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Cross-border placement of a child including foster family

 Belgium

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European Judicial Network
(in civil and commercial matters)

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

The request must be made to the Belgian Central Authority. The Central Authority will forward the request to the competent authority of the relevant Belgian Community.

The request must be drawn up in the language of the Belgian Community of destination (German, French or Dutch). Requesting States should check with the Belgian Central Authority beforehand in which language the request has to be made.

Consent is given by the competent authority of the Belgian Community concerned.

The Belgian Central Authority's contact details are as follows:

Federal Department of Justice (*Service Public Fédéral Justice / Federale Overheidsdienst Justitie*)

Directorate-General for Legislation and Fundamental Rights and Freedoms (*Direction générale de la Législation et des Libertés et Droits fondamentaux / Directoraat-generaal Wetgeving en Fundamentele Rechten en Vrijheden*)

International Civil Cooperation (*Service de Coopération internationale civile / Dienst Internationale rechtshulp in burgerlijke zaken*)

Boulevard de Waterloo 115 / Waterloolaan 115

B-1000 Bruxelles/Brussel

Tel.: + 32 (2) 542 65 11

Email: dh1996@just.fgov.be

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.

French Community (*Fédération Wallonie-Bruxelles*)

- The content of the request is as follows:
 - identity of the child (surname, first name(s), date of birth, nationality);
 - relevant information on the administrative status of the child in its country of origin, particularly with regard to its social rights: the child's healthcare insurance and family allowance;
 - identity of the holders of parental responsibility (surname, first name(s), date of birth, nationality, address);
 - information on the (natural or legal) person exercising parental authority, if different from the above;
 - information on the foster family (surname, first name(s), date of birth, nationality, address);
 - details concerning the proposed placement: the authority responsible for arranging the placement, the relevant court ruling, the preparatory documents drawn up by the competent Youth Support Service (*Service d'aide à la jeunesse*), the intended duration of the placement and planned follow-up measures, and funding arrangements;
 - a social report (*rapport social*) stating the grounds for the placement, measures taken previously in the country of origin, the current situation, the young person's background story and, where applicable, information on the child's specific needs (in terms of education and healthcare (psychology, speech therapy, etc.));
 - where applicable, a statement of reasons as to why a placement abroad is urgent;
 - where applicable, the steps taken by the requesting Member State to prepare the placement.
- Deadlines:

In accordance with Article 82(4) of Council Regulation (EU) 2019/1111 of 25 June 2019, except where exceptional circumstances make this impossible, the decision granting or refusing consent is transmitted to the requesting Central Authority no later than 3 months following the receipt of the request. This is an indicative deadline (*délai d'ordre*).

- Procedural arrangements:

The applicable procedure is that provided for in Article 82 of Council Regulation (EU) 2019/1111 of 25 June 2019.

Except in cases where the child is to be placed with one of its parents, the Central Authority of the requesting Member State must send the Belgian Central Authority a request for consent consisting of a report on the child, the reasons for the proposed placement of, or the provision of care to, the child in the French Community (*Fédération Wallonie-Bruxelles*), information on any contemplated funding and any other information it considers relevant, such as the expected duration of the placement.

The request and any additional documents must be accompanied by a translation into French.

The French Community (*Fédération Wallonie-Bruxelles*) collects any information or documents needed to process the requesting Member State's request, taking due account of its subject matter, with a view to preparing the cross-border placement and facilitating coordination as required. The investigations conducted by the social administrative authorities will enable it to take a subsequent decision on whether to grant or refuse consent for the proposed placement of the child on its territory.

The decision to grant or refuse consent is transmitted by the contact person for the French Community (*Fédération Wallonie-Bruxelles*) to the Belgian Central Authority, which ensures that the matter is followed up with the requesting Member State.

An agreement in principle on the placement is given by an authority. Then, once the placement decision has been handed down abroad, a further decision must be taken by the local officials who will make practical arrangements for the placement of the child in question with the relevant family or institution. There are therefore two successive 'agreements' that need to be reached before the child can be placed.

Under Article 39(1)(f) of Council Regulation (EU) 2019/1111 of 25 June 2019, the recognition of a decision in matters of parental responsibility is refused if the procedure laid down in Article 82 has not been complied with, as well as if the decision was given without a child who is capable of forming his or her own views having been given an opportunity to express his or her views in accordance with Article 21, except where there were serious grounds, taking into account, in particular, the urgency of the case (Article 39(2)(b)).

The requested Member State and the requesting Member State respect the confidential nature of the

information they exchange with each other via their respective Central Authorities. The information in question cannot be used for any purpose other than that for which it was collected or transmitted.

Flemish Community (*Vlaamse Gemeenschap*)

- The content of the request is as follows:
 - identity of the child (surname, first name(s), date of birth, nationality);
 - relevant information on the administrative status of the child in its country of origin, particularly with regard to sickness insurance;
 - identity of the parents (surname, first name(s), date of birth, nationality, address);
 - information on the (natural or legal) person exercising parental authority, if different from the above;
 - information on the foster family (surname, first name(s), date of birth, nationality, address);
 - details concerning the proposed placement: the authority responsible for arranging the placement, the relevant court ruling, the preparatory documents drawn up by the competent youth protection service, the intended duration of the placement and planned follow-up measures, and funding/reimbursement arrangements;
 - whether the file will be transferred in its entirety or merely guidelines;
 - a social report stating the reasons for the placement, measures taken previously in the country of origin, the current situation, the young person's background story and, where applicable, information on the child's specific needs (in terms of education); where applicable, a statement of reasons why a placement abroad is urgent.
- The applicable rules of procedure are as follows:

An agreement in principle on the placement and a decision on the financing of the placement is given by an authority. Then, once the decision to place abroad has been taken, a further decision must be taken by the local officials who will make practical arrangements for the placement of the child in question with the relevant family or institution. There are therefore two successive 'agreements' that need to be reached before the child can be placed.

German-speaking Community (*Deutschsprachige Gemeinschaft*)

- The content of the request is as follows:
 - identity of the child (surname, first name(s), date of birth, nationality);
 - relevant information on the administrative status of the child in its country of origin, particularly with regard to healthcare insurance;
 - identity of the parents or legal guardian(s) (surname, first name(s), date of birth, nationality, address);
 - a social report stating: the reasons for the placement, measures taken previously in the country of origin, the current situation, proof that the child has been heard as part of the proceedings abroad, unless a hearing is deemed inappropriate in view of the age or maturity of the child;
 - where applicable, a statement of reasons why a placement abroad is urgent;
 - the contact details of the competent authority in the country of origin (name, address, telephone number);
 - the contact details of the foster family / foster institution (name, address, telephone number);
 - details concerning the proposed placement: objective of the placement, information on verification of the placement (When did child protection services pay a visit? How regularly do child protection services plan to pay visits? If no personal visit has yet been made, when is one scheduled?), intended place of schooling (in the event of specific educational needs, the relevant documents are required, unless schooling is envisaged to take place in Belgium), duration of the placement and planned follow-up measures, and information on funding arrangements.
- Procedural arrangements:

The authorities verify the conditions for the recognition of stationary accommodation in accordance with the relevant legal bases of Belgium's German-speaking Community.

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

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?

Yes

[Procedural agreement between the Rhineland Regional Council \(North Rhine-Westphalia, Germany\) and the German-speaking Community \(Belgium\) on cross-border placements \(*Accord de procédure pour les placements transfrontaliers entre le Landschaftsverband Rheinland \(Rhénanie du Nord-Westphalie, Allemagne\) et la Communauté germanophone \(Belgique\)*\) \(282 Kb\)](#)

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