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Cross-border placement of a child including foster family

Croatia

**1 Is there an obligation under your national law for prior consultation and the obtaining of consent before the cross-border placement of a child? Please mention possible exceptions.**

Before the cross-border placement of a child in the territory of the Republic of Croatia, in accordance with Article 56 of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (the 'Brussels IIa Regulation'), the Ministry of Demography, the Family, Youth and Social Policy, as the central authority for the Brussels IIa Regulation, must first be consulted and its consent obtained.

**2 If prior consultation and consent are required, which authority is to be consulted and to give the consent?**

The Ministry of Demography, the Family, Youth and Social Policy, as the central authority of the Republic of Croatia for procedures under Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (the 'Brussels IIa Regulation'), is responsible for the prior consultation procedure and for giving or refusing consent for the cross-border placement of a child.

**3 Please describe shortly the procedure for consultation and the obtaining of consent (including required documents, deadlines, modalities of the procedure, and other relevant details).**

When a competent authority of another State is considering the cross-border placement of a child with an authorised social services provider (legal or natural person) in the territory of the Republic of Croatia, it must consult the central authority of the Republic of Croatia, namely the Ministry of Demography, the Family, Youth and Social Policy.

The competent authority of the requesting State may take a decision on the placement only if prior consent to the proposed placement has been granted by the Ministry, as the central authority of the requested State.

The request for prior consent to the cross-border placement of a child should contain:

- Comprehensive report on the child with the opinion and conclusion of the expert team on cross-border placement, including the reasons for the cross-border placement;
- Name of the services provider with which placement is sought, details of the planned start and end date of the cross-border placement and a declaration by the service provider agreeing to provide the service to the child and to bear all the child's travel (arrival and departure) and subsistence costs and expenses, including health insurance and education costs and any other costs relating to the child;
- Declaration by the requesting State guaranteeing that the representative of the service provider will be authorised to represent the child for the purpose of registering his or her temporary stay as well as to take any action necessary to protect the child in the territory of the Republic of Croatia;
- Court decisions issued in respect of the child, if any (e.g. decisions on parental custody of child, etc.);
- Description of the child's connection to Croatia, if any;
- Document showing that the child has exercised the right to express his or her opinion;
- General information on the competent authority of the requesting State that is to take the decision on the placement;
- Extract from the national legislation of the requesting State applicable to the measure;
- Other documentation, where appropriate (e.g. medical records).

The request and the supporting documents are to be submitted by the requesting State to the Ministry of Demography, the Family, Youth and Social Policy in the original language, accompanied by a translation into Croatian.

**4 What is a "foster family" according to the national law of your Member State?**

Article 9(2) and (3) of the Law on Foster Care (*Zakon o udomiteljstvu*) defines a foster parent as a representative of a foster family or single person providing a placement service, to whom the authorisation to provide foster care is issued and who is entered in the register of foster carers, and defines a foster family as a community formed by the foster parent, his or her spouse or unmarried spouse, children and other relatives living with the foster parent in the same household.

**5 Does the notion of "foster family" encompass relatives or not? If yes, which ones?**

In accordance with Article 10 of the Law on Foster Care, foster care may be traditional foster care, foster care as a profession or kinship foster care.

Article 13 provides more details about who can perform kinship foster care, i.e. who is considered to be a relative that can provide this type of foster care, and it specifies the following: grandparents, uncles, aunts, brothers/half-brothers, sisters/half-sisters, grandchildren, and their spouses/unmarried spouses.

By way of exception, foster care may be provided by relatives of the care recipient other than those listed if the care recipient's social services centre deems this to be in the best interests of the care recipient.

As already stated in the previous answer, a foster family is a community formed by the foster parent, his or her spouse or unmarried spouse, children and other relatives living with the foster parent in the same household, but there is no definition of which relatives are included in a foster family, and up to which degree of kinship. Rather, foster care is considered from the point of view of the foster parent and those with whom he or she lives in the same household, but it is tied to kinship.

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