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Cross-border placement of a child including foster family

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(in civil and commercial
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1 Which authority is to be consulted and to give prior consent before the cross-border placement of a child within your territory?

In accordance with Article 41 of the Minor Protection (Alternative Care) Act, [Chapter 602 of the Laws of Malta](#), the [Social Care Standards Authority \(SCSA\)](#) is the designated Central Authority responsible for fostering. As per Article 42(d) of the same Act, one of the functions of the Central Authority is that of receiving requests from foreign persons who are approved as foster carers in another country or from accredited agencies, and to forward such requests to the Foundation for Social Welfare Services' (FSWS) [Director Alternative Care \(Children and Youths\)](#). Under Article 36A of the same Act, the Director Alternative Care (Children and Youths) has a number of functions and responsibilities, including matching foster carers with minors who are to be placed under foster care and ascertaining that every placement under foster care is in the best interest of the minor. Foster care may only take place following a written agreement between the Director Alternative Care (Children and Youths) and the foster carer.

Central Authority within the Social Care Standards Authority

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2 Please describe shortly the procedure for consultation and the obtaining of consent (including required documents, deadlines, modalities of the procedure, and other relevant details) for cross-border placement of children within your territory.

To register a cross-border placement in Malta, the Central Authority of the requesting State must request the consent of the Central Authority for Malta (SCSA). An application must be requested and submitted to the SCSA.

The procedure is as follows:

- i. The Central Authority for Malta should receive a duly completed application form accompanied by the requested documentation (mentioned below). This application should be submitted by the Central Authority of the requesting State. All requested documentation should be sent in Maltese or English only.
- ii. Once the application form has been received, the Central Authority for Malta establishes what type of placement is under consideration.

iii. The Central Authority for Malta sends the application and documentation to the relevant Maltese competent authorities, for example in cases of cross-border fostering such documentation would be sent to the Directorate Alternative Care. In all cases, the competent authorities assess applications on the basis of their expertise, and due consideration is given to the following aspects of placement: educational/pedagogical, legal support, psychosocial/psychiatric and child safety/protection.

iv. The Central Authority for Malta will then be in a position to communicate the decision of the Maltese competent authorities regarding the cross-border placement of the child to the Central Authority of the requesting State. Placement may not commence until the Central Authority for Malta has given its consent after consultation with the Director Alternative Care. The central authority of the requesting State then communicates the start date for the cross-border placement to the Central Authority for Malta.

Below is a list of documents to be submitted with the application:

1. a copy of the national identity card/passport of the mother, father, and children;
2. the birth certificate of the child(ren);
3. a declaration of care and custody; and
4. any other documentation deemed necessary.

3 Has your Member State decided that consent is not required for cross-border placements of children within your territory where the child is to be placed with certain categories of close relatives? If yes, what are the categories of close relatives?

No. All cross-border fostering placements have to be registered with the Central Authority and consent should be sought as per the procedure set out in the reply to question 2.

4 Does your Member State have in place any agreements or arrangements for simplifying the consultation procedure for obtaining consent for the cross-border placement of children?

No. The procedure is as described in the reply to question 2. It is an efficient procedure, with the aim not to prolong any decisions, whilst ensuring the best interest of the minors involved.

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