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- 27 February 2014 [shall come into force from 31 March 2014];
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- 26 November 2015 [shall come into force from 29 December 2015];
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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following Law:

## Law on the Protection of the Children's Rights

### Chapter I General Provisions

#### Section 1. Terms Used in this Law

The following terms are used in this Law:

- 1) **orphan** – a child, whose parents have died or have been declared dead in accordance with the procedures laid down in law;
- 2) **a child left without parental care** – a child, whose parents are not known, are missing, or due to a long-term illness are not able to exercise protection or whose parents have had the custody rights terminated or removed;
- 3) **foster family** – a family or a person, who ensures care for a child who has been temporarily or permanently removed from his or her family environment or in whose interests remaining in his or her family is not permitted until the moment when the child may return to his or her family or, if that is not possible, is adopted, guardianship has been established or the child has been placed in a child care institution;

<sup>1</sup> The Parliament of the Republic of Latvia

3<sup>1)</sup> **specialised foster family** – a foster family which ensures care for a child of a certain target group to whom special care is necessary;

4) **support family** – a family that provides support in the care of a child to another family on the basis of an evaluation performed by the local government social service office regarding the necessity for support;

5) **trusted person** – a person who provides support to a child in a family, on the basis of an evaluation conducted by the local government social service office regarding the necessity of the support;

6) **accommodation** – heated living quarters (dwelling) in habitable condition, which conforms to the requirements of construction and sanitary norms;

7) **out-of-family care** – care, which is ensured with a guardian, foster family, child care institution for orphans and children who have been left without parental care;

8) **child care institution** – an institution in which social care and social rehabilitation for orphans and children left without parental care, as well as children for whom social rehabilitation is necessary or special care due to their state of health, is ensured;

9) **shelter** – a child care institution that ensures short-term out-of-family care for children;

9<sup>1)</sup> **abuse** – physical or emotional cruelty of any kind, sexual abuse, negligence or another treatment which endangers or may endanger the health, life, development or self-respect of a child;

10) **sexual abuse** – the involving of a child in sexual activities that the child does not understand or to which the child cannot knowingly give consent;

11) **physical abuse** – the application knowingly of such force as threatens the health or life of a child in connection with the child or intentional exposing of the child to harmful factors, including tobacco smoke;

12) **emotional abuse** the infringement of the self-respect of a child or psychological coercion (threatening him or her, swearing, humiliating him or her, abusing a relative of the child in his or her presence or otherwise harming the emotional development thereof);

13) **parental neglect** – failing to fulfil the duty of care and supervision of a child;

14) **street children** – children who have insufficient connection with family and who spend the greater part of their time on the streets or in other circumstances inappropriate for the development of a child;

15) **guest family** – spouses or a person who temporarily admit a child placed in a child care institution at their place of residence, or have connection with a child in a child care institution he or she is placed;

16) **large family** – a family, which cares for three or more children, including children placed in a foster family and children under guardianship. An adult person who has not reached 24 years of age shall be also deemed to be a child of a large family if he or she is studying to acquire general, professional or higher education;

17) **child supervision service** – a qualified supervision and care service, the purpose of which is to ensure that an adult is present with the child and to ensure safe, informative and useful spending of time for a child, contributing to his or her comprehensive development.

[17 March 2005; 29 June 2008; 15 October 2009; 30 May 2013; 26 November 2015; 22 November 2017]

## Section 2. Purpose of this Law

(1) The purpose of this Law is to set out the rights and freedoms of a child and the protection therefor, taking into account that a child as a physically and mentally immature person has the need for special protection and care.

(2) This Law also regulates the criteria by which the behaviour of a child shall be controlled and the liability of a child shall be determined, regulates the rights, obligations and liabilities

of parents and other natural persons and legal persons and the State and local governments in regard to ensuring the rights of the child, and determines the system for the protection of the rights of the child and the legal principles regarding its operation.

(3) Protection of the rights of the child is an integral part of State policy. The State and local governments shall organise and monitor the protection of the rights of the child throughout the territory of the State.

*[9 March 2000]*

### **Section 3. The Child and the Principle of Equality Regarding the Rights of the Child**

(1) A child is a person who has not attained 18 years of age, excepting such persons who have been declared to be of legal age in accordance with the law or have entered into marriage before attaining 18 years of age.

(2) The State shall ensure the rights and freedoms of all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or health status, birth or other circumstances of the child, or of his or her parents, guardians, or family members.

(3) In the area of administrative offences against law and criminal law, all relevant legal provisions applicable to minors shall be applied to a person under 18 years of age.

*[9 March 2000; 17 March 2005; 26 November 2015]*

### **Section 4. Objectives of Protection of the Rights of the Child**

The rights of the child shall be protected so as to achieve the following objectives:

1) the development and reinforcement of an orientation of a child toward values corresponding to the interests of society;

2) orientation of a child to work as the only morally supportable source for obtaining resources for livelihood and welfare;

3) orientation of a child toward the family as the fundamental value in social organisation and one of the principal values of society and of individuals;

4) orientation of a child to a healthy life style as an objective precondition for the survival of the nation; and

5) the safety of the child, as well as maximum protection of the health and the life of the child, paying particular attention to such during public events or visits to a public recreation activity, sports or recreation location accessible to children, armed conflict, fires or other emergency situations (floods, storms, increased radiation levels and the like).

*[19 October 2006]*

### **Section 5. Persons and Institutions Protecting the Rights of the Child**

(1) The protection of the rights of the child in the State shall be ensured by:

1) the parents (adopters), foster family and guardians of a child;

2) educational, cultural, health care and child care institutions;

3) State and local government institutions;

4) public organisations and other natural or legal persons whose activities are related to the provision of support and assistance to children;

5) employers.

(2) Children's organisations and the family shall also be protected.

*[9 March 2000; 17 March 2005]*

## **Section 5.<sup>1</sup> Subjects Requiring Special Knowledge in the Field of Protection of the Rights of the Child**

(1) The following persons shall require special knowledge in the field of protection of the rights of the child:

1) the manager of out-of-family care institutions, social workers and social rehabilitator;

2) the Chairperson of an Orphan's and Custody Court, the Vice-Chairperson of an Orphan's and Custody Court, the Member of an Orphan's and Custody Court and the person if he or she ensures legal support to the Orphan's and Custody Court in drawing up the decision and performing other tasks assigned to the Orphan's and Custody Court according to the assignment of the local government council;

3) the head of an educational institution and the deputy head in educational work;

4) a specialist of the Education Quality State Service;

5) a specialist in youth matters;

6) an employee of a place of imprisonment who works with minors;

7) the head of the local government administrative committee or the head of the sub-committee in child matters of the local government administrative committee;

8) the head of the pedagogical medical commission of the local government;

9) an employee of the municipal police who works with children and families;

10) a social worker of the local government social service office who works with children and families;

11) a public prosecutor;

12) a social educator and a psychologist who works with children;

13) the manager of the social service office;

14) a judge;

15) an inspector of the State protection of the children's rights;

16) the head of the State Pedagogical and Medical Commission;

17) an official of the State Police who works with children;

18) an educator of general education, vocational education and interest education;

19) an employee of the State Probation Service;

19<sup>1</sup>) a lawyer;

19<sup>2</sup>) a bailiff;

19<sup>3</sup>) a forensic psychology expert who is carrying out the research of the psychological condition of children;

20) any other person if the rights and legal interests of a child are or may be affected by an administrative decision (particularly administrative act) taken thereby, actual action or performance of work or service duties of another kind.

(1<sup>1</sup>) In order for the persons referred to in Paragraph one, Clauses 6, 11, 14, 17 and 19.<sup>1</sup> of this Section to acquire special knowledge in the field of the protection of the rights of the child, including regarding communication with a minor during criminal proceedings, the State Inspectorate for Protection of Children's Rights shall organise training according to the funds assigned in the law on the State budget for the current year.

(2) The procedures by which special knowledge in the field of the protection of the rights of the child shall be acquired, as well as the content and extent of such knowledge shall be stipulated by the Cabinet.

*[30 May 2013; 6 March 2014; 3 May 2018 / See Paragraph 34 of Transitional Provisions]*

## **Section 5.<sup>2</sup> A Psychologist's Opinion in Matters Related to the Protection of the Rights of the Child**

(1) A person who has acquired at least master's degree in psychology and whose professional activities in child and family study is at least five years is entitled to provide a psychologist's opinion on the results of psychological study for a court, Orphan's and Custody Court, police and Prosecutor's Office in matters related to the protection of the rights of the child.

(2) The following shall be indicated in the psychologist's opinion:

- 1) the institution which requested the opinion;
- 2) the objective of the psychological study;
- 3) the time and place of the psychological study;
- 4) basic information regarding the child which is or may be necessary during the process of providing the opinion;
- 5) the methods used in the psychological study;
- 6) observations during the study, motivation of the client and restrictions of the study;
- 7) results and analysis of the psychological study;
- 8) reasoned conclusions and recommendations;
- 9) information regarding confidentiality;
- 10) the given name, surname of the psychologist, the degree acquired, the number of the diploma, the institution of higher education in which the diploma was obtained, the date when the opinion was provided.

*[30 May 2013]*

## **Section 6. Principle of Protection of the Rights of the Child**

(1) In lawful relations that affect a child, the rights and best interests of the child shall take priority.

(2) In all activities in regard to a child, irrespective of whether they are carried out by State or local government institutions, public organisations or other natural persons and legal persons, as well as courts and other law enforcement institutions, the ensuring of the rights and interests of the child shall take priority.

(3) Protection of the rights of the child shall be implemented in collaboration with the family, State and local government institutions, public organisations and other natural persons and legal persons. The organisation of institutional cooperation and the procedures for implementing the protection of children's rights shall be stipulated by the Cabinet.

(4) During periods of out-of-family care necessary measures shall be taken to ensure the reunification of a child with his or her parents.

(5) An act or failure to act, as a result of which the rights of a child are not observed (leaving the child without a minimum amount of nourishment, accommodation, care, guardianship), or other acts which limit the personal or property rights and freedoms of the child, shall be considered amoral and illegal.

*[15 May 2003; 17 March 2005; 2 March 2017]*

## **Chapter II Fundamental Rights of the Child**

### **Section 7. Rights of the Child to Life and Development**

Every child has an inalienable right to the protection of life and development.

## **Section 7.<sup>1</sup> Rights of the Child to the Family**

Every child has an inalienable right to the family.  
*[3 May 2018]*

## **Section 8. Rights of the Child to Individuality**

- (1) From the moment of birth a child has the right to a given name, a surname and acquisition of citizenship. A child shall be registered in accordance with the law.
- (2) A child has the right to retain his or her identity.  
*[9 March 2000]*

## **Section 9. Rights of the Child to Privacy and Freedom and Security of Person**

- (1) A child has the right to privacy, living quarters, confidentiality of correspondence, and inviolability and freedom of the person.
- (2) A child shall not be treated cruelly, tortured or physically punished, and his or her dignity and honour shall not be violated.

## **Section 10. Rights of the Child to Wholesome Living Conditions**

- (1) A child has the right to such living conditions and benevolent social environment as will ensure his or her full physical and intellectual development. Every child shall receive adequate nourishment, clothing and accommodation.
- (2) A child with physical or mental disabilities also has the right to everything that is necessary for the satisfaction of his or her special needs.
- (3) A child has a right to a permanent place of residence.
- (4) *[31 October 2002]*  
*[9 March 2000; 31 October 2002]*

## **Section 11. Rights of the Child to Education and Creativity**

- (1) The State shall ensure that all children have equal rights and opportunities to acquire education commensurate to their ability.
- (2) Children have the right to free-of-charge pre-school preparation, primary and secondary education and vocational training.
- (3) Children belonging to the ethnic minorities of Latvia have the right to acquire education in their native language in conformity with the Education Law.
- (4) A child has copyright and patent rights to his or her invention.
- (5) A child has the right to learn about cultural heritage and to participate in its protection, and to develop his or her creative abilities.  
*[9 March 2000 / See Transitional Provisions]*

## **Section 12. Social Rights of the Child**

- (1) A child has the right to acquire a profession and choose employment relevant to it. Educational institutions shall provide professional training, but, for children, who have attained 15 years of age and are registered as unemployed persons, through the national employment service.
- (2) A child has the right to free-of-charge health care, as determined by the State programme.
- (3) A child, who is not receiving adequate parental care, has the right to State and local government social assistance and social services.

(4) The State and local governments shall ensure the social guarantees stipulated by the Cabinet for each orphan and child left without parental care.  
*[9 March 2000; 17 March 2005]*

### **Section 13. Freedoms of the Child**

(1) A child has the right to freely express his or her opinions, and for this purpose, to receive and impart any kind of information, the right to be heard, and the right to freedom of conscience and belief. The parents of a child shall determine his or her religious affiliation.

(2) A child has a right of association, insofar as it does not threaten the health and the life of the child.

(3) A child has the right to participate in self-administration in the fields of education, culture and sports. In any other fields, which affect the interests of the child, appropriate attention, corresponding to the age and maturity of the child, shall be paid to the opinion of the child.

*[9 March 2000]*

### **Section 14. Rights of the Child Regarding Property**

(1) A child has rights of property.

(2) A child, depending on his or her age, has the right himself or herself or through his or her lawful representative to carry out transactions and realise other ownership rights laid down in law.

*[9 March 2000]*

### **Section 15. Rights of the Child to Protection from Exploitation**

(1) A child has the right to be protected from economic exploitation, and from employment in conditions that are dangerous or harmful to his or her health or physical, psychological or moral development, or in night work or during such working periods as hinder his or her education.

(2) A child has the right to be protected from physical and mental exploitation, from sexual exploitation and seduction, and from any other forms of exploitation, which may in any way harm the child.

### **Section 16. Rights of the Child to Recreation and Free Time**

A child has the right to recreation and free time appropriate to his or her age and physical and mental development, and the right to take part in games and amusement events, and cultural activities, and to engage in art.

### **Section 17. Rights of the Child to Take Part in the Drawing up of Programmes for the Protection of the Rights of Child**

A child has the right himself or herself or through a lawful representative to take part in the drawing up and realisation of programmes for the protection of the rights of the child.

## **Chapter III**

### **Guarantees of the Rights of the Child and Limitations of Rights**

#### **Section 18. Guarantees of the Rights of the Child**

Guarantees for the rights of the child shall be as laid down by the Constitution, this Law and other laws and regulatory enactments, as well as international agreements binding on Latvia.

*[9 March 2000]*

#### **Section 19. Information Regarding Rights and Duties of the Child**

(1) Educational institutions, which implement general educational programmes, shall ensure that each child has the opportunity to acquire a basic knowledge of the rights and duties of the child.

(2) The State shall inform the public regarding the provisions of this Law and other laws and regulatory enactments adopted in the area of the protection of the rights of the child and regarding the principles of international law in this area.

*[17 March 2005]*

#### **Section 20. Examination of Matters Related to the Protection of the Rights of the Child**

(1) Submissions and complaints that are related to the protection of the rights of the child shall be examined without delay.

(2) A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through his or her lawful representative or through a relevant institution.

(3) Matters that are related to ensuring the rights or interests of the child, also criminal matters in which the defendant is a minor, shall be adjudicated in court by emergency procedure.

*[30 May 2013]*

#### **Section 21. Limitations on the Rights of the Child**

(1) In the interests of security and protection of a child himself or herself, the realisation of the rights of the child may be subject to such limitations as are provided for by law and are necessary for the protection of national security, public order, and the morals and health of the public and the protection of the rights and freedoms of other persons.

(2) A child shall receive explanations regarding such limitations as soon as the rights of the child are limited.

*[9 March 2000]*

## **Chapter IV Duties of the Child**

#### **Section 22. Duties of the Child in the Home**

(1) A child has the duty to keep him or herself neat and to take part in housework appropriate to his or her age.

(2) A child shall treat his or her parents (adopters), and other family members, guardians and foster family members with respect.

*[9 March 2000]*

### **Section 23. Duties of the Child toward Society**

- (1) A child is a full-fledged member of society. The duties of a child towards society shall increase in correspondence with the age of the child.
  - (2) A child has the duty to study commensurate to his or her physical and mental development. During study time the child shall observe the internal procedural regulations of the educational institution.
  - (3) A child, depending on his or her age and maturity level, has the duty to safeguard his or her health.
  - (4) A child shall treat the State and its symbols with respect and shall observe the law.
  - (5) A child shall observe the behavioural norms accepted by society. The child shall not, in exercising his or her rights, infringe the rights and lawful interests of other children and adults.
  - (6) A child has the duty to treat the surrounding environment with care.
- [9 March 2000]*

## **Chapter V Child and Family**

### **Section 24. Duties of Parents towards the Child**

- (1) In conformity with the provisions of The Civil Law, parents have a duty to care for a child and his or her property and to represent the child in his or her personal and property relations.
  - (2) It is the duty of the parents of a child to prepare him or her for an independent life in society, as far as possible respecting the individuality of the child and observing the abilities and wishes of the child.
  - (3) Parents are the natural guardians (lawful representatives) of a child. It is their duty to defend the rights and interests of the child protected by law.
  - (4) Parents shall be held liable as determined by law for not fulfilling their parental duties and for abuse of custody rights, physical punishment or cruel treatment of a child.
  - (5) Limitations may be provided on expression of the wishes of the parents in relation to a child, irrespective of their opinions and religious convictions, if it is determined that they could be physically or mentally harmful to future development of the child.
  - (6) It is a duty of the parents or a person under whose care the child has been transferred, not to leave a child up to seven years old without the presence of an adult or a person not younger than 13 years of age.
- [9 March 2000; 15 May 2003; 17 March 2005; 30 May 2013]*

### **Section 25. Rights of Parents to Limit Freedoms of the Child**

- (1) Depending on the maturity level of a child, parents may limit the rights of a child to privacy, freedom of association and of speech in order to:
    - 1) ensure the development of the child and to protect the health and life of the child;
    - 2) safeguard public order and public morals and health;
    - 3) protect the rights and freedoms of other persons.
  - (2) A child may apply for assistance to the Orphan's and Custody Court, if the parents, in the opinion of the child, have set unjustifiable limitations or other differences of opinion have arisen in their relationship.
- [17 March 2005]*

## **Section 26. Support to the Family**

(1) The family is the natural environment for the development and growth of a child and every child has the inalienable right to grow up in a family. The State and local governments shall support the family, particularly the large family, and provide assistance to it.

(2) If the relationship of the parents with their child does not ensure a favourable environment for the development of the child or if the child is chronically ill, the local government shall assist the family, providing consultations with a psychologist, social educator or other specialist, and shall appoint a support family or trusted person for the child, who shall assist in stabilising the relationship between parents and child. A support family or trusted person, on the basis of a three-party agreement, which is entered into between the support family or trusted person, local government social service office and the family, for which support is necessary, shall provide support to the child or the family.

(3) Depending on the age of a child, the local government shall assist the family, particularly, a family in need, in the upbringing and education of the child, in vocational training and in finding employment and accommodation.

(4) The State and local governments shall provide support to child and family educational, health maintenance, cultural, sports and recreational institutions and organisations, in order to promote physical development and creative activities of a child; provide opportunities for spending free time for a child; and provide other services as will promote full development of a child and assist the family in the upbringing of a child.

(5) Other laws shall determine the duties by which the State and local governments ensure a minimal level of welfare to a child.

(6) In order to promote and support voluntary involvement of local governments, merchants and other persons in supporting large families, the State implements the Latvian Honorary Family certificate programme within the framework of which the Society Integration Foundation provides the issuance of special cards to large families. The procedures for implementing the abovementioned programme, including the cases and procedures for granting, using and cancelling the family certificate shall be stipulated by the Cabinet.

*[9 March 2000; 31 October 2002; 17 March 2005; 15 October 2009; 26 November 2015 / The new wording of the title of this Section and Paragraph six shall come into force on 1 January 2016. See Paragraph 31 of Transitional Provisions]*

## **Section 27. Separation of the Child from Family**

(1) A child may be separated from his or her family, if:

1) the life, health or development of the child is seriously threatened due to violence or if there are justified suspicions regarding violence against the child, as well as due to lack of care or due to the circumstances of his or her home (social environment);

2) the child is seriously threatening his or her health or development by using alcohol, narcotic or toxic substances; or

3) the child has committed a criminal offence.

(2) In the cases provided for in Paragraph one, Clauses 1 and 2 of this Section, a child shall be separated from the family if it is not possible to allay the circumstances unfavourable to the development of the child if he or she remains in the family. The eviction of a family from accommodation place may not be a reason to separate a child from his or her parents.

(3) When separating a child from the family, out-of-family care shall be ensured for him or her by a guardian or in a foster family. Out-of-family care in a child care institution shall be ensured only in such cases when care received from a guardian or in a foster family is not appropriate for the particular child. The child shall stay in a child care institution until he or she is ensured appropriate care by a guardian or in a foster family.

(3<sup>1</sup>) [3 May 2018 / See Paragraph 35 of Transitional Provisions]

(4) If out-of-family care is ordered in connection with the circumstances referred to in Paragraph one, Clause 1 of this Section:

1) the children from one family shall not be separated except in special cases where it is done in the best interests of the children;

2) in selecting the form of out-of-family care, the point of view of the child shall also be taken into account.

(4<sup>1</sup>) If the police separates a child from his or her family due to the circumstances referred to in Paragraph one, Clause 1 of this Section and a decision regarding his or her out-of-family care has not been taken yet, the police may refuse to notify the parents of the child, as well as his or her brothers, sisters, grandparents and persons with whom the child has lived for a long period of time in a common household, regarding the location of the child. If a child is being separated from his or her family due to the circumstances referred to in Paragraph one, Clause 1 of this Section and a decision on his or her out-of-family care has not been taken yet, a child care institution, an educational institution, a medical treatment institution or a social rehabilitation institution may prohibit the parents of the child, as well as his or her brothers, sisters, grandparents and persons with whom the child has lived for a long period of time in a common household, from meeting the child if meeting the particular person:

1) is harmful to the health, development and safety of the child;

2) poses a threat to the child or other children who are in the institutions referred to in this Paragraph.

(4<sup>2</sup>) The police may communicate its decision to refuse to notify the location of the child as well as the child care institution, the educational institution, the medical institution or the social rehabilitation institution may communicate their decision to prohibit meeting the child orally. A request may be submitted to draw up the abovementioned decisions in writing and also they may be appealed in accordance with the procedures laid down in the Administrative Procedure Law. The appeal of the decision shall not suspend the operation thereof.

(4<sup>3</sup>) If a child is separated from his or her family within the meaning of a case referred to in Paragraph 4.<sup>1</sup> of this Section, the Orphan's and Custody Court which is competent to decide on the termination of the custody rights of parents shall be informed about it not later than on the next working day. Having received this information, the Orphan's and Custody Court shall decide on the termination of the custody rights of parents not later than on the next working day.

(5) Having taken the decision on separating the child from his or her family, the Orphan's and Custody Court shall inform thereof the social service of the local government or the person delegated by the local government without delay. In such cases the social service of the local government in cooperation with other institutions of the local government, the child's parents and institutions for the protection of child's rights shall draw up a family support and assistance programme.

*[9 March 2000; 15 May 2003; 17 March 2005; 4 March 2010; 30 May 2013; 3 May 2018 / The new wording of Paragraph three and the amendment on deleting Paragraph 3.<sup>1</sup> shall come into force on 1 September 2018. See Paragraph 35 of Transitional Provisions]*

## **Section 27.<sup>1</sup> Separation of the Child from Family in Order to Execute a Ruling on Return of the Child to the Country Where His or Her Place of Residence is Located**

(1) A child may be separated from the family if it is necessary for compulsory execution of a ruling on return of the child to the country where his or her place of residence is located and if:

1) the parent of the child or another person who has unlawfully moved or detained the child has not voluntarily executed the decision on return of the child to the country where his or her place of residence is located, and it has not been possible to ensure compulsory

execution of the relevant ruling in accordance with the procedures laid down in laws and regulations, without separating the child from family;

2) the parent of the child or another person who has unlawfully moved or detained the child has not executed the decision on return of the child to the country where his or her place of residence is located within the time period indicated in the notification of the bailiff, and it has not been possible to ensure compulsory execution of the relevant ruling in accordance with the procedures laid down in laws and regulations, without separating the child from family.

(2) In separating the child from family, the Orphan's and Custody Court shall ensure the protection of personal interests, as well as rights of the child and, if the child is handed over to a representative of the Orphan's and Custody Court for performance of further activities in cases when a collector does not participate in execution of the ruling, – the delivery of the child to a crisis centre or other safe conditions, if it is impossible to deliver the child without delay back to the country where his or her place of residence is located.

(3) If the parent of the child or another person who has unlawfully moved or detained the child, or close relatives of the child may endanger execution of the ruling on return of the child to the country where his or her place of residence is located, further compulsory execution, and preparation of the child for return to the country where his or her place of residence is located, the Orphan's and Custody Court, upon delivering the child to a crisis centre or other safe conditions, may:

1) refuse to notify such persons of the location of the child;

2) prohibit such persons from meeting the child and removing him or her from the crisis centre or other safe conditions.

*[4 August 2011]*

## **Section 28. Termination and Removal of Custody Rights**

(1) Custody rights shall be terminated or removed in accordance with The Civil Law and the Law on Orphan's and Custody Courts.

(2) In the case set out in Section 27, Paragraph one, Clause 3 of this Law, the ruling shall be made by the court. In the cases set out in Section 27, Clause 2 of this Law, the court shall apply compulsory measures of a correctional or medical nature.

*[15 May 2003; 8 March 2007; 30 May 2013; 3 May 2018]*

## **Section 29. Care of the Child According to Parental Request**

(1) The local government social service office in co-operation with the Orphan's and Custody Court shall ensure care for a child with a provider of out-of-family care service according to the request of his or her parents, if they are not able to care of the child due to their state of health.

(2) According to the request of the mother of a newborn child, if she does not have the maintenance or accommodation, such mother together with her child shall be admitted to a child care institution together with the child during the time she is breastfeeding the child.

(3) The local government social service office according to a parental request shall ensure the necessary social assistance or social services to the family, or if necessary, out-of-family care with a provider of out-of-family care services if parents are unable to care for the child due to his or her state of health.

*[17 March 2005; 30 May 2013]*

### **Section 29.<sup>1</sup> Mother's Rights in Out-of-family Care**

(1) A mother who is a minor in out-of-family care has the right to remain together with her child. A guardian, foster family or the child care institution together with the local government shall ensure this possibility.

(2) The Orphan's and Custody Court shall for the child of a mother who is a minor, if necessary, appoint a separate guardian and shall supervise that the decisions taken best conform to the interests of the mother who is a minor and her child.

*[31 October 2002; 15 May 2003]*

### **Section 30. Payment for Out-of-family Care of the Child**

(1) Parents have a duty to pay for out-of-family care services. The Cabinet shall determine the procedures for the payment and the amount thereof. If out-of-family care services for a child are ensured by appointing his or her guardian, payment for the services shall be ensured in accordance with Section 35, Paragraph three of this Law.

(2) The circumstance that parents are not able to pay for the out-of-family care of a child may not be the basis for non-provision of extra-familial services. Payment for out-of-family care services in such cases shall be covered as applicable by the State or local government budget and thereafter shall be recovered from the parents in accordance with the procedures laid down in the Administrative Procedure Law on the basis of an execution order of the institution.

(3) A parent of the child shall be exempted from payment for out-of-family care services for a child if:

1) the child has been born to a mother as a result of a criminal offence against sexual inviolability or the mother has been recognised a victim in criminal proceedings initiated in relation to committing such criminal offence, and the child has been transferred for out-of-family care immediately after birth;

2) the parent of the child is at a long-term social care and social rehabilitation institution;

3) the capacity to act of the parent of the child is limited and trusteeship has been established due to disorders of mental nature or other health disorders;

4) the care of the child is ensured in the cases laid down in Section 29 of this Law;

5) the local government social service office has provided a motivated opinion on involvement of the parent in solving of his or her problems;

6) the parent of the child has given a written consent for adoption.

(4) Parents of the child have a duty to take care of maintaining the child or to pay for child care services also if both parents or one of the parents has been removed the custody rights by a court judgment. Such duty need not be carried out during the time period when the child has been transferred into care of adopters.

(5) During periods of out-of-family care, child and family support shall not be disbursed to parents.

*[30 May 2013]*

### **Section 31. Adoption**

(1) In order to ensure a familial environment for the development of a child, adoption shall be supported.

(2) The legal basis of adoption shall be determined by The Civil Law. The Cabinet shall determine the procedures for adoption.

(3) In the cases and in accordance with the procedures provided for in law, a child may be adopted to a foreign state, if Hague Convention of 29 May 1993 on Protection of Children

and Co-operation in Respect of Intercountry Adoption is binding to this state, or if Latvia has entered into a bilateral agreement with the relevant state, which determines legal co-operation in the field of adoption. In exceptional cases a child may be adopted to a foreign state, to which the referred to convention is not binding or with which Latvia has not entered into a bilateral agreement, which determines legal co-operation in the field of adoption, if prior to commencement of the adoption process genuine relationship of children and parents has formed between the child and the adopter and the Orphan's and Custody Court, which decided on out-of-family care, has recognised that adoption conforms to the interests of the child.

(4) Registration of the children to be adopted and the persons wishing to adopt a child shall be ensured in the adoption register in accordance with the procedures stipulated by the Cabinet.

*[9 March 2000; 29 June 2008; 15 October 2009]*

## **Chapter VI Out-of-family Care**

### **Section 32. Purpose of Out-of-family Care**

The purpose of out-of-family care is to create a feeling of protection for a child, ensure circumstances for the development and welfare of the child, and support efforts of the child to be independent.

### **Section 33. Connection of a Child in Out-of-family Care with Parents and Other Persons**

(1) A child who has been placed under guardianship or with a foster family or has been placed in a child care institution, has the right to maintain personal relationship and direct connection with parents, as well as with brothers, sisters, grandparents and persons with whom the child has lived for a longer period of time in a common household, except in cases when it:

1) is harmful to the health, development and safety of the child;

2) poses a threat to the guardians, foster families, employees of child care institutions or other children.

(2) If the circumstances referred to in Paragraph one of this Section exist, the Orphan's and Custody Court, which has taken the decision on out-of-family care, may refuse to notify the parents of a child and other persons referred to in the introductory part of Paragraph one of this Section regarding the location of the child or take a decision to restrict the right to maintain personal relationship and direct connection.

(3) The persons concerned may appeal the decision to refuse to notify the parents of the child or other persons referred to in the introductory part of Paragraph one of this Section regarding the location of the child, and the decision to restrict the right to maintain personal relationship and direct connection, in accordance with procedures laid down in law. Lodging of an application to the court shall not suspend the operation of the referred-to decisions.

(4) The manager of a child care institution, a foster family or a guardian may permit a child to stay with the parents whose custody rights have been terminated or removed, or with other persons referred to in the introductory part of Paragraph one of this Section, if the Orphan's and Custody Court has taken a decision in respect of this.

*[9 March 2000; 15 May 2003; 17 March 2005; 8 March 2007; 15 October 2009; 4 March 2010; 30 May 2013]*

### **Section 34. Informing a Child about His or Her Parents**

According to the request of a child, taking into account the age and maturity of the child, a guardian, foster family or manager of a child care institution shall notify the child

why he or she is in out-of-family care and provide information regarding his or her family and how long the child will remain in out-of-family care.

*[15 May 2003]*

### **Section 35. Care of a Child under Guardianship**

(1) Procedures by which a guardian is appointed and the duties of a guardian towards a child shall be determined by the Civil Law, the Law on Orphan's and Custody Courts, and regulations governing the activity of Orphan's and Custody Courts.

(2) A local government within the scope of its budget resources shall ensure the training of guardians. The Minister for Welfare shall approve a sample guardian training programme.

(2<sup>1</sup>) The State Inspectorate for Protection of Children's Rights within the framework of the allocated State budget resources shall provide the guardians with psychological assistance and informational and methodological support.

(3) If out-of-family care services are ensured by appointing a guardian for a child, parents have a duty to pay the maintenance to the guardian in the amount necessary for the child, but not less than laid down in the laws and regulations regarding the minimum amount of the maintenance for a child.

(4) If parents do not pay maintenance, a guardian has a duty to ensure that a child receives maintenance from his or her parents. In order to ensure it, the guardian has the right to bring an action to court.

(5) If recovery of the maintenance has been recognised as impossible by a court ruling regarding recovery of maintenance in accordance with the procedures laid down in the Civil Procedure Law or if parents carry out the court ruling regarding recovery of maintenance to an extent which is less than laid down in the laws and regulations regarding the minimum amount of the maintenance for a child, the guardian must address the Administration of the Maintenance Guarantee Fund.

*[9 March 2000; 17 March 2005; 8 March 2007; 12 June 2009; 30 May 2013; 23 November 2016]*

### **Section 36. Care of a Child in a Foster Family**

(1) The Orphan's and Custody Court shall grant the status of a foster family, including the status of a specialised foster family, and shall take care of entering into the child care agreement with the foster family. The Cabinet shall determine the criteria for the recognition of a family (person) as a foster family or specialised foster family, and also the types of specialised foster families.

(1<sup>1</sup>) After the decision of the Orphan's and Custody Court is taken on the suitability of the family or person for the status of the foster family, including the status of the specialised foster family, the support centre referred to in Section 36.<sup>1</sup> of this Law shall organise the training of foster families.

(2) The local government shall assist foster families in the upbringing of children and shall ensure the necessary social services. A foster family has the right to receive funds for the maintenance of the child. The amount of such funds may not be less than the amount, which, on the basis of Section 179, Paragraph five of The Civil Law has been stipulated by the Cabinet.

(2<sup>1</sup>) The State shall ensure remuneration for the fulfilment of a specialised foster family's duties according to the funds assigned in the law on the State budget for the current year. The amount of remuneration, the procedures for granting, disbursing, reviewing and discontinuing thereof, and also the documents to be submitted by the foster family necessary for the receipt of remuneration shall be determined by the Cabinet.

(3) The legal relationship of a child and a foster family shall be regulated by Cabinet regulations.

*[17 March 2005; 22 November 2017]*

### **Section 36.<sup>1</sup> Support for the Provision of Out-of-family Care Services**

(1) The State shall provide the financial support for the provision of out-of-family care services according to the funds assigned in the law on the State budget for the current year.

(2) The support for the provision of out-of-family care services shall be ensured by the out-of-family care support centre (hereinafter – the support centre).

(3) The Cabinet shall determine the criteria for the establishment of the support centres, the procedures for the registration of the support centres, and also the requirements for the support centres.

(4) The Cabinet shall stipulate provisions for granting the State financing to the support centres, the amount of the financing, and also the procedures by which the support is to be provided.

*[22 November 2017]*

### **Section 37. Child Care Institutions for Orphans and Children Left without Parental Care**

(1) *[17 March 2005]*

(2) The by-laws of a child care institution shall be approved by its founder.

(3) An orphan and a child left without parental care shall be placed in a child care institution according to the decision of an Orphan's and Custody Court, but in the case referred to in Section 29, Paragraph three of this Law – according to the procedures laid down in laws and regulations for the receipt of social services and social assistance.

(4) A child shall be admitted to a child care institution for short-term care (up to three months) on the basis of a unilateral decision of the Chairperson of the Orphan's and Custody Court, a police order or an opinion of the local government social service office. If the child care institution takes a child for short-term care according to a police order, the manager of the institution shall inform the Orphan's and Custody Court and the local government social service office of the parent's place of residence thereof not later than on the next working day.

(5) A child care institution may not refuse to take a child for short-term care if the child himself or herself has asked for assistance or his or her admission is requested by a person who has determined that the child has been left without care. In respect of taking the child into the child care institution, the manager of the institution shall inform the Orphan's and Custody Court and the local government social service office of the parent's place of residence thereof not later than on the next working day.

(6) *[17 March 2005]*

(7) There shall be premises and equipment thereof necessary for the development of a child and qualified medical and other personnel in child care institutions. The requirements for child care institutions for orphans and children left without parental care, including the medical health and hygiene requirements thereof, shall be stipulated by the Cabinet.

(8) A child care institution may establish separate apartment-type premises for orphans and children left without parental care who have attained 15 years of age.

*[9 March 2000; 15 May 2003; 17 March 2005; 2 March 2017]*

### **Section 38. Social Correction Educational and Prophylactic Institutions**

(1) Social correction educational institutions are institutions, in which children with socially deviant behaviour are placed and in which, if necessary, compulsory measures of a medical

nature are applied. A child shall be placed in a social correction educational institution if social correction of the behaviour of the child while located at his or her place of residence has not been successful or also the child has committed a criminal offence before attaining 14 years of age.

(2) A child may be placed in the institutions referred to in Paragraph one of this Section pursuant to a court ruling in accordance with procedures laid down in a separate law.

(3) A prophylactic institution is a unit of the State Police, where a child who has committed a violation of the law or a child with socially deviant behaviour is placed in the cases specified in the law. A child may be placed in a prophylactic institution for a short-term in the cases and according to the procedures laid down in the law. The police may place a child in a prophylactic institution in the cases referred to in Section 60, Paragraph two of this Law not longer than for five days.

*[9 March 2000; 15 May 2003; 17 March 2005; 29 June 2008; 1 July 2011]*

### **Section 39. Status of a Child under Out-of-family Care**

(1) A child who has been placed in out-of-family care, shall not be humiliated, or his or her defencelessness or dependence stressed, or his or her honour and dignity otherwise infringed.

(2) During the time of out-of-family care, the behaviour of a child, personal hygiene and social interaction skills shall be developed, and circumstances shall be created for obtaining a general education and acquiring a profession.

(3) A child care institution shall inform the child regarding his or her rights and duties in out-of-family care.

(4) A child who has been placed in a child care institution shall observe the internal procedure regulations of the institution, and shall treat with care the inventory and material valuables of the institution.

*[17 March 2005]*

### **Section 40. Sanctions and Limitations**

(1) If the manager of a child care institution, the manager of a social correction educational institution, the manager of a social rehabilitation institution, the director of a boarding school, the guardian or foster family has reasonable cause for suspicion that a child has alcohol, narcotic, psychotropic or toxic substances or the devices necessary for the use thereof, as well as items and substances, which may endanger the life or health of the child himself or herself or another person, they may search the child.

(2) If there is cause for suspicion that in correspondence or other mail addressed to a child there is alcohol, narcotic, psychotropic or toxic substances or equipment necessary for their use, pornographic material or something else as may be harmful or dangerous to the child, the manager of the care and instructional institution, the manager of a social correction educational institution, the manager of a social rehabilitation institution, the guardian or the foster family may examine the correspondence or mail addressed to the child.

*[15 May 2003; 17 March 2005; 29 June 2008; 15 October 2009; 30 May 2013]*

### **Section 41. Special Limitations**

(1) For a prescribed period a child may be prohibited from leaving his or her home, or his or her freedom of movement may be restricted, if it is necessary for the care of the child or in conformity with the interests of the welfare of the child in cases where:

1) out-of-family care has been provided for a child because the child is seriously threatening his or her health or development by using alcohol, narcotic, psychotropic or toxic substances, or has committed a criminal offence, or due to other similar behaviour; or

- 2) special circumstances exist for considering such limitation necessary.
- (2) A child may be isolated from other children in the house, if the child threatens his or her life or health or that of another person or such isolation is necessary in connection with the care of the child.
- (3) The period of isolation shall not exceed 24 hours and to continue isolation of the child from others shall be permitted only in special cases. The total duration of the isolation shall not exceed 48 hours.
- (4) During the period of isolation, supervision shall be provided for the child.
- (5) Circumstances concerning isolation of a child and the procedures for its application shall be stipulated by the Cabinet.
- [17 March 2005]*

#### **Section 42. Termination of Out-of-family Care**

- (1) Out-of-family care shall be terminated when favourable conditions for the development of a child have been ensured by the family of the parents of the child or the child has attained 18 years of age. Leaving a child for a longer time in a care institution may be permitted up to the end of the academic year if the child continues his or her education.
- (2) In the cases set out in Paragraph one of this Section, six months prior to leaving the institution the manager thereof shall provide information in writing to a child regarding the guarantees laid down in law, also the right to receive residential premises.
- (3) A ruling regarding terminated or removed custody rights shall be made by a court or an Orphan's and Custody Court in accordance with the procedures laid down in law.
- [9 March 2000; 15 May 2003; 17 March 2005; 30 May 2013]*

#### **Section 43. Provision of Assistance after Termination of Out-of-family Care**

- (1) On termination of guardianship, or of the care of a child by a foster family or in a child care institution, the local government shall, in conformity with the law On Assistance in Solving Apartment Matters, provide the orphan or the child who has been left without parental care with residential premises and in accordance with the social guarantees stipulated by the Cabinet shall provide other assistance, including after the attaining of 18 years of age.
- (2) A person shall be maintained the right to unused social guarantees for not longer than until the attaining 24 years of age.
- [9 March 2000; 15 May 2003; 17 March 2005; 29 June 2008; 15 October 2009]*

#### **Section 44. Work with the Parents during Out-of-family Care**

- (1) While a child is in out-of-family care, the local government shall provide educational, social and other assistance to the parents of the child, in order to promote return of the child to the family.
- (2) A foster family, guardian and a child care institution shall inform the parents regarding the development of the child and shall encourage the renewal of family ties.
- [15 May 2003; 19 October 2006; 30 May 2013]*

#### **Section 45. Supervision of Care of a Child Placed in Another Family**

*[29 June 2008 / See Transitional Provisions]*

## **Section 45.<sup>1</sup> Placement of a Child under Parental Care into Care of Another Person in Latvia and Supervision of Care**

(1) Parents may place the child into care of another person in Latvia for a period of time exceeding three months, if prior to placement the Orphan's and Custody Court of the place of residence of the parents has recognised that such placement conforms to the interests of the child and the person will be able to provide appropriate care for the child. If necessary, the Orphan's and Custody Court shall request an opinion of the Orphan's and Custody Court of the place of residence of the person on the ability of the relevant person to provide appropriate care for the child.

(2) The Orphan's and Custody Court of the place of residence of the parents of a child placed into care of another person shall inform the Orphan's and Custody Court of the place of residence of the person, which shall ensure regular checks of the living conditions of the child placed into care of the relevant person.

(3) If after placement of the child into care of another person it is found that such a person does not provide appropriate care for the child, the Orphan's and Custody Court in co-operation with the social service office of the local government shall ensure return of the child to the care of the parents. If the return of the child under parental care is impossible, the Orphan's and Custody Court of the place of residence of the parents in co-operation with the social service office of the local government shall decide on out-of-family care of the child.

*[29 June 2008 / Section shall come into force on 1 October 2008. See Transitional Provisions]*

## **Section 45.<sup>2</sup> Placement of a Child under Parental Care into Care of Another Person in Latvia and Supervision of Care**

(1) The guardian and the foster family may place the child into the care of another person in Latvia for a period of one to three months, if prior to placement the Orphan's and Custody Court which has taken the decision on the out-of-family care concludes that the placement conforms to the interests of the child and the person will be able to provide appropriate care for the child. If necessary, the Orphan's and Custody Court shall request an opinion of the Orphan's and Custody Court of the place of residence of the person on the ability of the relevant person to provide appropriate care for the child.

(2) The guardian and foster family shall reach an agreement with the person regarding the procedures by which the person shall be covered expenditure related to the feeding of the child.

(3) The child care institution may permit the child to meet the relevant person on the premises of the institution or to place the child into the care of this person temporarily, if he or she has been granted the status of a guest family in accordance with Section 45.<sup>3</sup> of this Law and the child care institution is convinced that the guest family will provide the necessary support to the child and will be able to take care of and supervise him or her in accordance with his or her needs.

(4) A child care institution, upon reaching a written agreement with the family, shall determine the duration of the stay of the child placed in an out-of-family care institution in another family in a foreign state, the rights and obligations of the parties, as well as disburse the child allowance or maintenance benefit granted thereto according to the period of time during which the child is in care of another person in a foreign state.

(5) The child care institution shall send a certified copy of the concluded agreement to the Orphan's and Custody Court according to the guest family's place of residence. The Orphan's and Custody Court shall ensure regular checks of the living conditions of the child placed in the guest family.

(6) If after placement of the child in care of another person it is found that such a person does not provide appropriate care for the child, the Orphan's and Custody Court, which has taken the decision on out-of-family care or granted the status of the guest family to the person, in co-operation with the social service of the local government shall ensure return of the child to the out-of-family care.

(7) For the other person, who has admitted a child under out-of-family care, to be able to adopt the child or to take the child under guardianship, an opinion of the Orphan's and Custody Court, which has decided on the out-of-family care of the child, stating that it conforms to the best interests of the child shall be necessary.

*[29 June 2008 / Section shall come into force on 1 October 2008. See Transitional Provisions]*

### **Section 45.<sup>3</sup> Status of the Guest Family**

(1) The status of the guest family shall be granted by the Orphan's and Custody Court of the place of residence of spouses or a person.

(2) Prior to taking of a decision, the Orphan's and Custody Court shall evaluate the suitability of the potential guest family for the acquisition of the status of the guest family, including:

1) evaluate the motivation of the spouses or the person to be become the guest family, the mutual relationship in the family and the ability to take care for a child;

2) check and evaluate the household and material conditions of the spouses or the person;

3) demand an opinion of the family doctor on the state of health of the spouses or the person;

4) send the spouses or the person to a psychologist in order to receive an opinion regarding suitability for the acquisition of the status of the guest family;

5) request information regarding the data included in the Register of Convictions on the spouses and the person.

(2<sup>1</sup>) The following person may not be a guest family:

1) who has been punished for committing an intentional criminal offence related to abuse or threatening abuse – regardless of extinguishing or setting aside of conviction;

2) who has been punished for a criminal offence against morals or sexual inviolability – regardless of extinguishing or setting aside of conviction;

3) who has been revoked from fulfilling the duties of a guardian due to careless fulfilment thereof;

4) who has been withdrawn the status of a foster family or guest family because the person has not fulfilled the duties according to the interests of the child;

5) who has been withdrawn the right of guardianship according to a court judgment;

6) to whom the court has applied the compulsory measures of a medical nature laid down in the Criminal Law for a criminal offence committed in a state of mental incapacity.

(3) The Orphan's and Custody Court who has taken a decision to grant the status of the guest family shall not less than once a year assess the suitability of the guest family for the status of a guest family in accordance with the assessment criteria laid down in Paragraph two, Clauses 1 and 2 of this Section and verify whether the guest family will be able to continue the fulfilment of the duties of a guest family.

(3<sup>1</sup>) The Orphan's and Custody Court shall decide on termination of the status of a guest family, if the guest family refuses to fulfil the duties of a guest family, or on withdrawal of the status of a guest family, if the Orphan's and Custody Court detects that the guest family is not fulfilling the duties of a guest family according to the interests of the child.

(4) For the spouses or the person, who has fulfilled the duties of the guest family, to be able to adopt the child or to take the child under guardianship, an opinion of the Orphan's and

Custody Court, which has decided on the out-of-family care of the child, stating that it conforms to the best interests of the child shall be necessary.  
[29 June 2008; 30 May 2013]

#### **Section 45.4 Placement of a Child under Parental Care and Out-of-family Care into Care of Another Person in a Foreign State and Supervision of Care**

(1) Parents may place the child into care of another person in a foreign state for a period of time, which exceeds three months, if the Orphan's and Custody Court of the place of residence of the parents agrees thereto and if this Orphan's and Custody Court has recognised that such placement conforms to the interests of the child and the relevant person will be able to provide appropriate care for the child.

(2) A child in a child care institution or foster family who has reached the age of 12 years may be temporarily placed into care of another person in a foreign state if the child wants it and if the child care institution or foster family agrees to it and the Orphan's and Custody Court which has taken the decision on the out-of-family care of the child has recognised that such placement conforms to the interests of the child and the relevant person will be able to provide appropriate care for the child.

(2<sup>1</sup>) A child under the guardianship may be temporarily placed into care of another person in a foreign state if the child wants it and if the guardian agrees to it and the Orphan's and Custody Court which has taken the decision on the out-of-family care of the child has recognised that such placement conforms to the interests of the child and the relevant person will be able to provide appropriate care for the child.

(2<sup>2</sup>) In exceptional case a child in a child care institution and foster family who is younger than 12 years may be temporarily placed into care of another person in a foreign state if the child is placed into care of another person in a foreign state together with his or her brothers and sisters, step-brothers and step-sisters of whom at least one has reached the age of 12 years.

(3) Before the Orphan's and Custody Court takes a decision to place a child into care of another person in a foreign state, the person wishing to admit the child shall submit the following documents to the Orphan's and Custody Court, issued by the competent authority for the protection of the rights of children of the relevant state:

1) a statement in which evaluation of the suitability of the person is provided in accordance with the requirements of Section 45.<sup>3</sup>, Paragraphs two and 2.<sup>1</sup> of this Law;

2) a confirmation that it will ensure regular checks of the living conditions of the child placed under care and provide the Orphan's and Custody Court with a report on the findings of each such check.

(4) The documents referred to in Paragraph three of this Section shall be submitted to the Orphan's and Custody Court, appending a notarially certified translation of the documents into Latvian. Documents issued in foreign countries shall be legalised or certified in accordance with the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents, if other procedures have not been provided for in international treaties binding to the Republic of Latvia.

(5) The guardian and foster family shall reach an agreement with the person regarding the procedures by which the person shall be covered expenditure related to the feeding of the child.

(6) A child care institution, upon reaching a written agreement with the family, shall determine the duration of the stay of the child placed in an out-of-family care institution in another family in a foreign state, the rights and obligations of the parties, as well as disburse the child allowance or maintenance benefit granted thereto according to the period of time during which the child is in care of another person in a foreign state.

(7) The child care institution shall send a certified copy of the agreement entered into to the Orphan's and Custody Court, which has taken the decision regarding out-of-family care of the child.

(8) If after placement of the child in care of another person it is found that such a person does not provide appropriate care for the child, the Orphan's and Custody Court in co-operation with the competent authority for the protection of the rights of children of the relevant state shall ensure return of the child under parental care, care of the guardian or foster family, or care of a child care institution. If the return of the child under parental care is impossible, the Orphan's and Custody Court of the place of residence of the parents in co-operation with the social service office of the local government shall decide on out-of-family care of the child.

(9) For the spouses or the person, who has admitted a child under out-of-family care in a foreign state, to be able to adopt the child, an opinion of the Orphan's and Custody Court, which has decided on the out-of-family care of the child, stating that it conforms to the best interests of the child shall be necessary.

*[29 June 2008; 30 May 2013; 3 May 2018 / The new wording of Paragraph two, and also Paragraph 2.<sup>1</sup> and 2.<sup>2</sup> shall come into force on 1 September 2018. See Paragraph 35 of Transitional Provisions]*

## **Chapter VII**

### **The Child and his or her Living Environment**

#### **Section 46. The Rights of the Child to a Clean Living Environment**

(1) All persons and institutions have the obligation to avoid doing harm to the surrounding environment, in order not to infringe on the rights of the child to quality of life, health and development.

(2) The State, in accordance with the Environmental Protection Law, shall ensure supervision of the prevention of such harmful factors and causes of diseases as may negatively affect the health of the child.

(3) The State has a duty to provide relevant information regarding the factual conditions of the environment in both the entire State and in specific territories thereof.

*[29 June 2008]*

#### **Section 47. General Provisions for the Protection of the Child from the Influence of a Negative Social Environment**

(1) It is the duty of State institutions and local governments, and natural persons and legal persons, to protect a child from the influence of a negative social environment.

(2) In order to reduce the effects of a negative social environment, the objective of the State social policy is to establish a benevolent cultural environment and to popularise a healthy lifestyle. Resources shall be allocated in the State budget for this.

(3) Public radio and public television shall, pursuant to the national remit, annually create programmes popularising a healthy lifestyle.

*[9 March 2000]*

#### **Section 48. Protection of the Child from Smoking and the Influence of Alcoholic Beverages**

(1) A child shall be prohibited from smoking, using smokeless tobacco products, alcoholic beverages and energy drinks. A child shall be protected from smoking and the influence of alcoholic beverages. A child should not be under the influence of smoke or vapour of products or devices designated for smoking. Smoking in the presence of a child shall be

prohibited in order to provide for him or her an environment free of smoke and vapour of products or devices designated for smoking.

(2) A negative attitude towards smoking and the use of smokeless tobacco products, alcoholic beverages and energy drinks should be created in the child. A child is prohibited to work at jobs that are directly related to the manufacturing, testing, storage, use, as well as sale or advertising of tobacco products or other products or devices intended for smoking, or their refill containers. A child is prohibited to work at jobs that are directly related to the manufacturing, testing, storage, use, as well as sale or advertising of alcoholic beverages, except cases when a child according to the acquisition of the practical part of the relevant vocational education programme is in traineeship which is carried out in the presence of the manager of the traineeship and during which conformity with the laws and regulations related to labour protection is ensured.

(3) In accordance with the Handling of Alcoholic Beverages Law, Law on the Handling of Energy Drinks, and the Law on the Handling of Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices and their Liquids, alcoholic beverages and energy drinks, tobacco products or other products or devices intended for smoking, or their refill containers should not be sold to children.

(4) Persons guilty of involving children in the use of alcoholic beverages or energy drinks or smokeless tobacco products as well as in smoking shall be held liable before the law. Supplying the child with alcoholic beverages and energy drinks, tobacco products or other products or devices intended for smoking, or their refill containers shall be also deemed to be involvement of the child in the use of alcoholic beverages or energy drinks or smokeless tobacco products as well as in smoking.

(5) A child to whom has been caused mental or behavioural problems as a result of the use of alcoholic beverages, shall be ensured mandatory medical treatment and social rehabilitation according to the procedures stipulated by the Cabinet. Resources shall be allocated in the State budget for this. In case where a child or his or her parents do not agree to mandatory medical treatment, it shall be performed if a consent of the Orphan's and Custody Court of the place of residence of the child has been received.

[9 March 2000; 31 October 2002; 17 March 2005; 29 June 2008; 30 May 2013; 2 March 2017]

#### **Section 49. Protection of the Child from the Use of Narcotic, Psychotropic, Toxic and other Intoxicating Substances**

(1) A child may not use narcotic, psychotropic, toxic or other intoxicating substances. A child shall be protected from the use of narcotic, psychotropic, toxic and other such intoxicating substances as have a negative influence on the organism and from the manufacture, sale and any form of distribution of such substances.

(2) For the giving of narcotic, psychotropic, toxic or other intoxicating substances at the disposal of a child or the creation of such circumstances that such substances are freely accessible to the child, the encouraging of a child to use narcotic, psychotropic, toxic or other intoxicating substances, or the inducing of a child to use or distribute such substances, the persons at fault shall be held criminally liable.

(3) A child to whom has been caused mental or behavioural problems as a result of the use of narcotic, psychotropic, toxic or other intoxicating substances shall be ensured mandatory medical treatment and social rehabilitation according to the procedures stipulated by the Cabinet. Resources shall be allocated in the State budget for this. In case where a child or his or her parents do not agree to mandatory medical treatment, it shall be performed if a consent of the Orphan's and Custody Court of the place of residence of the child has been received.

[9 March 2000; 31 October 2002; 17 March 2005; 29 June 2008 / The third sentence of Paragraph three shall come into force on 1 January 2010. See Transitional Provisions]

## **Section 50. The Child and Games, Films and Mass Media**

(1) It is prohibited to show, sell, give as a gift, rent or promote to a child toys and video recordings, computer games, newspapers, magazines and other types of publications, in which cruel behaviour, violence, erotica and pornography are promoted and which pose a threat to the psychological development of a child.

(2) Materials, which promote cruel behaviour, violence, erotica and pornography and which pose a threat to the psychological development of a child may not be accessible to a child, irrespective of the form of expression, devices for showing and location thereof.

(3) Restrictions on radio and television programmes for the purposes of protection of the rights of the child shall be as determined by the Electronic Mass Media Law.

(4) It is prohibited for a child to be located in places where materials of an erotic and pornographic nature are manufactured or shown or a pornographic performance is prepared or shown.

(5) It is prohibited to involve a child in the manufacture or distribution of materials of pornographic nature, as well as in preparation or showings of a pornographic performance.

(6) Issues related to the prohibition of the circulation of child pornography shall be regulated by the Law on Pornography Restrictions.

(7) A child who has not reached 16 years of age is prohibited during school hours without the written permission of the educational institution administration and during the night to be located in internet premises, computer salons, internet cafes and other similar premises where for payment internet and computer game services are provided. Within the meaning of this Section the night-time shall mean the time period from 10:00 PM to 6:00 AM, if the relevant local government has not specified stricter restrictions in relation to the time period.

(8) In accordance with the Gambling and Lotteries Law, a child may not have access to gaming houses and a child may participate in gambling.

(9) The Cabinet shall determine the regulations for the distribution of computer games.

(10) For violation of the prohibitions and restrictions referred to in this Section, the persons at fault shall be held liable as laid down in law.

*[17 March 2005; 19 October 2006; 29 June 2008; 1 July 2011; 6 March 2014]*

## **Section 50.<sup>1</sup> Restrictions on Involvement of the Child in Events**

(1) A child may participate in different activities (events) if it does not hinder his or her acquisition of education, as well as does not threaten his or her safety, health, morality or other rights of the child and substantial interests, as well as the security of the State.

(2) It is prohibited to involve a child in beauty contests or other similar events, the main objective of which is only evaluation of their outer appearance.

(2<sup>1</sup>) It is prohibited to involve a child in the activities (measures) of military nature organised by a foreign state or another entity in international law, except for the cases when the child is participating in the activities (measures) of military nature organised by the European Union, the North Atlantic Treaty Organisation, a European Union Member State, a European Free Trade Association Member State, a North Atlantic Treaty Organisation Member State, the Commonwealth of Australia, the Federative Republic of Brazil or the New Zealand or the activities (measures) of military nature organised by such country with which the Republic of Latvia has entered into the agreement on recognition of dual citizenship.

(3) A child may participate in activities (events), which are related to the demonstration of outer appearance (modelling schools, demonstration of clothes, advertisement of goods and other similar events) only if the restrictions referred to in Section 72, Paragraphs five and six of this Law are not applicable to the organiser of the event, the employer, as well as another person whose work is related to engaging of children in such events.

(4) The Cabinet shall determine the procedures by which children may be involved in the events referred to in Paragraph three of this Section.

(5) Persons shall be held liable according to the law for the violations of the prohibitions and restrictions referred to in this Section.

*[29 June 2008; 6 March 2014; 3 May 2018]*

### **Section 50.<sup>2</sup> Child Safety during Public Events or Visits to Public Places**

(1) Child safety shall be ensured at public events in which children participate, or a public recreation activity, sports or recreation location accessible to children.

(2) *[29 June 2008]*

(3) The persons referred to in Section 72 of this Law shall be liable for child safety at public events.

(4) An organiser of a public event who established that a child has got lost or has been abandoned in such an event, or is in such conditions, which threaten his or her safety or health, shall inform the parents of the child or their substitutors or, if it is impossible, – the Police.

*[19 October 2006; 29 June 2008]*

### **Section 50.<sup>3</sup> Safety Requirements upon Provision of Child Supervision Services**

(1) If parents or a person under whose care a child has been transferred is not able to ensure that a child up to seven years of age is in the presence of a reliable person during their absence, they have a duty to ensure supervision of the child at the place of residence of a provider of child supervision services or another place provided for supervision of a child, or at a provider of child supervision services who implements a pre-school educational programme or an interest educational programme for children.

(2) The restrictions laid down in Section 72 of this Law shall be also applicable to the provider of child supervision services (its employees).

(3) A provider of child supervision services shall ensure at the place where the service is provided an environment corresponding for the child, which does not cause threats to his or her safety, life, health, morals and comprehensive development, as well as ensure the legal representative of the child with an opportunity to become acquainted with documentation certifying conformity with the requirements laid down in Section 72, Paragraphs five and six of this Law.

(4) A provider of child supervision services is registered with the Register of Providers of Child Supervision Services. The requirements for providers of child supervision services, the regulations for registration thereof, the administrator of the Register of Providers of Child Supervision Services and the information to be included in the Register shall be stipulated by the Cabinet.

*[30 May 2013; 6 March 2014]*

### **Section 51. Protection of the Child from Illegal Activities**

(1) For violence against a child, encouraging or forcing a child to take part in sexual activities, exploitation or involvement of a child in prostitution, the persons at fault shall be held liable as laid down in law.

(2) A child who is a victim of a criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts, shall, in accordance with procedures stipulated by the Cabinet, be provided with emergency assistance free of charge, in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and

reintegration shall take place in an environment favourable to the health, self-esteem and honour of a child, carefully guarding the child's intimate secrets.

(3) Every person has the duty to inform the police or another competent authority regarding violence or any other criminal offence directed against a child. For failing to inform, the persons at fault shall be held to liability as laid down in law.

(4) The police has a duty to inform the Orphan's and Custody Court according to the location of the child regarding the decision taken by the police on separation, if such decision has been taken in relation to the threat of harm to the freedom, life or health of the child or such person who is permanently residing with the child.

*[27 February 2014]*

## **Section 52. Child Victims of Violence or Other Illegal Acts**

(1) Special institutions or sections in general medical institutions shall be established and special resources allocated in the State budget for the medical treatment and rehabilitation of a child who has suffered as a result of violence. Expenditures for the medical treatment and rehabilitation of the child shall be covered by the State and shall be collected from the persons at fault by subrogation procedures.

(2) Special medical treatment shall be provided for a child who has become ill with a sexually transmitted disease. The adults at fault for the illness of the child shall be held liable as laid down in law and the costs of the medical treatment shall be collected from them.

(3) It is prohibited for a child who has been a victim of violence (illegal act):

1) to be left alone, except in cases when the child himself or herself so wishes and this choice is considered appropriate by a psychologist who has undergone special preparation for work with children who have suffered from violence;

2) to be left without psychological or other form of care;

3) to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such a confrontation;

4) to be subjected to the use of any compulsory measures in order to obtain information or for any other purpose.

(4) Out-of-family care shall be provided without delay for a child who has suffered from violence (illegal act) in his or her family or for whom a real threat of violence exists, if it is not possible to isolate the persons at fault from the child.

*[9 March 2000]*

## **Chapter VIII The Child with Special Needs**

### **Section 53. The Concept of the Child with Special Needs**

A child with special needs is a child who in connection with an illness, trauma or functional impairment of an organ system caused by an innate defect has need of additional medical, pedagogical and social assistance irrespective of whether there is a determination of disability in accordance with procedures laid down in law.

*[9 March 2000; 29 06 2008]*

### **Section 54. The Right of the Child with Special Needs to Live a Full Life**

A child with special needs has the same right to an active life, the right to develop and acquire a general and professional education corresponding to the physical and mental abilities and desires of the child, and the right to take part in social life, as any other child.

## **Section 55. Special Care for the Child with Special Needs**

- (1) A child with special needs has the right to special parental care.
- (2) The State and local governments shall assist a child with special needs to integrate into society and ensure for him or her education, health care and social services in accordance with laws and regulations.
- (3) A child with special needs, whose care his or her family is not able to ensure, shall be taken into the full care of the State or local government in accordance with the procedures laid down in laws and regulations.
- (4) Where a child with special needs is placed for adoption, the adopters shall be informed regarding the state of health of the child, developmental characteristics and their consequences, and the special nature of care for the child.  
*[9 March 2000; 17 March 2005; 1 July 2011]*

## **Section 56. Preparation of Pedagogical and Social Workers for Work with Children with Special Needs**

Pedagogical and social workers shall be specially trained for work with children with special needs. For this purpose the Ministry of Education and Science and the Ministry of Welfare shall draw up special training programmes.

## **Chapter IX Liability of a Child for and Prevention of Violations of Law**

### **Section 57. Liability of a Child for Violations of Law**

- (1) In accordance with the law a child (hereinafter also – minor) who has committed an administrative violation after attaining 14 years of age may be held administratively liable, but a minor who has committed a criminal offence after attaining 14 years of age may be held criminally liable.
- (2) During the time a child is under arrest for an administrative violation or a criminal offence, in detention, under custodial arrest or is in a place of imprisonment, the guarantees of the rights of the child during the safeguarded period shall be as determined by laws providing for administrative liability, and regulating criminal procedures or serving of sentence. Every child has the right to apply with a submission to institutions for the protection of the rights of the child. Such communications shall not be censored. The manager of the institution shall ensure that the submission is sent without delay to the addressee.
- (3) For involving a child in crime or other illegal activities, the persons at fault shall be held liable as laid down in law.  
*[15 May 2003; 17 March 2005]*

### **Section 58. Organisation of Work for the Prevention of Violations of Law**

- (1) Work with children for the prevention of violations of law shall be carried out by local governments in collaboration with the parents of children, educational institutions, the State Police, the State Probation Service, if the child is a probation client, public organisations and other institutions.
- (2) A local government shall establish a prevention file and draw up a programme for social correction of behaviour for each child who:
  - 1) has committed a criminal offence;
  - 2) is found guilty of the commission of a criminal offence, but whose sentence is not connected with deprivation of liberty;

- 3) is released from criminal liability;
- 4) is released from imprisonment or from the place where they are serving sentence;
- 5) has committed, prior to attaining 14 years of age, illegal acts set out in The Criminal Law;
- 6) has committed illegal acts as set out in the Administrative Violations Code more than two times;
- 7) begs, is vagrant or performs other acts which may lead to illegal actions.

(3) The State police may enter into prevention records children laid down in Paragraph two, Clauses 1 – 6 of this Section and other children, for whom there is a prevention file established at a local government, if the drawn up programme for social correction of behaviour provides for the joint participation of the police in a specific case.

*[9 March 2000; 30 May 2013; 3 May 2018]*

## **Section 59. Conveying of a Child to a Police Station**

(1) A child shall be conveyed to a police station, if the child:

- 1) has committed activities for which criminal liability is provided;
- 2) has committed an administrative violation, if it is not possible to otherwise determine the identity of the child and to draw up an administrative violation report;
- 3) is found in a public place in a state of intoxication;
- 4) is begging;
- 5) has not attained 16 years of age and is found in a public place at night without the supervision of parents, guardian, foster family, the manager of the child care institution or their authorised representative of legal age. Within the meaning of this Section the night-time shall mean the time period from 10:00 PM to 6:00 AM, if the relevant local government has not specified stricter restrictions in relation to the time period.
- 6) is lost or abandoned, or is found in such circumstances as are dangerous for a child or may harm his or her development; or
- 7) has arbitrarily left his or her family, guardian, foster family or child care institution.

(2) In the cases provided for in Paragraph one, Clauses 3-7 of this Section, the conveyance of a child to the police is permissible if it is not possible to provide assistance to the child in another way. In cases where the police determine that the child is vagrant, begging, intoxicated with narcotic or toxic substances or alcoholic beverages or there is an unfavourable family environment or that other circumstances exist as may be harmful to the child, they shall inform the relevant Orphan's and Custody Court and the social service office.

(3) A child conveyed to the police may not be held together with adult violators of the law, and the child shall be provided with constant adult supervision. The child may not be subjected to any physical or mental influence, and may not be forced to testify or to confess guilt.

(4) Explanations may be requested from a child who has been conveyed to a police institution in relation to the circumstances referred to in Paragraph one of this Section by a police officer who has the special knowledge laid down in Section 5.<sup>1</sup>, Paragraph one of this Law in the field of the protection of the rights of the child, with the participation of the parent, guardian, representative of the Orphan's and Custody Court (if the child has been placed with a foster family) or a child care institution or their authorised person (hereinafter – parent). If participation of the parent is in contradiction with the interests of the child, the parent refuses to participate in requesting explanations or cannot be reached, the police officer shall invite another person whom the child trusts or a psychologist.

(5) If a child with special needs has been conveyed to the police, conditions for satisfying his or her special needs shall be ensured, as well as a specialist for the provision of medical and other assistance to the child shall be invited, if necessary.

(6) The Cabinet shall determine the procedures by which the police shall ascertain whether the child has special needs, and invite a competent specialist, as well as determine the procedures by which the police shall ensure conditions for satisfying special needs of the child.

*[9 March 2000; 15 May 2003; 17 March 2005; 8 March 2007; 29 June 2008; 30 May 2013]*

### **Section 60. Measures to be Taken if a Child Requires Assistance**

(1) If a child has been conveyed to the police institution due to circumstances referred to in Section 59, Paragraph one of this Law, the child may be held there until given over to the parents, guardian, foster family, representative of a child care institution or their authorised person.

(2) If within a period of four hours it is not possible to determine the identity of a child and to give the child to his or her parents, foster family, guardian, child care institution that he or she has left or their authorised person and if as a means of security imprisonment is not applied to the child, the police shall place the child in a foster family, crisis centre or child care institutions, but if it is not possible in a prevention institution, and not later than the next working day shall inform the Orphan's and Custody Court and the local government social service office thereof.

(3) If a child who has been conveyed to the police is under the influence of alcoholic beverages, narcotic or toxic substances or other intoxicating substances or there is suspicion that the child is being sexually abused, has become the victim of illegal activities or has been induced to beg, the police shall determine the circumstances of the acquisition and use of the intoxicating substances, and the persons who have induced the child to engage in activities harmful to him or her or have performed illegal acts against the child.

(4) If a child who has been conveyed to the police requires medical assistance, the police shall organise the conveyance of the child to a medical treatment institution and ascertain that the child has been accepted therein or outpatient medical treatment assistance has been provided to him or her.

*[17 March 2005; 30 May 2013]*

## **Chapter X**

### **Organisation of the Protection of the Rights of the Child**

#### **Section 61. Competence of the Cabinet within the Field of the Protection of the Rights of the Child**

The Cabinet:

1) shall draw up the relevant draft laws and issue the necessary regulations in regard to the protection of the rights of the child;

2) shall approve long-term State policy projects in the field of protection of the rights of the child;

3) *[30 May 2013]*;

4) shall approve a State programme for the preparation of social educators and social workers;

5) shall approve a programme for the prevention of child crime and the protection of the child from crime;

6) determine the procedures by which the Latvian central authority in conformity with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction shall perform the activities referred to therein and co-operates with the authorities of other states and local governments;

7) determine the procedures by which the funds provided for in the State budget to local governments for catering of pupils of a basic education institution shall be calculated, granted and utilised and the daily amount of utilisation of such funds from the State budget per one pupil.

[9 March 2000; 15 May 2003; 17 March 2005; 19 October 2006; 29 June 2008; 30 May 2013]

## **Section 62. Competence of the Ministry of Welfare**

(1) The Ministry of Welfare shall:

1) in co-operation with the Ministry of Education and Science, the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture and the Ministry of Health, as well as other State and local government institutions and non-governmental organisations, develop draft long-term State policies in the field of the protection of the rights of children, including draft State policies in the field of alternative care for orphans and children left without parental care;

2) organise and co-ordinate the supervision of the observation of the regulatory enactments in the field of the protection of the rights of children;

3) [26 November 2009];

4) co-ordinate the co-operation of State and local government institutions in issues related to the protection of the rights of children and family law within the competence thereof;

5) co-ordinate the work of institutions for out-of-family care for children in the field of the protection of the rights of children;

6) ensure the quality assessment of the process of the protection of the rights of children, analysis thereof and the preparation of proposals for improvement of the protection of the rights of children;

7) ensure the preparation of the annual report on the condition of children in the State and the submission thereof to the *Saeima* and the Cabinet;

8) prepare a report on the condition of children in Latvia and the measures taken for the provision of the rights of children for submission to the Committee on the Rights of the Child of the United Nations;

9) inform the society regarding the provisions of the laws and regulatory enactments adopted in the field of the protection of the rights of children, as well as regarding the principles of international law in this field.

(2) The Minister for Welfare shall approve the annual State programme for improvement of the condition of children and family, as well as determine the type, criteria and procedures for the implementation thereof.

[12 June 2009; 26 November 2009; 1 July 2011]

## **Section 62.<sup>1</sup> Competence of the Ministry of Health**

The Ministry of Health shall:

1) draw up State policy projects in the field of child health care, including in the field of medical rehabilitation;

2) organise and co-ordinate child health care in conformity with the State programme, laws and other regulatory enactments.

[15 May 2003]

## **Section 63. Competence of the Ministry of Education and Science**

(1) The Ministry of Education and Science shall:

- 1) draw up State policy projects in the field of child education and sports and organise the implementation of approved projects;
  - 2) ensure the accessibility and quality of education;
  - 3) in co-operation with the Ministry of Welfare, draw up educational programmes in the field of protection of the rights of the child;
  - 4) ensure mandatory inclusion of the content of health studies in general education programmes;
  - 5) determine the qualifying requirements and criteria to be met by workers in education, and shall promote the raising of the qualification level of workers in education;
  - 6) in conjunction with the Ministry of Welfare and Ministry of Health, draw up the State programme for the preparation of social workers, social educators and teachers for work with children with special needs and children who require social and pedagogical correction of behaviour, and with the families of such children, and shall co-ordinate the implementation of State programmes;
  - 7) [15 May 2003];
- 2) [15 May 2003];
- (3) The Minister for Education and Science shall approve the annual State programme for youth policy.
- [9 March 2000; 15 May 2003; 20 May 2004; 17 March 2005; 12 June 2009]*

#### **Section 64. Competence of the Ministry of the Interior**

The Ministry of the Interior shall:

- 1) in co-operation with the Ministry of Welfare and other responsible institutions, ensure that a draft programme is drawn up for a three-year period for the prevention of child crime and for the protection of the child from crime, and shall co-ordinate the implementation of such programme;
  - 2) in collaboration with other authorities, carry out measures in the fight against illegal relocation of children across the State border and non-return of children from foreign states;
  - 3) ensure special training for police officers for work with law-breakers who are minors and minors who are victims of criminal offences, and with their families;
  - 4) [30 May 2013];
- [9 March 2000; 17 March 2005; 12 June 2009; 1 July 2011; 30 May 2013]*

#### **Section 64.<sup>1</sup> Competence of the Ministry of Justice**

- (1) The Ministry of Justice shall organise the training of judges with respect to issues regarding the rights of the child.
  - (2) The Ministry of Justice shall ensure that court work is organised so that priority consideration shall be applicable in the adjudication of matters associated with the protection of the rights and the best interests of the child.
  - 3) [15 May 2003];
- [9 March 2000; 15 November 2001; 15 May 2003]*

#### **Section 64.<sup>2</sup> Competence of the Ministry of Culture**

The Ministry of Culture shall draw up the State programme in the field of culture and education regarding culture and shall be responsible for its realisation.

*[9 March 2000]*

### **Section 64.<sup>3</sup> Competence of the Office of the Prosecutor General**

The Office of the Prosecutor General shall organise training for prosecutors with respect to issues regarding the rights of the child and shall ensure that the rights of the child are observed during pre-trial investigations.

*[9 March 2000]*

### **Section 65. Competence of the Minister for Children and Family Affairs and the Ministry of Children and Family Affairs**

*[12 June 2009]*

### **Section 65.<sup>1</sup> Competence of the State Inspectorate for Protection of Children's Rights**

The State Inspectorate for Protection of Children's Rights shall supervise and control conformity with the laws and regulations in the field of protection of the rights of the child. Inspectors of the State Inspectorate for Protection of Children's Rights have the right to conduct negotiations and to interview children without the presence of other persons.

*[19 October 2006; 1 July 2011]*

### **Section 65.<sup>2</sup> Competence of the Ombudsman Bureau**

The Ombudsman Bureau shall:

- 1) inform the public regarding rights of the child;
- 2) examine complaints regarding violations of the rights of the child, paying particular attention to violations committed by State or local government institutions and the employees thereof;
- 3) submit proposals, which promote the conformity with the rights of the child.

*[17 March 2005; 19 October 2006 / See Transitional Provisions]*

### **Section 65.<sup>3</sup> Competence of the Administration of the Maintenance Guarantee Fund**

The Administration of the Maintenance Guarantee Fund shall:

- 1) according to the procedures laid down in the Maintenance Guarantee Fund Law, ensure the rights of the child to social security by paying out maintenance from the Maintenance Guarantee Fund;
- 2) according to the procedures stipulated by the Cabinet, issue information from the Maintenance Guarantee Fund applicant and debtor register.

*[8 March 2007]*

### **Section 65.<sup>4</sup> Commission for the Protection of Children's Rights**

The Commission for the Protection of Children's Rights (hereinafter – the Commission) is a collegiate advisory institution aimed at promoting the implementation of the United Nations Convention of 20 November 1989 on the Rights of the Child in Latvia and fulfilling the recommendations of the United Nations Committee on the Rights of the Child to the Latvian government which are related to this Convention. The Commission shall be established, its composition determined and by-law approved by the Minister for Welfare.

*[30 May 2013]*

## **Section 66. Competence of Local Governments in Protecting Children's Rights**

(1) A municipality local government and a town local government shall analyse the situation in the field of observance of the rights of the child, and shall develop and implement a programme for the protection of the rights of the child in the administrative territory of the municipality or the city.

(2) In conformity with the law, the local government shall:

1) provide assistance and support to families in which there are children, guaranteeing shelter, warmth and clothing, and nutrition appropriate to his or her age and state of health, for each child residing in the local government territory;

2) provide out-of-family care for children who temporarily or permanently do not have a family or who in their own interest should not be left in the relevant family;

3) ensure the children's right to acquire secondary education and provide them with assistance in vocational training;

4) organise primary health care for mothers and children;

5) organise parental education;

6) provide for primary schools and extracurricular child institutions, public libraries, and organisation of child recreation;

7) draw up and implement programmes for work with street-children;

8) carry out other measures ensuring the rights of the child.

(3) Orphan's and Custody Courts as guardianship institutions shall ensure the protection of the personal and property rights of the child.

(4) [29 June 2008]

(5) The local government shall involve the public in ensuring the rights of the child and shall co-ordinate the activities of public organisations.

*[9 March 2000; 31 October 2002; 29 June 2008 / The new wording of Paragraph one and the amendment about deleting Paragraph four shall come into force on 1 July 2009. See Transitional Provisions]*

## **Section 67. Delimitation of the Competence of Local Governments**

(1) The municipality local government and the city local government according to the place of residence of a child shall be responsible for the protection of the rights of the child. The local government of the municipality (city) shall keep a record of every child residing in its territory.

(2) The declared place of residence of the parents of a child shall be considered the place of residence of the child within the meaning of this Law. If the declared places of residence of the parents of the child are located in different administrative territories, the declared place of residence of the parent with whom the child lives shall be considered the place of residence of the child.

(3) If the parents of a child do not have a declared place of residence, the actual place of residence of the parents of the child shall be considered the place of residence of the child.

(4) During the period that a child is located in out-of-family care, the residence of the child shall remain in the administrative territory of the local government, which has taken the decision regarding out-of-family care.

(5) In cases where a child is found in conditions hazardous to the life or health of the child, assistance shall be provided by local government and State institutions according to where the child is located. Lack of secure accommodation, warmth and clothing, and nutrition appropriate to the age and the state of health of the child, and violence against the child, shall be considered conditions hazardous to the life and health of the child.

(6) If a child alone, or together with his or her parents, is located in a temporary residence, assistance and support shall be provided for the child by local government institutions in accordance with the temporary residence.

(7) Accounting by local governments with regard to the provision of social services in the cases provided for in Paragraphs four and five of this Section shall be in accordance with the procedures laid down in the Law on Social Services and Social Assistance.

(8) If the guardian or the family, in whose care an orphan or a child left without parental care has been placed, does not receive the maintenance expenditures or social assistance provided for by law, assistance for the child shall be ensured without delay from State budget resources, pending the taking of a decision by the relevant local government. The resources paid out of the State budget shall be collected from the local government according to the residence of the child.

*[9 March 2000; 17 March 2005; 29 June 2008 / The new wording of Paragraph two shall come into force on 1 July 2009. See Transitional Provisions]*

### **Section 67.1 Statistical Information Regarding the Status of the Rights of the Child**

The Ministry of the Interior, the Ministry of Education and Science, the Ministry of Welfare, the Ministry of Environmental Protection and Regional Development, the Ministry of Justice, the Ministry of Health, the State Inspectorate for Protection of Children's Rights and local governments shall, within the scope of their competence, provide statistical information regarding protection of the rights of the child in the State, regarding parents whose care or custody rights shall be terminated or removed, and regarding families, who together with children have been evicted from their dwellings, regarding child adoption, the placing of children in out-of-family care, the application of compulsory measures of an instructional or medical nature to children, children being held to criminal liability, regarding children who have reached the mandatory education age and who are not attending educational institutions, and regarding children who have become victims of violence and street-children, as well as shall submit an appropriate summary report to the Central Statistics Bureau. The Central Statistics Bureau shall annually compile the information referred to and submit it to the Ministry of Welfare and the Ombudsman Bureau.

*[15 May 2003; 20 May 2004; 19 October 2006; 12 June 2009; 16 December 2010; 1 July 2011; 30 May 2013]*

### **Section 67.2 Information System for the Support of Minors**

(1) The information system for the support of minors is a part of the State information system "Integrated Information System of the Interior", in which the information necessary for the protection of the rights of the child is included, integrating information of State and local government institutions, as well as of medical practitioners regarding minors who need support and cases when preventive measures should be taken for the protection of the rights of children.

(2) The purpose of the information system for the support of minors is to promote the protection of the rights and interests of children, ensuring processing of the necessary information and promoting interinstitutional co-operation in the following issues:

- 1) defence of the rights and interests of a minor;
- 2) supervision of ensuring the rights and interests of a minor;
- 3) preventive work;
- 4) provision of social assistance and social services;
- 5) prevention and resolving of criminal offences and other violations of the law;
- 6) searching for a minor;

7) ensuring execution of administrative punishments, criminal punishments, means of security and compulsory measures of correctional nature;

8) implementation of settlements and preparation of evaluation reports on a probation client.

(2<sup>1</sup>) In order to provide social guarantees, as well as social assistance and social services, additional information on persons referred to in Section 42, Paragraph one of this Law who reside in child care institutions after reaching 18 years of age and persons referred to in Section 43 of this Law who after reaching 18 years of age have the right to social guarantees shall be included in the information system for the support of minors.

(3) The following institutions and persons have the right to process the information included in the information system for the support of minors, including personal data, for carrying out the functions laid down for such institutions and persons in the laws and regulations governing their activities:

1) the State Police;

2) the Orphan's and Custody Court;

3) the municipality police;

4) the local government social service office;

5) the State Probation Service;

6) the Latvian Prison Administration;

7) a social correction educational institution;

8) the Ombudsman;

9) the Ministry of Welfare;

10) medical practitioners;

11) the Social Integration State Agency;

12) the State Inspectorate for Protection of Children's Rights;

13) the State Border Guard;

14) the Office of Citizenship and Migration Affairs;

15) the State Social Insurance Agency;

15<sup>1</sup>) child care institution;

16) other State and local government institutions, the laws and regulations governing activities of which prescribe that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative punishment in relation to minors.

(4) Information characterising the child regarding his or her interests and habits, place of residence and living environment may be included in the information system for the support of minors. Information which has not been obtained within the scope of administrative proceedings or criminal proceedings and has not been received with the aid of the resources linking information systems shall be deemed information characterising the child.

(5) The information characterising the child included in the information system for the support of minors shall be issued only to such State and local government institutions, in the laws and regulations governing activities of which it is laid down that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative punishment in relation to minors.

(6) The information included in the information system for the support of minors, except the information characterising the child, shall be stored until the day when the person has attained 24 years of age, also in such case if the person has died before attaining the relevant age. The information characterising the child shall be stored in the information system for the support of minors until the day when the person has attained the age of majority, or until the day of death if the child has died before attaining the age of majority. The information referred to in Paragraph 2.<sup>1</sup> of this Law shall be kept for 15 years from the day when the relevant person has attained the age of majority.

(7) The Cabinet shall determine the procedures and the extent in which information shall be submitted to and received from the information system for the support of minors, as well as the procedures for processing the information included in the system.

*[30 May 2013; 23 November 2016; 2 March 2017]*

### **Section 68. Competence of Child Care, Educational and Other Institutions**

(1) Child care, instructional, cultural and educational institutions (kindergartens, children's homes, shelters, schools, health care institutions, camps and the like) shall ensure the rights of the child within the scope of their competence as determined in their articles of association or by-laws.

(2) The maintenance of order in these institutions shall be ensured by internal procedural regulations that conform to the requirements of law and do not infringe upon the dignity of children.

*[15 May 2003]*

### **Section 69. Participation of Social and Religious Organisations in Ensuring the Rights of the Child**

(1) Social and religious organisations shall realise their programmes for parent and child education, strengthening of the family, organisation of recreation and in regard to other issues as provided for in their articles of association, shall organise public support for protection of the rights of the child, and shall realise public monitoring of protection of the rights of the child in general or in regard to specific fields of protection of the rights of the child in accordance with the procedures laid down in law.

(2) Religious organisations may involve children in activities of a religious nature and events conducted by religious organisations only with written consent from parents, but during periods of out-of-family care, with the written consent of a guardian, a foster family or a care and instructional institution.

(3) Within budget limits, the State and local governments shall provide financial support to public organisations for the realisation of programmes devoted to the interests of the family and children.

*[9 March 2000; 15 05 2003]*

## **Chapter XI**

### **Liability for Failure to Observe Rights of the Child**

#### **Section 70. Persons and Institutions Responsible for the Protection of the Rights of the Child**

(1) It is the duty of any subject responsible for protection of the rights of the child to provide assistance in every case to a child who has need thereof, evaluating the needs of the particular child and the circumstances of the respective situation. If there are doubts regarding minority of a person, the person shall be deemed a minor until his or her age is ascertained and such person shall be ensured a respective assistance.

(2) The child himself or herself and other persons shall have the right to seek assistance from institutions for the protection of the rights of the child and other State and local government institutions and in each case these institutions shall take statutory action in order to prevent the offence if it has been established, as well as to provide support and assistance to the child. The heads of child care, educational, health care and similar institutions in which children reside shall have the duty to determine the procedures for submitting and processing children's complaints and make them known and accessible to children.

*[15 May 2003; 6 March 2014; 2 March 2017]*

## **Section 71. Prohibition from Disseminating Information Regarding the Child**

(1) Information regarding a child obtained by an employee of a child care, educational, social assistance or other institution or by an employee of a State or local government institution, in fulfilling the duties of their office, shall be confidential, and information, which could in any way harm the future development of the child or the maintenance of the psychological balance of the child may not be divulged.

(2) It is prohibited to disseminate personally obtained information regarding a child who has become a victim, a witness or has committed a violation of the law, as well as such information as could harm the child now or in the future.

(3) Taking advantage, for motives of self-interest, of the information supplied by a child, is prohibited.

(4) It is prohibited to interview a child and disseminate to the press and other mass media information in regard to the child who has become a victim or a witness of an illegal activity or has committed a violation of the law, except in cases where the child him or herself expresses the desire to openly disclose what was experienced and the parents or other lawful representatives of the child consent to it. If criminal procedure has been commenced, the permission of the person directing the proceedings is also necessary.

(5) Persons at fault for utilisation or dissemination of information as is prohibited shall be held disciplinarily liable or otherwise liable as provided by law.

*[15 May 2003; 17 March 2005; 8 March 2007]*

## **Section 72. Liability of Employees of Child Institutions and Event Organisers**

(1) Managers and employees of child care, educational, health care, and other such institutions where children are staying, organisers of events for children and such events in which children take part, persons who perform voluntary work in the abovementioned institutions and events or provide a service according to an agreement entered into with such institutions, shall be liable for the protection of the health and life of the child, that the child be safe, that he or she is provided with qualified services and that his or her other rights are observed.

(2) For violations committed the persons referred to in Paragraph one of this Section shall be held disciplinarily or otherwise liable as laid down in law.

(3) In hiring persons for work as managers or employees of child care, educational, health care, and other such institutions where children are staying, the employer has a duty to request information regarding the previous activity, competence and experience of such persons.

(4) Managers and employees of child care, educational, health care, and other such institutions where children are staying, as well as organisers of events, individual merchants, managers of commercial companies and organisers of voluntary work have a duty to ensure that such persons participate in organising an event and fulfil duties in the institution who comply with the requirements laid down in this Section. In order for a person to be able to fulfil duties in an institution or to participate in organising events, the organiser of events or the manager of the institution has a duty to request information from the Punishment Register in order to ascertain the compliance of the person with the requirements referred to in Paragraphs five and six of this Section, as well as to re-verify such information not less than once a year. The employer shall request the abovementioned information regarding the manager of the institution.

(5) Such persons shall not work in child care, educational, health care, and other such institutions where children are staying, at events for children and such events in which children take part, shall not perform voluntary work, as well as shall not provide services

according to an agreement entered into (except persons who provide extraordinary or temporary services, as well as services which are provided in the absence of a child):

1) who have been convicted of criminal offences that are related to violence or threats of violence – irrespective of whether or not the conviction is extinguished or set aside;

2) who have been convicted of criminal offences against morals and sexual inviolability – irrespective of whether or not the conviction is extinguished or set aside;

3) to whom the court has applied the compulsory measures of a medical nature laid down in The Criminal Law;

4) who have been imposed a fine for an administrative violation which is laid down in Section 172.<sup>2</sup> of the Latvian Administrative Violations Code unless three years have expired from the day when the decision taken by a competent authority or court judgment has come into force and become non-appealable.

(6) If the person referred to in Paragraph five of this Section has been punished for the administrative violation referred to in Section 155, Paragraphs three and four, Sections 167.<sup>2</sup>, 172, 172.<sup>1</sup>, 172.<sup>2</sup> (in the cases when the warning is imposed as an administrative punishment), 172.<sup>3</sup>, 172.<sup>4</sup>, 172.<sup>5</sup> and 173 of the Latvian Administrative Violations Code, or for an intentional criminal offence which is not referred to in Paragraph five, Clauses 1 and 2 of this Section, the manager of the institution, the employer (regarding the manager of the institution) or the organiser of the event has a duty to evaluate whether the person endangers the safety, health or life of the child. If it does not endanger the safety, health or life of the child, the manager of the institution, the employer (regarding the manager of the institution) or the organiser of the event shall be permitted to work, to perform voluntary work, as well as to provide services according to the agreement entered into with such institutions or organisers of events.

(7) If there are justified suspicions or the manager of the institution, the employer or the organiser of the event has information at the disposal thereof that the persons referred to in Paragraph five of this Section have allowed violations of the rights of the child or criminal proceedings regarding a criminal offence, which is referred to in Paragraphs five and six of this Section, have been initiated against them, or an administrative violation case has been initiated for the administrative violations referred to in Paragraph six of this Section, the manager of the institution, the employer or the organiser of the event shall ensure that the relevant employees are suspended from their position (from fulfilling duties) until ascertaining and evaluation of the circumstances of the matter or until making of the final ruling in the criminal proceedings.

(8) Suspending of the persons referred to in Paragraph five of this Section may be requested by the State Inspectorate for Protection of Children's Rights, if it has justified suspicions regarding potential violations of the rights of the child. The request of the State Inspectorate for Protection of Children's Rights shall not be subject to contesting and appeal, it shall be executed without delay.

(9) Disputes regarding suspending of the persons referred to in Paragraph five of this Section shall be reviewed in accordance with the procedures laid down in the Civil Procedure Law. The court, upon reviewing the abovementioned issue, may evaluate the validity of the request of the State Inspectorate for Protection of Children's Rights.

*[6 March 2014; 3 May 2018 / Clause 4 of Paragraph five and amendments to Paragraph six shall come into force on 5 July 2018. See Paragraph 36 of Transitional Provisions]*

### **Section 73. Duties of Residents in Protection of the Rights of the Child**

(1) All inhabitants have a duty to safeguard the safety of their own and other children and to inform not later than the same day the police, the Orphan's and Custody Court or other institution for the protection of the rights of the child in regard to any abuse of a child and criminal offence or administration violation against a child, violation of the rights of the child

or other threat to a child, as well as when if the person has suspicions that the child has articles, substances or materials, which may be a threat to the life or health of the child himself or herself or of another person.

(2) Health care, pedagogical, social field or police employees, and elected State and local government officials, who have received information regarding violations of rights of the child and who have failed to inform the institutions referred to in regard to such, shall be held liable as laid down in law for such failure to inform.

*[17 March 2005; 6 March 2014]*

## **Chapter XII Final Provisions**

### **Section 74. Refugees and Persons who have been Granted Alternative Status**

(1) If in accordance with international or national law a child is a refugee or a person to whom has been granted alternative status, the child shall receive protection and assistance irrespective of whether the child is together with parents or other adults or alone in accordance with the Asylum Law.

(2) The Orphan's and Custody Court together with the local government social service office and immigration institutions shall carry out measures to find the parents of a child and to determine what possibilities there are for the child to return to his or her family.

(3) If it is not possible to find the parents of a child, the refugee child and the child to whom has been granted alternative status shall be provided with the same care as any other child who has been left without parental care.

*[15 May 2003; 8 March 2007]*

### **Section 75. Child Visitation with Parents Living in Different Countries**

(1) A child whose parents live in another state has the right, except in special circumstances, to regularly maintain a personal relationship and direct connection with them (visit with them). With respect to the right of the parents to enter the State or to exit from it only such restrictions shall be in force as are laid down in law and are necessary for the protection of national security, public order, the health and morals of the public, or the rights and freedoms of other persons.

(2) A mother or father living in a different state has the right, in accordance with procedures prescribed, to enter Latvia for purposes of unification of the family.

### **Section 76. Crossing the State Border**

(1) A child may cross the State border accompanied by both parents or one of them, or a guardian, or a person authorised by them. A child who has attained the compulsory schooling age may cross the State border independently with the consent of both or one of their parents or of their guardian.

(2) The Cabinet shall determine the procedures according to which a child shall cross the State border.

*[18 May 2000]*

## **Transitional Provisions**

1. The Cabinet:

before 31 December 2000 shall submit to the *Saeima* draft laws regarding amendments necessary in other laws;

before 31 December 2000 shall submit to the *Saeima* a draft law regarding application of compulsory measures of a correctional nature to children.  
*[9 March 2000; 31 October 2002]*

2. Section 29, Paragraph three of this Law that provides for admission of a mother together with her child to an infant home, shall come into force on 31 December 1999.

3. For the implementation of Section 64 of this Law, within two months after the Law comes into force, the local government shall inform police institutions regarding which child care institutions or foster families children who require assistance may be placed in.  
*[9 March 2000]*

4. The Central Statistics Bureau together with the Ministry of the Interior, the Ministry of Education and Science, the Ministry of Welfare, the Ministry of Justice, the Minister for Special Assignments – State Administration and Local Government Matters and local governments shall, by 1 June 2000, draw up and approve a unified statistical report system for issues regarding the protection of the rights of the child.  
*[9 March 2000]*

5. Section 27, Paragraph five of this Law shall come into force on 1 January 2001.  
*[9 March 2000]*

6. The provisions of Section 11, Paragraph two of this Law regarding the right of the child to primary school preparation free of charge, shall come into force on 1 January 2001.  
*[9 March 2000]*

7. Before 1 July 2000 the Cabinet shall issue regulations regarding the procedures according to which the child shall cross the State border.  
*[18 May 2000]*

8. *[19 October 2006]*

9. The provisions of Section 67.<sup>1</sup> of this Law regarding the submission of statistical information in relation to street-children shall come into force on 1 January 2005.  
*[15 May 2003]*

10. The Cabinet shall, by 1 June 2005, issue the regulations provided for in Section 12, Paragraph four; Section 20, Paragraph one; Section 30, Paragraph one and Section 50, Paragraph nine of this Law.  
*[17 March 2005]*

11. Until the day of the coming into force of the Cabinet regulations, but not longer than by 1 June 2005, Cabinet Regulation No. 348 of 2 December 1995, Regulations Regarding the Importation, Manufacture, Distribution, Public Showing or Advertising of Materials of an Erotic and Pornographic Nature, shall be in force.  
*[17 March 2005]*

12. *[29 June 2008]*

13. Amendments to Section 65.<sup>2</sup> of this Law (regarding the replacement of the words “State Human Rights Bureau” with the words “Ombudsman Bureau”) and Section 67.<sup>1</sup> (regarding addition of the words “and Ombudsman Bureau”) shall come into force on 1 January 2007.

*[19 October 2006]*

14. Amendments to this Law regarding deletion of Section 45 and supplementation of the Law with Sections 45.<sup>1</sup>, 45.<sup>2</sup>, 45.<sup>3</sup> and 45.<sup>4</sup> shall come into force on 1 October 2008.

*[29 June 2008]*

15. The Cabinet shall issue the regulations referred to in Section 31, Paragraph four of this Law by 1 October 2008. Until the date of the coming into force of the relevant regulations, but not longer than until 1 October 2008, Cabinet Regulation No. 512 of 9 September 2003, Regulations Regarding the Adoption Register, shall be applicable insofar as they are not in contradiction to this Law.

*[29 June 2008]*

16. Amendments to this Law regarding supplementation of Section 48, Paragraph five and Section 49, Paragraph three of this Law with the third sentence shall come into force on 1 January 2010.

*[29 June 2008]*

17. Section 50.<sup>1</sup>, Paragraph four of this Law shall come into force on 1 January 2009. Until the date of the coming into force of the relevant norm the Cabinet shall issue the regulations referred to therein.

*[29 June 2008]*

18. Amendments to this Law regarding rewording of Section 66, Paragraph one and Section 67, Paragraph one of this Law, as well as regarding deletion of Section 66, Paragraph four of this Law shall come into force on 1 July 2009.

*[29 June 2008]*

19. Section 64, Clause 4 of this Law shall come into force on 1 April 2012.

*[1 July 2011]*

20. The Cabinet shall issue the regulations provided for in Section 67.<sup>2</sup>, Paragraph seven of this Law until 1 September 2013. Until the day of coming into force of the referred-to Cabinet regulations Cabinet Regulation No. 348 of 22 May 2012, Regulations Regarding the Information System for the Support of Minors, shall be applicable insofar as it is not in contradiction with this Law.

*[30 May 2013]*

21. Until 31 December 2013 the Cabinet shall issue regulations regarding the procedures by which the police shall ascertain whether the child has special needs, and invite a competent specialist, as well as the procedures by which the police shall ensure conditions for satisfying special needs of the child.

*[30 May 2013]*

22. Amendments to Section 50.<sup>3</sup>, Paragraph four of this Law which provide for the Cabinet stipulating the requirements for a provider of child supervision services (its employees) shall come into force on 1 September 2013.

*[30 May 2013]*

23. Until 31 March 2014 the Cabinet shall issue the regulations provided for in Section 30, Paragraph one of this Law. Until the day of coming into force of the Cabinet regulations provided for in Section 30, Paragraph one of this Law Cabinet Regulation No. 1536 of 22

December 2009, Regulations Regarding the Procedures for and Amount of Payment for Out-of-family Care Services, shall be applicable insofar as it is not in contradiction with this Law.  
*[30 May 2013]*

24. A child whose parents have been removed the care rights by a decision of the Orphan's and Custody Court until 31 December 2012 shall be a child left without parental care from 1 January 2013 until the time when the Orphan's and Custody Court takes a decision to renew the custody rights or the bring a claim to the court regarding removal of custody rights.  
*[30 May 2013]*

25. The persons referred to in Section 5.<sup>1</sup>, Paragraph one, Clauses 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 15, 16, 18, 19 and 20 of this Law who have not acquired the special knowledge in the field of the protection of the rights of the child shall acquire them not later than by 31 December 2014.  
*[6 March 2014]*

26. The persons referred to Section 5.<sup>1</sup>, Paragraph one, Clauses 6, 11, 14 and 17 of this Law, as well as in Section 5.<sup>1</sup>, Paragraph one, Clause 19.<sup>1</sup> of this Law who represent or defend minors in criminal proceedings, shall acquire the special knowledge referred to in Section 5.<sup>1</sup>, Paragraph 1.<sup>1</sup> of this Law not later than until 31 December 2017.  
*[6 March 2014]*

27. The persons referred to Section 5.<sup>1</sup>, Paragraph one, Clause 19.<sup>1</sup> of this Law who do not represent or defend minors in criminal proceedings, shall acquire the special knowledge in the field of the protection of the rights of the child not later than until 31 December 2019.  
*[6 March 2014]*

28. The persons who have not acquired the special knowledge in the field of the protection of the rights of the child are entitled to perform work or official duties until expiry of the time period laid down in Paragraphs 25, 26 and 27 of Transitional Provisions of this Law.  
*[6 March 2014]*

29. Until 31 December 2014 the employer, the manager of the institution and the State Office of the Quality of Education, accordingly, shall ensure the compliance of the persons referred to in Section 50.<sup>1</sup>, Paragraph three, Section 50.<sup>3</sup>, Paragraph two and Section 72, Paragraph five of this Law with the requirements of Section 72 of this Law.  
*[6 March 2014]*

30. If the binding regulations of local governments contain a definition of a large family which differs from the definition laid down in Section 1, Clause 16 of this Law, the definition provided for in the binding regulations of the local government shall be applicable but not later than by 31 December 2016.  
*[26 November 2015]*

31. Amendments to Section 1, Clause 16, the title of Section 26 (formulating the title in a new wording) and Paragraph six of this Section shall come into force on 1 January 2016.  
*[26 November 2015]*

32. The Cabinet shall issue the regulations provided for in Section 26, Paragraph six of this Law until 31 December 2015.  
*[26 November 2015]*

33. The Cabinet shall issue the regulations provided for in Section 6, Paragraph three of this Law until 31 July 2017.  
[2 March 2017]

34. The persons referred to in Section 5.<sup>1</sup>, Paragraph one, Clause 2 of this Law, if they ensure legal support to the Orphan's and Custody Court in drawing up the decision and performance of other tasks assigned to the Orphan's and Custody Court according to the assignment by the local government council, and the persons referred to in Paragraph 19.<sup>2</sup> shall acquire the special knowledge in the field of the protection of children's rights not later than by 31 December 2020.  
[3 May 2018]

35. Amendments to this Law in respect of the new wording of Section 27, Paragraph three and deleting of Paragraph 3.<sup>1</sup>, and also amendments to this Law in respect of the new wording of Section 45.<sup>4</sup>, Paragraph two and supplementing thereof with Paragraph 2.<sup>1</sup> and 2.<sup>2</sup> shall come into force on 1 September 2018.  
[3 May 2018]

36. Amendments to this Law that provide for supplementing Section 72, Paragraph five with Clause 4 and supplementing Paragraph six which shall come into force concurrently with the relevant amendments to Section 172.<sup>2</sup> of the Latvian Administrative Violations Code in relation to increase of the maximum punishment and imposition of the warning to the officials or employees of State or local government authorities who have committed the relevant violation. The restriction laid down in Section 72, Paragraph five, Clause 4 of this Law shall not be applicable to persons who have been punished with the fine for the violation laid down in Section 172.<sup>2</sup> of the Latvian Administrative Violations Code before the day of coming into force of this norm.  
[3 May 2018]

### **Informative Reference to European Union Directives**

[6 March 2014; 26 November 2015]

This Law contains legal norms arising from:

- 1) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;
- 2) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.
- 3) Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/TI;
- 4) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast);
- 5) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

This Law has been adopted by the *Saeima* on 19 June 1998.

President G.

Ulmanis

Rīga, 8 July 1998