

Children's Institutionalisation under Question: Policies, Discourses and Practices in Argentina's Child Protection System

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Introductionⁱ

From the 1940s onwards, different researchers in the West began to question the effects that early separation from their families, and subsequent institutional care, can have on children's future developmentⁱⁱ. In response to these studies, child protection agencies began to direct their efforts towards working out solutions with the families of origin, so that they could look after and protect their children rather than removing children from their parents and placing them in institutions, mostly in orphanages. When that was not feasible, fostering became preferred to institutional care (Daguerre, 1999; Garcia, 2011; Rose, 1999).

In addition, the 1970s also witnessed the publication of several academic works critical of state interventions in poor and marginalised sectors. Foucault's and foucaultian critiques of the "social control" undertaken by various state institutions and agencies (for example, those put forward by Jacques Donzelot and Philippe Meyer) were then revisited and applied to the world of social work (Daguerre, 1999; Lenoir, 1997; Serre, 2009), not only in France, but also in other western countries. As Valerio Ducci (2003) points out, in Italy these critiques, and those concerning psychiatric institutions made by Irving Goffman and Franco Basagliaⁱⁱⁱ, led to a profound questioning of the system of orphanages.

From the 1990s onwards, thanks to the 1989 Convention on the Rights of the Child (CRC), the idea that children must live with their parents, that the parents are entitled to appropriate assistance in the performance of their child-rearing responsibilities, and that all separation must be the result of exceptional circumstances (articles 7.1, 9.1, 18.2 CRC) have become inalienable rights for all children. Thus during the last decade of the twentieth century, reliance on institutions designed to shelter children "at risk" started to be replaced with other types of intervention and alternative childcare options. First, families of origin began to be considered the best place for child development, and to be assisted and supported. Second, orphanages began to be replaced by small residences where a few children received

personalised care. Third, foster and adoptive families began to be encouraged in cases where children could not be cared for by their families.

In Argentina child protection policies have also undergone various transformations during the second half of the twentieth century. Yet, despite all the changes, it was only in 2005, fifteen years after endorsing it, that the state there adapted the local laws on child protection to the principles of the Convention on the Rights of the Child. A new law was then passed, modifying the age-old protection system based on the 1919 Law on the Patronage of Minors (*Ley 10903 de Patronato de Menores*). In this new context, the separation of children from their families, hitherto a common practice, has finally become a measure of last resort. However, in the city of Buenos Aires, where I based my study, there exist few policies to strengthen and support families in difficulty while foster care programmes are non-existent.

Without seeking to assess whether or not the new law is applied correctly, my aim in this article is to show that, in the studied context, the attempt to avoid child institutionalisation can lead professionals to keep children with their families just as much as it can lead them to promptly remove them from their family environment. Indeed, on one hand the attempt to avoid the experience of institutional care can make them delay or permanently postpone the separation of children from their parents, even if the child's integrity is thought to be compromised. On the other hand, this principle can also lead professionals to shorten the child's stay in residential care and rush the adoption process. The various arguments put forward by practitioners to justify either decision, as well as the implications of these practices on the lives of children and their families, are the object of analysis in this article.

Methodology

The cases selected for this paper were surveyed within the framework of an ethnographic study conducted during 2007 and 2008 in various institutions that are part of the child protection system in the city of Buenos Aires^{iv}. The fieldwork covered two district offices (*defensorías zonales de protección de derechos*) of the Council on the Rights of the Child and the Adolescent (*Consejo de los derechos de los niños, niñas y adolescentes*), the local administrative body for children's protection. Through its *defensorías zonales*, located in different neighbourhoods throughout the city, the Council receives reports and allegations of "threats to or infringement of the rights" of children. These offices are staffed by lawyers, psychologists and social workers who approach cases in an interdisciplinary fashion. Due to

their proximity to different slums, the selected *defensorías zonales* deal with poor and extremely poor families. I carried out an extensive study in these institutions, observing their work for nine months, conducting in-depth interviews and conversations with practitioners, observing their interactions with families and reviewing 39 files of interventions with children and their families. Additionally, I collected data from a family court. There, I reviewed 13 judicial files and conducted interviews with different judicial agents. These enquiries were part of broader field work developed for my doctoral thesis, which examines the state's political and moral treatment of "child abuse" through a combined socio-historical and ethnographic framework.

The three cases that I will analyse in this article have been re-constructed through the information contained in the samples of administrative and judicial files. The study of the first and last cases was also enhanced by the observations and exchanges held with the professionals in charge of one of the district offices surveyed. As will be shown, whereas in the first two cases the children are institutionalised and later put up for adoption, in the third, they are left with their parents, even when "neglect" is expected to continue. These decisions resort to different arguments and moral justifications. Yet they are all rooted in a common goal: sparing the children the experience of institutional care and giving them the possibility of living within a family.

Context of Research

In Argentina by the late 1980s, some years after democratic institutions of government were re-established^v, the child protection system was strongly questioned by an incipient children's rights movement, formed by activists in close contact with international human rights movements. While the international community debated what would later become the text of the 1989 Convention on the Rights of the Child, in the local arena that movement progressively consolidated (Grinberg, 2014). These activists not only insisted on the need to ratify the Convention and bring local laws and policies in line with its principles, but also denounced the arbitrary nature of the child protection system based on the 1919 Patronage of Minors Law (Law 10903). The "de-judicialisation of poverty", "deinstitutionalisation of children", and the protection of their rights gradually became the main topics of a new "discursive front" around childhood (Fonseca and Cardarello, 2005; Villalta, 2010a:11)^{vi}.

In this context, the judiciary was accused of excessive intervention and of abusing the practice of separating poor children from their families by means of “institutionalisation”. This practice, the long-term confinement of children in orphanages for their protection and care, was strongly criticised. Insufficient efforts to return children to their families, impersonal care, institutional violence characteristic of these enclosed spaces, as well as the longer-term negative effects on children, were among the objections that began to be made against orphanages which had thus far sheltered “materially or morally abandoned or morally endangered minors”^{vii} (Law 10903).

In October 2005, after many years of parliamentary debate, Argentina passed the Comprehensive Protection of the Rights of the Child and the Adolescent Law (*Ley 26061 de Protección Integral de los Derechos de las Niñas, Niños y Adolescentes*), in line with the principles of the 1989 UN Convention on the Rights of the Child. It is likely that the political context and the Argentine state's commitment to human rights issues facilitated the approval of this long-awaited bill. The new law replaced the 1919 Patronage of Minors Law and a series of judicial rulings inspired by it. In order to avoid the old condemned practices of “judicialising poverty” and separating children from their families through institutionalisation, this law established three main guidelines. First, that judicial intervention must be limited to the most serious cases in which the child should be separated from his or her parents. Except in exceptional cases, the judiciary must only intervene when administrative measures adopted to protect the children within their families have failed, and no longer in the first instance as was the case until then. The second guideline states that separation should be used only in extremely serious circumstances and for the shortest period of time and, if possible, with the extended family rather than in an institutional placement. Finally, the law prescribes that parents' lack of material resources can never be used as a justification for removing the children from their care. In that case, the state must take measures to remedy the situation while allowing the children to stay with their families.

In spite of these initiatives, Argentina is a federal country and it is up to each provincial government and the Autonomous City of Buenos Aires to adapt their laws and implement their policies in accordance with the new national legislation. Buenos Aires, for instance, initiated reforms in its child protection system even before the 2005 law had been passed. In 1998 it passed Law 114 on the comprehensive protection of children and adolescents (*Ley de protección integral de los derechos de niños, niñas y adolescentes*) and established

measures to limit judicial intervention into the most serious cases. However, these initiatives were not well received within the judicial institutions, whose actors resisted relinquishing the monopoly they had long enjoyed over such interventions. The 2005 national law changed this scenario and opened up a new stage in terms of child protection policies at the local level (see Villalta, 2010b). As has been previously mentioned, this law allocates a leading role to administrative bodies dedicated to the protection of children. Not only does it give them the power to adopt extra-judicial protection measures, but it also allows them to evaluate and determine the cases in which it is necessary to request judicial intervention.

In the city of Buenos Aires, however, the process by which child protection policies were finally "de-judicialised" has not been met with enough resources to allow professionals in charge of the local children's protection bodies to perform quality interventions with the families, to strengthen their role in terms of care and protection. Furthermore, despite the fact that from the 1990s onwards residential child care institutions^{viii} have been replacing orphanages, albeit very slowly, no programmes have been created to encourage the introduction of foster families^{ix}. As a consequence, not only are there limited preventative measures against the separation of children from their families, but also, when it is determined that such separation is necessary, and there is no extended family available to look after the child, institutional placement becomes the only possible option.

Within the judicial and administrative bodies dedicated to children's protection, the reputation enjoyed by the residential care institutions varies. Whilst some of them are held in high regard, others are accused of reproducing, on a smaller scale, the deleterious practices traditionally associated with orphanages. In any case, even when a placement is carried out under optimal conditions, there is agreement that, due to its impersonal nature, institutional placement can have negative consequences on children's upbringing and future development. However, given the lack of policies strengthening and supporting families in difficulty and the non-existence of foster care programmes, how might professionals in charge of children's protection agencies in Buenos Aires avoid the institutionalisation of children when there is no extended family available to look after the child.

To answer this question, in the following section I will present the cases of three extremely poor families, whose adult members have been considered by child protection institutions as "negligent". As the analysis will show, in a context where new laws based on the rights approach prohibit the institutionalisation of children on the basis of their poverty, and where

the category of “moral or material abandonment or moral danger” has been strongly criticised, new intervention categories such as “neglect” have come into play (Cardarello, 2000). Indeed, the 2005 law recognises that parental “neglect” infringes on children’s rights to “dignity and personal integrity” (art. 9, law 26061) and establishes several measures to address these situations. However, neither the law nor its regulations determine which acts fall under the definition of “neglect”. As we will see below, within the administrative and judicial child protection institutions, the cases classified under this category are subjected to different treatments.

Data

The first case concerns the Arévalo family who lived in the Pergamino slum and whose children were declared “adoptable” by the family court. Juana and Roberto had three young children and a complicated relationship: they accused each other of violent behaviour. In early January 2008, Juana threw her husband and children out of their hut. The *defensoría zonal* of *Las Lomas* neighbourhood was informed of the children’s situation by the healthcare centre. With neither a house nor a stable job, and without family or community support, it was impossible for Mr. Arévalo to take immediate care of the children. Given the urgency of the situation, and unable to offer alternative solutions, the *defensoría zonal* decided that the children should be temporarily admitted into a residential care institution until their father could provide for them.

Over the following months, Mr. Arévalo regularly visited his children, showing his interest in recovering them. Initially, his attitude was seen positively by professionals, and they authorised Mr. Arevalo to take his children for daily excursions. Yet, shortly after, the practitioners of the residential care institution determined that Mr Arevalo was not showing “*indicators of consistency in his parental functions*”. This assessment was shared by the staff of the *defensoría zonal* who, after nine months of institutionalization, considered that it was proper to request the “status of adoptability” (Law 24.779, 1997) of the Arévalo children from the court.

Two kinds of arguments were offered by practitioners of the *defensoría zonal* and the residential care institution to justify this course of action. First, there were concerns about the parents’ attitudes and the performance of their “parental roles”. The mother, who had never

visited her children at the residential care institution, stated that she did *“not want to live with them”* and that she *“wanted them to be put up for adoption”*. The father not only exhibited a lack of *“indicators consistent with the fulfilment of a parenting role”*, but also showed signs *“from his [Bolivian] culture of origin”* that *“reproduce in his discourse”* many of his *“beliefs and rearing methods”* which place the children at *“high risk”*. In addition, he was portrayed as *“a person of advanced age who works daily in the informal sector (...), has poor health and no family or friendship networks to supplement his role or assume it in his absence (...)”*.

The second type of argument put forward to persuade the judge concerned the urgency of the children's adoption. Crucially, the latter point related to the negative long-term effects on the children of their experience in a residential care institution. Perceiving it as a traumatic experience the practitioners of the *defensoría zonal* attempted to:

(...) ensure that the Arévalo children do not become victims of long-term institutionalization, which would negatively affect their emotional development by making them attached to their care-takers at the home and by making their exit from the institution more traumatic.

In an informal conversation, these arguments were also mentioned by Lucas, a practitioner and a member of the staff of the *defensoría zonal* who intervened in this case. On that occasion, Lucas mentioned the great difficulty of working with the parents and invoked *“cultural issues”* to explain the father's plan to leave the eldest daughter, a seven-year-old, in charge of her younger siblings while seeking the means to support his family. Lucas argued that *“this might be practicable in a rural area, but not here. You can't leave children alone in a hut, on the streets”*. As can be seen, Mr. Arévalo's *“parental incapacity”* is once again judged according to *“out-of-context culturalist practices”* (Sheriff, 2000:104) rather than against the material difficulties that lead him to take such a decision. Therefore, in order to prevent the children from being put up for adoption, Lucas said he tried to persuade Mr. Arévalo to return with his children to Bolivia, where he was born and where he supposedly had relatives who might help him raise his family. But he refused, explained Lucas, making Mr. Arévalo fully responsible for the fact that the children had been put up for adoption.

Yet, Lucas acknowledged that the staff at the residential child care institution had not done much *“re-bonding work”* between the children and their parents. Moreover, he confessed doubts as to whether he and his team took the right course of action by asking the judiciary to declare the *“adoptability status”* prematurely. But these doubts were quickly brushed aside

when the practitioner recalled the Arévalo children's ages: "*They are too young to live in an institution. It would be different if they were older*" (field notes, January 13, 2009). Thus it becomes apparent that practitioners find unconscionable the idea that young children may grow up in an institution deprived of family affection and care. Ultimately this justifies the claim that they need to be adopted by a new family.

Similar arguments justified the declaration of the "adoptability status" of the Donato siblings, one year after their institutionalization. These are Laura and Lorenzo's children, eight siblings from one to 14 years old. In September 2005, one month before the Law 26061 was enacted, the case was reported to the *defensoría zonal* of another neighbourhood by the healthcare centre in the Madariaga slum. The *Defensoría zonal* resolved to summon the parents. When they failed to appear, the institution asked the court to intervene, without making any further attempt to establish contact with the Lorenzo household. According to reports made by the *Defensoría zonal*, only the oldest children attended school. Moreover, several of the Donato children were underweight. This situation was compounded by both parents' serious drug and alcohol addiction.

In view of "*the parents' negligence and abandonment*", the Court decided that the children must be placed in a residential care institution, but this only became effective a year later, in August 2006. In subsequent months, Laura and Lorenzo asked for help to deal with their drug-addiction but got no answer from the healthcare services. Meanwhile, their situation became extremely precarious: they lost their dwelling in the slum and they had no choice but to sleep on the streets. At the same time, their drug-addiction problems and general health worsened. And, although at first they used to visit their children, the residential care reports state that they gradually stopped doing so:

Ever since the children's admission into residential care, their parents have been absent for long periods and shown lack of interest in making contact with them (...) [They are] utterly incapable of assuming parental responsibilities to satisfy the children's affective or material needs. In order to pay for their addiction, they would sell the food they received, as well as the clothes given to their children by neighbors (...) [A request is therefore made to consider an] intervention strategy aimed at avoiding the siblings' chronic institutionalization (through a foster care programme or adoption) with a view to reducing its risks for any child's subjective development in the mid- to long-term.

Here, as in the previous case, two main arguments are presented by professionals to justify children's adoption: the parents' attitudes and the quality of their "parental roles" on the one hand, and the harmful effects of the experience of institutionalization, on the other. In this context, in order to avoid prolonged institutionalisation and to give the children the experience of family life, adoption becomes the solution at hand. Paradoxically, the alternative of foster care is often suggested in the residential care institution reports, even though in actual fact such programmes do not exist in the city of Buenos Aires. By default, adoption becomes the only option.

The negative effects of extending an institutional placement are also mentioned in the report submitted by the *defensoría zonal* to the court. One of these states that:

To extend the provisional and unstable situation to which [the children] are subjected, while waiting for a shift in their parents' behaviour, entails not only exposing them to future risks for their development, but also depriving them of the opportunity to grow up in and belong to a stable family.

In October 2007, after declaring the Donato children's "state of abandonment", the family judge declared their "adoptability status". At that moment, the search began for an adoptive family who could take care of the siblings. However, one year later, at the time of my field work in this family court, the children were still in the residential care institution, with no prospects of an adoptive family, and completely estranged from their parents.

As we have seen, the concern to avoid institutionalisation can lead, sometimes fairly quickly, to implementing adoption. But as we will see now, this concern can also lead practitioners to leave children with their families, even in the face of serious difficulties in their fulfilment of "parental roles". The case of the López family may illustrate this point.^x In July 2006, the Las Lomas *defensoría zonal* was informed by a school of the circumstances of two of its students. The López were three siblings, two-, ten- and twelve-years-old, who lived with their parents in a squat, together with other families. Their housing conditions were extremely precarious. Yet, other more pressing issues finally led to a practitioner-led intervention. First, there were suspicions that the 12 year-old girl was prostituting herself. Second, there was evidence that the parents had neglected to seek medical care when the youngest brother had fallen ill. Third, the mother was heavily pregnant, yet attended no medical check-ups.

In order to keep the family united, this time, the practitioners set in motion a series of interventions aimed at working together with the parents. Alongside scheduling regular

meetings with the *defensoría zonal* staff, medical check-ups at the hospital were arranged for the children while the parents were referred for psychological treatment. In addition, the intervention of a social worker from another service was requested in order to carry out a closer and continuous follow-up of the López family. However, this type of resource, not only is scarce but also takes an extremely long time to be allocated. And, although the parents attended the summons from the *defensoría zonal* staff, there were no signs that they were undergoing psychological treatment. Convinced of the importance of keeping the children with their parents and of the harmful effects of placing them in residential care, the *defensoría zonal* staff chose to focus its efforts on the extended family. Yet this initiative failed too.

During my time at this *defensoría zonal*, in mid July 2007, I heard practitioners discussing this case. Although the possibility of institutionalising the children was always available, practitioners consistently chose to wait as long as they could. Why did they do so? The key to answering this question can be found in the following extract from an interview conducted with Mariana, a young social worker from the team in charge of the López's case:

Above all, I don't want to separate the girls. One of them is already twelve, almost thirteen; the other's ten. They've had a lot of life experience with their parents (...). The thing is, I feel the issue of housing thoroughly defines these people. But I just feel that (...), even if you gave them a good house, these parents are both mentally ill. Both of them! (...) It's just that I also know that they only got to this point because of the things they had to experience; because they suddenly lost everything they had, their jobs (...), and one thing led to another, and now they live in subhuman conditions, you know? And it's so hard for me. First, because I understand them in that sense, and second, because I can't bring myself to separate these girls, who already have a sense of what it is to live with their parents, to send them to a residential care (...)
(interview with Mariana, Las Lomas *defensoría zonal*, July 2007).

Two intertwined reasons deterred this practitioner from favouring the Lopez siblings' institutionalization. On the one hand, although she believed that the parents were neglecting their children, and that this was a consequence of their alleged psychiatric problems, she also stated that these could not be explained without reference to the situation of poverty and marginality that has historically characterized the experiences of this family. That is to say, even though she acknowledged that the children are not being taken care of, she also

claimed that institutionalizing them without doing anything to improve their housing conditions, without even engaging a social worker who might closely follow the parents over a period of time, strengthening them in their parental roles as prescribed by the 2005 Law, would have somehow amounted to criminalizing poverty. On the other hand, Mariana put forward a second kind of argument to justify non-institutionalization: in her view, these girls have “*life experiences*”, affective ties that bind them to their parents, built over many years; to breach these would have had negative effects on the development of the children’s subjectivity. In this context, she considered it to be better to try to change these parents’ behaviour than to place the girls in residential care, from which they would probably escape.

In late 2007, their mother gave birth to a baby with health problems requiring special care. With the parents’ consent (the mother and her new partner), and in order to avoid the institutionalisation of the baby, the practitioners gave custody to the paternal grandmother. However, noting that the arrangement was not observed, and the baby was once again under the care of her “*negligent*” and “*mentally ill*” mother, the practitioners ultimately decided to admit the baby into a residential care institution. The three oldest siblings, however, were still living with their parents at the time I finished my field work at the *defensoría zonal*, in January 2009.

Discussion

The cases described above belong to interventions deployed around one category: “child neglect”. In line with Andrea Cardarello’s (2000) argument, this term, which includes a number of different situations in which the care provided by parents to their children is deemed inadequate or insufficient, has, within the local context, absorbed pre-existing situations of poverty which before the 2005 law were commonly referred to as “material or moral abandonment”. Or, as I have discussed in more detail elsewhere (Grinberg, 2012), at least, two “moral approaches” (Paillet, 2007) coexist within the children’s protection institutions and shape the discourse and practices on child neglect.

The first two cases illustrate a “moral approach” based on an individualising logic that appeals to people’s accountability and their desire for change. From this perspective, the parents’ behaviour was dissociated from the social context it stemmed from, and often explained in psychological or cultural terms. Although the first few reports in the Donato family’s judicial file described their subhuman living conditions, these descriptions eventually

receded in favour of accounts of the parents' negligent behaviour. Something similar happens in the Arévalos' case: references to the family's material hardships, which first motivated the children's temporary institutionalisation, gradually disappeared as the mother's "abandonment" and the lack of "indicators of consistency in the fulfilment of the father's role" gained strength. On the other hand, the third case illustrates a *social* "moral approach" to parental neglect, according to which the neglect is related to the situation of structural poverty and violence that these families are subjected to. This is clearly visible in the social worker's discourse, both in terms of how she interpreted the López parents' behaviour towards their children as well as in the contradictory feelings she had about separating the children from their parents, having been unable to provide them with resources that could aid their childcare skills or improve their material situation.

These various moral approaches or stances to "family disorders" are linked to the different perspectives that the practitioners have of the lower classes, which might be thought of as the outcome of their own different paths and socialisation processes (Serre; 2009:144). Indeed, the professionals that work in the protection system do not constitute a homogeneous category. Not only do they come from different disciplines, but they are also part of various institutional spheres. As a result, they do not have a uniform vision of the sense and scope of the law, of what is best for a child and of the meaning of children's protection (Sheriff, 2000:99). Rather, these are all subject to heated debate.

Likewise, the cases surveyed allow us to reflect upon the implementation of one of the main principles established by the 2005 law: that separating children from their families must only occur as a last resort, and for the shortest possible period of time. Contrary to this, institutionalisation in the first two cases was carried out without previous implementation of strategies for keeping the children with their parents, an option that would have entailed strengthening the parents' role as caregivers and improving the family's material wellbeing. These decisions are, on one hand, related to the "moral approaches" mentioned above, i.e. to the way the practitioners evaluate the parents' "negligent attitudes" and their caring "skills". But, on the other hand, these decisions must also be contextualized by a lack of policies to support the families placed under the intervention of the children's protection agencies.

Indeed, the lack of resources leaves practitioners of the administrative agency with few options. And, this is also clear in the third case. Subsidies are limited and cannot always be relied upon, and the allocation of social workers who can closely support the families takes a

considerable amount of time. Moreover, these professionals are overloaded with responsibilities and thus unable to carry out intensive work with the families. Therefore, calling the parents into the *defensorías zonales*, talking to them, prescribing them psychological treatment, speeding up the process of getting hospital appointments for their children or a spot at a day-care centre, is about as much as practitioners of the administrative agencies can do when they decide to keep the children with their parents.

The 2005 law also established that the separation of the child from their family environment must be for as limited a time as possible. This implies that, once a child is placed in a residential care institution, efforts must be aimed at improving the bonds with the parents and to strengthen the latter's role as carers. However, the first two cases show that these kinds of interventions are not always carried out. As many authors have noted, professionals do not always contribute to maintaining the bonds between children and their parents. Often, they even suggest through subtle gestures and attitudes that the parents' presence is not welcome at the residential care institution (Ciordia and Villalta, 2012; Ouellette and Goubau, 2009). As Gerry Lavery (1986:85) noted, "Social work practice can be crucial in encouraging or discouraging parental contact after a child's admission to care".

The cases of the Arevalo and Donato families also show that, when children are admitted into residential care institutions, their parents must, from the very beginning, account for their qualifications, their abilities and skills to take care of their children, as well as for their intention to have their children back with them soon (Fonseca, 1995:111; Ciordia and Villalta, 2012). Otherwise, either another family will take over through adoption, or the children will remain in the institution, but now estranged from their parents. This is because the idea that institutionalisation may be necessary at a certain point for a family in trouble, without entailing a breakdown of ties between parents and children, appears not to be an actual possibility (Bittencourt Ribeiro, 2012). Indeed, the mere fact of resorting to such an option seems to discredit the parents in their ability to care for, and give affection to, their children.

However, institutionalisation is considered to be a negative experience in a child's life, demonised for its detrimental effects on their future "*subjective construction*" and "*emotional development*". Therefore, its use as a protective measure for children deemed "at risk" must be avoided. Instead, the family environment -considered to be the most appropriate for a child's upbringing- must be favoured. But in a context where fostering programmes do not exist and policies aimed at supporting parents are scarce, as has been previously noted, the

combination of these two beliefs has a complex impact on the lives of children and their families. If, on the one hand—as evidenced by the first two cases—, preventing the children from being “*victims of extended institutionalisation*” is felt to justify the separation from their families of origin and the search for an adoptive family, on the other hand—as seen in the last case— avoiding institutionalisation can also lead to keeping the children within their families even when they undergo hardships and institutional placement might be a relief at least for some time (Bittencourt Ribeiro, 2012). Indeed, as noted by Claudia Fonseca (1995), regardless of what practitioners and researchers may think of institutional placement, the latter is not always viewed in a negative light by the “clients” of protection services, and, at times, it may represent a better alternative than others over a certain period of time in the life of a family.

Therefore, if, as many authors have pointed out, admission into a residential care institution, placement in foster care and adoption are seen as “responses” to poverty management (Cardarello, 2009; Ciordia and Villalta, 2012), the third case study shows that this management can also assume other forms. Given the lack of policies providing parental support, these less intrusive interventions, which keep the children within their family of origin, are not always successful in improving the lives of children and their families, as the last case has shown.

Conclusion

This paper has aimed to show that the principle of institutionalisation as a measure of last resort and for the shortest period of time possible allows for multiple and diverse interventions. On one hand, the intention to avoid prolonged institutional placement of children justifies radical measures such as adoption, through which children are separated from their families of origin, even in those cases where there are emotional bonds between them and their parents. On the other hand, protecting children from the experience of institutionalisation can sometimes lead practitioners to keep them with their families even if this threatens their integrity. As we have observed, unlike the effects of institutionalisation on the future development of children, the repercussions of both these options which prioritise the family, whether adoptive or of origin, have not been questioned as much within the examined institutions.

Without a doubt, the creation of alternatives to residential care institutions and the implementation of serious policies aimed at supporting families, both to improve their material situation as well as to strengthen them in their care and protection roles, would noticeably improve the situation outlined here. However, it is also necessary to consider diverse and complementary forms of care that aim to encourage parents' participation, reappraise the families' own practices and arrangements and take into consideration the realities of poor families who are subjected to this kind of state intervention. Without such consideration, it is likely that the implementation of fostering programmes could risk reproducing, albeit on a smaller scale, some of the practices mentioned earlier within the residential care institutions, where parents, far from being supported and encouraged to bond with their children, are separated from them. From this point of view, rather than ruling out residential care institutions altogether, it would be necessary to take some time to reconsider it and find more flexible ways to implement this type of intervention (Bittencourt Ribeiro, 2012).

ⁱ I wish to thank Carla Villalta and Irene Konterllnik for their most valuable comments.

ⁱⁱ As several authors have pointed out, during World War II different studies conducted by psychologists such as Anna Freud and John Bowlby reported on the harmful effects of institutionalization on the future subjective development of children. It is in this context that the idea of the "child deprived of parental care" appeared within the public space (Garcia, 2011; Rose 1999)

ⁱⁱⁱ The psychiatrist Franco Basaglia was the leader of the Italian anti-institutional movement (See Ducci, 2003).

^{iv} The names of practitioners, families and locations have been changed for the sake of anonymity and confidentiality.

^v This happened in 1983, after six years of military dictatorship.

^{vi} Claudia Fonseca and Andrea Cardarello (2005) point out –in line with Joan Scott's argument- that the issue of children's rights can be analysed in terms of discursive processes, which produce subjects and shape their preferred targets of action. In this regard, they propose the notion of "discursive front", which is the result of the negotiation between different interest groups working on the same issue. Even though its formation is fundamental when it comes to achieving political support, the authors also warn that it tends to reify the group which is the object of their concern, to the point where it may feed images that have little relation to reality. Within the Argentine context, as Carla Villalta (2010) points out, the "discursive front" on children's rights was built mainly around the aforementioned topics.

^{vii} This category included a wide range of situations amongst which we can find not only "abandoned", "neglected" or "battered" children, but also, and mainly, children who were simply poor.

^{viii} In this paper I will use "residential care institution" to refer to "*hogar de niños*". The latter is an institution that cares for a small number of children who, for various reasons, cannot be looked after by their parents. These small structures, receive funding from child protection agencies, which, in turn, supervise their activities. Most of them have been created by civil associations; yet some belong to the Catholic Church or to the state. In contrast to the experiences in orphanages (*internados o institutos de menores*), where educational and recreational activities were provided, and hence children grew without contact with the local community, in these institutions, children attend local schools and engage in recreational activities in neighborhood institutions.

These residential child care institutions are staffed by carers, psychologists and social workers who are in charge of accompanying the children. The professionals must also oversee the relationship with their families, evaluate the behavior of parents and assess whether or not the children should go back to their parents, stay in the institution, or be placed for adoption.

^{ix} In December 2006, Law 2213 was passed in the Autonomous City of Buenos Aires. This Law created the "foster care system"; yet it has not been implemented.

^x For a detailed analysis of the Lopez family case, see Grinberg (2012).

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