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# Strengthening Child Protection in Malaysia: Family-Based Care and Its Intersections with the Sustainable Development Goals

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#### **Abstract**

This qualitative study explores the crucial role of family-based care, particularly foster care leading to adoption, in Malaysia's child protection system within the context of the Sustainable Development Goals (SDGs). It assesses the benefits and implications of family-based care for children without families, emphasising their overall well-being and long-term development. The study examines legal frameworks governing foster care and adoption, highlighting the need for robust safeguards and effective implementation. It identifies intersections between family-based care and the SDGs, emphasising its role in achieving Goal 1 (No poverty), Goal 3 (Good health and well-being), Goal 4 (Quality education), Goal 16 (Peace, justice, and strong institutions), and Goal 17 (Partnerships for the goals). Findings underscore the significant advantages of family-based care, contributing to a sustainable future where every child can thrive.

**Keywords**: Child rights, family-based care, foster care, adoption, SDGs

# Introduction

Children without families, including those orphaned, abandoned, abused, or neglected, are considered children deprived of a family environment under the United Nations Convention on the Rights of the Child (UNCRC). They are officially recognised as children in need of care and protection in Malaysia (Child Act 2001, s.17). These vulnerable children rely on the state's support to secure alternative family-based care through the child protection system. Notably, institutional or residential care has historically been the predominant approach for accommodating these children in Malaysia, resulting in a higher number of children placed in such facilities compared to those who have found homes through adoption or foster care (UNICEF EAPRO, 2006). According to records from the Social Welfare Department, there were 1,510 children residing in government-owned institutional care across Malaysia in 2023 (Joyce, 2023). Conversely, in 2022, the Ministry of Women, Family, and Community Development identified 1,028 privately operated childcare centres operating without proper registration, despite prior warnings (Bernama, 2022). These figures underscore the critical need to address the challenges surrounding family-based care and child protection to ensure the well-being and rights of vulnerable children in Malaysia.

Additionally, several studies have highlighted the adverse impacts of institutional care on a child's physical, cognitive, and emotional development (Rohta, 2020; Zeanah & Humphreys,

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2020). Similarly, concerns regarding institutionalised children in Malaysia encompass various aspects, including their health, limited social interactions with the community, access to quality education, and inadequate resources, support, and training for caregivers (Joyce, 2023). There is also a global trend favoring the promotion of family-based care for vulnerable children. In this context, the Child (Amendment) Act 2016 (Child Act 2001) in Malaysia places a strong emphasis on family-based care for children, with institutional care being considered as a final option (Government of Malaysia, 2016). This transition towards family-based care is in accordance with article 20 of the UNCRC, which stresses that residential care should only be utilised as a last resort for children who are deprived family environment. Despite the recognition of family-based care as the preferred choice according to the Child Act 2001, a significant number of children continue to be placed in institutional care settings. It is of paramount importance to prioritise family-based care to ensure the well-being of children and uphold their right to grow within a family environment.

To address this pressing issue, this study endeavors to assess the pivotal role of family-based care in advancing child protection and overall well-being. The study will also analyse the legal frameworks and policies that underpin family-based care in Malaysia, especially foster care and adoption. Additionally, it will explore the intersections between family-based care and the Sustainable Development Goals (SDGs), with a particular focus on how family-based care significantly contributes to poverty reduction, enhances social protection, and fosters the development of sustainable communities. The paper follows a structured format comprising an introduction, literature review, methodology, limitations, discussions and findings, and finally, a conclusion and recommendations.

#### Literature Review

UNICEF EAPRO (2006) identifies various alternative care options available in Malaysia, including adoption, foster care, guardianship (specifically for Muslim orphans), kinship care, and residential care. The report points out that residential care is the predominant child protection service for children lacking familial support in Malaysia. A.Kadir (2011) and Mohd (2008) highlight the significance of foster care and adoption as effective means of safeguarding children in situations necessitating care and protection, such as cases involving abandoned children. Additionally, Chan (2008) conducts a comparative analysis discussing the concepts of foster care and adoption. Chan (2005) further delves into the role of social workers in foster care, emphasising the practices of the Malaysian Social Welfare Department in delivering foster care services. The author notes that while the Child Act 2001 addresses foster care, it lacks detailed explanations regarding social work practices in Malaysia. These studies offer valuable insights into foster care and adoption as child protection measures in Malaysia. However, they reveal a gap in information regarding the legal framework for familybased care in the country. While acknowledging laws such as the Child Act 2001, the Adoption Act 1952, and the Registration of Adoptions Act 1952, the studies stress the need for a more comprehensive analysis of these legal provisions and their effectiveness in ensuring the welfare of children without families.

In their analysis of child protection through adoption, A.Kadir and Mohd (2021a) explore the comparison between adoption procedures outlined in the Malaysian Registration of Adoptions Act 1952 and the practice of kafalah in Morocco. They note similarities between the two systems, particularly concerning the care provided by adoptive parents. However, they highlight that adopted children in Malaysia, similar to those under kafalah in Morocco,

do not inherit family names or rights to inheritance. Additionally, A.Kadir (2011) and Mohd and A.Kadir (2014) examine the concept of foster care in Malaysia, focusing on the limited legal provisions within the Child Act 2001. They discuss the procedures involved in fostering a child, drawing attention to the practices of the Social Welfare Department in Malaysia. A.Kadir and Mohd (2021b) extend their investigation to explore the involvement of the private sector in providing foster care services for children without parental care in Malaysia. They note that while non-governmental organizations and other private entities actively participate in offering institutional care, constraints are preventing them from providing family foster care services independently. Currently, only the Social Welfare Department possesses the authority to arrange foster care, with OrphanCare being permitted to facilitate such care pending approval from the department. Despite these efforts, the studies indicate that current strategies are insufficient in effectively implementing and promoting family-based care through foster care and adoption in Malaysia. There remain challenges in expanding the scope and accessibility of family-based care services to adequately address the needs of children without parental support.

During the last twenty years, the United Nations has actively facilitated global advancements in various domains through two interconnected phases of its primary development initiative. The Millennium Development Goals (MDGs), which were officially initiated in 2001 and spanned until 2015, have been succeeded by the SDGs, intended to extend until 2030 (Kushnir & Nunes, 2021). In 2015, the United Nations unveiled the SDGs, comprising a comprehensive set of 17 goals and 169 targets aimed at driving progress on a global scale across diverse spheres encompassing social, economic, environmental, political, and health aspects. These SDGs encompass a wide range of objectives, including eradicating poverty and hunger, ensuring well-being and promoting healthy lives, safeguarding the provision of high-quality education, and nurturing peaceful and inclusive societies (Haidar et al., 2021). The 17 SDGs impose significant responsibilities on the scientific community to actively engage and mobilise individuals, communities, and nations toward the shared goal of building a sustainable world (Sibbald & Haggerty, 2019). In recent times, a substantial body of literature has emerged concerning the dedication to attaining the SDGs across diverse domains and the influence of the SDGs' introduction on corporations and society. It has been proposed that strategic alliances or collaborative ventures, such as those between firms with varying levels of natural resource intensity or energy-utility and consumer product firms, could facilitate comprehensive advancements by enabling specialisation in SDG engagement. The implementation of the SDGs has stimulated significant changes, albeit with varying degrees of effectiveness, in the sustainability initiatives reported by prominent organisations (Whittingham et al., 2023). Additionally, research has investigated the utilisation of Information and Communication Technology (ICT) in the pursuit of the SDGs, emphasising the importance and obstacles encountered at both institutional and individual levels. The findings unequivocally demonstrate that achieving the SDGs necessitates a collective endeavor involving the government and its citizens, yielding advantages for individuals on a micro-level and the entire nation on a macro-level (Vyas-Doorgapersad, 2022). In contrast, a remarkable discovery was made regarding the limited awareness and comprehension surrounding the efficient implementation of sustainable initiatives within the tourism and hospitality sector in Dubai. Equally important is the necessity for individuals tasked with responsibility and accountability to possess a comprehensive understanding of various sustainability initiatives (Singh & Dutt, 2023). Furthermore, another researcher has illustrated

that numerous countries in Asia and the Pacific have made noteworthy strides in economic growth and poverty reduction. However, they have fallen short in bridging the disparities between different socioeconomic groups, whether the rich and the poor or the rural and urban populations. Additionally, equitable access to essential services such as healthcare and education remains elusive. These disparities disproportionately impact women and the most vulnerable sectors of society, thereby impeding progress toward achieving the SDGs. To address this issue, one proposed solution is to expand the scope of social protection programs to ensure universal access to basic necessities, including education and healthcare, thus granting everyone a minimum level of support (Kumar, 2019).

Nonetheless, the existing body of literature has largely neglected to examine the connections between child protection and family-based care in the realm of the SDGs. While many studies do address the rights of children and the SDGs (UN High Commissioner for Human Rights, 2016; 2020) there is a noticeable gap in research specifically exploring the intersection of child protection and family-based care within the broader framework of the SDGs. For instance, research often focuses on children's rights in relation to protection from violence (The Office of the Special Representative of the Secretary-General on Violence against Children, 2019; 2022), education (UNICEF, n.d.-c), health and wellbeing (UNICEF, n.d.-b; WHO, 2017), or poverty (UNICEF, n.d.-a), but stops to thoroughly investigate the role and impact of family-based care as a crucial component in achieving the SDGs for child protection and overall sustainable development. Given the considerable benefits associated with family-based care when compared to institutional care, it becomes imperative to explore the intersections between family-based care and the SDGs. This exploration should emphasise the role of family-based care in eradicating poverty, providing social protection, and fostering sustainable communities.

# Methodology

In this study, a qualitative approach is adopted, which relies on both library research and content analysis methodologies. The primary data sources encompass a wide array of materials, including statutes, international legal instruments, and government publications that are pertinent to the topic of family-based care and the SDGs. Furthermore, secondary data sources such as academic journals, conference papers, articles, relevant textbooks, and other materials related to family-based care, with a specific emphasis on foster care and adoption, are also utilized. Content analysis is employed to systematically review and extract insights from collected materials, identifying recurring themes, patterns, and key findings across the literature. Through this approach, the study aims to uncover valuable insights into the state of family-based care in Malaysia, particularly foster care and adoption, and its alignment with the SDGs.

For document sampling, a purposive sampling approach is utilized. Purposive sampling is a qualitative sampling technique that involves selecting participants or documents based on specific characteristics or knowledge pertinent to the research objectives (Palinkas et al., 2015). The selection of documents was guided by predefined criteria established to ensure the inclusion of materials that provided comprehensive insights into the research. Criteria for document selection included relevance to family-based care and the SDGs, publication date, author expertise, and document types such as legislation, legal international instruments, policy documents, research studies, and organizational reports. To identify relevant documents, a systematic search strategy was implemented across various sources, including

academic databases, government websites, and organisational repositories. Search terms related to family-based care, foster care, adoption, the SDGs, child welfare policies, and relevant legislation were utilized to retrieve relevant documents. Documents meeting the predetermined inclusion criteria were included in the sampling process. These criteria ensured that selected documents provided diverse perspectives addressed key themes and issues, and contributed to the overall understanding of family-based care and its intersections with the SDGs. In contrast, documents lacking relevance or credibility were excluded from the sampling process. Throughout the sampling process, careful consideration was given to the diversity and representativeness of the selected documents. Efforts were made to include a range of document types, perspectives, and geographical contexts to enrich the analysis. By employing purposive sampling techniques for document selection, the study aimed to capture a broad spectrum of literature and policy documents relevant to family-based care and the SDGs, thereby facilitating a comprehensive examination of the topic.

#### Limitations

The limitations of the study primarily stem from its focus on the legal implementation of family-based care in Malaysia, particularly through foster care and adoption. It highlights the Child Act 2001 [Act 611], the Adoption Act 1952 [Act 257], the Registration of Adoptions Act 1952 [Act 253] and the Child (Family Based Care) Regulations 2017 [P.U. (A) 287/2017] as key legal frameworks. While the discussion also addresses several SDGs related to family-based care, including Goal 1 (No poverty), Goal 3 (Good health and well-being), Goal 4 (Quality education), Goal 16 (Peace, justice, and strong institutions), and Goal 17 (Partnerships for the goals), this narrow focus may restrict the study from fully capturing all dimensions of foster care and adoption practices in Malaysia.

#### Results and Discussions

The results and discussions were categorised and analysed in alignment with the objectives of the study.

## The Role of Family-based Care in Child Protection

The preamble of the UNCRC acknowledges a child's right to be raised in a familial environment characterised by happiness, love, and understanding. Additionally, it emphasizes that decisions regarding children should prioritize their best interests. States are mandated to offer special protection and aid to children who lack a family environment, whether temporarily or permanently, and must ensure access to alternative care options through national legislation. These options include foster placement, kafalah based on Islamic principles, adoption, and institutional care (UNCRC, art. 20). The Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special reference to Foster Placement and Adoption Nationally and Internationally further underscores the importance of child protection and placement, particularly in foster care and adoption, both domestically and internationally. Thus, it is crucial for countries like Malaysia to fortify their child protection systems by promoting family-based care such as foster care and adoption.

Malaysia began implementing family-based care in 2017 following amendments to the Child Act 2001, prioritising biological and foster parents in acquiring custody of children in need of

care and protection, and rehabilitation (Chan, 2015). Efforts have been made to prevent these children from being institutionalised, emphasising community-based services. Family-based care offers a conducive environment for vulnerable children's physical, intellectual, and emotional development, contrasting with the adverse conditions often found in institutions. Research has shown that children in institutions face risks such as infectious diseases, malnutrition, emotional neglect, and abuse, which can hinder their growth and well-being (Shapiro, 2008; Zeanah & Humphreys, 2020). Foster care and adoption offer these children the opportunity for a permanent family environment where they can flourish alongside their peers (Shapiro, 2008). UNICEF EAPRO (2006) also advocates for releasing children whose parents are unable to care for them for adoption.

The significance of family-based care is also reflected in the Twelfth Malaysian Plan 2021-2025 (EPU, 2021b), which prioritises the well-being of specific target groups, including children, as part of efforts to address poverty and build an inclusive society. The plan highlights the expansion of the Child Care Needs and Child Protection Unit (CCNCPU) to safeguard children's interests and the training of 244 child protectors nationwide. It also establishes Strategy F1, which focuses on advancing children's well-being through strengthened governance for their development and protection. This includes enhancing governance and implementation mechanisms, formulating a national child development index, and improving policies related to the biological and psychological growth of children. Therefore, in line with the Twelfth Malaysian Plan, the implementation of family-based care in child protection is crucial to ensure the well-being and development of children without families. Moreover, family-based care and alternative care provision align with several SDGs, including Goal 1 (No poverty), Goal 3 (Good health and well-being), Goal 4 (Quality education), Goal 16 (Peace, justice, and strong institutions), and Goal 17 (Partnership for the goals). This is because family-based care safeguards the child's right to live in a nurturing family environment, supports their overall development, and protects them from physical and mental harm through effective legal and policy interventions.

# Legal Framework for Family-based Care in Malaysia

In Malaysia, the implementation of family-based care was introduced through the Child Act 2001 and the Child (Family Based Care) Regulations 2017. According to section 2 of the Child Act 2001, family-based care encompasses the care of a child in a family environment, including care by a parent, guardian or relative; foster parent or fit and proper person; or in a centre. Significantly, the Child Act 2001 serves as the primary legislation governing foster care in Malaysia. Under section 30(1)(c)(i) of the Child Act 2001, foster care is formally arranged by the Social Welfare Department, which places abandoned children in the care of suitable foster parents through a court order. This arrangement is maintained for a maximum of two years or until the child reaches the age of eighteen, whichever is shorter. Before the court order is granted, the Social Welfare Department conducts a search and trace process to locate the child's parents or guardians. If no one claims the child within thirty days, the department recommends to the court that the child be placed in foster care. Foster parents must undergo certification by the Director General of the Social Welfare Department to ensure their suitability for foster care (A.Kadir, 2011).

Foster parents receive financial assistance from the Social Welfare Department, amounting to approximately RM250 per month for a single child or RM500 for two children (JKM, 2023b). Section 30 of the Child Act 2001 also provides for the return of rights and responsibilities to birth parents if the child is reunited with them, or if the temporary custody period ends.

However, for an abandoned child, if the two-year period expires and measures to trace the biological parents have been unsuccessful, the court may make an order under subsection (4) of the same provision to release the child for adoption, either by the foster parent or another person. When making the court order, the best interests of the child are given paramount consideration (Child Act 2001, s.30 (5)).

To become a foster parent in Malaysia, individuals have the option to submit their application through either of two methods. They can choose to apply in person by visiting the Social Welfare Department office located in their place of residence. Alternatively, they can utilise the online application system for submission. The prospective foster parents must observe the requirements and procedures prescribed by the department including the interview sessions, training programmes, and documentation needed (JKM, 2023a). At present, it seems that the Social Welfare Department is the only authority that is authorised to arrange foster care placements since there are no foster care agencies in Malaysia. Alternatively, OrphanCare, a non-governmental organisation is also authorised to arrange foster care with a view to adoption (A.Kadir & Mohd, 2021b).

Furthermore, the implementation of family-based care is governed by the Child (Family-Based Care) Regulations 2017, which also regulate the placement of children in foster care under section 30(1)(c)(i). These regulations define criteria for selecting and qualifying familybased care providers, including foster parents, and outline their responsibilities. These criteria encompass being a citizen or permanent resident of Malaysia (non-citizens may provide care for non-citizen children), demonstrating the ability to provide adequate care, having a clean criminal record, and attending counselling or courses as required by the Social Welfare Department. The responsibilities include, among others, providing nurturing care and protection rooted in love and affection, ensuring the child's emotional and physical wellbeing, maintaining a safe living environment, offering nutritious meals, and ensuring access to clean clothing. Reporting incidents of injuries, serious illness, death, or violence against the child to both the police and the Social Welfare Department within twenty-four hours is also a crucial responsibility. Moreover, the regulations specify that parents or guardians are obligated to communicate and discuss the child's well-being with both the family-based care provider and the Social Welfare Department. Thus, the Child Act 2001 and the Child (Family-Based Care) Regulations 2017 establish the legal framework for foster care in Malaysia, administered by the Social Welfare Department. This framework ensures the protection and well-being of children, particularly abandoned children, by placing them in the care of suitable foster parents under the authority of the court.

In regard to adoption, it is governed by two main legislations, namely, the Adoption Act 1952 and the Registration of Adoptions Act 1952. The Adoption Act 1952 provides the legal framework for the adoption process for non-Muslims under a court order while the Registration of Adoptions Act 1952 establishes the procedure for registering adoptions either by Muslims or non-Muslims with the National Registration Department. In this regard, the Adoption Act 1952 and the Registration of Adoptions Act 1952 set out the requirements and procedures for adoption, including eligibility criteria for adoptive parents including age, relinquishment of consent, and residence requirements. The effect of adoption under the Adoption Act 1952 and the Registration of Adoptions Act 1952 differs. An adoption order under the Adoption Act 1952 establishes a legal parent-child relationship equivalent to a biological child (Adoption Act 1952, s.9). Alternatively, an adoption registration under the

Registration of Adoptions Act 1952 grants custody rights to the adoptive parents but does not confer the adopted child with the same legal status and rights as a birth child (Mohd, 2008). Thus, under the Adoption Act 1952, there are restrictions on marriage between the adopted child and members of the adoptive family (Adoption Act 1952, s.9(7)) while such restrictions do not exist under the Registration of Adoptions Act 1952. These adoption statutes aim to ensure that adoption is carried out in the best interests of the child and in a manner that upholds their welfare and protection. In addition, the registration process for adoption under the Registration of Adoptions Act 1952 is important to ensure that the adoption is officially recognised and recorded in the legal system.

However, the Adoption Act 1952 and the Registration of Adoptions Act 1952 are only applicable in Peninsular Malaysia. This seems to restrict adoptions from and to Sabah and Sarawak since they have their respective adoption laws. There are also no express provisions with regard to intercountry adoption except the residence requirement requiring prospective foreign adoptive parents to stay in Malaysia for a certain period. It also needs to be noted that there are no adoption agencies in Malaysia. Currently, the Social Welfare Department works closely with OrphanCare based on a Memorandum of Understanding (MOU) to arrange adoption for children without families. OrphanCare provides adoption services for unwanted babies who are given up personally by their birth parents, babies left at OrphanCare Baby Hatch, or children in the care of the Social Welfare Department. Application for adoptions can be made online to OrphanCare by stating their preferred gender and age. The application will then be forwarded to the Social Welfare Department for approval which may take some time. Thus, if the birth mother walks in, the prospective adoptive parents will be directly selected and matched with the baby. If both parties agree, they will sign a commission of oath, which expedites the adoption process. This simplified procedure aims to streamline the adoption process and ensure a quicker placement for the child with suitable adoptive parents. In the case of abandoned children, prospective adoptive parents are required to obtain a letter of appointment as foster parents from the Social Welfare Department and they can proceed with the adoption process only after fulfilling a 2-year period of fostering the child (A.Kadir, 2011).

In the implementation of family-based care, the Social Welfare Department plays a crucial role in ensuring the provision of child protection and welfare services. They are responsible for overseeing and monitoring the implementation of policies and regulations related to child care and protection. It follows that enhancing the capacity and resources of the department, including staffing, training programs, and support services, can contribute to the effective implementation of family-based care and ensure the well-being of children without families. In general, the government, in partnership with non-governmental organisations and UNICEF, is actively working towards the establishment and promotion of family-based care as a viable option for children in need of care and protection in Malaysia (Permanent Mission of Malaysia to the United Nations, 2022). In addition, Malaysia has the National Policy on Children 2009 and National Child Protection Policy 2009 that outline the government's commitment to safeguarding the rights and well-being of children, particularly to survival, protection, development, and participation (Child Rights Coalition Malaysia, n.d.). Presently, the government is actively working on a comprehensive National Policy and Plan of Action on Children, aligning with the core principles of the UNCRC. This new policy will cover a broad spectrum of cross-sectoral concerns like juvenile justice, bullying, mental health, child exploitation, child marriage, climate change, and online protection for children. In its development, the new policy also incorporates key elements from existing child-related

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policies such as the National Child Protection Policy, Social Reproductive and Health Education Policy, and Child Protection Action Plan in the Cyber World (Permanent Mission of Malaysia to the United Nations, 2022).

It seems that these policies can be further strengthened by incorporating specific provisions and strategies related to family-based care, emphasising its importance and promoting its implementation as a preferred alternative care option. Thus, the introduction of family-based care by the Child Act 2001 is significant in strengthening the legal protection for children in need of care and protection while making efforts to end abuse and violence against children. The Child Act 2001 also provides the legal foundation for child protection in line with the UNCRC. Significantly, prioritising family-based care over institutional care will emphasise the importance of placing children in nurturing family environments whenever possible.

#### Family-based Care and the Sustainable Development Goals (SDGs)

This section will examine how family-based care, including foster care and adoption, contributes to achieving specific SDGs. It will explore how these forms of care help reduce poverty, promote good health and well-being, ensure quality education, as well as foster peace, justice, and strong institutions. Additionally, it will touch on how they enhance global partnerships for sustainable development. This intersection carries significant importance in understanding the broader implications and potential impact of family-based care on achieving the SDGs while ensuring the child's holistic development and well-being.

### SDG 1: No Poverty

The United Nations General Assembly adopted 17 comprehensive SDGs in 2015. Goal 1's primary aim is the global eradication of poverty in all its forms (UNICEF, n.d.-a). This goal centers on ensuring that every individual can access a decent standard of living and is protected from the negative effects of poverty. It is particularly focused on uplifting the most vulnerable members of society, empowering them to overcome different aspects of poverty through essential resources, services, and support. This includes extending assistance to children under family-based care arrangements and creating an environment where individuals, including children, can thrive and break the cycle of poverty, thus promoting sustainable and inclusive development (EPU, 2021a). Importantly, the rise in child poverty and income insecurity within families is expected to increase food insecurity, worsening the issue of child malnutrition in Malaysia (APPGM-SDG Secretariat & Malaysia CSO SDG Alliance, 2021).

It is undeniable that a significant portion of families involved with social services, especially those with foster children, often come from lower socioeconomic backgrounds, which presents its unique challenges. In light of this reality, it is crucial to acknowledge and understand the feelings of loss and grief experienced by children in foster care. This understanding is essential to provide them with effective support and resolution strategies. It follows that creating a safe and supportive environment where these children can address their multiple losses and express their displaced anger has proven to be instrumental in reducing negative behaviours and symptoms (Look, 2023). Hence, it is crucial to emphasise the significance of creating such a supportive space, ideally within a family environment, where foster children can effectively process their emotions. This approach is vital for nurturing their overall well-being and development.

In the United States, caregivers who are relatives of children in their care may face increased financial responsibilities, especially when the available financial assistance does not fully cover the family's childcare needs. Typically, financial support for kinship families is derived from programs like Temporary Assistance for Needy Families (TANF) or foster care payments. Access to this financial assistance can alleviate the financial burdens experienced by kinship families, ultimately benefiting child development by improving their access to essential childcare resources (Xu et al., 2021). It seems that by ensuring a financially stable environment within foster families plays a pivotal role in facilitating improved access to education for these children, which is a fundamental factor in their holistic development. This intervention empowers them to effectively navigate and overcome the obstacles often linked to poverty, thereby significantly enhancing their prospects of breaking free from the cycle of poverty over the long term. Additionally, it indirectly ensures that children's basic needs, including food, shelter, clothing, and healthcare, are met.

In Malaysia, poverty stands as a key factor driving the placement of numerous children into institutional care. Families grappling with financial challenges often struggle to provide adequate care and support for their children, resulting in circumstances where children are separated from their families and placed in institutional settings (Yaacob et al., 2020; Chow, 2017). Foster care emerges as a viable alternative to institutional care in such situations. Children nurtured in a family-based care setup like foster care gain enhanced access to crucial resources including food, shelter, education, healthcare, and emotional support. This ensures that their fundamental needs are addressed, diminishing their vulnerability to poverty and augmenting their overall quality of life while maintaining their connection with their birth parents. Moreover, family-based care proves to be a more cost-effective and sustainable approach compared to institutional care, allowing governments and organisations to allocate resources more judiciously toward poverty alleviation programs and support services for vulnerable families (LUMOS, 2017; Chow, 2017).

#### SDG 3: Good Health and Well-Being

Goal 3, which centers on good health and well-being, aspires to ensure well-being and healthy lives for people of all ages (UNICEF, n.d.-b; World Health Organization, 2017), including children in family-based care. This goal recognises the vital role of family-based care in nurturing mental health and overall well-being. Mental health, encompassing social and emotional well-being, lays the foundation for the development of children and adolescents. Those with strong mental well-being tend to exhibit problem-solving skills, social competence, and a sense of purpose (Mohammadzadeh et al., 2018).

Children residing in institutional care often experience infectious diseases, malnutrition, emotional neglect and abuse, which can ultimately lead to serious health issues, stunted physical growth, and low levels of cognitive skills among children (Onayemi & Oyekola, 2022). When comparing the well-being of children in foster care versus institutional care, previous research has also shown that children placed in foster care tend to display more favorable outcomes in terms of attachment, social skills, mental health, and behavioral health compared to those in institutional care settings (Xu et al., 2020). A reserach conducted in China further supports the potential of foster care in enhancing children's physical development. It revealed that children's height tended to decrease during their stay in institutional care but experienced an increase once they were placed in foster families (Wang et al., 2017).

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Additionally, adoption is widely recognised as one of the best alternative care options for children without families. It is considered a positive and transformative solution, providing children with the love, care, and stability they need for their physical and emotional wellbeing (Shapiro, 2008). Hence, foster and adoptive families play a crucial role in providing nutritious meals, fostering healthy eating habits, and addressing specific dietary needs or concerns, which have a positive impact on children's overall health, including their mental well-being.

### SDG 4: Quality Education

Education is a crucial component of the SDGs framework, with its dedicated goal known as Goal 4 (Lekobane & Roelen, 2020). Goal 4 is committed to ensuring a high standard of education for everyone, encompassing universal access to early childhood development, care, and pre-primary education (UNICEF, n.d.-c; Unterhalter, 2019). This goal aligns with article 28 of the UNCRC, recognising education as a fundamental right for all children.

In some instances, children in institutions may have living parents who were misled into believing that institutional care would provide better educational opportunities and help them escape poverty. However, reports from organisations like the ReThink Orphanages coalition reveal that children in institutions often face substandard living conditions, health issues, and malnutrition. These circumstances are deliberately maintained to elicit further support in the form of donations and gifts (Goldman et al., 2020). As a result, the absence of adequate nutrition for children who lack family-based care, or permanent parental support exposes them to greater risks, endangering their health, impeding their development, and adversely impacting their educational progress (Yaacob et al., 2019).

Addressing educational needs and acknowledging schools as safe spaces are vital, and this applies to foster parents as well. It entails offering opportunities for the professional growth of foster parents in education-related domains. This approach assists foster parents in gaining a deeper understanding of the distinct educational requirements of the children under their care and navigating the education system adeptly (Huscroft-D'Angelo, Poling & Trout, 2022).

Children in institutions frequently face hurdles in their education, resulting in lower educational qualifications and basic literacy and numeracy skills. Alternatively, family-based care provides a conducive setting for children to concentrate on their studies, develop emotionally, and forge strong bonds with caregivers. Children in family-based care typically exhibit better school attendance and perform more satisfactorily academically compared to those in institutional care. It follows that emotional backing and positive reinforcement within a family setting substantially contribute to a child's comprehensive educational advancement (Save the Children, 2009).

#### SDG 16: Peace, Justice and Strong Institutions

The impact of violence on children's health, development, well-being, and overall ability to thrive is profound. It inflicts trauma and undermines social inclusion, creating significant barriers to their overall growth and happiness. In this context, Goal 16 aims to foster peaceful and inclusive societies, ensure universal access to justice, and establish effective, accountable, and inclusive institutions at all levels. In addition, ongoing conflict, insecurity, weakened institutions, and limited access to justice threaten sustainable development. Thus, it is imperative that governments, civil society, and communities collaborate consistently to

achieve lasting solutions in reducing violence, delivering justice, combating corruption, and promoting inclusive participation (United Nations, 2020).

Peace, stability, respect for human rights, and effective governance, which uphold the rule of law, are fundamental to the fulfillment of children's rights and the advancement of sustainable development. In this regard governments play a crucial role in protecting children by implementing birth registration systems which allow children to access vital social services, ensuring fair treatment in the justice system and providing various other forms of child protection (UNICEF, n.d.-d). Target 16.2 under Goal 16 is to end abuse, exploitation, trafficking, and all forms of violence against and torture of children. Therefore, strengthening systems is vital for preventing and addressing violence, identifying at-risk children, addressing underlying issues, and providing protection and lasting support to victims (The Office of the Special Representative of the Secretary-General on Violence against Children, 2019). In this regard, the child protection system plays an important role in every country to ensure assistance is being offered for children suffering from abuse, exploitation, trafficking, and other forms of violence. Family-based care is preferable compared to institutional care to ensure the child's well-being is being upheld in a family environment. According to the SDG Roadmap in Malaysia, the inadequate implementation of laws to prevent and address child maltreatment poses a significant challenge in achieving Goal 16. As part of these efforts, the government has initiated a pilot program in Negeri Sembilan, the Federal Territory of Kuala Lumpur, and Selangor, which is set to run from 2019 to 2024. This program aims to introduce and implement family-based care for children in need of care and protection. It involves collaboration with non-governmental organisations and UNICEF to ensure the well-being and proper care of these children (EPU, 2021a; Permanent Mission of Malaysia to the United Nations, 2022).

Thus, it can be seen that strengthening the child protection system in Malaysia requires cooperation between the government, non-governmental organisations, child welfare agencies, and communities to ensure the effective implementation of family-based care. This is a significant step in achieving Goal 16, as it provides a family environment for children without families to thrive physically, emotionally, and intellectually. It is worth noting that foster care and adoption are considered the best alternatives for providing family-based care. Communities can also contribute by applying to be prospective foster and adoptive parents for these children, while other stakeholders can facilitate family-based care arrangements by ensuring compliance with existing laws and regulations, policies, the UNCRC, other international legal instruments, and the SDGs.

#### SDG 17: Partnerships for the Goals

This goal is about strengthening the means of implementation and revitalising the global partnership for sustainable development. The goal emphasises the need for collaboration, partnerships, and multi-stakeholder engagement to achieve the SDGs (United Nations, 2023). Goal 17 targets serve as essential instruments for promoting child rights and well-being worldwide. They determine the availability of data needed to identify children who are most vulnerable to being marginalized or excluded (UNICEF, n.d.-e). In the context of child protection, it can be seen that family-based care relies on the coordination and cooperation of various stakeholders, including governments, the private sector, civil society, and international organisations. Strong partnerships are essential for implementing and expanding family-based care initiatives, ensuring that the necessary resources, expertise, and support are readily available to promote the well-being and development of children without families.

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These partnerships enable countries to learn from each other's experiences, share best practices, and develop innovative solutions to strengthen and enhance family-based care systems.

An example of such collaboration can be seen in Malaysia, where OrphanCare works closely with the Ministry of Women, Family and Community Development, the Social Welfare Department, and partners with Lumos, a UK-based non-profit organisation with expertise in deinstitutionalisation across Europe, to implement family-based care. This approach involves various components, including reintegration with biological families, reintegration with extended families, adoption, foster care, and smaller group homes. OrphanCare's mission is to provide children in institutions and unplanned newborn babies with the opportunity to experience love and care in a family environment (OrphanCare, n.d.; Chow, 2017).

In Malaysia, collaborative partnerships have been instrumental in supporting the effective implementation of family-based care and reducing the number of institutionalised children. For instance, the Negeri Sembilan State Action Plan (SAP) on the Deinstitutionalisation of Children for the years 2018-2022 was established. This plan serves as a pilot project in Negeri Sembilan, with plans for future expansion nationwide. The SAP involves comprehensive research, including financial requirements, resource allocation, expertise, implementation phases, risk assessment, monitoring and evaluation procedures, and expected outcomes. Key partners, such as Yayasan Hasanah and UNICEF, have provided funding and support for this initiative, exemplifying their commitment to the cause (Yayasan Hasanah, 2021; Chow, 2017).

Furthermore, institutions like Rumah Solehah have demonstrated a willingness to transition to family-based care. For example, Rumah Solehah, which has been caring for HIV/AIDS children since 2002, became the first HIV/AIDS institution in Malaysia to transition to family-based care in 2014. They provide a home for HIV-positive and HIV-affected youths, aged between seven and 20. However, they face challenges associated with adopting HIV/AIDS abandoned babies due to discrimination and misconceptions surrounding the condition (Chiew, 2018).

Thus, family-based care, as a core element of child protection, aligns with the spirit of Goal 17 by promoting collaboration and coordination among different actors to create a collective and impactful response to the challenges faced by vulnerable children. The collective effort demonstrates the power of partnerships in driving positive change and creating sustainable solutions to improve the lives of vulnerable children in Malaysia.

#### **Conclusion and Recommendations**

Family-based care plays a crucial role in the pursuit of the SDGs within the context of child protection in Malaysia. By providing stable and nurturing environments for children without families, family-based care aligns with multiple SDGs, including Goal 1 (No poverty), Goal 3 (Good health and well-being), Goal 4 (Quality education), Goal 16 (Peace, justice, and strong institutions), and Goal 17 (Partnerships for sustainable development). These placements provide stable environments that prioritise access to fundamental necessities, healthcare, nutrition, and educational assistance, all of which are vital for the comprehensive development of children. By affording them these opportunities, family-based care empowers children to transcend poverty, attain optimal health, and acquire the essential skills needed for

a prosperous, promising and sustainable future. It is also imperative to strengthen the child protection system by prioritising family-based care in line with Malaysia's commitment as outlined in the Twelfth Malaysian Plan, which emphasises the well-being of children and building inclusive societies.

Based on the analysis of family-based care and its intersection with the SDGs in Malaysia, the following recommendations are proposed:

- a. Strengthen legal and institutional frameworks: Enhance and enforce legal and institutional frameworks for family-based care, ensuring that they prioritise the rights and well-being of children. This includes further improving the Adoption Act 1952 and the Registration of Adoptions Act 1952 to streamline adoption processes and provide comprehensive protections for children in adoption. There is also a need for specific legislation or regulations that address the various aspects of foster care, including the approval process for foster parents, guidelines for placement, review and observation of children, and legal rights and responsibilities. This legislation should provide clear and detailed procedures to ensure the proper administration of foster care.
- b. Promote awareness and education: Raise awareness among the public, prospective foster and adoptive parents, and caregivers about the benefits and importance of family-based care for children without families. Implement educational campaigns that debunk myths and misconceptions surrounding adoption and foster care to encourage more families to consider family-based care as a viable option.
- c. Foster interagency collaboration: Establish strong collaborative mechanisms among government agencies, non-governmental organisations, community-based organisations, and professionals involved in child protection and family-based care. This collaboration will facilitate resource-sharing, streamline processes, and ensure a holistic approach to supporting children in family-based care.
- d. Provide support and training for caregivers: Offer comprehensive training and support programs for caregivers, including foster and adoptive parents. This will equip them with the necessary skills and knowledge to provide a nurturing and stable environment for the children in their care, enhancing the overall well-being and development of the children.
- e. Strengthen data collection and monitoring: Develop a robust system for data collection and monitoring of family-based care placements, especially foster care, including regular assessments of the children's well-being and the effectiveness of the support provided to caregivers. This data-driven approach will enable policymakers to make informed decisions and allocate resources more effectively.
- f. Encourage research and evidence-based practices: Foster more research and studies on family-based care to generate evidence-based practices and policies. This will lead to a deeper understanding of the benefits and challenges of family-based care, enabling continuous improvement of the child protection system in Malaysia.
- g. Collaborate with international organisations: Forge partnerships with international organisations and agencies working on child protection and family-based care to access best practices, technical assistance, and funding opportunities. These global collaborations will provide valuable support in advancing family-based care initiatives in Malaysia.

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