

# Information about compulsory care of children in accordance with Swedish act LVU – for guardians

**This information tells you about what happens when a child is taken into care against their guardian's will.**

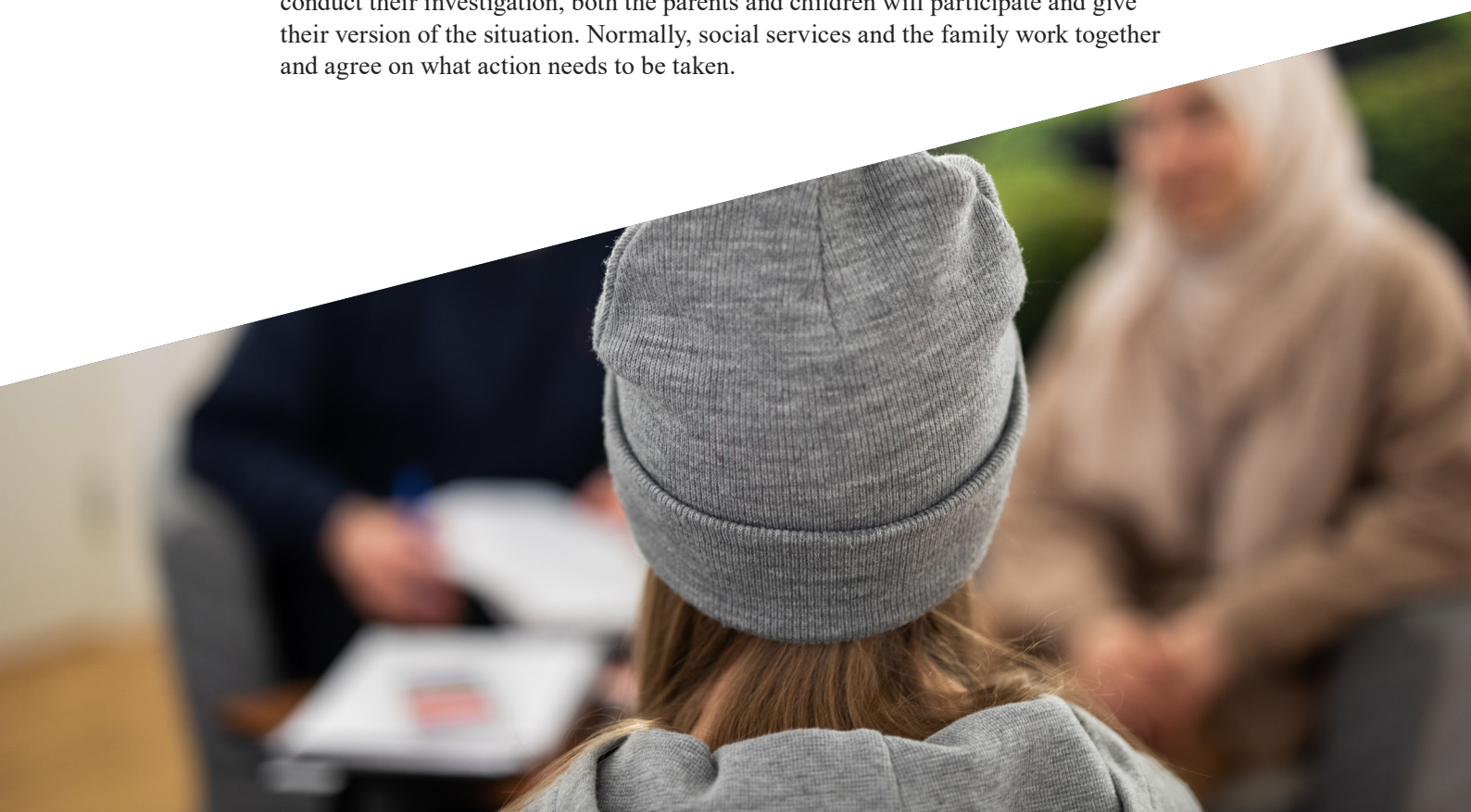
Every child in Sweden has the right to grow up in safe and secure conditions, and receive the protection and support that they need. The child's guardians have the primary responsibility to provide this care, and a lot of support is available from the rest of society.

However, if there is a risk that the child is in danger, there is a Swedish law that offers the child protection even if this goes against the guardians' wishes. Decisions to issue care orders can be taken both in an emergency and over longer periods of time. This law is called the Care of Young Persons (Special Provisions) Act – or LVU.

When a child is taken into care, they are placed with a foster family or a residential care home.

## **A child can only be taken into compulsory care if their situation is serious**

If social services believe that there is a risk that your child might be harmed, they must determine what kind of help the child and your family needs. When social services conduct their investigation, both the parents and children will participate and give their version of the situation. Normally, social services and the family work together and agree on what action needs to be taken.



But if you refuse to cooperate and the situation is serious enough, society may need to take steps to protect the child. This also applies if you accept the support offered, but the child is older than 15 and says no. In these cases, social services may propose that the child be taken into care. However, this decision must be taken by the court.

## You are entitled to an interpreter and legal assistance

If a decision is taken against your will, you are entitled to public counsel. This is a lawyer, often a solicitor, who will provide you with legal assistance. The public counsel is appointed by the court and paid for by the state. The child is also entitled to a public counsel. If you have difficulties understanding and speaking Swedish, social services and the court will use an interpreter. Social services and the court must also translate any important documents so you are able to understand them.

## How decisions that go against your will are taken

**Social services** always operate on the basis that the necessary actions are to be provided voluntarily and in cooperation with the family. For example, this could involve the child living somewhere else while the family receives the help they need. Compulsory care orders can only be implemented in situations where it is not possible to reach an agreement. If the situation is serious enough, social services may propose that the child be taken into care.

**The social welfare committee** will decide whether it is necessary to petition the court for a care order in accordance with LVU. The politicians on the committee will discuss the case at a special meeting, which the guardians can also attend in most cases. You will have the opportunity to give your side of the situation, with support from your public counsel. If the social welfare committee decides to petition for a care order, an application will be submitted to the court.

**The court** will review social services' investigation and the documents submitted by you and your public counsel. The court will then hold an oral hearing. This means that social services and the guardians will meet in court and each party will be able to describe their view of the child's situation. Your public counsel will be there to assist you during the hearing. The child's public counsel will also participate. The child may also attend the hearing depending on their age, whether they want to or not, and if it is deemed appropriate.

The court will decide whether a compulsory care order will be issued. You have the right to appeal the court's decision. Your public counsel can help you with appealing the decision.

## In emergency situations – immediate care

If the situation is extremely urgent and waiting for a court's decision would take too long, a representative from the social welfare committee can take the decision to have a child taken into care immediately. Such a decision will then be sent to the court for approval. The court will then decide whether taking the child into urgent care was right or not. The social welfare committee will have four weeks to submit an applica-

tion to the court to extend the care order. These four weeks start from the day the child is taken into care.

## **The social welfare committee decides where the child will be placed**

When the court has issued a compulsory care order, the social welfare committee will decide where the child will be placed. This always starts with the child living somewhere that is not their own home, such as with a foster family or at a residential care home.

In exceptional cases, the social welfare committee may decide not to inform the guardians about where the child is staying. However, this kind of decision may only be taken if it is deemed necessary. As the guardian, you have the right to appeal the decision.

## **Social services' responsibilities when the child has been taken into care**

Social services must closely monitor the child's wellbeing. The child will be assigned their own social worker who will visit them in their new home. This social worker will talk to the child and the foster home or the staff at the residential care home.

Social services will also speak to you and stay in contact. You can ask social services for help and support to cope with the situation once the child has been taken into care. This can include putting you in contact with someone to talk to, parenting support or help maintaining contact with those currently caring for the child.

In most cases, guardians and children taken into compulsory care are allowed to be in contact. This can include physical meetings or speaking over the phone. However, the amount and type of contact will depend on what is deemed best for the child. It also depends on the reason why the child was taken into care. If necessary, the social welfare committee can decide that the child and the guardians and parents cannot have as much contact as they would like. Such a decision can be appealed.

## **When will the child return home?**

The compulsory care order will be in place until it is no longer necessary. However, when a child can return home will depend on the situation. Every six months, the social welfare committee must review whether the child needs to remain in care.

If the dangerous or harmful situation that led to the compulsory care order has improved, this will be an important factor in the social welfare committee's assessment. Another important factor is whether the guardian or the child (if they are over the age of 15) has changed their attitude and agrees to the child being taken into care. If you believe that your child's circumstances have changed, you can petition for the care order to be removed.

## Requirements for decisions in accordance with LVU

For the court to decide that the child needs to be taken into care, three requirements must be met:

- The problems are related to the child's home environment or the child's behaviour.
- The problems pose obvious risks to the child's health or development.
- The child's needs cannot be met under voluntary circumstances.

In emergencies, when a child is taken into care immediately, it is enough that there is a strong likelihood that the LVU requirements are fulfilled.

### *Home environment and the child's behaviour*

When the problems are related to the **child's home environment**, this means that the child's guardians are unable to meet the child's physical or psychological needs. For example, this can involve the parents not providing enough care. It can also involve factors such as the child being exploited, abused, or threatened.

When the problems are related to the **child's behaviour**, this means that the child's own actions are causing them harm. The child might be using drugs, committing crimes, or putting themselves in dangerous situations.

## Who does what?

**Social services** are available in all municipalities. They are staffed by social workers with special expertise in children's needs. Social services investigate the child's needs and suggest that a child be taken into care if they deem this necessary in order to protect the child.

**The social welfare committee** is a political committee in the municipality that is in charge of social services. The social welfare committee submits the applications to the court if they believe a child needs to be taken into compulsory care. If a child needs emergency protection, such a decision can be taken by a member of the committee at any time of day.

**The court** (the administrative court) takes the decision to issue a compulsory care order in accordance with LVU. In emergency cases, the court needs to approve the social welfare committee's decision.

**A public counsel** is a person who offers legal support to guardians or children. They are often a solicitor. The public counsel is paid for by the state.