



FÉLAGS- OG
TRYGGINGAMÁLARÁÐUNEYTIÐ
Ministry of Social Affairs and Social Security

**Child Protection Act, No. 80/2002,
as amended by Act No. 62/2006, No. 88/2008 and No. 52/2009.**

SECTION I
Objectives of the Child Protection Act etc.

Article 1

Rights of children and duties of parents.

Children have a right to protection and care. Their rights shall be maintained in accord with their age and development.

[Allir sem hafa uppleddi og umönnun barna með höndum skulu sýna þeim virðingu og umhyggju og óheimilt er með öllu að beita börn ofbeldi eða annarri vanvirðandi háttsemi. Foreldrum ber að sýna börnum sínum umhyggju og nærfærni og gegna forsjár- og uppleddisskyldum við börn sín svo sem best hentar hag og þörfum þeirra. Þeim ber að búa börnum sínum viðunandi uppleddisaðstæður og gæta velfarnaðar þeirra í hvívetna.]¹⁾

¹⁾ Act No. 52/2009, Article 1.

Article 2

Objectives and jurisdiction.

The objective of this Act is to ensure that children who are living in unacceptable circumstances or children who place their health and development at risk receive the necessary help. Efforts shall be made to achieve the objectives of the Act by strengthening families in their child-raising role, and applying measures to protect individual children when applicable.

The Act shall apply to all children within the territory of the Icelandic state.

Article 3

Definition of terms..

In this Act the word “children” applies to individuals under the age of 18. Child protection authorities may decide, with the consent of a young person, that arrangements made on the basis of this Act remain in force after the person reaches the age of 18 years, to a maximum age of 20 years.

“Child protection authorities” are the Ministry of Social Affairs, the Government Agency for Child Protection, the Child Protection Appeals Board and child protection committees.

The word “parents” normally refers to those who are guardians of a child. With regard to the nature of guardianship, the provisions of the Children Act shall apply.

Article 4

Principles of child protection work.

In child protection work, those arrangements shall be made which may be expected to be best for the child. The interests of children shall always be paramount in the work of child protection authorities.

In their work, child protection authorities shall take account of children’s views and wishes, in accord with the age and maturity of the child.

Child protection work shall promote stability during childhood.

Paragraphs in red font color are amendments in Icelandic that have not yet been translated.

Child protection authorities shall seek to maintain good collaboration with children and parents with whom they have dealings, and always show them the utmost tact and respect.

Child protection authorities shall in their work seek to maintain good collaboration among themselves, and with other agencies concerned with children.

Child protection authorities shall in their work and in all decision-making maintain consistency and equity.

Child protection authorities shall as far as possible ensure that general measures to support the family are tried before other measures are taken. The aim shall also be to apply the minimum measures to achieve the desired results. Coercive measures shall only be applied if the legally-required objectives cannot be achieved by other, lesser measures.

All those who work in child protection shall maintain complete confidentiality on the circumstances of children, parents, and others with whom they have dealings.

SECTION II

Authorities in child protection.

Article 5

Role of the Ministry of Social Affairs.

Child protection within the meaning of this Act is under the aegis of the Ministry of Social Affairs. Division of responsibilities within the ministry and agencies subject to the Ministry shall be as provided in this Act and in rules issued on the basis of the Act.

The Ministry of Social Affairs is responsible for policy formation in child protection.

The Minister shall submit a four-year plan of action to the Althingi (parliament) following local government elections.

The Ministry of Social Affairs shall monitor the work of the Government Agency for Child Protection. It may require information to be produced on individual cases on the basis of complaints, or other information.

Article 6

Child Protection Appeals Board.

The Minister of Social Affairs shall appoint the Child Protection Appeals Board for a term of four years. Rulings and individual decisions made by child protection committees under the terms of this Act may be appealed to the Board. Decisions of the Government Agency for Child Protection under paragraphs 3 and 5 of Article 15, Article 66, paragraphs 2 and 4 of Article 83 and paragraph 2 of Article 91 may also be appealed to the Board.

The Child Protection Appeals Board shall comprise three people. The chair shall be nominated by the Supreme Court, and shall be qualified to serve as a district court judge. Members of the Board shall have specialist knowledge of matters regarding children. The Ministry of Social Affairs shall provide facilities for the Board. The Appeals Board may engage an employee to manage day-to-day administration.

Rulings of the Child Protection Appeals Board shall be final at the administrative level, and cannot be appealed to higher authority.

The Child Protection Appeals Board shall publish an annual report on its work.

The Ministry of Social Affairs shall issue regulations on the work of the Board.

Article 7

Government Agency for Child Protection.

The Government Agency for Child Protection is an autonomous agency under the authority of the Minister of Social Affairs. The Government Agency for Child Protection is in charge of administration within the field covered by the Act. The Minister of Social Affairs shall decide the location of the Government Agency for Child Protection and appoint its director.

The Government Agency for Child Protection shall promote co-ordination and strengthening of child protection work in Iceland, and shall provide advice to the Minister of Social Affairs on policy-making in the field. It shall ensure that research and development work is carried out in the field of child protection.

The Government Agency for Child Protection shall provide guidance on the interpretation and implementation of the Child Protection Act and instruction and advice for child protection committees in Iceland. It shall also monitor the work of child protection committees as provided in this Act.

The Government Agency for Child Protection issues licences to foster parents, makes decisions and assists child protection committees in cases of foster care as provided in Section XII of this Act.

The Government Agency for Child Protection has authority over homes and institutions which the state is to ensure are available under Section XIII of this Act, and shall ensure that such homes and institutions be established. The Agency supervises the placement of children in such homes and institutions. The Government Agency for Child Protection shall also issue licences under the provisions of Sections XIII and XIV of this Act.

The Government Agency for Child Protection may run special service centres with the objective of promoting interdisciplinary collaboration, and strengthening and co-ordination of agencies in the handling of cases of child protection. The Government Agency for Child Protection may also offer child protection committees other specialist services, such as non-institutional measures in the field of treatment for children, with the objective of assisting the committees in fulfilling their mandated role. A fee may be charged for special projects undertaken by the Government Agency for Child Protection under this provision, as further stated in regulations. The fee shall never be higher than the cost of running the service centre or the cost of the specialised service in question, including cost of staff salary and training, and other costs provably incurred in connection with the service.

The Government Agency for Child Protection shall also undertake other tasks assigned to it by this Act or other legislation.

The Government Agency for Child Protection shall issue an annual report on its work.

The Minister of Social Affairs shall stipulate more detailed provisions on the work of the Government Agency for Child Protection in regulations.

Article 8

Monitoring of child protection committees by the Government Agency for Child Protection.

Child protection committees shall by 1 May each year submit to the Government Agency for Child Protection a report on their work over the previous calendar year. This shall include, among other things, information on the number of cases dealt with by committees over the period, their nature and how they were resolved.

The Government Agency for Child Protection may also require child protection committees to produce all information and reports it deems necessary, both documents of individual cases and reports to be especially prepared by the child protection committees.

The Government Agency for Child Protection may, on the basis of complaints or other information received on the handling of individual cases, and if deemed necessary, gather necessary data, information and explanations from the child protection committee in question.

Should the Government Agency for Child Protection be of the view, after having gathered information and explanations as provided in paragraphs 2 and 3, that a child protection committee is not complying with the law in carrying out its work, it shall, as applicable, provide guidance to the child protection committee on procedure, and make suggestions for improvements. If the child protection committee does not comply with the suggestions and guidance of the Government Agency for Child Protection, the Agency may enjoin upon the committee to fulfil its duties. The Government Agency for Child Protection shall inform the municipal council and the Ministry of Social Affairs of such an enjoiner. Provisions of confidentiality shall be observed when giving such notice of enjoiner to the municipal council.

Article 9

Municipal action plans on child protection.

Municipalities shall form a policy and draw up an action plan for each elective term in the field of child protection within the municipality. Municipal action plans on child protection shall be sent to the Ministry of Social Affairs and the Government Agency for Child Protection.

If municipalities collaborate on child protection as provided in Article 10, they may produce a joint plan.

SECTION III

Child protection committees.

Article 10

Child protection committees, elections etc.

Municipalities shall operate child protection committees.

The municipal council shall elect the child protection committee, but see also paragraphs 3 and 4. Municipalities of smaller population shall collaborate with other municipalities on election of a child protection committee. The total population of the municipalities represented by one child protection committee shall not be less than 1,500.

A municipal council may assign a regional board or the board of a co-owned agency to elect a child protection committee that serves more than one municipality, or agree on regional collaboration in some other manner than stated here.

A municipal council may assign its social services committee to handle the tasks of a child protection committee, and in such cases the rules shall be observed stated in paragraphs 1 and 2 of Article 11 on election of child protection committees, and on population figures, cf. paragraph 2 of this article.

Article 11

Appointment of child protection committee.

A child protection committee shall comprise five people and an equal number of alternates. A child protection committee serving more than one municipality may, however, comprise up to seven members and seven alternates. A child protection committee shall normally comprise both men and women. Members of the committee shall be of known probity, and have a good understanding of the matters dealt with by child protection committees. Efforts shall be made to elect a lawyer to the child protection committee, and also people who are specialised in matters regarding children. When a decision is made under Articles 26 and 27, a lawyer shall be called upon, should none be a member of the child protection committee.

Eligibility for election to a child protection committee is subject to the same rules as eligibility for election to a municipal council, as provided in the Local Government Elections Act.

Municipal councils shall notify the Government Agency for Child Protection of the appointment of the child protection committee not later than two months after local government elections have taken place.

Should a municipal council not have appointed a child protection committee as provided in this Act four months after local government elections, the Minister of Social Affairs may admonish the municipal council and allow a period of grace of one month for this to be rectified. Should the municipal council not comply before this time has elapsed, the Minister may decide that certain municipalities shall have a joint child protection committee, and appoint a child protection committee that fulfils the conditions stated above. The Minister may, among other things, decide to assign child protection work in the relevant municipality entirely to the child protection committee of another municipality which has already elected a child protection committee. All costs incurred by the appointment of such a committee shall be paid by the relevant municipalities, as further decided by the Minister. The Minister of Social Affairs may also grant an exemption from item 3 of paragraph 2 of Article 10 if the total population is close to 1,500, and if geographical and other factors make it impractical or difficult to achieve this population figure.

An existing child protection committee shall retain its mandate until a new committee has been appointed under the provisions of this Act.

Article 12

The role of child protection committees in general.

The role of child protection committees is as follows:

1. *Monitoring.* Child protection committees shall investigate the circumstances, behaviour and conditions of upbringing of children, and assess without delay the needs of those who are believed to be living in unacceptable conditions, to be mistreated, or to have serious social problems.

2. *Measures.* Child protection committees shall apply those child protection measures provided in this Act which are most applicable at any time, and which are deemed the most suitable to safeguard their interests and welfare.
3. *Other tasks.* Child protection committees shall undertake other tasks that are assigned to them under the terms of this Act and other legislation. A municipal council may assign a child protection committee other tasks relating to the circumstances of children and young persons in its jurisdiction.

The child protection committee must assist parents in fulfilling their duties of guardianship, and apply suitable measures as provided in this Act if necessary.

Article 13

Autonomy of child protection committees.

Municipal councils may not give child protection committees any instructions with regard to individual child-protection cases.

Municipal councils may not have access to documents and information on individual child-protection cases.

Decisions and rulings by a child protection committee cannot be appealed to the municipal council.

Article 14

Child protection committee staff.

A child protection committee shall engage specialised staff or ensure access to relevant expertise by other means. The committee should be able to provide parents, institutions and others involved in child-raising appropriate advice, education and guidance as provided in this Act. The possibility should also exist for carrying out professional tests of children's social and psychological conditions as necessary in connection with investigation and handling of individual child-protection cases.

A child protection committee may make arrangements with institutions, for instance in the fields of social services, schooling or health service, regarding shared personnel and specialist services.

A child protection committee may assign its staff to investigate and handle individual cases or categories of case, according to rules the committee itself lays down. A child protection committee may also by such rules delegate to individual members of staff the power to make individual decisions as provided in this Act. The Government Agency for Child Protection shall be informed of the content of the rules.

It is not permissible to delegate to individual members of committee staff the power to make rulings as provided by this Act, or decisions to institute legal proceedings under Articles 28 and 29, nor decisions to demand the removal of a person from the home or an injunction under Article 37.

Article 15

Jurisdiction and collaboration of child protection committees.

The child protection committee in the district where the child is permanently resident is responsible for any case involving the child, but see paragraphs 3 and 4.

If a child moves from the jurisdiction of a committee while his/her case is in process, the child protection committee in the district to which the child moves shall take over the case. The child protection committee which is handling the case shall inform the child protection committee in the relevant district of the move. The child protection committee which takes over the case shall also be informed of all interventions regarding the child, and all documents shall be handed over.

If it is deemed more convenient to deal with the case partially or entirely in a different district from that where the child is permanently resident, the relevant child protection committees may agree this between themselves. If a dispute arises between child protection committees, the Government Agency for Child Protection may order a case to be handled by a different committee from that in the district where the child is permanently resident, if this is deemed to ensure better handling of the case. The committees shall in such a case provide each other with information to clarify issues, and assist each other in the implementation of child protection measures.

If a child protection committee places a child in foster care or other placement in a different district, the same committee shall continue to handle the case. It may, however, request that the child protection committee in that district undertake certain responsibilities.

If a child is not legally domiciled in Iceland, the child protection committee in the district where the child resides or is situated shall handle the child's case. The Government Agency for Child Protection shall resolve disputes over which child protection committee shall handle a case. The Treasury shall reimburse the municipal council for expenses incurred in the case.

Decisions of the Government Agency for Child Protection as provided in paragraphs 3 and 5 may be appealed to the Child Protection Appeals Board.

SECTION IV

Notification and other obligations to child protection authorities.

Article 16

Public duty of notification.

Any person who has reason to believe that a child is living in unacceptable circumstances of upbringing, is subject to harassment or violence or is placing his/her health and development at risk, is under an obligation to notify the child protection committee.

And any person should notify the child protection committee of any incident which may be regarded as falling within the committee's ambit.

Article 17

Duty of notification by those who deal with children.

Any person who, due to his/her position and work, is involved in matters concerning children, and in his/her work becomes aware that a child is living in unacceptable conditions of upbringing, is subject to harassment or violence, or is endangering his/her health and development, has a duty to notify the child protection committee.

Pre-school heads and teachers, child-minders, school heads, teachers, clergy, physicians, dentists, midwives, nurses, psychologists, social workers, developmental therapists and those providing social services or counselling are under an especial obligation to monitor the behaviour, upbringing and conditions of children as far as possible, and to inform the child protection committee if the child's circumstances appear to be of the nature described in paragraph 1.

The duty of notification provided in this article takes precedence over provisions in law or codes of ethics on confidentiality within the relevant professions.

Article 18

Police duty of notification and questioning of children.

If the police become aware that a child is living in unacceptable conditions of upbringing, is subject to harassment or violence, or that the child is placing his/her health and development at risk, they shall inform the child protection committee of this. When it is suspected that a criminal offence has been committed by or against a child, the police, when it comes to deal with such a case, shall notify the child protection committee and offer the committee the opportunity to monitor the investigation of the case. The child protection committee shall notify the parents of the child in such a case, unless the interests of the child make this inadvisable.

[Gefa skal fulltrúa barnaverndarnefndar kost á að vera viðstaddur skýrslutöku af barni sem sakborningi í samræmi við ákvæði laga um meðferð sakamála, svo og skýrslutöku af barni sem brotþola og sem vitni. Á þetta við hvort sem skýrslutaka fer fram hjá lögreglu eða fyrir dómi. Um skýrslutöku af barni gilda að öðru leyti ákvæði laga um meðferð sakamála og reglugerða sem settar hafa verið með stoð í þeim.]¹⁾

¹⁾ Act No. 52/2009, Article 2.

Article 19

Anonymity of notifying parties.

Any person who gives notification to a child protection committee shall identify him/herself.

If a notifying party under Article 16 requests anonymity vis-à-vis parties other than the committee, this shall be respected unless there are special reasons not to do so. A child protection committee's decision on anonymity may be appealed to the Child Protection Appeals Board. The notifying party shall be informed of his/her right to appeal the decision of the child protection committee.

The provisions of paragraph 2 on the right to anonymity shall not apply to notifying parties under Articles 17 and 18.

Article 20

Collaboration with child protection authorities.

All those who, due to their position and work, are involved with children must collaborate with child protection authorities. Child protection authorities shall also seek to maintain good collaboration with these parties.

All health institutions, including alcoholism treatment facilities and psychiatric facilities, must take account of the interests of the children when decisions are made on treatment and admission of their parents. Physicians, nurses and other staff at the institutions specified shall consult with the child protection committees in order that necessary child protection measures may be arranged in accord with decisions on treatment and admission of a parent.

The police and prison authorities must collaborate with child protection committees, and assist them in resolution of child protection cases.

The Minister of Social Affairs may by regulations issue further rules on collaboration between child protection committees and other agencies in consultation with the ministries under whose aegis the relevant agencies operate.

SECTION V

Initiation of a child protection case.

Article 21

Procedure following notification.

When a child protection committee is notified or receives information by other means that a child's physical or mental health or development may be at risk due to neglect, incapacity or behaviour of a parent, harassment or violence by another person, or due to the child's own behaviour, the committee shall decide without delay, and not later than seven days from receipt of the notification or other information, whether there is reason to initiate investigation of the case.

The child protection committee may, on the same conditions, initiate investigation of a case due to information received by other means.

If a child protection committee receives notification or information by other means that an expectant mother is placing the health or life of her unborn child at risk by an unacceptable or hazardous way of life, e.g. by excessive alcohol consumption or drug use, the child protection committee may decide to initiate investigation of the case.

A decision by a child protection committee to initiate investigation of a case, or to dismiss a case, cannot be appealed to the Child Protection Appeals Board, nor to other authority. The child protection committee shall inform the parents that a notification has been received, and inform them of the committee's decision in response to it. Notification of parents may be postponed if exigent interests of the investigation so demand.

A decision to initiate an investigation shall not be made unless there is probable cause to suspect that this is justified. A case shall be regarded as a child protection case when a formal decision to initiate an investigation has been made.

Further provisions on procedures with regard to notification, e.g. on records, forms, etc., shall be made in regulations¹⁾ issued by the Minister of Social Affairs on receipt of proposals from the Government Agency for Child Protection.

¹⁾ Regulation No. 56/2004.

Article 22

Objective of investigation of a case.

The objective of investigating a case is to gather necessary information on the child's circumstances, and assess the need for measures as provided in this Act, in keeping with the interests and needs of the child. For this purpose the committee shall strive to gather the clearest information on the circumstances of the child, such as mental and physical condition, relationship with parents or others, circumstances of the parents, the child's conditions in the home, schooling, behaviour and mental and physical wellbeing. Specialist assistance shall be called upon as necessary.

With regard to investigation of cases, child protection committees' investigative powers, the obligation to provide child protection committees with information, and procedures of child protection committees in general, the provisions of Section VIII of this Act shall apply.

SECTION VI

Arrangements made by child protection committees.

Article 23

Schedule for handling of case.

When a case has been adequately investigated in the view of the child protection committee, the committee shall compile a report which states the conclusions of the investigation and what improvements are necessary, and makes proposals for suitable measures if applicable.

If an investigation reveals that special measures as provided in this Act are required, the child protection committee shall, in collaboration with the parents and if applicable the child, if aged 15 or over, make a written schedule for further handling of the case. Younger children shall be consulted in accord with their age and maturity. The schedule shall be made for a specified period, and revised as necessary.

The child protection committee shall assess the need for collaboration with other parties in making and implementing the schedule, and in co-operation with the parents shall seek to establish such collaboration.

Should it not be possible to reach an agreement with the parents or child, when applicable, the child protection committee shall unilaterally make a schedule on the progress of the case and application of measures as provided in this Act. The parents and child shall be informed of the content of the schedule.

Article 24

Measures with parental consent.

The child protection committee shall, as further decided in the schedule as provided in Article 23, with parental consent and if applicable in consultation with the child, provide assistance, among other things by:

- a. providing guidance to parents on the child's upbringing and conditions,
- b. work in collaboration with the relevant agencies to have measures applied under the terms of other legislation,
- c. arrange suitable support or treatment for the child,
- d. provide the child or family with a contact person, personal counsellor or support family,
- e. assist parents or an expectant mother in seeking treatment for illness, alcohol or substance abuse, or other personal problems.

The child protection committee may also with parental consent and without special ruling apply other measures under Article 26 of this Act.

Should parents who are not living together have joint custody of the child under the provisions of the Children Act, it is sufficient that the parent with whom the child lives under a custody agreement consents to the measures taken under the terms of this article.

Article 25

Measures outside the home with consent of parents and child.

The child protection committee may, as further specified in a schedule as provided in Article 23, with the consent of a parent and a child aged at least 15:

- a. assume custody or care of the child and place the child in foster care,
- b. assume custody or care of the child and place the child outside the home in a home or institution, or seek other measures as provided in Sections XIII and XIV, for care, tests, treatment and support.

Foster care or placement of a child as provided in paragraph 1 shall not last longer than necessary. Such arrangements shall normally be temporary, and shall be regularly reviewed as further specified in a foster-care or placement agreement. With a view to the child's interests, however, foster care or placement may continue until the child is of age.

If arrangements under item a or b of paragraph 1 are against the will of a child who has not reached the age of 15, the child shall have the opportunity to put his/her point of view to the committee, with the assistance of a spokesperson if applicable.

In a case where parents who do not live together have joint custody under the terms of the Children Act, the consent of both parents is required for measures to be taken. If a child who has reached the age of 15 consents to the arrangements, the consent of the parent with whom the child lives is sufficient, but the other parent's views shall also be elicited.

Article 26

Measures without parental consent.

Should measures as provided in Articles 24 and 25 not have proved efficacious in the view of the child protection committee, or, if applicable, if the child protection committee has reached the conclusion that such measures are inadequate, the committee may, against the parents' will, by means of a ruling:

- a. order monitoring of the home,
- b. order measures regarding circumstances and care of the child, such as day-care, school attendance, medical service, tests, treatment or therapy,
- c. rule that a child may not be taken out of the country.

Arrangements under paragraph 1 shall invariably be temporary, shall not continue longer than necessary at any time, and shall be reviewed at intervals of not more than six months.

Rulings may be appealed to the Child Protection Appeals Board.

Article 27

Child protection committee ruling on placement of a child outside the home.

On the same conditions as those stated in Article 26, and if justified by compelling interests of the child, a child protection committee may by a ruling, against the will of parents or of a child aged at least 15:

- a. rule that a child shall remain where he/she is resident for up to two months,
- b. rule that a child shall be removed from the home for up to two months, and on necessary arrangements, such as the placement of the child in foster care or in a home or institution, or seek other measures under Sections XIII and XIV to ensure the child's safety, or in order that suitable tests on the child may be carried out, and necessary treatment and care may be provided.

Parents, or a child aged at least 15, may appeal the ruling of a child protection committee to a district court judge. Such an appeal must reach the judge within four weeks of the ruling being made. An appeal to the courts does not prevent the implementation of the child protection committee's ruling.

Court procedure is as provided in Section XI.

Article 28

Court order on placement of a child outside the home.

If a child protection committee deems necessary that an arrangement under items a and b of Article 27, last longer than provided there, the committee shall submit this matter to the district court. By order of a judge, a child may be placed for up to twelve months at a time.

If a request is made to extend the duration of such a placement, or to deprive parents of custody under Article 29, before the period of placement expires, the arrangement shall continue until a ruling or verdict has been given.

Court procedure shall be as provided in Section XI.

Article 29

Loss of custody.

A child protection committee may take court action for a parent or parents to be deprived of custody if the committee believes:

- a. that daily care, upbringing or relations between parents and child are grossly defective, taking account of the age and maturity of the child,

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- b. that an ill child or child with disability is not ensured suitable treatment, therapy or teaching,
- c. that the child is mistreated, sexually abused or is subject to gross mental or physical harassment or humiliation in the home,
- d. that it is certain that the child's physical or mental health or his/her development is at risk because the parents are clearly unfit to have custody, due for instance to drug use, mental instability or low intelligence, or that the behaviour of the parents is likely to cause the child serious harm.

Deprivation of custody shall only be requested if it is not possible to apply other and lesser measures for improvement, or if such measures have been tried without acceptable results.

With regard to court procedure under this article, the provisions of Section X shall apply.

Article 30

Child protection committee measures regarding expectant mothers.

If an investigation by the a child protection committee reveals that an expectant mother is endangering the health or life of her unborn child by her way of life, see paragraph 3 of Article 21, the committee shall apply the measures of this Act in consultation with the expectant mother, or if applicable, against her will, in consultation with her guardian if she is not of age, as relevant, and as may be deemed beneficial.

If a child protection committee believes that measures provided in paragraph 1 are not efficacious, the committee may take legal action to have the woman declared legally incompetent under the terms of the Majority Act, with the objective of having her cared for and treated in a suitable facility. Court procedure is subject to the provisions of the Majority Act.

Article 31

Emergency measures.

If urgent measures are required in a matter which falls within the ambit of the child protection committee, the chair of the committee, or a staff member on his/her behalf, may implement measures without the prior procedure stated in Section VIII.

The child protection committee shall consider the case without delay, and make a ruling within 14 days. Otherwise the decision under paragraph 1 shall be revoked. Procedures under this paragraph are subject to the provisions of Section VIII.

Under the circumstances stated in paragraph 1, it is permissible, in spite of the provisions of paragraph 4 of Article 43, to enter the home, if there is reason to believe that a child is in immediate danger.

Article 32

Appointment of a legal guardian.

Should parents have waived custody or been deprived of custody, guardianship is assumed by the child protection committee for the time being. The child protection committee shall retain guardianship of the child until otherwise decided. The child protection committee may request that a legal guardian or financial trustee be appointed for the child, if it believes this to serve the interests of the child.

The child protection committee shall assume guardianship of a child if he/she is without a guardian for other reasons, and shall ensure in the same way that a legal guardian be appointed, cf. paragraph 1.

Article 33

Guardianship of a child placed outside the home.

When a child protection committee has undertaken care or custody of a child as authorised by this Act, a written plan shall be prepared on reliable care for the child. The plan shall specify the form of placement that is planned, and its duration, the objective of the placement, support for the child and others, and other important factors.

Efforts shall be made to achieve joint solutions for siblings, in keeping with their needs and interests.

Parents who have been deprived of custody of a child are not parties to cases regarding decisions on measures for the child, with the exception of matters of decision on visitation.

Article 34

Review of arrangements.

Should a parent, or a child aged at least 15, revoke his/her consent for temporary measures under Article 25, the child protection committee may make arrangements under Articles 26, 27, 28 or 29 if the conditions of those articles are otherwise met.

Should a parent, or a child aged at least 15, have given consent for measures under Article 25, which are intended to continue until the child is of age, or if a parent has been deprived of custody under Article 29, the parent, or child aged at least 15, may take court action against the child protection committee or foster parents, if applicable, for the agreement to be set aside, or for the court order on deprivation of custody to be quashed, and for the parent to be granted custody or care of the child once more.

An action under paragraph 2 will only be approved if such a change is deemed justified due to changed circumstances, does not disrupt the stability of the child's upbringing, and takes account of the child's interests and needs. If a parent has been deprived of custody, legal action may only be taken if at least twelve months have passed since a final court order was last made.

The arrangements shall continue until a verdict is reached.

With regard to court procedure under this article, the provisions of Section X shall apply.

SECTION VII

Other arrangements made by child protection committees.

Article 35

Measures applied to those who work with children.

If a child protection committee is informed that the conduct of a person who deals with children in his/her work is grossly deficient, the committee shall, if it deems justified, initiate investigation of the case in accord with the provisions of Article 21. The person concerned, and his/her employer if applicable, shall be informed of the decision to investigate. The committee shall inform the person and his/her employer of the results of the investigation, and make proposals for improvements.

Article 36

Information from penal records.

The Government Agency for Child Protection has a right to information from the State Penal Registry on those who have been convicted of offences under Section XXII of the General Penal Code, Act no. 19/1940, when the offence was against a person under 18 years of age. The Director of Public Prosecutions shall provide the Agency with copies of legal verdicts on request. The Government Agency for Child Protection may inform the relevant child protection committee if a person who is believed to constitute a considerable danger moves to the committee's district. If justified by compelling principles of child protection, the child protection committee may warn other parties, with the consent of the Government Agency for Child Protection.

It is not permissible for child protection authorities, homes or institutions operated under the provisions of this Act, whether operated by the state, municipalities or private parties, to employ persons who have been convicted of offences under Section XXII of the General Penal Code, cf. paragraph 1.

Managers of schools, pre-schools, summer camps, sports and leisure centres and other similar institutions, or places where children gather or stay, temporarily or long-term, have a right to information from the State Penal Registry on whether an applicant for a job under their management has been convicted of offences under Section XXII of the General Penal Code, cf. paragraph 1, with his/her consent.

Article 37

Expulsion of a person from the home and injunctions.

If a child protection committee believes that a child is a risk due to the behaviour or conduct of a person, such as violence, threats or menaces, or due to drug use or other actions, the committee may take court action for the person in question to be prohibited from being in a certain place or area, and from following, visiting or otherwise making contact with a child. By the same token a request may be

made that a person be excluded from the home if the committee deems this necessary in the interests of the child. With regard to procedure, the provisions in the Act on ...¹⁾ restraining order shall otherwise apply.

¹⁾ Act No. 88/2008, Article 234.

SECTION VIII

Child protection committee procedure.

Article 38

Scope of Public Administration Act.

Investigation of a child protection case and procedures of child protection committees are subject to the provisions of the Public Administration Act, with those exceptions specified in this Act. These rules of procedure also apply, as relevant, when a child protection committee prepares and decides to take court action in order to apply those measures provided in Articles 28, 29 and 37 of this Act.

The Minister shall in regulations¹⁾ make further provisions on procedures of child protection committees, such as notifications, preparation of schedules and supportive measures, upon receipt of proposals from the Government Agency for Child Protection.

¹⁾ Regulation No. 56/2004, cf. Regulation No. 652/2004.

Article 39

Records of cases.

Child protection committees must keep systematic records of all cases with which they deal. All documents shall be securely stored.

Article 40

Duty to provide guidance.

A child protection committee shall provide guidance to parents, child and others as relevant on the procedure of child protection cases, and on their rights and obligations under these rules of procedure and laws of public administration, such as right to legal counsel, means of appeal, etc.

Article 41

Rules of investigation, speedy process, etc.

A child protection committee shall ensure that a case has been sufficiently investigated before a decision is made in the case.

The child protection committee's investigation shall not be more extensive than necessary, and it shall be as speedy as possible. A decision on application of suitable measures shall normally be made within three months, and not more than four months, of the decision to initiate an investigation.

Article 42

Records of information.

A child protection committee must keep records of information on the case given verbally, if the committee believes this could be important to the case, and if this information does not appear elsewhere in the records.

Article 43

Investigative powers.

Efforts shall be made to carry out investigations in consultation and collaboration with parents.

Parents, or those with whom the child resides, must provide their assistance so that investigation of a case may proceed smoothly, and the child protection committee shall treat the parties involved with the utmost tact.

In investigation of a child's circumstances, the child protection committee may question parents or guardians of a child and others who may be able to provide relevant information.

A child protection committee or its staff may only enter a child's home to investigate his/her circumstances with the consent of a parent or guardian, or on the basis of a court order.

A child protection committee or its staff may enter a place other than the child's home, such as a day-care facility, pre-school, school, youth centre or emergency refuge, in order to speak with the

child, in private if necessary, to observe the child's conduct or in order to make an examination of the child. Parents shall normally be consulted if a child under 12 years of age is to be interviewed or examined. If demonstrably required by the interests of the investigation, a child may be interviewed and his/her conduct observed without the knowledge or consent of the parents or guardians, but they shall be informed as soon as possible that the investigation has taken place.

Article 44

Obligation to provide information to child protection committees.

All health and medical agencies, including self-employed health workers, specialists providing social service, psychiatric facilities, treatment facilities and institutions for drug and alcohol addiction, and agencies providing social services or assistance, must, after a child protection committee has decided to investigate a case, provide the committee, free of charge, with information on the health of the child and his/her parents, including information on their condition and prognosis, as well as other information that the committee believes may be important in resolving the case.

By the same token, all institutions and other places where a child has stayed or regularly visits, such as schools, day-care centres and social centres for children and adolescents, must provide the committee with information it believes may be important in resolving the case.

The police and the State Penal Registry shall by the same token provide the committee with information in their keeping about the child and his/her parents which may be relevant to the case.

Information under this article shall be provided as quickly as possible and not later than 14 days after receipt of the request.

The obligation to provide information under this article takes precedence over provisions in law or codes of ethics regarding confidentiality for specific professions.

Article 45

Right to information and access to documents of a case.

The child protection committee shall, allowing sufficient time, provide the parties to the case with all documents relating to the case, which may be considered in its resolution, provided that they guarantee confidentiality.

The child protection committee can, by a ruling based on substantiated reasons, limit access to certain documents if it believes that it could be harmful to the interests of the child and his/her relationship with the parents or others. The committee may also rule that parties to the case and their legal counsel may examine documents and other evidence, without receiving the documents or photocopies of them.

Article 46

Rights of the child in procedure.

A child who has reached the age of 15 is a party to a child protection case under the terms of Articles 25 and 27, paragraph 2 of Article 34, and Articles 74 and 81. With regard to the child's position in child protection cases that go to court, the terms of Sections X and XI shall apply.

A child shall be given the opportunity of expressing his/her views in cases affecting him/her, in accord with the child's age and maturity, and the child's views shall be fairly taken into account in resolution of the case. A child who has reached the age of 12 shall always been given the opportunity to express his/her views.

When a child protection committee has decided to initiate investigation of a case, a decision must be made at once on whether it is necessary to appoint a spokesperson for the child. A spokesperson for the child shall normally be appointed before the measures provided in Articles 25, 27 or 28 are applied, and before legal action is taken for deprivation of custody under Article 29, unless the child has legal counsel, cf. paragraph 2 of Article 47. The Minister shall define in more detail the qualifications and role of a child's spokesperson in child protection cases, by regulations,¹⁾ on receipt of proposals from the Government Agency for Child Protection.

¹⁾ Regulation No. 56/2004.

Article 47

Right of response.

The parties to a child protection case shall have the opportunity to express their views, verbally or in writing, including with legal counsel, on the content of the case, and other factors relating to procedure, before the child protection committee makes its ruling.

The child protection committee shall make grants of money to parents, and a child who is a party to the case, to pay for legal counsel under paragraph 1 and in connection with appeals to the Child Protection Appeals Board, under rules to be issued by the committee. The rules shall take account of the financial position of the parents, and the nature and extent of the case.

Article 48

Consent of parents and child.

The consent of parents and child under Article 25 shall be in writing and signed in the presence of two neutral witnesses who affirm that the nature and legal implications of the consent have been fully explained to the parents and child.

Article 49

Quorum and form of rulings.

A child protection committee constitutes a quorum if fully half the committee members are present, provided the chair or vice-chair is present. If a committee member cannot attend a meeting, the chair shall call in an alternate in his/her place.

A ruling shall be made by at least four committee members. A ruling shall be in writing and give substantiated arguments. The facts of the case shall be stated, and the premises and conclusions shall be stated. Notification of the ruling shall be by registered letter or other equally reliable means, and the parties shall be informed of their rights to appeal the ruling of the child protection committee to the Child Protection Appeals Board, or to take court action regarding the committee's decision if relevant, and upon deadlines for appeals.

Article 50

Enforcement of decisions.

A child protection committee shall, in enforcement and implementation of its decisions and those of the Child Protection Appeals Board and the courts, show the parties in the case the utmost consideration and tact, and safeguard at all times the interests of the child involved.

If the parties refuse to comply with the lawful decisions of a child protection committee, the Child Protection Appeals Board or the courts, the police shall provide assistance in enforcement of the decision.

A representative of the child protection committee shall, however, always be present if measures under paragraph 2 have to be undertaken.

The Government Agency for Child Protection may order that a decision by child protection authorities in another country shall be enforced in Iceland.

SECTION IX

Procedures of the Child Protection Appeals Board.

Article 51

Appeal.

Parties to a child protection case may appeal a ruling of a child protection committee to the Child Protection Appeals Board within four weeks of the parties being informed of the ruling of the committee. The Child Protection Appeals Board shall, within a week of receipt of the appeal, undertake scrutiny of the case in order to resolve it. The Appeals Board shall make a ruling in the case as soon as possible, and not later than three months after the ruling of the child protection committee was appealed to the Board.

The Child Protection Appeals Board may re-assess both the legal aspects of the case and the evidence. The Board may either confirm the ruling, or quash it in part or in whole. The Board may also refer the case back to the child protection committee to be re-opened.

Paragraphs in red font color are amendments in Icelandic that have not yet been translated.

Article 52

Procedure of the Child Protection Appeals Board.

The provisions of Section VIII apply to procedures of the Child Protection Appeals Board, as relevant.

A child protection committee is a party to the case submitted to the Appeals Board. The case shall normally be presented in writing, but the Appeals Board may call parties in to give verbal testimony, and may decide that the case shall be argued verbally.

The Appeals Board shall normally base its ruling on existing evidence in the case. The Board may, however, if it believes there is good reason to do so, require parties to acquire further specified evidence, such as reports by experts. The Appeals Board has a right to written information from the State Penal Registry on the parties to the case. The Appeals Board shall rule on who is to meet the costs of gathering evidence, including expert opinions.

An appeal to the Child Protection Appeals Board does not postpone the implementation of the child protection committee's ruling. Under special circumstances the Appeals Board may, however, decide, at the request of parties in the case, to postpone implementation until the Board has ruled.

SECTION X

Procedures in court proceedings under Article 29 and paragraph 2 of Article 34.

Article 53

Scope of Act on Procedures in Civil Cases.

With regard to procedures in court cases under the provisions of this Section, the provisions of the Act on Procedures in Civil Cases shall apply, with exceptions as stated in this Act.

Article 54

Expert co-judges, court proceedings and speedy process.

In cases under the terms of this Section, expert co-judges shall normally be called to adjudicate in the case. With regard to expert co-judges, the provisions of the Act on Procedures in Civil Cases shall otherwise apply.

The court proceedings shall be held *in camera*.

The proceedings shall be as speedy as possible.

Article 55

Child's participation in a case.

A child who has reached the age of 15 shall be informed of the legal action being taken, and given the opportunity to safeguard his/her rights. The child may become a formal party to the case by means of a writ of intervention.

When a spokesperson has been appointed for a child, the spokesperson shall be given the opportunity to be present during the proceedings if a defence is being offered.

A child shall invariably be given the opportunity to express his/her views in a case involving him/her, even if the child is not a formal party to the case as provided in paragraph 1.

Article 56

Proof and evidence.

Before a child protection committee takes legal action to deprive parents of custody as provided in Article 29, it must ensure that the case has been fully investigated.

A judge may require the child protection committee to gather further specified evidence, such as assessments of parents or child. The judge may also require the parents or foster-parents to gather further specified evidence. A judge may decide that costs pertaining to the provision of evidence under item 2 shall be met by the Treasury.

Article 57

Complaints.

The parties may submit new complaints and new responses until the case is taken to adjudication.

Article 58

Anonymity etc.

It is forbidden to disclose the content of the proceedings in any way without the permission of the judge. Violation of this provision entails a fine.

Before copies of court records and records of verdicts are handed over, the names of all the parties to the case, and other information which might indicate the identity of the parties or the child, and other information which should be kept confidential with regard to public or private interests, shall be erased.

Article 59

Effects of an appeal.

An appeal does not entail postponement of the legal consequences of the ruling, unless a district court judge has so ruled in a court order.

Article 60

Free process.

Parents, foster-parents and a child who becomes party to a case as provided in Article 55 shall be granted legal proceedings without cost to themselves in district court and in the Supreme Court.

If legal action is taken under Article 34 for a re-assessment of a prior court verdict, see paragraph 3 of Article 34, the rights of the parties to legal proceedings without cost to themselves shall be in accord with the general guidelines.

SECTION XI

Procedures in court proceedings under Articles 27 and 28.

Article 61

Scope of Act on Procedures in Civil Cases etc.

With regard to procedures in cases under this Section, the provisions of the Act on Procedures in Civil Cases and the provisions of Section X of this Act shall apply as relevant, and in so far as exceptions are not stated in the provisions of this Section. The provisions of paragraph 1 of Article 54 do not apply to procedures in cases under this Section.

Article 62

Parties and demands.

In cases under this section, the plaintiff is the child protection committee if a verdict is sought in the district court, while the defendants are the parents, and a child who has reached the age of 15. When legal action is taken by the parents or child, they are the plaintiffs, and the child protection committee the defendant.

The party who takes legal action under the terms of this Section shall submit it to a judge in the area of jurisdiction of the relevant child protection committee. This shall be done in writing, stating as clearly as possible:

- a. names and ID numbers of child and parents,
- b. legal domicile and place of residence,
- c. the demands being made,
- d. account of events, and substantiated argument in favour of the demands being made.

Article 63

Court proceedings, evidence, etc.

When a case has been submitted to a district court judge as provided in Article 62, the judge shall decide as soon as possible when and where the proceedings are to take place, and inform the parties of this by provable means.

When a case is first brought to court, the child protection committee shall submit certified copies of all documents on which the decision is based, including its ruling and copies from the minutes book of the committee. The defendant shall then be granted a brief time to submit a statement and gather evidence. The judge may grant a longer period for gathering evidence, but the case shall be resumed as soon as possible.

If the plaintiff fails to appear, the case shall be dismissed. If the defendant fails to appear, a verdict shall be given in the case. Should the defendant have submitted a statement before the failure to appear, the plaintiff shall be given the opportunity to make brief written replies to the arguments of the defendant before a verdict is given.

Assessments shall not be made in cases under this Section.

When the gathering of evidence has been completed in a case in which a defence is offered, the proceedings in the case shall be verbal.

The judge shall as soon as possible give a verdict in the case, and not later than one week after the case was taken for adjudication.

Article 64

Appeals.

The verdict of a district court judge under this Section may be appealed to the Supreme Court. With regard to the deadline for appeals, the appeal itself and procedures in district court and the Supreme Court, the same rules apply as in appeals in a general civil case.

An appeal does not entail postponement of implementation of a verdict, unless a district court judge has so ordered.

SECTION XII

Placement of children in foster care.

Article 65

Foster care.

Foster care within the meaning of this Act refers to a child protection committee placing a child in the care of specified foster parents for at least three months when:

- a. parents who have custody of a child give up custody to the child protection committee, or consent to foster care,
- b. the child has no guardian, for instance due to the death of a parent, if the parent cannot be contacted, or for comparable reasons,
- c. parents have been deprived of custody under Article 29.

Foster care may be of two kinds, permanent or temporary. Permanent foster care entails that the arrangement continues until duties of guardianship cease under the law. The foster parents generally undertake the duties of guardianship unless some other arrangement is deemed to serve better the needs and interests of the child in the judgement of the child protection committee. A contract on permanent foster care shall not normally be concluded until after a trial period which shall not exceed one year.

The objective of foster care under paragraph 1 is to ensure a child upbringing and care within a family, in keeping with his/her needs. Good conditions shall be ensured for the child with foster parents, and they shall treat the child with care and consideration, and seek to promote the child's mental and physical development. The rights and obligations of foster parents shall be further specified in a foster-care agreement.

If a child placed in foster care has serious behavioural problems due to psychological, emotional and other difficulties of comparable nature, it is also permissible to order special care and therapy in the foster home, instead of placing the child in an institution.

Article 66

Licensing.

Those who wish to provide foster care to a child shall apply to the Government Agency for Child Protection. The child protection committee in the applicants' home district shall make a report on their fitness to provide foster care for a child, according to further rules to be issued in regulations.

The Government Agency for Child Protection grants licences to provide foster care for children. The Government Agency for Child Protection provides prospective foster parents with instruction, guidance and other professional support.

The Minister of Social Affairs shall issue regulations,¹⁾ on receipt of proposals from the Government Agency for Child Protection, on standards of fitness to provide foster care.

¹⁾ Regulation No. 804/2004.

Article 67

Selection of foster parents.

The Government Agency for Child Protection shall assist child protection committees in providing fit foster parents. For this purpose, the Government Agency for Child Protection shall maintain a register of those who are licensed to provide foster care.

A child protection committee which places a child in foster care shall send an application for a foster home to the Government Agency for Child Protection, and select foster parents from those who are on the register under paragraph 1, in consultation with the Agency. A child protection committee must select foster parents with care, taking account of the needs and interests of the child in question. Should the child protection committee believe the child's interests to be best served by placing him/her in foster care with relatives, the provisions of Article 66 shall apply. In selection of foster parents, the aim shall be to ensure stability in the child's life, and to minimise disruption. Efforts shall always be made to keep siblings together in the same foster home, unless special circumstances make this impossible.

Should a child protection committee also believe that a child requires special care and therapy as provided in paragraph 4 of Article 65, this shall be stated in the foster-care agreement. If part of the cost of such additional services is to met from government funds, see Article 88, such provisions in a foster-care agreement are subject to the approval of the Government Agency for Child Protection. The Government Agency for Child Protection shall also select foster parents in such circumstances, in collaboration with the child protection committee.

Article 68

Foster-care agreement.

When a child is placed in foster care, the child protection committee and the foster parents shall make a written foster-care agreement which shall specify, among other things:

- a. the legal domicile and day-to-day care of the child,
- b. duties of custody, including legal guardianship,
- c. estimated duration of foster care, cf. paragraph 2 of Article 65,
- d. maintenance costs and other costs,
- e. child's visitation with birth parents or others with whom he/she has a close relationship,
- f. support to be provided by the child protection committee for the child and foster parents during the period of foster care,
- g. that the agreement may be revoked due to changed circumstances,
- h. special care and therapy, see paragraph 4 of Article 65, when applicable,
- i. other matters which may be relevant.

Article 69

Foster parents' duties of custody and guardianship.

When a decision is made on whether, and to what degree, foster parents shall undertake the duties of custody of a child, including legal and financial guardianship, account shall be taken of the estimated duration of the foster care, the needs and interests of the child, the circumstances of the foster parents and other factors.

If parents consent, waive guardianship, or have been deprived of custody, a foster-care agreement may state that the foster care shall continue until the child is of age.

Article 70

Rights of a child in foster care.

A child has the right to visitation with the birth parents or others with whom he/she has a close relationship, as stated in more detail in Article 74, provided this is consistent with his/her interests.

The child protection committee which places a child in foster care shall provide the child with the necessary support during the period of foster care.

It shall be ensured that a child is informed of the reasons for the placement in foster care, and of the child protection committee's plans for the future of the child, in accord with his/her age and maturity.

Article 71

Legal status of a non-custodial parent.

If only one birth parent has legal custody of the child when deprived of custody, or a parent with sole custody gives up custody to a child protection committee, the committee shall explore the possibility of placing the child with the other birth parent.

A child protection committee may, if it believes this will ensure the interests of the child, give up custody to the other birth parent. The child protection committee shall evaluate the fitness of the parent, and make a written agreement on the transfer of custody. After an agreement is made on transfer of custody under this paragraph, the legal status of the parent and child shall be as provided in the Children Act.

Before a child is placed in foster care, the child protection committee shall invariably elicit the views of a non-custodial birth parent.

Article 72

Preparation of child and foster parents for foster care.

A child protection committee must prepare a child for separation from his/her birth parents, and for going into foster care. A child protection committee which places a child in foster care must, by the same token, before foster care begins, prepare the foster parents for their role, for instance by instruction, interviews and other helpful means.

Article 73

Notice of foster-care agreement.

A child protection committee shall notify the Government Agency for Child Protection of each foster-care agreement made, and of the termination of foster care. The child protection committee shall also give notice of the foster-care agreement to other public bodies as applicable.

The Government Agency for Child Protection shall maintain a register of children in foster care.

Article 74

Visitation when in foster care.

A child has a right to visitation with his/her birth parents and others with whom he/she has a close relationship. Visitation entails the right to spend time together, and to other communication.

The birth parents have a right to visitation with their child in foster care, unless this is clearly contrary to the child's interests and needs, and incompatible with the objectives of the placement in foster care. When this is assessed, account shall be taken, among other things, of the estimated duration of foster care. Those who regard themselves as having a close relationship with the child have a right to visitation by the same token, provided that this is deemed beneficial for the child. A child who is 15 years or older may make his/her own request for visitation.

When child is placed in foster care, the child's visitation with birth parents and others with whom he/she has a close relationship shall be decided, taking account of what best serves the child's interests. Should an agreement be reached, the child protection committee shall make a written agreement with those who are to have visitation. The views of the foster parents shall be elicited before an agreement is concluded.

The child protection committee has the power to rule on disputes regarding a child's visitation with birth parents and others with a close relationship with the child, whether with regard to the right to visitation, the scope of visitation rights, or visitation arrangements. If, due to special circumstances, the child protection committee is of the view that visitation with the parents is contrary to the child's interests and needs, it may rule that the birth parents shall not have visitation rights. The child protection committee may also rule, by the same token, that others who regard themselves as having a close relationship with the child shall not have visitation rights, if the committee believes that the requirements of paragraph 2 are not met.

Those who are to have visitation with the child may request changes to the agreement on visitation rights. Should it not be possible to reach an agreement on such changes, the child protection committee shall make a ruling.

Those who are to have visitation with the child may demand that a child protection committee review its prior ruling on visitation. The child protection committee is not obliged to consider such a

demand formally, unless at least twelve months have passed since the ruling was made by the child protection committee or the Child Protection Appeals Board.

A child protection committee may rule that a child's place of residence be kept secret, e.g. vis-à-vis the birth parents, if the interests of the child so demand.

Rulings made under this article may be appealed to the Child Protection Appeals Board.

Article 75

Maintenance and other costs pertaining to a child in foster care.

When a child is placed in foster care, the foster-care agreement shall state what payment shall be made, amount of remuneration to foster parents, and other costs. The municipality which places the child in foster care shall meet the costs of foster care. The municipality where the child resides shall also be reimbursed for other costs arising, as provided in rules issued by the Minister. With regard to the division of costs between the state and municipalities for care and therapy under paragraph 4 of Article 65, the terms of paragraph 2 of Article 88 shall apply.¹⁾

¹⁾ Regulation No. 804/2004.

Article 76

Monitoring of foster care.

A child protection committee which places a child in foster care shall monitor the conditions and mental and physical wellbeing of the child, and the efficacy of the measures taken. The child protection committee shall visit the foster home at least once a year, and more often if deemed necessary.

Article 77

Review of foster-care agreement.

If the circumstances of the foster parents change, e.g. due to divorce, death, moving home or failure of health, the foster parents must notify the child protection committee, and the foster-care agreement shall then be reviewed if deemed necessary.

Notifications under Articles 16, 17 and 18 regarding the circumstances of a child in foster care, or notification that a foster parent is neglecting his/her duties, shall be submitted to the child protection committee which placed the child in foster care. The committee must investigate the matter without delay, and apply suitable measures.

If an agreement cannot be reached with foster parents on changes to a foster-care agreement, the child protection committee may, providing substantiated reasons, rule to alter the foster-care agreement, or to revoke it. Such a ruling may be appealed to the Child Protection Appeals Board.

Article 78

Regulations.

The Minister shall in regulations¹⁾ lay down further rules on foster care, and on the implementation of the provisions of this Section, on receipt of proposals from the Government Agency for Child Protection.

¹⁾ Regulation No. 804/2004.

SECTION XIII

Homes and institutions for which the state is responsible.

Article 79

Homes and institutions which the state shall ensure are available.

The Ministry of Social Affairs is responsible for homes and institutions being available to:

- a. admit children in emergencies in order to ensure their safety due to alleged offences or serious behavioural problems,
- b. evaluate the problems of children who are believed to require specialised treatment,
- c. provide children with specialised treatment due to serious behavioural problems, substance abuse and alleged offences.

The Government Agency for Child Protection, on behalf of the Ministry of Social Affairs, shall be responsible for establishing and operating homes and institutions under paragraph 1. The Agency may

assign the operation of them to other parties by a service agreement. Homes and institutions under paragraph 1 are under the aegis of the Government Agency for Child Protection. The Agency shall supervise the operation of the homes and institutions, professionally and financially, and it may order certain specialisation of homes. The Government Agency for Child Protection shall provide those who run the homes and institutions with instruction, guidance and general professional support.

Should a dispute arise between the Government Agency for Child Protection and the operator of a home or institution under paragraph 1, the dispute may be submitted to the Ministry of Social Affairs. The same applies if a dispute arises on the implementation of services between a person receiving services in a home under paragraph 1, or his/her guardian, on the one hand and the Government Agency for Child Protection on the other.

With regard to the foundation and general operation of homes and institutions, the provisions of regulations to be issued by the Minister of Social Affairs shall otherwise apply.

Article 80

Procedure for placement of a child in a home or institution under Article 79.

Before a child is placed in a home or institution under Article 79, the child protection committee shall attempt other supportive measures, unless it is deemed clear that these will not be efficacious. If it is necessary to place a child outside the home, a home or institution shall be selected with care, taking account of the needs and interests of the child in question.

The child protection committee shall send a request for placement of the child to the Government Agency for Child Protection, which assesses the application and makes a decision on placement in consultation with the committee, including which home would be most suitable for the child, when the placement is to begin, and its duration. In special cases the child protection committee may apply directly to a home or institution for placement of a child, under further regulations to be issued by the Minister on receipt of proposals from the Government Agency for Child Protection.

The child protection committee must prepare the child for separation from the parents, and for the prospective placement. A child protection committee which arranges a child placement shall provide child and parents with the necessary support during the placement. The committee shall monitor the child's physical and mental wellbeing, and the efficacy of the measures taken, among other things by regular visits to the home. A written agreement shall be made on the placement of each child.

If parents have waived, or been deprived of, custody of a child placed in a home or institution under Article 79, the child protection committee must provide a support family for the child if the placement is to last more than two months.

The Minister shall issue regulations, on receipt of proposals from the Government Agency for Child Protection, on the professional operations of homes under Article 79, stating the conditions for operation of a home, duration of placement, conditions for placement, decisions on choice of measures, agreements on placement of children, the duties of child protection committees and monitoring of the homes.

Article 81

Child's visitation rights.

A child placed in a home or institution under Article 79 has a right to visitation with his/her birth parents and others with whom he/she has a close relationship. Visitation entails the right to spend time together, and to other communication.

The birth parents have a right to visitation with their child, unless this is clearly contrary to the child's interests and needs, and incompatible with the objectives of the placement. Those who regard themselves as having a close relationship with the child have a right to visitation by the same token, provided that this is deemed beneficial for the child. A child aged 15 years or older may make his/her own request for visitation.

When a placement agreement is made, the child protection committee shall seek to reach an agreement with those parties who are to have visitation, taking account of the rules applying at the relevant home or institution.

The child protection committee has the power to rule on disputes regarding a child's visitation with birth parents and others with whom he/she has a close relationship, whether with regard to the right to visitation, the scope of visitation rights, or visitation arrangements. If, due to special circumstances,

the child protection committee is of the view that visitation with the parents is contrary to the child's interests and needs, it may rule that a birth parent shall not have visitation rights. The child protection committee may also rule, by the same token, that others who regard themselves as having a close relationship with the child shall not have visitation rights, if the committee believes that the requirements of paragraph 2 are not met.

Those who are to have visitation with the child may request changes to the agreement on visitation rights. Should it not be possible to reach an agreement on such changes, the child protection committee shall make a ruling.

Those who are to have visitation with the child may demand that a child protection committee review its prior ruling on visitation. The child protection committee is not obliged to discuss such a demand formally, unless at least twelve months have passed since the ruling was made by the child protection committee or the Child Protection Appeals Board.

The child protection committee shall elicit the views of the home or institution where the child is placed before ruling on visitation.

A child protection committee may rule that the child's place of residence be kept secret, e.g. vis-à-vis the birth parents, if the interests of the child so demand.

Rulings made under this article may be appealed to the Child Protection Appeals Board.

Article 82

Rights of the child and coercive measures.

Homes and institutions under Article 79 shall be operated in such a way that a child residing there has personal freedom and may have contact with others as the child wishes, in accord with his/her age and maturity, and in so far as it is consistent with the purpose of the placement, responsibility for the institution, and the welfare and safety of the child and others.

The child shall be permitted to move freely inside and outside the area of the home or institution, with such restrictions as may be required to ensure the safety and welfare of the child and others. Children placed in homes under Article 79 may be prohibited from leaving the area of the home or institution within reasonable limits, and as necessary in order to achieve the objectives of the placement.

It is prohibited to:

- a. inflict physical or mental punishment upon the child,
- b. subject the child to confinement, isolation and other comparable coercive measures or disciplinary penalties unless necessary, in which case this must be as provided in regulations to be issued by the Minister of Social Affairs on receipt of proposals from the Government Agency for Child Protection.
- c. monitor a child's mail, computer communications and telephone calls, unless special reasons so demand, and if so in accord with regulations to be issued by the Minister on receipt of proposals from the State Agency for Child Protection.

The Minister shall issue regulations on receipt of proposals from the Government Agency for Child Protection:

- a. on the implementation of the provisions of paragraph 3, including coercive measures, and procedures relating to their application,
- b. which aim to prevent alcohol, drugs and other dangerous substances being brought into the home,
- c. on the custody of the child's personal money and possessions.

Private parties who run a home or institution on the basis of a service agreement may be authorised to make decisions on restriction of rights and application of coercive measures under this article.

Regulations to be issued by the Minister under this article, on receipt of proposals from the Government Agency for Child Protection, shall also state the rights of a child and his/her parents to appeal a decision on restriction of rights and coercive measures to the Child Protection Appeals Board.

Article 83

Licence to operate institutions and homes for children.

Individuals, non-governmental organisations and municipalities may establish and operate institutions or homes which have the objective of providing the services defined in paragraph 1 of Article 79.

Those who wish to establish a home or institution under paragraph 1 shall apply for a licence to the Government Agency for Child Protection, provided that the home or institution does not fall within the ambit of other legislation. Before a licence is granted, the views of the child protection committee where the home or institution is located shall be elicited.

The Minister shall, by regulations, lay down further rules on the operation of homes under this article, including conditions for granting of a licence, children's rights and monitoring, on receipt of proposals from the Government Agency for Child Protection.

If the Government Agency for Child Protection believes that the treatment a child receives at a home or institution licensed under paragraph 1 is unsatisfactory, the Agency shall seek to rectify this by means of guidance and admonition, granting a specified period of grace. The Government Agency for Child Protection may revoke the licence for further operations if rectification is not made within the period of grace allowed, or in the case of gross violation of the conditions of the licence.

SECTION XIV

Homes and other arrangements on the responsibility of municipalities.

Article 84

Homes and other facilities which child protection committees must have available.

Child protection committees, individually or jointly, must have the resources available, for instance by operation of residential placement facilities, group homes or by other means, to:

- a. admit children, including emergency cases, in order to ensure their safety, identify their problems or investigate their circumstances, due for instance to parental neglect, incapacity or conduct,
- b. admit children due to inadequate home circumstances or a child's special needs, for instance after treatment.

A child protection committee may assign the operation of homes under paragraph 1 to other parties on the basis of a service agreement.

The Government Agency for Child Protection shall monitor the need for homes and other facilities under paragraph 1 nationwide, shall encourage municipalities to have the necessary facilities available, and shall assist them in this context as necessary. With regard to licensing of homes under paragraphs 1 and 2 by the Government Agency for Child Protection, the provisions of Article 83 shall apply.

The provisions of Articles 80, 81 and 82 shall apply to a child's stay in homes under paragraphs 1 and 2, as relevant.

With regard to the establishment and operation of homes under this article, the terms of regulations¹⁾ to be issued by the Minister of Social Affairs, on receipt of proposals from the Government Agency for Child Protection, shall otherwise apply.

¹⁾ Regulation No. 652/2004.

Article 85

Support families.

Child protection committees shall have support families available. Those who wish to serve as support families shall apply for a licence to the child protection committee in their home district.

The Minister shall issue regulations,¹⁾ on receipt of proposals from the Government Agency for Child Protection, on support families, which shall specify, among other things, the maximum duration of placement, conditions of licences, and agreements with support families.

¹⁾ Regulation No. 652/2004.

Article 86

Summer placements on behalf of child protection committees.

Those who wish to receive children to stay in a private home for up to three months during the summer, on behalf of a child protection committee, shall apply for a licence to the child protection

committee in their home district. The child protection committee shall notify the Government Agency for Child Protection of licences granted.

The Minister shall issue regulations,¹⁾ on receipt of proposals from the Government Agency for Child Protection, on summer placements, which shall state, among other things, the condition of a licence, agreements on placement, support and monitoring.

¹⁾ Regulation No. 652/2004.

SECTION XV

Division of costs of child protection activities.

Article 87

Financial responsibility of the municipality.

The municipal council is responsible for costs incurred by the work of a child protection committee, i.e. for the service it provides, and in connection with arrangements for which the committee is responsible under this Act.

Article 88

Financial responsibility of the state.

The state shall meet costs incurred by the work of the Child Protection Appeals Board, and also work carried out on behalf of the Government Agency for Child Protection, including the costs of operation of homes and institutions which the state must ensure are available under Article 79.

The state shall pay a proportion of the cost of foster care on the basis of paragraph 4 of Article 65 as decided by the Government Agency for Child Protection. When a decision is made on the proportion of costs to be paid by the state, the Government Agency for Child Protection shall take account of costs incurred in meeting the special needs of a child placed in foster care under the article, and the special service, care and therapy which the foster parents are required to provide.

Article 89

Parental maintenance.

The parents of a child placed outside the home have an obligation to maintain the child.

A child protection committee may require parents to pay maintenance for the child during the placement, taking account of the needs of the child and of both parents' financial standing and other circumstances. The child protection committee shall rule on the amount of child maintenance to be paid. This ruling may be appealed to the Child Protection Appeals Board.

A parent who has been deprived of custody of a child by a court order is not obliged to pay maintenance.

With regard to decisions on maintenance and collection, the provisions of the Children Act shall otherwise apply.

SECTION XVI

Placement of children by other parties than child protection committees.

Article 90

Parental authority for placement of children.

Parents may assign the day-to-day care and upbringing of their children to others, provided this is not contrary to the interests of the child. Parents must notify the child protection committee when a child is placed with others for a stay of more than six months. Should a child reside with relatives, however, notification is not required unless the arrangement is intended to be for 12 months or more.

The duty of notification under paragraph 1 does not apply when a child is placed in a public institution or home, or when a child has reached the age of 15.

When a child protection committee receives notification under paragraph 1, or other information regarding notifiable placement, the committee shall ascertain whether the parents require support which would enable them to have the child living with them. If not, the child protection committee shall investigate specifically whether the interests and needs of the child are met at his/her new place of residence.

Paragraphs in red font color are amendments in Icelandic that have not yet been translated.

Should a child have been in the care of others for three months under the terms of this article, the child protection committee in the home district of the custodial parents may intervene under Articles 27, 28 or 29.

Article 91

Other placement of children in homes without intervention by child protection authorities.

Those who wish to provide summer residence for children in a private home for remuneration, for up to three months in the summer, shall apply to the child protection committee of their home district.

Voluntary organisations and other parties may establish and run homes to provide facilities for children for care, support, entertainment and healthy activities, with a licence from the Government Agency for Child Protection.

The Minister shall issue regulations,¹⁾ on receipt of proposals from the Government Agency for Child Protection, on the implementation of paragraphs 1 and 2, which shall provide, among other things, for the conditions for granting of licences, children's rights, agreements on placement, support and monitoring.

¹⁾ Regulation No. 366/2005.

SECTION XVII

General protective measures.

Article 92

Children's curfew.

Children aged 12 and under may not be out of doors after 20:00 unless accompanied by an adult. Children aged 13 to 16 may not be out of doors after 22:00, unless on their way home from a recognised event organised by a school, sports organisation or youth club. During the period 1 May to 1 September, children may be out of doors for two hours longer.

The age limits stated here shall be based upon year of birth, not date of birth.

Article 93

Monitoring of shows and social events.

A child protection committee shall, as it deems necessary, monitor theatrical performances, public shows and social events intended for children. ...¹⁾ If the committee believes that the social event is in some manner harmful to children, it may prohibit access to children under a specified age. Those who organise the events shall, at their own expense, state the age limit in advertisements, and be responsible for the prohibition being observed.

Those who organise or are responsible for modelling and beauty contests, and other similar contests with participants under the age of 18, must notify the Government Agency for Child Protection of the event. The Minister may issue further rules on participation in such events by children, on receipt of proposals from the Government Agency for Child Protection.

Children aged under 18 may not participate in nude shows or other shows of a sexual nature. Organisers of such shows are responsible for ensuring that the age limit is observed.

¹⁾ Act No. 62/2006, Article 7.

Article 94

Duties of parents and guardians.

Parents and guardians of children shall ensure that children comply with the provisions of this Section on curfews, participation in shows and performances and modelling and beauty contests, and observe the age limits and other requirements. They must also, as far as they are able, protect children against violent and pornographic material and other such material, among other things by preventing their access to it.

Article 95

General monitoring by child protection committees.

Child protection committees shall as far as possible observe the general conditions of children. Should a child protection committee have reason to believe that undesirable environmental factors, such as the availability of inappropriate entertainment or unhindered access to violent material, have a

negative impact upon children's environment, the committee shall bring this to the attention of those involved, or itself take action to rectify the situation, as applicable.

SECTION XVIII

Penalty provisions etc.

Article 96

Violations of notifiability etc.

Deliberately providing wrong or misleading information to a child protection committee on matters covered by this Act entails fines or imprisonment for up to two years.

If a person neglects to notify a child protection committee of a child being subject to such ill-treatment or poor conditions that his/her life or health is at risk, this entails fines or imprisonment for up to two years.

Article 97

Kidnapping of a child, violation of injunction, etc.

If a person contacts, visits or disturb a child contrary to a prohibition by a child protection committee, or violates a lawful order to leave the home, cf. Article 37, this entails fines or imprisonment for up to two years, unless a more severe penalty is provided by other legislation.

Any person who removes a child who has been placed by a child protection committee under this Act, or is responsible for the violation of such an arrangement, shall be subject to fines or imprisonment for up to two years.

Violations against paragraph 2 of Article 93 entail fines.

Violations against paragraph 3 of Article 93 entail fines or imprisonment for up to two years.

Article 98

Offences against a child by custodial party.

If those who have a child in their care mistreat the child mentally or physically, abuse him/her sexually or otherwise, or neglect the child mentally or physically, so that the child's life or health is at risk, this entails imprisonment of up to five years, unless more severe penalties are provided in other legislation.

Article 99

Offences against children.

[Hver sem beitir barn andlegum eða líkamlegum refsingum, hótunum eða ógnunum eða sýnir af sér aðra vanvirðandi háttsemi gagnvart barni skal sæta sektum eða fangelsi allt að þremur árum.]¹⁾

If a person incites a child to crime, promiscuity, use of alcohol or drugs, or leads the child astray by other means, this entails fines or imprisonment for up to four years.

Any person who subjects a child to aggressive, abusive or indecent behaviour or hurts or insults him/her is liable to fines or imprisonment for up to two years.

¹⁾ Act No. 52/2009, Article 3.

Article 100

Superseding of prior legislation.

If a case has been brought before a child protection committee during the period of validity of prior legislation, the provisions of this Act shall apply to the procedure in the case after this Act has come into force. This applies even when events on which a case is based have taken place, partially or entirely, during the period of validity of prior legislation.

The Child Protection Appeals Board shall take over the handling of all cases that have been appealed to the National Council for Child Protection, provided the issue falls within the ambit of the Appeals Board by the terms of this Act. The conduct of a case before the Child Protection Appeals Board shall, however, never lead to an inferior legal position of the parties than would be entailed by prior legislation.

In cases where a child protection committee has ruled to deprive parties of custody, and the ruling has not been appealed to the National Council for Child Protection, or if it has been appealed to the

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Council but the appeals procedure has not been completed, it shall be conducted under the provisions of prior legislation.

Article 101

Entry into force.

This Act shall come into force on 1 June 2002.

...

The provisions of paragraph 4 of Article 65 and paragraph 2 of Article 88 of this Act shall not enter into force until 1 January 2003.

*[This translation is published for information only.
The original Icelandic text is published in the Law Gazette.
In case of a possible discrepancy, the original Icelandic text applies.]*