

Family-Based Care in Child Protection: A Literature Review

* *Nadhilah A.Kadir*, ***Maisarah Ahmad Razman*, *** *Siti Mahanisayu Marhaban*

* *Senior lecturer, Faculty of Law, Universiti Kebangsaan Malaysia, Email: nadhilah@ukm.edu.my*

***Research Assistant, Faculty of Law, Universiti Kebangsaan Malaysia, Email: maisarah.nisa94@gmail.com*

* *PhD Candidate, Faculty of Law, Universiti Kebangsaan Malaysia, Email: p129534@siswa.ukm.edu.my*

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ABSTRACT

This literature review explores the concept of family-based care, its significance, and the multifaceted challenges it presents. Family-based care, which includes kinship care, foster care, adoption, and kafalah is emphasised for its potential to provide nurturing, stable, and supportive environments for vulnerable children. The review synthesises findings from various studies highlighting the benefits of personalised attention, cultural continuity, and stronger family bonds. However, it also addresses key issues such as placement instability, resource limitations, the need for comprehensive caregiver training, and the complexities of legal processes. This paper aims to provide a nuanced understanding of family-based care, identifying gaps in current research and suggesting areas for future investigation to improve the effectiveness of the family-based care system.

Introduction

Globally, many children were reportedly exposed to abuse and psychopathology as it was frequently identified in dysfunctional households. It happens when relationships between family members are not supportive of the emotional and physical well-being of the children (Bak & Szot, 2018). Previous research by Minullina (2018) has proven that children from dysfunctional families experience a number of fears that are not appropriate for age norms to the point that their development process is slowed down and stunted. Furthermore, the relationships between family members that is not harmonious can contribute to the formation of psychological trauma of the child.

This scenario contradicts the principles established in Article 27 of the

United Nations Convention on the Rights of the Child (CRC), which asserts that every child is entitled to "a standard of living adequate for the child's physical, mental, spiritual, moral, and social development." It also stipulates that parents are responsible for securing, within their capabilities, the living conditions necessary for their child's development. Furthermore, Article 20 of the CRC states that if parents are unable to fulfill this duty due to factors such as health issues, domestic violence, substance abuse, social stigma, or death, national authorities have the right to intervene and place the child in alternative care settings. In these cases, Article 18 emphasises that a legal guardian holds primary responsibility for the child's education and development, ensuring that the best interests of the child are

safeguarded. Therefore, providing children with secure and stable family-based care environments is critical for their physical and mental well-being (Mabille et al., 2022; Bakermans-Kranenburg & Ijzendoorn, 2024).

Despite the acknowledgment of family-based care in child protection system throughout the world, a substantial number of children continue to reside in institutional care facilities. Family-based care, including kinship care, adoption, foster care, and small group homes, is generally considered a more favorable option. For children in need of care and protection, especially those without families, foster care offers the possibility of a family-like environment where they can live similarly to other children, enjoying the benefits of a stable home and substitute parental figures (Shapiro, 2008).

Comprehensive research has consistently shown that institutional care can negatively impact a child's overall development, affecting their physical, intellectual, and psychological well-being (Zeanah & Humphreys, 2020). The instability and lack of personalised care in institutional settings exacerbate these challenges, leading to issues such as malnutrition, exposure to infectious diseases, and developmental delays (Yaacob, Ahmad, & Wan Kamalluarifin, 2020; Zeanah & Humphreys, 2020). In light of these significant concerns, prioritizing family-based care is essential, not only to safeguard children's well-being but also to uphold their fundamental right to grow up in a nurturing family environment. To address this issue, the United Nations General Assembly issued guidelines in 2009, advocating for family-based care solutions to ensure the protection and well-being of children whose biological parents are unable

to care for them. Foster care is a key alternative within the family-based care spectrum, often regarded as a more suitable option compared to institutional or group care settings. This is because foster care provides a family-like environment that better addresses the emotional and psychological needs of children (Shapiro, 2008; A. Kadir, 2022; Joyce, 2023).

Despite these benefits, institutional care remains the dominant option for children in need of care and protection, with limited opportunities for family based care. This paper, therefore, seeks to review the literature on family-based care, with a focus on understanding its role in the care and protection of children. It will explore the various forms of family-based care, namely, kinship care, foster care, adoption and kafalah, by examining existing research. The goal is to critically assess how family-based care contributes to child welfare and protection, while identifying gaps in the literature that may inform future policy and practice.

Research Methodology

This study adopts a qualitative methodology, combining library research and content analysis to explore family-based care in child protection. The primary data includes a broad spectrum of resources such as international legal frameworks and government reports that directly address family-based care. Additionally, secondary data, including academic journals, conference proceedings, scholarly articles, textbooks, and other relevant literature on family-based care are systematically reviewed. By employing content analysis, this research identifies and analyss recurring themes, patterns, and key findings across the collected materials. The goal is to provide a deeper understanding of the current state of

family-based care within child protection frameworks.

Literature Review

The literature was systematically categorised and analysed according to key themes relevant to family-based care, namely, its concept, significance and challenges. These themes were derived from recurring topics within the collected research and provided a structured framework for understanding the complexities of family-based care.

a. Concept

Family-based care generally refers to a range of care options where children are placed in family settings rather than in institutional care. This includes kinship care, foster care, adoption and kafalah. It is based on the principle that children should grow up in a stable, nurturing family environment whenever possible. Nnama-Okechukwu and Okoye (2019) agreed that the best way to protect vulnerable children is to place them in alternative care through family-based care options after taking into account the principles of ‘suitability’ and ‘need’ as stated in the United Nations Guideline for the Alternative Care of Children. Bhuvanewari and Deb (2016) believed that family-based care is a natural way of raising kids that promotes their healthy growth. It is evident that family-based care is an alternative to institutional care (Harlow, 2022). UNICEF ECARO (2024) defined family-based care as a long-term or short-term care arrangement whereby a child gets placed in the environment of a family rather than in a residential facility. Foster care, kinship care, adoption and kafalah are

examples of such arrangements (UNICEF ECARO, 2024; A. Kadir, 2024; El Azzazy, 2023). Even though they are all guided by the same philosophy of family-based care, each has its own unique function in its implementation. While all these models are rooted in the same underlying philosophy of family-based care, each differs in its application and purpose. Nonetheless, existing literature reflects the difficulty in reaching a consensus on a universal definition of family-based care, as interpretations can vary significantly across different states and contexts.

Shuttleworth (2023) highlights that kinship care is simply another method of having a normal family. That is why kinship care, as a socially created term, should be viewed as a family-oriented upbringing. It should not be seen as a placement option or a service reliant on state funding. However, there is limited exploration in this work of how this perspective impacts policy, funding, and the long-term outcomes for children.

According to Downs, Moore & Jean McFadden (2009) foster care is characterised as a full-time care for twenty-four-hour a day outside the child’s own home. Foster parents are paid with a certain amount of money in return of their job to care for the child and meet his or her needs for a certain period (Triseliotis, Sellick & Short, 2005). Nevertheless, there is little exploration of the impact of financial compensation on the quality of care provided in these works.

Krutzinna (2021) points out that the fundamental idea behind adoption is a compromise in which birth parents who are unable to give their child proper care are legally replaced by other caretakers in the family environment in order to protect the child's welfare. Academics in the field also contend that since adoptive parents would be rescuing an abandoned child from illegitimacy, adoption might be seen as a humanitarian gesture. In addition, infertile couples whose opinions were sought out stated that although they saw adoption as a backup plan, it really helped them to realise their goal of starting a family and heal the hurt sentiments that came with being infertile (Grigoropoulos, 2022). There is a gap in these works discussing the long-term outcomes for adopted children, such as their mental health, identity development, and sense of belonging as they grow up in adoptive families, especially in cases of cross-cultural or transnational adoptions.

Furthermore, UNICEF ESARO (2023) identifies that kafalah and adoption share similarities but are not the same. Islamic law states that kafalah families are allowed to raise a child without granting them the same status and recognition as the family's biological children. In simple words, this would entail not granting the child the complete family name of the substitute father and not granting the child inheritance rights from the substitute parents (El Azzazy, 2023). However, a child can get the property of kafil through a *wasiyah* (will) or *hibah* (gift) (UNICEF ESARO, 2023). The literature does not address how kafalah is implemented across different

Islamic countries and the variation in its application, especially when it intersects with non-Islamic legal systems in cases of international kafalah arrangements.

b. Significance

The preamble of the United Nations Convention on the Rights of the Child (UNCRC) underscores the importance of nurturing children within a family environment characterised by happiness, love, and understanding for their holistic development. Spicker (2022) notes that while the ideal scenario is for children to thrive within their biological families, there is recognition that some families may be unable to fulfill their responsibilities due to parental deviant behavior. In such cases, marked by maltreatment and trauma, there are significant human and systemic costs. Children exposed to these adverse conditions may experience a range of health and developmental challenges, including emotional, behavioral, and learning difficulties, as well as related physical and mental health issues (Cerulli et al., 2021). However, there is little focus on how children's perspectives and experiences of maltreatment are included in the development of intervention programs for alternative care.

Children in institutional settings are often exposed to numerous challenges, such as infectious diseases, malnutrition, emotional neglect, and abuse, all of which can have serious repercussions on their physical health, cognitive growth, and emotional stability (Onayemi et al., 2022).

In contrast, studies have shown that moving children from institutional care into home-based environments can result in substantial positive outcomes. Research highlights that children previously living in institutions experience marked improvements in their overall well-being and development when placed in family-based care (Wilke et al., 2022). Specifically, children raised in family settings tend to exhibit higher IQ scores compared to those in institutional care. In fact, studies indicate that children who suffered severe abandonment in orphanages and later transitioned to adoptive families show significant gains in IQ recovery (Carr et al., 2020). While immediate improvements in well-being are evident following the transition from institutions to family care, there is a lack of research on the long-term effects of this transition.

Kinship care placements, as opposed to foster care, offered more contact with birth parents, which was a strong indicator of improved child well-being (Rose et al., 2022). In literature and policy, kinship care is perceived as the most stable option for children. This has been correlated to improved continuity of care, a reduction in the stigma associated with having a child in out-of-home care, preservation of the child's familial identification, comprehension of the child's background and experiences, and cultural continuity (Macnamara & Mitchell, 2022). Although kinship care is presented as a stable and beneficial option, the literature does not provide a legal comparative analysis of the practice between children in kinship care and those in other forms of care, such as foster care or adoption.

The relationship between foster carers and children plays a critical role in the emotional development and healing of foster children. When foster carers engage in supportive and empathetic interactions, it fosters a sense of security in children while helping them better understand and manage their emotions. This nurturing dynamic is instrumental in the children's recovery from developmental trauma, promoting the development of emotional literacy and resilience. Harkness (2019) emphasises the significance of these interactions in fostering emotional understanding, which is essential for the child's overall well-being and growth. In instances where reunification with the birth parents is not feasible, adoption is often viewed as a more desirable alternative than long-term foster care, as it offers a permanent placement option. Adoption provides stability and a lasting family environment, which can be crucial for the child's emotional and psychological development (Brehm, 2018). By transitioning from temporary foster care to a permanent adoptive family, children are better able to form secure attachments, contributing to their overall sense of belonging and long-term well-being. The literature, however, does not address the children's perspectives on their relationships with foster carers or their views on adoption versus long-term foster care.

Skivenes & Benbenishty (2023) emphasise that adoption is often favored over foster care as a placement option for children in public care, reflecting a trend toward re-integrating children into private family environments. Adoption is

commonly seen as an intervention strategy designed to relocate children from inadequate caregiving situations into stable and nurturing families (Schoemaker et al., 2019). It is widely recognised as a preferred permanent care option within the child protection system, especially when reunification with birth families or placement with relatives is not feasible (Sebba, 2020). Adoption not only provides children with the opportunity to be legally and emotionally integrated into a supportive and loving family environment but also offers them a sense of permanence and security. This allows for the development of lasting bonds, enabling children to thrive in their new homes. Additionally, adoption serves as a pathway for children without families or for those whose parents are unable to provide adequate care, giving them the opportunity to be part of a permanent family where they can experience the warmth and stability of a nurturing home, much like other children. In such settings, adoptive parents take on the responsibility of caring for these children as their own, providing them with the love and support they need to flourish (Wulczyn et al., 2020). While both foster care and adoption aim to offer safe, nurturing environments that help children recover from adversity, there remains a need for deeper exploration into the distribution of resources that support these systems. Challenges such as funding, adequate training for foster and adoptive parents, and ongoing support for families in these systems require further attention to ensure

that these care options are as effective as possible.

International law acknowledges kafalah as a legitimate alternative care option for children who lack a family environment (UNCRC, Art. 2). Many Muslim-majority countries have implemented the system of kafalah or guardianship as a substitute for adoption, allowing for the care of children without families while adhering to Islamic principles (Hashemi, 2007; Baderin, 2008). However, there appears to be a gap in fully understanding how varying cultural and religious interpretations of Islamic law influence the practice and implementation of kafalah across different contexts. This gap may lead to inconsistencies in the way kafalah is applied, potentially affecting the rights and welfare of children under such care arrangements.

c. Challenges

Findings by Rose et al. (2022) show that kinship carers were unable to offer stability for the child in what they regarded as continually changing families, with decisions made by outside decision-makers. Carers frequently reported feeling unheard by decision-makers when they believed the children were in danger. It was discovered that in these cases, this facilitated a feeling of rivalry for the child's care as well as a desire to have more influence over choices and give the child stability. On the other hand, external decision-makers were seen as helpful in managing challenging family situations when caretakers believed that

decision-makers had heard and taken into account their viewpoints. In addition, according to research in the United States and United Kingdom, kinship carers receive less financial, training, and practical support as well as less monitoring than other types of carers in family-based care arrangements (Hallett, Garstang & Taylor, 2023). Kinship carers also frequently have limited access to resources and deal with a variety of physical and socioeconomic challenges (Connolly et al., 2017). However, there is a lack of detailed analysis on how these challenges specifically affect kinship carers' ability to provide quality care and how legal interventions could mitigate these issues.

In regard to foster care, it is designed as a temporary arrangement to provide children with a family environment until they can reunite with their parents (Triseliotis, Sellick & Short, 2005). However, as Triseliotis (2005) points out, while foster care is generally seen as a short-term solution, it can sometimes evolve into long-term or even permanent care in specific situations. Despite this, long-term foster care often fails to offer the same level of security and sense of belonging as adoption does. Foster children frequently experience feelings of insecurity and a lack of belonging, as the temporary nature of foster care coupled with the absence of legal certainty creates a constant risk that their placement could end abruptly at any time. The discussion touches on the lack of legal security in foster care, but there may be a gap in analyzing how legal and policy frameworks can be improved to provide more stability and security for children in

foster care.

In adoption, despite the fact that a large number of newborns were given up willingly, further investigations have revealed that some young mothers were forced against their will to give up their babies. This practice, known as "forced adoptions" involves deceiving some moms into thinking their child has passed away, having them sign adoption documents without realising the consequences, and often concealing information about potential financial support (Ward et al., 2022). Furthermore, the adoptive parents only obligated to inform children about their adoption as soon as it is prudent and to notify adoptees of their right of access once they become legal adults. In order to notify children of their adoption, adoptive parents in all other countries only rely on their goodwill (Krutzinna, 2021). Consequently, some adopted children experience stress as adults from not knowing anything about their biological family, which drives them to look for their birth family. However, the impact of cultural and societal attitudes towards adoption on practices such as forced adoptions and the disclosure of adoption status is not legally addressed in this literature.

In the context of kafalah, Islamic principles impose certain restrictions on interactions between foster children and members of the opposite gender within their foster families once the child reaches puberty. For example, a male foster child is prohibited from being alone with female members of the household, including his

foster mother. Additionally, female members of the foster family must observe the rules of modesty by covering specific parts of their bodies (*awrah*) in the presence of the foster child, as he is considered a *non-mahram* (unrelated male) to them. These restrictions can be alleviated through breastfeeding or suckling, which establishes a biological relationship between the child and the foster family. When such a relationship is formed, the foster child is regarded as a *mahram*, and prohibitions on marriage between the child and his or her foster siblings apply. However, this biological bond does not grant the foster child rights to inheritance or financial support from the foster family (Atahar & Zafrin; Mattson, 2005; Mohd, 2011). Despite these considerations, there is limited discussion on the broader legal and social implications of the constraints imposed on foster children in kafalah arrangements particularly, how these restrictions impact the child's sense of belonging and integration within the foster family and society at large.

Analysis

The literature effectively links family-based care to international legal frameworks and child protection guidelines, highlighting its alignment with globally recognised standards. The critique of institutional care is robust, showing that such settings often fail to meet children's developmental needs. By consistently supporting family-based alternatives, the literature underscores the importance of secure, nurturing environments for children's well-being. Overall, the literature supports the view that children thrive better in family settings than

in institutional facilities, reinforcing the preference for family-based care due to the adverse effects of institutional care on child development.

The literature further reviews the effectiveness of family-based versus institutional care in protecting children's rights but often lacks detailed comparative studies on which type is most beneficial in specific situations. A notable gap is the inconsistent definition of family-based care across different jurisdictions, which complicates the generalization of findings and the creation of universally applicable policies. The literature would benefit from more comparative legal studies exploring how family-based care is implemented in diverse countries and cultural contexts. Additionally, the influence of cultural, socio-economic, and legal differences on the success of family-based care is often overlooked. A deeper exploration of these factors could offer a more nuanced understanding of the challenges and opportunities within different family-based care systems. There is also limited focus on the experiences and challenges faced by caregivers in family-based care settings. In this regard, future research should investigate the support systems needed for caregivers, as well as the emotional and financial burdens they face. Finally, the literature lacks sufficient exploration of the perspectives of children in family-based care. Understanding their lived experiences would provide valuable insights into the effectiveness and emotional impact of these care arrangements.

Conclusion

The literature on family-based care is comprehensive in its theoretical and legal foundations which strongly advocating for alternatives to institutional care. It highlights

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the benefits of family-based care in fostering the emotional and psychological well-being of children. However, the literature also reveals significant gaps, particularly in terms of empirical data, variability in definitions and approaches, and consideration of legal, cultural and socio-economic factors.

Accordingly, future research should aim to address these gaps by conducting more comparative studies, gathering long-term outcome data, and exploring the perspectives of both caregivers and children within family-based care systems.

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