



## ***Families Without Borders***

**Children left behind?**

**Parents gone abroad?**

**Answers for professionals**



Kingdom of the Netherlands



**Terre des hommes**

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# FOREWORD

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Migration is a well-known phenomenon to the Moldovan people. The decision to leave the country to work abroad is mostly associated with adults' desire to meet their own needs related to house, family, health, upbringing and development of their children. Some care more about the welfare of their families. Others are looking for experience and professional development. The reasons people migrate are very different and it may be for a short and fixed period or for a long and indefinite one.

This decision is challenging and can be risky sometimes, involves costs and benefits, and change, and by making up their minds to leave to work abroad parents often jump into the unknown. In most cases, they could not or did not want their children to join them, because they intended to come back, leaving them with grandparents, close relatives or other people.

This brochure calls on all the child protection professionals to be responsive and act to safeguard and protect the children whose parents are going to leave or have already left to work abroad.

Understanding their needs and vulnerabilities associated with parents' absence is a way to finding the best and most appropriate solutions for each and every child. The information below will help child protection professionals to get a better understanding of what is going on with the child left behind and act in the child's best interests.

Only by joining efforts will they manage to safeguard and protect the children left behind.

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## WHY MONITOR THE CHILDREN LEFT BEHIND

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Each of us has the right to choose our own destiny. Each of us is free to choose our own future and how to make our wishes come true and how to achieve our aims.

The adult who chose to leave to work abroad for the sake of children and family was sure that their welfare will help maintain a positive relationship with the children left at home. Experience proved, however, that in spite of the remittances, the parent-child relationship is taking a different shape - emotional distance, disagreement, miscommunication, high expectations and demands for parents/children etc.

Migration is a phenomenon that produces change and change requires efforts to adapt to it. The consequences of migration are not long in coming. On one hand, it has negative effects on children and families; on the other hand, there are also some positive ones.

<b>POSITIVE EFFECTS OF MIGRATION ON CHILDREN</b>	<b>NEGATIVE EFFECTS OF MIGRATION ON CHILDREN</b>
<ul style="list-style-type: none"><li>• better living conditions;</li><li>• availability of the things that are needed for a decent living;</li><li>• providing education to children;</li><li>• increased literacy in information and communication technologies;</li><li>• mastering independent living skills;</li><li>• health maintenance and treatment etc.;</li><li>• trips and vacations abroad.</li></ul>	<ul style="list-style-type: none"><li>• lower school achievement and higher school absenteeism;</li><li>• appetite disturbance, headaches, abdominal pain, insomnia;</li><li>• feeling lonely;</li><li>• difficulty to integrate in peer groups and build relationships with other children/adults;</li><li>• depression and negative emotions caused by lack of affection;</li><li>• unrealistic future goals;</li><li>• formation of an inadequate identity;</li><li>• higher rates of alcohol and tobacco use;</li><li>• higher rates of deviant behavior;</li><li>• aggression against one or both parents;</li><li>• deterioration of the relationship between the migrant parent and the child left at home.</li></ul>

**Experience and research indicate that the effects of migration on children differ depending on which of the parents has left.**

- When fathers leave, most often mothers manage to cope with the responsibility of taking care of the children. They are having hard times, however, maintaining authority over their grown children.
- When mothers leave, fathers find it more difficult to cope with all the responsibilities for taking care and upbringing their children. *“Children are much more affected when mothers leave, which can be explained by a special spiritual child-mother bond, including for boys. Unlike the children whose fathers leave to work abroad, the children whose mothers work abroad are introverted, nostalgic and can hardly control their tears.”<sup>1</sup>*

**To understand better the children left at home and what they feel, professionals should keep in mind the following:**

- Regardless of their age, children are not guilty for the existential conditions that made their parents to seek a job abroad.
- Children are not responsible for their parents’ decision to leave.
- Children don’t have appropriate psychosocial skills to cope with the wave of emotions associated with their parents’ leaving, to manage their daily life, to take on responsibilities, which go beyond their physical and psychical potential. This is why children often develop psychologically traumatic or maladaptive responses to stress, such as school dropout, social isolation, aggressive or eccentric behavior.
- Children suffer the absence of parents differently. Some become sad and introverted; others are angry, irritated or nervous, while others rebel against others.
- “Regardless of the age and gender of children, they become frustrated and perceive their parents’ absence as a problem, which makes them mature too early”<sup>2</sup>
- Most of the children with migrant parents feel insecure.
- Many of them have mixed feelings about their migrant parents. On one hand, while they are apart from their parents, they are overwhelmed by sadness and longing, and they are very excited when their parents come home. However, once parents return home they are looking forward to their leaving. Very often parents are perceived as a source of discomfort and control.
- These children should be approached in an individual and complex manner. The child’s emotional and behavioral reactions depend on many factors, including the age, emotional and cognitive maturity, how old the child was when the parents left abroad, the quality of

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<sup>1</sup> D. CHEIANU-ANDREI (research coordinator), R. GRAMMA, S. MILICENCO, V. PRIȚCAN, V. RUSNAC, D. VACULOVSCI, „Specific needs of children and the elderly left behind as a consequence of migration” Survey. Chisinau, 2011.

<sup>2</sup> Idem

the relationship with parents before leaving, how the child was prepared for the parents' leaving, how long the separation lasted, the relationship between the child and his/her guardian.

**In the case of the children left behind, the responsibility to supervise, raise, take care of and represent a child, including by taking safeguarding measures, becomes a priority for the child protection professionals and the children's legal representatives/tutelary authority. By stepping in, in a timely manner, the child protection professionals could prevent some of the negative effects mentioned above.**

## TRUTHS AND MYTHS ABOUT THE CHILDREN LEFT BEHIND

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The children left behind form a new category of children, the younger ones being pitied by the society, and the older ones, socially perceived as emotionally distant and materialistic, having to face the society's intolerance.

These children are often called „abandoned children”, „poor children”, „callous children”, „materialistic”, „children who seek nothing else but having fun”, „children lacking empathy”, „wastrels”, „children who pour money down the drain”.

### *Truths and myths about these children*

✓ **„The children whose parents have left to work abroad are abandoned children”**

*Abandonment (df.) is when a parent, who can be identified and who has no intention of coming back, but rather of willfully rejecting the parental responsibility, consciously abandons the child and no other family member can or is willing to assume this responsibility and take care of the child.*

There have been thousands of parents who left and sent news about them only after a very long time, who returned home after many years when they managed to legalize their stay in the destination country. This was something very common during the beginning of the mass migration phenomenon in the Republic of Moldova. It was then that the society developed the perception of „children abandonment”. However, the children whose parents work abroad are not abandoned, because their parents do not reject them, but are rather trying to secure a better life and future for their children by working abroad. Moreover, most of the parents intend to take their children with them or return home after some time. Most of the migrant parents feel guilty about not being near their children and one of their aims is to do their best to be together.

## **Talking to children...**

„I was 10 when my parents decided to leave to work abroad in order to make our life better. The bad thing is that they have not returned ever since, but for short periods of time. The good thing is that I have never felt abandoned, not for a second, in the last 8 years, since they left. I think that abandoned children are those children who are left near waste containers or in orphanages. The physical presence is extremely important, indeed, but I have not felt, not even for a moment, that my parents have abandoned me. I have always felt heard and understood when I needed that”

### ✓ **„Spoiled, ignorant, rude children.”**

It is true that most of the children enjoyed many things due to the fact that their parents work abroad. Many of them, however, are not aware of the sacrifices their parents made. The little communication between parents and children, lack of attachment and of a functional family model has negatively influenced the behavior of many children.

Nevertheless, children are not „ignorant” and „rude” because they want to be like that. Without parental care and supervision, not always do they have the opportunity to learn positive social and communication behaviors. They are not able to educate themselves without guidance, without knowing the rules and limits and that these rules have to be followed. While trying to offer their children material goods to compensate for lack of affection, parents do not always manage to regulate the children’s behavior and the latter behave like unsupervised children.

### ✓ **„Parents who work abroad sacrifice their lives for children, while children show no respect in turn.”**

Experience shows that in many cases the parents who work abroad the children left at home have estranged from each other. The mutual misunderstanding and the challenges in communication as if they speak different languages makes one feel that there is no respect for parents and children are blamed for such attitude.

One can teach a child respect by offering him/her love. The love for the child is like a blessing. Where there is no love, life brings no joy. The parents who have left to work abroad are trying to regain their children’s love by offering unconditional benefits, without teaching them respect. To learn to respect one needs role models. What should the children who don’t have such role models to convey respect messages do? What should the children who hear others judge their parents for the decision to leave do? How can a child learn respect in an environment in which they are no longer valued? This is why, it is the adults who should be the first to show respect, including for own parents, and children, in turn, will see what it means to respect your parents.

✓ **„Children without childhood, rushing through adolescence into adulthood.”**

The children whose parents leave to work abroad mature and become adults much faster because of the too many adult tasks and responsibilities they have to take on (cooking, housekeeping, doing the laundry, paying the bills, taking care of younger siblings). The teenagers who take over the adult role rush through the development stages.

Therefore, these children are at *risk* of labor exploitation either by the parents or the guardians who are taking care of them. Another risk is the lack of desire to start a family, since their family life picture goes to pieces also because these children have had enough of the family responsibilities.

The teenagers, in particular, will seek affection and appreciation not just from friends, but also in early intimate relationships. *„The lack of appropriate sex education and supervision may lead to intimate relationships, running away from home, high risk behaviors, which may result in sexually transmitted infections or even unplanned teenage pregnancy”.*<sup>3</sup>

On the other hand, many children find the life experience of being responsible for younger siblings or for taking care of the household helpful. Some of them claim that it is due to this experience that they have become more responsible, organized, and independent and have gained life skills.

### **Talking to children...**

„It is not easy to take care of yourself when your mom is away. It wasn't easy for me to get used to the change. Luckily my grandmother was with me and not for a moment did she leave me alone in my suffering. Step by step I understood that if my mother was able to make an important decision at her age, I can also do it. I decided to learn and have good performance at school and continue my studies in the country where my mother works. I stopped wasting time for fun; I used to help my grandmother a lot. I am lucky to have had a friend who was always there for me and we used to talk about girlish issues. With mom's help I was able to see the positive side of the situation. I had a goal and this helped me get through these challenges, learn the lessons that life taught me and become a fighter just like my mom and I have no regrets now.”

✓ **„The children who live for the moment and only for the pleasures of the present”**

The children whose parents work abroad have learned that they can get whatever they want very quickly. This behavior is learned through conditioning and reinforcement.

It is something common for children to feel happy when they get what they want. Even adults sometimes feel pleasant emotions and feelings associated with some effort or with the achievement of an aim. Ultimately every person needs positive emotions. Who teaches children how and when

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<sup>3</sup> C. Luca, A.S. Gulei, N. D. Azoitei „Social, psychological and legal assistance of children left behind by migrant parents: guidebook”, Association of Social Alternatives, Iași, Publishing House Terra Nostra, 2007.



to make the best of their positive emotions, and how to manage the negative ones? When one or both parents are away, the child has to inhibit the negative emotions like sadness, disappointment, fear, anger, and look for positive ones. This is why they seem to live for the moment and for the pleasures of the present.

✓ ***„The children who grow up without parents cannot become normal adults”***

There is no doubt that a family-friendly environment is the key to the development of a harmonious personality. On the other hand, hundreds of children who grew up in single parent families, either with divorced parents, or in vulnerable families, have become outstanding personalities. Thousands of children who grew up and were raised in residential environments have become successful adults.

This is why, the fact that the parents are away does not mean at all that children will not be successful when they grow up. There are many young and adult people in Moldova for whom growing up without parents was a tough experience, which, on the other hand, has taught them many life lessons and gratitude.

***People have the ability to fight and win. Every child has enough resources and potential to cope with challenges and build a better future for him/herself.***

***Remember:***

These are some of the preconceptions about the children left behind by migrant parents. Professionals should look beyond these preconceptions, approach the children unconditionally and understand that these children, in spite of the material benefits offered by their parents, are more vulnerable than others to the following ***risks***:

- *psychological abuse* from the parent or guardian who is taking care of the child, and from other people.
- *overloading* – taking on adult responsibilities (cooking, housekeeping, doing the laundry, paying the bills, taking care of the younger siblings etc.).
- *discrimination and social exclusion* - the children of migrant parents are perceived differently and are attributed attitudes and preconceptions mainly related to the fact that their parents have left to work abroad.
- *underdeveloped independent living skills*: making decisions, sound self-confidence, time and money management, controlling and showing emotions, building relationships and communication etc.
- *sexual abuse, child trafficking* - lack or inappropriate supervision of children makes them vulnerable to potential sexual abusers, child recruiters and traffickers.
- *limited access of children to healthcare, education and social benefits.*
- *illnesses* - the feeling of insecurity, worry, guilt, chronic stress may lead to depression, psychosomatic and eating disorders, sleep problems and behavior disorders.

It is the duty of the child protection professionals to overcome the preconceptions and assess every single case, trying to identify the reasons for a specific behavior and mitigate the risks to which the children left behind are exposed and to cooperate with the parents, guardians, other professionals to provide the support and protection that the child needs.

## WHAT ARE THE MAJOR NEEDS OF THE CHILDREN LEFT BEHIND?

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Regardless of whether parents are present or away, the needs of the children are the same. Addressing these needs helps the children's healthy development. In the case of the children whose parents work abroad, some of these needs, like the need for affection, approval, acceptance, safety and protection, are stronger. The absence of the physical contact and the feeling of loneliness, longing and sadness deepen them even more.

The **needs** of the children with one or both parents working abroad are:

- ***Need to feel safe and protected*** - the economic wellbeing does not necessarily involve what we call safety and protection; the apparent freedom the child enjoys because of the absence of the parent(s) does not mean that the former feels good. For life security, he/she needs to be supervised and guided, and also some boundaries and rules.
- ***Need for love and affection*** - lack of parental affection makes children keep looking for the thing or person that will satisfy their need for affective attention in order to feel emotional comfort. *Children want affection expressed in words and behavior.* Children need to be shown that they are loved simply because they *exist*, not for *who they are, what they do or don't do*.
- ***Need for attachment*** - attachment to somebody involves trying to be close to and looking for contacts with that somebody, especially when the child feels unsafe; the children without parental attachment may attach themselves to things or adults that they know will be always available, responsive and will help whenever help will be needed.
- ***Need for communication*** with the parents, grandparents, or guardian. The child wants to be heard, understood, and supported in his/her decisions. The child wants to be able to communicate freely, without being blamed or criticized. The child needs to articulate his/her emotions and feelings. Communication will help children know themselves better, shape their identities and self-esteem, discover the wider world with all its ups and downs. Through communication children will learn to seek and ask for help when in danger/at risk.

- **Need for approval and acceptance**, which can be conveyed in messages of appreciation, which have a very strong impact on the development of the confidence and positive self-image.
- **Need for encouragement, motivation and appreciation** - to achieve better results, every person needs that his/her small achievements are encouraged. All the children need to hear that what they do is important.
- **Need to have a family** – one of the children’s concerns when one of the parents works abroad is family stability; the child needs to know and feel that he/she belongs to a distinct group where there is harmony and love, understanding and patience; the failure to respond to this need distorts the perception of what a family is.
- **Need to be informed** about the parents’ decision to leave, about the changes that will occur after the parent(s) will leave, about the child’s life from then on: where and with whom the child will live, the role of the guardian, how his life will change, who will help him/her with homework, who will organize his/her birthday party, who he/she should turn to for help etc.

**Remember:**

The failure to address at least one of the child’s needs leads to a psycho-emotional and behavioral imbalance. Children are not able to understand what is going on with them from the emotional point of view because of the unmet needs; they do not have the appropriate skills to cope with the negative emotions. These emotions turn into inappropriate reactions or behaviors towards themselves and the others.

**The adult’s job is to identify the needs that underpin the child’s unwanted behavior and look for adequate ways to address those needs and the unwanted/inappropriate behaviors.**

The child’s problem behaviors should not change the adult’s perception of the child, but rather signal that something is wrong and that prevention measures and/or interventions are required.

PROBLEM BEHAVIORS, WHICH CAN TELL ABOUT UNMET NEEDS:	
<ul style="list-style-type: none"> <li>• isolation;</li> <li>• verbal or physical aggression;</li> <li>• lack of motivation;</li> <li>• frequent illnesses;</li> <li>• unexcused absences;</li> <li>• depression;</li> <li>• lack of interest in physical appearance;</li> </ul>	<ul style="list-style-type: none"> <li>• eccentric behavior;</li> <li>• conflict behavior;</li> <li>• reduced ability to focus;</li> <li>• irritability;</li> <li>• frequent frustration, anger;</li> <li>• hostility towards others;</li> <li>• fears and worries, etc.</li> </ul>

***To meet a child's needs is the responsibility of every adult. A child whose needs are met will become a balanced, confident, responsible, respectful and capable adult able to fulfill his/her functions and roles in life.***

## **WHAT TO DO BEFORE PARENTS LEAVE TO WORK ABROAD**

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The team of child protection professionals, including the social worker, teacher, psychologist, general practitioner, police officer and the local tutelary authority, has the noble mission to promote children's rights and protect them from imminent danger and risks.

In the context of migration, each professional has a responsibility to step in when they find out that a parent has decided to leave to work abroad.

*The interventions of the child protection professionals are regulated by the following legislation:*

- **The Family Code of the Republic of Moldova** of 26.10.2000, Chapter 10.
- **Law no.140 of 14.06.2013 on the social protection of the children at risk and of the children separated from parents.**
- Decision no. 270 of 08.04.2014 on the approval of ***the Instructions for the cross-sector cooperation mechanism for identification, assessment, referral, assistance and monitoring of the children victims and potential victims of violence, negligence, exploitation and traffic.***
- GOVERNMENT DECISION no. 290 of 15.04.2009 on the approval ***of the Rules for issuance of the child tracking certificate for the children who are left at home by the parent/guardian (custodian), a citizen of the Republic of Moldova, who temporarily works abroad.***
- **Law on labor migration** of 10.07.2008, Article 16.

### ***I. Assessment of the situation of the parents who wish to leave to work abroad***

*What can a professional do?*

- First of all, always keep in mind that most adults who decide to leave to work abroad do it when they are going through hard times materially and emotionally. The influence of the masses in these moments has more priority than the child. *Not all the people who wish to leave to work abroad are aware of the risks and side effects.*
- Without imposing any restrictions, without judging, have an honest and empathic discussion with the parent about his/her decision.
- Assess the family status: how many children are in the family, their age, and the education institutions they go to.

- Talk to the parent about the reasons that made him/her decide to leave, about the real employment opportunities, about the people who could provide support; assess whether the parent is aware of the changes that may occur.
- Talk with the parents about their plans for the children: who will take care of them, how they imagine their relationship with the children in the future.

***This assessment will guide the professional's future actions:***

- The younger the children are, the professional should try to make the parents, in particular mothers, understand how important their physical and emotional presence is for the children.

For a child to feel protected and to develop a sense of safety in the future it is critical that his/her family creates an environment where the child feels emotionally safe. In the early years of a child's life, his/her parents are responsible for building safe bonds with the child, by giving the love and respect that the child needs, by being there for him/her, sensitive and able to respond appropriately to the child's needs, especially in critical cases. Then the children know that no matter what, their parents will be there for them and support or protect them and they will receive the attention that they need. **Leaving or separating from children who are at an early age can lead to more serious disorders when they grow up.**

- If parents are confusing, provide inconsistent explanations, if they are nervous and emotional, and you feel doubtful about what they are saying, try to be sympathetic and, without being too pushy, try to persuade the parents that before leaving they should find out more details about their workplace. Tell these parents that you can help them with this. This is a way to suggest them that it is risky to leave before they are properly prepared and informed.
- If the children are at least of school age and the parents are properly informed about their future workplace, and the intention to leave to work abroad has been discussed within the family, the professional's intervention will confine to ensuring child protection: who will take care of the child, and where the child will live, establishment of guardianship, child tracking, recommendations to maintain the child-parent relationship.
- Before the parent(s) leave, the professional who will monitor the child will assess whether the parent(s) and the child is ready psycho-emotionally and mentally for this.

The family in which one or both parents have decided to leave to work abroad, for a short or longer time, **should be recommended** to ask for the help of the community psychologists, teachers, school counselors or social workers in order to learn how to minimize the psychologically traumatic experiences, which can be caused by this life event.

The parental responsibility involves the duties and the rights, which a parent of a child has in relation to the child and the child’s property. **The decision to work abroad does not limit, nor reduce the parental responsibility.**

The child protection professionals will talk to the parents who wish to leave to work abroad about:

- job safety in the country of destination;
- need to establish guardianship of the child to represent the child and assume the responsibility of taking care of the child while the parent(s) is(are) away;
- who will be the guardian of the child;
- the guardian’s rights and responsibilities;
- future plans for the child (visits, family reintegration);
- potential risks for the child-parent relationship, so as parents don’t have unrealistic expectations or illusions;
- the children’s needs and vulnerabilities, which intensify when the parents are away;
- how to communicate and maintain a positive child-parent relationship;<sup>4</sup>
- the need for parents to participate in the children’s life and activities even when they are away;
- the need to establish contacts with teachers, the general practitioner, social worker, local police officer.

## **II. Establishment of guardianship**

Once a professional finds out that a parent intends to leave to work abroad, he/she has to explain to the latter why it is important and critical to legally establish guardianship of the child.

BENEFITS OF GUARDIANSHIP	RISKS OF NOT ESTABLISHING GUARDIANSHIP
<ul style="list-style-type: none"> <li>• there is somebody to provide care, education and normal development for the child left at home;</li> <li>• there is somebody to secure the child’s rights;</li> <li>• there is somebody to prevent the risk situations;</li> <li>• there is somebody to monitor the child’s school situation;</li> <li>• there is somebody to take care of the child’s health;</li> </ul>	<ul style="list-style-type: none"> <li>• risks related to the child’s health;</li> <li>• the child is not protected from the negative influences;</li> <li>• there is nobody to take care of the physical well-being of the child;</li> <li>• there is nobody to take care of the child’s safety;</li> <li>• the risk of failing to warn and/or step in the case of housing related threats (flat, house, household);</li> </ul>

<sup>4</sup> See the brochure „20 questions and answers about children for the parents who leave the country”. [www.farahotare.md](http://www.farahotare.md)

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| <ul style="list-style-type: none"> <li>• the guardian can give/sign the agreement or disagreement with certain school events (e.g. trips);</li> <li>• while the parent is away, there is somebody to provide emotional support to the child;</li> <li>• there is somebody to help the child with the management of the money received from parents.</li> </ul> | <ul style="list-style-type: none"> <li>• The children can become attached to young/adult people who can have a negative influence on them.</li> </ul> |
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### ***Criteria for choosing the guardian***

Guardians and custodians can be the people above the age of majority, with strong moral qualities, whose health and material status allow them to raise a child. The guardianship and custody can be established by one person or a married couple. The guardian and the child will establish a family relationship, which will secure safety and comfort for the latter.

The person who will be taking care of the child:

- should be a reliable person;
- should have an adequate behavior and positive attitude towards the child;
- should be able to show affection;
- the child and the guardian should know each other for a longer time;
- the child agrees to be taken care by this person;
- the relationship between the child and this person and the latter's children is good;
- the child will receive appropriate attention and care, sympathy and affection;
- will be able to speak about other things than just food and school.

**A good relationship with the guardian is critical for the emotional wellbeing of the child left at home. A good relationship means emotional support, encouragement, guidance, protection, safety, which will help the child overcome the negative effects of the change.**

### ***Guardian's duties***

*The guardianship and custody* of the children left without parental care is established in order to ensure their education and training, as well as protection of their rights and legitimate interests.

*Guardianship* is established for the children who have not reached the age of 14. When the child is 14, guardianship turns into custody, without requiring any additional decision to be adopted by the tutelary authority.

*Custody* is established for the children between 14 and 18.

*Guardianship and custody* is established by the local government within one month from the receipt of an application for guardianship or custody based on a written no objection from the tutelary authority.

**The guardian (custodian):**

- has the right and obligation to raise the child, take care of the child's health and physical, mental, spiritual and moral development.
- taking into account the child's opinion, may choose the education institution and the form of education for the child, and has the obligation to make sure that the child attends the school till the end of the academic year when the child turns 16.
- has no right to prevent the contact between the child and the child's relatives, except for the cases when such contact runs counter to the child's interests.
- has the obligation to live together with the child. The custodian and the child who has reached the age of 14 can live separately provided there is the approval of the tutelary authority.
- has the obligation to inform the tutelary authority about the child's health status, upbringing and education, and relocation.

***Please note!***

The guardian assumes the parental responsibility, but this does not mean that the guardian's rights and obligations towards the child are identical to those of the child's natural parents. Establishment of guardianship does not involve the transfer of the parental rights and obligations to the guardian, as is the case of adoption, and the parental care provided through guardianship is more limited.

***Steps to establish guardianship***

1. Agreement between the parent(s), the child and the potential guardian.
2. To inform **the local tutelary authority and/or the child protection professional** about the decision to leave and entrust the child to a guardian.
3. To submit an application for the guardianship of the child to mayor.
4. Registration of the contacts (address, telephone number, workplace) of the parent(s) in the country where they work and how long they will be missing.
5. To inform the **Social Assistance and Family Protection Department** about the decision to leave and entrust the child to a guardian.
6. To apply for the **Child Tracking Certificate**, issued for every child who was left at home by the parent/guardian (custodian), a citizen of the Republic of Moldova, who works temporarily abroad.

There is no specific template for ***the application for guardianship***, but it shall indicate:



- the identification data of the applicant for guardianship (custody), address and phone number;
- the identification data of the child for whom guardianship or custody is requested and the reason why he/she is left without parental care (e.g. parent has left to work abroad);
- the identification data of the child's parents;
- other data that may be useful for the tutelary authority to establish guardianship (custody);
- the request to establish guardianship (custody);
- signature;
- date.

*GOVERNMENT DECISION no. 290 of 15.04.2009 on the approval of the Rules for issuance of the child tracking certificate for the children who are left at home by the parent/guardian (custodian), a citizen of the Republic of Moldova, who temporarily works abroad provides for the following:*

- 1. The child tracking certificate** shall be issued by the social assistance and family protection units/departments, which act as tutelary authority, upon the request of the parent/guardian (custodian), who is a citizen of the Republic of Moldova, who leaves temporarily to work abroad.
- Besides the application for the child tracking certificate:
  - a. the child's parent shall submit the following:*
    - ID (copy);
    - spouse's ID (copy);
    - marriage/divorce/death certificate of one of the child's parents (copy);
    - child's birth certificate (copy);
    - family membership certificate, issued by the local government, the housing maintenance service or by other institutions, which manage the housing stock.
  - b. the guardian (custodian) shall submit the following:*
    - ID (copy);
    - child's birth certificate (copy).
- When a parent leaves to work abroad and **the child is left with the other parent**, the applicant will also submit a certificate, which acknowledges that the parent who will be taking care of the child is able to exercise the parental rights and responsibilities in accordance with the Family Code, issued at the parent's place of residence by the tutelary authorities in the first level administrative-territorial units and by the sector departments dealing with the care and protection of minors in the Chisinau municipality.
- If a **child that is left in the country remains without a legal representative** when the parent/guardian (custodian) leaves to work abroad, the tutelary authority will indicate in the certificate the type of protection to be applied on the child according to paragraph 2), art.12

of the Law no.140 of 14.06.2013 on the special protection of children at risk and of the children separated from parents.

5. The social assistance and family protection units/departments and the Department for Care and Protection of Minors in the Chisinau municipality will issue the ECPAMS-1 certificate for the cases indicated in point 3, and ECPAMS-2 certificate for the cases indicated in point 4 in accordance with the annexes no.1 and no.2 to these Rules.
6. A certificate will be issued for every child that is looked after by a guardian.

## WHAT TO DO AFTER PARENTS LEAVE TO WORK ABROAD

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***The duties of the child protection professionals related to the promotion and protection of children's rights.*** Regardless of the child's situation and the reasons for leaving abroad, THE CHILD HAS TO BE PROTECTED and all the child protection professionals are expected to provide quality services.

When interacting with children, including the children whose parents work abroad, the professionals must:

- treat all the children equally;
- make sure that, in all their actions concerning children, the latter's interests are a priority;
- keep in mind the age characteristics and maturity of the child;
- provide the opportunity for the children to express freely their own views on issues that concern them,
- help children realize their right to receive the education that would enable the development of their skills and personality without discrimination;
- contribute to the protection of the rights of the children to achieve the best standard of health possible and to receive health care;
- ensure the protection of the child's right to be protected against all forms of violence, negligence, exploitation and trafficking;
- support the children in realizing their right to participate in leisure, cultural, artistic and sports activities at community level, notifying the local governments about the services required for this purpose (playgrounds, sports clubs, children clubs, cinemas, theaters, libraries etc.)
- allow an ongoing information flow among professionals, so as to get an objective and comprehensive global picture of the situation of the child left behind.

Every professional involved in child protection should follow a couple of **working principles** when communicating with the children left behind.

**Recommendations:**

- every time you visit the child tell him/her about the purpose of the visit/discussion;
- explain to the child that every professional is there to provide support and assistance while his/her parent(s) is(are) away, to help maintain the child's relationship with parents and find solutions for a safe and the best environment for the child's development;
- give your assurances that you are not going to control either the family or the child;
- give your assurance that the child will not be separated from the family/taken away from home (some children are afraid that they will be institutionalized);
- assure and convince the child that he/she bears no blame for the decision of the parent(s) to leave to work abroad;
- assess the problems the child is facing and find the most appropriate solutions depending on the severity of those problems;
- assess the quality of the relationship between the child and the guardian/custodian and identify the required interventions if appropriate.

**The discussions with the child should take place in an open, welcoming, supportive, but neutral environment and should be based on respect and trust.**

**All the professionals have the obligation to inform immediately the local or regional tutelary authority about any suspicion of child abuse and neglect.** If there are good reasons to suspect that the children's life and safety are threatened, the representatives of the multidisciplinary team have the right to make home visits to see if the children are well taken care of, what is their health and physical development status, level of education and professional training, and provide guidance if necessary.

**Specific duties and recommendations**

➤ **Local tutelary authority**

*The local tutelary authority* has the following duties related to the protection of the children left behind:

- a) to receive and record the allegations of violation of the children's rights; to activate its own proceedings when children at risk are identified;
- b) to follow up on the allegations of violation of children's rights;
- c) to assess the situation of the families with children at risk and children separated from parents;

- d) to take the children away from the persons who take care of them if it suspects that there is imminent danger to the children's life and health;
- e) to establish the guardianship/custody of the children whose parents work abroad;
- f) to cooperate, at local level, with the institutions, entities and services with child protection duties;
- g) to coordinate the monitoring process of the families with children at risk and children separated from their parents;
- h) to coordinate the efforts to assess the situation concerning the protection of the children at risk and of the children separated from parents at local level;
- i) to work together with the regional and central tutelary authorities to protect the children at risk and the children separated from parents, including by sharing information on issues for common interest.

➤ **Teachers**

The representatives of the education institutions (nursery school, middle school, high school) have the obligation to inform the local tutelary authority when they find out that a parent/s of a child has/have left to work abroad.

*To prevent the negative effects, teachers will:*

- keep in touch with the parents via the agreed channels (Skype, e-mail, Viber, phone etc.);
- warn the parents who work abroad about any danger or risk situation for their children;
- be open and responsive to the children's needs;
- be aware of the wishes and interests of the children and their friends;
- observe the behavior and psychological changes in children;
- offer emotional support to the children left behind;
- engage the children in activities, including extra-curricular ones;
- inquire into the relationship between the children and the parents/guardians who are taking care of them;
- mobilize support groups to support the children left behind;
- mobilize support groups for grandparents and guardians in order to provide support to them and prevent the negative effects on children;
- inform the parents and the people who are taking care of the children about the risks when children are not ready to let their parents go, the risks of having an unhealthy relationship with the child;
- refer children to other community services.

➤ **Social worker**

The professionals in protection of children's rights, and in their absence – the community *social assistants*, will assess and monitor the situation of the children left behind. Even when only one of the parents is away, the situation of the parent who is taking care of the child has to be closely monitored to assess if that parent is able to respond to the child's physical, emotional, educational

and healthcare needs. The social worker can organize *outreach activities* with parents about the risks of non-establishment of guardianship and of not informing the local tutelary authorities that they intend to leave.

### ➤ **Psychologist**

The psychologists (employed in the education institution or in the Psycho-Pedagogical Assistance Service) should be seen as part of the team of child protection professionals. Their role is to do the appropriate assessments and further cooperate with other professionals to provide the best services for the children. When needed, the intervention of the psychologist from some other institution (e.g. some day care center nearby) may be requested.

The psychological evaluation of the children left behind should inform the decisions related to the design and implementation of child- and family-centered psycho-social interventions.

*The objectives of the psychological evaluation* of the child left behind are to:

- identify the child's psycho-emotional and/or behavioral disorders (nature, form and severity of the disorders or developmental deficits, types of the affected mental processes);
- assess to what extent the child's problems are related to his/her development, family and social background (the quality of the relationship with the family members and with the guardian and the guardian's family, type of attachment, important life events and changes etc.);
- assess how the child relates to the fact that the parent/s is/are away and to the current situation and assess the child's psycho-behavioral reactions.

*The main goal of the psychological intervention* in the case of the children left behind is to make sure that they are ready to cope with his/her parents' absence and to rediscover the feeling of security in the child-parent relationship.

**The psychologist** of the education institution together with the **head of the class** can organize **interactive activities** with children aimed to prevent the negative effects of migration (e.g. seminar, debate, training or workshop). The purpose of these activities is to:

- build and develop the skills of assertive communication and relating with other children and adults;
- acquire adaptation skills to cope with the age-related changes and the challenges facing the children;
- build and reinforce a realistic self-image and positive self-esteem;
- understand own emotions and learn self-control strategies;
- develop the responsibility for own actions and decisions;
- develop a positive attitude to others and to the wider world;
- develop the learning and personal development skills;
- develop the skills for exploitation of learning and professional pathways.

The role of general practitioners is to monitor and maintain the health of the children left behind.

*The general practitioner:*

- has to monitor the child's health condition;
- has to organize *outreach workshops* on healthy eating, the risk of drug use, changes that occur during puberty and adolescence, sex education;
- may organize support groups for girls and boys in order to prevent health-related risk situations from happening;
- has to track the immunization program;
- has to make regular home visits to the child for supervision purposes.

➤ **Police officer**

The local police officer is responsible for the security of each and every child.

*The interventions of the local police officer aim to:*

- make sure that the school-age children in the community attend school and do not wander the streets (abandoned houses in the outskirts of the locality) together with suspicious people;
- make sure that the school discipline is applied respecting the child's human dignity;
- organize *outreach workshops* on the risk of use of alcohol, drugs and other toxic substances and of antisocial behaviors, about prevention of accidents etc.

## CONFIDENTIALITY OF INFORMATION ABOUT THE CHILD AND THE CHILD'S FAMILY

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**Confidentiality ensures a better protection for the child and the child's family. If they know that the professionals will not disclose the information, children, and parents will be more willing to ask for help and cooperate.**

The child protection professionals (tutelary authority/mayor, social worker, general practitioner, police officer, teacher, educator, psychologist etc.) **have the obligation** to not disclose or make public the data and information about the beneficiaries of social assistance (child, parent(s), without their consent.

The professionals have the obligation to ensure the confidentiality of the data collected while providing assistance to the child and the child's parents and any information related to the documents prepared or submitted by the child and parent(s) even after they are no longer in service, unless otherwise prescribed by law.

### *Exceptions from the confidentiality rule*

There are cases when confidential information may be disclosed to a third party. The child protection professionals have the obligation to inform the child, parents and guardian about the confidentiality rule and the exceptions from that rule. This information may be shared either verbally or printed. Not doing it is not only unethical, but also can cause potential problems.

Exceptions from the general confidentiality rule are those cases when disclosure is necessary (emphasis added: not „ allowed” , but „necessary”):

- to protect public health,
- to prevent an imminent danger,
- to prevent a criminal offence or its result from happening or to address its damaging consequences.

## Legislative references and other useful resources:

### [Law no. 180 of 10.07.2008 on labor migration](#)

According to the provisions of art.16, point d) and art.22 par.(3) point d) of the Law no.180, the parent/guardian (migrant worker) has the obligation to submit to the National Employment Agency according to the procedure approved by the Government a confirmation document, issued by the relevant child protection institutions in the district/locality of residence of the parents, on the tracking of the minor children who are left in the country.

### [Law no. 140 of 14.06.2013 \(in effect since 01.01.2014\) on the special protection of the children at risk and the children separated from parents.](#)

I. Art. 1 of the Law no. 140 sets out the procedures for identification, assessment, assistance, referral, monitoring and tracking of children at risk and the children separated from parents, as well as the authorities and the entities responsible for their application.

II. Art. 2 of the Law no. 140 defines the following terms:

„child separated from parents” – a child whose parents are absent, including the parents who have left to work abroad, a child taken away from parents because of imminent danger to the child’s life and health, and the child who has been attributed the status of a child temporarily without parental care or of a child without parental care;

“local tutelary authority” – mayors of villages (communes) and towns;

„regional tutelary authority” – social assistance and family protection units/departments and the Municipal Department for Child Protection Chisinau. In Balti and Chisinau municipalities the regional tutelary authorities also perform the duties of a local tutelary authority, except in the autonomous administrative-territorial units that relate to them where the local tutelary authorities are the mayors of the administrative-territorial units;

III. According to Art. 13, par. (4) of the Law no. 140 the parents/ parent who intend/s to leave to for more than 3 months and whose children are left in the Republic of Moldova before leaving must inform the local tutelary authority about who will be taking care of the children.

### [Government Decision no. 290 of 15.04.2009 on the approval of the Rules for issuance of the child tracking certificate for the children who are left at home by the parent/guardian \(custodian\), a citizen of the Republic of Moldova, who temporarily works abroad.](#)



**Organizations that provide consultancy on safe employment abroad:**

<http://www.migratie.md>

<http://www.migratiesigura.md/>

<http://www.nexus.md>

<http://www.brd.gov.md/>

**Useful websites:**

[www.farahotare.md](http://www.farahotare.md)

[www.tdh-moldova.md](http://www.tdh-moldova.md)

<http://childhub.org/ro>

[http://www.salvaticopiii.ro/upload/p000600010002\\_Ghid%20educatie%20parentala.pdf](http://www.salvaticopiii.ro/upload/p000600010002_Ghid%20educatie%20parentala.pdf)

<http://www.drepturilecopilului.md>

[www.suntparinte.ro](http://www.suntparinte.ro)

[www.desprecopii.ro](http://www.desprecopii.ro)

[www.proeducation.md](http://www.proeducation.md)

<http://www.parintibuni.ro>

<http://sfatulparintilor.ro>