

***Recommendation from the Council for the Administration of Criminal Justice
and Protection of Juveniles***
- Summary -

Prenatal child protection and the government's role

offered to: the Ministers and State Secretaries for Security and Justice and for Health,
Welfare and Sport
date: 15 June 2015

In this recommendation, the Council explores the question concerning the government's responsibility for the protection of unborn children against circumstances affecting their development and health, and the extent of this responsibility. The government's responsibility is to protect 'vulnerable citizens' – in this case unborn children – while maintaining the right of parents to bring up and care for their child as they see fit. Is the scope of this government protection such that it should also include unborn children? This complex situation requires a fundamental consideration.

Many studies show that a mother's lifestyle and her circumstances during the pregnancy affect the development of the child she is carrying. Sometimes, the behaviour of a pregnant woman is (very) harmful for the unborn child. There are various reasons for this: from ignorance and lack of understanding to psychiatric problems, addiction and domestic violence.

In this recommendation, the Council describes existing prenatal care from the point of view of the four parties involved: the unborn child, the parents, professionals and the government. The 'continuum of care' extends from 'green' (general prenatal care for everyone) to 'red' (compulsory care for a small group of high-risk pregnant women). General prenatal care comprises the provision of information about a healthy lifestyle and the use of screening tools for the early detection of high-risk parenthood. The Council believes that the government is responsible for organizing proper prenatal care: this will reduce high-risk parenthood and will help to prevent compulsory care (child protection measures). The Council concludes that much information is available and accessible to pregnant women. In the Council's opinion, there is room for improvement of this care on some points. The Council recommends that the development of screening tools and prenatal home visits, which have proven to be successful, be stimulated.

The Council finds that many professionals do not undertake any activities (such as conducting an investigation or, if necessary, requesting a child protection measure) during the first 24 weeks of a pregnancy, while it is especially during this phase that high-risk behaviour or poor conditions can be very harmful. The Minister and State Secretary for Health, Welfare and Sport are therefore recommended to actively contact the professionals in the field in order to change this '24-week policy', so that voluntary assistance be offered sooner and, if necessary, compulsory measures be taken sooner.

The Council also believes that placing an unborn child under supervision requires a separate legal basis and that the powers of 'certified institutions' (the supervising youth workers who coordinate assistance and support) need to be reinforced. The Council recommends that laws and regulations be amended in this respect.

The recommendation is available from the secretarial office of the Council
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