



DET KONGELIGE BARNE-, LIKESTILLINGS- OG INKLUDERINGSDEPARTEMENT

Act of 17 July 1992 No. 100 relating to Child Welfare Services (the Child Welfare Act)

As subsequently amended, most recently by Act of 21 June 2013 No. 63

Ministry of Children, Equality and Social Inclusion

Content

| | |
|---|----|
| Chapter 1. The purpose and scope of the Act..... | 7 |
| Section 1-1. The purpose of the Act..... | 7 |
| Section 1-2. The territorial extent of the Act..... | 7 |
| Section 1-3. To whom the Act applies..... | 7 |
| Section 1-4. Requirement of justifiability..... | 7 |
| Chapter 2. Division of responsibility and administration..... | 7 |
| Section 2-1. The municipality's functions..... | 7 |
| Section 2-2. Organisational structure of the central government child welfare authorities..... | 8 |
| Section 2-3. The functions and authority of the central government child welfare authorities..... | 8 |
| Section 2-3 a Special provisions for Oslo Municipality..... | 10 |
| Section 2-3 b. Central government supervision of child welfare activities | 10 |
| Section 2-4. Experimental projects..... | 10 |
| Section 2-5. Commission on Child Welfare Experts | 11 |
| Chapter 3. General functions of the municipality and the child welfare service..... | 11 |
| Section 3-1. The preventive activities of the child welfare service..... | 11 |
| Section 3-2. Cooperation with other parts of the public administration..... | 12 |
| Section 3-2 a. Duty to prepare individual plans..... | 12 |
| Section 3-3. Cooperation with voluntary organisations..... | 12 |
| Section 3-4. Housing measures for unaccompanied refugee and asylum-seeking minors..... | 12 |
| Chapter 3-5. Participation in detention hearings..... | 13 |
| Chapter 4. Special measures | 13 |
| Section 4-1. Consideration of the child's best interests..... | 13 |
| Section 4-2. Notifications to the child welfare service..... | 13 |
| Section 4-3. Right and duty of the child welfare service to conduct investigations..... | 13 |
| Section 4-4. Assistance for children and families with children..... | 14 |
| Section 4-4 a. Voluntary cross-border placement in a foster home or an institution..... | 14 |
| Section 4-5. Monitoring of assistance..... | 15 |
| Section 4-6. Interim orders in emergencies..... | 15 |
| Section 4-7 Children placed in care by the parents..... | 15 |

| | |
|--|----|
| Section 4-8 Ban on removal of the child, or issue of a care order, when the child lives away from home..... | 16 |
| Section 4-9 Interim orders under section 4-8..... | 16 |
| Section 4-10. Orders for medical examination and treatment..... | 17 |
| Section 4-11.Treatment orders for children with special treatment and training needs..... | 17 |
| Section 4-12 Care orders | 17 |
| Section 4-13. Implementation of care orders..... | 17 |
| Section 4-14. Placement alternatives after a care order | 18 |
| Section 4-15. Choice of placement in the individual case..... | 18 |
| Section 4-16. Follow-up of care orders..... | 18 |
| Section 4-17. Relocation of the child..... | 19 |
| Section 4-18. Responsibility for care in the parents' stead..... | 19 |
| Section 4-19 Visitation rights. Covert address..... | 19 |
| Section 4-20. Deprivation of parental responsibility. Adoption..... | 20 |
| Section 4-20a. Contact visits between the child and his or her biological parents after adoption | 20 |
| Section 4-21. Revocation of a care order..... | 21 |
| Section 4-22. Foster homes..... | 21 |
| Section 4-23. Provision of-foster homes..... | 22 |
| Section 4-24. Placement and retention in an institution without the child's own consent..... | 22 |
| Section 4-25. Procedure in connection with orders under section 4-24..... | 23 |
| Section 4-26. Retention in an institution on the basis of consent..... | 23 |
| Section 4-27. Placement alternatives in connection with orders regarding measures for children and youth with severe behavioural problems; see sections 4-24 and 4-26..... | 24 |
| Section 4-28. Action plan..... | 24 |
| Section 4-29. Temporary placement in an institution without consent in the event of a risk of exploitation for human trafficking | 25 |
| Section 4-30. Follow-up of orders regarding placement in an institution in the event of a risk of exploitation for human trafficking | 26 |
| Section 4-31. Prohibition from taking the child out of Norway..... | 26 |
| Chapter 5. Institutions..... | 27 |
| Section 5-1. Responsibility for institutions for children..... | 27 |
| Section 5-2. (Repealed by the Act of 9 May 2003 No. 29 (in force from 1 January 2004 under the Decree of 9 May 2003 No. 596).)..... | 27 |
| Section 5-3. (Repealed by the Act of 9 May 2003 No. 29 (in force from 1 January 2004 under the Decree of 9 May 2003 No. 596).)..... | 27 |

| | |
|---|----|
| Section 5-4. Admission to and discharge from institutions as mentioned in section 5-1..... | 27 |
| Section 5-5. (Repealed by the Act of 9 May 2003 No. 29 (in force from 1 January 2004 under the Decree of 9 May 2003 No. 596).)..... | 27 |
| Section 5-6. Cooperation with institutions falling within the scope of other statutes..... | 27 |
| Section 5-7. Supervision. | 28 |
| Section 5-8. Private and municipal institutions and centres for parents and children..... | 28 |
| Section 5-8 a. Institutions with homes..... | 28 |
| Section 5-9. Rights during stays in institutions falling within the scope of section 5-1 and in private and municipal institutions approved under section 5-8. | 28 |
| Section 5-9a. Rights during stays in a centre for parents and children. | 29 |
| Section 5-10. General requirements for institutions and centres for parents and children..... | 30 |
| Chapter 5 A. Care centres for minors. | 30 |
| Section 5A-1. Offer to stay in a care centre for minors. | 30 |
| Section 5A-2. Responsibility for care. | 30 |
| Section 5A-3. Responsibility for meeting the child's needs upon arrival. | 30 |
| Section 5A-4. Follow-up orders. | 31 |
| Section 5A-5. Responsibility for monitoring the child's development during his or her stay at the care centre. | 31 |
| Section 5A-6. Assessment. | 31 |
| Section 5A-7. Supervision, approval, rights during the stay and quality standards. | 31 |
| Section 5A-8. Responsibility for establishment and operation. | 31 |
| Section 5A-9. Financial responsibility..... | 32 |
| Section 5A-10. Placement in a care centre under Chapter 4 of this Act | 32 |
| Chapter 6. General rules of procedure. | 32 |
| Section 6-1. Application of the Public Administration Act. | 32 |
| Section 6-2. Application of the Public Administration Act to private institutions, centres for parents and children, and care centres for minors..... | 32 |
| Section 6-3. Children's rights during proceedings. | 33 |
| Section 6-4. Obtaining information. | 33 |
| Section 6-4a. (Repealed by the Act of 19 June 2009 No. 44 (in force from 1 January 2010 under the Decree of 4 September 2009 No. 1154).) | 33 |
| Section 6-5. Appeals against decisions of the child welfare service and the Office for Children, Youth and Family Affairs. | 33 |
| Section 6-6. The county governor's competence in appeals..... | 34 |
| Section 6-7. Duty of confidentiality. | 34 |

| | |
|---|----|
| Section 6-7a. Response to reporters..... | 35 |
| Section 6-8. Use of force when carrying out investigations and when executing orders. | 35 |
| Section 6-9. Time limits and imposition of fines. | 35 |
| Section 6-10. Criminal record certificate..... | 36 |
| Chapter 7. Rules of procedure for the county social welfare board. | 36 |
| Section 7-1. The territorial jurisdiction of the county social welfare board. | 36 |
| Section 7-2. The composition of the county social welfare board. | 37 |
| Section 7-3. Main principles for the county social welfare board's proceedings. | 37 |
| Section 7-4. Access to documents. | 38 |
| Section 7-5. The board's composition in individual cases. | 38 |
| Section 7-6. Impartiality. | 38 |
| Section 7-7. Summoning of the parties. Non-appearance..... | 38 |
| Section 7-8. Legal counsel..... | 39 |
| Section 7-9. Spokesperson..... | 39 |
| Section 7-10. Initiation of proceedings by the child welfare service..... | 39 |
| Section 7-11. Applications for measures. Reply..... | 39 |
| Section 7-12. Preparatory proceedings in the county social welfare board..... | 40 |
| Section 7-13. Procedural decisions. Summary dismissal and discontinuance. .. | 41 |
| Section 7-14. When a negotiation meeting shall be held..... | 41 |
| Section 7-15. Implementation of the negotiation meeting..... | 42 |
| Section 7-16. In camera proceedings. | 42 |
| Section 7-17. Evidence..... | 42 |
| Section 7-18. Basis for decision-making..... | 42 |
| Section 7-19. Administrative decisions. | 43 |
| Section 7-20. Correcting errors. Supplementary decisions. | 43 |
| Section 7-21. Service of decisions..... | 43 |
| Section 7-22. Approval of emergency orders..... | 44 |
| Section 7-23. Appeal against emergency orders. | 44 |
| Section 7-24. Judicial review. | 44 |
| Section 7-25. Attempt to initiate a dialogue process..... | 45 |
| Chapter 8. Responsibility for providing assistance under the Act. | 45 |
| Section 8-1. Responsibility of the municipality of residence..... | 45 |
| Section 8-2. Responsibility of the Office for Children, Youth and Family Affairs. | 45 |
| Section 8-3. Resolution of disputes. | 45 |
| Section 8-4. Responsibility for initiating legal proceedings..... | 45 |
| Chapter 9. Financing, parental contributions, children's contributions. | 46 |