

In this document you will find questions and answers about Swedish social services and childcare according to the act LVU.

Q: What is LVU?

A: LVU is the abbreviation of the Swedish Care of Young Persons (Special Provisions) Act (SFS 1990:52). The act gives social services the power to act to protect children and young people under the age of 21. Most of the help social services offer to children and parents is voluntary, in which case social services do not need to rely on LVU.

Q: How long has the Swedish Care of Young Persons (Special Provisions) Act, LVU, existed?

A: The law in force today is from 1990, but Sweden has had laws regulating children being placed in care before that as well.

Q: Can you give examples of when social services can decide to take children away from their families?

A: A decision to take a child away from their families, according to the Swedish Care of Young Persons (Special Provisions) Act, LVU, must always be based on a significant risk of harm to the child's health or development. It can either be the situation in the family home or the child's or young person's own behaviour that may be deemed harmful or dangerous. Violence or some other form of abuse by the family is one example, another that the child exposes itself to danger or commits crimes. A prerequisite is that it can be assumed – or that the social services know – that the parents and the child don't agree to the care needed.

Q: Can there be religious reasons to why a child is taken away from their family?

A: No, religion is no basis for a child being placed in care. A decision to take a child away from their parents or guardians must always be based on there being a significant risk of harm to the child's health or development. It can either be the situation in the family home or the child's or young person's own behaviour that may be deemed harmful or dangerous.

Q: Can parents who don't speak Swedish have an interpreter present when a child is taken away from their family?

A: Yes, like any other public agency in Sweden, social services must use an interpreter in contact with someone who doesn't speak Swedish. If required, related documents must also be translated.

Q: What happens when social services decide to take a child away from their family? Are other public agencies involved?

A: It starts with social services somehow getting information about a child being harmed or at risk of being harmed. It is then the social services' job to investigate the child's need for support and protection. The aim is always to find a solution that is in the best interest of the child.

If the child needs urgent protection and the parents or guardians don't agree, social services can decide to take the child into immediate custody. The court will then decide whether the local social welfare committee's decision should be enforced. Social services have the option to ask the police for assistance when taking a child from their family, but only if necessary.

If the situation is not urgent, but social services still deem the child in need of compulsory care, the social services will apply to the court. The court will then decide whether there are grounds for care according to the Swedish Care of Young Persons (Special Provisions) Act, LVU.

Q: What can parents do if their child is taken from them? Can they appeal? Is the decision to place a child in care irrevocable?

A: Yes, parents can appeal a decision of immediate compulsory care of their child. It is always a court that decides whether a child should be placed in care. The court's decision can be appealed by the parents.

Both the child and the parents or guardians are entitled to a public counsel, which means legal aid paid by the state. As soon as compulsory care no longer is needed, it must cease. The decision about immediate care shall be reviewed or reconsidered by the committee at least every six months.

Q: Is there a risk that the child in care will be abused or even sold?

A: Swedish authorities would never sell a child. The risk for children placed in care to be abused by someone is – just like for other children – very small. All children placed

in care shall be assigned their own social worker at the social services, who is responsible for following up on how the child is doing. Social services have an extensive responsibility to prevent all kinds of abuse from happening.

Q: Which laws protect a child who has been placed in care? How is the placement monitored?

A: Social services are always responsible for the wellbeing of children placed in care. Potential foster homes are investigated by social services and residential care homes (HVBs) must be authorised by the Health and Social Care Inspectorate (IVO), the agency responsible for supervising social services, among other things.

Social services shall closely monitor the care of children placed in care. That includes talking to the child, visiting the child where she or he lives and talking to the foster home or the staff, as well as the child's guardians. As a minimum, the decision about compulsory care shall be reviewed or reconsidered by social services at least every six months. As soon as compulsory care is no longer needed, it must cease.

Swedish law states that anyone who is concerned about a child's welfare can make a so-called report of concern to social services. This includes children placed in care. People who regularly meet children and young people in their work have a special responsibility to report to social services. Staff in residential care homes (HVBs) who notice irregularities and risks in the care of children and young people are obliged to immediately report this to the person responsible for the institution.

Q: How many children are placed in compulsory care every year in Sweden?

A: In 2020, 3,486 children were placed in compulsory care. That includes both children taken into immediate custody and other compulsory care under the Swedish Care of Young Persons (Special Provisions) Act, LVU.

Q: Does the child have a right to be placed in a family of the same religion?

A: It is important that the child can keep in touch with their origin, language and culture. As a first resort, social services should investigate whether it's possible to place the child in the child's own network. Social services shall always focus on the best interest of the child. Social services have a responsibility to provide care that benefits the child's connection with family and people important to the child, as well as contact with the home environment.

Q: Is there a rule that says the child should be placed in the same city as the family?

A: Social services should try to place the child near the home, so as not to disrupt contact with the home environment. The child should preferably be placed in the same

municipality. But there are situations when it is not in the best interest of the child to be placed near the parents, for example if the child is placed in care because of abuse from the family.

Q: What are the requirements for a foster home for children placed in care?

A: A foster home must be able to care for the child in a way that's safe, secure, appropriate and continuous. The foster home must also be able to meet the specific needs of the child. Social services investigate potential foster homes to make sure they meet the requirements. Social services shall also monitor the care closely.

Q: How much does a foster home get paid?

A: How much a foster home gets paid is decided considering each child's need for care and the work that will entail for that particular foster home.

National recommendations for compensation are published by the Swedish Association of Local Authorities and Regions (SKR), an organisation that represents and advocates local government.

Q: When will the child be reunited with their family? Is the child involved in that decision?

A: As soon as compulsory care is no longer needed, it must cease. If the child still needs care, the placement can continue on a voluntary basis, based on the Social Services Act (2001:453). The aim is to reunite the child with their parents or guardians as soon as care is completed. The placement should not continue longer than necessary.

If there is a significant risk that the child's health or development will be harmed if she or he moves from a foster home, social services can decide that the child cannot move. Such a decision can only be taken if it is in the best interest of the child. The child always has the right to get relevant information and must be given a chance to have a say.

Q: Can parents get help so that they can get their children back?

A: Social services shall offer guardians and parents of children placed in care advice, support and other help they might need. Parents can be offered help to get better at parenting, counselling, support in their parental role and support in their contact with the people who care for the child.

Q: If the biological family has turned out to be harmful to a child, why can other children in the family be placed in care?

A: Social services always assess each single case, i.e. for each and every child. If there is a significant risk that a child's health or development can be harmed and there is no agreement on voluntary care, social services shall decide on care according to the Swedish Care of Young Persons (Special Provisions) Act, LVU. Social services shall not wait to intervene until a child has been harmed.

Q: I have not seen my child for many years. Can social services decide that?

A: Social services have a responsibility to make sure the child's needs to see the parents and guardians are met as far as possible. But if required by the situation, social services can decide to limit the contacts. Such a decision can only be taken if it is in the best interest of the child. In exceptional cases, social services may also need to keep the child's whereabouts secret from the parents or guardians.

Sources

LVU – handbok för socialtjänsten (manual for Swedish social services), Socialstyrelsen 2020.

Placerade barn och unga – handbok för socialtjänsten (manual for Swedish social services), Socialstyrelsen 2020.

Statistics on social services for children and young people 2020, Socialstyrelsen 2021

Social Services Act (2001:453)

Swedish Care of Young Persons (Special Provisions) Act (SFS 1990:52)

The Administrative Procedure Act (2017:900)