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## Cross-border placement of a child including foster family

A child may need a new family either because he/she is an orphan or because their parents appear unfit to care for them.

Any type of placement of a child with someone other than a parent - in a foster home with one or more individuals, or in institutional care, for example in an orphanage or a children's home - in another EU country falls under the scope of the [Brussels IIb Regulation](#). This also includes 'educational placements' ordered by a court or arranged by a competent authority with the agreement of the parents or the child or upon their request following deviant behaviour of the child.

A court or authority planning to place a child in another EU country has to obtain the consent of that country's authorities before ordering or arranging the placement. To establish when consultation is necessary, the Regulation refers to national law:

- it is not needed where the child is to be placed with a parent;
- each EU country's national law and procedure may specify that their consent is not required for placements within their own territory with certain categories of close relatives in addition to parents.

The request for consent should include at least a report on the child together with the reasons for the proposed placement or provision of care, the expected duration of the placement, information on any contemplated funding. This must be supplemented by any other information which the requested Member State might consider pertinent such as any envisaged supervision of the measure, arrangements for contact with the parents, other relatives, or other persons with whom the child has a close relationship, or the reasons why such contact is not contemplated.

Each EU country's national law and procedure governs the procedure for obtaining consent for the placement.

The Practice Guide for the application of the Brussels IIb Regulation can be found on this page: [EJN's publications](#)

Please select the relevant country's flag to obtain detailed national information.

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