 1934, when, following the example of "Baby Farms" in Great Britain, the so-called children's colonies in Miloševac and Čortanovci, Stapar near Sombor and Čurug" (In the Labyrinth of social protection – Lessons learnt from research on children in care, p.77).

During the Second World War, a large number of children were left without parents, however, due to the direct influence of the ideology taken over from the Soviet Union, in which orphanages were opened en masse to accommodate orphans, war orphans were not given to foster families in Yugoslavia. Those children were placed in such homes for orphans. However, such a practice was soon abandoned, so that from 1948, the establishment of children's colonies began again.

The long tradition of family accommodation and foster care has been present in the city of Belgrade for many decades. "As early as 1931, the Central Office for the Protection of Mothers, Children and Youth of the City of Belgrade was established, which, among other things, had the task of founding its own children's colonies and supervising children in other people's families. This office initiated the establishment of an institution for closed protection of children, "Centre for Protection of Infants, Children and Youth" in Zvečanska Street, which changed its name over time, but has survived to this day and remains recognizable by the name of the street in which it is located. Within this centre, from the very beginning of its work, the activity of family accommodation took place" (A Safe Step to Foster Care – A Guide for Foster Parents, 2009, p. 24).

The period spanning seven decades after World War I enabled foster care to record constant growth and increasing application, both from a normative point of view and in terms of practical application. The most important legal acts in this period, in the field of foster care, are the Law on Family Accommodation from 1959, which was applied until the adoption of the Law on Marriage and Family Relations in 1980. After that, the matter of family

accommodation was regulated by the provisions of two laws – the Law on Marriage and Family Relations and the Law on Social Protection. In 1955, family accommodation was established in Belgrade as a special institution under the name: “Center for Caring for Children in Families”. It has been integrated into the Center in Zvečanska Street (Centre for Protection of Infants, Children and Youth) since 1962, and since 1974 the Center has worked as a special unit of the Centre in Zvečanska Street. However, the Center was closed in 1998 due to the crisis and lack of funds. In the 1990s, along with the disintegration of the Socialist Federal Republic of Yugoslavia and the decadence of all social values, the institution of foster care came under attack. As a result, the number of foster families decreased. Based on official statistics from the Bureau of Statistics, there were 546 children in 372 foster families in the city of Belgrade in 1980, and two decades later, in 2001, there were 220 children in 156 foster families, which indicates that they returned to practice after the second World War II and that children were placed less in foster families, and more in institutions intended and educated with the aim of accommodating and caring for children without parental care. That was not a good solution because it deviated from the practice that was nurtured in Serbia for almost a century. Significant progress was made in 2008 with the establishment of the Centre for Foster Care and Adoption in Belgrade, but also with the adoption of a decision establishing networks of institutions. In addition to the center in Belgrade, there are sixteen more Centers for Foster Care and Adoption in Serbia.

The general decadence and degradation of all values and state institutions, as well as the bad situation in society at the end of the 20th century in Serbia, left scars on the social protection system and its institutions. Indirectly, this led to a worsening of the position of children in need of protection due to the lack of parental care. There were fewer and fewer foster families ready to help the children, which is why the children were placed in institutions and remained in them until they came of age. 2003 was a key year in the revitalization of foster care, because then the competent ministry began the process of reforming the social protection system. The primary and priority task of this reform was the application of family forms of child protection. The Strategy for the Development of Foster Care in the Republic of Serbia was presented, in order to start with the help and support of donors with the improvement of foster care and placement of children in foster families. Priority goals were defined:

- setting professional standards,
- amendment of legislation,
- hiring professionals in the field of protection of children without parental care,

- realization of an active campaign in favor of foster care,
- creating training programs and
- major changes in the financing of family accommodation in foster families as an additional stimulus and relief.

The implementation of these measures was aimed at facilitating the position of foster parents and children placed in foster families. In order to strengthen the position of foster carers, a new approach called "Safe step to foster care" was introduced, which had the ultimate goal of acquiring crucial knowledge and skills in the field of foster care, as a preparatory phase necessary for the final realization.

3. Comparison of foster care, adoption and guardianship institutes

Guardianship, adoption and foster care are family law institutes regulated by family law, which in practice and through the eyes of those who are not educated lawyers know how to create confusion, ie they can mix and replace each other. Therefore, it is necessary to elaborate each of these institutes and mutual comparison, so that these mistakes would not occur. In the literature, foster care is most often defined as "taking someone else's child for free feeding and education" (Begović, 1957. p. 165; Bakić 1988. p. 340). In other words, when foster care is established, a relationship arises in which no kinship relationship is established between the two main subjects of that relationship: the child (foster child) and the adult who takes the child for free food and accommodation (foster parent). The child maintains his kinship with members of his biological family.

The most important feature of foster care in the past was gratuitousness, however, today in Serbian law it is one of the measures of social protection, "but for such a foster care function to be fully fulfilled, it would be necessary to have a network of eligible foster families who are ready to within the offer of social services, in the future they will completely replace accommodation in social protection institutions. Also, the child who is placed in foster care is still obliged to be supported by the parents, but since foster care contains elements of a social protection institution in parallel, the foster parent is paid a monthly allowance for supporting the child in his family" (Draškić, 2014. p. 142).

The most significant difference is foster care in relation to adoption. Foster care does not transfer the entire parental right to the foster parent, but only individual rights and obligations from the entire corpus of parental rights, such as: upbringing, education, custody, and child support. Outside

the domain of these rights and obligations, there are no mutual rights and obligations between the foster parent and the foster child (eg the foster child does not have the right to the foster parent's surname, the foster parent and the foster child do not have guaranteed mutual inheritance etc.). So, foster care is a specific relationship with the elements of the family relationship, which is not basically that, but has the primary role of compensating the child for the absence of the natural family and biological parents.

Foster care has similarities with the institute of guardianship, however, it also differs from this institute. Namely, "foster care has some similarities with the institutions of adoption and guardianship, but it also differs from them. Thus, the key difference between foster care and adoption lies in the fact that legal adoption establishes a kinship that mimics the natural relationship between parents and child, or blood relatives in general, while foster care does not change anything in the child's family status, but only temporarily placed in another family for care. On the other hand, the guardian has a general authority to take care of the protection of personal and property interests of the minor ward, but he does not support him and is not obliged to accept the child into his family. In other words, a foster child is assigned a guardian to represent him or her in legal matters and to protect his or her personal and property rights and interests (although the foster parent may, of course, be appointed as a guardian), and the foster child may be placed in foster care for the purpose of daily care, upbringing, education and, eventually, support" (Mladenović, 1981. p. 406).

4. Establishment, effects and termination of foster care based on the provisions of the Family Law of the Republic of Serbia

The fifth part of the Family Law of the Republic of Serbia contains regulations that regulate: establishment, actions and termination of foster care (Articles 110-123 of the Family Law). The law stipulates that foster care can be established exclusively by a decision of the guardianship authority, whereby the minister responsible for family protection prescribes the conditions for establishing foster care. Article 111 emphasizes the position of the child and his interest, ie that it is possible to establish foster care only if it is in the best interests of the child, so that the next article (Article 112) highlights another condition for establishing foster care – “only if the child is a minor”.²

² From this rule, in paragraph 2 of Article 112, an exception is stated that “established foster care may be extended even after the age of 18 of the foster child, if the child has a disability in psycho-physical development and if he is unable to take care of himself and protect his rights.”

Legal provisions as a special condition for establishing foster care state that it is necessary to have adequate consents: parent of the child (where this consent is not required when the child is without parental care), guardian (if the child is under guardianship) and child (if the child is 10 years old) and is capable of reasoning) (Articles 114-116).

The personal qualities that a the foster parent should have in order to be suitable for the role of foster parent are also specified in the law. Foster parent can only be the “person who has been determined to have personal characteristics on the basis of which it can be concluded that he will take care of the child in his best interest. The foster parent cannot be:

1. a person who is completely or partially deprived of parental rights;
2. a person who is completely or partially deprived of legal capacity;
3. a person suffering from a disease that may have a detrimental effect on the foster child;
4. a person convicted of a criminal offense from the group of criminal offenses against marriage and family, against sexual freedom and against life and body”(Article 117).

The law is also precise regarding the preparation of foster parents, stating that it is necessary for the foster parent to be prepared for foster care according to a special program prescribed by the minister in charge of family protection (Article 118).

5. Foster care effects

The Family Law of the Republic of Serbia defines the rights and duties of all foster parents who are obliged to: look after, raise, educate and educate the child, with the emphasis “to take special care to enable the child to live and work independently” (Article 119, paragraph 2) and for all this foster parent is entitled to compensation defined and in accordance with the law (Matijašević-Obradović & Stefanović, 2017. p. 21).

In addition to foster care rights and obligations, this law also regulates the rights and obligations of the parents of a child who is on foster care. They have the right and duty to: continue to represent the child; they dispose of and manage the child’s property; support a child; maintain personal relationships with the child; decide on issues that significantly affect the child’s life (this is decided jointly and in agreement with the foster parent, unless they are completely or partially deprived of parental rights, ie legal capacity or parents who do not care for the child or care but in an inappropriate way).

6. Cessation of foster care

Article 121 of the Family Law regulates the conditions necessary for the termination of foster care, so that foster care ceases: when the child reaches the age of 18; when the child acquires full legal capacity before coming of age; when the child is adopted; when a child or foster parent dies; through the termination of foster care” (Article 121, paragraph 1).

It is exceptionally possible to extend foster care after the age of 18, but no later than the age of 26 if the child is in school regularly. If the foster parent dies, the person who lived with the deceased foster parent in the same family community has priority in establishing new foster care.

However, although foster care was established with the intention of helping a child who should be better off in a foster family than in his or her biological family, there is a possibility that the foster care may be terminated. This seems to be the decision of the guardianship authority, which can make a decision on the termination of guardianship: at the request of the foster parents, parents, guardians or by mutual request.

In that situation, the guardianship authority has a legal obligation and is obliged to make a decision on the termination of guardianship in two situations:

- a) if he finds that the need for foster care has ceased or
- b) if it determines that foster care is no longer in the best interests of the child.

If the guardianship ends due to the death of the foster parent or due to the termination of the foster care, the parents will continue to take care of the child, and if the child is without parental care, the guardianship authority decides on the care of the child.

7. Centers for Family Accommodation and Adoption and Foster Care Statistics

The Government of the Republic of Serbia established the Centers for Family Accommodation and Adoption (hereinafter CFAA) as institutions in the social protection system, which arose as a result of the intention to reform this area of social life with clearly defined tasks in the field of protection of children without parental care. The work of the CFAA is regulated and regulated by the current law, namely the following legal acts: Law on Welfare (2011), Decree on the network of social protection institutions and Rules on foster care (2008.).

CFAA provides accommodation for children and young people who are without parental care in other families, inspects the work and offers adequate professional assistance to the family in which the child or young person is placed and entrusted with education and care, until the conditions are met to return to his own family or until he is old enough and independent to take care of independent living and work. “Adults and the elderly are provided with family accommodation to maintain or improve the quality of life. Family accommodation is provided as: 1) standard accommodation, 2) accommodation with intensive and additional support, 3) urgent accommodation, 4) occasional accommodation and 5) other types of accommodation in another family.

The Centers for Family Accommodation and Adoption are also entrusted with the following tasks:

- 1) preparation, assessment and training of future foster parents and adoptive parents,
- 2) providing support to foster parents, ie families who provide family accommodation services and adoptive parents,
- 3) reporting to the centers for social work on the work of foster parents and the functioning of families that provide family accommodation services and proposing measures to eliminate possible omissions, and
- 4) performing other tasks, in accordance with the Law on Social Protection, other laws and regulations based on the law” (Report on the work of the Center for Social Accommodation and Adoption in 2018 p. 4).

The Decree on the Network of Social Protection Institutions envisages eight institutions providing family accommodation services that would enable the availability of this service on the entire territory of the Republic of Serbia. By the end of 2018, six centers for family accommodation and adoption were established in the Republic of Serbia: CFAA Belgrade 2008, Čuprija, Niš and Kragujevac in 2011, Miloševac was registered as CFAA in 2012 (it existed before the reforms, since 1931) and Novi Sad in 2014 (started providing services in 2015).

Out of the planned 145 municipalities and cities in Serbia, CFAA provides direct support to foster families and children in 47%, ie in 68 municipalities and cities. Regarding the preparation and assessment of the suitability of foster families, this entrusted work is realized in 57%, ie in 82 municipalities/cities.

Unfortunately, the last consolidated report for all established Centers was published in 2019 and refers to data from 2018. Number of active foster families that are on the records of the CFAA on December 31, 2018. was 2016, ie 45.42% of the total number of foster families in Serbia. The number of children in family accommodation in Serbia is December 31, 2018. was 5,447, of which 2,692, ie 49.42% in the jurisdiction of the CFAA. Other foster families and their beneficiaries are under the jurisdiction of the centers for social work.

The number of families recruited for the foster care training process over a five-year period (2013-2018) varies: the lowest was in 2017 (214 families) and the highest in 2014 (297 families). During 2018, 281 families were recruited. Of the 281 families that started training in 2018, only 55% received general eligibility to provide the service, while in previous years the success rate was about 80%.

For 47% of foster families, the place of residence is the city center. In 92% of foster families, the apartment in which they live is owned by a foster family member. For 90.5% of foster carers, the space intended for a child is in full compliance with the quality standards defined by the Foster Care Ordinance. When it comes to income, 65.6% of foster families have income at the level of average earnings, and 10.5% above average. Most foster parents, 63.1% have completed secondary school, 21.4% have completed primary school, 12.7% have caregivers have completed college/university, and 2.8% of caregivers have not completed primary school. Of the total number of foster families, as many as 86.7% are families with parental experience.

The age structure of foster families does not change significantly compared to previous years, so the largest share of 46.3% of foster parents is still aged 51 to 64. In the age that can be considered the most productive, from 31 to 50 years is 37.38% of foster parents. Only 1.8% of foster parents are under 30 years old. The number of foster parents over the age of 70 is 3.2%. In the past 5 years, the share of foster parents over the age of 70 has increased: in 2016, it was 2.5%.

According to the records of the CFAA, during 2018, there were 3,509 children and young people in family accommodation, and on December 31, 2018. 3,142 children and young people. At the end of 2018, for the first time in the past five years (2013-2018), a smaller number of users was recorded than in the previous year. The increase in the total number of users in the period 2016-2018 is only 0.7%, while in the period 2014-2016 the increase was 12.17%. What are the real reasons for the decline in the number of beneficiaries

will be determined by the analysis of the participants and the consequences, but the factors can be numerous: from the general economic crisis to the age structure of the foster parents. (Report on the work of the Center for Social Accommodation and Adoption in 2018, pp. 9-12.)

8. Conclusion

The analysis of statistical data shows that during the last decade, as a result of the implemented reforms in the field of foster care, the number of children placed in children's homes decreased, while the number of children placed in foster families increased. As a result of the establishment of Centers for Family Accommodation and Adoption throughout Serbia, which can boast of being one of the countries with the lowest rate of institutionalization, ie placement of children in children's homes, in Europe. This is a great result, but the situation could be even better. The Centers for Family Accommodation and Adoption were given the task and mandate to provide adequate support, but also quality control of the provision of family accommodation services in foster families.

However, in the last five years, there has been a decline in the number of foster families on the CFAA records, as well as a stagnation in the number of active foster families. The number of foster families that did not provide accommodation services is the lowest in the past five years, which indicates that the CFAA makes maximum use of available resources. It is assumed that during the Corona virus epidemic, the number of foster families was even smaller, given the high health risks of both foster parents, who are mostly elderly, and foster children whose poor family situation was more difficult to determine because most government agencies focused their attention. towards the health and security situation in the Republic of Serbia.

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MERE ZAŠTITE DECE BEZ RODITELJSKOG STARANJA

REZIME: Hraniteljstvo predstavlja najznačajniju meru kojom se štite prava i interesi dece koja su ili ostala bez roditeljskog staranja ili imaju izvesne smetnje u razvoju i ponašanju, a ne mogu da žive sa biološkim roditeljima. Pored hraniteljstva kao mere zaštite dece bez roditeljskog staranja u pravnom sistemu Republike Srbije, postoje još instituti starateljstva i usvojenja. Hraniteljstvo se najčešće vezuje za altruizam i humanost ljudi koji su odlučili da budu hranitelji, a te osobine su imali i pre te odluke. Hraniteljstvo je u Republici Srbiji imalo svoje uspone i padove. Kriza u društvu se odrazila i na ovaj institut, ali je humanost koju hraniteljstvo nosi u svom nukleusu i činjenica da se pomaže nemoćnima uvek uspevala da obezbedi da hraniteljstvo ne nestane iz pravne regulative. Cilj ovog rada je da se upotrebom komparativnog, istorijskog, analitičkog i deskriptivnog metoda obradi hraniteljstvo kao jedna od mera zaštite dece bez roditeljskog staranja, kao i da se ukaže na trenutno stanje hraniteljskih porodica u Republici Srbiji i položaj dece u njima.

Ključne reči: hraniteljstvo, zaštita dece, starateljstvo, usvojenje, porodica.

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