

Vergaderjaar 2010-2011

32 015 Amendment of book 1 of the Civil Code, the Law on Civil Rights requisitioning, the Law on Child Welfare and the Law on Foster Child Care Law, in connection with revised child care measures.

Nr. Further modified amendment of the paragraph VOORDEWIND C.S. to substitute the text printed under No. 30

Received

The undersigned propose the following amendment:

In Section I, part H, a paragraph will be added following paragraph 262, with the following text:

Article 262a

1. To execute its task, the foundation provides the parent or parents with legal authority, together with relatives, in-laws or others who belong to their social environment, with the opportunity to construe an action plan, or to adapt an existing plan, within six weeks. Only if there are concrete threats to the development of the child, or if the interests of the child are otherwise at risk, the foundation may deviate from this policy.
2. If the action plan is capable of removing the concrete threats as mentioned in section 255, fifth paragraph, within the duration of the supervision order, it is considered a plan as indicated in the law on child welfare, under section 13, third paragraph. If, in the opinion of the foundation, the action plan will not result in removing the concrete threats, the foundation will notify the parent or parents with legal authority within five work days after the presentation of the action plan, allowing them to adapt the action plan within two weeks. If no adapted plan is received within that time span, or if the revised plan is still considered unfit to remove the concrete threats, the foundation itself will construe a plan as indicated in Section 13, third paragraph, of the law on child welfare.
3. At the request of a parent with legal authority or of a minor aged twelve years or more, the magistrate in a juvenile court can validate the action plan as the plan mentioned in Section 13, third paragraph, of the law on the child welfare. Section 264, second and third paragraph, apply correspondingly.

Elucidation

This amendment is intended to provide parents, family members and people who are otherwise involved, with the possibility to construe a plan before or during the supervision order. This means that an appeal is made to those people who are directly involved, to think of and help with a solution. In many cases, citizens are very well capable of taking responsibility for problems, within their own family or their circle of friends. Moreover, social cohesion contributes to the well-being of children. Additionally, through forms of help and support given by people who are involved, out-of-home placement may be avoided, and network foster care is promoted.

The example is set by the so-called Eigen Kracht-conference, where an independent coordinator facilitates the making of a plan by the network of family and friends, to be executed by that network. This results in citizens who take control. It has become clear that the owner of the problem also holds the key to the solution, together with the own people. They may call upon the knowledge of, and assistance from, child welfare professionals.

Following the modifications that are introduced through this amendment to the proposed act, as a first step in the implementation of the supervision order, Bureau Jeugdzorg always offers the family the possibility to construe an action plan, unless - to state it shortly - the safety of the child does not permit this. If a suitable action plan has been formulated, it is considered a care plan as indicated in section 13, third paragraph, of the law on the child welfare. The law on child welfare contains certain requirements regarding such a plan, in particular with regards to its completion, and Bureau Jeugdzorg may take these requirements into consideration when judging the aptitude of the plan. If Bureau Jeugdzorg judges that the plan is unsuitable, they inform the parent or parents and provide them with the opportunity to submit an improved plan. If that plan still fails to meet the criteria, Bureau Jeugdzorg will formulate a care plan. If there is a disagreement on whether the action plan removes the concrete threats to the child that were determined when the supervision order was applied, the parent with legal authority, or the minor, may present this dispute in a juvenile court.

As it concerns a supervision order, the family guardian continues to supervise the safety and development of the child. The family guardian may outline a framework within which the parents, the minor, and the other people involved must construe a plan, and check if the plan meets these requirements. Up to now, In the Netherlands, almost all plans that were construed this way were accepted by the care workers as safe for the minor.

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