Social and legal protection of children



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.

Office of the Public Defender of Rights (Kancelář veřejného ochránce práv), Údolní 39, 602 00 Brno [December 2019] <u>www.ochrance.cz</u> | <u>podatelna@ochrance.cz</u> | (+420) 542 542 888 – information line, Mo-Fri from 8:00 a.m. to 4:00 p.m.

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.



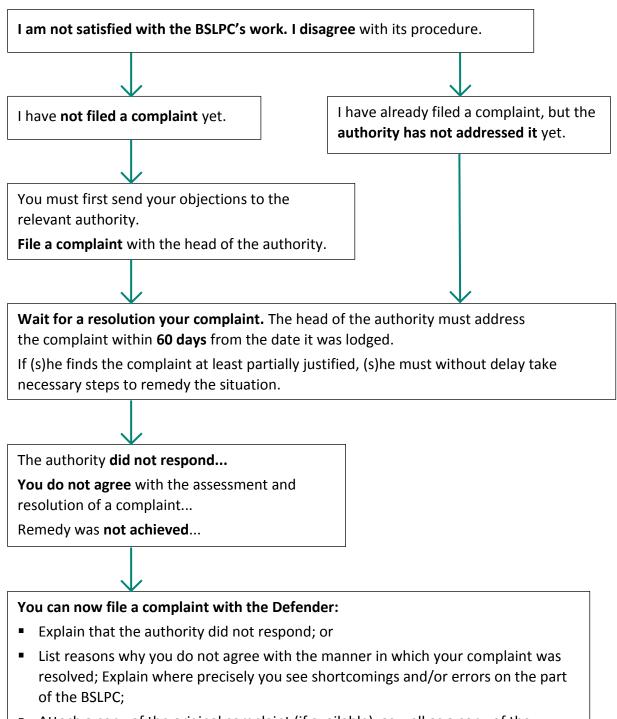
If the head of the authority finds the complaint at least partially justified, (s)he must without delay take necessary steps to remedy the situation. This is the quickest and most effective way of achieving a remedy.

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 <u>Family and children</u> (2007) and <u>Family and children II</u> (2017) available at <u>www.ochrance.cz</u> in section Další aktivity/Publikace/Sborníky Stanoviska (in Czech) and in the <u>Defender's Opinions Register (ESO)</u> (select law area 207 – Protection of children, youth and families).





 Attach a copy of the original complaint (if available), as well as a copy of the authority's response to your original complaint.