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CHILD PROTECTION LEGISLATION AS AN INSTRUMENT OF SOVIET CHILD CARE POLICY AND PRACTICE

JUDITH HARWIN*

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ABSTRACT

This article provides an overview of Soviet child protection legislation. In particular it focusses on a review of the various legal routes into care for children who cannot remain with their natural parents because they are in some physical, psychological or moral danger. To draw out the principles underlying the child protection legislation, the account is set into a discussion of the nature of parental rights and responsibilities with particular reference to the way in which Soviet collectivist ideology influences the relationship between the State, the family and the child. The administrative infrastructure of services is examined as well as the usage of the various statutory orders. The final section is concerned with a discussion of the broader social policy aspects of Soviet child protection in the light of current national debates on the state of services for children at risk. The account suggests that child protection is an integral part of Soviet child care policy and practice which is underpinned by an internally coherent set of guiding principles. Judicial intervention is essential in all cases where a child may be separated from his family and the legislation proceeds from an assumption that it is possible to differentiate between cases involving parental guilt and innocence. Finally the article suggests that children on statutory orders may particularly benefit from the recent reforms in child care since these are targetted at the residential sector, which has a significant proportion of children committed to care.

INTRODUCTION

Deprivation of parental rights orders (hereafter referred to as 'loss orders' or 'loss of rights orders') are one small, but significant component in the Soviet legal and social arsenal of measures to protect vulnerable children. They entail a judicial hearing in a Civil Court which determines whether a child needs to be compulsorily removed from his parents because of certain specific types of parental misconduct. If the order is made, the

* Department of Social Science and Administration, Social Work Studies, London School of Economics and Political Science, Houghton Street, London WC2A 2AE. This article is part of an ongoing study into Soviet child care policy and practice which is to be published in book form in 1989. The material is based on field research carried out by the author in the Soviet Union over the last four years. The author speaks Russian fluently.

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child passes into state care and thereafter all future planning on behalf of the child is carried out by state agencies, without any legal obligation for consultation with the natural parents.

The loss of rights orders are not the sole mechanism for compulsory admission to state care. The civil code also provides another very broad-based power entitled simply 'a removal' order, whereby a child can be compulsorily taken into care on the grounds that a present or future danger exists for that child because of his home situation. Unlike the loss orders, the removal powers do not involve any question of parental misdemeanour. They exist to protect the child from 'natural' family misfortune and encompass both short-term crises and chronic situations. But the repercussions of both loss and removal orders may be equally far-reaching since no time limit is set on either provision. Finally, children may enter state care via criminal proceedings because the parent has been found guilty of a serious offence towards his child.

These orders constitute a particularly interesting area of enquiry because they raise two fundamental issues. In the first instance a study of child protection legislation can help shed light on the nature of Soviet child protection policies and practices. Directly related to this, the use of the orders raises profound questions concerning the relationship between children, their families and the State and can help clarify the way in which the mutual rights and obligations of parents and the State are understood and implemented.

In order to try and clarify some of these broad areas of concern three main themes are explored in this paper. Firstly some of the guiding principles underlying child protection programmes will be discussed. Secondly the philosophy and operation of the legislation will be examined with particular reference to the loss of rights orders where the information is fullest. Finally the paper considers how far child rescue programmes are able to compensate for the severance of family ties.

A study of this nature faces substantial difficulties. Very little is known in general about the workings of the contemporary Soviet system of care for children who cannot remain with their natural parents. There are no annually published statistics to tell us who goes into care, why and with what effects. Nor are there any official statistics available within the USSR on the numbers of loss of rights and removal orders. Thus any statistical picture we may establish is necessarily fragmentary and prevents us from being able to draw up a reliable baseline profile of the use and operation of services today or to determine trends over time. However recent articles in the Soviet press on the plight of children living in state children's homes provides us with some idea of the dimension of the problem. The latest figures show that 300,000 children are currently living in various categories of state children's institutions and a further 700,000 are placed with guardians or have been adopted due to rejection by the family or compulsory removal (Pravda, 1987).

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An additional difficulty in conducting this study derives from the fact that Soviet child care in general is potentially an area of considerable political sensitivity. From its inception the first revolutionary government emphasized child protection because of the belief that the creation of a better society for young people to grow up in was indivisibly connected with socialism (Korolev, 1981). But to find today – even in the present climate of *glasnost* – any widescale evidence of children in physical or psychological danger could be a potential embarrassment to the government by suggesting that social planning has not succeeded in eradicating certain forms of problem behaviour. For this reason any investigation into child care must take account of the real possibility of both serious gaps and biases in information.

It also suggests that at present the most fruitful avenue of enquiry lies in establishing the key concepts and framework of ideas which underly practice. It is for this reason that much of this paper is concerned with the identification and clarification of theoretical concepts drawn from legal, public policy and child care practice perspectives. This in itself is a complex task because there is no direct equivalent to a child-care policy and practice literature. Instead, information is divided up between legal and sociological works, political directives, pedagogical and psychology writings, the occasional description of practice and media accounts. It is these sources which provide the basis of the present paper combined with information gained from policy-makers, practitioners and academics in two research visits to the USSR by the author in 1984 and 1987.

THE CHILD, THE FAMILY AND THE STATE

Before we can begin to consider why children may be removed from their natural parents we need to have an appreciation of the way in which the State today views the nature of family bonds and how this view shapes attitudes and strategies in governmental family policy. We can then begin to examine the impact of family policy goals on the scope of child protection practice.

The relationship between the child and his parents has been one of the most interesting dimensions of public policy since the Revolution, because of several marked shifts in opinion. Central to these shifts are changing ideas on the place of women in society and on the importance of the family unit. Following the ideas of Engels and Lenin it was argued that the new Socialist society could only be achieved if women were enabled to play as full a role as men in the economic and productive spheres. This in turn necessitated a series of major reforms in domestic relations legislation. Women were given equal legal marital rights and duties, abortion was legalized and divorce legislation was liberalized. Female emancipation also revolutionized philosophies on child care in the 1920s. For the commitment to take women out of the home into the workplace neces-

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sitated the development of a brand new infrastructure of state-run public dining facilities and children's nurseries (Zaretsky, 1982). These nurseries represented both the practical means of emancipating Soviet women and also symbolized the State's central ideological commitment to collectivized child-rearing.

However the goals of family policy in the 1920s were soon ousted by Stalinist reform. Family life was strengthened via the introduction of tighter divorce legislation, the banning of abortions and a return to traditional values such as the exaltation of motherhood (Madison, 1968). Yet beliefs in collectivist upbringing did not disappear completely. As recently as 1960, Strumilin, the Soviet political economist, was advocating that children should be brought up away from their natural parents (Juviler, 1985). Though less extreme in his views, Krushchev, too, sought to extend the sphere of state influence in his attempt to introduce mass boarding-school education as a universalist policy but his programme failed completely. Parents refused to co-operate and the schools ended up as repositories of children from broken homes and multi-problem families (Dunstan, 1980).

In recent years public policy has emphasized that children are best brought up in their own homes by their natural parents. Indeed the primary function of the contemporary family is considered to be the part it plays in the socialization of the child (Kharchev, 1964). What the family is felt to be able to offer better than any other form of social institution is the opportunity for continuity and intimacy in personal relationships, which are perceived as the foundations to the formation of the child's personality (Titarenko, 1987). Despite the fact that the whole psychoanalytic movement largely by-passed the Soviet Union, contemporary theorists place a special emphasis on the importance of the family in the earliest years of childhood. Failure to provide close parent-child ties for the pre-school child is seen as particularly detrimental to the child's long-term development, and some theorists suggest that damage at this stage may be irreversible (Bauer, 1979).

Over and above a broad commitment to family-based child-rearing, two-parent families are the preferred family structure. In part this reflects a profound concern among demographers and policy-makers over the effects of divorce and single parenthood on the birthrate. For there is good demographic evidence to show that the average number of children in complete families is 1.86 but only 1.43 in single-parent units (Borusiak, 1986). In the context of widespread concern that the birthrate is far too low in *all* types of family (with the exception of most areas of Central Asia) governmental and Party strategy is targetted at the strengthening of the family, which includes attempts to reduce the divorce rate. (Materials of the 26th and 27th Congresses, KPSS, 1981 and 1986).

Social and psychological theories also inform the current emphasis on complete families. The two-parent family is seen to protect against the

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likelihood of delinquent offspring (Saturin, 1984) and to avoid the dangers of over-feminized spoilt and undisciplined children, which are thought to occur when only children are brought up by a female caretaker.

The importance which is attached to the role of the family in child-rearing is reflected in the State's commitment to protect the family as a social institution. Indeed, so important is the role of the State as protector of the family that it is written into the Constitution (Butler, 1983). The idea of a partnership between State and family is frequently emphasized and the State undertakes to provide the family with a range of social, educational and economic forms of assistance to enable it to carry out its functions. In the face of evidence of a marked increase in family vulnerability, attested by the very high divorce rate, government policy has not re-opened the debate about the advantages of state-run forms of child-rearing over family care. Instead, current policy appears to favour the use of a system of incentives to help stabilize the family unit and to improve the quality of the environment it can offer to children. Financial subsidies and flexible employment schemes have been developed to help strengthen parents' capacity to look after their children. It is intended that troubled families should be offered more counselling opportunities and that the standard of educational programmes on parenting issues which are offered by schools should be raised (Zaikina, 1986).

In emphasizing a reliance on a system of incentives rather than coercive measures to strengthen the family, the government has not excluded a stricter enforcement of existing legislation. For example, courts are instructed to ensure that couples are not allowed to divorce without proper attempts at reconciliation, which is treated frequently with minimal regard (Dem'ianenko, 1981). Nor should the mechanisms of state surveillance of the family be ignored. These are legitimated by the state's declared interest in safeguarding the welfare of the child.

To explore the full range of organisations which are entitled to intervene in family life goes well beyond the scope of the present paper. Only two key points are germane to our argument because they help explain some of the underlying links between family policy and child protection. Firstly it should be noted that a highly distinctive network of state and non-state agencies is involved in family surveillance, a task which incorporates both assistance and monitoring functions. A single example will suffice. Form teachers in all schools are expected to interview each family in its own home in order to understand the parental influence on the child's performance. To this end textbooks enjoin teachers to investigate parental relationships and to offer assistance if problems are identified (Loginova, *et al*, 1983). Parental non-cooperation sets in train the involvement of organizations such as Trade Unions and Residency Committees who have the power to use sanctions such as the withdrawal of bonuses or the loss of the parents' place on a housing list. This example draws out the second key issue in this discussion, by illustrating a

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profoundly different view of the family's rights to privacy from that which exists in English society, with distinctive kinds of agencies mandated by the State to intervene in family life in order to safeguard the child's welfare.

This brief outline of the relationships between the child, the family and the State helps shed light on some of the main determinants of child protection principles. Three key implications stand out. Firstly, the separation today of the child from his natural parents occurs only as an act of necessity rather than desire. Secondly, the account suggests that the primacy placed on child-rearing in the home may affect attitudes to institutional forms of care, despite a wider societal commitment to collectivist values. Finally, we may note some degree of convergence between Soviet and Western ideas on child-rearing, but these should not blind us to the distinctive characteristics of Soviet beliefs on how best to help the child who cannot remain in his own home.

CHILD PROTECTION IN CONTEXT: PARENTAL RIGHTS AND DUTIES AND THE PARAMOUNTCY OF THE CHILD'S INTERESTS

One final determinant of child protection strategies needs discussion before their specific provisions can be analysed. This concerns the expectations and obligations placed upon Soviet parents, which helps provide the context to understand why children may be removed from parental care. This context must take account of both the domestic relations legislation and the social institutions which play their part in child protection.

The law in general plays a comparatively small role in setting standards of parental behaviour, which derive far more broadly from moral, cultural and social norms (Korolev, 1981). Nevertheless it is important to consider the legislation because it highlights four particular features in Soviet thought which have direct implications for child protection policy.

Firstly there is a legal expectation on Soviet parents to contribute to the appropriate political socialization of their offspring. So important is this function that it is included in the Constitution: 'USSR citizens are obliged to prepare them [children] for socially useful work, to raise worthy members of socialist society and to bring them up in the spirit of love for their Motherland'.[1] As we shall see later, parental deviation from the provision of a socialist upbringing constitutes one of the five grounds for deprivation of parental rights.

Beyond this, the law sets out only very general expectations of Soviet parents, eschewing any simple list approach to their duties. Analysis of the legislation suggests that in many respects the responsibilities converge with Western expectations and derive principally from the universal nature of children's dependency. Thus Soviet parents are expected to provide food, shelter and medical care and to meet their children's needs

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for intellectual and social nurture. While these duties provide some pointers to the constituent elements in the notion of neglect, they do not of themselves provide guidelines on the degree and severity of parental deviation which would warrant any form of child protection intervention.

The second important legal principle concerns the relationship between parental rights and duties. Soviet commentators on the domestic relations legislation argue that although there is a theoretical distinction between rights and duties, in reality the two elements are indivisible. Parental rights are 'earned' and can be forfeited if the parents' duties towards their children are not discharged. Thirdly, in law parents hold equal rights and duties towards their children. This means that responsibilities and powers may be transferred from one spouse to the other in the event of failure to discharge child-rearing duties. Finally, an equally important limitation on parental rights, which carries the most far-reaching consequences for the scope of child protection services, is the legal principle of the paramountcy of the child's interests. Parents' rights can never exist in opposition to those of the child and if there is a clash of interests between the two parties, the state ensures a direct involvement in the dispute through its own delegated agencies. These agencies too must observe the paramountcy principle. Thus all judicial hearings concerning family disputes proceed 'first and foremost' from a consideration of the child's interests.[2] So too, one of the key features of 'the organs for guardianship and curatorship', whose duties are considered next, is their exclusive focus on the child's interests.

The organs for guardianship and curatorship (referred to as 'guardianship agencies' and 'guardianship organs') have as their sole task a statutory responsibility for child protection. The functions of the guardianship organs are similar to the statutory child-care component of the English social services department. Their mandate is to protect and represent the interests of all children who cannot remain with their natural parents on a short or long-term basis because of death, abandonment, illness or parental inadequacy. The child protection inspectors (officially entitled 'inspectors for care and child welfare') – the term is a loose translation – work in the guardianship and curatorship agencies. They have the prime responsibility for planning for the child's future and monitoring the arrangements in any kind of child crisis and play a major role in initiating proceedings for children at risk. In addition, the inspectors are required by law to represent the child on behalf of the state in disputed custody cases, in removal and deprivation of parental rights proceedings and to investigate all cases where a child is considered to be in physical or psychological danger. They also supervise access arrangements. For their part, the general public and voluntary and statutory agencies have a duty to notify the guardianship agencies of any child who is suspected to be left 'without parental care', an expression referring not only to children who have become orphans but also to children who have

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been abandoned, or are on deprivation of parental rights orders, or have been left temporarily without parental supervision.

All these mechanisms underline just how fundamentally child protection is built into Soviet legislation. It is equally clear that a well defined administrative infrastructure exists to execute child protection decision-making. Yet until recently the administrative structure has been very weak. For until 1987 there was an allocation of only one officer per district (with the exception of Moscow and Leningrad which were permitted two staff to cover a population of up to 100,000 citizens). A major new decree was introduced in July, 1987 which should substantially improve this situation.[3] The decree provides for the appointment of groups of inspectors in each district, although this measure is permissive rather than compulsory. Although the decree was very wide ranging, it did not address the question of training for the inspectorate. At present there is no specific training programme or qualification for personnel wishing to become inspectors as is the case in the UK. Instead, staff, who are mainly teachers with a minimum of five years practical experience, only receive a brief initial in-service course of instruction followed by subsequent refresher courses after five years. In 1984 staff indicated in discussions with the author that they would welcome a much fuller preparation, which would equip them to recognize and deal with the wide variety of family distress they encounter in their work.

CHILD PROTECTION LEGISLATION AND PRACTICE

The Legal Provisions and Their Consequences

At the outset of this paper we noted that both the civil and criminal code are used to commit children to care. In this section the legislation will be examined in more detail in terms of its provisions, philosophy and operation in practice. The primary emphasis will lie on the deprivation of rights orders as little is known about the workings of the removal orders and child cruelty criminal code legislation.

Deprivation of rights cases can be filed by either state or social organizations, by a procurator (who must also be present in the proceedings) or even by a parent or guardian.[4] There are five specific grounds which would warrant a hearing for deprivation of parental rights. These encompass neglect, cruelty, amoral or antisocial behaviour, abuse of parental rights (which, for example, would include a situation where parents encourage their children to miss school in order to assist them in begging) and finally chronic drug or alcohol abuse.

The order may be made in respect of one or both parents, but separate evidence must be presented for each child who is considered to be at risk. In addition to establishing the presence of one or more of the five basic grounds, the court must also prove parental culpability. If either or both parents have attempted, but failed to provide a suitable home for their

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child they cannot lose their rights. Nor can these be forfeited by reason of mental handicap or chronic or acute mental or physical illness. In such cases only the removal order[5] may be invoked which deprives the parent of the crucial rights to bring up the child and to decide on his education and residence but does not affect the right to give consent to adoption or to receive maintenance from the children in later life (Kosenko, 1979).

By contrast, the whole philosophy of the deprivation of rights orders derives from the belief that they are a form of punishment for the parents as well as protection to the child. As a consequence, over and above the loss of the right to live with the child and plan his future, parents are also stripped of other quite fundamental rights. Parents lose all forms of child benefit and income support in respect of each child for whom an order is made, but must continue to make a contribution to the child's maintenance, which is in line with support payments. Their consent to adoption can be waived as can the application of the Soviet law of family support which entitles parents to receive financial assistance from their adult children. Nor are they entitled either to a pension or to any inheritance in the event of the child pre-deceasing them. Apart from the threat of financial hardship, in hearings which involve only one party, the court also has the power to expel a spouse from the marital flat to enable the other to continue to bring up the child (Beliakova, 1983).

It is important to realize that parents do not lose their rights in respect of children born after the order has been made, nor towards any other children not cited in the original hearing. In certain circumstances parents may still be allowed to have some contact with their child. This indeed used to be an automatic right, but since 1971 has depended on the discretion of the children's inspectors, who must decide whether access will be harmful to the child.[6]

It hardly needs to be emphasized that the deprivation of rights orders are a draconian measure which the courts are instructed to use only as a last resort.[7] Nevertheless, Western figures indicate that their usage increased significantly throughout the 1970s, and the Ukrainian lawyer, Romovskaia, reported in 1985 that numbers of cases are increasing annually although they remain a very small proportion of all family disputes (Romovskaia, 1985). Figures of the Dutch criminologist and statistician, Van Den Berg, show that the numbers of loss cases more than doubled from 6,100 in 1969 to 13,400 in 1976 (Van Den Berg, 1985). The upward trend was confirmed in the author's own consultations with children's inspectors who reported that loss of rights cases today constitute a major component in their caseloads. American analysts, using published and unpublished Soviet statistics, have demonstrated that this rise cannot be attributed to any increase in the relevant child population.[8] These cases also represented nearly one-third of all children living in state institutions in the early 1970s. In the only research survey on this topic, figures collected in the early 1970s for the Russian republic showed that

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the second largest group of all those living in state homes were children who had been admitted through a loss hearing. They represented 30 per cent of all children, while the largest group, which was made up of the offspring of single parents, was only 5 per cent larger (Kovaliov, 1984).

Most of these children come from homes with an alcoholic parent. Parental alcoholism is reported to account for the largest proportion of all cases (Beliakova, 1983), but the literature is entirely silent on the frequency and distribution of cases involving the other four grounds. This is unfortunate because it prevents us from evaluating the extent to which the orders are used to regulate political and religious behaviour and other types of social and personal difficulties.

Nevertheless, the data does allow us to draw out certain important patterns. Firstly, there is abundant evidence that the loss orders exist today primarily to deal with the casualties of alcoholism. (It will be interesting to monitor the impact of Gorbachov's alcohol-related measures on the incidence of loss hearings.) Secondly, by inference we can conclude that cases involving child cruelty play a much smaller part than those arising from alcoholism in the usage of the orders, although a leading Soviet paediatric surgeon has reported that this reflects a reluctance to recognize child abuse rather than its absence in Soviet society (Doletski, 1987). Finally, we can note that in the 1970s at least, the State, through its delegated agencies became more interventionist, although the reasons for this phenomenon need to be established.

How the removal orders fit into this picture is far from clear. They appear to have received surprisingly little attention in the literature although their usage raises important questions of law and policy. Legal practice suggests that there is some confusion as to their relationship to deprivation of rights legislation. A leading commentator of family law, Nechaeva, has suggested that removal suits are far commoner as a secondary hearing when a loss order has been thrown out, rather than being initiated as an independent suit (Nechaeva, 1987). This suggests that the children's inspectors, who are the main professional group to bring parents to court, appear to be opting for the harshest punishment as their first option rather than as the last resort. In part this may reflect an overlap between loss of rights and removal orders in that both are concerned with danger to the child. It may also be partly explained by the belief that the loss orders safeguard the child's material interests better than the removal orders, for only in the former type of provision are the guardianship agencies statutorily required to regulate the child's material effects. Despite these considerations, any suggestion that the removal orders are being used principally as a secondary hearing is disquieting because the consequences of the loss legislation for the parents are deliberately much harsher than those of their counterparts.

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The Consequences of Admission to Care

We now need to examine how far the child rescue system is able to serve the interests of the children it aims to protect. This is a complex question which needs to take account of two related issues. In the first place the strengths and weaknesses of the Soviet child protection legislation need to be drawn out. The second issue is far broader and involves an examination of the effects of the legislation on the subsequent lives of the children and their parents.

From a legal perspective the Soviet system has many features to commend. Children can only be removed from their natural parents by a court order. They are automatically entitled to separate representation by a state official – the guardianship agency – whose *sole* duty is to protect the child's interests. In loss of rights cases a procurator provides additional protection for the child. Parents have a right of appeal to a higher court. However, once the child has been placed in care under a court order the legal safeguards for the child seem less secure. Firstly there is no system of automatic legal review to consider whether the child might be returned to his natural parents. This would appear to be a much needed monitoring mechanism in view of the fact that neither type of child protection order is time-limited. Moreover, there seems to be a conflict over the goals of child protection after placement in state care. On the one hand, the loss of rights legislation is designed to facilitate adoption by dispensing with the need to obtain the consent of the birth parents. Yet, since 1971 the latter have been entitled to seek a restoration of rights order.[9] This must be initiated by the parents who need to satisfy a civil court that they have overcome their difficulties. There are no time scales in either the adoption or restoration of rights legislation which could clarify the way the two provisions are intended to relate to one another. For example, there are no minimum time periods before which children cannot be freed for adoption; nor are there maximum time limits after which parents cannot apply to the courts for the return of their offspring. The Official Commentary to the legislation indicates that the guiding principle to resolve this issue must be the question of the child's best interests and whether he is settled in his present placement.[10] This seems only a very partial answer and the author's research with practitioners suggested that as a result of the dual direction of the legislation, there is often reluctance to pursue positively adoption for the child. But nor is there any state commitment to aim at family rehabilitation at this point. Indeed because the loss orders are perceived as a punishment, and because they can be imposed only after the failure of informal means of help, there is a deliberate refusal to help parents modify their behaviour. All initiatives must come from the parents themselves.

Adoption of course is only one strategy in substitute care services and is not always the preferred option. While it is beyond the scope of the present

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paper to discuss in any detail the various care options for children who cannot remain with their natural parents, some of the major issues need to be highlighted so that the effects of compulsory admission to care can be reviewed.

Child care policy reflects the broader goals of family policy in the primacy it attaches to enabling the child to live within a family. Of all children admitted to care, in the Russian republic 70 per cent will be placed with families[11] and this figure rises to 90 per cent in some other republics such as Armenia (Agafonova, 1984). In the overwhelming majority of cases the child will go and live with a blood relative. If the arrangement is to last longer than six months it has to be formalized by means of a guardianship order which vests parental rights and duties in the guardian for the duration of the order. Placement with non-family members is still the exception and occurs very rarely indeed. Nor is there any equivalent to foster care which is widely distrusted because it is believed to induce financial exploitation. When a home cannot be found in the community the child must go into residential care. This is always seen as a last resort.

Yet it seems that children on loss of parental rights orders may be the least likely to be placed with alternative families in the community. Child protection officers, in interviews with the author, revealed that blood relatives may be reluctant to get drawn into complex family battles. Yet as already stated, placement with non-family members is rarely considered. In addition, adoption policy is likely to work against these children, not only because of the legal complexities already discussed, but because adoption practices in general are extremely cautious. Placement tends to be restricted to very young children declared by doctors to be in excellent physical and psychological health.[12] Taken together, all these reasons may help explain why children on loss of rights orders constitute nearly one-third of all those living in residential homes. As a corollary to this it suggests furthermore that these children are likely to remain in long term care.

Regrettably there are no evaluative studies to indicate how well residential care is able to meet children's overall developmental needs. However, recent documentary evidence has seriously questioned the potential of children's homes to fulfil satisfactorily children's emotional needs for close family-type relationships (TV broadcast, 1987). In this it reiterates the findings of the author's own research in 1984 which revealed a widely held conviction amongst staff that an inherent weakness of institutional care is its difficulty in providing opportunities for intimate family-type relationships. Some aspects of the Soviet philosophy regarding residential care may aggravate this difficulty. Homes are normally large-scale institutions, catering for between 70 and 300 children. The belief is that only large institutions can offer the full range of facilities needed to promote the child's overall development. The fact that many

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homes also provide education on site make this belief plausible, but also shows that for many children life in residential care is a world apart. Moreover until recently there has been a deliberate discouragement of one-to-one contacts between children and families in the community.

The latest policy directives reflect the most thorough-going attempt in recent years to tackle some of the difficulties facing residential care.[13] Not only is greater individualized contact between children and the outside world to be encouraged, but each institution will be required to appoint a psychologist if one has hitherto not been represented on the staff. Finally massive financial resources are to be invested in the homes to upgrade their general standing and a major new Children's fund, the Lenin Fund, is to be set up, which amonst its many goals, will specifically review the situation of children in residential care. In addition a new multi-disciplinary research institute is to be established which ought to provide a valuable data base on child care policy and practice (Pravda, 1987).

It will be interesting to see just how far the present critique of institutional care will go and whether it will open up experiments with alternative modes of care. For what this paper suggests is that the Soviets, like their English counterparts, have found that the State in its role of administrative parent, cannot always ensure that child rescue does not unwittingly perpetuate certain aspects of the child's previous deprivation. Children on loss of rights orders may be especially vulnerable in this regard. They are a group who are considered 'hard-to-place' and therefore particularly likely to go into residential care, which has difficulties in offering intimate, family-type relationships – which are the very kind of experiences these children need to compensate for the disruption of bonds with their natural family. Whether the critique will lead to placements using families who are not relatives of the child remains to be seen. To do so would both require a more adventurous approach to adoption and also to the use of guardianship orders to include placement of children with non-blood relatives. This would represent a profound departure from contemporary child care policy which rests on the primacy of 'the blood tie' over the 'love tie'. Such a shift would nevertheless be entirely consistent with the overarching philosophy of both family and child care policies and may both strengthen the family unit and help children who cannot remain in the care of their natural parents.

NOTES

[1] Constitution [Fundamental Law] of the USSR. Article 66.

[2] Postanovlenie no. 9, Plenuma Verkhogo Suda SSSR 7 Dek. 1979. 'O praktike primeneniia sudami zakonodatel'stva pri razreshenii sporov, sviazannykh s vospitaniem detei.'

[3] Postanovlenie ot 31 July, 1987 pri KPSS i Soveta Ministrov SSSR 'O korennom ulushchenii vospitaniia i obucheniia detei-sirot i detei ostavshikhsia bez popecheniia roditelei.'

[4] Kodeks o brake i sem'e RSFSR (KoBS) Vedomosti Verkhovnogo Soveta RSFSR, 1969 article 59.

[5] Op cit KoBS article 64

[6] Op cit KoBS article 62

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[7] See note 2 above.

[8] Tsentral'noe Statisticheskoe Upravlenie (1970 Census); Soviet Economy in the 1980s: Problems and Prospects, Part 2. Selected Papers submitted to the Joint Economic Committee, US Congress, 31 December 1982. Washington, 1983, 97th Congress, 2d Session; Feshbach, M. (1985) The Age Structure of Soviet Population: Preliminary Analysis of Unpublished Data, *Soviet Economy*, 1, 177–93.

[9] Op cit note 4 above. KoBS article 63.

[10] Kommentarii Kodeksu o brake i sem'e RSFSR (KoBS) (1982) Moscow.

[11] Prikaz No. 12/71 14 Jan 1986. Ministerstvo Prosveshcheniia, i Zdravookhraneniia SSSR. 'O merakh po sovershenstvovaniiu raboty . . .'

[12] Instruktsiia po peredache detei i podrostkov na usynovlenie . . . 1977 Ministerstvo Zdravookhraneniia i Ministerstvo Prosveshcheniia SSSR.

[13] See note 3 above.

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