



Summary of the advisory report on 'Far-reaching decisions in the context of child protection about a child's future' by the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ)

Can a child who has been placed in care return to its parents, or does the child's future lie elsewhere? At some point during the care order, the child protection agency, which is responsible for placing children in care, has to make a decision about the child's future ('*perspectiefbesluit*'). This decision, that will determine whether a child can be reunited with their parents, or whether another long-term solution is needed, is an internal decision made by the child protection agency. If the agency decides that the child's future does not lie with the parents, this will have far-reaching consequences for the parents and the child: they will be (permanently) separated from each other.

The RSJ has identified three main problem in terms of this decision:

- Parents and children do not have a legal remedy to have this decision assessed by the court. In practice, it may take months before the decision comes before the court in the context of an application to extent a family supervision and/or care order. In the meantime, the decision will have led to far-reaching changes in the care provided.
- Parents and children may sometimes be involved and heard in the decision-making process, but the nature of this involvement may again be insufficient. On the whole parents and children appear to be insufficiently aware of the decision that was taken and its consequences.
- A decision to the effect that the child's future does not lie with their parents is not always followed by an application to terminate the parents' parental authority. This is problematic. The purpose of a family supervision order in combination with a care order is to work towards the child's return home, by offering help and support to the parents and the child. Once the agency has decided the child's future no longer lies with their parents, the aim of the child protection measures, a return home, will no longer be pursued by the agency.

The RSJ deems it essential that a decision about a child's future that has such far-reaching consequences for the private and family life of the parents and the child involved, is accompanied by the necessary legal safeguards. There is no adequate legal remedy for both the parents and the child in the current system if they do not agree with the decision made by the agency. This far-reaching decision about the child's future should therefore be given formal (legal) status, with a possibility for parents to appeal to the court. This also implies it must be clearly regulated who makes this decision about the child's future, that a proper explanation of the grounds on which the decision is based is required, how parents and children should be involved in the decision making process and how they should be informed of the decision.

The RSJ makes the following recommendations with regard to the decision making process and the subsequent assessment of the child protection agency's decision about the child's future placement:

- Implement regulations on the legal position of the parents and the child.
- Regulate by law that this decision must be submitted to the court for assessment within three months.
- Ensure that the decision contains a proper explanation of the grounds on which the decision is based, including a balanced assessment of the interests of the parents and the child. Safeguard the right of the parents and the child to be heard in the decision-making process.

The full advisory report (in Dutch) can be consulted on the RSJ [website](#).

