



A Child's Rights to a Family Life



**SOS
BARNEBYER**



**BERGEN SUMMER
RESEARCH SCHOOL**
GLOBAL CHALLENGES

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This policy brief aims to provide guidance on the right of children and parents to reunification and contact, with a specific emphasis on stating the duration of placement, continuity, and stability for all children growing up in public care centers.

Three key

1. Predictability and planning
2. Enhanced follow-up
3. Consistency and accountability

Introduction

This policy brief focuses on the right of children and parents to reunification and contact, with a specific emphasis on continuity and stability for children growing up in public care. The proposed topic centers around the benefits and weaknesses of stating the assumed duration of the placement in tribunal and court decisions on a care order.

It also explores the potential impacts on the best interests of the child and addresses concerns regarding conflicts with the rights of children and parents regarding reunification, as criticized by the European Court of Human Rights (ECHR) [1].

The Convention on the Rights of the Child [2] sets out the rights that must be realized for children to develop to their full potential. This includes ensuring their well-being and development, the right to a basic quality of life, and their right to be heard and considered in the political process.

Some studies [3] revealed that reunification is associated with decreased child perceptions of social isolation. This may be associated with multiple environmental changes that are due to the unlimited time of reunification courts.

Stating the duration of placement in the childcare order provides stability

Analysis

All children have the right to family life, yet millions worldwide are suffering preventable separation from their families and associated violations of their rights. The report of the UN High Commissioner recommends that States move to develop global, child rights-based guiding principles and a global strategy for family reunification [4].

In Norway, many applications for family reunification have been rejected, although this would lead to separation between children and parents for several years, on the grounds that the child and his or her mother or father may have contact. Child psychologists have criticized this practice and described how separation from a primary caregiver could lead to mental and physical injuries [5]. The younger the child, the more serious could the consequences be.

The Norwegian Supreme Court judgments emphasize that the purpose and duration of the public care decision shall be significant when considering restrictions on contact between a child and parent [6]. While stating the duration of placement has benefits, there are also potential weaknesses: assessing the duration of initial treatment may be challenging due to uncertainties.

It is important to strike a balance between providing a realistic timeframe and allowing flexibility to address the unique circumstances of each case. Mandating the inclusion of a specific duration in court decisions may restrict the flexibility required to tailor the care plan to the individual needs and progress of the child and parents within the child welfare system.

Fig 1: Planning contact, duration of stay, and reunification for children in public centers is a dynamic process rather than a one-off event, as adapted from the model developed by Elsbeth Neil.



Conclusion

Stating the assumed duration of placement of children in public care centers will not conflict with the rights of children and parents.

Instead, it will reinforce the fact that a care order should be regarded as a temporary measure, to be discontinued as soon as circumstances permit and that any measures implementing temporary care should be consistent with the aim of reuniting the natural parents and the child (K. and T. v. Finland, 2001).

Consequently, indicating the duration of when a child can stay in a public care center gives both parents and children a chance to work towards the end goal of reunification.

Recommendations

The court should perform a genuine balancing exercise between the interests of the child and biological family. Unless special reasons indicate otherwise, it will always be in a child's best interest to keep contact with his/her biological family and reunion.

There is need to develop criteria, guidelines, and templates for processing cases to ensure equal treatment, as well as standardized measures that prepares all stakeholders to equal representation and needed expertise.

There's needed to work towards dialogue and reconciliation in case the child and parents and/or care takers are at crossroads. A criterion for assessing which types of cases are suitable for a dialogue is relevant.

The decision for a child to be given a short or long term stay at the public care center should be based on factual appraisal of every individual. The child's best interest should be the focus. Other than that, the decision becomes one-dimensional and unrealistic.

It is important not only to set the limit but ensure flexibility and allow for periodic reviews to evaluate the progress and readiness of the children for reunification. However, reunification should not be pushed to happen if the parents are particularly unstable, as it would harm the child's health.

IMPRINT

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