


[Home](#) > ... > [Family Matters & Inheritance](#) > [Cross-border Placement of a Child Including Foster Family](#) Portugal

# Cross-border placement of a child including foster family

 Portugal

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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?

Portugal's central authority responsible for the application of Council Regulation (EU) 2019/1111 is:

Directorate-General for Justice Administration (*Direção-Geral da Administração da Justiça*)

International Judicial Cooperation Division (*Divisão de Cooperação Judiciária Internacional*)

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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.

The stages involved in obtaining a placement for a young person in Portugal are as follows:

Stage 1 - Prior authorisation for the placement measure, to be granted by the central Portuguese authority (*Autoridade Central Portuguesa, ACP*)

- Prior authorisation request from the central authority of the requesting country;
- review of the documentation submitted and assessment against the criteria and conditions for placement;
- issue by the ACP of a prior authorisation approval or refusal;
- purely indicative deadline: 1-3 months from receipt of all the documents required in support of the request, depending on the complexity of the case.

Stage 2 - Declaration of enforceability by the Court

- An application for recognition and enforceability is filed with the Court (the Family and Minors Division (*Juízo de Família e Menores*) of the area where the foster family lives or the institution is located) by the foster family, the institution with overall responsibility, or the institution to which the child has been entrusted. This application must be accompanied by documentation attesting to the prior consent of the ACP and by supporting documents giving details of the placement measure: duration, intervention plan, and a statement by the foster family that they are able to financially support themselves.

Or, alternatively:

The placement decision/ruling issued by the administrative or judicial authority of the country of origin is sent to the ACP, together with additional documentation giving details of the placement measure: duration, intervention plan, and a statement by the foster family that they are able to financially support themselves.

The ACP forwards the application for enforceability of the measure to the Public Prosecutor's Office (*Ministério Público*) at the competent Court, where it will be officially lodged on behalf of the child.

- The Court issues its decision. In the event of a declaration of enforceability, the Court may nominate the Social Security Institute (*Instituto da Segurança Social* (ISS, IP)) as the body responsible for monitoring the implementation of the measure within Portugal.

Stage 3 - Implementation of the placement measure in Portugal

- Once the decision of enforceability has been issued, the child or young person may come to Portugal and start their placement measure.
- If the application for a declaration of enforceability was sent via the ACP (and in any case where the Court informs the ACP of its decision), the ACP should forward the Court's decision to its counterpart.
- The Social Security Institute monitors the measure and drafts periodic reports on the implementation of the measure to be sent to the Court and the ACP, where the Court so orders.
- Any extension of the measure is subject to a new prior authorisation by the ACP, followed by the rest of the procedure set out above.

For information, a list of the documents required by the ACP before authorising the placement of a child with a foster family or institution in Portugal can be found in English at the following [link](#)

**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?**

Consultation and prior consent are not necessary if the child is entrusted to a person with family ties, e.g. grandparents, uncles and aunts, or older siblings. In such cases, it is sufficient for the authority deciding on the placement simply to inform the central authority for Portugal.

**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?**

Portugal has the procedure outlined in response to question No 2 to simplify the consultation procedure for obtaining consent for the cross-border placement of children.

Relevant legislation:

[Council Regulation \(EU\) 2019/1111 of 25 June 2019](#)

Warning:

The EJN-Civil Contact Point, the courts, and other bodies and authorities are not bound by the information set out in this factsheet. It is also still necessary to read the legal texts in force. These are subject to regular updates and evolutionary interpretation of case-law.

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