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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following Law:

Law On Orphan's Courts

Chapter I General Provisions

Section 1. Purpose of this Law

The purpose of this Law is to prescribe the principles and procedures for the establishment of an Orphan's court, the competence and principles of the operation of an Orphan's court, as well as the procedures for the taking and appeal of decisions of an Orphan's court.

Section 2. Establishment and Operation of an Orphan's Court

- (1) An Orphan's court is a guardianship and trusteeship institution established by a municipality or city local government.
- (2) In municipalities where there are no territorial units, in rural territories of municipalities and towns an Orphan's court, in cases provided for by the Civil Law, shall provide assistance in the settlement of inheritance issues, provide the protection of inheritance, as well as make certifications and perform other tasks specified in Section 61 of this Law, if there is no notary in such municipalities, rural territories of municipalities and towns.
- (3) The territory of the operation of an Orphan's court shall be the administrative territory of the relevant municipality or city.
- (4) In determining the number of Orphan's courts, as well as the composition of each relevant Orphan's court, the local government council shall ensure that the Orphan's court is as easily accessible as possible to all inhabitants of an administrative territory of the relevant local government. The operation of the Orphan's court shall be ensured in all rural territories of the municipality and towns.
- (5) Several Orphan's courts may be established in one municipality or city or several local governments – a joint Orphan's court. In such cases the territory of the operation of each Orphan's court shall be determined.
- (6) A local government shall publish information regarding the establishment of an Orphan's court and the territory of the operation thereof, as well as regarding changes in the territory of

¹ The Parliament of the Republic of Latvia

the operation of an Orphan's court, in the newspaper "*Latvijas Vēstnesis*" [the official Gazette of the Government of Latvia].

(7) The name of the Orphan's court shall be created adding the words "Orphan's court" to the name of the administrative territory of the operation of the relevant Orphan's court.

(8) If there are several Orphan's courts in the administrative territory of a local government, the name of the Orphan's court shall include also the name of the populated area where the relevant Orphan's court is located.

[21 May 2009]

Section 3. Financing and Employment Legal Relationships of an Orphan's Court

(1) The relevant local government council shall assign financial resources for the operation of an Orphan's court.

(2) The norms of the regulatory enactments regulating employment legal relationships shall not be applicable to the Chairperson of an Orphan's court, as well as to the Vice-Chairperson of an Orphan's court and a Member of an Orphan's court who receive a monthly salary of the local government council, except such norms, which determine a prohibition of different attitude, a prohibition to cause negative consequences, the work and rest hours, work remuneration, civil legal liability of an employee and the periods of time thereof insofar as it has not been specified otherwise by the law. The remuneration for the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court and a Member of an Orphan's court shall be determined in compliance with the Law On Remuneration of Officials and Employees of State and Local Government Authorities.

(3) The Cabinet shall determine the regulations for the operation of an Orphan's court.

[21 May 2009; 3 December 2009]

Section 4. Principles of the Operation of an Orphan's Court

(1) An Orphan's court shall repose on regulatory enactments and the principles of the public law in the operation thereof.

(2) An Orphan's court shall ensure by priority the protection of the rights and legal interests of a child or another person lacking capacity to act.

Section 5. Supervision of the Operation and Methodological Assistance of an Orphan's Court

[10 December 2009]

(1) The State Inspectorate for Protection of Children's Rights shall supervise the operation of Orphan's courts in the protection of rights and interests of a child and other person lacking capacity to act and provide them with methodological assistance.

(2) The Ministry of Justice shall provide Orphan's courts with methodological assistance in the fulfilment of the tasks specified in Chapters VII and VIII of this Law.

(3) *[10 December 2009]*

(4) An Orphan's court shall provide a report regarding the operation thereof to the council of the relevant local government at least once a year.

(5) A local government council has the right to request a report from an Orphan's court regarding the operation thereof at any time.

[21 May 2009; 12 June 2009; 10 December 2009]

Section 6. Seals of an Orphan's Court and the Usage Thereof

(1) An Orphan's court shall have the following seals:

1) with the picture of the lesser State coat of arms and the name of the Orphan's court complying with the territory of the operation of the Orphan's court;

2) with the picture of the supplemented lesser State coat of arms and the name of the Orphan's court complying with the territory of the operation of the Orphan's court.

(1¹) The Orphan's court may have several seals referred to in Paragraph one of this Section.

(2) The seal with the picture of the supplemented lesser State coat of arms and the name of the Orphan's court complying with the territory of the operation of the Orphan's court shall be used in making certifications.

(3) If an Orphan's court does not make a certification, it shall use the seal with the lesser State coat of arms and the name of the Orphan's court complying with the territory of the operation of the Orphan's court.

[21 May 2009]

Chapter II

The Composition of an Orphan's Court

Section 7. Composition of an Orphan's Court

(1) The composition of an Orphan's court shall include the Chairperson of the Orphan's court and at least three Members of the Orphan's court.

(2) The number of the Members of the Orphan's court to be elected shall be determined by the relevant local government council in compliance with the number of the inhabitants declared in the administrative territory of the local government, in order to ensure complete protection of the rights and interests of children and other persons incapable to act.

(3) The composition of an Orphan's court may include the Vice-Chairperson of the Orphan's court.

[21 May 2009]

Section 8. Employees of an Orphan's Court

(1) A secretary or an employee appointed by the local government council shall manage the record-keeping of an Orphan's court.

(2) Pursuant to the amount of work the Orphan's court is entitled to hire other employees for ensuring the work of the Orphan's court.

Chapter III

Election, Removal, Suspension and Dismissal of the Chairperson of an Orphan's Court, the Vice-chairperson of an Orphan's Court and Members of an Orphan's Court from Office

Section 9. Election Term and Competition of Applicants

(1) The relevant local government council shall elect the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court and not less than 3 Members of an Orphan's court for 5 years.

(2) The relevant local government may announce an open competition of applicants for the position of the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court and a Member of an Orphan's court.

[21 May 2009]

Section 10. Requirements for the Applicants

(1) The following persons may be elected as the Chairperson of an Orphan's court and the Vice-Chairperson of an Orphan's court:

- 1) who are citizens or non-citizens of the Republic of Latvia;
- 2) who have reached the age of 25 years;
- 3) who have the second level higher academic education in the field of pedagogics, psychology, medical treatment or legal science or vocational education complying with the field of science (a teacher, a psychologist, a lawyer, a social worker, and a doctor);
- 4) who are fluent in the official language.

(2) The following person may be elected as a Member of an Orphan's court:

- 1) who is a citizen or a non-citizen of the Republic of Latvia;
- 2) who has reached the age of 25 years;
- 3) who has the first level (college) or the second level higher academic education in the field of pedagogics, psychology, medical treatment or legal science, or the second level vocational higher education complying with the field of science (a teacher, a psychologist, a lawyer, a social worker, and a doctor);
- 4) who is fluent in the official language.

(3) If a person is elected as the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court for the first time, he or she shall acquire the relevant study programme within 1 year after election. If the council has completely or partially covered the expenditure related to the study programme acquired by the relevant official, the official, who is dismissed from the office in accordance with Section 12, Paragraph one of this Law or removed from the office in accordance with Section 14 of this Law earlier than within 4 years after the completion of the study programme, shall repay to the council the expenditure related to the acquisition of the study programme covered thereby in proportion to the time of employment.

(4) The Cabinet shall determine the content of the study programme and the training procedures of the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court and a Member of an Orphan's court.

[21 May 2009]

Section 11. Persons Who May Not Be Elected to the Composition of an Orphan's Court

The following person may not be elected as the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court:

- 1) whose child care or custody rights have been removed;
- 2) who has been sentenced for committing an intentional crime (regardless of whether or not the conviction is extinguished or set aside);
- 3) who has been released from criminal liability, sentence or serving the sentence for committing an intentional crime;
- 4) who has been held criminally liable for committing an intentional crime, but the criminal proceedings have been terminated due to the limitation period, settlement, clemency or amnesty;
- 5) who is the convicted, the accused or a suspect in criminal proceedings for committing an intentional crime;
- 6) who has violated the regulatory enactments regulating the protection of child's rights;
- 7) who is under trusteeship; or
- 8) who is addicted to alcohol, narcotic, psychotropic or toxic substances.

Section 12. Removal from Office

(1) The Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall be removed from office:

- 1) at his or her will;
 - 2) due to the expiry of the time period specified in Section 9, Paragraph one of this Law, if he or she is not elected repeatedly;
 - 3) if a local government takes a decision regarding liquidation of the Orphan's court;
- or
- 4) due to liquidation of the position.

(2) A Member of an Orphan's court shall be removed from office due to reduction in the number of the Members of an Orphan's court.

(3) If the Chairperson of an Orphan's court and the Vice-Chairperson of an Orphan's court is removed from office in accordance with Paragraph one, Clauses 3 and 4 of this Section or a Member of an Orphan's court is removed from office in accordance with Paragraph one, Clauses 3 and 4 or Paragraph two of this Section, the relevant person shall be warned regarding removal in writing at least one month beforehand.

[21 May 2009]

Section 13. Suspension from Office

(1) If the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court has committed illegal or negligent acts, the council of the relevant local government may suspend him or her from office until the determination of the facts in a matter.

(2) If the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court has the status of the suspect or the accused person, the performer of procedures may prohibit him or her to fulfil the duties of office.

(3) The council of the relevant local government has a duty to suspend the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or the Member of the Orphan's court from office if the relevant official, in fulfilling duties thereof, harms the security and health of third persons, as well as the substantiated interests of the employer or third persons, or if it is requested by the State Inspectorate for Protection of Children's Rights.

(4) The council of the relevant local government has a duty to suspend the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or the Member of the Orphan's court from office if the relevant official does not acquire the study programme referred to in Section 10, Paragraph three of this Law or has received an unsatisfactory evaluation for the acquisition of such programme. The relevant official shall be suspended for a time period until he or she acquires the referred to study programme, but the period of suspension shall not be longer than 6 months.

(5) The Vice-Chairperson of the Orphan's court shall fulfil the duties of the Chairperson of the Orphan's court for the time period of suspension of the Chairperson of the Orphan's court or the council of the relevant local government shall appoint another person as the performer of the duties of the Chairperson of the Orphan's court from the Members of the Orphan's court.

(6) Work remuneration shall not be paid to the official for the time period of suspension.

(7) A decision regarding suspension of the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or the Member of the Orphan's court from office may be appealed to the court in accordance with the procedures of the Administrative Procedure Law. The appeal of the decision shall not suspend the operation thereof.

[21 May 2009; 10 December 2009]

Section 14. Dismissal from Office

(1) The Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall be dismissed from office if:

1) he or she does not fulfil the duties thereof or, in fulfilling the duties, has committed illegal or negligent acts;

2) any of the conditions referred to in Section 11 of this Law has been detected; or

3) if the relevant official has not acquired the study programme specified in Section 10, Paragraph three of this Law within 6 months after the suspension in accordance with Section 13, Paragraph four of this Law.

(2) A decision regarding dismissal of the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or the Member of the Orphan's court from office may be appealed to the court in accordance with the procedures of the Administrative Procedure Law. The appeal of the decision shall not suspend the operation thereof.

[10 December 2009]

Section 15. Multiple Office Holding Restrictions

The Chairperson of an Orphan's court and the Vice-Chairperson of an Orphan's court, in addition to restrictions on combining offices specified in the Law On Prevention of Conflict of Interest in Activities of Public Officials, also shall not concurrently fulfil the duties of the Chairperson of the Council, his or her Vice-Chairperson or deputy, the head of a social service office or a specialist of social work of such local government, in the administrative territory of which the relevant Orphan's court is situated.

[21 May 2009]

Chapter IV Competence of an Orphan's Court

Section 16. Rights of an Orphan's Court

An Orphan's court has the following rights:

1) to request and receive free of charge the information, which is necessary in order to evaluate the lawfulness of the compliance with the rights of a child or another person lacking capacity to act or to take decisions regarding the issues that are within the competence of the Orphan's court, from the State and local government institutions, commercial companies and organisations;

2) to request and receive free of charge the information from credit institutions regarding the balance on the accounts of a natural person – an estate-leaver – in order to draw up a list of properties (a list of estate inventory), as well as the information regarding the entirety of property of an estate, transactions performed on behalf of a child or another person lacking capacity to act and the balance of accounts, if a parent, guardian or trustee does not provide the Orphan's court with the information requested regarding the administration of the property of the child or another person lacking capacity to act or if there are justified suspicions that false information has been provided;

3) to conduct a survey of officials and residents in order to obtain the information, which is necessary for taking decisions regarding the issues related to guardianship, trusteeship, adoption or custody;

4) to invite persons to an interview and to request explanations from such persons regarding protection of personal and property rights of a child or another person lacking capacity to act;

- 5) to bring a statement of claim to a court and applications within the interests of a child or another person lacking capacity to act;
- 6) to conduct an interview with a child without the presence of other persons;
- 7) to request a psychologist to conduct a psychological research of a person or a family and to receive an opinion of the psychologist regarding the results of the research; and
- 8) to inspect the living conditions of a child or another person lacking capacity to act.

Section 17. General Duties of an Orphan's Court

An Orphan's court shall:

- 1) defend the personal and property interests and rights of a child or another person lacking capacity to act;
 - 2) examine submissions and complaints, including the submissions and complaints regarding the actions of a parent, guardian, trustee or foster family;
 - 3) participate in a court hearing and provide a finding if the Law determines or a court acknowledges that the participation of an Orphan's court in the hearing is necessary;
 - 4) co-operate with other Orphan's courts, long-term social care and social rehabilitation institutions and health care and educational institutions, social service offices, police institutions, the State Probation Service and bailiffs in order to ensure the protection of rights and interests of a child or another person lacking capacity to act;
 - 5) inform a social service office of the local government or other responsible institutions regarding the families, in which the development and upbringing of a child is not ensured sufficiently and which need assistance;
 - 6) not disclose information, which might be against the interests of a child or another person lacking capacity to act in any way;
 - 7) provide assistance to a child or another person lacking capacity to act, which has requested assistance from an Orphan's court;
 - 8) act on behalf of a child or another person lacking capacity to act in criminal procedure in the cases specified in the Criminal Procedure Law; and
 - 9) inform a parent, guardian, foster family or host family regarding the possible threat to a child and regarding the fact of the criminal record of a person in the cases specified in Section 44.¹ of this Law, as well as inform the social service office of a local government regarding the parents, guardians, foster families or host families who are informed in accordance with the procedures specified by Section 44.¹ of this Law.
- [21 May 2009; 1 July 2011; 4 August 2011]*

Section 18. Defence of the Personal Interests of a Child

An Orphan's court, in defending the personal interests of a child in relationship with the parents, guardians and other persons, shall:

- 1) take a decision regarding giving a permission for entering into marriage before reaching 18 years of age, if such permission has not been granted by any of the parents or the guardian;
- 2) take a decision regarding granting of legal age before reaching 18 years of age;
- 3) refer a child to the receipt of a consultation by a family doctor, psychologist or another specialist, if it is necessary for the defence of the interests of the child and the parents or guardian of the child do not consent to the receipt of a consultation;
- 4) take a decision regarding the discontinuation of disbursement of the State social benefits, survivor's pension and support to children having celiac disease, to whom disability has not been specified, to a person who does not bring up the child, and regarding disbursement thereof to a person, who actually brings up the child;

5) take a decision regarding the discontinuation of disbursement of the State social benefits, survivor's pension and support to children having celiac disease, to whom disability has not been specified, to a person who does not actually bring up the child, and regarding disbursement thereof to the child, if he or she has reached 15 years of age; and

6) perform other measures for the protection of the personal rights of a child specified in regulatory enactments.

Section 19. Settlement of Disagreements

(1) An Orphan's court shall take a decision regarding the entry of the surname, given name or nationality of a child, if parents cannot agree about it.

(2) An Orphan's court shall settle disagreements of parents in the issues related to the care and custody of a child (except disagreements regarding the determination of the place of residence of a child) and, where necessary, shall take a decision.

(3) An Orphan's court shall settle disagreements between a child and parents.

(4) An Orphan's court shall settle disagreements between a child and the guardian, as well as between the guardian and the parents of a child.

Section 20. Consent to the Recognition of Paternity

If a child is of minor age and guardianship has not been established for him or her, an Orphan's court shall take a decision regarding the consent to the recognition of paternity if:

1) the mother of the child is deceased;

2) the court has recognised the mother or the father of the child as lacking capacity to act due to a mental illness or mental deficiency; or

3) the location of the mother of the child is not known.

Section 21. Protection of the Property Interests of a Child

In protecting the property interests of a child in the cases provided for in the Civil Law an Orphan's court shall:

1) take a decision regarding the permission to accept or reject the inheritance accruing to a child on his or her behalf;

2) take a decision regarding the sale of the property belonging to a child for the market value or at auction;

3) take a decision regarding the division of the inheritance, alienating, pledging or encumbrance of the property of a child (if the value thereof does not exceed LVL 10 000) with other property rights;

4) take a decision regarding the usefulness of the alienating, pledging or encumbrance of the immovable property belonging to a child (if the value thereof exceeds LVL 10 000) with other property rights;

5) take a decision regarding the acquisition of property for a child;

6) appoint a guardian for entering into legal transactions between a child and parents;

7) take a decision regarding the removal of the rights of administration and use of an inheritance if the survived spouse administers or uses the inheritance accruing to the child negligently;

8) take a decision regarding depriving a parent of the administration of the child's property if the parent's administration of the property of the child does not correspond to the interests of the child; and

9) perform other measures for the protection of the property rights of a child.

[21 December 2006]

Section 22. Removal and Renewal of Child Care and Custody Rights

- (1) An Orphan's court shall take a decision to remove the child care rights from a parent if:
 - 1) there are factual impediments, which deny the possibility to take care of a child;
 - 2) a child lives in conditions, which are dangerous to health or life due to the fault of the parent;
 - 3) the parent misuses his or her rights and does not ensure care and supervision of the child;
 - 4) the parent has agreed to the adoption of the child;
 - 5) child abuse on the part of the parent has been detected or there are justified suspicions regarding child abuse.
- (2) If the reasons for the removal of child care rights no longer apply, an Orphan's court shall take a decision regarding the renewal of the child care rights.
- (3) An Orphan's court shall take a decision as regards the bringing of an action regarding the removal of custody rights in a court if:
 - 1) the parent treats the child very badly (child abuse has been detected etc.);
 - 2) the parent does not ensure the care and supervision of the child and it may endanger the physical, mental or moral development of the child;
 - 3) the parent has agreed to the adoption of the child.
- (4) In preparing a case regarding renewal of child care rights or regarding the bringing of an action regarding the removal of custody rights of a parent in a court, an Orphan's court shall:
 - 1) ascertain whether the reasons, due to which the child care rights have been removed from the parents, no longer apply;
 - 2) request an opinion from the social service office of the place of residence of the parent regarding the possibilities for the child to return in care of the parent;
 - 3) request information from the foster family, the guardian or the institution of long-time social care and social rehabilitation regarding the communication between the child and the parent, mental and material support in upbringing of the child during out-of-family care;
 - 4) request other information, which is necessary in order to take a justified decision.

Section 23. Taking of an Individual Decision

- (1) If during an inspection of the living conditions of a child or otherwise it is detected that the child lives in conditions that are dangerous to health or life, as well as if the subsequent living of the child in the family may endanger his or her wholesome development, the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall take an individual decision regarding:
 - 1) the removal of the child care rights from the parents;
 - 2) the taking off of the child from the family of the guardian and suspension of the guardian from fulfilment of duties;
 - 3) the taking off of the child from the foster family.
- (1¹) If during the forced execution procedure of an adjudication regarding the returning of a child to the country of his or her place of residence (Chapter 74.³ of the Civil Procedure Law) the child is transferred to a representative of an Orphan's court for the performance of subsequent activities and if it is not possible to deliver the child without delay to the country of his or her place of residence, the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall take an individual decision regarding:
 - 1) the separation of the child from the family and the delivery to a crisis centre or other safe conditions and the prohibition to the parent of the child or other person who has illegally transferred or held the child, or to the close relatives of the child to remove the child from the crisis centre or other safe conditions; and

2) a refusal to notify the parent of a child or other person who has illegally transferred or held the child, or to the close relatives of the child regarding the location of the child or a prohibition to these persons to meet with the child while he or she remains in the crisis centre or other safe conditions, if these persons may threaten the subsequent forced execution of the adjudication and the preparation of the child for his or her return back to the country of his or her place of residence.

(2) In the cases referred to in Paragraph one of this Section the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall take the child to a foster family, an institution of long-term social care and social rehabilitation, a hospital or other safe conditions. In the case referred to in Paragraph 1.¹, Clause 1 of this Section the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall deliver the child to the crisis centre or other safe conditions and only the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court as well as a person requesting the returning of the child or the representative thereof has the right to remove the child from the places referred to, in the presence of a representative of an Orphan's court or bailiff.

(3) An individual decision shall be taken in oral form and shall be drawn up in writing within 24 hours, and the parents, guardian or foster family of a child shall be notified of such decision as well.

(4) An individual decision shall be taken by such Chairperson of an Orphan's court, Vice-Chairperson of an Orphan's court or Member of an Orphan's court, in the territory of operation of which the conditions referred to in Paragraph one of this Section have been detected or in the territory of operation of which the child is located, if an individual decision is taken in accordance with Paragraph 1.¹ of this Section. The Orphan's court of the place of residence of a child's parents, as well as the Orphan's court, which has taken the decision regarding the relevant case of guardianship or foster family or which supervises such case, shall be informed regarding such decision without delay, except for the cases referred to in Paragraph 1.¹ of this Section

(5) An individual decision shall be executed without delay. Submission of an application to a court regarding the cancellation, declaration of repeal or invalidity of such decision shall not suspend the operation of the decision.

(6) If the conditions referred to in Paragraph one of this Section are detected and at the relevant moment there is no information regarding the parents, guardian or foster family of a child, an Orphan's court shall act in accordance with Paragraph two of this Section.

[4 August 2011]

Section 24. Duration of the Operation of an Individual Decision

(1) An Orphan's court shall convene a meeting within not more than 15 days after taking of an individual decision in order to take a decision regarding:

- 1) the renewal of the parents' child care rights;
- 2) the return of a child to the family of the guardian or dismissal of the guardian from the fulfilment of duties;
- 3) the return of a child to the foster family or termination of the residence in such family.

(2) If it is not possible to renew the parents' child care rights, and the return of the child to the family of the guardian or foster family is not possible as well, an Orphan's court shall take a decision regarding the provision of out-of-family care to the child in another family or at an institution of long-term social care and social rehabilitation.

(3) If an individual decision is taken in accordance with Section 23, Paragraph 1.¹ of this Law, it shall be in effect until the moment that the child is taken back to the country of his or her place of residence, but not longer than 15 days. If during this time the child is not taken back

to the country of his or her place of residence, the child shall be returned to the parent of the child or another person who has illegally transferred or held the child and the bailiff shall be notified thereof. If in the interests of the child it is necessary to continue preparing him or her for being taken back to the country of his or her place of residence, or if due to the health or psychological state of the child or for another reason connected to the child he or she is not taken back to the country of his or her place of residence, the Orphan's court shall convene a meeting in order to decide regarding the need to extend the duration of the operation of the decision referred to in Section 23, Paragraph 1.¹, Clauses 1 or 2 of this Law, but not more than 15 days.

[4 August 2011]

Section 25. Foster Family

(1) An Orphan's court shall take a decision regarding:

- 1) the suitability of a family or a person for the performance of the duties of a foster family;
- 2) the granting of the status of a foster family;
- 3) the placement of a child into a foster family or termination of the residence in such family.

(2) An Orphan's court shall take a decision regarding the removal of the status of a foster family if the Orphan's court detects that the foster family does not fulfil the duties of a foster family in accordance with the best interests of the child or refuses to fulfil the duties of a foster family.

(3) The Cabinet shall determine the procedures for the granting and removal of the status of a foster family, the personal and property mutual relations of a child and a foster family, the procedures for the financing of a foster family, as well as the procedures, by which a child is resigned to a foster family or his or her residence in such family is discontinued.

Section 26. Establishment of Guardianship and Appointment of a Guardian

(1) An Orphan's court shall take a decision regarding the establishment of guardianship and appointment of a guardian to a child if:

- 1) the parents of the child have deceased or declared to be deceased;
- 2) the child care or custody rights have been removed from the child's parents;
- 3) the parents of the child have been recognised as lacking capacity to act;
- 4) the parents of the child are missing and declared in search;
- 5) the parents of the child are not able to provide sufficient care and supervision of the child due to illness;
- 6) both parents of the child are of minor age;
- 7) there are substantial disagreements in the relationship between the child and parents;

8) other emergency cases have occurred (ensuring the compliance with the requirements specified in regulatory enactments).

(2) In particularly difficult and complicated cases of guardianship an Orphan's court may appoint several guardians, but not more than three.

(3) An Orphan's court shall appoint an interim guardian if:

- 1) a guardian is being hindered to undertake guardianship;
- 2) a guardian has been suspended from the fulfilment of the duties of a guardian.

(4) An Orphan's court shall take a decision regarding the appointment of another guardian if:

- 1) violations are detected, which a guardian has allowed in the administration of the guardianship;

- 2) the previous guardian has been dismissed or released from the fulfilment of the duties of a guardian;
 - 3) a guardian is deceased;
 - 4) a guardian has decided to adopt his or her ward.
- (5) An Orphan's court shall appoint a specific guardian to a ward if there is a conflict between the interests of the child and the guardian.
- (6) An Orphan's court shall arrange a guardianship file of the child to a guardian appointed by a will.

Section 27. Establishment of Guardianship or Trusteeship to a Foreigner

- (1) If an Orphan's court detects that an orphan or a child who is left without parental care, or another person lacking capacity to act who is not a citizen of Latvia or a non-citizen of Latvia, lives or resides in the territory of the operation thereof, such Orphan's court shall inform a competent guardianship or trusteeship authority of the State, in which the child or another person lacking capacity to act is a citizen, or a guardianship or trusteeship authority of the previous country of domicile without delay and shall request to evaluate the necessity to establish guardianship or trusteeship and to appoint a guardian or a trustee.
- (2) An Orphan's court shall take a decision regarding the taking over of a foreign guardianship or trusteeship case, if a competent foreign guardianship or trusteeship authority has appointed a guardian or a trustee and has requested to take over the guardianship or trusteeship case.
- (3) An Orphan's court shall inform the guardianship or trusteeship authority of the citizenship state or the previous country of domicile of a child or another person lacking capacity to act regarding the taking over of a guardianship or trusteeship case.
- (4) If an Orphan's court detects faults, deficiencies, abuse in the behaviour of a guardian or threats to life or health of a child, it shall take a decision regarding the suspension of the guardian from the fulfilment of the duties of a guardian and the appointment of an interim guardian or the placement of the child into a foster family or an institution of long-term social care and social rehabilitation and inform the foreign guardianship authority thereof without delay.
- (5) If an Orphan's court detects faults, deficiencies, abuse or actions that harm the interests of a person lacking capacity to act, it shall take a decision regarding the suspension of the trustee from the fulfilment of the duties of a trustee and the appointment of an interim trustee and inform the foreign trusteeship authority thereof without delay.

Section 28. Remuneration for the Fulfilment of a Guardian's Duties

- (1) An Orphan's court shall take a decision regarding the disbursement of a remuneration to a particular person for the fulfilment of a guardian's duties and the disbursement of the allowance for a dependent child if the child has been appointed joint guardians.
- (2) When an Orphan's court has evaluated the duties of guardians, it shall determine a definite remuneration for the fulfilment of a guardian's duties to each joint guardian, ensuring that the total amount received by the joint guardians does not exceed the remuneration, which is provided for in regulatory enactments regarding the State social benefits to one guardian for the fulfilment of a guardian's duties.

Section 29. Compliance of a Person with the Fulfilment of a Guardian's Duties

- (1) An Orphan's court shall ensure that a person to be appointed as a guardian has the abilities and qualities, which are necessary for the fulfilment of the duties of a guardian, and shall evaluate the person's:

- 1) motivation to become a guardian;
 - 2) mutual relations with the members of the family;
 - 3) employment;
 - 4) living conditions;
 - 5) ability to act on behalf of a child in personal and property relations.
- (2) In evaluating the compliance of a person with the fulfilment of the duties of a guardian, an Orphan's court shall take into account the opinions regarding the person's health condition, which are provided by a family doctor in whose care the person has been for at least six months, as well as by a psychiatrist and narcologist.
- (3) If a person wants to take a child under guardianship and an Orphan's court does not know any child who is left without parental care, to whom it would be necessary to establish guardianship and to appoint a guardian, the Orphan's court shall take a decision only regarding the compliance of the person with the fulfilment of the duties of a guardian.
- (4) If a person who wants to become a guardian does not live in the administrative territory of such local government, which takes a decision regarding the establishment of guardianship, the Orphan's court shall request a finding by the Orphan's court of the place of residence of the relevant person regarding whether the relevant person possesses the abilities and qualities that are necessary for the fulfilment of the duties of a guardian.

Section 30. Certificate of a Guardian [10 December 2009]

Section 31. Duties of an Orphan's Court in the Supervision of Guardianship

- (1) An Orphan's court shall permanently supervise the actions of a guardian in ensuring of the personal and property rights and interests of a child:
- 1) by requesting that a guardian accepts the property of the child according to the inventory and submits one copy of the inventory to the Orphan's court;
 - 2) by supervising whether a guardian provides for the upbringing of his or her ward with the same care as conscientious parents would provide for the upbringing of their child;
 - 3) by supervising that a guardian does not dispose of the property belonging to the child without the permission of an Orphan's court, if such permission is necessary in accordance with the Law;
 - 4) by inspecting whether a guardian administers the property of the ward in accordance with the interests of the child and the requirements of regulatory enactments;
 - 5) by ascertaining whether a guardian, in accordance with the procedures specified in regulatory enactments regarding the assistance in solving apartment matters, has informed the local government regarding the necessity to ensure the child with residential space after such child's reaching the legal age;
 - 6) by inspecting the living conditions of a ward in the family of the guardian each year.
- (2) An Orphan's court shall request that a guardian who has been released or dismissed from guardianship provides the final accounting.
- (3) An Orphan's court shall receive and verify the accounting submitted by a guardian each year by 1 February, as well as upon the termination of guardianship. The Chairperson of an Orphan's court shall approve the accounting.

Section 32. Duties of an Orphan's Court if Violations in the Actions of a Guardian Have Been Detected

- (1) If mistakes in the accounting submitted by a guardian or actions unfavourable to the interests of a child have been detected, an Orphan's court shall:
- 1) provide the guardian with the relevant directions;

- 2) take a decision regarding the suspension of the guardian;
 - 3) take a decision regarding the dismissal of the guardian.
- (2) If the actions of a guardian have caused losses to the ward, for which the guardian is responsible, an Orphan's court shall bring the relevant action in a court.
- (3) If an Orphan's court detects administratively or criminally punishable misuse of the rights of a ward, which has harmed the interests of the ward, the Orphan's court shall notify the law enforcement authorities regarding it.

Section 33. Release of a Guardian from the Fulfilment of a Guardian's Duties

- (1) An Orphan's court shall take a decision regarding the release of a guardian from the fulfilment of the duties of a guardian in the cases provided for in the Civil Law, as well as if the reasons for the establishment of guardianship referred to in Section 26, Paragraph one, Clauses 2, 3, 4, 5, 6 or 7 of this Law no longer apply.
- (2) In releasing a guardian from the fulfilment of the duties of a guardian if a ward has reached legal age, an Orphan's court shall request that the guardian:
 - 1) submits to the Orphan's court the accounting provided to the ward;
 - 2) provides the final accounting regarding the administration of the property of the ward;
 - 3) hands over to the ward the property of the child administered by guardian according to the inventory.
- (3) When an Orphan's court has received a request of a guardian regarding the release thereof, as well as a signature of the former ward has been received that he or she has received all the property, which is due to him or her, and that the former ward does not have any claims towards the guardian, the Orphan's court shall release the guardian.
- (4) An Orphan's court shall inform a ward and the social service office of the local government regarding the receipt of social guarantees 6 months prior to the child's reaching the legal age.
- (5) In other cases, in releasing a guardian from the fulfilment of the duties of a guardian, an Orphan's court shall request that the guardian:
 - 1) submits to the Orphan's court the accounting provided to the parents, adopter or newly-appointed guardian of the ward;
 - 2) provide the final accounting regarding the administration of the property of the ward;
 - 3) hands over the property of the child administered by the guardian to the parents, adopter or newly-appointed guardian according to the inventory.
- (6) A guardian shall be released and, where necessary, another guardian shall be appointed by such Orphan's court, which has appointed the guardian.

Section 34. Adoption

- (1) An Orphan's court shall take a decision regarding:
 - 1) the recognition of a person as an adopter;
 - 2) the separation of brothers and sisters, half-brothers and half-sisters in the cases specified by the Civil Law;
 - 3) whether it is possible to ensure the upbringing of a child in a family or appropriate care for the child in Latvia;
 - 4) the resigning of a child to the care and supervision of an adopter until the approval of adoption;
 - 5) the termination of pre-adoption care for a child;
 - 6) the compliance of adoption with the best interests of a child.

- (2) The personal presence of an adopter in the meeting of the Orphan's court is obligatory. Other participants of adoption shall express the consent to the adoption of the child in person in the Orphan's court of the place of residence of such participants or submit the consent publicly certified by a notary or the Orphan's court.
- (3) The Orphan's court of the place of residence of an adopter shall supervise the care for the child in the family during two years after the approval of adoption.

Section 35. Placement of a Child in an Institution of Long-Term Social Care and Social Rehabilitation

- (1) An Orphan's court shall take a decision regarding the placement of an orphan or a child left without parental care in an institution of long-term social care and social rehabilitation if it is not possible to ensure the child with out-of-family care in a foster family or by a guardian.
- (2) The duties of the guardian of a child placed in an institution of long-term social care and social rehabilitation shall be performed by the head of such institution.

Section 36. Supervision of Compliance with the Rights and Interests of a Child Placed in an Institution of Long-Term Social Care and Social Rehabilitation

- (1) Each year an Orphan's court shall:
- 1) verify the care for a child placed in an institution of long-term social care and social rehabilitation;
 - 2) if a specific guardian has not been appointed for the administration of the property of a child, the accountings regarding the administration of the property of the child shall be requested from the head of the institution of long-term social care and social rehabilitation.
- (2) An Orphan's court shall take a decision regarding the termination of care for an orphan or a child left without parental care in an institution of long-term social care and social rehabilitation if:
- 1) the care or custody rights have been renewed to the parents of the child;
 - 2) guardianship has been established for the child;
 - 3) the child is resigned to a foster family;
 - 4) a judgement of a court regarding the approval of adoption of the child has entered into legal force.
- (3) In taking a decision regarding the termination of care for a child in an institution of long-term social care and social rehabilitation, the Orphan's court shall request an accounting regarding the administration of the property of the child from the head of the institution.
- (4) If care for a child in an institution of long-term social care and social rehabilitation terminates because the child has reached the legal age, an Orphan's court shall not take a decision regarding the termination of care for the orphan and the child left without parental care in the institution of long-term social care and social rehabilitation, but it shall request the final accounting regarding the administration of the property of the child from the head of such institution.
- (5) An Orphan's court shall ascertain whether the head of an institution of long-term social care and social rehabilitation, in accordance with the procedures specified in regulatory enactments regarding the assistance in solving apartment matters, has informed the local government regarding the necessity to ensure the child with residential space after such child's reaching the legal age.

[10 December 2009]

Section 37. Out-of-family care of a Child at the Instance of the Parents

An Orphan's court shall take a decision regarding out-of-family care of a child at the instance of the parents if they are not able to take care of the child due to illness.

Section 38. Certificate for the Receipt of Social Guarantees

- (1) An Orphan's court shall issue the certificate for the receipt of social guarantees to an orphan or a child left without parental care.
- (2) The sample of the certificate and the procedures for the issuance thereof shall be determined by the Cabinet.

Section 39. Duties of an Orphan's Court During Out-of-family care for a Child

- (1) When a decision regarding out-of-family care for a child has been taken, the Orphan's court shall inform the social service office of the place of residence of the parents of the child without delay and shall request such social service to provide the necessary assistance to the parents of the child.
- (2) An Orphan's court shall follow that a guardian, a foster family or an institution of long-term social care and social rehabilitation promotes the communication of the child and the parents.
- (3) An Orphan's court shall take a decision regarding the prohibition for a child, who is under out-of-family care, to meet parents or close relatives if such meetings harm the health and development of the child or cause threats to the guardian, foster family, employees or other children of the institution of long-term social care and social rehabilitation.
- (4) When an orphan or a child left without parental care has acquired the general secondary education, the Orphan's court in co-operation with the guardian, the foster family or the head of the institution of long-term social care and social rehabilitation shall evaluate the possibilities of the further education of the orphan or the child left without parental care.

Section 40. Appointment of a Trustee

- (1) An Orphan's court, in accordance with a decision of the court regarding the establishment of trusteeship, shall appoint a trustee:
 - 1) to a person found by a court as lacking capacity to act due to mental illness or mental deficiency and to the property thereof;
 - 2) to a person due to dissolute or spendthrift lifestyle, as well as due to the excessive use of alcohol or drugs;
 - 3) to the property of an absent or missing person;
 - 4) to an inheritance;
 - 5) for the execution of a will.
- (2) An Orphan's court shall select trustees from the persons referred to in Section 355 or 661 of the Civil Law in particular and ascertain whether the selected person has the necessary abilities and qualities.
- (3) An Orphan's court shall send a true copy of a decision regarding the appointment of a trustee to the court, which has established the trusteeship.
- (4) An Orphan's court shall appoint an interim trustee if the trustee is:
 - 1) hindered to undertake the trusteeship;
 - 2) suspended.
- (5) An Orphan's court shall take a decision regarding the appointment of another trustee if:
 - 1) violations have been detected in the actions of the trustee;
 - 2) the trustee is dismissed from the fulfilment of the duties of a trustee;

- 3) the trustee is deceased.

Section 41. Duties of an Orphan's Court in the Supervision of Trusteeship

(1) An Orphan's court shall supervise the actions of a trustee in the fulfilment of the duties of a trustee and shall allow the trustee to perform transactions in the cases provided for in the Civil Law.

(2) An Orphan's court, in protecting the property interests of a person lacking capacity to act, in the cases provided for in the Civil Law shall:

- 1) take a decision regarding the permission to accept or reject the inheritance accruing to a person lacking capacity to act;

- 2) take a decision regarding the sale of the property belonging to a person lacking capacity to act for the market value or at auction;

- 3) take a decision regarding the alienating, pledging or encumbrance of the immovable property (if the value thereof does not exceed LVL 10 000) of a person lacking capacity to act with other property rights;

- 4) take a decision regarding the usefulness of the alienating, pledging or encumbrance of the immovable property belonging to a person lacking capacity to act (if the value thereof exceeds LVL 10 000) with other property rights;

- 5) take a decision regarding the acquisition of property for a person lacking the capacity to act;

- 6) follow that the trustee does not dispose the property belonging to a person lacking capacity to act without the permission of the Orphan's court, if such permission is necessary in accordance with the Law;

- 7) examine whether the trustee administers the property of the ward in accordance with the interests of the ward and the requirements of regulatory enactments.

(3) An Orphan's court shall request that a trustee who has been suspended, released or removed from the trusteeship prior to the termination thereof provides an accounting.

(4) An Orphan's court shall receive and verify the accounting submitted by a trustee each year by 1 February, as well as upon releasing or suspending a trustee. The Chairperson of the Orphan's court shall approve the accounting.

(5) An Orphan's court may impose a trustee with a duty to provide an accounting regarding the administration of the trusteeship at any time.

Section 42. Duties of an Orphan's Court if Violations in the Actions of a Trustee Have Been Detected

(1) If mistakes in the accounting submitted by a trustee or the actions of a trustee, which are unfavourable to the interests of the trusteeship administration, have been detected, an Orphan's court shall:

- 1) provide the trustee with the relevant directions;

- 2) take a decision regarding the suspension of the trustee;

- 3) take a decision regarding the dismissal of the trustee.

(2) If a trustee has been suspended or dismissed from the trusteeship, an Orphan's court shall appoint another trustee.

(3) If the actions of a trustee have caused losses, for which the trustee is responsible, an Orphan's court shall bring a relevant action in a court.

(4) If an Orphan's court detects administratively or criminally punishable misuse of the rights of a trustee, the Orphan's court shall notify the law enforcement authorities regarding it.

Section 43. Removal of a Trustee from the Fulfilment of Duties

(1) An Orphan's court shall take a decision regarding the removal of a trustee from the fulfilment of duties if:

1) the court has recognised the mentally ill person as capable to act and has terminated the trusteeship and the trustee has submitted an accounting and has handed over the property, which had been in the administration thereof, to the person who has recovered health;

2) the conditions, which were the basis for the establishment of trusteeship to a person due to dissolute or spendthrift lifestyle, no longer apply and the court has terminated the trusteeship;

3) the court has terminated the trusteeship over the property of an absent or missing person;

4) the court adjudication has entered into legal force or a notary has issued the certificate regarding the rights of the requester of the inheritance and the trustee has handed over the inheritance together with the final accounting to the heirs approved by the court or notary and has submitted the final accounting to the Orphan's court.

(2) If heirs do not sign regarding the receipt of the property without an important reason, but the Orphan's court has not detected malicious action of the trustee, the Orphan's court shall take a decision regarding the removal of the trustee from the fulfilment of duties.

Section 44. Application for the Recognition of a Person as Capable to Act

An Orphan's court shall take a decision regarding the submission of an application to a court in order to recognise a person, who was lacking capacity to act and has recovered, as capable to act.

Section 44.¹ Informing a Parent, Guardian, Foster Family or Host Family Regarding the Possible Threat to a Child and the Fact of the Criminal Record of a Person

(1) An Orphan's court shall immediately inform the parent, guardian, foster family or host family of a child regarding the criminal record of a person with whom he or she is in a single household, if the person returns from a deprivation of liberty institution after serving a punishment for a criminal offence referred to in Sections 159, 160, 161, 162, 162.¹, 164, 165 and 166 of the Criminal Law, in which the victim has been a minor.

(2) An Orphan's court, based on the information acquired regarding the possible threat to the health, life or wholesome development of a child shall immediately invite the parent, guardian, foster family or host family of the child to attend the Orphan's court or visit them in person and inform the parent, guardian, foster family or host family of the child about the possible threat to the child and regarding the criminal record of the person who is posing this threat, as well as provide information regarding the recommended action and the opportunities for receiving support services.

(3) A communication protocol shall be drawn up regarding the informing of the parent, guardian, foster family or host family. A parent, guardian, foster family or host family shall be warned of the liability in connection with the disclosure of the information referred to in this Section to third persons.

(4) The person regarding whose fact of criminal record a parent, guardian, foster family or host family is informed shall not be notified thereof.

[1 July 2011]

Section 44.² Activities of an Orphan's Court for Ensuring the Interests of a Child During the Execution Procedure of an Adjudication Regarding the Return of a Child to the Country of His or Her Place of Residence

(1) During the voluntary execution procedure of an adjudication regarding the returning of a child to the country of his or her place of residence or during the period indicated by the bailiff in accordance with Section 620.¹¹ of the Civil Procedure Law, persons to whom the adjudication applies, have the right to request the help of the Orphan's court in order to prepare the returning of a child to the country of his or her place of residence.

(2) During the forced execution procedure of an adjudication regarding the returning of a child to the country of his or her origin, an Orphan's court shall perform the duties specified in Chapter 74.³ of the Civil Procedure Law and according to its preference invite a psychologist to the forced execution of the adjudication. During the forced execution procedure of an adjudication regarding the returning of a child to the country of his or her place of residence, the person who is requesting the returning of the child has the right to request the help of the Orphan's court in order to prepare the child for being taken back to the country of his or her place of residence.

(3) If the person who is requesting the returning of the child is not participating in the forced execution of the adjudication, the child shall be transferred to a representative of the Orphan's court for the performance of subsequent activities.

(4) An Orphan's court, following the transfer of a child to a representative thereof for the performance of subsequent activities, in co-operation of the Ministry of Justice and the person requesting the returning of the child, shall without delay ensure the transfer of the child back to the country of his or her place of residence. If it is not possible to perform this without delay, the Orphan's court shall take the decisions referred to in Section 23, Paragraph 1.¹ of this Law, during the period of operation of which the activities referred to in Section 23 of this Law are performed and in co-operation with the Ministry of Justice and the person requesting the returning of the child, shall ensure the transfer of the child back to the country of his or her place of residence as soon as possible, while the maximum duration of the operation of the decisions referred to in Section 23, Paragraph 1.¹ of this Law has not terminated.

(5) If, since the decision regarding the returning of a child back to the country of his or her place of residence (Section 644.²⁰ of the Civil Procedure Law) more than a year has passed, upon request of the parent of the child or other person who has illegally transferred or held the child an Orphan's court shall appoint a psychologist to provide an opinion, in order to determine the viewpoint of the child regarding his or her taking back to the country of his or her place of residence.

[4 August 2011]

Chapter V

Organisation of Work of an Orphan's Court

Section 45. Management of Work of an Orphan's Court

The Chairperson of an Orphan's court shall manage the work of the Orphan's court. During the absence of the Chairperson of an Orphan's court the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court appointed by the Chairperson of the Orphan's court shall perform the duties of the Chairperson of the Orphan's court.

Section 46. Duties of the Chairperson of an Orphan's Court

The Chairperson of an Orphan's court shall:

- 1) manage, organise and control the work of the Orphan's court and represent the Orphan's court;
- 2) determine the duties of the Vice-Chairperson of the Orphan's court, the Members and employees of the Orphan's court;

3) appoint the Vice-Chairperson of the Orphan's court and Members of the Orphan's court as the Chairpersons of the meetings of the Orphan's court, as well as delegate other responsibilities to the employees of the Orphan's court;

4) organise the improvement of the professional skills of the employees of the Orphan's court;

5) organise the work of the Orphan's court in the reception of visitors and examination of submissions;

6) ensure the provision of data for the preparation of the State statistical report regarding the work of the Orphan's court; and

7) in the cases specified in Section 12, Paragraph one, Sections 13 and 14 of this Law the cases of the Orphan's court shall be transferred to the newly appointed Chairperson of the Orphan's court or authorised official of the council.

[21 May 2009]

Section 47. Tasks of the Chairperson of an Orphan's Court

The Chairperson of an Orphan's court shall:

1) manage the financial, personnel and other resources of the Orphan's court;

2) hire and release from office the employees referred to in Section 8 of this Law;

3) authorise the Members and other employees of the Orphan's court for the representation in the administrative authorities and court;

4) participate in a case hearing in the meetings of the Orphan's court; and

5) implement other authorities specified in regulatory enactments

Section 48. Case Hearing

(1) An Orphan's court shall hear cases and take decisions collegially in a meeting of the Orphan's court.

(2) A meeting of an Orphan's court shall be chaired by the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court appointed by the Chairperson of the Orphan's court. The Chairperson of the meeting and at least two Members of the Orphan's court shall participate in the meeting of an Orphan's court.

Section 49. Coming into Effect of Decisions and Appeal Thereof

(1) Decisions of an Orphan's court shall come into effect and shall be executed without delay. Decisions of an Orphan's court are obligatory to all natural persons and legal persons, except the decisions referred to in Section 51 of this Law.

(2) The interested party may appeal a decision of an Orphan's court to a court in accordance with the procedures specified in the Administrative Procedure Law. Submission of an application to a court shall not suspend the operation of the decision.

(3) The decisions, which have been taken in accordance with Section 22, Paragraph three, Section 29, Paragraph four and Section 52 of this Law, shall not be regarded administrative acts and shall not be appealed to a court.

Section 50. Decisions Taken upon the Request of a Court

Upon the request of a court an Orphan's court shall provide findings, which are necessary in the following cases:

1) for the determination of the procedures for the exercise of access rights;

2) for the determination of the separate custody of one parent;

3) for the removal and renewal of custody rights;

- 4) for the recognition or contest of paternity; and
- 5) in other cases provided for in the Civil Procedure Law.

Section 51. Decisions to be Approved in a Court

An Orphan's court shall submit to a court for approval the decisions regarding:

- 1) the granting of legal age prior to the reaching 18 years of age;
- 2) the remuneration to a guardian (trustee) if it exceeds LVL 300; or
- 3) the informal division of inheritance if a share of the person under guardianship or trusteeship exceeds LVL 10 000.

Section 52. Cases to be Settled in a Court

An Orphan's court, upon taking a decision regarding the alienating, pledging or encumbrance of the immovable property (if the value thereof exceeds LVL 10 000) belonging to a child or a person lacking capacity to act with other property rights, shall submit the case to a court for the settlement.

Section 53. Co-operation of Orphan's Courts

- (1) Orphan's courts shall co-operate in order to perform the tasks thereof.
- (2) An Orphan's court may request another Orphan's court to provide a finding regarding an issue that is in the competence of the Orphan's court, which is the provider of the finding.
- (3) If a person whose child care rights have been removed or renewed changes the place of residence within 1 year after the taking of the decision, the Orphan's court, which has taken the decision regarding the removal or renewal of child care rights, shall send without delay the copies of the materials of the case regarding the removal or renewal of child care rights to the Orphan's court, to the territory of operation of which the relevant person has moved.
- (4) If the place of residence of the parents of a child is declared in the administrative territories of different local governments, an Orphan's court, after taking of the decision regarding the bringing of an action in a court as regards the removal of custody rights, shall inform the Orphan's court of the place of residence of the second parent regarding the bringing of an action in a court.
- (5) If a family, in which the conditions for the wholesome growing and development of a child are not ensured, changes the place of residence, the Orphan's court shall inform the Orphan's court of the relevant administrative territory regarding such family.
- (6) If a guardian or a trustee lives in the administrative territory of another local government, the Orphan's court, which has established the guardianship or has appointed a trustee, shall send to the Orphan's court of the place of residence of the guardian or the trustee the copies of the materials of the case regarding guardianship or trusteeship for the supervision of guardianship or trusteeship.

Chapter VI Jurisdiction over Cases

Section 54. Out-of-family care

- (1) The Orphan's court of such local government, in the territory of operation of which the place of residence of the parents of a child is declared, shall take a decision regarding out-of-family care.
- (2) If the separate custody of one parent has been established to a child, the Orphan's court, in the territory of operation of which the place of residence of such parent, under whose separate

custody the child is, is declared, shall take a decision regarding the out-of-family care of the child.

(3) If the place of residence of the parents of a child is declared in the administrative territories of different local governments, the Orphan's court, in the territory of operation of which the place of residence of such parent, with whom the child lives, is declared, shall take a decision regarding the out-of-family care of the child.

(4) If the parents of a child do not have a declared place of residence, the Orphan's court of such local government, in the territory of operation of which the parents of the child actually live, shall take a decision regarding the out-of-family care of the child.

(5) If the parents of a child are not known or a child is a foundling, the Orphan's court, in the territory of operation of which the child has been found, shall take a decision regarding the out-of-family care of the child.

(6) The Orphan's court, which has taken the decision regarding the out-of-family care of a child, shall take a decision regarding:

1) the prohibition for the child to meet parents or close relatives;

2) the stay of the child with the parents or in another family;

3) the stay of the child in another family abroad;

4) the permission to dispose the property of the child;

5) [21 December 2006]

6) [21 December 2006]

7) the separation of brothers and sisters, half-brothers and half-sisters in case of adoption; and

8) adoption of a child to foreign countries;

9) [21 December 2006]

[21 December 2006]

Section 55. Removal and Renewal of Child Care Rights

(1) The Orphan's court, in the territory of operation of which the place of residence of the parents of a child is declared, shall take a decision regarding the removal or renewal of child care rights to the parents.

(2) If the parents of a child do not have a declared place of residence, the Orphan's court, in the territory of operation of which the parents of the child actually live, shall take a decision regarding the removal or renewal of the child care rights to the parents.

Section 56. Bringing of an action in a Court Regarding the Removal of Custody Rights

An Orphan's court shall take a decision regarding the bringing of an action in a court regarding the removal of custody rights from the parents of a child in accordance with the jurisdiction over cases specified in Section 55 of this Law.

Section 57. Adoption

(1) If a child is adopted by a Latvian citizen, non-citizen or a third-country national who has a permanent residence permit in Latvia, the Orphan's court, in the territory of operation of which the place of residence of an adopter is declared, shall take a decision regarding:

1) the recognition of a person as an adopter;

2) the transfer of the child to the care and supervision of the adopter up to the approval of the adoption;

3) the termination of pre-adoption care of the child; and

4) the conformity of the adoption to the interests of the child.

(2) If a child is adopted by a third-country national who does not have a permanent residence permit in Latvia, or a person who resides abroad, the Orphan's court, which has taken a decision regarding the out-of-family care of the child shall decide regarding:

1) the transfer of the child to the care and supervision of the adopter up to the approval of the adoption;

2) the termination of pre-adoption care of the child; and

3) the conformity of the adoption to the interests of the child.

(3) If a child of the spouse is being adopted, a decision regarding the conformity of the adoption with the interests of the child shall be taken by the Orphan's court of the place of residence of such parent with whom the child lives.

[21 December 2006]

Section 58. Provision of a Finding to a Court

(1) The Orphan's court, in the territory of operation of which the place of residence of the parents of a child is declared, shall provide a finding to a court in the cases referred to in Section 50 of this Law.

(2) If the place of residence of the parents of a child is declared in the administrative territories of different local governments, the Orphan's court of the place of residence of each parent shall provide a finding to a court regarding the procedures for the exercise of access rights and determination of separate custody.

(3) Such Orphan's court, in the territory of operation of which a child and the parents live, shall provide a finding to a court regarding the procedures for the exercise of access rights for the brothers, sisters, grand-parents, as well as other persons, with whom the child had been living in the single household for a long period of time. The referred to Orphan's court shall request the information necessary for the examination of the case from the Orphan's court of the place of residence of such person who has brought an action in a court regarding the procedures for the exercise of access rights.

Section 59. Protection of the Property Interests

(1) The Orphan's court, in the territory of operation of which the place of residence of the parents of a child or a person lacking capacity to act is declared, shall take a decision regarding the permission to dispose the property of the child or the person lacking capacity to act.

(2) If separate custody of one parent has been established for a child, the Orphan's court, in the territory of operation of which the place of residence for such parent, under whose separate custody the child is, is declared, shall take a decision regarding the permission to dispose the property of the child.

(3) If the place of residence of the parents of a child is declared in the administrative territories of different local governments, the Orphan's court, in the territory of operation of which the place of residence of such parent, with whom the child lives, is declared, shall take a decision regarding the permission to dispose the property of the child.

Section 59.¹ Execution of the Adjudication Regarding the Returning of a Child to the Country of His or Her Place of Residence

The duties referred to in Section 44.² of this Law shall be performed by the Orphan's court in whose territory of operation the child is located.

[4 August 2011]

Chapter VII

Making of Certification and Performance of Other Tasks

Section 60. Officials Responsible for Making of Certification

(1) The Chairperson of an Orphan's court shall make certifications and perform other tasks referred to in this Chapter.

(2) The Chairperson of an Orphan's court may assign by an order the Vice-Chairperson of the Orphan's court or Members of the Orphan's court to make certifications and perform other tasks referred to in Section 61 of this Law.

[21 May 2009]

Section 61. Duties of an Orphan's Court

(1) An Orphan's court shall perform the following duties in the territory of operation thereof:

1) certify a transaction if it is entered into by and between the residents of the territory of operation of the relevant Orphan's court and other persons and the amount of a transaction does not exceed LVL 6 000;

2) certify an agreement between the co-heirs and joint owners regarding the division of the inheritance or joint property (regardless of the value of the property), if the property to be divided or a part thereof is located in the territory of operation of the relevant Orphan's court;

3) enter the wills of the residents of the territory of operation of the relevant Orphan's court into the register of wills, accept for storage the private wills of such residents (regardless of the value of the property bequeathed), as well as accept revocations of the wills deposited in the Orphan's court (regardless of the place of residence of a testator);

4) certify powers of attorney (except universal powers of attorney) of the residents of the territory of operation of the relevant Orphan's court and accept revocations of the powers of attorney;

5) certify the authenticity of a signature of the residents of the territory of operation of the relevant Orphan's court on documents;

6) certify the authenticity of a true copy, a copy or an extract of such document, which applies to the definite person;

7) after the receipt of a submission of contracting parties issue a notification regarding the amendments to the contract or giving a notice to opposing parties of the contracting parties, if they live in the territory of operation of the relevant Orphan's court;

8) certify a signature on a request for the corroboration in the Land Register (Section 60 of the Land Register Law) if one of the contracting parties lives in the territory of operation of the relevant Orphan's court; and

9) prepare drafts of documents.

(2) The certification of an Orphan's court shall be equal to the notarial certification within the meaning of the legal force.

(3) All certifications and other activities shall be entered into the relevant register of the Orphan's court. The Orphan's court shall establish separate certification registers and registers of other activities in rural territories of municipalities and towns specifying the name of the Orphan's court and the name of rural territory of the relevant municipality or the name of the relevant town in the name thereof. Information to be entered into the register and the procedures for the maintenance of the register shall be determined by the Cabinet.

[21 May 2009]

Section 62. Persons Whose Transactions are Certified by an Orphan's Court

- (1) An Orphan's court shall certify a transaction if it definitely knows that the participants of the transaction are of legal age and capable to act.
- (2) If an Orphan's court does not know the person to whom the certification is to be made or who is to be identified due to another reason, the Orphan's court shall ascertain the identity of such person according to the passport of such person. It shall be indicated in the certification in what way the identity of the person has been ascertained.

Section 63. Preparation of the Draft of a Transaction Deed

The participants of a transaction shall submit to an Orphan's court a prepared draft of the transaction deed or address the Orphan's court with a request to prepare the draft of the transaction deed according to their words.

Section 64. Certification of a Transaction

- (1) Prior to the certification of a transaction the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall read the draft of the transaction deed to the participants of the transaction and ask whether the participants of the transaction agree with the provisions thereof and whether they know and comprehend the content thereof. If the answer is affirmative, the participants of the transaction shall sign the draft of the transaction deed or recognise it as signed with their own signature.
- (2) A certification inscription shall be made on a draft of a transaction deed, in which the following shall be indicated:
 - 1) the year, month and day of the certification;
 - 2) the name of the Orphan's court;
 - 3) the number, according to which the transaction deed has been entered into the register;
 - 4) the given name, surname, personal identity number, place of residence of each participant of the transaction, as well as the time and place of birth of such persons or a note shall be made that the participants of the transaction know each other; and
 - 5) that the participants of the transaction are capable to act.
- (3) The Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall sign the certification inscription. The seal of the Orphan's court shall be applied below the inscription.
- (4) One copy of the certified transaction deed shall be stored in the folder of the Orphan's court. The transaction deed shall be entered into the register.

Section 65. Certification of a Will

In preparing a will, the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court, in the presence of two witnesses (Sections 435 and 448 of the Civil Law), shall read the draft of the drawn-up document to the testator and ask whether he or she agrees with all provisions of the deed and whether such actually is his or her last will. If the answer is affirmative, the testator and the witnesses shall sign the will and the certification shall be made.

Section 66. Issuance of an Extract from a Document Entered into the Register of Wills

- (1) An Orphan's court shall issue to a testator an extract of the document entered into the register of wills.

(2) After the decease of a testator the Orphan's court shall issue an extract of the document entered into the register of wills together with the will to the heir appointed according to the will, executor of the will, sworn notary or court upon the request thereof.

(3) The name of the Orphan's court and the number according to which the will has been entered into the register, shall be indicated in the certification of the extract of the document entered into the register of wills. The Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall sign the certification and apply the seal.

(4) A note shall be made in the register of wills regarding the issuance of the extract of a will.

(5) The register of wills shall consist of the originals of the wills, which are compiled in a volume according to the sequence of the numbers of the register. The Orphan's court shall keep separate registers of wills in rural territories of municipalities and towns specifying the name of the Orphan's court and the name of rural territory of the relevant municipality or the name of the relevant town in the name thereof.

[21 May 2009]

Section 67. Acceptance of a Will for Storage

(1) An Orphan's court shall accept private wills for storage and enter a document into the register of wills regarding the acceptance of a will for storage.

(2) In accepting a will for storage, the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall ascertain the identity and capacity to act of the testator.

(3) A private will deposited in an Orphan's court shall have the force of a public will, if the provisions of Section 439 of the Civil Law are complied with.

Section 68. Revocation of a Document Entered into the Register of Wills

(1) A testator in person may revoke a document entered into the register of wills.

(2) If a request regarding the revocation of a document entered into the register of wills has been received, the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall prepare a document of the revocation of the will after verification of the identity and capacity to act of the testator. The testator shall sign a document of the revocation of the will in the presence of two witnesses.

(3) After the certification of a document of the revocation of a will a note shall be made on the original of the will regarding the revocation thereof.

Section 69. Revocation of a Deposited Will

(1) A testator in person or his or her authorised representative authorised by specific authorisation may revoke a will deposited in the Orphan's court.

(2) If a request has been received regarding revocation of a deposited will, the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall prepare a document of the revocation of the will.

(3) After the certification of a document regarding the revocation of a will the certified copy thereof shall be placed instead of the deposited will.

Section 70. Certification and Revocation of a Power of Attorney

(1) Prior to the certification of a power of attorney the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall verify the identity and capacity to act of an authorising person.

- (2) The certification on a power of attorney shall be made in accordance with the procedures specified in Section 64 of this Law and shall be entered into the register.
- (3) One copy of the certified power of attorney shall be stored in the folder of the Orphan's court.
- (4) If a submission regarding the revocation of a power of attorney has been received, the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall verify the identity, capacity to act of the submitter, make an entry in the register and publish the relevant notification in the newspaper "*Latvijas Vēstnesis*".
- (5) An authorised person shall be notified regarding the revocation of the power of attorney if his or her place of residence is known.
- (6) Expenditure for the publication of a notification regarding the revocation of a power of attorney in the newspaper "*Latvijas Vēstnesis*" shall be covered by the authorising person.

Section 71. Certification of the Authenticity of a Signature

Prior to the certification of the authenticity of a signature the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall verify the identity of the signatory, as well as make an entry in the register. In confirming the authenticity of a signature on a request for corroboration, the Orphan's court, in the cases specified in the Land Register Law, shall also verify the capacity to act of the signatory and make a note on the inscription of the certification regarding it.

Section 72. Certification of a True Copy or a Copy of a Document

- (1) In order to certify a true copy or a copy of a document, the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall compare it with the presented document.
- (2) The bearer of the document, year, month, day of the certification thereof, the name of the Orphan's court and the number according to which the certification has been entered into the register, shall be indicated in the inscription of the certification, as well as it shall be indicated what corrections, deletions and other special features are present in the presented document.
- (3) The Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall not verify the lawfulness of the issuance of the presented document, but shall only verify the compliance of the true copy or copy to be certified with the presented document and it shall be noted in the certification.
- (4) It is prohibited to the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court to confirm a true copy or a copy of such document, the content of which is in obvious contradiction to the legislation that protects the management procedures, public morality or personal dignity.
- (5) An entry regarding the certification shall be made in the register.

Section 73. Issuance of Notifications

- (1) A request regarding the issuance of a notification shall be submitted in writing and it shall be entered into the register. The true copy of a notification shall be stored in the folder of the Orphan's court.
- (2) The Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court shall verify the identity of a submitter and write the certification on the request submitted.
- (3) A certified true copy or a certified copy of a submitted notification shall be issued to the addressee. A notification shall be issued to the addressee in person or it shall be sent by post

as a registered letter (the certification of the post office regarding the issuance of letter must be received).

(4) An Orphan's court shall issue a certificate regarding the issuance of a notification. The given name, surname, personal identity number and place of residence of the submitter and the addressee, the content of a notification and the time when the notification was issued shall be indicated in the certificate.

(5) An entry regarding the issuance of a certificate shall be made in the register.

Section 74. Certification of a Transaction if a Person is Illiterate or Is Not Able to Write

If a person is illiterate or is not able to write, another person shall sign in the presence of two witnesses, to whom such person consigns it, and a note shall be made in the inscription of the certification regarding it.

Section 75. Making of Certification in the Place of Residence of a Resident or in Another Place

An Orphan's court may draw up a will, as well as make certification in the place of residence of a resident of the relevant local government or in another place if the resident cannot arrive at the Orphan's court due to illness or other reasons.

Section 76. Refusal to Fulfil the Duties of Office

(1) The Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court is not allowed to refuse to perform the activities provided for in this Chapter, except the cases specified by the Law.

(2) In respect of a refusal to fulfil the duties of office the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall within three days issue the refusal in writing. The basis for the refusal and appeal procedures shall be indicated in the refusal.

(3) The Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court shall refuse to make certifications if he or she is asked to take part in activities, which obviously serve illegal or immoral purposes.

Section 77. Restriction to Make a Certification

The Chairperson, Vice-Chairperson or a Member of an Orphan's court is prohibited from making certifications in his or her own matters, the matters of his or her spouse (also a former spouse), his or her or his or her spouse's kin in a direct line to all degrees, the collateral line – to the fourth degree and affines – to the third level, as well as in the matters of the persons under the guardianship or trusteeship the Chairperson, Vice-Chairperson or a Member of an Orphan's court or his or her spouse or of his or her or his or her spouse's adopter or adoptee.

Section 78. Non-disclosure of Entrusted Information

(1) The Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court, a Member or a secretary of an Orphan's court shall not disclose the information entrusted to them, which have become known to them when fulfilling the duties of office, to the third persons.

(2) The provision of Paragraph one of this Section shall also be in force after the referred to persons have left their office.

(3) The Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court, a Member or the secretary of an Orphan's court shall keep secret all the entrusted matters, deeds and documents.

(4) Exceptions of the provisions of Paragraph one of this Section are allowed in relation to:

1) officials of courts, Prosecutor's Office and pre-trial investigation institutions during the fulfilment of the duties of office thereof; or

2) other persons if the consent of a participant of the certification has been received.

Section 79. State Fees

(1) The State fees for the services of an Orphan's court shall be transferred into the budget of a local government. An Orphan's court shall collect the following State fees:

1) for the preparation of a draft of a transaction deed – LVL 8;

2) for the certification of a transaction – LVL 5;

3) for the drawing up or revocation of a will – LVL 13;

4) for the acceptance of a will for storage – LVL 24;

5) for the preparation of a power of attorney – LVL 3;

6) for the certification of a power of attorney – LVL 2;

7) for the certification of a signature – LVL 2;

8) for the drawing up and issuance of certifications and an extract from the register of other activities – LVL 1 (per each page);

9) for the drawing up of a true copy or an extract – LVL 1 (per each page);

10) for the certification of a true copy, extract or copy – LVL 0.30 (per each page);

11) for the issuance of a notification – LVL 3;

12) for the issuance of a certificate regarding the issued notification – LVL 3;

13) for the drawing up of the request for corroboration – LVL 5;

14) for the certification of a signature on the request for corroboration – LVL 3;

15) for the drawing up of a list of inheritance – LVL 34; and

16) for the drawing up of other types of documents – LVL 3 (per each page).

(2) The council of a local government has the rights to apply the relief from the State fees.

Section 80. Appeal of Actual Actions and Decisions of an Orphan's Court

(1) If an interested person regards an action of an Orphan's court in making of certifications and performance of other activities referred to in this Chapter unjustified, such person may submit a relevant application to a court in accordance with the procedures specified in the Administrative Procedure Law within one month.

(2) An interested person may appeal to a court a refusal of an Orphan's court to make a certification or to perform other activities referred to in this Chapter in accordance with the procedures specified in the Administrative Procedure Law within one month.

Chapter VIII

Assistance in the Settlement of Inheritance Matters and Protection of Inheritance

Section 81. Inventory of Inheritance

An Orphan's court shall provide assistance to a heir, if the heir intends to make use of the inventory right (to draw up an inventory of inheritance) and a court or a notary has assigned the Orphan's court the drawing up of the inventory of inheritance (Section 709 of the Civil Law).

Section 82. Persons to be Invited for the Drawing up of an Inventory of Inheritance

An Orphan's court shall invite a heir, who has requested to draw up an inventory of inheritance, and other heirs, if such are known, as well as two witnesses for the drawing up of the inventory.

Section 83. Drawing-up of an Inventory of Inheritance

(1) In drawing up an inventory of inheritance, a document shall be written in accordance with the Civil Procedure Law. Time and place of the drawing-up of a document, the persons who participate in the drawing-up of the inventory of inheritance, the name and features of each property item, as well as the value thereof shall be indicated in the document.

(2) If heirs do not agree with the appraisal of the property, an Orphan's court is entitled to invite an expert. Expenditure related to the services of an expert shall be covered by heirs.

(3) Notifications of such persons who participate in the drawing up of an inventory shall be entered into the document if such notifications have been expressed.

(4) A document shall be signed by the Chairperson of the Orphan's court, the Vice-Chairperson of the Orphan's court or a Member of the Orphan's court and the persons who have participated in the drawing-up of the inventory. The document shall be stamped with the seal of the Orphan's court.

Section 84. Charge for Travel Expenditure and Other Actual Expenditure

(1) An Orphan's court is entitled to collect a charge for travel expenditure that is related to the drawing up of an inventory of inheritance, the drawing up of a will or making of a certification outside the premises of the Orphan's court.

(2) An Orphan's court is entitled to collect a charge for postal and other actual expenditure that is related to the making of certifications and performance of other functions.

Section 85. Protection of Inheritance

If an estate-leaver dies and the heirs of the deceased person are not present, an Orphan's court shall ensure the protection of the inheritance, not waiting for the decision of the court regarding the establishment of trusteeship for the entirety of property of the estate.

Section 86. Means for Protection of Inheritance

The means for protection of inheritance shall be:

- 1) the sealing thereof;
- 2) the inventorying and valuation thereof; or
- 3) the depositing thereof.

Section 87. Inventorying of Property

An Orphan's court shall perform the inventorying of property in accordance with the procedures specified in Section 83 of this Law.

Section 88. Sealing

(1) If immediately after the receipt of the relevant information it is not possible to inventory the property, an Orphan's court shall seal the room, in which the property is located, or seal

the property itself in accordance with the procedures specified in the Civil Procedure Law in the presence of witnesses.

(2) Sealing shall be also performed if it is not possible to end the inventory on the first day.

Section 89. A Trustee of Inheritance

(1) After the inventorying of property an Orphan's court shall transfer the property for safekeeping to a trustee for a signature.

(2) A trustee shall receive a reimbursement from the heirs or from the property in the amount specified by the Orphan's court.

Section 90. Document regarding the Inventorying of Property

A document regarding the inventorying of property shall be stored in an Orphan's court. A true copy of the document shall be issued to the trustee, as well as shall be sent to the notary, in whose jurisdiction the inheritance matter, is in order to announce the opening of a succession.

Chapter IX

Remuneration for Work and Benefits

[3 December 2009]

Transitional Provisions

1. With the coming into force of this Law, the Law On Orphan's Courts and Parish Courts (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1996, No. 1; 1997, 3, No. 23; 2001, No. 13; 2002, No. 22; 2003, No. 17; 2004, No. 12; 2005, No. 9; 2006, No. 1) is repealed.

2. The Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court or a Member of an Orphan's court who does not have the education specified in Section 10, Paragraphs one and two on the day when this Law comes into force has the right to continue the fulfilment of duties until the end of the time period of election.

3. The restrictions on combining offices referred to in Section 15 of this Law shall not apply to such Chairpersons of an Orphan's court, Vice-Chairpersons of an Orphan's court or Members of an Orphan's court who has been elected until coming into force of this Law.

4. Orphan's courts may use the present seals until 31 January 2007.

5. Until 31 January 2007 parish courts shall be renamed Orphan's courts. Until 31 January 2007 the provisions of this Law and other regulatory enactments that are applicable to Orphan's courts shall be binding to parish courts, which have not been renamed Orphan's courts.

6. Remuneration (salary, allowances, etc.) provided for in accordance with this Law for the Chairperson of an Orphan's court, the Vice-Chairperson of an Orphan's court and Member of an Orphan's court shall be determined in compliance with the Law On Remuneration of Officials and Employees of State and Local Government Authorities in 2009.

[12 December 2008]

7. Until the establishment of one or several Orphan's courts in a municipality, but not longer than until 30 September 2009, the Orphan's courts of rural territories and towns shall continue the operation in compliance with the competence and territory of operation thereof.
[21 May 2009]

This Law shall come into force on 1 January 2007.

This Law was adopted by the *Saeima* on 22 June 2006.

Acting for the President,
Chairperson of the *Saeima*

I. Ūdre

Rīga, 7 July 2006