

Who is responsible for social and legal protection of children?

Bodies for social and legal protection of children (abbreviated OSPOD in Czech, hereinafter referred to as “BSLPC”). These bodies include **municipal** and **city authorities, authorities of individual city wards** and **regional authorities**.

The **Office for International Legal Protection of Children** can also act as a body for social and legal protection of children.

How can the Defender (Ombudsman) help?

The Defender **is authorised** to inquire into the activities of the BSLPC relating to social and legal protection of children and the performance of “guardianship *ad litem*” within court proceedings.

The Defender examines whether the bodies proceed **lawfully** and **in the interest of children**.

For example, the Defender can help if:

- *the BSLPC remains inactive or is not acting in the interest of your child;*
- *you believe the BSLPC failed to help you with your difficult family problem; the BSLPC did not advise you nor helped you secure access to a social service;*
- *the BSLPC filed a motion to remove a child from your custody and proposed to place the child in a facility for children or in foster care;*
- *you are convinced that the BSLPC acting in the role of a guardian ad litem in court proceedings is not protecting the child’s best interests;*
- *the BSLPC petitioned a court to place your child in institutional care;*
- *you disagree with the BSLPC’s decision to supervise the upbringing of your child.*

What is the Defender NOT authorised to do?

The Defender **cannot** help you with your **family relations** and **private disputes**.

The Defender cannot inquire into them, make decisions about them nor represent you in such disputes, and neither can (s)he provide you with legal advice. (S)he **cannot** help you if your complaint pertains to a **court decision** or **criminal proceedings**.

For example, the Defender CANNOT help if:

- *you are separating from your partner and have a dispute concerning a child you have with them;*
- *you are divorcing your spouse and need to decide who will have physical custody of your child after the divorce;*
- *you are unable to reach agreement with the other parent on arrangements concerning seeing your child.*



What do you have to do before contacting the Defender?



Firstly you need to **file a complaint** against a specific procedure or a specific officer of the body for social and legal protection of children in question; such complaints are lodged with the **head of the relevant authority**.



This can be a secretary of the relevant municipal/city/ ward authority, the director of a regional authority or the director of the Office for International Legal Protection of Children.



You can lodge your complaint **in writing** or **orally on record** (ask for a copy of the record).



What will happen next?



The head of the authority must resolve your complaint **within 60 days** of the date when it was lodged.



If the head of the authority finds the complaint at least partially justified, **(s)he must without delay take necessary steps to remedy the situation..** This is the quickest and most effective way of achieving a remedy.



If your complaint **is not resolved** or **if you are dissatisfied with the outcome**, you can file a **complaint with the Defender**. When lodging a complaint with the Defender, **do attach** a copy of your original complaint to the relevant authority (if available) and a copy of the authority's response to the complaint.



The Defender's opinions in the area of protection of children's rights are available in books titled [Family and children](#) (2007) and [Family and children II](#) (2017) available at www.ochrance.cz in section Další aktivita/Publikace/Sborníky Stanoviska (in Czech) and in the [Defender's Opinions Register \(ESO\)](#) (select law area 207 – Protection of children, youth and families).



Procedure for filing a complaint

