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Cross-border placement of a child including foster family

Latvia

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 ordering a cross-border placement of a child, the competent family court (*bāriņtiesa*) having jurisdiction over the territory where the child is being placed must be consulted and its consent must be obtained.

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

A child placement plan must be notified to the Ministry of Justice of Latvia which will communicate with the competent family court regarding the issue of consent.

The consent of the competent family court is not required where, at the time of child's placement, the parents' custody of the child has not been revoked or custody granted to another person.

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).

The Ministry of Justice of Latvia is the central contact point handling the placement orders referred to in Article 56 of the Regulation and for forwarding them to a competent authority in Latvia which issues placement decisions.

List of required documents:

1. Information about the child's legal status and copies of all relevant court decisions, and a Latvian translation thereof;
2. Information about the reasons for the removal of the child from the family, and a Latvian translation thereof;
3. Copy of the child's birth certificate;
4. Information about the child's needs (health condition, education, emotional needs, and the languages which can be used to communicate with the child), and a Latvian translation thereof;
5. A school or preschool attendance certificate and medical records (medical examinations, vaccinations and diagnoses), and a Latvian translation thereof;
6. Information about the person or family the child is being placed with.

*Where a foreign authority has not named any particular individual in Latvia to place the child with, given the significance of ties to Latvia for the child, a family court will help to find a suitable guardian or foster family in Latvia.

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

In Latvia, children without parental care may be placed with a foster family or under guardianship.

A foster family is a family providing foster care to an orphan or a child deprived of parental care until the child is able to return to parental care where possible, or until the child is adopted or placed under guardianship.

A guardian assumes all the parental rights and responsibilities, and represents the child in personal and property matters.

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

A relative of the child, or a non-relative who is deemed by the family court as a person capable of performing the duties of a guardian, may be appointed guardian of the child.

Any relative willing to take care of the child may be appointed as guardian if he/she has the capacities and characteristics needed to perform the tasks of guardianship.

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