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Cross-border placement of a child including foster family

 Slovakia

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European Judicial Network
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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?

Centre for International Legal Protection of Children and Youth (Centrum pre medzinárodnoprávnu ochranu detí a mládeže)

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Languages: Slovak, Czech and English

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 central authority of the requesting state provides the central authority of the Slovak Republic with the following:

1. a report on the child containing:

- data identifying the child, parents and relatives, and where they are located
- the reasons for the intervention of the social services and a summary of the measures taken,
- information on the child's current physical, psychological and social development,
- information on the child's special needs, including a medical report if the child has a medical condition,

- the opinion of the child and of the parents,

- information on the contacts between the child and its parents and relatives,

2. the reasons for the proposed placement or provision of care,
3. the expected duration of the placement,
4. arrangements for contact with the parents, other relatives or other persons with whom the child has a close relation, or the reasons why such contact is not contemplated in light of Article 8 of the European Convention on Human Rights.
5. any envisaged supervision of the measure,
6. information on any contemplated funding,
7. any other relevant information.

The central authority of the Slovak Republic will transmit the request, together with its annexes, to the Centre for Labour, Social Affairs and the Family (Ustredie práce, sociálnych vecí a rodiny), asking whether the required consent can be granted.

As a rule, consent should be granted if:

- the placement is in the child's best interests,
- the child was heard in the proceedings abroad, apart from where this would be inappropriate owing to the child's age or degree of maturity,
- the competent authority or natural person to which the child is entrusted has granted its consent and there are no reasons against such placement.

When placing a child in a centre for children and families the specific task of the Centre is to choose an appropriate childcare facility in Slovakia and to ensure a place for the child in the facility in question.

The Centre for Labour, Social Affairs and the Family transmits its recommendation to grant or not to grant consent to the Centre for International Legal Protection of Children and Youth, which will grant or refuse to grant consent on the basis of the evidence obtained. The decision, together with a statement of reasons, is sent to the requesting central authority, the centre for family and children in which the child is to be placed, or to the natural person to whom the child is to be entrusted. There is no judicial remedy against this decision.

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?

Yes, in the case of placement with a grandparent, with a sibling of the minor or with a sibling of the minor's parent (see Slovakia's comment on Article 82(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.

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