

Please indicate following suggestions as false or true (I doubt in my understanding the Hungarian presence of child protection)

1. There are several models of child protection: one continues the tradition of strong affiliation with educational system (social workers are within school staff, and they provide all procedures retargeted to indicate children at risk), the other, more recent, **model provides child protection on local level independently from educational system**, and there is the third model combining two previous. **True**

If there are several models I would like to recognize the distribution of these models:

- regions and districts could choose the model,

or

- regions could change and transform the model of child protection.

*The XXI Act of 1997 on Child Protection* regulates detailed the child protection-, care system in Hungary. The aim of the law is to widely and thoroughly specify the relevant regulations and measures to all bodies and persons, who cares of children in general (e.g natural and legal persons, or other organizations without legal personality).

There is no legal obligation currently in this Act for schools to employ a professional child care person (if they can finance one, they usually do in practice).

The state and the local municipalities have to operate the child care services as an obligatory task based on law. The local municipalities are obliged to provide basic child care services. Art 14. states that the protection of child means activities to promote that a child shall grow up in family, to prevent him/her from risks or abolish them, and to secure the care and protection of the children, if he/she is replaced from their biological family temporarily or permanently. The protection of the child is guaranteed by financial, personal and benefits in kind basic services (financial: regular child protection benefits, extraordinary child protection benefits, advance by the state for child maintenance payments, housing benefits, additional child protection benefits; personal: childcare service, daily care, temporarily care), and by special child protection services, and various official measures (different types of removal from the biological family; after-care procedures) based on the Act. The official measures based on this Act are practiced by the assembly of the local municipality, notary/bailiff, and guardianship body.

- 2.** The child removal from family is implemented under the **judgment of Special Board within legal order True**

The decision normally is made by the guardianship body, as special board after expert opinions made by the professionals of the local child protection service provider. If there is a situation for immediate crisis intervention, several bodies have to cooperate with each other (e.g. police, guardianship body, doctor). These procedures are precisely regulated in the Act on Child Protection. (See: Art 17. on obligations to operate this warning mechanism and the related duties to cooperate and make the signals).

If it's true do these boards work out the plan of intervention with families and appoint somebody who would be responsible for the implementation of this plan? **YES**

The practice of reintegration (children and families are reunified) is common **False or True**

All the measures taken have to have to aim (near or further future) to reintegrate the child, if it's possible.

**3. The limitation of parental rights includes different degrees from temporary limitation to total termination True**

4. How does foster care operate:

is it quasi-adoption: people who would like to adopt child become foster care givers instead adopting child

or

there are some services providing recruitment , training, and further support for these families as quasi-professional families

The Act on Child Protection clearly states that the foster care is not an antechamber of adoption. Art 55 (b) says the foster parents (who have to complete courses before become a foster parent, and they can practice after the decision of guardianship body) has to promote and help the reintegration of the child to his/her family, until this happens, they take all the care of the child.

### **5. Responsibility of child protection services**

How does the **legislation** regulate the responsibility of child protection services in case of abusing authority or being late:

- there is the system of restrictions against services (money penalties, limits to career development, etc);
- services are obliged to bring into action all possible efforts for keeping the cooperative style of communication with parents?
- services are under subordination and report to the central level of child protection (e.g. I could understand how it works for school social workers – they are obeyed to executive managers of schools, but as far as I know there are some other models which are out of such subordination)
- media campaigns
- ombudsmen institution implements (partially) the control under services

After the report of the Ombudsman nr. 1024/2008. the Act was amended to define more precisely the legal responsibilities (Art 17 (4) of the authorities, which abuses the obligation to cooperate with each other and make warnings. If anyone abuses his/her task in that field, disciplinary proceedings can be initiated after individual signals or ex officio. In criminal matters, the guardianship body body initiates criminal procedure. In practice unfortunately it does not fully abolish all the mistakes made by the authorities.

The Act on Child Protection emphatically and expressly made it a task of the Ombudsman dealing with citizens' rights to protect children's rights as there is no autonomous ombudsman for children's rights. Based on the Act, the Ombudsman promotes the protection of children's constitutional rights by his special means. It is the Ombudsman's task to investigate into violations of children's constitutional rights coming to his attention, and to initiate general or specific measures for their rectification. *Act LIX of 1993 on the Parliamentary Commissioner for Civil rights*, when describing the competency of the Ombudsman, states that anyone can turn to the Parliamentary Commissioner if,

in his/her assessment an authority or organ performing public service<sup>1</sup> has violated the basic rights of the person presenting his/her submission, provided the available opportunities of legal remedy available in public administration have been utilised with the exception of the judicial revision of a public administration ruling, or if no legal remedy is ensured for the complainant.

Generally, are parents **sensible** to the issue of services' arbitrariness or other types of irresponsibility regarding services' behaviour? Is it common topic for public debates?

There is no really public debate on this question - to be honest.

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<sup>1</sup> For example: an organ performing tasks of public administration; other organs acting within the competency of public administration; the Hungarian Armed Forces; organs of law and order; the authority of investigation, including the organ of prosecution conducting investigation; local governments and minority governments; public bodies; the notary public; bailiff.