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Cross-border placement of a child including foster family



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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 European and International Affairs Section of the Directorate for Youth Protection and Juvenile Justice (DPJJ) is responsible for applications for placement in France and for giving its approval.

Applications may be sent either by post to 13, Place de Vendôme, 75041 Paris Cedex 01, or electronically to saei.dpjj@justice.gouv.fr.

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.

The competent central authority of the requested State must submit an application for approval to the European and International Affairs Department of the Ministry of Justice (SAEI).

The application must include the following information, together with a French translation:

- Full civil status of the child (with a copy of the civil status document);
- Summary of the individual and family situation of the child (decisions of the judicial authorities and reports and notes from welfare services);
- Statement of the reasons for the proposed placement, taking into account the best interests of the child;
- Identity and contact details of persons exercising parental responsibility and record of their consent to the placement project;
- Consent of the minor to the proposed placement (copy of the minutes of the hearing or of the records of the hearing, if such has taken place);
- Summary of the steps taken to prepare the placement;
- Approval of the institution or foster family;
- Arrangements for the placement (duration, location, identification of the host, organisation of rights to correspondence, outings, visitation and stays);
- Organisation of placement follow-up and handling of potential incidents;
- Financing of the placement.

After receiving this information, the SAEI takes the following steps:

- In the event of a request for placement on the basis of a judicial decision, it consults the Public Prosecutor, who will refer the matter to the competent children's court judge for an opinion;

- In the event of an intended placement in institutional care, it checks the authorisation issued by the departmental council to the establishment for the duration of the placement;
- In the event of an intended placement with an approved foster family, it checks the validity of the approval with the relevant departmental council;
- In the event of placement with a family member, information on the persons living at the family member's home is forwarded to the head of the relevant departmental council. If the information provided is sufficient, a check is carried out with the relevant incident reporting unit. If not, the SAEI will submit a request for evaluation to the departmental council within a specified time limit.

Following receipt of the request, the SAEI issues a decision on approval or non-approval within no more than three months.

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?

France has not notified the Commission of the categories of close relatives, in addition to parents, for whom approval is not required.

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?

France does not currently apply any agreement or arrangement to simplify the procedure for applications for cross-border placement.

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