System, in support of children without parental care in Poland

Prepared by Poland Country Statistical Team
Co-ordinator: Central Statistical Office, Warsaw

MONEE Country Analytical Report
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Taking **care of a child and bringing it up** is a particular parental duty resulting from the regulations of the Family Code, which says that parents bring up a child which stays under their parental power and control. Their duty is to take care of the child’s physical and mental development and to prepare it, due to its talents, appropriately for working for the good of society.

The State and other subjects have the duty to help families facing difficulties and parents, which can not or do not know how to fulfil the duties towards the child, through carrying out a supporting function. Apart from the supporting function the State and the subjects may also undertake an additional foster function through taking care of the children only in the situation if for different reasons the parents- or tutors-care is impossible, insufficient or carried out in a harmful way towards the child. However the superior rule, which decides about the way and direction of help, is “the good of the under-aged child”. The right of public authorities to care and help a child which has been deprived of parental care is written down in the Constitution of the Republic of Poland.

In Poland the following resorts at governmental level have specified competence in the sphere of making decisions and soluting tasks related to the upbringing and caring about children and youngsters:

- the Ministry of Labour and Social Policy (social assistance, allowances). Care and education centres for children and young people, foster families, homes for mothers dependent children and pregnant women, support centres crisis intervention centres work within this resort.

- the Ministry of National Education (education). Schools, kindergarten, school-day-rooms, special educational centres or special school-educational centres, rehabilitation-educational centres, youth social therapy centres work within this resort.

- the Ministry of Health (health-care and preventive treatment). Nurseries, medical and welfare institutions and nursing homes work within this resort.

- The Ministry of the Interior and Administration (matters of criminality, demoralisation of youngsters, social failure towards children). Within this resort works the Government-Plenipotentiary for Family and the Spokesman for Children Rights.

**The Care-System towards child and family** is based on:

- support through material help, advising, therapy, mediation,
- day-care,
the constant or temporary locating of a child in a foster upbringing surrounding (foster care).

**The day-care of a child** may have different forms. On the one hand it is a care resulting from the need of helping working families through ensuring care of children through their parents-working-time, while their absence at home. Among other things care is ensured by nurseries, kindergartens, school-day-rooms. On the other hand day-care results from necessity (orphanhood, parental helplessness in upbringing matters, pathology, addictions in family, upbringing problems caused by the child). Among other things day-care is ensured by day-support centres, support-centres, crisis-intervention centres.

An analysis of the Child-care-system in matters when the child is deprived of proper care from its natural family

**Foster care** is organised in the following way:

- institutional – in form of daily care and education centres for children and young people or educational centres,
- family – in form of foster families.

**Number of residents in foster-care in the years 2003-2005 – As of 31.12.**

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>In general</td>
<td>105 085</td>
<td>105 202</td>
<td>105 432</td>
</tr>
<tr>
<td>Foster families</td>
<td>47 707</td>
<td>48 432</td>
<td>49 667</td>
</tr>
<tr>
<td>Socialization centres</td>
<td>16 875</td>
<td>14 218</td>
<td>11 772</td>
</tr>
<tr>
<td>Intervention centres</td>
<td>2707</td>
<td>1 956</td>
<td>1 514</td>
</tr>
<tr>
<td>Multi-functional centres</td>
<td>.</td>
<td>2 713</td>
<td>5 045</td>
</tr>
<tr>
<td>Youth educational and therapy centres</td>
<td>3 268</td>
<td>3 744</td>
<td>4 518</td>
</tr>
<tr>
<td>Special Educational Centres a)</td>
<td>29 102</td>
<td>28 310</td>
<td>26 862</td>
</tr>
<tr>
<td>Rehabilitation-educational centres a)</td>
<td>3 896</td>
<td>4 052</td>
<td>4 195</td>
</tr>
</tbody>
</table>

a) as of 31.X.

The child-care-system, where the child needs support, that is functioning in Poland, is based on the one hand on an institutional system that is created by different centres where the child is placed for a round-the-clock stay and on the other hand on alternative forms of a round-the-clock care created by families. Our report does not take into account the matters related to daily-child-care.

While analysing institutional care we should take into consideration all centres where the child stays for a longer time with no regard to the reasons why it was placed there and the resort that is
supervising those institutions. In court statistics decisions about placing in an institution with regard to
the type of institution are not singled out. So there are both decisions of placing a child in an
intervention centre and a socialization centre, as well as special educational centres, social assistance
centres or medical and welfare institutions.

The institutional system includes care and education centres for children and young
people, which are in disposal of the Ministry of Labour and Social Policy. These are: socialization
centres (former child homes), family centres (former family children’s homes, children villages),
intervention centres (former emergency child care centres) and multi-functional centres (realising tasks
foreseen for day-support-centres and joining day and twenty-four-hour therapeutic, intervention- and
socializing-actions directed to the child and its family).

We can also count to this centres being in disposal of the education-resort; centres which join care and
educational functions for children with specific educational needs: special school-education centres,
special care centres, rehabilitation-education centres, youth care centres and youth social-therapy
centres.

Children who don not need hospital-care but for different reasons can not stay at home, can also stay
at long-term medical-treatment and care institutions. These institutions are: care and medical treatment
institutions and nursery-care institutions. These institutions are in the disposal of the resort for health
and the data are not taken into account in the shown tables. In 2005 (due to the conditions from the
31.12) 577 children and youngsters stayed at those institutions.

We also did not take into consideration children staying at Social Assistance Houses, also those
singled out for children and young people. The mentioned institutions are certainly an element of the
wide interpreted child-care-system. However placing children in such an institution do not have to
result from a dysfunction of family. In 2005 (due to the conditions from the 31.12) 1960 children and
youngsters up to 18 were in such institutions.

A system based on family includes foster and adoption families. The data relate only to the
first. We also do not analyse the situation of children in pre-adoption institutions, i.e. those who take
children straight from maternity clinics for a period that is needed to settle all legal matters before
adoption (in case of favourable conditions a child stays only three months in such institutions).

It should be mentioned about the existence of so called “amicable” families, who cooperate with a care
and education centre for children and young people, stay in touch with a concrete child visiting it at
the centre, taking it on holidays, weekends. The number of those families is unknown to us. Those
families have, from the legal point of view, no specified duties and rights related to a child, which all
the time is a resident of an institution.
Institutional care, which is served in Poland by both public (conducting organ are local self-government entities) and non-public institutions (conducting by organisations, the Catholic Church, other churches and religious associations, foundations, corporate bodies) and apart from the efforts made to change the treatment, is often the only option left for children, which can not live in their natural families.

On the 1\textsuperscript{st} of May 2004 a new Act on Social Assistance came into force, which included a note about placing children in institutions not before all possibilities of helping the child’s family or placing the child in a foster family have been tried.

Reports from the years 2000-2003, from the Ministry of Justice, show that there have been made more court decisions about placing children at care and education centres for children and young people (about 6,8 thous. children per year) and this stays constant, contrary to the number of court decisions about placing children in foster families. This number is definitely lower but it rises slowly (from 2,3 thous. children in the year 2000 to 3,7 thous. children in 2003). It can be concluded that the social assistance institutions do not help families at the right time, do not undertake any remedy-devices to leave the children in their family-surrounding.

The big number of court decisions about placing children in care and education centres for children and young people, as well as the small number, too small if it comes to the needs, of family centres (creating one family with many children at different age) is unfavourable to decreasing the number of places and changing the institutions into smaller, more child-friendly ones. This is the reason for the still high average number of places in socialization-institutions (orphanages).

Children often come to institutions without any preparations, immediately and they are not attended by their parents or any social worker. They are brought there by police, guards, a curator.

It has to be mentioned that through the years the names of the institutions had changed and so child homes are now called socialization centres including also orphanages for small children. Centres for the youngest children, which at the beginning worked within the health service, belonged to the education resort from 1993 and from 1999 – to the social assistance resort. The CSO finished singling it out in its statistics in the year 1994.

Family children’s homes are family centres, which include 4 children villages existing in Poland. They belong to the group of care and education centres for children and young people, i.e. they belong to the institutional system. However their specific character differs from the character of the other institutions and they have a form which is definitely closer to a foster family.

Emergency child care centres are nowadays called intervention centres and are institutions, which ensure care and education, adapted to the child’s age and talents, in case of emergency, prepare the diagnosis of the child and its family-situation and establish instructions for further work with the child. They take children over 11 and their stay should not last longer than three months, in particular
situations extended to additional three months. The data show that the situation of extended stay concerns 30% of the children.

393 institutions of socialization type (including 102 in multi-functional centres) possessed together 16.4 thous. places, on the average 41.6 places per one centre. Due to the regulations only 30 children can stay at one centre at the same time but there exist centres having 80 and 100 places.

In the year 2005, 15.9 thous. children stayed at socialization institutions due to the condition from the 31st of December and 22.4 thous. during the year. Boys represented 53.7% of entirety (8.5 thous.), and the girls represented 46.3% (7.3 thous.). The biggest group were children at the age of 7-13 (35.1% - 5.6 thous.) and 14-16 (31.6% - 5.0 thous.). People over 18, which stayed at the centres to continue their education were in minority. The youngest children (0-3 years) represented 7.5%. This percentage was the highest among the discussed institutions.

<table>
<thead>
<tr>
<th>Institutions</th>
<th>Socialization</th>
<th>Intervention</th>
<th>Family Centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of residents</td>
<td>15852</td>
<td>2479</td>
<td>1859</td>
</tr>
<tr>
<td>Age 0-3</td>
<td>1191</td>
<td>152</td>
<td>56</td>
</tr>
<tr>
<td>4-6</td>
<td>1085</td>
<td>184</td>
<td>186</td>
</tr>
<tr>
<td>7-13</td>
<td>5561</td>
<td>915</td>
<td>917</td>
</tr>
<tr>
<td>14-16</td>
<td>5013</td>
<td>942</td>
<td>457</td>
</tr>
<tr>
<td>17-18</td>
<td>2315</td>
<td>273</td>
<td>155</td>
</tr>
<tr>
<td>Over 18</td>
<td>687</td>
<td>13</td>
<td>88</td>
</tr>
<tr>
<td>Girls</td>
<td>7339</td>
<td>1086</td>
<td>924</td>
</tr>
<tr>
<td>Boys</td>
<td>8513</td>
<td>1393</td>
<td>935</td>
</tr>
</tbody>
</table>

117 institutions of intervention type (including 78 in multi-functional centres) possessed 2.8 thous. places, in average 24.3 places per centre. Here also boys represented the majority and the major age-groups were 7-13, 14-16. Alarming is the fact, that the youngest children at the age of 0-6 were taken to these centres (13.5%), while those centres are foreseen for children over 11 years.

238 family centres possessed 2.0 thous. places, in average 8.4 places per centre. According to regulations in one centre can stay 4 to 8 children; in particular cases the number of children can be reduced or raised. The average number is raised by children villages for sure, which belong to the category of family centres. According to the condition from the 31st of December 2005, 1.9 thous. children stayed at those centres, 2.0 thous. during the year. The youngest children at the age of 0-3 represented only 3%, while the family character of these kind of centres could be the most beneficial educational surrounding (leaving out adoption and staying with a foster family).

According to the condition from the 31st of December 2005, 20190 residents stayed at Round-the-clock care and education centres for children and young people and during the report-year – 32660. In education centres it were 36106 children according to the condition from the 31st of October 2005.

Only 2.7% (0.5 thous.) children from the care and education centres were biological orphans and 19.2% (3.9 thous.) – half-orphans. Taking into account the type of institution it can be claimed
that the biggest number of orphans and half-orphans were placed in family centres (4.7% and 20.6%),
less children were placed in institutions of socialization type (2.6% and 19.9%) and the smallest
number of children were placed in institutions of intervention type (1.6% and 13.8%).
The fact resulting from these data is that about 80% of the children placed in centres had both parents,
which could not or did not want to carry out their upbringing function properly.

Disabled people represented in average 8.5% of the residents, from which 9.5% were in
socialization institutions, 3.7% in intervention institutions and 6.9% in family centres. Into account
was taken both disabilities documented in legal way as well as the biological, which is understand as a
limitation in doing basic activities, which are characteristic for people at given age.

Within the number of residents from the discussed institutions, the number of chronically ill
people, which illness lasted 6 months or longer, was 1,6 thous. (in average 8.2%). 8.8% of this number
were children placed in institutions of socialization type, 6.8% in family centres and 5.2% in
institutions of intervention type.

The indicators of children movement (those leaving the centres) show, that a greater care-
constancy appears in foster families and family centres than in centres of the other types.

10,7 thous. children under 18 left the round-the-clock care and education centres for children
and young people in the year 2005. 34% moved back to their own families, mostly 9% went to
adoption families and over 12% to foster families. Mostly 32% of children changed the place for
another care and education centre, which means that those children still continue staying in the
institutional system.

There are no data collected about the sex and average age of the children leaving centres or
information about the number of children in specified age-categories.

<table>
<thead>
<tr>
<th>Less children under 18</th>
<th>From institutions of socialization type</th>
<th>From institutions of intervention type</th>
<th>From family centres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4942</td>
<td>5603</td>
<td>105</td>
</tr>
<tr>
<td>Adoption</td>
<td>831</td>
<td>98</td>
<td>1.7</td>
</tr>
<tr>
<td>To own family</td>
<td>1650</td>
<td>1977</td>
<td>35.3</td>
</tr>
<tr>
<td>To foster family</td>
<td>983</td>
<td>300</td>
<td>5.4</td>
</tr>
<tr>
<td>To other care and education centres</td>
<td>1066</td>
<td>2289</td>
<td>40.9</td>
</tr>
<tr>
<td>To Social Assistance Homes</td>
<td>47</td>
<td>16</td>
<td>0.3</td>
</tr>
<tr>
<td>Other reasons</td>
<td>365</td>
<td>923</td>
<td>16.5</td>
</tr>
</tbody>
</table>
The fact which results from the data is that children leaving institutions of socialization type most often went back to their own families but each fifth child changed from one centre to another. From institutions of intervention type children were more often directed to another centre than to their own families and seven times more often than to foster families. From family centres a child went more often to another centre, it rarely went back to its own family, but among all centres the adoption-indicator were the highest in this case.

**Diagram: Children under 18, which left round-the-clock centres during a year**

The uninterrupted line on the diagram shows the percentage of children under 18, which left the particular kinds of round-the-clock centres, within the number of children under 18 staying in these centres during the report year.

The diagram presented above shows a situation, in which the care and education centres are presented as 4 kinds of institutions (a multi-functional centre is an entirety and the data from its interventional-function-part is not added to the data from intervention centres, the data from its socialization-function-part is not added to the data from socialization centres). Due to the character of the institution the wast children-rotation takes place at intervention centres. So they reached the highest movement-indicator of children under 18 (72.5% are leaving residents). This indicator amounted 39.2% at multi-functional centres (because of interventional function). The indicator was
lower in socialization centres (23.4%) and in family centres – 5.6% which shows that it is a constant upbringing surrounding.

1.8 thous. residents over 18 from care and education centres for children and young people became independent, from which mostly 51% set up their own household.

According to the condition from the 31st of October 2005, 35.6 thous. children and young people stayed at education centres. Although the family situation of those children is not investigated and it can not be defined how many of them are orphans or half-orphans, the majority represents, apart from disabilities which need specific organisation of study, work-methods and upbringing, disorders in social function, is not social-adapted or is in danger of not being social-adapted or addiction and have not received any proper help from the family surrounding. In special education centres and special school-education centres (26.9 thous. children) the greatest number of children is represented by disabled children. The centres are conducted for: deaf people and people with a bad sense of hearing, blind people and people with a bad sense of seeing, with movement-disability, autism, with many disabilities, with mental disability on a low, middle or high level. They stay there until finishing their school education, not longer than to the age of 24.

In rehabilitation-education centres (4.2 thous. people at the age of 3-25 years) are children and young people with mental disabilities at a high level and often with many disabilities.

An alternative to the institutional system is placing children in foster families. These are families ensuring care and education for a specified time (till the child comes of age according to the legislation).

The organisation and correctness of functioning of foster families is in disposal of district authorities (counties), which include County Family Support Centres, which cooperate with social assistance centres, centres for adoption and care, courts and court curators.

The Act on Social Assistance from the 12th of March 2004 singles out the following types of families: related and not related to the child and not related professional families, which include: families with many children, specialised and emergency type. The number of the last type is growing progressively each year (in the year 2004 there were 386 and next year – 426). By the terms of the mentioned act from the year 2004 new types of families emerge, i.e. professional families with many children, not related to the child (in the year 2004 there were 20 families and a year later – 151) and specialised professional families not related to the child (2004 there were 2, a year later – 29). A further development of these forms is expected because of the huge needs in this area.

For the reason that people, who are related or related by marriage to the child, have priority in carrying out the foster-family-function, families related to the child represented in the year 2005, as well as in 2004, the majority, i.e. about 85% of all foster families. 54.4% of them were marriages and
the others were single people. Over 30% were over 60 years old. It were mostly (77.6%) families with one child.

Families not related to the child represented 13.8% (in 2004 – 13.3%) of all foster families. 73% were marriages and people over 60 years represented only 5.6%. In comparison to related families those families more often consisted of single and younger people.

Foster families of emergency type are created since the year 2000 and should have been an alternative for placing children in institutional surroundings. Those families take children for a temporary stay until the child’s living situation has normalized, not longer than for 12 months. The stay might be prolonged but only for next three months. It is a time to clear the child’s situation. Children can come to these families from crisis-intervention, conveyed for example by police and the families have the duty to inform the County Family Support Centre immediately about taking the child. In 2005 there were 426 such families, i.e. 1.7% of all, from which mostly 90% are marriages and 0.9% were people over 60.

Not less than 3 and not more than 6 children can be placed at the same time in a professional not related to the child family with many children (except if there are many siblings). Those families represented 0.4% of all and most of them (30.5%) took four children.

Not more than three children can be placed in specialised families, which take children who are not social-adapted with different dysfunctions, health-problems, who need particular care and nursing. These families represented 0.1% of all foster families.

Diagram: Foster families structure according to types in the year 2005

In the year 2005 only each thirth foster family lived at the countryside (10,8 thous.), the majority (about 70%) lived in cities (25,7 thous.). It happened often (42% of cases) that a single person carried out the function of a foster family (15,5 thous.). For related families this percentage was 45% and for not related families – 26%.
In nearly 80% of the cases the foster-family-function was carried out by people over 40. In the case of 7.2% of all foster families (mainly related ones) the warden was over 71 and 0.7% were people under 21 years.

Most families (nearly 75%) had one child to bring up. There is a definite decrease-tendency in the number of foster families together with the growth of the number of children taken to a family. The percentage of foster families with more than three children was about 3% of all (1,0 thous. families).

Among the children staying at foster families in the year 2005, the smallest number was represented by the youngest children, i.e. at the age of 0-3 (3,9 thous. what made up 7.8% of all). The greatest percentage was represented by children at the age of 7-13 and 14-18 (respectively: 20,9 thous., i.e. 42% of all and 19,5 thous., i.e. 39% of all).

Diagram: Foster families and children in foster families in the years 1995 - 2005

9,1 thous. children came to foster families for the first time in their lives. 60% of those families were families related to the child.

4,4 thous. children in all types of foster families had legal confirmation of disability.

In the report year 2005, 4,1 thous. foster children under 18 years had left the foster families. 34% (1,4 thous.) of them turned back to their natural families, almost 17% (0,7 thous.) were given to adoption, over 25% (1,0 thous.) were placed in another foster family and 19% were placed in care and education centres.

1,6 thous. foster children over 18 years left foster families; 47% of them became independent and 65% from the independent build up an own household.
Carrying out a foster-family-function ceases, according to the force of law, by the day when the child comes of age but the help owes to the family if the child still stays at the family and finish school. The State prescribes the foster parents-selection criteria, the number of children, which can be placed in several kinds of families.

The foster families participate in training activities, which is organized by a county family support centre, by centres for adoption and care or any other entity. In case of related families the training is carried out due to an individual plan, matched to the needs of the family. In case of not related families the training is carried out due to training programmes approved by the minister competent for social security.

The foster family is being given financial help for the partial coverage of the costs for maintaining each placed child. The basis for the settlement of the amount of the financial help is a sum called the “basis”, which is from October 2006 – 1647 PLN (former 1621 PLN). In comparison the average salary in the national economy in the third quarter 2006 was 2464 PLN and in the company sector in October 2006 – 2657 PLN. The help is dependent from the child’s age (a higher one for children under 7 years – 60% of the “basis” and for older children – 40%), from the child’s state of health (a higher one for a disabled child – 60% and if this child is under 7 years old – 80% of the “basis”), from the child’s social maladjustment, if the child reveals symptoms of demoralisation in accordance with the provisions on proceedings in cases relating to minors (a higher sum for children between 7-18 years – 60% of the “basis”) and from the income of the child (the sum decreased by the sum corresponding 50% of the child’s income but not lower than 20% of the “basis, i.e. 324 PLN).
A foster family of emergency type is given not only a salary for the care and education carried out (120% of the “basis”) but also for being prepared for taking a child (80% of the “basis”). A specialised family and family with many children gets a monthly salary to 120% of the basic amount.

In case of a married couple the salary gets one of them.

Furthermore a foster family has the right to get specialistic help from an educator, psychologist, social worker, advising service from care and adoption centres. A child who leaves a foster family but is still learning gets financial help to continue its education. It has also the right to get help to become independent.

The payment for the stay of the child in a foster family is settled by the starost competent with respect of the place of residence of the child prior to its placement in a foster family and it is paid by the child’s parents. The amount of the payment is settled dependent from the family situation, health situation, income and financial situation. A partial or total release from payment is possible.

Adoption and care centres work due to the Act on Social Assistance from the year 2004. The voivode carries out a register with those centres and they can not be closed down without his agreement. The minister competent for social security prescribes through an ordinance: the entities which have the right to establish and conducting centres, the needed qualifications from the employees, premises conditions, the list of centres which have the right to international adoptions, he prescribes the organization of the tasks, competence, the qualifying-procedure for children to foster families, he prescribes which centre conducts a central databank of children awaiting for adoption beyond the country.

The preparation of the candidates for being an adopting persons and the carrying out of the adoption procedures belongs to the sole competencies of the adoption and care centre.

The Ministry of Labour and Social Policy announces that in the year 2005 there were 86 centres of the scope of operation exceeding the area of a commune, which were financed from the county budget from social assistance means, of which 51 centres run by a county. 28,1 thous. people used it. 95% of them carried out work with foster families (82 centres), 92% with adoption families (79 centres) and 94% with natural families (81 centres).

Persons, of witch children, who can be exposed to violence find help:
- within care and education centres, in case of crisis situation they can be placed at intervention centres,
- within foster families in families of emergency type,
- in crisis intervention centres and centres offering support for victims of family violence in county,
mothers with small children being violated can find shelter and support at homes for mothers with dependent children and pregnant women. Beyond shelter they offer help in solving life-problems.

Within the foster family the duties of a parent can be carried out by a person, which fully uses its civil and citizen’s rights, which has never been deprived, limited or suspended of parental authority.

Ad. a)1 Total quantity of children in formal care by the end of 2005:
- in round-the-clock care and education centres – 20 190 (by the 31st December),
- in education centres – 35 575 (by 31st October),
- in foster families – children up to 18 years – 49 667 (by 31st December); children (who had come of age in 2005) remaining in foster families – 3296; children (who had come of age in 2005) leaving foster families – 1645.

Indicators:

- Population by 0-17 years in Poland by the end of 2005 – 7 863 799
- Population by 0-17 years in Poland by middle of the year 2005 – 7 977 865
- Number of children the first time located in care and education centres – not collected
- Number of children the first time located in foster families during the year 2005 – 9 135 (0.11% of population 0-17 years by the middle of the year 2005)
- Children staying in round-the-clock care and education centres during reporting year – 32 660
  - children by the end of the year:
    - in care and education centres – 20 190
    - in education centres – 35 575
    - in foster families – 49 667
  Total: 105 432;
- Total number of children in centres / Total number of children in centres and in foster families = 52.9%
- Children leaving round-the-clock care and education centres:
  - under 18 years old – 10 650, of which (3655 (34.3%) children went back to natural families, 949 – located in adoption families, 1298 children located in foster families)
  - over 18 years old (independent) – 1800, of which 887 (49.3%) went back to natural families
- **Children leaving foster families during the year**
  - **Children under 18 years old** – 4108, of which 1401 (34.1%) went back to natural families, 678 directed to adoption, 1043 located in other foster families;
  - **Children over 18 years old** – 1645, of which 775 became independent (of which 171 persons – 22.1% went back to natural or related families).

We have no data by sex and age about children leaving centres and foster families. We do not survey ethnical groups.