



## VELFERÐARRÁÐUNEYTIÐ

*Ministry of Welfare*

### **Child Protection Act, No. 80/2002, as amended by Act No. 62/2006, No. 88/2008, No. 52/2009, No. 162/2010, No. 80/2011, No. 85/2011, No. 126/2011, No. 138/2011, No. 58/2012, No. 134/2013, No. 85/2015 and No. 80/2016.**

#### **SECTION I**

#### **Objectives of the Child Protection Act etc.**

##### Article 1

##### *Rights of children and duties of parents.*

Children have a right to protection and care. Their rights shall be maintained in accordance with their age and maturity.

[All those involved in the care and upbringing of children shall treat them with respect and consideration, and no child may ever be subjected to violence or any other degrading treatment. Parents shall treat their children with care and consideration and observe their duties of upbringing and custodianship as to best suit their child's interests and needs. They shall create satisfactory conditions for their children to grow up in and ensure their welfare in all respects.]<sup>1)</sup>

<sup>1)</sup> Act No. 52/2009, Article 1.

##### Article 2

##### *Objectives and jurisdiction.*

The objective of this Act is to ensure that children who are living in unacceptable circumstances or children who place their health and maturity at risk receive the necessary help. Efforts shall be made to achieve the objectives of the Act by strengthening families in their child-raising role, and applying measures to protect individual children when applicable.

The Act shall apply to all children within the territory of the Icelandic state.

##### Article 3

##### *Definition of terms.*

In this Act the word "children" applies to individuals under the age of 18. Child protection authorities may decide, with the consent of a young person, that arrangements made on the basis of this Act remain in force after the person reaches the age of 18 years, to a maximum age of 20 years.

"Child protection authorities" are [the Ministry],<sup>1)</sup> the Government Agency for Child Protection, [the Welfare Appeals Committee]<sup>2)</sup> and child protection committees.

["Parents" refers to parents as defined in Section I of the Act in Respect of Children. For the purposes of this Act, "parents" also generally refers to persons exercising custody of a child.]<sup>3)</sup> With regard to the nature of guardianship, the provisions of the Children Act shall apply.

<sup>1)</sup> Act No. 126/2011, Article 346. <sup>2)</sup> Act No. 85/2015, Article 13. <sup>3)</sup> Act No. 80/2011, Article 1.

##### Article 4

##### *Principles of child protection work.*

In child protection work, those arrangements shall be made which may be expected to be best for the child. The interests of children shall always be paramount in the work of child protection authorities.

In their work, child protection authorities shall take account of children's views and wishes, in accordance with the age and maturity of the child.

Child protection work shall promote stability during childhood.

Child protection authorities shall seek to maintain good collaboration with children and parents with whom they have dealings, and always show them the utmost tact and respect.

Child protection authorities shall in their work seek to maintain good collaboration among themselves, and with other agencies concerned with children.

Child protection authorities shall in their work and in all decision-making maintain consistency and equity.

Child protection authorities shall as far as possible ensure that general measures to support the family are tried before other measures are taken. The aim shall also be to apply the minimum measures to achieve the desired results. Coercive measures shall only be applied if the legally-required objectives cannot be achieved by other, lesser measures.

All those who work in child protection shall maintain complete confidentiality on the circumstances of children, parents, and others with whom they have dealings.

## SECTION II

### Authorities in child protection.

#### Article 5

##### *Role of [the Ministry].<sup>1)</sup>*

Child protection within the meaning of this Act is under the aegis of [the Ministry].<sup>2)</sup> Division of responsibilities within the Ministry and agencies subject to the Ministry shall be as provided in this Act and in rules issued on the basis of the Act.

[The Ministry]<sup>1)</sup> is responsible for policy formation in child protection.

The Minister shall submit a four-year plan of action to the Althingi (parliament) following local government elections.

[The Ministry]<sup>1)</sup> shall monitor the work of the Government Agency for Child Protection. It may require information to be produced on individual cases on the basis of complaints, or other information.

<sup>1)</sup> Act No. 162/2010, Article 24. <sup>2)</sup> Act No. 126/2011, Article 346.

#### Article 6

##### *[Welfare Appeals Committee.*

Appeals against Rulings and administrative decisions taken by child protection committees may be lodged with the Welfare Appeals Committee, *cf.* the Welfare Appeals Committee Act, in accordance with further provisions made in this Act. Furthermore, appeals may be lodged with the committee against decisions taken by the Child Protection Agency under the third, fifth and sixth paragraph of Article 15, Article 66, the third paragraph of Article 84, the fourth paragraph of Article 89 c and the second paragraph of Article 91.]<sup>1)</sup>

<sup>1)</sup> Act No. 85/2015, Article 13.

#### Article 7

##### *Government Agency for Child Protection.*

The Government Agency for Child Protection is an autonomous agency under the authority of [the Minister].<sup>1)</sup> The Government Agency for Child Protection is in charge of administration within the field covered by the Act. [The Minister]<sup>1)</sup> shall decide the location of the Government Agency for Child Protection and appoint its director.

The Government Agency for Child Protection shall promote co-ordination and strengthening of child protection work in Iceland, and shall provide advice to [the Minister]<sup>1)</sup> on policy-making in the field. It shall ensure that research and development work is carried out in the field of child protection.

The Government Agency for Child Protection shall provide guidance on the interpretation and implementation of the Child Protection Act and instruction and advice for child protection committees in Iceland. It shall also monitor the work of child protection committees as provided in this Act.

The Government Agency for Child Protection issues licences to foster parents, makes decisions and assists child protection committees in cases of foster care as provided in Section XII of this Act.

The Government Agency for Child Protection has authority over homes and institutions which the state is to ensure are available under Section XIII of this Act, and shall ensure that such homes and institutions be established. The Agency supervises the placement of children in such homes and institutions. The Government Agency for Child Protection shall also issue licences under the provisions of Sections XIII and XIV of this Act.

The Government Agency for Child Protection may run special service centres with the objective of promoting interdisciplinary collaboration, and strengthening and co-ordination of agencies in the handling of cases of child protection. [The Government Agency for Child Protection may also operate specialised measures for children suffering from complex problems in collaboration with other authorities, such as services for disabled people or the social and health services.]<sup>2)</sup> The Government Agency for Child Protection may also offer child protection committees other specialist services, such as non-institutional measures in the field of treatment for children, with the objective of assisting the committees in fulfilling their mandated role. A fee may be charged for special projects undertaken by the Government Agency for Child Protection under this provision, as further stated in regulations. The fee shall never be higher than the cost of running the service centre or the cost of the specialised service in question, including cost of staff salary and training, and other costs provably incurred in connection with the service.

The Government Agency for Child Protection shall also undertake other tasks assigned to it by this Act or other legislation.

The Government Agency for Child Protection shall issue an annual report on its work.

[The Minister]<sup>1)</sup> shall stipulate more detailed provisions on the work of the Government Agency for Child Protection in regulations.

<sup>1)</sup> Act No. 162/2010, Article 24. <sup>2)</sup> Act No. 80/2011, Article 3.

#### Article 8

##### *Monitoring of child protection committees by the Government Agency for Child Protection.*

Child protection committees shall by 1 May each year submit to the Government Agency for Child Protection a report on their work over the previous calendar year. This shall include, among other things, information on the number of cases dealt with by committees over the period, their nature and how they were resolved.

The Government Agency for Child Protection may also require child protection committees to produce all information and reports it deems necessary, both documents of individual cases and reports to be especially prepared by the child protection committees.

The Government Agency for Child Protection may, on the basis of complaints or other information received on the handling of individual cases, and if deemed necessary, gather necessary data, information and explanations from the child protection committee in question.

Should the Government Agency for Child Protection be of the view, after having gathered information and explanations as provided in the second and third paragraphs, that a child protection committee is not complying with the law in carrying out its work, it shall, as applicable, provide guidance to the child protection committee on procedure, and make suggestions for improvements. If the child protection committee does not comply with the suggestions and guidance of the Government Agency for Child Protection, the Agency may enjoin upon the committee to fulfil its duties. The Government Agency for Child Protection shall inform the municipal council and [the Ministry]<sup>1)</sup> of such an enjoiner. Provisions of confidentiality shall be observed when giving such notice of enjoiner to the municipal council. [If a municipal council neglects the duties incumbent upon municipalities, the Ministry may take steps to remedy the situation in accordance with the provisions of the Local Government Act.]<sup>2)</sup>

<sup>1)</sup> Act No. 162/2010, Article 24. <sup>2)</sup> Act No. 80/2011, Article 4.

#### Article 9

##### *Municipal action plans on child protection.*

Municipal councils shall form a policy and draw up an action plan for each elective term in the field of child protection within the municipality. Municipal action plans on child protection shall be sent to [the Ministry]<sup>1)</sup> and the Government Agency for Child Protection.

If municipalities collaborate on child protection, *cf.* Article 10, they may produce a joint plan.  
<sup>1)</sup> *Act No. 162/2010, Article 24.*

### **SECTION III** **Child protection committees.**

#### Article 10

##### *Child protection committees, elections etc.*

Municipalities shall operate child protection committees.

Municipal council shall elect the child protection committee, *cf.* however the third and fourth paragraphs. Municipalities of smaller population shall collaborate with other municipalities on election of a child protection committee. The total population of the municipalities represented by one child protection committee shall not be less than 1,500.

A municipal council may assign ...<sup>1)</sup> the board of a co-owned agency to elect a child protection committee that serves more than one municipality, or agree on regional collaboration in some other manner than stated here.

A municipal council may assign its social services committee to handle the tasks of a child protection committee, and in such cases the rules shall be observed stated in the first and second paragraphs of Article 11 on election of child protection committees, and on population figures, *cf.* the second paragraph of this Article.

<sup>1)</sup> *Act No. 138/2011, Article 134.*

#### Article 11

##### *Appointment of child protection committee.*

A child protection committee shall comprise five people and an equal number of alternates. A child protection committee serving more than one municipality may, however, comprise up to seven members and seven alternates. A child protection committee shall generally comprise both men and women. Members of the committee shall be of known probity, and have a good understanding of the matters dealt with by child protection committees. Efforts shall be made to elect a lawyer to the child protection committee, and also people who are specialised in matters regarding children. When a decision is made under Articles 26 and 27, a lawyer shall be called upon, should none be a member of the child protection committee.

Eligibility for election to a child protection committee is subject to the same rules as eligibility for election to a municipal council, as provided in the Local Government Elections Act.

Municipal councils shall notify the Government Agency for Child Protection of the appointment of the child protection committee not later than two months after local government elections have taken place.

Should a municipal council not have appointed a child protection committee as provided in this Act four months after local government elections, [the Minister]<sup>1)</sup> may admonish the municipality and allow a period of grace of one month for this to be rectified. Should the municipal council not comply before this time has elapsed, the Minister may decide that certain municipalities shall have a joint child protection committee, and appoint a child protection committee that fulfils the conditions stated above. The Minister may, among other things, decide to assign child protection work in the relevant municipality entirely to the child protection committee of another municipality which has already elected a child protection committee. All costs incurred by the appointment of such a committee shall be paid by the relevant municipalities, as further decided by the Minister. [The Minister]<sup>1)</sup> may also grant an exemption from item 3 of the second paragraph of Article 10 if the total population is close to 1,500, and if geographical and other factors make it impractical or difficult to achieve this population figure.

An existing child protection committee shall retain its mandate until a new committee has been appointed under the provisions of this Act.

<sup>1)</sup> *Act No. 162/2010, Article 24.*

## Article 12

### *The role of child protection committees in general.*

The role of child protection committees is as follows:

1. *Monitoring.* Child protection committees shall investigate the circumstances, behaviour and conditions of upbringing of children, and assess without delay the needs of those who are believed to be living in unacceptable conditions, to be mistreated, or to have serious social problems.
2. *Measures.* Child protection committees shall apply those child protection measures provided in this Act which are most applicable at any time, and which are deemed the most suitable to safeguard their interests and welfare.
3. *Other tasks.* Child protection committees shall undertake other tasks that are assigned to them under the terms of this Act and other legislation. A municipal council may assign a child protection committee other tasks relating to the circumstances of children and young persons in its jurisdiction.

The child protection committee must assist parents in fulfilling their duties of guardianship, and apply suitable measures as provided in this Act if necessary.

## Article 13

### *Autonomy of child protection committees.*

Municipal councils may not give child protection committees any instructions with regard to individual child-protection cases.

Municipal councils may not have access to documents and information on individual child-protection cases.

Decisions and rulings by a child protection committee cannot be appealed to the municipal council.

## Article 14

### *Child protection committee staff.*

A child protection committee shall engage specialised staff or ensure access to relevant expertise by other means. The committee should be able to provide parents, institutions and others involved in child-raising appropriate advice, education and guidance as provided in this Act. The possibility should also exist for carrying out professional tests of children's social and psychological conditions as necessary in connection with investigation and handling of individual child-protection cases.

A child protection committee may make arrangements with institutions, for instance in the fields of social services, schooling or health service, regarding shared personnel and specialist services.

A child protection committee may assign its staff to investigate and handle individual cases or categories of case, according to rules the committee itself lays down. A child protection committee may also by such rules delegate to individual members of staff the power to make individual decisions as provided in this Act. The Government Agency for Child Protection shall be informed of the content of the rules.

[The authority to deliver rulings under this Act, to take decisions on the institution of court proceedings under Articles 28 and 29, to demand that persons be declared personally incompetent under Article 30 or to take decisions regarding the demand that a member of a household be ordered to leave it or that a restraining order be issued under Article 37, may not be delegated to individual members of staff of the committees.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 5.

## Article 15

### *Jurisdiction and collaboration of child protection committees.*

The child protection committee in the district where the child is permanently resident is responsible for any case involving the child, but see the third and fourth paragraphs.

[If a child moves out of the jurisdiction of a committee during the process of his/her case, the committee shall immediately notify the child protection committee in the jurisdiction where the child is relocated, inform the recipient committee of all its involvement in the child's case and provide it with all necessary materials pertaining to the case. The child protection committee in the jurisdiction

where the child is relocated shall immediately take over the processing of the case and strive to ensure continuity in the handling and processing of the case.]<sup>1)</sup>

If it is deemed more convenient to deal with the case partially or entirely in a different district from that where the child is permanently resident, the relevant child protection committees may agree this between themselves. [In the event of a dispute between child protection committees, the Government Agency for Child Protection shall determine where the child is considered as being permanently resident and shall also determine that a committee other than that in the jurisdiction where the child is permanently resident is to take over the case if it is considered that this will better ensure the processing of the case.]<sup>1)</sup> The committees shall in such a case provide each other with information to clarify issues, and assist each other in the implementation of child protection measures.

If a child protection committee places a child in foster care or other placement in a different district, the same committee shall continue to handle the case. It may, however, request that the child protection committee in that district undertake certain responsibilities.

[If a child is not legally domiciled in Iceland, or is living in Iceland without its guardians, the child protection committee in the jurisdiction where the child is resident or located shall be in charge of its case. The child protection committee shall then assume the care of the child, as necessary, and take all measures necessary to secure its best interests.]<sup>1)</sup> The Government Agency for Child Protection shall resolve disputes over which child protection committee shall handle a case. The Treasury shall reimburse the municipal council for expenses incurred in the case. [If an unaccompanied child applies for international protection, the Government Agency for Child Protection shall insure his/her interests in accordance with further provisions made in the Act on Foreigners.]<sup>2)</sup>

[If a child who is in Iceland without its guardians is granted asylum or a temporary residence permit in Iceland, the Government Agency for Child Protection shall determine which child protection committee is to assume custody of the child and administer its case after [international protection]<sup>2)</sup> or residence permit is granted. The Treasury shall pay all expenses incurred by the child protection committee in question in accordance with the provisions of this Act as regards the placement of the child in foster-care or a placement of another kind]<sup>1)</sup> [according to regulations set by the minister on such expenses and expenses under the fifth paragraph.]<sup>2)</sup>

[The child protection committees involved may refer decisions by the Government Agency for Child Protection under the third, fifth and sixth paragraphs to [the Welfare Appeals Committee].<sup>3)</sup><sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 6. <sup>2)</sup> Act No. 80/2016, Article 123. <sup>3)</sup> Act No. 85/2015, Article 13.

## SECTION IV

### Notification and other obligations to child protection authorities.

#### Article 16

##### *Public duty of notification.*

[All persons shall be obliged to notify a child protection committee if they have reason to believe that a child:

- a. is living in unacceptable circumstances of upbringing,
- b. is exposed to violence or other degrading treatment or
- c. is seriously endangering his/her health and maturity.

Furthermore, all persons are obliged to notify a child protection committee if there is reason to believe that the health or life of an unborn child is being endangered due to the unacceptable or dangerous life-style of an expectant mother, e.g. in the form of alcohol abuse or the consumption of drugs, or when an expectant mother is exposed to violence, or if there is reason to suspect that an expectant mother is exposed to violence, or of any incidents which may be regarded as falling within the child protection committee's concerns.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 7.

#### Article 17

##### *Duty of notification by those who deal with children.*

[All persons involved in matters concerning children or expectant mothers, through their position or occupation, are obliged to notify a child protection committee, if they become aware of circumstances as described in Article 16.]<sup>1)</sup>

Pre-school heads and teachers, child-minders, school heads, teachers, clergy, physicians, dentists, midwives, nurses, psychologists, social workers, developmental therapists, [career counselors]<sup>1)</sup> and those providing social services or counselling are under an especial obligation to monitor the behaviour, upbringing and conditions of children as far as possible, and to inform the child protection committee if the child's circumstances appear to be of the nature described in the first paragraph.

The duty of notification provided in this Article takes precedence over provisions in law or codes of ethics on confidentiality within the relevant professions.

<sup>1)</sup> Act No. 80/2011, Article 8.

## Article 18

### *Police duty of notification and questioning of children.*

[If the police become aware that a child is in circumstances as described in Article 16, they shall notify a child protection committee. When there is a suspicion that a child has committed, or has been the victim of, an offence under the General Penal Code or under this Act, or an offence under another act that may entail a punishment of more than two years' imprisonment, the police shall, as soon as it receives such a case for treatment, notify a child protection committee and give it the opportunity to follow the investigation of the case.]<sup>1)</sup> The child protection committee shall notify the parents of the child in such a case, unless the interests of the child make this inadvisable.

[A representative of a child protection committee shall be given the opportunity of being present at the questioning of a child suspected of having committed a criminal act, in accordance with the Code of Criminal Procedure, and of a child who is a victim or witness. This shall apply both to questioning by the police and by a court. Other matters regarding the taking of testimony from children shall be subject to the provisions of the Code of Criminal Procedure and regulations issued thereunder.]<sup>2)</sup>

<sup>1)</sup> Act No. 80/2011, Article 9. <sup>2)</sup> Act No. 52/2009, Article 2.

## Article 19

### *Anonymity of notifying parties.*

Any person who gives notification to a child protection committee shall identify him/herself.

If a notifying party under Article 16 requests anonymity vis-à-vis parties other than the committee, this shall be respected unless there are special reasons not to do so. [A decision by a child protection committee regarding anonymity or a refusal to lift anonymity may be appealed to [the Welfare Appeals Committee].<sup>1)</sup> Notifying parties, and parents, shall be informed of their right to appeal against the child protection committee's decision.]<sup>2)</sup>

The provisions of the second paragraph on the right to anonymity shall not apply to notifying parties under Articles 17 and 18.

<sup>1)</sup> Act No. 85/2015, Article 13. <sup>2)</sup> Act No. 80/2011, Article 10.

## Article 20

### *Collaboration with child protection authorities.*

All those who, due to their position and work, are involved with children must collaborate with child protection authorities. Child protection authorities shall also seek to maintain good collaboration with these parties.

All health institutions, including alcoholism treatment facilities and psychiatric facilities, must take account of the interests of the children when decisions are made on treatment and admission of their parents. Physicians, nurses and other staff at the institutions specified shall consult with the child protection committees in order that necessary child protection measures may be arranged in accordance with decisions on treatment and admission of a parent.

The police and prison authorities must collaborate with child protection committees, and assist them in resolution of child protection cases.

[The Minister]<sup>1)</sup> may by regulations issue further rules on collaboration between child protection committees and other agencies in consultation with the ministries under whose aegis the relevant agencies operate.

<sup>1)</sup> Act No. 162/2010, Article 24.

## SECTION V

### Initiation of a child protection case.

#### Article 21

##### *Procedure following notification.*

When a child protection committee is notified or receives information by other means that a child's physical or mental health or maturity may be at risk due to neglect, incapacity or behaviour of a parent, [violence or degrading conduct by other parties],<sup>1)</sup> or due to the child's own behaviour, [or that the health or life of an unborn child is being endangered as described in Article 16],<sup>1)</sup> the committee shall decide without delay, and not later than seven days from receipt of the notification or other information, whether there is reason to initiate investigation of the case.

The child protection committee may, on the same conditions, initiate investigation of a case due to information received by other means.

...

[No appeal may be made, either to [the Welfare Appeals Committee]<sup>2)</sup> or to any other authority, against a decision by a child protection committee to commence the investigation of a case or not to commence an investigation.]<sup>1)</sup> The child protection committee shall inform the parents that a notification has been received, and inform them of the committee's decision in response to it [within a week of the taking of the decision.]<sup>1)</sup> Notification of parents may be postponed if exigent interests of the investigation so demand. [The child protection committee shall also give notifying parties confirmation that their notifications have been received, and give general information on the procedures following the notification.]<sup>1)</sup>

A decision to initiate an investigation shall not be made unless there is probable cause to suspect that this is justified. A case shall be regarded as a child protection case when a formal decision to initiate an investigation has been made.

Further provisions on procedures with regard to notification, e.g. on records, forms, etc., shall be made in regulations<sup>3)</sup> issued by [the Minister]<sup>4)</sup> on receipt of proposals from the Government Agency for Child Protection.

<sup>1)</sup> Act No. 80/2011, Article 11. <sup>2)</sup> Act No. 85/2015, Article 13. <sup>3)</sup> Regulation No. 56/2004. <sup>4)</sup> Act No. 162/2010, Article 24.

#### Article 22

##### *Objective of investigation of a case.*

The objective of investigating a case is to gather necessary information on the child's circumstances, and assess the need for measures as provided in this Act, in keeping with the interests and needs of the child. For this purpose the committee shall strive to gather the clearest information on the circumstances of the child, such as mental and physical condition, relationship with parents or others, circumstances of the parents, the child's conditions in the home, schooling, behaviour and mental and physical wellbeing. Specialist assistance shall be called upon as necessary.

With regard to investigation of cases, child protection committees' investigative powers, the obligation to provide child protection committees with information, and procedures of child protection committees in general, the provisions of Section VIII of this Act shall apply.

## SECTION VI

### Arrangements made by child protection committees.

#### Article 23

##### *Plan for handling of case.*

When a case has been adequately investigated in the view of the child protection committee, the committee shall compile a report which states the conclusions of the investigation and what improvements are necessary, and makes proposals for suitable measures if applicable. [Parents may appeal to [the Welfare Appeals Committee]<sup>1)</sup> a decision by a child protection committee to close a case at this stage.]<sup>2)</sup>

If an investigation reveals that special measures as provided in this Act are required, the child protection committee shall, in collaboration with the parents and if applicable the child, if aged 15 or over, make a written schedule for further handling of the case. Younger children shall be consulted in accordance with their age and maturity. The schedule shall be made for a specified period, and revised



as necessary. [Parents may appeal to [the Welfare Appeals Committee]<sup>1)</sup> a decision by a child protection committee to close a case when the end of the schedule period is reached.]<sup>2)</sup>

[The child protection committee shall at all times assess the need for collaboration with other parties when making and following a schedule. In particular, it shall assess the need to collaborate with those who are involved in matters concerning the child in question and who are named in the second paragraph of Article 17. If a child protection committee considers that the interests of the child call for collaboration with these parties, the committee shall strive to obtain the consent of the parents for the initiation of the collaboration.]<sup>2)</sup>

Should it not be possible to reach an agreement with the parents or child, when applicable, the child protection committee shall unilaterally make a schedule on the progress of the case and application of measures as provided in this Act. The parents and child shall be informed of the content of the schedule.

<sup>1)</sup> Act No. 85/2015, Article 13. <sup>2)</sup> Act No. 80/2011, Article 12.

#### Article 24

##### *Measures with parental consent.*

The child protection committee shall, as further decided in the schedule as provided in Article 23, with parental consent and if applicable in consultation with the child, provide assistance, among other things by:

- a. providing guidance to parents on the child's upbringing and conditions,
- b. work in collaboration with the relevant agencies to have measures applied under the terms of other legislation,
- c. arrange suitable support or treatment for the child,
- d. provide the child or family with a contact person, personal counsellor or support family,
- e. assist parents or an expectant mother in seeking treatment for illness, alcohol or substance abuse, or other personal problems.

The child protection committee may also with parental consent and without special ruling apply other measures under Article 26 of this Act.

Should parents who are not living together have joint custody of the child under the provisions of the Children Act, it is sufficient that the parent with whom the child lives under a custody agreement consents to the measures taken under the terms of this Article.

#### Article 25

##### *Measures outside the home with consent of parents and child.*

The child protection committee may, as further specified in a schedule as provided in Article 23, with the consent of a parent and a child aged at least 15:

- a. assume custody or care of the child and place the child in foster care,
- b. assume custody or care of the child and place the child outside the home in a home or institution, or seek other measures as provided in Sections XIII and XIV, for care, tests, treatment and support.

Foster care or placement of a child as provided in the first paragraph shall not last longer than necessary. Such arrangements shall generally be temporary, and shall be regularly reviewed as further specified in a foster-care or placement agreement. With a view to the child's interests, however, foster care or placement may continue until the child is of age [in which case a child protection committee shall take over custody of the child].<sup>1)</sup> [If foster care or placement outside the home continues until the child reaches the age of legal competence, the child protection committee shall, not later than three months before the child reaches the age of 18, assess the child's need for further measures. The child protection committee may, with the approval of the young person, decide that the current arrangement is to continue after the age of 18 and up to the age of 20 years. The young person may appeal a refusal by a child protection committee to extend the arrangement regarding foster care or placement outside the home after he or she reaches the age of 18 to [the Welfare Appeals Committee].<sup>2)</sup><sup>1)</sup>

If arrangements under item *a* or *b* of the first paragraph are against the will of a child who has not reached the age of 15, the child shall have the opportunity to put his/her point of view to the committee, with the assistance of a spokesperson if applicable.

In a case where parents who do not live together have joint custody under the terms of the Children Act, the consent of both parents is required for measures to be taken. If a child who has reached the age of 15 consents to the arrangements, the consent of the parent with whom the child lives is sufficient, but the other parent's views shall also be elicited.

<sup>1)</sup> Act No. 80/2011, Article 13. <sup>2)</sup> Act No. 85/2015, Article 13.

#### Article 26

##### *Measures without parental consent.*

Should measures as provided in Articles 24 and 25 not have proved efficacious in the view of the child protection committee, or, if applicable, if the child protection committee has reached the conclusion that such measures are inadequate, the committee may, against the parents' will, by means of a ruling:

- a. order monitoring of the home,
- b. order measures regarding circumstances and care of the child, such as day-care, school attendance, medical service, tests, treatment or therapy,
- [c. determine that parties that are involved in matters concerning the child in question, and that are named in the second paragraph of Article 17 and Article 18, may be given information regarding the well-being of the child or the procedure of the case if this is considered necessary in view of the child's interests],<sup>1)</sup>
- [d.]<sup>1)</sup> rule that a child may not be taken out of the country.

Arrangements under the first paragraph shall invariably be temporary, shall not continue longer than necessary at any time, and shall be reviewed at intervals of not more than six months.

[Parents may appeal rulings to [the Welfare Appeals Committee].<sup>2)</sup><sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 14. <sup>2)</sup> Act No. 85/2015, Article 13.

#### Article 27

##### *Child protection committee ruling on placement of a child outside the home.*

On the same conditions as those stated in Article 26, and if justified by compelling interests of the child, a child protection committee may by a ruling, against the will of parents or of a child aged at least 15:

- a. rule that a child shall remain where he/she is resident for up to two months,
- b. rule that a child shall be removed from the home for up to two months, and on necessary arrangements, such as the placement of the child in foster care or in a home or institution, or seek other measures under Sections XIII and XIV to ensure the child's safety, or in order that suitable tests on the child may be carried out, and necessary treatment and care may be provided.

Parents, or a child aged at least 15, may appeal the ruling of a child protection committee to a district court judge. Such an appeal must reach the judge within four weeks of the ruling being made. An appeal to the courts does not prevent the implementation of the child protection committee's ruling.

Court procedure is as provided in Section XI.

#### Article 28

##### *Court order on placement of a child outside the home.*

If a child protection committee deems necessary that an arrangement under items *a* and *b* of Article 27, last longer than provided there, the committee shall submit this matter to the district court. [A child may be placed outside the home by means of a court order for up to twelve months at a time, from and including the date on which the court order is delivered.]<sup>1)</sup>

[If an extension of placement outside the home under Article 27 or Article 28, or the deprivation of custody under Article 29, is requested before a placement period ends, the placement arrangement shall remain in force until the ruling or court judgement has been delivered.]<sup>1)</sup>

Court procedure shall be as provided in Section XI.

<sup>1)</sup> Act No. 80/2011, Article 15.

## Article 29

### *Loss of custody.*

A child protection committee may take court action for a parent or parents to be deprived of custody if the committee believes:

- a. that daily care, upbringing or relations between parents and child are grossly defective, taking account of the age and maturity of the child,
- b. that an ill child or child with disability is not ensured suitable treatment, therapy or teaching,
- c. that the child is mistreated, sexually abused or is subject to gross mental or physical harassment or humiliation in the home,
- d. that it is certain that the child's physical or mental health or his/her maturity is at risk because the parents are clearly unfit to have custody, due for instance to drug use, mental instability or low intelligence, or that the behaviour of the parents is likely to cause the child serious harm.

Deprivation of custody shall only be requested if it is not possible to apply other and lesser measures for improvement, or if such measures have been tried without acceptable results.

With regard to court procedure under this Article, the provisions of Section X shall apply.

## Article 30

### *Child protection committee measures regarding expectant mothers.*

If an investigation by the a child protection committee reveals that an expectant mother is endangering the health or life of her unborn child by her way of life ...<sup>1)</sup> the committee shall apply the measures of this Act in consultation with the expectant mother, or if applicable, against her will, in consultation with her guardian if she is not of age, as relevant, and as may be deemed beneficial.

If a child protection committee believes that measures according to the first paragraph are not efficacious, the committee may take legal action to have the woman declared legally incompetent under the terms of the Majority Act, with the objective of having her cared for and treated in a suitable facility. Court procedure is subject to the provisions of the Majority Act.

<sup>1)</sup> Act No. 80/2011, Article 16.

## Article 31

### *Emergency measures.*

If urgent measures are required in a matter which falls within the ambit of the child protection committee, the chair of the committee, or a staff member on his/her behalf, may implement measures without the prior procedure stated in Section VIII.

[The child protection committee shall examine the matter without delay and deliver its ruling within 14 days, or decide on the institution of court proceedings under Article 28 or Article 29; if this is not done, the decision under the first paragraph shall cease to be valid.]<sup>1)</sup> Procedures under this paragraph are subject to the provisions of Section VIII.

Under the circumstances stated in the first paragraph, it is permissible, in spite of the provisions of the fourth paragraph of Article 43, to enter the home, if there is reason to believe that a child is in immediate danger.

<sup>1)</sup> Act No. 80/2011, Article 17.

## Article 32

### *Appointment of a legal guardian.*

Should parents have waived custody or been deprived of custody, guardianship is assumed by the child protection committee for the time being. The child protection committee shall retain guardianship of the child until otherwise decided. The child protection committee may request that a legal guardian or financial trustee be appointed for the child, if it believes this to serve the interests of the child.

The child protection committee shall assume guardianship of a child if he/she is without a guardian for other reasons, and shall ensure in the same way that a legal guardian be appointed, *cf.* the first paragraph.

### Article 33

#### *Guardianship of a child placed outside the home.*

When a child protection committee has undertaken care or custody of a child as authorised by this Act, a written plan shall be prepared on reliable care for the child. The plan shall specify the form of placement that is planned, and its duration, the objective of the placement, support for the child and others, and other important factors.

Efforts shall be made to achieve joint solutions for siblings, in keeping with their needs and interests.

Parents who have been deprived of custody of a child are not parties to cases regarding decisions on measures for the child, with the exception of matters of decision on contact.

[No appeal may be made to [the Welfare Appeals Committee]<sup>1)</sup> or to any other authority against the selection by a child protection committee of persons to take care of a child placed outside the home under Article 25 and Articles 27–29; *cf.*, however, Article 69 b.]<sup>2)</sup>

<sup>1)</sup> Act No. 80/2011, Article 18. <sup>2)</sup> Act No. 85/2015, Article 13.

### Article 34

#### *Review of arrangements.*

Should a parent, or a child aged at least 15, revoke his/her consent for temporary measures under Article 25, the child protection committee may make arrangements under Articles 26, 27, 28 or 29 if the conditions of those Articles are otherwise met.

Should a parent, or a child aged at least 15, have given consent for measures under Article 25, which are intended to continue until the child is of age, or if a parent has been deprived of custody under Article 29, the parent, or child aged at least 15, may [instigate court proceedings against the child protection committee, the custodial parent under Article 67 a or 67 b and the foster-parents],<sup>1)</sup> if applicable, for the agreement to be set aside, or for the court order on deprivation of custody to be quashed, and for the parent to be granted custody or care of the child once more.

An action under the second paragraph will only be approved if such a change is deemed justified due to changed circumstances, does not disrupt the stability of the child's upbringing, and takes account of the child's interests and needs. If a parent has been deprived of custody, legal action may only be taken if at least twelve months have passed since a final court order was last made.

The arrangements shall continue until a verdict is reached.

With regard to court procedure under this Article, the provisions of Section X shall apply.

<sup>1)</sup> Act No. 80/2011, Article 19.

## SECTION VII

### **Other arrangements made by child protection committees.**

#### Article 35

##### *Measures applied to those who work with children.*

If a child protection committee is informed that the conduct of a person who deals with children in his/her work is grossly deficient, the committee shall, if it deems justified, initiate investigation of the case in accordance with the provisions of Article 21. The person concerned, and his/her employer if applicable, shall be informed of the decision to investigate. The committee shall inform the person and his/her employer of the results of the investigation, and make proposals for improvements.

#### Article 36

##### *Information from penal records.*

[The Government Agency for Child Protection shall have the right of access to information from the Penal Registry regarding persons who have been sentenced for violations of Chapter XXII of the General Penal Code.]<sup>1)</sup> The Director of Public Prosecutions shall provide the Agency with copies of legal verdicts on request. The Government Agency for Child Protection may inform the relevant child protection committee if a person who is believed to constitute a considerable danger moves to the committee's district. If justified by compelling principles of child protection, the child protection committee may warn other parties, with the consent of the Government Agency for Child Protection.

[In all cases when staff are engaged in positions with the child protection authorities, or in homes or institutions covered by this Act, whether these are run privately or by the state or municipalities,

statements from the Penal Registry and information from the Penal Register shall be obtained stating whether the person concerned has been sentenced for violations of Chapter XXII of the General Penal Code. Persons who have been sentenced for violations of Chapter XXII of the General Penal Code may not be engaged. If an applicant has been sentenced to punishment for other offences, an assessment shall be made of the implications of this regarding his/her suitability for the position in question, taking account *i.a.* of the nature of the work and the nature of the offence.]<sup>1)</sup>

...<sup>1)</sup>  
<sup>1)</sup> Act No. 80/2011, Article 20.

#### Article 37

##### *Expulsion of a person from the home and injunctions.*

If a child protection committee believes [that the health or life of an unborn child is being endangered or]<sup>1)</sup> that a child is at risk due to the behaviour or conduct of a person, such as violence, threats or menaces, or due to drug use or other actions, the committee may take court action for the person in question to be prohibited from being in a certain place or area, and from following, visiting or otherwise making contact with a child [or an expectant woman].<sup>1)</sup> By the same token a request may be made that a person be excluded from the home if the committee deems this necessary in the interests of the child [or expectant woman].<sup>1)</sup> With regard to procedure, the provisions in the Act on ...<sup>2)</sup> restraining order [and dismissal from the home]<sup>3)</sup> shall otherwise apply.

<sup>1)</sup> Act No. 80/2011, Article 21. <sup>2)</sup> Act No. 88/2008, Article 234. <sup>3)</sup> Act No. 85/2011, Article 20.

### SECTION VIII

#### **Child protection committee procedure.**

#### Article 38

##### *Scope of Public Administration Act.*

Investigation of a child protection case and procedures of child protection committees are subject to the provisions of the Public Administration Act, with those exceptions specified in this Act. These rules of procedure also apply, as relevant, when a child protection committee prepares and decides to take court action in order to apply those measures provided in Articles 28, 29 and 37 of this Act.

The Minister shall in regulations<sup>1)</sup> make further provisions on procedures of child protection committees, such as notifications, preparation of schedules and supportive measures, upon receipt of proposals from the Government Agency for Child Protection.

<sup>1)</sup> Regulation No. 56/2004, cf. No. 652/2004.

#### Article 39

##### *Records of cases.*

Child protection committees must keep systematic records of all cases with which they deal. All documents shall be securely stored.

#### Article 40

##### *Duty to provide guidance.*

A child protection committee shall provide guidance to parents, child and others as relevant on the procedure of child protection cases, and on their rights and obligations under these rules of procedure and laws of public administration, such as right to legal counsel, means of appeal, etc.

#### Article 41

##### *Rules of investigation, speedy process, etc.*

A child protection committee shall ensure that a case has been sufficiently investigated before a decision is made in the case.

The child protection committee's investigation shall not be more extensive than necessary, and it shall be as speedy as possible. A decision on application of suitable measures shall generally be made within three months, and not more than four months, of the decision to initiate an investigation.

#### Article 42

##### *Records of information.*

A child protection committee must keep records of information on the case given verbally, if the committee believes this could be important to the case, and if this information does not appear elsewhere in the records.

#### Article 43

##### *Investigative powers.*

Efforts shall be made to carry out investigations in consultation and collaboration with parents.

Parents, or those with whom the child resides, must provide their assistance so that investigation of a case may proceed smoothly, and the child protection committee shall treat the parties involved with the utmost tact.

In investigation of a child's circumstances, the child protection committee may question parents or guardians of a child and others who may be able to provide relevant information.

A child protection committee or its staff may only enter a child's home to investigate his/her circumstances with the consent of a parent or guardian, or on the basis of a court order.

A child protection committee or its staff may enter a place other than the child's home, such as a day-care facility, pre-school, school, youth centre or emergency refuge, in order to speak with the child, in private if necessary, to observe the child's conduct or in order to make an examination of the child. Parents shall generally be consulted if a child under 12 years of age is to be interviewed or examined. If demonstrably required by the interests of the investigation, a child may be interviewed and his/her conduct observed without the knowledge or consent of the parents or guardians, but they shall be informed as soon as possible that the investigation has taken place.

#### Article 44

##### *Obligation to provide information to child protection committees.*

All health and medical agencies, including self-employed health workers, specialists providing social service, psychiatric facilities, treatment facilities and institutions for drug and alcohol addiction, and agencies providing social services or assistance, must, after a child protection committee has decided to investigate a case, provide the committee, free of charge, with [information and copies of necessary materials regarding the health of the child, its parents and other persons in the home],<sup>1)</sup> including information on their condition and prognosis, as well as other information that the committee believes may be important in resolving the case.

By the same token, all institutions and other places where a child has stayed or regularly visits, such as schools, day-care centres and social centres for children and adolescents, must provide the committee with information it believes may be important in resolving the case.

The police and the State Penal Registry shall by the same token provide the committee with [information and copies of necessary materials in their possession regarding the health of the child, its parents and other persons in the home which may be of significance to the case].<sup>1)</sup>

Information under this Article shall be provided as quickly as possible and not later than 14 days after receipt of the request.

The obligation to provide information under this Article takes precedence over provisions in law or codes of ethics regarding confidentiality for specific professions.

<sup>1)</sup> Act No. 80/2011, Article 22.

#### Article 45

##### *Right to information and access to documents of a case.*

The child protection committee shall, allowing sufficient time, provide the parties to the case with all documents relating to the case, which may be considered in its resolution, provided that they guarantee confidentiality.

The child protection committee can, by a ruling based on substantiated reasons, limit access to certain documents if it believes that it could be harmful to the interests of the child and his/her relationship with the parents or others. The committee may also rule that parties to the case and their legal counsel may examine documents and other evidence, without receiving the documents or photocopies of them.

## Article 46

### *Rights of the child in procedure.*

A child who has reached the age of 15 is a party to a child protection case under the terms of Articles 25 and 27, the second paragraph of Article 34, and Articles 74 and 81. With regard to the child's position in child protection cases that go to court, the terms of Sections X and XI shall apply.

A child shall be given the opportunity of expressing his/her views in cases affecting him/her, in accordance with the child's age and maturity, and the child's views shall be fairly taken into account in resolution of the case. ...<sup>1)</sup>

When a child protection committee has decided to initiate investigation of a case, [a decision must be made on]<sup>1)</sup> whether it is necessary to appoint a spokesperson for the child. [A spokesperson shall generally be appointed before measures under Articles 25, 27 or 28 are taken and before a demand is presented for the deprivation of custody under Article 29 unless the child receives the assistance of a lawyer, *cf.* the second paragraph of Article 47.]<sup>1)</sup> The Minister shall define in more detail the qualifications and role of a child's spokesperson in child protection cases, by regulations,<sup>2)</sup> on receipt of proposals from the Government Agency for Child Protection.

<sup>1)</sup> Act No. 80/2011, Article 23. <sup>2)</sup> Regulation No. 56/2004.

## Article 47

### *Right of response.*

The parties to a child protection case shall have the opportunity to express their views, verbally or in writing, including with legal counsel, on the content of the case, and other factors relating to procedure, before the child protection committee makes its ruling.

The child protection committee shall make grants of money to parents, and a child who is a party to the case, to pay for legal counsel under the first paragraph and in connection with appeals to [the Welfare Appeals Committee]<sup>1)</sup>, under rules to be issued by the committee. The rules shall take account of the financial position of the parents, and the nature and extent of the case.

<sup>1)</sup> Act No. 85/2015, Article 13.

## Article 48

### *Consent of parents and child.*

The consent of parents and child under Article 25 shall be in writing and signed in the presence of two ...<sup>1)</sup> witnesses who affirm that the nature and legal implications of the consent have been fully explained to the parents and child.

<sup>1)</sup> Act No. 80/2011, Article 24.

## Article 49

### *Quorum and form of rulings.*

A child protection committee constitutes a quorum if fully half the committee members are present, provided the chair or vice-chair is present. If a committee member cannot attend a meeting, the chair shall call in an alternate in his/her place.

A ruling shall be made by at least four committee members. A ruling shall be in writing and give substantiated arguments. The facts of the case shall be stated, and the premises and conclusions shall be stated. Notification of the ruling shall be by registered letter or other equally reliable means, and the parties shall be informed of their rights to appeal the ruling of the child protection committee to [the Welfare Appeals Committee],<sup>1)</sup> or to take court action regarding the committee's decision if relevant, and upon deadlines for appeals.

<sup>1)</sup> Act No. 85/2015, Article 13.

## Article 50

### *Enforcement of decisions.*

A child protection committee shall, in enforcement and implementation of its decisions and those of [the Welfare Appeals Committee]<sup>1)</sup> and the courts, show the parties in the case the utmost consideration and tact, and safeguard at all times the interests of the child involved.

If the parties refuse to comply with the lawful decisions of a child protection committee, [the Welfare Appeals Committee]<sup>1)</sup> or the courts, the police shall provide assistance in enforcement of the decision.

A representative of the child protection committee shall, however, always be present if measures under the second paragraph have to be undertaken.

The Government Agency for Child Protection may order that a decision by child protection authorities in another country shall be enforced in Iceland.

<sup>1)</sup> Act No. 85/2015, Article 13.

## SECTION IX

### **[Procedure in child protection before the Welfare Appeals Committee.]<sup>1)</sup>**

<sup>1)</sup> Act No. 85/2015, Article 13.

#### Article 51

##### *Appeal.*

[The parties to a child protection case may appeal rulings or decisions under the first paragraph of Article 6 to [the Welfare Appeals Committee]<sup>1)</sup> within four weeks of the date when the party concerned was informed of the ruling or decision.

[The Appeals Committee]<sup>1)</sup> may determine that the chairman of the Committee is to handle the matter alone and deliver a ruling if the case is not seen as pertaining to important interests of the child.

[The Appeals Committee]<sup>1)</sup> shall examine and resolve cases within two weeks of receiving the appeal. [The Appeals Committee]<sup>1)</sup> shall deliver rulings in cases as soon as possible, and not later than three months after an appeal against a ruling by a child protection committee is submitted to the Committee.

[The Welfare Appeals Committee]<sup>1)</sup> may re-assess both the legal aspects of the case and the evidence. The Committee may either confirm the conclusion of a ruling or set it aside, partially or in its entirety. [The Appeals Committee]<sup>1)</sup> may also refer the matter to the child protection committee for a re-examination.]<sup>2)</sup>

<sup>1)</sup> Act No. 85/2015, Article 13. <sup>2)</sup> Act No. 80/2011, Article 25.

#### Article 52

### *[Procedure in child protection cases before the Welfare Appeals Committee.]<sup>1)</sup>*

The provisions of Section VIII apply to procedures of [the Welfare Appeals Committee]<sup>1)</sup>, as relevant.

A child protection committee is a party to the case submitted to [the Appeals Committee].<sup>1)</sup> The case shall generally be presented in writing, but [the Appeals Committee]<sup>1)</sup> may call parties in to give verbal testimony, and may decide that the case shall be argued verbally.

[The Appeals Committee]<sup>1)</sup> shall generally base its ruling on existing evidence in the case. The Committee may, however, if it believes there is good reason to do so, require parties to acquire further specified evidence, such as reports by experts. [The Appeals Committee]<sup>1)</sup> has a right to written information from the State Penal Registry on the parties to the case. [The Appeals Committee]<sup>1)</sup> shall rule on who is to meet the costs of gathering evidence, including expert opinions.

An appeal to [the Welfare Appeals Committee]<sup>1)</sup> does not postpone the implementation of the child protection committee's ruling. Under special circumstances [the Appeals Committee]<sup>1)</sup> may, however, decide, at the request of parties in the case, to postpone implementation until the Committee has ruled.

<sup>1)</sup> Act No. 85/2015, Article 13.

## SECTION X

### **Procedures in court proceedings under Article 29 and the second paragraph of Article 34.**

#### Article 53

##### *Scope of Act on Procedures in Civil Cases.*

With regard to procedures in court cases under the provisions of this Section, the provisions of the Act on Procedures in Civil Cases shall apply, with exceptions as stated in this Act.



[Article 53 a  
*Jurisdiction.*

Court proceedings under this Act may be instituted in Iceland if:

- a. a party is domiciled in Iceland,
- b. the child is domiciled in Iceland or
- c. the child is resident or is located in Iceland and it is considered necessary to seek the assistance of a court in order to guarantee its safety.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 26.

[Article 53 b  
*Priority attention.*

Cases under the provisions of this Section shall receive priority attention in accordance with Section XIX of the Code of Civil Procedure.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 26.

Article 54  
*[Expert co-judges and court procedure.]<sup>1)</sup>*

[In cases under the provisions of this Section, expert co-judges shall be called to adjudicate except in the case of judgements delivered *in absentia* or where cases are dismissed due to evident inadequacies.]<sup>1)</sup>

The court proceedings shall be held *in camera*.

...<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 27.

Article 55  
*Child's participation in a case.*

A child who has reached the age of 15 shall be informed of the legal action being taken, and given the opportunity to safeguard his/her rights. The child may become a formal party to the case by means of a writ of intervention.

When a spokesperson has been appointed for a child, the spokesperson shall be given the opportunity to be present during the proceedings if a defence is being offered. [Children shall be given the opportunity to express themselves regarding cases in accordance with their age and maturity.]<sup>1)</sup>

...<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 28.

Article 56  
*Proof and evidence.*

Before a child protection committee takes legal action to deprive parents of custody as provided in Article 29, it must ensure that the case has been fully investigated.

A judge may require the child protection committee to gather further specified evidence, such as assessments of parents or child. The judge may also require the parents or foster-parents to gather further specified evidence. A judge may decide that costs pertaining to the provision of evidence under item 2 shall be met by the Treasury.

Article 57  
*Complaints.*

The parties may submit new complaints and new responses until the case is taken to adjudication.

Article 58  
*Anonymity etc.*

It is forbidden to disclose the content of the proceedings in any way without the permission of the judge. Violation of this provision entails a fine.

Before copies of court records and records of verdicts are handed over, the names of all the parties to the case, and other information which might indicate the identity of the parties or the child, and

other information which should be kept confidential with regard to public or private interests, shall be erased.

#### Article 59

##### *Effects of an appeal.*

An appeal does not entail postponement of the legal consequences of the ruling, unless a district court judge has so ruled in a court order.

#### Article 60

##### *Free process.*

Parents, foster-parents and a child who becomes party to a case as provided in Article 55 shall be granted legal proceedings without cost to themselves in district court and in the Supreme Court.

If legal action is taken under Article 34 for a re-assessment of a prior court verdict, see the third paragraph of Article 34, the rights of the parties to legal proceedings without cost to themselves shall be in accordance with the general guidelines.

### **SECTION XI**

#### **Procedures in court proceedings under Articles 27 and 28.**

#### Article 61

##### *Scope of Act on Procedures in Civil Cases etc.*

With regard to procedures in cases under this Section, the provisions of the Act on Procedures in Civil Cases and the provisions of Section X of this Act shall apply as relevant, and in so far as exceptions are not stated in the provisions of this Section. [Article 53 b and the first paragraph of Article 54 shall not apply to procedure in cases covered by this Section.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 29.

#### Article 62

##### *Parties and demands.*

In cases under this section, the plaintiff is the child protection committee if a verdict is sought in the district court, while the defendants are the parents, and a child who has reached the age of 15. ...<sup>1)</sup>

[When parents, or a child, seek the resolution of the case, they shall be regarded as plaintiffs and the child protection committee as the defendant. When the child protection committee is regarded as the defendant, an independent request for a ruling under Article 28 may be made in the deposition to the court.

A judge may decide to combine cases that are heard at the same time under Sections X and XI.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 30.

#### Article 63

##### *Court proceedings, evidence, etc.*

When a case has been submitted to a district court judge as provided in Article 62, the judge shall decide [within a week]<sup>1)</sup> when and where the proceedings are to take place, and inform the parties of this by provable means.

When a case is first brought to court, the child protection committee shall submit certified copies of all documents on which the decision is based, including its ruling and copies from the minutes book of the committee. The defendant shall then be granted [a deadline, which shall generally be not more than two weeks],<sup>1)</sup> to submit a statement and gather evidence. [In special circumstances, the judge may grant longer deadlines for the gathering of evidence, but shall resume the examination of the case as soon as possible thereafter.]<sup>1)</sup>

If the plaintiff fails to appear, the case shall be dismissed. If the defendant fails to appear, a verdict shall be given in the case. Should the defendant have submitted a statement before the failure to appear, the plaintiff shall be given the opportunity to make brief written replies to the arguments of the defendant before a verdict is given.

Assessments shall not be made in cases under this Section.

When the gathering of evidence has been completed in a case in which a defence is offered, the proceedings in the case shall be verbal [and shall generally be held within two weeks].<sup>1)</sup>

The judge shall as soon as possible give a verdict in the case, and not later than one week after the case was taken for adjudication.

<sup>1)</sup> Act No. 80/2011, Article 31.

[Article 63 a

*Rights of the child in the procedure.*

A child who is party to a case under the provisions of this Section shall have all the rights appurtenant to being a party.

A child who is not party to the case shall be given an opportunity to express himself/herself concerning the case in accordance with his/her age and maturity, except where the judge considers the child's position to be sufficiently clear in the evidence in the case.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 32.

Article 64

*Appeals.*

The verdict of a district court judge under this Section may be appealed to the Supreme Court. With regard to the deadline for appeals, the appeal itself and procedures in district court and the Supreme Court, the same rules apply as in appeals in a general civil case.

An appeal does not entail postponement of implementation of a verdict, unless a district court judge has so ordered.

## **SECTION XII**

### **Placement of children in foster care.**

Article 65

*Foster care.*

[For the purpose of this Act, the term "foster care" refers to a situation in which a child protection committee entrusts special foster parents with the care of a child for at least three months where it has been established that:

- a. the child's parents have relinquished custody or care rights and approved the placement of the child in foster care,
- b. a ruling has been delivered authorising the placement of the child in foster care outside the home when the approval of the parents, and the child, as appropriate, has not been given,
- c. the parents have been deprived of custody by a court judgement,
- d. the child is without custodial care due to the death of the guardian or
- e. the child, who has come to Iceland without its guardians, is under the care of a child protection committee or receives [international protection]<sup>1)</sup> or a temporary residence permit in Iceland.]<sup>2)</sup>

Foster care may be of two kinds, permanent or temporary. "Permanent foster care" entails that the arrangement continues until duties of guardianship cease under the law. The foster parents generally undertake the duties of guardianship unless some other arrangement is deemed to serve better the needs and interests of the child in the judgement of the child protection committee. A contract on permanent foster care shall not generally be concluded until after a trial period which shall not exceed one year. ["Temporary foster care" entails that the arrangement lasts for a limited time when it can be expected that the situation may be improved so that the child will be able to return to its parents without substantial disruption of its personal circumstances, or when another remedial measure is expected to be available within a limited time. Temporary foster care shall not last for a total of more than two years save in absolutely exceptional cases when it serves the interests of the child.]<sup>2)</sup>

The objective of foster care under the first paragraph is to ensure a child upbringing and care within a family, in keeping with his/her needs. Good conditions shall be ensured for the child with foster parents, and they shall treat the child with care and consideration, and seek to promote the child's mental and physical development. The rights and obligations of foster parents shall be further specified in a foster-care agreement.

If a child placed in foster care has serious behavioural problems due to psychological, emotional and other difficulties of comparable nature, it is also permissible to order special care and therapy in the foster home, instead of placing the child in an institution.

<sup>1)</sup> Act No. 80/2016, Article 123. <sup>2)</sup> Act No. 80/2011, Article 33.

## Article 66

### *Licensing.*

Those who wish to provide foster care to a child shall apply to the Government Agency for Child Protection. The child protection committee in the applicants' home district shall make a report on their fitness to provide foster care for a child, according to further rules to be issued in regulations.

The Government Agency for Child Protection grants licences to provide foster care for children. [The Government Agency for Child Protection shall provide prospective and functioning foster parents with education, general guidelines and other general professional support.]<sup>1)</sup>

[The Minister]<sup>2)</sup> shall issue regulations,<sup>3)</sup> on receipt of proposals from the Government Agency for Child Protection, on standards of fitness to provide foster care.

<sup>1)</sup> Act No. 80/2011, Article 34. <sup>2)</sup> Act No. 162/2010, Article 24. <sup>3)</sup> Regulation No. 804/2004.

## Article 67

### *Selection of foster parents.*

The Government Agency for Child Protection shall assist child protection committees in providing fit foster parents. For this purpose, the Government Agency for Child Protection shall maintain a register of those who are licensed to provide foster care.

A child protection committee which places a child in foster care shall send an application for a foster home to the Government Agency for Child Protection, and select foster parents from those who are on the register under the first paragraph, in consultation with the Agency. A child protection committee must select foster parents with care, taking account of the needs and interests of the child in question. ...<sup>1)</sup> In selection of foster parents, the aim shall be to ensure stability in the child's life, and to minimise disruption. Efforts shall always be made to keep siblings together in the same foster home, unless special circumstances make this impossible.

Should a child protection committee also believe that a child requires special care and therapy as provided in the fourth paragraph of Article 65, this shall be stated in the foster-care agreement. If part of the cost of such additional services is to met from government funds, see Article 88, such provisions in a foster-care agreement are subject to the approval of the Government Agency for Child Protection. The Government Agency for Child Protection shall also select foster parents in such circumstances, in collaboration with the child protection committee.

<sup>1)</sup> Act No. 80/2011, Article 35.

### [Article 67 a

#### *Legal status of non-custodial parents.*

If a parent exercising sole custody of a child relinquishes the right to provide care or exercise custody under Article 25, or if a ruling is delivered providing for the temporary placement of a child outside the home under Article 27 or Article 28, or a deprivation of custody takes place under Article 29, the child protection committee shall examine the grounds for entrusting the child to the other parent.

If it is considered in the child's best interests that the other parent take over care of the child while this temporary measure is in force, the same rules shall apply, as appropriate, as for temporary foster care.

If it is considered in the best interests of the child, the child protection committee may assign custody to the other parent. In such cases, the child protection committee shall assess the parent's competence and make a written agreement on a changed custody arrangement. The rights of the child shall be as provided for in Article 70.

In all cases, the child protection committee shall obtain the opinion of the non-custodial parent before a child is placed in foster care.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 36.

### [Article 67 b

#### *Legal status of the parent with whom the child does not reside in cases of joint custody.*

If the parent with whom the child resides when both parents have joint custody relinquishes his or her right to care for the child under Article 25, or if a ruling is delivered providing for the temporary

placement of a child outside the home under Article 27 or Article 28, the child protection committee shall examine the grounds for entrusting the child to the care of the other parent.

If it is considered in the child's best interests that the other parent take over the care of the child while this temporary measure is in force, the child protection committee shall assess the parent's competence and make a written agreement on the care of the child. If the child protection committee considers the child's best interests to be served by having other parties take over the care of the child, the other parent, who has applied for care of the child, may appeal a refusal to [the Welfare Appeals Committee].<sup>1)</sup>

If the parent with whom the child resides when both parents have joint custody relinquishes custody under Article 25 or is, singly, deprived of custody under Article 29, the other parent shall then continue with sole custody of the child. The rights of the child shall be as provided for in Article 70.]<sup>2)</sup>

<sup>1)</sup> Act No. 85/2015, Article 13. <sup>2)</sup> Act No. 80/2011, Article 36.

#### Article 68

##### *Foster-care agreement.*

When a child is placed in foster care, the child protection committee and the foster parents shall make a written foster-care agreement which shall specify, among other things:

- a. the legal domicile and day-to-day care of the child,
- b. duties of custody, including legal guardianship,
- c. estimated duration of foster care, *cf.* the second paragraph of Article 65,
- d. maintenance costs and other costs,
- e. contact between the child and its [parents]<sup>1)</sup> or others with whom he/she has a close relationship,
- f. support to be provided by the child protection committee for the child and foster parents during the period of foster care,
- g. that the agreement may be revoked due to changed circumstances,
- h. special care and therapy, see the fourth paragraph of Article 65, when applicable,
- i. other matters which may be relevant.

<sup>1)</sup> Act No. 80/2011, Article 37.

#### Article 69

##### *Foster parents' duties of custody and guardianship.*

When a decision is made on whether, and to what degree, foster parents shall undertake the duties of custody of a child, including legal and financial guardianship, account shall be taken of the estimated duration of the foster care, the needs and interests of the child, the circumstances of the foster parents and other factors.

If parents consent, waive guardianship, or have been deprived of custody, a foster-care agreement may state that the foster care shall continue until the child is of age.

#### Article 70

##### *Rights of a child in foster care.*

[After a parent has relinquished the right to give care or exercise custody, or has been deprived of the right to give care or exercise custody of a child under the provisions of this Act, the child shall have the right to contact with the parent, or to other persons who have a close relationship with the child, providing this is compatible with the child's interests. In all cases, contact rights shall be subject to Article 74, irrespective of who takes over the care or custody of the child.

The child protection committee that places a child in foster care shall provide the child with the necessary support under the fostering agreement for the duration of the fostering period. If a child's parent takes over the care or custody of the child under Article 67 a or Article 67 b, the child protection committee that has handled the case shall make a special examination of the child's need for continuing support. If necessary, the child protection committees in these cases shall draw up a schedule of support measures in collaboration with the parent under Article 23.]<sup>1)</sup>

It shall be ensured that a child is informed of the reasons for the placement in foster care, and of the child protection committee's plans for the future of the child, in accordance with his/her age and maturity.

<sup>1)</sup> Act No. 80/2011, Article 38.

#### Article 71

...<sup>1)</sup>  
<sup>1)</sup> Act No. 80/2011, Article 39.

#### Article 72

##### *Preparation of child and foster parents for foster care.*

A child protection committee must prepare a child for separation from his/her [parents]<sup>1)</sup> and for going into foster care. A child protection committee which places a child in foster care must, by the same token, before foster care begins, prepare the foster parents for their role, for instance by instruction, interviews and other helpful means.

<sup>1)</sup> Act No. 80/2011, Article 40.

#### Article 73

##### *Notice of foster-care agreement.*

A child protection committee shall notify the Government Agency for Child Protection of each foster-care agreement made, and of the termination of foster care. The child protection committee shall also give notice of the foster-care agreement to other public bodies as applicable.

The Government Agency for Child Protection shall maintain a register of children in foster care.

#### Article 74

##### *Contact during foster care.*

A child has a right to contact with his/her [parents]<sup>1)</sup> and others with whom he/she has a close relationship. Contact entails the right to spend time together, and to other communication.

[The parents]<sup>1)</sup> have a right to contact with their child in foster care, unless this is clearly contrary to the child's interests and needs, and incompatible with the objectives of the placement in foster care. When this is assessed, account shall be taken, among other things, of the estimated duration of foster care. Those who regard themselves as having a close relationship with the child have a right to contact the child by the same token, provided that this is deemed beneficial for the child. A child who is 15 years or older may make his/her own request for contact.

When child is placed in foster care, the child's contact with [parents]<sup>1)</sup> and others with whom he/she has a close relationship shall be decided, taking account of what best serves the child's interests. Should an agreement be reached, the child protection committee shall make a written agreement with those who are to have contact. ...<sup>1)</sup>

The child protection committee has the power to rule on disputes regarding a child's contact with [parents]<sup>1)</sup> and others with a close relationship with the child, whether with regard to the right to contact, the scope of contact rights, or contact arrangements. If, due to special circumstances, the child protection committee is of the view that contact with the parents is contrary to the child's interests and needs, it may rule that the birth parents shall not have contact rights. The child protection committee may also rule, by the same token, that others who regard themselves as having a close relationship with the child shall not have contact rights, if the committee believes that the requirements of the second paragraph are not met.

Those who are to have contact with the child may request changes to the agreement on contact rights. Should it not be possible to reach an agreement on such changes, the child protection committee shall make a ruling.

Those who are to have contact with the child may demand that a child protection committee review its prior ruling on contact right. The child protection committee is not obliged to consider such a demand formally, unless at least twelve months have passed since the ruling was made by the child protection committee or [the Welfare Appeals Committee].<sup>2)</sup>

A child protection committee may rule that a child's place of residence be kept secret, e.g. vis-à-vis [the parents]<sup>1)</sup>, if the interests of the child so demand.

[Those who are expected to exercise contact rights may appeal rulings under this Article to [the Welfare Appeals Committee].<sup>2)</sup><sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 41. <sup>2)</sup> Act No. 85/2015, Article 13.

[Article 74 a

*Legal status of foster parents when contact is decided.*

In all cases, the views of the foster parents to contact shall be examined before an agreement is concluded or a ruling on contact is delivered.

The foster parents of a child in permanent foster care shall be parties to cases concerning contact under Article 74. Thus, the foster parents shall participate in the negotiation of agreements on contact, may request changes to terms of contact previously decided, are parties to cases in which rulings are delivered and may appeal rulings on contact to [the Welfare Appeals Committee].<sup>1)2)</sup>

<sup>1)</sup> Act No. 85/2015, Article 13. <sup>2)</sup> Act No. 80/2011, Article 42.

Article 75

*Maintenance and other costs pertaining to a child in foster care.*

[The municipality that places a child in foster care shall be responsible for paying the foster parents maintenance payments, fostering allowances and, as appropriate, other expenses incurred on behalf of the child and following from the provisions of this Act.

[On division of costs entailed by fostering on the basis of the fourth paragraph of Article 65 shall be subject to regulations<sup>1)</sup> set by the minister.]<sup>2)</sup>

Foster parents and foster children shall be entitled to all general services according to law; in general, the costs associated with these services shall be subject to the laws applicable in each sphere. Each municipality shall be obliged to ensure that children of school age who have been placed in temporary foster care with foster parents who are domiciled in their local government area, are given places in school. The payment of expenses resulting from the child's schooling shall be subject to the Primary Schools Act.]<sup>3)</sup>

<sup>1)</sup> Regulation No. 804/2004. <sup>2)</sup> Act No. 134/2013, Article 1. <sup>3)</sup> Act No. 80/2011, Article 43.

Article 76

...<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 44.

Article 77

*Review of foster-care agreement.*

If the circumstances of the foster parents change, e.g. due to divorce, death, moving home or failure of health, the foster parents must notify the child protection committee, and the foster-care agreement shall then be reviewed if deemed necessary.

Notifications under Articles 16, 17 and 18 regarding the circumstances of a child in foster care, or notification that a foster parent is neglecting his/her duties, shall be submitted to the child protection committee which placed the child in foster care. The committee must investigate the matter without delay, and apply suitable measures.

If an agreement cannot be reached with foster parents on changes to a foster-care agreement, the child protection committee may, providing substantiated reasons, rule to alter the foster-care agreement, or to revoke it. Such a ruling may be appealed to [the Welfare Appeals Committee].<sup>1)</sup>

<sup>1)</sup> Act No. 85/2015, Article 13.

Article 78

*Regulations.*

The Minister shall in regulations<sup>1)</sup> lay down further rules on foster care, and on the implementation of the provisions of this Section, on receipt of proposals from the Government Agency for Child Protection.

<sup>1)</sup> Regulation No. 804/2004.

**SECTION XIII**

**Homes and institutions for which the state is responsible.**

Article 79

*Homes and institutions which the state shall ensure are available.*

[The Ministry]<sup>1)</sup> is responsible for homes and institutions being available to:

- a. admit children in emergencies in order to ensure their safety due to alleged offences or serious behavioural problems,
- b. evaluate the problems of children who are believed to require specialised treatment,
- c. provide children with specialised treatment due to serious behavioural problems, substance abuse and alleged offences.

The Government Agency for Child Protection, on behalf of [the Ministry]<sup>1)</sup>, shall be responsible for establishing and operating homes and institutions under the first paragraph. The Agency may assign the operation of them to other parties by a service agreement. [Homes and institutions under the first paragraph shall be subject to the professional and financial control of the Government Agency for Child Protection, which may require them to specialise in particular areas.]<sup>2)</sup> The Government Agency for Child Protection shall provide those who run the homes and institutions with instruction, guidance and general professional support.

Should a dispute arise between the Government Agency for Child Protection and the operator of a home or institution under the first paragraph, the dispute may be submitted to [the Ministry].<sup>1)</sup> The same applies if a dispute arises on the implementation of services between a person receiving services in a home under the first paragraph, or his/her guardian, on the one hand and the Government Agency for Child Protection on the other.

With regard to the foundation and general operation of homes and institutions, the provisions of regulations to be issued by [the Minister]<sup>1)</sup> shall otherwise apply.

<sup>1)</sup> Act No. 162/2010, Article 24. <sup>2)</sup> Act No. 80/2011, Article 45.

#### Article 80

##### *Procedure for placement of a child in a home or institution under Article 79.*

Before a child is placed in a home or institution under Article 79, the child protection committee shall attempt other supportive measures, unless it is deemed clear that these will not be efficacious. If it is necessary to place a child outside the home, a home or institution shall be selected with care, taking account of the needs and interests of the child in question. [A home with which the child has emotional bonds shall take priority when placement is decided, providing it meets the conditions of this Act in other respects and if the placement is considered in the child's best interests.]<sup>1)</sup>

The child protection committee shall send a request for placement of the child to the Government Agency for Child Protection, which assesses the application and makes a decision on placement in consultation with the committee, including which home would be most suitable for the child, when the placement is to begin, and its duration. In special cases the child protection committee may apply directly to a home or institution for placement of a child, under further regulations to be issued by the Minister on receipt of proposals from the Government Agency for Child Protection.

The child protection committee must prepare the child for separation from the parents, and for the prospective placement. A child protection committee which arranges a child placement shall provide child and parents with the necessary support during the placement. ...<sup>1)</sup> A written agreement shall be made on the placement of each child.

If parents have waived, or been deprived of, custody of a child placed in a home or institution under Article 79, the child protection committee must provide a support family for the child if the placement is to last more than two months.

The Minister shall issue regulations, on receipt of proposals from the Government Agency for Child Protection, on the professional operations of homes under Article 79, stating the conditions for operation of a home, duration of placement, conditions for placement, decisions on choice of measures, [agreements on placement of children and the duties of child protection committees].<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 46.

#### Article 81

##### *Child's contact rights.*

A child placed in a home or institution under Article 79 has a right to contact with his/her [parents]<sup>1)</sup> and others with whom he/she has a close relationship. Contact entails the right to spend time together, and to other communication.

[Parents]<sup>1)</sup> have a right to contact with their child, unless this is clearly contrary to the child's interests and needs, and incompatible with the objectives of the placement. Those who regard



themselves as having a close relationship with the child have a right to contact in the same way, provided that this is deemed beneficial for the child. A child aged 15 years or older may make his/her own request for contact.

When a placement agreement is made, the child protection committee shall seek to reach an agreement with those parties who are to have contact, taking account of the rules applying at the relevant home or institution.

The child protection committee has the power to rule on disputes regarding a child's contact with [parents]<sup>1)</sup> and others with whom he/she has a close relationship, whether with regard to the right to contact, the scope of contact rights, or contact arrangements. If, due to special circumstances, the child protection committee is of the view that contact with the parents is contrary to the child's interests and needs, it may rule that [a parent]<sup>1)</sup> shall not have contact rights. The child protection committee may also rule, by the same token, that others who regard themselves as having a close relationship with the child shall not have contact rights, if the committee believes that the requirements of the second paragraph are not met.

Those who are to have contact with the child may request changes to the agreement on contact rights. Should it not be possible to reach an agreement on such changes, the child protection committee shall make a ruling.

Those who are to have contact with the child may demand that a child protection committee review its prior ruling on contact rights. The child protection committee is not obliged to discuss such a demand formally, unless at least twelve months have passed since the ruling was made by the child protection committee or [the Welfare Appeals Committee].<sup>2)</sup>

The child protection committee shall elicit the views of the home or institution where the child is placed before ruling on contact.

A child protection committee may rule that the child's place of residence be kept secret, e.g. vis-à-vis [parents],<sup>1)</sup> if the interests of the child so demand.

Rulings made under this Article may be appealed to [the Welfare Appeals Committee].<sup>2)</sup>

<sup>1)</sup> Act No. 80/2011, Article 47. <sup>2)</sup> Act No. 85/2015, Article 13.

## Article 82

### *Rights of the child and coercive measures.*

[All operations of homes and institutions under Article 79 shall be aimed at ensuring children the right to privacy, the right to determine their personal circumstances and the right to have contact with other people, all in terms of what is best suited to their age and maturity and to the extent that is compatible with the aims of their being placed in homes and institutions and responsibility for the operations and the welfare and safety of the child and other persons.]<sup>1)</sup>

The child shall be permitted to move freely inside and outside the area of the home or institution, with such restrictions as may be required to ensure the safety and welfare of the child and others. Children placed in homes under Article 79 may be prohibited from leaving the area of the home or institution within reasonable limits, and as necessary in order to achieve the objectives of the placement.

It is prohibited to:

- a. inflict physical or mental punishment upon the child,
- [b. apply coercive measures or serious disciplinary measures unless this is considered necessary in order to achieve lawful aims, to protect the life, health and maturity of the child in question, or of other children or the life or health of the staff, or to protect property,
- c. monitor a child's postal correspondence, communication via a computer and telephone calls unless necessity so demands, taking into account, amongst other things, the aim of the child's placement.]<sup>1)</sup>

The Minister shall issue regulations on receipt of proposals from the Government Agency for Child Protection:

- a. on the implementation of the provisions of the third paragraph, including coercive measures, and procedures relating to their application,
- b. which aim to prevent alcohol, drugs and other dangerous substances being brought into the home,
- c. on the custody of the child's personal money and possessions.

Private parties who run a home or institution on the basis of a service agreement may be authorised to make decisions on restriction of rights and application of coercive measures under this Article.

Regulations to be issued by the Minister under this Article, on receipt of proposals from the Government Agency for Child Protection, shall also state the rights of a child and his/her parents to appeal a decision on restriction of rights and coercive measures to [the Welfare Appeals Committee].<sup>2)</sup>

<sup>1)</sup> Act No. 80/2011, Article 48. <sup>2)</sup> Act No. 85/2015, Article 13.

#### Article 83

...<sup>1)</sup>  
<sup>1)</sup> Act No. 80/2011, Article 49.

### SECTION XIV

#### Homes and other arrangements on the responsibility of municipalities.

#### Article 84

*Homes and other facilities which child protection committees must have available.*

Child protection committees, individually or jointly, must have the resources available, for instance by operation of residential placement facilities, group homes or by other means, to:

- a. admit children, including emergency cases, in order to ensure their safety, identify their problems or investigate their circumstances, due for instance to parental neglect, incapacity or conduct,
- b. admit children due to inadequate home circumstances or a child's special needs, for instance after treatment.

A child protection committee may assign the operation of homes under the first paragraph to other parties on the basis of a service agreement.

The Government Agency for Child Protection shall monitor the need for homes and other facilities under the first paragraph nationwide, shall encourage municipalities to have the necessary facilities available, and shall assist them in this context as necessary. The Government Agency for Child Protection issues licences to child protection committees to run homes and other facilities under the first paragraph.]<sup>1)</sup>

The provisions of Articles 80, 81 and 82 shall apply to a child's stay in homes under the first and second paragraph, as relevant.

[The Minister shall issue regulations<sup>2)</sup> on facilities under this Article, e.g. on conditions on licences, children's rights and monitoring, on receipt of proposals from the Government Agency for Child Protection.]<sup>1)</sup>

[If the Government Agency for Child Protection considers that a treatment of a child in a home or institution under the first paragraph is defective, the Agency shall strive to improve the deficiency by guidance and admonition to a child protection committee and grant specific deadline for this purpose. If no improvement is made within the deadline or if violation of the conditions for licence is very serious, the Agency may rescind the party in question of his/her licence for continuing operation.]<sup>1)</sup>

<sup>1)</sup> Act No. 134/2013, Article 2. <sup>2)</sup> Regulation No. 652/2004.

#### Article 85

#### *Support families.*

Child protection committees shall have support families available. Those who wish to serve as support families shall apply for a licence to the child protection committee in their home district.

The Minister shall issue regulations,<sup>1)</sup> on receipt of proposals from the Government Agency for Child Protection, on support families, which shall specify, among other things, the maximum duration of placement, conditions of licences, and agreements with support families.

<sup>1)</sup> Regulation No. 652/2004.

#### Article 86

#### *Summer placements on behalf of child protection committees.*

Those who wish to receive children to stay in a private home for up to three months during the summer, on behalf of a child protection committee, shall apply for a licence to the child protection

committee in their home district. The child protection committee shall notify the Government Agency for Child Protection of licences granted.

The Minister shall issue regulations,<sup>1)</sup> on receipt of proposals from the Government Agency for Child Protection, on summer placements, which shall state, among other things, the condition of a licence, agreements on placement, support and monitoring.

<sup>1)</sup> Regulation No. 652/2004.

## SECTION XV

### Division of costs of child protection activities.

#### Article 87

##### *Financial responsibility of the municipality.*

The municipal council is responsible for costs incurred by the work of a child protection committee, *i.e.* for the service it provides, and in connection with arrangements for which the committee is responsible under this Act.

#### Article 88

##### *Financial responsibility of the state.*

The state shall meet costs incurred by ...<sup>1)</sup> work carried out on behalf of the Government Agency for Child Protection, including the costs of operation of homes and institutions which the state must ensure are available under Article 79.

[The state shall pay part of the cost entailed by fostering on the basis of the fourth paragraph of Article 65 according to decision made by the Government Agency for Child Protection. When deciding the cost factor of the state, the Government Agency for Child Protection shall take an account of the cost to meet special needs of a child which is placed in foster care under this provision and the cost incurred by the special service, care and therapy that the foster-parents are ment to provide.]<sup>1)</sup>

<sup>1)</sup> Act No. 85/2015, Article 13. <sup>2)</sup> Act No. 134/2013, Article 3.

#### Article 89

##### *Parental maintenance.*

The parents of a child placed outside the home have an obligation to maintain the child.

A child protection committee may require parents to pay maintenance for the child during the placement, taking account of the needs of the child and of both parents' financial standing and other circumstances. The child protection committee shall rule on the amount of child maintenance to be paid. This ruling may be appealed to [the Welfare Appeals Committee].<sup>1)</sup>

A parent who has been deprived of custody of a child by a court order is not obliged to pay maintenance.

With regard to decisions on maintenance and collection, the provisions of the Children Act shall otherwise apply.

<sup>1)</sup> Act No. 85/2015, Article 13.

## [SECTION XV A.

### Monitoring and assessment of the quality of remedial measures and the placement of children outside the home.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 54.

#### [Article 89 a

##### *Aims.*

The aim of monitoring and assessment of the quality of remedial measures and the placement of children outside the home is to:

- a. ensure that the structure of the measures and the placements of children outside the home are in conformity with the provisions of laws, regulations, standards and rules under this Act,
- b. ensure that the measure will achieve its aims and that children's rights are respected,
- c. increase the quality of measures and promote improvements and
- d. collect information on placements outside the home, the need for remedial measures, utilisation, success and development.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 54.

[Article 89 b

*The role of the child protection committees.*

Each child protection committee shall assess the quality and effectiveness of their respective placement measures. The child protection committee that places a child in a home or in foster care shall closely monitor the child's living conditions and emotional well-being and check that the aims of the placement are being achieved. The child protection committee shall gather the information necessary for this purpose as and when it considers there is reason to do so. The child protection committee shall strive to maintain regular contact with children placed outside the home and give them an opportunity to express their views on their living conditions and emotional well-being in accordance with their age and maturity.

The child protection committee, responsible for a placement, shall make regular visits to children placed in homes and institutions. The child protection committee shall visit foster homes as often as deemed necessary, and at least twice a year during the first year of the placement and once a year after that.

The child protection committee shall take the appropriate measures, such as terminating agreements on foster care or placement, if the treatment of a child in foster care or in a home or an institution is considered unacceptable or if circumstances have changed in such a way that it is no longer evident that the child's living conditions and safety are guaranteed.

After receiving proposals from the Government Agency for Child Protection, the Minister shall issue regulations on monitoring by child protection committees, *i.a.* on their visits to foster homes.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 54.

[Article 89 c

*Role of the Government Agency for Child Protection.*

The Government Agency for Child Protection shall assess the need for remedial measures for children placed outside the home, gather information on these measures and assess the success of specific measures with a view to enhancing their quality and promoting improvements.

The Government Agency for Child Protection shall assess the quality and success of remedial measures, the availability of which is to be ensured by the state under Article 79.

The Government Agency for Child Protection shall monitor to ensure that remedial measures provided by municipalities under Article 84 meet the requirements made in legislation, regulations and standards at any given time. If the Government Agency for Child Protection considers that a measure fails to meet the requirements made, it may rescind the child protection committee's licence to apply that particular measure.

A child protection committee may appeal decisions by the Government Agency for Child Protection regarding the issue or rescission of licences to [the Welfare Appeals Committee].<sup>1)2)</sup>

<sup>1)</sup> Act No. 85/2015, Article 13. <sup>2)</sup> Act No. 80/2011, Article 54.

[Article 89 d

*Role of the Ministry.*

The Ministry shall monitor to ensure that remedial measures for which the state is responsible meet the requirements made in legislation, regulations, standards and service contracts, as appropriate, at any given time. For this purpose, the Ministry shall commission an independent expert to visit homes and institutions under Article 79 at least once a year. The expert shall take particular care to give the children an opportunity to express their views on their living conditions and their emotional well-being, in accordance with their age and maturity and the aims of the placement.

After receiving proposals from the Government Agency for Child Protection, the Ministry shall issue regulations on monitoring and assessment in accordance with the provisions of this Section, including further provisions on, amongst other things, aims, priorities and methods.]<sup>1)</sup>

<sup>1)</sup> Act No. 80/2011, Article 54.

## **SECTION XVI**

### **Placement of children by other parties than child protection committees.**

#### Article 90

##### *Parental authority for placement of children.*

Parents may assign the day-to-day care and upbringing of their children to others, provided this is not contrary to the interests of the child. Parents must notify the child protection committee when a child is placed with others for a stay of more than six months. Should a child reside with relatives, however, notification is not required unless the arrangement is intended to be for 12 months or more.

The duty of notification under the first paragraph does not apply when a child is placed in a public institution or home, or when a child has reached the age of 15.

When a child protection committee receives notification under the first paragraph, or other information regarding notifiable placement, the committee shall ascertain whether the parents require support which would enable them to have the child living with them. If not, the child protection committee shall investigate specifically whether the interests and needs of the child are met at his/her new place of residence.

Should a child have been in the care of others for three months under the terms of this Article, the child protection committee in the home district of the custodial parents may intervene under Articles 27, 28 or 29.

#### Article 91

##### *Other placement of children in homes without intervention by child protection authorities.*

Those who wish to provide summer residence for children in a private home for remuneration, for up to three months in the summer, shall apply to the child protection committee of their home district.

Voluntary organisations and other parties may establish and run homes to provide facilities for children for care, support, entertainment and healthy activities, with a licence from the Government Agency for Child Protection.

The Minister shall issue regulations,<sup>1)</sup> on receipt of proposals from the Government Agency for Child Protection, on the implementation of the first and second paragraphs, which shall provide, among other things, for the conditions for granting of licences, children's rights, agreements on placement, support and monitoring.

[Applications shall be made for licences under this provision for homes for children suffering from complex problems, even though the operation of such homes also falls under other statutes, e.g. the Act on the Affairs of Disabled People.]<sup>2)</sup>

<sup>1)</sup> Regulation No. 366/2005. <sup>2)</sup> Act No. 80/2011, Article 55.

## **SECTION XVII**

### **General protective measures.**

#### Article 92

##### *Children's curfew.*

Children aged 12 and under may not be out of doors after 20:00 unless accompanied by an adult. Children aged 13 to 16 may not be out of doors after 22:00, unless on their way home from a recognised event organised by a school, sports organisation or youth club. During the period 1 May to 1 September, children may be out of doors for two hours longer.

The age limits stated here shall be based upon year of birth, not date of birth.

#### Article 93

##### *Monitoring of shows and social events.*

A child protection committee shall, as it deems necessary, monitor theatrical performances, public shows and social events intended for children. ...<sup>1)</sup> If the committee believes that the social event is in some manner harmful to children, it may prohibit access to children under a specified age. Those who organise the events shall, at their own expense, state the age limit in advertisements, and be responsible for the prohibition being observed.

Those who organise or are responsible for modelling and beauty contests, and other similar contests with participants under the age of 18, must notify the Government Agency for Child

Protection of the event. The Minister may issue further rules on participation in such events by children, on receipt of proposals from the Government Agency for Child Protection.

Children aged under 18 may not participate in nude shows or other shows of a sexual nature. ...<sup>2)</sup>  
<sup>1)</sup> Act No. 62/2006, Article 7. <sup>2)</sup> Act No. 58/2012, Article 8.

#### Article 94

##### *Duties of parents and guardians.*

Parents and guardians of children shall ensure that children comply with the provisions of this Section on curfews, participation in shows and performances and modelling and beauty contests, and observe the age limits and other requirements. They must also, as far as they are able, protect children against violent and pornographic material and other such material, among other things by preventing their access to it.

#### Article 95

##### *General monitoring by child protection committees.*

Child protection committees shall as far as possible observe the general conditions of children. Should a child protection committee have reason to believe that undesirable environmental factors, such as the availability of inappropriate entertainment or unhindered access to violent material, have a negative impact upon children's environment, the committee shall bring this to the attention of those involved, or itself take action to rectify the situation, as applicable.

### **SECTION XVIII**

#### **Penalty provisions etc.**

#### Article 96

##### *Violations of notifiability etc.*

Deliberately providing wrong or misleading information to a child protection committee on matters covered by this Act entails fines or imprisonment for up to two years.

If a person neglects to notify a child protection committee of a child being subject to such ill-treatment or poor conditions that his/her life or health is at risk, this entails fines or imprisonment for up to two years.

#### Article 97

##### *Kidnapping of a child, violation of injunction, etc.*

If a person contacts, visits or disturb a child contrary to a prohibition by a child protection committee, or violates a lawful order to leave the home, *cf.* Article 37, this entails fines or imprisonment for up to two years, unless a more severe penalty is provided by other legislation.

Any person who removes a child who has been placed by a child protection committee under this Act, or is responsible for the violation of such an arrangement, shall be subject to fines or imprisonment for up to two years.

Violations against the second paragraph of Article 93 entail fines.

...<sup>1)</sup>

<sup>1)</sup> Act No. 58/2012, Article 8.

#### Article 98

##### *Offences against a child by custodial party.*

If those who have a child in their care mistreat the child mentally or physically, abuse him/her sexually or otherwise, or neglect the child mentally or physically, so that the child's life or health is at risk, this entails imprisonment of up to five years, unless more severe penalties are provided in other legislation.

#### Article 99

##### *Offences against children.*

[Any person who subjects a child to mental or physical punishment, threats or intimidation or exhibits other degrading conduct towards a child shall incur fines or up to three years' imprisonment.]<sup>1)</sup>

[Any person who encourages a child to commit offences, to consume alcohol or drugs or to engage in other behaviour which seriously endangers the child's health and maturity or the lives and health of other persons shall incur fines or up to four years' imprisonment.]<sup>2)</sup>

Any person who subjects a child to aggressive, abusive or indecent behaviour or hurts or insults him/her is liable to fines or imprisonment for up to two years.

<sup>1)</sup> Act No. 52/2009, Article 3. <sup>2)</sup> Act No. 80/2011, Article 56.

#### Article 100

##### *Superseding of prior legislation.*

If a case has been brought before a child protection committee during the period of validity of prior legislation, the provisions of this Act shall apply to the procedure in the case after this Act has come into force. This applies even when events on which a case is based have taken place, partially or entirely, during the period of validity of prior legislation.

The Child Protection Appeals Board shall take over the handling of all cases that have been appealed to the National Council for Child Protection, provided the issue falls within the ambit of the Appeals Board by the terms of this Act. The conduct of a case before the Child Protection Appeals Board shall, however, never lead to an inferior legal position of the parties than would be entailed by prior legislation.

In cases where a child protection committee has ruled to deprive parties of custody, and the ruling has not been appealed to the National Council for Child Protection, or if it has been appealed to the Council but the appeals procedure has not been completed, it shall be conducted under the provisions of prior legislation.

#### Article 101

##### *Entry into force.*

This Act shall come into force on 1 June 2002.

...

The provisions of the fourth paragraph of Article 65 and the second paragraph of Article 88 of this Act shall not enter into force until 1 January 2003.

*[This translation is published for information only.  
The original Icelandic text is published in the Law Gazette.  
In case of a possible discrepancy, the original Icelandic text applies.]*