

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

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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.

All placements of children in a home other than their own is subject to prior consultation and consent. If the child is to be placed with the parents of the child or persons having custody of the child, prior consultation and consent are not required.

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

The social authority of the municipality in which the child is to be placed.

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).

An essential prerequisite for consent is an assessment by the Social Welfare Board concluding that the placement is in the best interest of the child. The starting point for any assessment of whether or not the placement is in the best interest of the child should be the child's link to Sweden, e.g. whether the child has social contacts with parents or relatives in Sweden or whether their national or cultural background is in Sweden. The same applies *mutatis mutandis* to a placement abroad. A further requirement for consent to a placement in Sweden or a decision on a placement abroad is to find out the child's attitude towards the placement, to the extent possible. In addition, the consent of the Social Welfare Board is subject to the child's guardian and, if the child has reached the age of fifteen, the child agreeing to the measure. Before consent may be granted, the conditions in the individual home and the conditions for care in the home must be investigated and the child must have a resident permit, if a residence permit is necessary.

The Social Welfare Board should conduct the investigation for possible consent promptly and complete it within four months at most. Investigations may be extended for a certain period of time if there are special reasons for doing so. In order for an investigation to be carried out, the foreign authority must indicate in the file which individual home is concerned by a request for placement.

Social Welfare Boards having approved a placement in Sweden are not liable for costs incurred in connection with the placement, e.g. the child's living costs or foster home fees.

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

The term ‘foster family’ does not exist in Swedish legislation. Children can, however, be placed in a foster home. Chapter 3, Section 2 of the Social Services Ordinance (2001:937) defines ‘foster home’ as an individual home which, on behalf of the Social Welfare Board, takes in children for permanent care and education or adults for care and nursing and which is not run on a professional basis.

5 Does the notion of “foster family” encompasses relatives or not? If yes, which ones?

The Swedish concept of 'foster home' covers all relatives of the child. However, no consent or specific decision on care is required from the Social Welfare Board for placements in an individual home belonging to one of the child's parents or another person having custody of the child.

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