COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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# ANNEXES
# TO THE THIRD REPORT SUBMITTED BY FINLAND PURSUANT TO ARTICLE 25, PARAGRAPH 1 OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

(Received on 17 February 2010)

# Act on Yleisradio Oy

(Finnish Broadcasting Company)

(1380/1993; amendments up to 635/2005 included)

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## Chapter 1

## General provisions

### Section 1 (492/2002)
*Status of the company*

Yleisradio Oy shall be a limited company operating in the administrative sector of the Ministry of Transport and Communications and engaged in public service in accordance with section 7. The company may also engage in other activities in accordance with its articles of association.

The right of the company to operate television and radio broadcasting shall be governed by separate provisions. The technical equipment required for its activities shall be governed by the provisions of the Radio Act (1015/2001) and the Communications Market Act (396/1997).

The provisions of the Companies Act (734/1978) shall be applied to the company with exceptions provided for in this Act.

### Section 2
*Ownership of the company*

The State shall own and control the share capital of the company to an extent which corresponds to at least 70 per cent of all the shares in the company and of the votes generated by all the shares in the company.

### Section 3 (492/2002)
*Operating requirements of the company*

In developing other television and radio broadcasting activities including the related additional and extra services, the Ministry of Transport and Communications shall take into account the operating requirements of public service referred to in section 7.

## Chapter 2

## Administration

Section 4
*Administrative organs*

The administrative organs of the company shall consist of an Administrative Council, a Board of Directors, and a Director General acting as Managing Director.

Section 5 (37/2000)
*Administrative Council*

The company shall have an Administrative Council which shall have 21 members.

The members of the Administrative Council shall be elected by Parliament in its first session of the parliamentary term. Their term of office shall begin as soon as the election has been completed, and it shall continue until the election of the new members of the Administrative Council. The members of the Administrative Council shall include representatives from the fields of science, art, education, business and economics, as well as representatives of different social and language groups.

The members of the Administrative Council shall elect a chairman and a vice chairman from among themselves.

*(Subsection 4 has been repealed by Act 746/1998.)*

Section 6 (635/2005)
*Duties of the Administrative Council*

The duties of the Administrative Council shall be:

1) to elect and dismiss the company's Board of Directors and its Chairman and to determine the compensation for Board Members;
2) to decide on issues concerning considerable restriction or expansion of the activities or significant changes in the organization of the company;
3) to oversee and supervise that tasks involving public service programme activities are carried out;
4) to submit every second year to Parliament a report on the implementation of the public service in the past two years after having heard the Sami Parliament;
5) to decide on the economical and operational guidelines;
6) to review and approve the annual report of the Board of Directors;
7) to supervise the administration of the company and issue a statement on the financial statement and the auditors' report to the Ordinary General Meeting of the shareholders.

The Administrative Council shall also discuss other matters referred to it by the Board of Directors.

The Chairman shall summon the Administrative Council, if a written request by at least one third of its members to deal with a referred issue has been submitted. A notice of meeting shall be issued within one month of the request.

Section 6 a (635/2005)
*Board of Directors*

The company shall have a Board of Directors with at least five and at the most eight members who shall not be members of the Administrative Council or the company's senior management.

The Board of Directors shall represent sufficient expertise and both language groups.

The duties of the Board of Directors shall be:

1) to elect and dismiss the company's Director General and to confirm his or her salary and other terms concerning the office; the Director General shall not be a member of the Administrative Council or the Board of Directors;

2) to elect other members of the company's senior management and confirm their salaries and other terms concerning their office;

3) to decide the budget for the following year;

4) to summon the Ordinary General Meeting and prepare the items of the agenda;

5) to submit an annual report of the company's operations to the Finnish Communications Regulatory Authority.

## Chapter 3

## **The duties of the company**

Section 7 (635/2005)
*Public service*

The company shall be responsible for the provision of comprehensive television and radio programming with the related additional and extra services for all citizens under equal conditions. These and other content services related to public service may be provided in all telecommunications networks.

The public service programming shall in particular:

1) support democracy and everyone's opportunity to participate by providing a wide variety of information, opinions and debates as well as opportunities to interact;

2) produce, create and develop Finnish culture, art and inspiring entertainment;
3) take educational and equality aspects into consideration in the programmes, provide an opportunity to learn and study, give focus on programming for children, and offer devotional programmes;
4) treat in its broadcasting Finnish-speaking and Swedish-speaking citizens on equal grounds and produce services in the Sami, Romany, and sign languages as well as, where applicable, in the languages of other language groups in the country;
5); support tolerance and multiculturalism and provide programming for minority and special groups;
6) promote cultural interaction and provide programming directed abroad; and
7) broadcast official announcements, for which further provisions shall be issued by decree, and make provision for television and radio broadcasting in exceptional circumstances

Section 7 a (396/2003)
*Differentiation of material provision*

If the company provides material, which has been created in the production of television and radio programming, elsewhere than in television and radio operations, it shall differentiate between the public service television and radio broadcasting and other public service operations.

For the purposes of this section, differentiation means that for each financial period a profit and loss statement shall be issued on the differentiated operations as well as a balance sheet on public service operations. A profit and loss statement and a balance sheet that both must be traceable to company accounts shall be drawn up, where appropriate, in accordance with provisions of the Accounting Act (1336/1997).

If the company takes into its own use material produced in public service television and radio operations in order to provide it elsewhere than in television and radio operations, the same terms shall be applied as when the company releases material to be used outside the company.

Compliance with subsections 1 – 3 shall be monitored by the Finnish Communications Regulatory Authority. On request of the Communications Regulatory Authority the company shall deliver its financial statements and the profit and loss statements and balance sheets of the differentiated operations.

Section 8 (396/2003)
*Other duties*

The annual general meeting may decide to amend the articles of association in such a manner that the company can engage in other activities than public service provided in accordance with section 7. In accounting, these activities shall be kept separate from public service operations.

Section 8 a (396/2003)
*Differentiation of network service*

If the company provides network service as referred to in section 2 of the Communications Market Act (393/2003), it shall for accounting purposes differentiate between the operations related to network service provision and other operations.

Compliance with this section shall be monitored by the Finnish Communications Regulatory Authority. On request of the Communications Regulatory Authority the company shall deliver financial statements and the profit and loss statements and balance sheets of the differentiated operations.

Chapter 4

*(Chapter 4 has been repealed by Act 746/1998)*

Chapter 5

**Miscellaneous provisions**

Section 12 (492/2002)
*Prohibition on advertising*

The company shall not broadcast advertising in connection with its television or radio programmes or other content services that are provided within the framework of public service in various telecommunications networks.

The company shall not produce sponsored programmes.

Section 12 a (396/2003)
*Report to the Finnish Communications Regulatory Authority*

By the end of April every year Yleisradio Oy shall submit a report to the Finnish Communications Regulatory Authority on the public service provided during the previous calendar year. The report shall include the information needed in the supervision of television and radio broadcasting by the Communications Regulatory Authority. The Communications Regulatory Authority shall issue a statement to Government about the report by the end of September.

Chapter 6

**Entry into force**

Section 13
*Entry into force*

This Act enters into force on 1 January 1994.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 14
*Repealed provisions*

This Act shall repeal the following:
1) the Act on the right of the Government to Transfer to a Limited Company State Property Acquired for the Purpose of Public Broadcasting (216/34), given on 18 May 1934, as amended, and
2) subsection 1 of section 6 of the Telecommunications Act given on 20 February 1987.

Section 15
*Transitional provision*

The operating licence for broadcasting issued by the Government to Yleisradio Oy shall expire on the entry into force of this Act. The Administrative Council elected for Yleisradio Oy on 16 April 1991 shall continue in office after the entry into force of this Act as an Administrative Council in the meaning of this Act until the close of its present term of office. Decisions concerning the transition period shall be made by the Administrative Council as regards the management appointed for the five-year term beginning on 1 January 1990. The transition period shall close by the end of the year 1994.

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Application and entry into force of amending provisions:

340/1995:

This Act enters into force on 20 March 1995.

746/1998:

This Act enters into force on 1 January 1999

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

37/2000:

This Act enters into force on 1 March 2000.

492/2002:

This Act enters into force on 1 July 2002.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

396/2003:

This Act enters into force on 25 July 2003.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

635/2005:

This Act enters into force on 1 January 2006.

Section 6(1)(4) of this Act shall be applied for the first time to the report covering 2005 and 2006.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

# Language Act

(423/2003)

The following is enacted in accordance with the decision of Parliament:

## Chapter 1 — **General provisions**

### Section 1 — *National languages*

The national languages of Finland are Finnish and Swedish.

### Section 2 – *The purpose of the Act*

(1) The purpose of this Act is to ensure the constitutional right of every person to use his or her own language, either Finnish or Swedish, before courts and other authorities.

(2) The goal is to ensure the right of everyone to a fair trial and good administration irrespective of language and to secure the linguistic rights of an individual person without him or her needing specifically to refer to these rights.

(3) An authority may provide better linguistic services than what is required in this Act.

### Section 3 — *The scope of application of the Act*

(1) This Act applies to courts and other State authorities, the authorities of one or several municipalities, independent institutions under public law, Parliamentary offices and the Office of the President of the Republic (an *authority*), unless otherwise provided.

(2) Provisions on the languages used in Parliamentary work are contained in the Constitution and in the Rules of Procedure of Parliament (40/2000).

(3) Unless otherwise provided in the respective Acts, this Act does not apply:

1) to universities, in respect of which provisions on languages are contained in the University Act (645/1997);

2) to the Evangelical-Lutheran Church, in respect of which provisions on languages are contained in the Church Act (1054/1993); nor to

3) the Orthodox Church, in respect of which provisions on languages are contained in the Orthodox Church Act (521/1969).

(4) Sections 24, 25, 33(4) and 34 contain provisions on the application of this Act to public enterprises, companies and individuals.

Section 4 — *Other provisions regarding language*

(1) In addition to this Act, for example the following special legislation applies:

1) legislation on education contains provisions on the language of instruction, language as an educational subject, and the language of examination;
2) legislation on broadcasting, theatres, pictorial presentations, libraries, youth work and physical education contains provisions on linguistic rights related to cultural activity;
3) legislation on health care and social welfare contains provisions on the linguistic rights of patients and social welfare clients;
4) legislation on preliminary investigation and court procedure contains provisions on the language used in preliminary investigation and in court procedure; and
5) legislation on the personnel of public bodies contains provisions on the language skills required of such personnel.

Section 5 — *Linguistic division of the country*

(1) The basic unit of the linguistic division of the country is the municipality. A municipality is either *unilingual* or *bilingual*. Government determines every ten years by a Government Decree, on the basis of the official statistics, which municipalities are bilingual and which is the language of

the majority in these municipalities, as well as which municipalities are unilingual Finnish or Swedish-speaking municipalities.

(2) A municipality is designated bilingual if the population includes both Finnish and Swedish speakers and the minority comprises at least eight percent of the population or at least 3,000 persons. A bilingual municipality is designated unilingual if the minority comprises less than 3,000 persons and its proportion has decreased below six percent. On the recommendation of the municipal council Government may determine by a Government Decree that the municipal is bilingual for the following ten-year period even if the municipality would otherwise be unilingual.

(3) When the boundaries of municipalities are changed, a decision shall be taken at the same time on the effect of the amendment on the linguistic status of municipalities.

Section 6 — *Unilingual and bilingual authorities*

(1) The following terms are used in this Act:

1) *unilingual authority* refers to a State authority with a district that contains only municipalities that use the same language, to an authority of a unilingual municipality, and to an authority of a joint municipal organisation if all the member municipalities use the same language; and

2) *bilingual authority* refers to central State administrative authorities and another State authority with a district that contains municipalities that use different languages or at least one bilingual municipality, to an authority of a bilingual municipality and to an authority of a joint municipal organisation if the member municipalities use different languages or the organisation contains at least one bilingual municipality.

(2) The linguistic status of a local unit or other regional organisation of an authority is determined by the linguistic status of its district. For special reasons, unilingual units or departments may be established to meet the needs of the linguistic minority in a district.

Section 7 — *Linguistic provisions regarding the Åland Islands*

Linguistic provisions regarding the Åland Islands are contained in the Act on Autonomy of Åland (1144/1991).

Section 8 — *The Saami language*

Separate provisions apply on the use of the Saami language by authorities and otherwise in the performance of a function that is incumbent on a public authority.

Section 9 — *Other languages*

Provisions on the right to use languages other than Finnish, Swedish and Saami before an authority are contained in the legislation on court proceedings, administrative proceedings and administrative judicial procedure, legislation on education, legislation on health care and social welfare and legislation on other administrative sectors.

## Chapter 2 – **The right to use Finnish and Swedish before an authority**

Section 10 — *The linguistic rights of a private individual before an authority*

(1) Everyone has the right to use Finnish or Swedish before a State authority and an authority of a bilingual municipality. In addition, an authority shall arrange that a person to be heard in a matter has the possibility of being heard in his or her own language, Finnish or Swedish.

(2) A unilingual municipal authority uses the language of the municipality, unless the authority decides otherwise on request or unless otherwise provided elsewhere in law. However, everyone has the right to use, and be heard in, his or her own language in a matter that has become pending on the initiative of an authority and that directly affects his or her fundamental rights, the fundamental rights of a person in his or her custody, or an obligation that he or she has been assigned by the authority.

Section 11 — *The linguistic rights of a legal person before an authority*

A company, association and other legal person has the right, when dealing with an authority, and through application as appropriate of the provisions on the linguistic rights of a private individual, to use its language of record, either Finnish or Swedish. However, in a matter that is under consideration before a court or another authority, a legal person that is bilingual in accordance with its articles of association or rules shall respond in the language in which the matter has been initiated.

## Chapter 3 – **The language of proceedings before an authority**

Section 12 — *The language of proceedings in administrative matters*

(1) The language of the party is used as the language of proceedings in administrative matters in a bilingual authority. If the parties speak different languages or if not all parties are known to the authority at the time the matter is initiated, the authority decides on the language to be used with regard to the rights and interests of the parties. If the language to be used cannot be decided on this basis, the language of the majority of the authority's district is used.

(2) A unilingual authority uses its language as the language of proceedings in administrative matters, unless with regard to the rights and interests of the parties the authority selects the other language.

Section 13 — *The language of proceedings in administrative judicial procedure*

(1) The provisions of Section 12 on the language of proceedings in administrative matters apply to the language of proceedings in administrative judicial procedure.

(2) In administrative litigation before a bilingual court in a matter where the parties are an authority and a private individual, the language of the private individual is used as the language of proceedings. If all the parties are authorities, the language of the authority that has initiated

the matter is used, unless with regard to the rights and interests of the opposing party the use of the other language is justified.

(3) In administrative litigation before a unilingual court the language of the district is used as the language of proceedings, unless with regard to the rights and interests of the parties the court selects the other language.

Section 14 — *The language of proceedings in criminal cases*

(1) In criminal cases before bilingual local courts the language of the defendant is used as the language of the proceedings. If the defendants speak different languages or if the defendant speaks a language other than Finnish or Swedish, the court decides on the language of the proceedings with regard to the rights and interests of the parties. If the language cannot be decided on this basis, the language of the majority in the court district is used.

(2) In unilingual local courts the language of the court district is used unless with regard to the rights and interests of the parties the court selects the other language.

(3) The provisions in subsections 1 and 2 on courts apply as appropriate also to prosecutorial authorities. The Preliminary Investigation Act (449/1987) contains more detailed provisions on the language to be used in preliminary investigation.

Section 15 — *The language of proceedings in civil cases*

(1) In civil cases before bilingual local courts the language of the parties is used as the language of the proceedings. If the parties speak different languages and cannot agree on the language to be used, the court decides on the language of the proceedings with regard to the rights and interests of the parties. If the language cannot be decided on this basis, the language of the majority in the court district is used.

(2) In unilingual local courts the language of the court district is used unless with regard to the rights and interests of the parties the court selects the other language.

Section 16 — *The language of proceedings in non-contentious civil cases*

(1) What is provided in Section 15 applies also to non-contentious civil cases and to the consideration of other than criminal and civil cases in a local court.

(2) If there is only one party in the case, the language of the applicant is used in a bilingual court and what is provided in Section 15(2) applies in a unilingual court.

Section 17 — *The language of proceedings in appellate cases before a Court of Appeal and the Supreme Court*

The language used on the lower level is used before the Court of Appeal and the Supreme Court, unless with regard to the rights and interests of the parties the court selects the other language.

Section 18 — *The right to interpretation*

(1) If a person has the right under law to use his or her own language but the language of an authority or the language of proceedings is different, the authority shall arrange for interpretation free of charge unless it itself takes care of the interpretation or unless otherwise provided under subsection 2.

(2) A party who wants interpretation in a case referred to in Sections 15 and 16 shall arrange for the interpretation himself or herself and at his or her own expense, unless with regard to the nature of the case the court decides otherwise.

## Chapter 4 – **The language of a document containing a decision and of other documents**

Section 19 — *The language of a judgment, decision and other document*

(1) A judgment, decision and other document issued by an authority in a case referred to in Sections 12 through 17 is drafted in the language of the proceedings.

(2) In accordance with the discretion of an authority, documents related to the preparation and consideration of a matter may be drafted in part in Finnish and in part in Swedish. Nonetheless, a decision and a judgment shall be issued in one language only.

(3) Notices, summonses and letters that are sent to parties or to a person who, under law, is to be notified of a pending case or a case that is to be taken up for consideration are sent by a bilingual authority, regardless of the language of proceedings, in the language of the recipient if this is known or can reasonably be ascertained, or in both Finnish and Swedish.

Section 20 — *Right to a translation of a document containing a decision and other documents*

(1) If an application for a summons, judgment, decision, record or other document has been drafted in a language other than the language of the party, and unless otherwise provided under subsection 2, a State authority and an authority of a bilingual municipality shall give the party on request an official translation free of charge of such documents to the extent that the matter relates to his or her rights, interests or obligations.

(2) A party who wants a translation in a matter referred to in Sections 15 and 16 shall attend to this himself or herself at his or her own expense, unless with regard to the nature of the matter the court decides otherwise.

(3) An authority of a unilingual municipality gives a party on request an official translation free of charge of a document containing a decision that has been initiated by the authority and that directly affects his or her fundamental rights, the fundamental rights of a person in his or her custody, or an obligation that he or she has been assigned by the authority.

Section 21 — *Official translation of a document containing a decision and of other documents*

(1) In this Act an “official translation” refers to a Finnish or Swedish-language translation made by an authority or a licensed translator.

(2) An official translation of a document containing a decision that has been issued in accordance with this Act is valid as an original.
(3) If a translation error is noted in an official translation, the authority shall correct it, unless its correction is manifestly unnecessary. In such a case the party is given a copy of the corrected document containing the decision free of charge.

Section 22 — *Issuing a document containing a decision and other documents in a foreign language*

(1) A document containing a decision or other document to be sent by a Finnish authority abroad or issued to a foreigner or intended for use abroad may be issued in other than Finnish or Swedish, unless otherwise provided.
(2) If a document containing a decision or other document issued in a foreign language pertains to the rights, interests or obligations of another person, and such person would otherwise have the right under this Act to receive it in Finnish or Swedish, an official translation of it shall on request be issued to him or her free of charge.

## Chapter 5 – **Securing linguistic rights**

Section 23 — *The obligation of an authority to secure linguistic rights*

(1) An authority shall ensure in its activity and on its own initiative that the linguistic rights of private individuals are secured in practice.
(2) A bilingual authority shall serve the public in Finnish and Swedish. An authority shall demonstrate to the public both in its services and in its other activity that it uses both languages.
(3) In its contacts with private individuals and legal persons, a bilingual authority shall use their language, Finnish or Swedish, if this is known or can reasonably be ascertained, or both.

Section 24 — *Linguistic services of a public enterprise and a State and municipal company*

(1) A public enterprise and a service-producing company in which the State or one or more bilingual municipalities or municipalities using different languages exert authority shall provide services and information in Finnish and Swedish to the extent and manner required by the nature of the activity and its substantive connections and which in view of the totality cannot be deemed unreasonable from the point of view of the company. What is provided in this Act regarding authorities applies to a State company that attends to a function of an authority.

(2) In addition to what is provided in subsection 1, public enterprises and companies shall comply with what is provided separately on the linguistic services that are to be given in their activity.

Section 25 — *The obligation of a private individual to provide linguistic services*

If a public administrative task has been assigned by or under law to a private individual, the provisions of this Act on an authority apply to the said private individual in attending to this task. If the recipient of the task is determined on the basis of a decision or other action of an authority or on the basis of an agreement between an authority and the recipient, the authority shall ensure that linguistic services are provided in accordance with this Act in the performance of the task. This shall also be ensured when an authority assigns other than a public administrative task to a private individual, if the maintenance of the level of service required by this Act so demands.

## Chapter 6 – **The working language of the authorities**

Section 26 — *The working language of State authorities*

A State authority uses the language of the majority of its official district as its working language, unless the use of the other language, of both languages or for a special reason of a foreign language is more appropriate.

Section 27 — *Correspondence between authorities*

(1) The Finnish language is used in correspondence between State authorities, unless the recipient or sending authority is unilingually Swedish-speaking or unless for another reason it is more appropriate to use Swedish or another language.

(2) When sending correspondence to a municipality, a State authority shall use the language of the municipality or of the majority of the population in the municipality, unless provided otherwise in accordance with subsection 3 or unless the authority uses both languages. A State authority shall use the language of the recipient when sending correspondence to universities, vocational colleges and other educational institutions.

(3) When requesting and submitting statements in a matter in which a document containing a decision or another document is to be given to a party, a State and municipal authority shall use the language of the proceedings. However, a unilingual authority may issue its statement in its own language. In such a case, on the request of the authority, the authority that deals with the matter issues an official translation of the statement free of charge.

Section 28 — *Multi-member bodies*

A member of the Government and of a State committee, commission, working group and corresponding body as well as a member of an organ of a bilingual municipality has the right to use Finnish or Swedish in a meeting and in a written statement or opinion to be appended to the records or report. If another member of the body does not understand an oral statement, it shall be explained to him or her briefly on request.

Section 29 — *Summons to and records of municipal meetings and municipal regulations*

(1) A summons to a meeting and a record of a meeting of the council of a bilingual municipality is drafted in Finnish and Swedish. The

municipality decides on the language of summons to meetings and records of meetings of other municipal bodies.

(2) The regulations and corresponding rules of bilateral municipalities are issued in Finnish and Swedish.

## Chapter 7 – **Languages to be used in legislation and in public notices**

### Section 30 — *Acts and other statutes*

(1) Acts are adopted and published in Finnish and Swedish. Also decrees and legal rules issued by authorities are issued in both national languages.

(2) Provisions on the publication of Acts and of other statutes are contained in the Constitution and in the legislation on the Statute Book of Finland and on collections of the regulations of authorities.

(3) Separate provisions apply to the language of international agreements and to standards referred to in statutes.

### Section 31 — *Legislative proposals and reports*

(1) The legislative proposals and related reports of Ministerial and State committees, commissions, working groups and corresponding bodies are published in Finnish. The publication shall include a Swedish summary and the Swedish text of the legislative proposal.

(2) If the Ministry in question deems the report to be of considerable significance to the Swedish-speaking population in the country, the report shall be published in full in Swedish. Similarly, a legislative proposal or report that deals only with the Åland Province or that is of particularly great significance to the Province shall be published in full in Swedish.

(3) If a legislative proposal or report is of significance primarily to the Swedish-speaking population or to the Åland Province, it may be published in Swedish so that the publication includes a Finnish summary and a Finnish text of the legislative proposal.

Section 32 — *Information given by the authorities*

(1) In information given by a State or municipal authority to the public in a bilingual municipality, Finnish and Swedish are used. The competent Ministry shall ensure that information relevant in respect of the life, health and safety of the individual and in respect of property and the environment are issued in the entire country in both national languages.

(2) Notices, public announcements and proclamations as well as other information by an authority of a bilingual municipality shall be issued in Finnish and Swedish.

(3) Publication of reports, decisions or other corresponding texts drafted by the authorities does not require that these be translated as such. Nonetheless, an authority shall provide for the needs of both the Finnish-speaking and Swedish-speaking population for information.

Section 33 — *Signs and place names and public transport*

(1) The texts of signs, traffic signs and other corresponding signposts directed at the public posted by authorities in bilingual municipalities shall be in Finnish and Swedish, unless solely foreign languages are to be used in them in accordance with international practice.

(2) Road traffic legislation contains further provisions on the language of traffic signs and other guideposts on roads and streets.

(3) Provisions on the place names to be used in signs posted by the authorities may be issued by a Government Decree. A statement by the Research Institute for the Languages of Finland shall be obtained before a Decree is issued.

(4) Provisions on the language to be used in signs and notices directed at passengers in public transport may be issued in a Government Decree.

Section 34 — *Information to be provided on consumer goods*

When the law requires that a product to be sold is labelled, in accordance with commercial practice, with a name, with a description of the product, instructions or warning, the text on a product to be sold in a unilingual municipality shall be at least in the language of this municipality and the

text on a product to be sold in a bilingual municipality shall be at least in Finnish and Swedish. In providing the information here referred to, Finnish and Swedish shall be dealt with on an equal basis.

## Chapter 8 – **Promotion and follow-up of linguistic rights**

### Section 35 — *Measures for the promotion of linguistic rights*

(1) In accordance with the Constitution, the Government shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking population of the country on an equal basis.

(2) In the organisation of administration, the objective shall be made suitable territorial divisions, so that the Finnish-speaking and Swedish-speaking populations have an opportunity to receive services in their own language on an equal basis.

(3) In their activity, authorities shall protect the linguistic cultural tradition of the nation and promote the use of both national languages. If required by the circumstances, the Government shall undertake special measures in order to secure cultural or societal needs related to the national languages.

### Section 36 — *Supervision and monitoring*

(1) Each authority supervises application of this Act within its own area of operation.

(2) The Ministry of Justice monitors enforcement and application of this Act and issues recommendations in questions related to legislation on national languages. As necessary the Ministry takes initiatives and undertake other measures in order to rectify defects it has observed.

### Section 37 — *Report on the application of language legislation*

(1) Each electoral period the Government reports to the Parliament, as supplemental material to the Report on Governmental Measures, on the application of language legislation and on the securing of linguistic rights and, as necessary, on other linguistic conditions.

(2) The report deals not only with Finnish and Swedish but also with at least Saami, Romani and sign language.

Chapter 9 – **Miscellaneous provisions**

Section 38 — *Finland's foreign missions*

(1) The provisions of this Act on bilingual authorities for which the language of the majority is Finnish apply to Finland's foreign missions. However, this Act does not apply to honorary consulates.

(2) More detailed provisions on the use of foreign languages in missions may be issued by Government Decree.

Section 39 — *Defence Force units and the language of command*

(1) The language of Defence Force units is Finnish. However, there shall be at least one Swedish-speaking unit. Other Swedish-language military units and military elements as well as bilingual units may be established as necessary as provided in the legislation on the Defence Forces.

(2) The Military Service Act (452/1950) contains provisions on the right of a conscript to be assigned to a unit where the language of training is his or her mother language, Finnish or Swedish. The Civilian Service Act (1723/1991) contains provisions on the right of Finnish-speaking and Swedish-speaking conscientious objectors to perform civilian service in their mother language.

(3) The language of command of the Defence Forces is Finnish.

Section 40 — *The Prison Service Administration*

(1) Notwithstanding the provisions of Section 6, prisons and their departments that are part of the Prison Service Administration are unilingually Finnish.

(2) Nonetheless, one or more Swedish-speaking or bilingual departments may be established in prisons by a Decree of the Ministry of Justice.

Section 41 — *More detailed provisions*

More detailed provisions on the implementation of this Act shall be issued by Government Decree.

## Chapter 10 – **Provisions on entry into force and transitional provisions**

Section 42 — *Entry into force*

(1) This Act enters into force on 1 January 2004.

(2) This Act repeals the Language Act of 1 June 1922 (148/1922) as subsequently amended.

(3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 43 — *Transitional provisions*

(1) After this Act enters into force, a reference in an Act or Decree issued before this Act enters into force to the Language Act repealed by this Act shall refer to this Act.

(2) Provisions that were in force at the time this Act enters into force continue to apply to matters that have become pending before this Act enters into force, unless an authority decides otherwise with regard to the rights and interests of the parties.

(3) The Government Decree on the Linguistic Divisions of Official and Self-Government Districts 2003—2012 (1174/2002) is in force until the end of the period of validity provided in the Decree, to the extent that it applies to the linguistic status of municipalities, after which a new Government Decree shall be issued on the linguistic status of municipalities, on the basis of Section 5(1) of this Act.

(4) Texts related to consumer goods referred to in Section 34 of this Act shall be brought into conformity with this Act within five years of the entry of this Act into force.

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# Non-Discrimination Act (21/2004 )

(as amended by Act No 50/2006)

## Section 1
*Purpose of the Act*

The purpose of this Act is to foster and safeguard equality and enhance the protection provided by law to those who have been discriminated against in cases of discrimination that fall under the scope of this Act.

## Section 2
*Scope of application*

This Act applies to both public and private activities in the following contexts:

1) conditions for access to self-employment or means of livelihood, and support for business activities;
2) recruitment conditions, employment and working conditions, personnel training and promotion;
3) access to training, including advanced training and retraining, and vocational guidance; and
4) membership and involvement in an organization of workers or employers or other organizations whose members carry out a particular profession, including the benefits provided by such organizations.

The Act also applies to discrimination based on ethnic origin concerning:

1) social welfare and health care services;
2) social security benefits or other forms of support, rebate or advantage granted on social grounds;
3) the performance of military service, women's voluntary military service or non-military service; or
4) the supply of or access to housing and movable and immovable property and services on offer or available to the general public other than in respect of relationships between private individuals.

## Section 3
*Limits on scope of application*

This Act does not apply to:

1) the aims or content of education or the education system; or
2) application of provisions governing entry into and residence in the country by foreigners, or the placing of foreigners in a different position for a reason deriving from their legal status under the law.

Section 4
*Authorities' duty to foster equality*

In all they do, the authorities shall seek purposefully and methodically to foster equality and consolidate administrative and operational practices that will ensure the fostering of equality in preparatory work and decision-making. In particular, the authorities shall alter any circumstances that prevent the realization of equality.

Each authority shall draw up a plan for the fostering of ethnic equality (*equality plan*), which must be as extensive as required by the nature of the work of the authority. The Ministry of Labour shall issue general recommendations for the content of plans referred to in this subsection.

In this section, the expression *authorities* refers to central or local government authorities, independent bodies governed by public law and authorities in the province of Åland when the latter are discharging the functions of national authorities in the province. 'Authorities' also refers to societies governed by public law and individual actors when these are discharging public administrative functions, and to non-incorporated state enterprises. The duty to draw up the plan referred to in subsection 2 above does not, however, apply to the Evangelical Lutheran Church or the Orthodox Church, or to individual actors comparable to an authority when discharging public administrative functions.

Section 5
*Improving the access to employment and training of persons with disabilities*

In order to foster equality in the contexts referred to in section 2(1), a person commissioning work or arranging training shall where necessary take any reasonable steps to help a person with disabilities to gain access to work or training, to cope at work and to advance in their career. In assessing what constitutes reasonable, particular attention shall be devoted to the costs of the steps, the financial position of the person commissioning work or arranging training, and the possibility of support from public funds or elsewhere towards the costs involved.

Section 6
*Prohibition of discrimination*

Nobody may be discriminated against on the basis of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. The prohibition of discrimination based on gender is covered by the provisions of the Act on Equality between Women and Men (609/1986).

Discrimination means:

1) the treatment of a person less favourably than the way another person is treated, has been treated or would be treated in a comparable situation (*direct discrimination*);
2) that an apparently neutral provision, criterion or practice puts a person at a particular disadvantage compared with other persons, unless said provision, criterion or practice has an acceptable aim and the means used are appropriate and necessary for achieving this aim(*indirect discrimination*);

3) the deliberate or de facto infringement of the dignity and integrity of a person or group of people by the creation of a intimidating, hostile, degrading, humiliating or offensive environment (*harassment*); and
4) an instruction or order to discriminate.

Section 7
*Conduct not classified as discrimination*

The following conduct is not considered discrimination under this Act:
1) a procedure based on an equality plan, and intended to implement the intention of this Act in practice; and
2) different treatment in relation to a basis of discrimination referred to in section 6(1) that is founded on a genuine and determining requirement relating to a specific type of occupational activity and the performance of said activity;
3) different treatment based on age when it has a justified purpose that is objectively and appropriately founded and derives from employment policy, labour market or vocational training or some other comparable justified objective, or when the different treatment arises from age limits adopted in qualification for retirement or invalidity benefits within the social security system.

This Act does not prevent specific measures aimed at the achievement of genuine equality in order to prevent or reduce the disadvantages caused by the types of discrimination referred to in section 6(1) (*positive discrimination*). Positive discrimination must be appropriate to its objective.

Section 8
*Prohibition of victimization*

No one may be placed in an unfavourable position or treated in such a way that they suffer adverse consequences because of having complained or taken action to safeguard equality.

Section 9
*Compensation*

A supplier of work, movable or immovable property, or services, education or benefits as referred to in section 2 who has infringed the provisions of section 6 or section 8 on the basis of age, ethnic or national origin, nationality, religion, belief, opinion, state of health, disability or sexual orientation shall pay the injured party compensation for the suffering caused by such discrimination or victimization. Compensation shall not exceed 15,000 euros, depending on the severity of the infringement.

In determining the level of compensation, due consideration shall be given to the type and extent of the discrimination and its duration, the attitude to his/her actions on the part of the person who has infringed section 6 or section 8, any reconciliation reached between the parties, the restoration of a legal position of equality, the financial position of the offender and other circumstances, plus the financial compensation imposed or ordered to be paid under other legislation for the same act of infringement against the person. Imposition of compensation is not mandatory if not imposing it would be a reasonable decision in the circumstances. Where special cause exists, the maximum level of

compensation may be exceeded if this is justified by the duration and severity of the discrimination and other circumstances of the case.

Payment of compensation does not preclude an injured party claiming damages under the Tort Liability Act (412/1974) or other legislation.

Section 10
*Changing discriminatory contractual terms*

In cases being processed by them, courts may change or ignore contractual terms that are contrary to the prohibition provided in section 6 or section 8. Contractual terms are considered to include commitments relating to the size of a remuneration.

If a term referred to in subsection 1 is such that it would be unreasonable to continue the contract otherwise unaffected after changing or ignoring the offending term, other parts of the contract may also be changed, or the contract as a whole may be declared void.

Section 11
*Supervision*

Compliance with the terms of this Act in employment relationships and service relationships governed by public law, and in traineeships and other comparable activities at the workplace, shall be supervised by the occupational safety and health authorities in accordance with the provisions of the Act on Occupational Safety and Health Enforcement and Cooperation on Safety and Health at Workplaces (44/2006).

The prohibition on discrimination based on ethnic origin other than in employment relationships and service relationships governed by public law shall be supervised by the Ombudsman for Minorities and the Discrimination Board, as provided for in the Act on the Ombudsman for Minorities and the Discrimination Board (660/2001).

Section 12
*Guidance, advice, recommendations and conciliation*

A person who considers himself to have been the victim of discrimination based on ethnic origin may seek guidance, advice, recommendations and conciliation from the Ombudsman for Minorities in respect of the matters referred to in sections 2(1)(1, 3, 4) and 2(2).

Section 13
*Role of the Discrimination Board*

In matters relating to ethnic discrimination, insofar as they do not touch on an employment relationship or a service relationship governed by public law, or in traineeships and other comparable activities at the workplace, the Discrimination Board is empowered to:

1) confirm a conciliation settlement between the parties; or
2) prohibit the continuation or repeat of conduct contrary to the terms of section 6 or section 8.

A conciliation settlement confirmed by the Discrimination Board and involving an agreed sum in compensation may be enforced in the same way as a legally valid judgement.

When the Discrimination Board issues a prohibitive decision, it shall where necessary incorporate into the decision a reasonable period of time within which the decision must be complied with. The Board may also impose a conditional fine and order payment as provided in the Act on Conditional Imposition of a Fine (1113/1990).

If a case referred to in subsection 1 has been or is to be taken up by another authority, the Discrimination Board may not investigate it.

Section 14
*Requesting a statement*

The courts, the Ombudsman for Minorities, other authorities and associations may request a statement from the Discrimination Board on the application of this Act in cases of ethnic discrimination.

Section 15
*Bringing a case before the Discrimination Board*

A person who is the subject of conduct prohibited under section 6 or section 8, or the Ombudsman for Minorities may bring a case concerning ethnic discrimination as referred to in section 2(1)(1, 3, 4) and section 2(2) before the Discrimination Board for purposes of the procedure provided for in section 13(1)(2).

The parties to a conciliation settlement together or the Ombudsman for Minorities with the consent of the parties, may bring a case such as that referred to in subsection 1 before the Discrimination Board for purposes of the procedure provided for in section 13(1)(1).

The handling of cases by the Discrimination Board is provided for in the Act on the Ombudsman for Minorities and the Discrimination Board.

Section 16
*Period for instituting proceedings*

Actions pertaining to matters referred to in sections 9 and 10 above must be instituted at a court of law at the plaintiff's domicile, within two years of the infringement of section 6 or section 8, if the infringement has been continuous, within two years of its cessation. In cases relating to employee recruitment, however, action must be instituted within one year of the date on which the jobseeker discriminated against receives notification of the recruitment decision.

Section 17
*Burden of proof*

During the hearing of a case as referred to in this Act, when a person who considers himself to have been a victim of discrimination as referred to in section 6 establishes before a court of law or other competent authority information from which it may be presumed that the prohibition of discrimination has been infringed, the defendant must

demonstrate that the prohibition has not been infringed. This provision does not apply to criminal cases.

Section 18
*Appeal*

Decisions of the Discrimination Board under section 13(1)(2) may be appealed to an Administrative Court. The competent Administrative Court is the one in the judicial district of which the person allegedly discriminated against resides. Appeals are otherwise covered by the terms of the Administrative Judicial Procedure Act (586/1996).

Decisions of the Discrimination Board under section 13(1)(2) may be enforced irrespective of any appeal unless the Administrative Court rules otherwise.

Section 19
*Prohibition on appeal*

Decisions of the Discrimination Board under section 13(1)(1) or section 13(4) are not subject to appeal.

Section 20
*Penal provisions*

The penalty for discrimination is provided for in chapter 11, section 9 of the Penal Code (39/1889), and for discrimination in employment in chapter 47, section 3 of the Penal Code.

Section 21
*Adjustment of compensation sum*

The maximum euro-denominated sum in compensation as provided in section 9 above shall be adjusted by Ministry of Labour decree once every three years, in line with changes in monetary value.

Section 22
*Entry into force*

This Act enters into force on February 1, 2004.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

# Sámi Language Act

(1086/2003)

## Chapter 1 — **General provisions**

### Section 1 — *Purpose of the Act*

The purpose of this Act is to ensure, for its part, the constitutional right of the Sámi to maintain and develop their own language and culture.

This Act contains provisions on the right of the Sámi to use their own language before the courts and other public authorities, as well as on the duty of the authorities to enforce and promote the linguistic rights of the Sámi.

The goal is to ensure the right of the Sámi to a fair trial and good administration irrespective of language and to secure the linguistic rights of the Sámi without them needing specifically to refer to these rights.

### Section 2 — *Scope of application*

The following public authorities shall be subject to the provisions of this Act:

(1) the municipal organs of Enontekiö, Inari, Sodankylä, and Utsjoki, as well as the joint municipal authorities where one or more of the said municipalities are members;

(2) the courts and State regional and district authorities whose jurisdiction covers the said municipalities in full or in part;

(3) the provincial government of Lapland and the organs attached to it;

(4) the Sámi Parliament, the Advisory Board for Sámi Affairs and a village meeting referred to in section 42 of the Skolt Act (253/1995);

(5) the Chancellor of Justice of the Government and the Parliamentary Ombudsman;
(6) the Consumer Ombudsman and the Consumer Complaints Board, the Ombudsman for Equality and the Council for Equality, the Data Protection Ombudsman and the Data Protection Board, and the Ombudsman for Minorities;
(7) the Social Insurance Institution and Farmers' Social Insurance Institution; and
(8) the State administrative authorities that hear appeals against decisions of administrative authorities referred to above.

This Act applies also to administrative procedure under the Reindeer Husbandry Act (848/1990) and the Reindeer Husbandry Decree (883/1990) in the State authorities and herding cooperatives whose jurisdiction covers the Sámi homeland in full or in part, as well as in the Reindeer Herders' Association.

Sections 17 and 18 contain provisions on the application of this Act on State enterprises, companies and private entities; section 30 contains provisions on the application of this Act on ecclesiastical authorities.

The special provisions applicable in the Sámi homeland appear in chapter 3.

Section 3 — *Definitions*

For the purposes of this Act:

(1) the *Sámi language* is defined as the languages of Inari Sámi, Skolt Sámi or Northern Sámi, depending on the language used or the main target population;
(2) a *Sámi* is defined as a Sámi individual as referred to in section 3 of the Act on the Sámi Parliament (974/1995; *laki saamelaiskäräjistä*);
(3) the *Sámi homeland* is defined as the Sámi homeland referred to in section 4 of the Act on the Sámi Parliament; and

(4) an *authority* is defined as a court and another public authority, a herding cooperative and the Reindeer Herders' Association, as referred to in section 2, subsections 1 and 2.

## Chapter 2 — **Linguistic rights**

### Section 4 — *Right of the Sámi to use the Sámi language before the authorities*

A Sámi has the right to use the Sámi language, in his or her own matter or in a matter where he or she is being heard, before any authority referred to in this Act.

An authority must not restrict or refuse to enforce the linguistic rights provided in this Act on the grounds that the Sámi knows also some other language, such as Finnish or Swedish.

### Section 5 — *Linguistic rights of a legal person before the authorities*

A corporation and a foundation whose language of record is Sámi has the right to use its language of record before the authorities; the provisions in section 4 on the right of a Sámi to use the Sámi language apply, in so far as appropriate, to this right.

Correspondingly, an educational institution whose language of instruction is Sámi has the right to use the Sámi language as provided in subsection 1.

### Section 6 — *Use of the Sámi language in representative bodies*

The Sámi members of the representative bodies of the municipalities of Enontekiö, Inari, Sodankylä and Utsjoki have the right to use the Sámi language in meetings and in written statements to be appended to the record. The same provision applies to the Sámi members of State Boards, Commissions, working groups and corresponding multi-member bodies in the Sámi homeland and, when matters of special concern to the Sámi are being discussed, also outside the Sámi homeland. Correspondingly, a Sámi participating in a meeting of the Reindeer Herders' Association or its committee has the right to use the Sámi language in the meeting.

When necessary, interpretation shall be arranged for a meeting referred to above in this section.

Section 7 — *Right to declare Sámi as mother tongue in the Population Register*

A Sámi resident in Finland in accordance with the Municipality of Residence Act (201/1994) has the right to declare Sámi as his or her mother tongue for purposes of the Population Register.

Section 8 — *Official communications*

An authority shall use also the Sámi language in its communications addressed to the public.

Official advertisements, notices and promulgations and other information releases to the public, as well as signs and forms intended for use by the public, with their instructions, shall in the Sámi homeland be prepared and issued also in the Sámi language.

However, the official notices and notifications issued by a District Court, a judge, the State District Office, a department of the same, an independent Office in a State District, or an official of one of the same in a matter pertaining to an individual interest may on discretion be issued solely in the Finnish language, if the use of the Sámi language is manifestly unnecessary.

In State authorities other than those referred to in section 2, subsections 1 and 2, the advertisements, notices, promulgations, information releases and forms with instructions, as referred to in subsection 1, shall be prepared and issued also in the Sámi language when they mainly concern the Sámi or when there otherwise is a special reason for the same.

The notification cards prepared for elections and referenda shall not be prepared in the Sámi language, except for the cards referred to in section 24 of the Act on the Sámi Parliament.

Section 9 — *Acts, other statutes, legislative proposals and reports*

Acts of primary concern to the Sámi, as well as other such statutes, treaties and other instruments and notifications published in the Statute Book of Finland, shall on the decision of the Government or the pertinent Ministry be published also as a Sámi translation. The same provision applies to orders, guidelines, decisions and notifications published in the document series of a Ministry or another State authority.

Legislative proposals and reports or their summaries prepared and issued by a Ministry or a State Commission, working group or a corresponding body shall on the decision of the Ministry be published also in the Sámi language, if they are of primary concern to the Sámi or if there otherwise is a special reason for the same.

Section 10 — *Use of the Sámi language as the working language of an authority*

An authority whose activities concern solely the Sámi may use the Sámi language as a working language in parallel with Finnish.

Chapter 3 — **Provisions applicable in the Sámi homeland**

Section 11 — *Special duties*

The authorities referred to above in section 2, subsection 1, shall in the offices and other premises located in the Sámi homeland also observe the provisions in sections 12–16.

Section 12 — *Right to use the Sámi language before the authorities*

When dealing with the authorities, a Sámi has the right to use the Sámi or the Finnish language, as he or she may choose. The Language Act (423/2003) contains provisions on the right to use the Swedish language.

A Sámi has the same right before State authorities also outside the Sámi homeland, when these authorities are hearing appeals against decisions of authorities within the Sámi homeland.

Section 13 — *Right to receive documents containing a decision and other documents in the Sámi language*

A Sámi party to a matter shall on request be issued with an application for a summons, a judgment, a decision, a record or another document in the Sámi language in so far as the matter concerns his or her rights, interests or obligations, except where the document is manifestly irrelevant to the resolution of the matter. If a Sámi party to the matter has used the Sámi language, written or spoken, when contacting an authority dealing with the matter, the document containing a decision shall be issued in the Sámi language, to the same extent and under the same conditions, without the need for a separate request to this effect.

However, a document containing a decision shall be issued merely as an official translation into the Sámi language if there are several parties to the matter and they are not unanimous regarding the use of the Sámi language.

Section 14 — *Knowledge of the Sámi language and qualification requirements*

When recruiting, an authority shall see to it that the personnel in each office or other premises can provide customer service also in the Sámi language. In addition, the authority shall provide training or take other measures in order to ensure that the personnel have the knowledge of the Sámi language necessary for the performance of the functions of the authority.

Knowledge of the Sámi language may be required as a qualification for personnel of a State authority by Act or, on the basis of an Act, by a Government Decree or a Decree of the pertinent Ministry, and for personnel of a municipal authority as provided in the Municipalities Act (365/1995), unless such a qualification requirement already appears in an Act or a provision adopted on the basis of an Act. Knowledge of the Sámi language shall be considered a special merit also in the event that it has not been required as a qualification for the office, position or function in question.

The provisions of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003) apply, in so far as appropriate, on the qualification requirements in the Sámi language. Knowledge of the Sámi language can be demonstrated by an examination referred to in the Act on Public Language Examinations (668/1994), by an examination passed in the context of studies, or by studies in an institution of tertiary education.

Section 15 — *Duty of the authorities to use the Sámi language*

In their notices, summonses and letters that are sent to a party or to a person who under law is to be informed of a pending matter or a matter about to become pending, the authorities shall, regardless of the language of proceedings, use the language of the recipient, if this is known or can reasonably be ascertained, or use both the Finnish and the Sámi language.

An authority shall use the Sámi language, without a separate request, when responding to written communications in the Sámi language.

The authorities shall also otherwise promote the use of the Sámi language in their activities.

Section 16 — *Use of the Sámi language in municipal documents*

In municipalities where the proportion of Sámi speakers in the population has on 1 January of the preceding year exceeded one third, the municipal organs shall use also the Sámi language in records and other documents not to be issued to private parties, but being of general concern. Also in other municipalities, the municipal organs shall use the Sámi language in such documents to the extent deemed necessary.

Section 17 — *State enterprises and State- or municipality-owned companies*

A State enterprise and a service-producing company in which the State or one or more of the municipalities referred to in section 2, subsection 1, paragraph 1, exert authority, shall in the Sámi homeland provide the linguistic service referred to in this Act and provide information to the public also in the Sámi language to the extent warranted by the nature and context of the activity and in a manner that cannot be deemed

unreasonable to the enterprise or company when assessed as a whole. What is provided in this Act regarding authorities applies also to a State enterprise that attends to a function of an authority.

Section 18 — *Obligation of a private entity to provide linguistic services*

If a public administrative function has by Act or on the basis of an Act been assigned to a private entity, the provisions of this Act on an authority apply to the entity when operating in the Sámi homeland. If the assignee of such a function in the Sámi homeland is determined by the decision or other measure of an authority or by contract between the assignee and the authority, the authority shall ensure that linguistic service is provided in the performance of the function as provided in this Act. The authority shall ensure the same also when assigning a task other than a public administrative function to a private entity in the Sámi homeland, if the standard of service required in this Act so necessitates.

## Chapter 4 — **Right to interpretation and translation**

Section 19 — *Right to interpretation*

When the Sámi language is being used in the oral hearing of a matter in accordance with this Act, the matter shall be assigned to an official with knowledge of the Sámi language. If the authority does not have an official with knowledge of the Sámi language to take care of the matter, the authority shall arrange for interpretation free of charge, or self see to the interpretation.

Section 20 — *Right to a translation of a document containing a decision or another document*

If an application for a summons, a judgment, a decision, a record or another document in an administrative matter, a matter of administrative judicial procedure, or a criminal matter has been drafted in Finnish or Swedish, the authority shall on request, free of charge, give a Sámi party to the matter an official translation into the Sámi language of such a document in so far as the matter relates to his or her rights, interests or obligations, except if the document is manifestly

irrelevant to the resolution of the matter. The translation shall be attached to the document containing a decision or other document.

If a translation error is noted in an official translation, the authority shall correct it unless its correction is manifestly unnecessary. In such a case the Sámi party shall be given the corrected document free of charge.

Section 21 — *Right to a translation from the Sámi Language Bureau*

An authority, which in accordance with this Act is to issue a document containing a decision as an official translation into the Sámi language or as a Sámi-language original, has the right to obtain the translation from the Sámi Language Bureau, unless the translation can conveniently be procured from other sources. The authority has the corresponding right to a translation into Finnish of a Sámi-language document addressed to it.

Section 22 — *Liability for the costs of translation and interpretation*

If a State authority is to give or issue a document containing a decision or another document to a party as a Sámi-language original or as a translation into the Sámi language, or make use of interpretation, the State shall bear the costs of drafting or translating the document or of the interpretation.

A municipality, a joint municipal authority, a diocese and a parish shall bear the costs of drafting or translating a document containing a decision or another document referred to in sections 4–6, 12, 13, 15, 16, and 30, and of interpretation.

Section 23 — *Procuring a translation at the expense of the customer*

If a Sámi-language document has been delivered to an authority of the State, a municipality or a joint municipal authority or to an ecclesiastical authority even though the customer does not have the right to use the Sámi language before the authority, the authority shall, when necessary, hear the opinion of the customer and then procure a translation of the document into the language of the authority at the expense of the customer.

Chapter 5 — **Measures to promote linguistic rights**

Section 24 — *The obligation of an authority to secure linguistic rights*

An authority shall in its activity and on its own ensure that the linguistic rights guaranteed in this Act are secured in practice. The authority shall show to the public that it provides service also in the Sámi language.

An authority may provide also better linguistic service than what is required in this Act.

Section 25 — *Paid leave of absence and liberty from work for studies in the Sámi language*

An official of a State authority referred to in section 2, subsection 1, whose jurisdiction lies completely within the Sámi homeland, has the right to paid leave of absence for studies towards a knowledge in the Sámi language necessary for the performance of the service, if the duration of his or her service with that authority has been at least one year. An employee of such an authority has the corresponding right to liberty from work for the same purpose.

A person in the service of a municipality or a joint municipal authority referred to in section 2, subsection 1, or of a State authority referred to in section 2, subsection 1, paragraphs 2 and 3, whose jurisdiction lies partially within the Sámi homeland, as well as a person in the service of the Reindeer Herders' Association, may be granted paid leave of absence or liberty from work for studies towards a knowledge in the Sámi language necessary for the performance of the service, if the duration of the service has been at least one year. Other conditions for the leave of absence or liberty from work may be laid down by a Government Decree.

It may be set as a condition for the leave of absence or liberty from work that the person enters into a written contract with the authority to the effect that he or she will remain in the service of the authority within the Sámi homeland for a given period, not to exceed one year, after the

end of the leave of absence or liberty from work. A term may be taken into the contract to the effect that the official must reimburse the authority with at most the amount of the direct costs of the language training, if the official during the contract period resigns or is given notice for a reason arising from him- or herself other than illness.

Section 26 — *Sámi Language Bureau*

The Sámi Parliament shall have a Sámi Language Bureau for translation and for other tasks provided in this Act; the Bureau shall have its premises within the Sámi homeland.

More detailed provisions on the Sámi Language Bureau shall be issued by Government Decree.

Section 27 — *Sámi language advisor*

The Provincial Government of Lapland and the State regional and district authorities in the Sámi homeland may have Sámi language advisors. The services of an advisor shall be free of charge to the customers.

Section 28 — *Supervision and monitoring*

Each authority supervises application of this Act within its own area of operation.

The Sámi Parliament monitors the application of this Act and may issue recommendations in questions related to language legislation and take initiatives in order to rectify defects it has observed.

Section 29 — *Reporting*

For each term of the Parliament, the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament shall issue a report on the application of the legislation on the Sámi language, on the enforcement of the linguistic rights of the Sámi and on the development of language conditions, as provided in greater detail by a Government Decree.

The Language Act contains provisions on the Government report on the application of language legislation.

Chapter 6 — **Miscellaneous provisions**

Section 30 — *Ecclesiastical authorities*

The provisions in this Act on the use of the Sámi language before State authorities apply also to the language of the parties and the language of documents containing a decision and other documents in the diocesan office of the Diocese of Oulu and in the offices of the parishes that fall completely or partially within the Sámi homeland, unless the matter is to be considered an internal church matter under the Church Act (1054/1993), as well as in the chancellery of the Orthodox Diocese of Oulu.

The provisions in sections 1, 4, 5, 8, 20, and 24 of this Act apply correspondingly to the Evangelical Lutheran parishes of Enontekiö, Inari, Utsjoki and Sodankylä, unless the matter is to be considered an internal church matter under the Church Act, as well as to the Orthodox parish of Lapland.

Section 31 — *State funding*

An appropriation shall be included in the State budget for purposes of State support to municipalities, parishes, herding cooperatives within the Sámi homeland and private entities referred to in section 18 for covering the specific additional costs of applying this Act.

Section 32 — *Status of the Sámi language in certain administrative contexts*

Separate provisions apply to the right of the Sámi to receive primary and lower secondary education in their mother tongue, to instruction in the Sámi language, and to the status of the Sámi language as a language of teaching, a discipline and a degree language.

The Act on Child Day-Care (36/1973) contains provisions on the right of the Sámi to receive day-care in their mother tongue.

The authorities referred to in section 2, subsection 1, shall observe the provisions of this Act in the application of the Act on the Status and Rights of Patients (785/1992) and the Act on the Status and Rights of Social Welfare Customers (812/2000).

Section 33 — *More detailed provisions*

More detailed provisions on the implementation of this Act shall be issued by Government Decree.

## Chapter 7 — **Entry into force and transitional provisions**

Section 34 — *Entry into force*

This Act enters into force on 1 January 2004; it repeals the Act on the Use of the Sámi Language before the Authorities (516/1991), as later amended.

Measures necessary for the implementation of this Act may be taken before its entry into force.

This Act shall be published in the Statute Book of Finland also in translation to Inari Sámi, Skolt Sámi and Northern Sámi.

Section 35 — *Transitional provisions*

A reference in another Act or Decree to the repealed Act on the Use of the Sámi Language before the Authorities shall after the entry into force of this Act be considered a reference to this Act.

The provisions of the previous legislation continue to apply to matters that have become pending before the entry into force of this Act, unless the authority otherwise decides in view of the rights and interests of the parties.

**NB: Unofficial translation**

Ministry of Social Affairs and Health, Finland

# Child Welfare Act

(417/2007; amendments up to 1390/2007 included)

## Chapter 1 – **General provisions**

### Section 1 – *Objective*

The objective of this Act is to protect children's rights to a safe growth environment, to balanced and well-rounded development and to special protection.

### Section 2 – *Responsibility for a child's wellbeing*

(1) The primary responsibility for a child's wellbeing rests with the child's parents and other custodians. The child's parents and custodians must safeguard the child's balanced development and wellbeing in the manner laid down in the Child Custody and Right of Access Act (361/1983).
(2) The public authorities that work with children and families must support parents and custodians in their child upbringing and must endeavour to provide families with the necessary assistance at a sufficiently early stage, and must refer the child and the family to the child welfare services where necessary.
(3) Child welfare must provide parents, custodians and other persons responsible for child care and upbringing with support in child care and upbringing by arranging the necessary services and support measures. Under the conditions laid down below in this Act, a child may be placed away from home or other measures taken to arrange care for and custody of the child.

### Section 3 – *Child welfare*

(1) Child welfare provision is child-specific and family-specific. The municipalities also provide preventive child welfare as referred to in chapter 2, with the aim of promoting the wellbeing of children and young people.
(2) Child-specific and family-specific child welfare consists of an investigation of the need for child welfare measures, the provision of support in open care, emergency placement of the child and taking the child into care, as well as substitute care and after-care related to these.
(3) Preventive child welfare is used to promote and safeguard the growth, development and wellbeing of children and to support parenting. If the child or family in question is not a child welfare client, preventive child welfare may also include special support given in other municipal service provision, such as in prenatal and child health clinics, other health-care services, day care, education and youth work.

### Section 4 – *Main principles of child welfare*

(1) Child welfare must promote the favourable development and wellbeing of the child. Child welfare must provide support in child upbringing and care for parents, custodians and other persons responsible for child care and upbringing. Child welfare must be aimed at preventing child and family problems and intervening sufficiently early if problems are found. When assessing the need for child welfare and in the provision of child welfare, it is first and foremost the interests of the child that must be taken into account.

(2) When assessing the interests of the child, consideration must be given to the extent to which the alternative measures and solutions safeguard the following for the child:

1) balanced development and wellbeing, and close and continuing human relationships;
2) the opportunity to be given understanding and affection, as well as supervision and care that accord with the child's age and level of development;
3) an education consistent with the child's abilities and wishes;
4) a safe environment in which to grow up, and physical and emotional freedom;
5) a sense of responsibility in becoming independent and growing up;
6) the opportunity to become involved in matters affecting the child and to influence them; and
7) the need to take account of the child's linguistic, cultural and religious background.

(3) In child welfare, action must be taken with as much sensitivity as possible, and assistance in open care must be given precedence, unless the interests of the child demand otherwise. If substitute care is needed in view of the interests of the child, this must be arranged without delay. When providing substitute care, the aim of reuniting the family must be taken into account in a manner that accords with the child's interests.

Section 5 – *Views and wishes of the child or young person*

The children's right to obtain information in a child welfare case affecting them, and the opportunity for them to present a view on the case, must be safeguarded for the child in a manner in keeping with their age and level of development. When assessing that of the need for child welfare, a decision concerning a child or young person or the provision of child welfare, must pay special attention to the views and wishes of the child or young person.

Section 6 – *Children and young people*

In this Act, anyone under 18 years of age is considered to be a child and anyone 18-20 years of age a young person.

## Chapter 2 – **Promoting the wellbeing of children and young people**

Section 7 – *Monitoring and promoting the wellbeing of children and young people*

(1) The municipal bodies responsible for social services must work together with the municipalities' other authorities to monitor and promote the wellbeing of children and

young people, and must eliminate, and prevent the emergence of, disadvantageous factors concerning the circumstances in which they are brought up.

(2) The municipal bodies responsible for social services must provide information on the circumstances in which children and young people are being brought up and on any social problems arising, and must provide expert assistance for other public authorities and for residents of, and organizations operating within, the municipality.

Section 8 – *Developing services to support upbringing*

(1) When arranging and developing social and health-care services, education services and other services intended for children, young people and families with children, the municipalities must ensure that these services provide support in child upbringing for parents, custodians and other persons responsible for child care and upbringing, and that the special support needs of children, young people and families with children are investigated. Where necessary, the municipalities must arrange activities to assist children and young people in need of special support.

(2) When services are being arranged and developed, special consideration must be given to the needs and wishes of children and young people.

Section 9 – *Support for schooling*

(1) The municipalities must see that schools are provided with psychologist and social worker services that give sufficient support and guidance concerning schooling for pupils receiving pre-primary, basic and voluntary additional basic education and preparatory instruction within the municipality under the Basic Education Act (628/1998), and with the aim of preventing and eliminating social and psychological difficulties affecting the development of these pupils. These services must also further the development of cooperation between the school and the home.

(2) The education providers referred to in sections 7 and 8 of the Basic Education Act are responsible for providing their pupils with the services referred to in subsection 1 above.

Section 10 – *Taking children into consideration in services for adults*

(1) Where an adult is being provided with social and health-care services, particularly substance abuse and mental health services, and where the adult's capacity to give their fullest attention to the child's care and upbringing is deemed to have deteriorated as a consequence, or if the adult is condemned in prison, the need for care and support of a child who is in the care of and being brought up by the adult must be investigated and the care and support safeguarded.

(2) Where necessary, the social and health-care authorities must arrange essential services for the special protection of pregnant women and unborn children.

Chapter 3 – **Arranging child welfare**

Section 11 – *Arranging and developing child welfare services*

(1) The municipalities must ensure that preventive child welfare and child-specific and family-specific child welfare are arranged in such a way that the content and extent of such services accord with the need prevailing within the municipality. Child-specific

(2) Child welfare must be of such a nature that it guarantees the assistance and support needed by those children, young people and their families who require such services.
(3) In each municipality, the functions involved in child welfare provision are the responsibility of the body referred to in section 6(1) of the Social Welfare Act (710/1982) (*municipal body responsible for social services*). When arranging child welfare, the municipal body responsible for social services must cooperate as necessary with the municipality's various administrative bodies, other public authorities, other municipalities, joint municipal boards and other service-providing organizations and institutions, with the aim of arranging services that are sufficient and meet the need and of safeguarding expertise within the municipality.

Section 12 – *Plan for arranging and developing child welfare services*

(1) Each municipality, or two or more municipalities together, must draw up a plan, which will be subject to approval by the council of each of the municipalities involved and will be reviewed at least once every four years, concerning the actions to promote the wellbeing of children and young people and to arrange and develop child welfare services. The plan must be taken into account in the drawing up of the budget and financial plan referred to in section 65 of the Local Government Act (365/1995).
(2) The plan must include information on the following for the plan period:

1) the circumstances in which children and young people are being brought up, and the state of their wellbeing;
2) activities and services for promoting the wellbeing of children and young people and for problem prevention;
3) the need for child welfare within the municipality;
4) the resources reserved for child welfare;
5) the child welfare services system available for fulfilling the duties laid down in the Child Welfare Act;
6) the arrangements for cooperation between the different public authorities and the organizations and institutions producing services for children and young people; and
7) how the plan is to be put into effect and monitored.

Section 13 – *Municipal officeholders who decide on child welfare measures*

(1) In cases concerning taking into care or substitute care under section 43(1) of this Act or termination of the period in which a child is in care under section 47, or the start and continuation of special care referred to in section 72(2), the decision-making power is exercised by the municipal officeholder who has been appointed to direct social services as determined under the municipality's regulations and who satisfies the qualification requirements under section 10(1) of the Act on Qualification Requirements for Social Welfare Professionals (272/2005). The municipal officeholder directing social services may designate another municipal officeholder to exercise decision-making power as well, and this officeholder must satisfy the qualification requirements under section 10(1), 10(2) or 3 of the same Act. This person must be someone other than the social worker responsible for the child's affairs referred to in subsection 3 below. The municipal officeholder directing social welfare services or the municipal officeholder designated by the officeholder directing social welfare services may also decide whether to submit an application for an

examination to be made of a child referred to in section 28 or for taking a child into care, and for the related substitute care, as referred to in section 43(2).

(2) In cases concerning emergency placement and concerning the restricting of contact in emergency situations referred to in section 63(2), the decision-making power under sections 38 and 39 will be exercised by a municipal officeholder who is professionally qualified as a social worker under section 3 of the Act on Qualification Requirements for Social Welfare Professionals and has been appointed by the municipal body responsible for social services.

(3) A social worker must be appointed to be in charge of the affairs of a child who has become a child welfare client (*social worker responsible for the child's affairs*). The social worker responsible for the child's affairs must be professionally qualified as a social worker in accordance with section 3 of the Act on Qualification Requirements for Social Welfare Professionals.

Section 14 – *Safeguarding multiprofessional expertise*

(1) The municipalities must ensure that social workers responsible for a child's affairs have at their disposal expertise in child growth, development and health care, and legal and other expertise necessary in child welfare work.

(2) Each municipality, or two or more municipalities together, must set up a team of child welfare experts consisting of social and health-care representatives, child growth and development experts and other experts needed in child welfare work. The team of child welfare experts will assist social workers in preparations for taking a child into care and for substitute care, and in other aspects of child welfare provision. The team of experts will also issue opinions where necessary for decision-making on child welfare measures.

Section 15 – *Special health-care obligations*

Health centres and hospital districts must provide expert assistance in child-specific and family-specific child welfare and, where necessary, arrange an examination of the child and health-care and therapy services for the child. Services needed by children in connection with the investigation of suspected sexual abuse or assault must be arranged such that they can be provided urgently.

Section 16 – *Municipality responsible for arranging child welfare*

(1) The provisions of sections 14 and 15(1) of the Social Welfare Act apply to the obligation of municipalities to arrange child welfare. The provisions of sections 15(2), 42(1) and 42(3) of the same Act also apply to family care and institutional care arranged under this Act. Notwithstanding the above provisions, the responsibility for arranging a child's substitute care and for the costs incurred in this lies with the municipality in which the need arose for arranging for the child to be taken into care or for substitute care. The responsibility for arranging after-care referred to in chapter 12 below lies with the municipality that was responsible for arranging substitute care.

(2) The municipality in which a child or young person is placed through assistance in open care or is placed in substitute care or is in after-care (*placement municipality*) must arrange, in cooperation with the municipality responsible under subsection 1 or section 17 (*placing municipality*), the services and support measures necessary for the custody or care of the child or young person. The placement municipality is entitled to be reimbursed by the placing municipality for the costs incurred in arranging services and support measures.

(3) Provisions on the obligation of a placement municipality to arrange health-care services as a supportive measure in open care or health-care services needed by a child or young person who is placed in substitute care or is in after-care, in a situation referred to in subsection 2, are laid down in section 14b of the Primary Health Care Act (66/1972) and in section 30a of the Act on Specialized Medical Care (1062/1989). Provisions on the reimbursement of costs incurred in health-care services are laid down in section 24 of the Primary Health Care Act and section 42 of the Act on Specialized Medical Care. Provisions on the obligation of a placement municipality to arrange basic education as a supportive measure in open care or for a child placed in substitute care or a child who is in after-care are laid down in the Basic Education Act, and provisions on reimbursement for the costs incurred in this are laid down in section 50 of the Act on the Financing of Education and Culture (635/1998).

Section 17 – *Arranging child welfare in certain special situations*

(1) If, by virtue of Council Regulation 2201/2003/EC concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility, re2pealing Regulation 1347/2000/EC, a case concerning the placement of a child in family care or institutional care has to be decided in Finland but no municipality is obliged under section 16 to arrange the care or custody in question, the decision on arranging this shall be made by the municipal authorities of the child's most recent permanent or temporary place of residence. If the child has had no permanent or temporary place of residence in Finland, the decision-making power shall rest with the authorities of the municipality in which both or one of the child's parents are/is residing permanently or temporarily or, if neither parent is residing permanently or temporarily in Finland, with the authorities of the municipality in which both or one of the child's parents were/was last residing permanently or temporarily. If neither of the parents has resided permanently or temporarily in Finland, the decision-making power shall rest with the authorities of the City of Helsinki. If a decision is taken to arrange family care or institutional care for the child in Finland, the responsibility for arranging this and for the costs incurred shall lie with the municipality whose authorities decided the case as outlined above.

(2) Arranging child welfare for a child whose parents are or have been, or one of whose parents is or has been, a Finnish citizen but who, according to investigations by the Ministry of Social Affairs and Health, have/has no permanent or temporary place of residence in Finland and who, according to preliminary information obtained by the Ministry of Social Affairs and Health, can not be deemed to be receiving appropriate care in the child's country of domicile or residence, shall be the responsibility of the municipality determined on the basis of the provisions of subsection 1. Child welfare may be arranged under this subsection only if the Regulation referred to in subsection 1 does not provide otherwise.

(3) The municipality concerned may request executive assistance through the Ministry for Foreign Affairs for conducting an investigation abroad into the need for child welfare. An investigation may also be conducted abroad by someone who is qualified under section 33 of the Consular Services Act (498/1999) to perform the duties of a public notary.

Section 18 – *Relationship with other laws*

The Act on Welfare and Health Care Planning and State Subsidy (733/1992) applies to the actions taken and activities arranged by municipalities under this Act, unless otherwise provided by law.

Section 19 – *Client fees*

Client fees may be collected for child welfare in accordance with the provisions of the Act on Client Fees in Social Welfare and Health Care (734/1992).

## Chapter 4 – **Involvement of the child**

Section 20 – *Ascertaining the child's views and hearing the child*

(1) In the provision of child welfare, the child's wishes and views must be ascertained and they must be taken into account in a way that is appropriate for the child's age and level of development. The child's views must be established with sensitivity and in a manner that does not cause unnecessary harm to the relationship between the child and the child's parents or others close to the child. The way in which the child's views are ascertained and the principal substance of these views must be entered in the client documents concerning the child.
(2) Children of twelve years of age or more, must be reserved an opportunity to express their views in a child welfare case concerning them, in accordance with section 34 of the Administrative Procedure Act (434/2003).
(3) Only in cases where ascertaining the child's views would endanger the child's health or development, or if it is otherwise manifestly unnecessary, may this not be undertaken.
(4) In connection with ascertaining the views of the child and hearing the child, the child must not be given any information that would endanger the child's development or which is contrary to some other very important private interest of the child.

Section 21 – *Exercising a child's right to be heard*

In addition to the child's custodian or other legal representative, a child who is twelve years of age or more is entitled to be heard in a child welfare case concerning said child.

Section 22 – *Designating a guardian to deputise for a custodian*

(1) If the following circumstances apply in a child welfare case, the child must be designated a guardian who may deputise for a custodian in exercising the child's right of action:

    1) there is good cause to assume that the custodian is unable to supervise the child's interests in the case without prejudice; and
    2) designation of a guardian is necessary in order to investigate a case or otherwise to safeguard the interests of the child.

(2) An application for designating a guardian may be submitted by a registry office functioning as guardianship authority as laid down in the Guardianship Services Act

(442/1999), or by a municipal body responsible for social services, or by the custodian.

(3) The designation of a guardian may be made by a registry office functioning as guardianship authority if the custodian and the municipal body responsible for social services concur with the decision. The guardian shall otherwise be designated by a court of law. The designation of a guardian is subject to the provisions concerning designation of a guardian's deputy laid down in the Guardianship Services Act or in another act.

Section 23 – *Fees and costs of a guardian*

The costs incurred in designating a guardian referred to in section 22 above and the fees and costs of the guardian will be met by the municipality which, under sections 16 and 17, is responsible for arranging child welfare.

Section 24 – *Responsibility for safeguarding the interests of the child*

(1) Social workers responsible for a child's affairs must oversee compliance with the interests of the child and must, by right of office, provide assistance for children or young people in exercising their right to be heard and, where necessary, must direct the child or young person to seek legal aid or ensure that an application is made for a child's guardian in situations referred to in section 22.

(2) The municipal body responsible for social services must be represented in any pre-trial investigation of, and court proceedings on, a punishable act alleged to have been committed by a child, and during the handling by a municipal body responsible for education of any matter concerning the expulsion from school of a child of compulsory schooling age, unless the municipal body responsible for social services deems such presence to be unnecessary. Where necessary, the municipal body must refer the child to conciliation under the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005).

Chapter 5 – **Becoming a child welfare client**

Section 25 – *Duty to notify*

(1) Persons employed by, or in positions of trust for, social and health-care services, education services, youth services, the police service or a parish or other religious community, and persons employed by some other social services or health-care services provider, education or training provider, or unit engaged in asylum-seeker reception, in emergency centre activities or in morning and evening activities for schoolchildren, and health-care professionals, have a duty to notify the municipal body responsible for social services without delay and notwithstanding confidentiality regulations if, in the course of their work, they discover that there is a child for whom it is necessary to investigate the need for child welfare on account of the child's need for care, circumstances endangering the child's development, or the child's behaviour.

(2) Persons other than those referred to in subsection 1 may also submit such a notification, notwithstanding any confidentiality regulations that may apply.

(3) Notwithstanding the provisions of subsection 1, any separate provisions or regulations concerning Christian Confirmation or other form of pastoral care will apply.
(4) The municipal body responsible for social services must keep a register of child welfare notifications and their content.
(5) If a child moves away from the municipality during the time in which the need for child welfare under section 27 is being investigated or at a time when the child is otherwise a child welfare client, the municipal body responsible for social services must, without delay and notwithstanding confidentiality regulations, notify the child's new municipality of domicile about the move. Where necessary, the new municipality of domicile must also be supplied, without delay, with any documents on the case that are essential for assessing the need for child welfare or for arranging child welfare measures. The child's new municipality of domicile must continue with the investigation or other child welfare measures.
(6) In addition to the provisions on the right to give information voluntarily to the police as referred to in section 18(3) of the Act on the Status and Rights of Social Welfare Clients (812/2000), and notwithstanding confidentiality regulations, the child welfare authorities must notify the police if there are reasonable grounds to suspect that in the environment within which a child is being brought up, the child has been the subject of an action punishable by law under chapter 20 or 21 of the Penal Code (39/1889), for which the maximum penalty prescribed is at least two years imprisonment.

Section 26 – *Initiation of proceedings in a child welfare case and the start of a client relationship*

(1) Proceedings are initiated in a child welfare case upon application or when a social worker or other child welfare worker receives a notification under section 25 or otherwise becomes aware of a child who may be in need of child welfare.
(2) Once proceedings are initiated in a child welfare case, the social worker or other child welfare worker must assess immediately the child's possible urgent need for child welfare. In addition, the social worker must decide no later than seven days after receipt of the notification or other message, whether, on this basis, to begin investigating the need for child welfare referred to in section 27, or whether the notification is clearly of a kind that does not require measures to be taken.
(3) A child welfare client relationship begins when, following the initiation of proceedings in a child welfare case referred to in subsection 1, child welfare measures are taken urgently or a decision is taken to investigate the need for child welfare referred to in section 27. The social worker must make an entry in the child welfare documents to the effect that a child welfare client relationship has begun, and must notify the custodian and the child of this, but nevertheless giving due consideration to the provisions of section 11 of the Act on the Status and Rights of Social Welfare Clients.

Section 27 – *Investigating the need for child welfare*

(1) The social worker responsible for the child's affairs must investigate the child's situation. The investigation must include an assessment of the circumstances in which the child is being brought up, and of the prospects for the custodians or other persons who are at that time responsible for the child's care and upbringing to see to this care and upbringing, and of the need for child welfare measures. The extent of the investigation will be as required by the circumstances of the case in question. In conducting the investigation, the social worker may, where necessary, contact

persons who are close to the child as well as various cooperating parties and experts in the manner laid down in sections 16 and 17 of the Act on the Status and Rights of Social Welfare Clients.

(2) The investigation must be conducted without undue delay. It must be completed no more than three months after the initiation of proceedings in the child welfare case. After completion of the investigation, the custodian and the child must be notified of the continuation of the child welfare client relationship. Correspondingly, notification must be given if the client relationship is terminated, taking due account of the provisions laid down in section 11 of the Act on the Status and Rights of Social Welfare Clients. The client relationship is terminated if the investigation gives no cause for pursuing child welfare measures.

Section 28 – *Court authorization for examining a child*

(1) Upon application by a municipal officeholder referred to in section 13(1), an administrative court may authorize an examination of the child by a physician or other expert if the examination is essential for investigating the need for child welfare but the custodian forbids an examination. The views of the child must be ascertained before an application is submitted, unless this is impossible in view of the child's age, level of development or other circumstances.
(2) The authorization referred to in subsection 1 above is issued for a fixed period. Before the authorization is issued, the administrative court must hear the views of the child's custodian and of the child if the child is at least twelve years of age. If there is an extremely pressing reason for doing so, authorization may be issued even where it has not been possible to hear these views.
(3) When deciding on issuing authorization, the administrative court may stipulate that an authorized examination may proceed despite any appeal.
(4) For the purpose of ensuring that the administrative court's authorization decision is complied with, the relevant provisions of the Act on the Enforcement of Decisions Concerning Child Custody and Right of Access (619/1996) apply to the obligations imposed on the custodian.

Chapter 6 – **Rules of procedure**

Section 29 – *Access to the child*

(1) When putting child welfare measures into effect, the social worker responsible for the child's affairs, or other child welfare worker, must see the child in person sufficiently often.
(2) When arrangements are being made to see the child in person, the aim must be to cooperate with the custodian or other person responsible for the child's care and upbringing.
(3) The social worker or other child welfare worker is entitled to see the child where necessary, even without the consent of the custodian, if this is considered to be in the child's interests in view of the child's age or development, or the child's circumstances in some other respect. The reasons for seeing the child against the wishes of the custodian must be entered in the documents concerning the child. The custodian must be notified of this access to the child, unless this would clearly not be in the child's interests.

Section 30 – *Client plan*

(1) A client plan must be drawn up for every child who is a child welfare client, unless the client relationship is terminated after an investigation of the need for child welfare or the situation is one of temporary advice and guidance.

(2) Unless there is a clear impediment, the client plan must be drawn up and reviewed in cooperation with the child and custodian, and, where necessary, with the child's other legal representative, parent, other person responsible for the child's care and upbringing or person close to the child, and any party closely involved with the child's care. The client plan will include reference to the particular circumstances and matters which the plan seeks to address, the child's and the child's family's support needs, services and other supportive measures with which the support needs are intended to be met, and the estimated time within which the objectives are intended to be reached. The client plan must also refer to any dissenting views of the parties involved concerning the need for support and the arrangement of services and other support measures. The client plan must be reviewed where necessary, and at least once a year.

(3) A client plan for a child taken into care will additionally include reference to the purpose and objectives of substitute care, and the arrangement of special support and assistance for the child, the child's parents, custodians and other persons responsible for the child's care and upbringing. The plan will also set out how contact with the child is to be made and how collaboration is to be achieved between the child's parents and other persons close to the child, and how at the same time the objective of reuniting the family is to be taken into account in a manner that is in the child's interests. A separate client plan offering parenting support for the parents of a child taken into care must be drawn up, unless this is deemed unnecessary. Where necessary, the plan will be drawn up in cooperation with other social and health-care organizations, such as substance abuse and mental health services.

(4) A client plan for a child or young person in after-care will include reference to the purpose and objectives of after-care and the arrangement of special support and assistance for the child or young person and for the child's parents, custodians and other persons responsible for the child's care and upbringing.

(5) Where necessary, the client plan will be supplemented with a separate care and upbringing plan.

Section 31 – *Negotiations on matters concerning the client*

(1) Negotiations must be held for the purpose of investigating the need for child welfare and arranging the provision of child welfare and, where necessary and on the basis of an assessment by a child welfare worker, these may involve the child, the parents and custodians, other persons responsible for the child's care and upbringing and persons closely involved with the child's care, other persons close to the child or family, and official bodies and other cooperating parties.

(2) Information necessary for investigating the child's need for support and for arranging the care needed by the child may be given to participants in the negotiations in the manner laid down in sections 16 and 17 of the Act on the Status and Rights of Social Welfare Clients and in section 26(3) of the Act on the Openness of Government Activities (621/1999).

Section 32 – *Identifying the network of people close to the child*

(1) Before a child's placement away from home, it is necessary to investigate what opportunities there are for the child to live with the parent with whom the child does not primarily reside, with the relatives or with other persons close to the child, or for these parties otherwise to participate in supporting the child. This process may be omitted if it is not required on account of the urgency of the case or for some other justified reason. A matter concerning the child's accommodation or placement location must always be resolved in a manner consistent with the child's interests.
(2) The municipal body responsible for social services must take measures to arrange care of the child by agreement between the parents or by a court decision if this is deemed appropriate in view of the child's interests.
(3) A person entrusted with care of the child alongside or in place of the child's parents and with whom the child resides, must safeguard the conditions referred to in sections 4(1) and 4(2) of the Family Carer Act (312/1992) for the child's care and upbringing as necessary.

Section 33 – *Documentation*

(1) Child welfare workers must note down all information affecting the arrangement of the child welfare measures needed by the child or young person in the documents concerning the child or young person, starting with the initiation of proceedings in the child welfare case referred to in section 26(1), and all information necessary for planning, implementing and monitoring the measures.
(2) Further provisions on drawing up child welfare documents may be given by Decree of the Ministry of Social Affairs and Health.

## Chapter 7 – **Open care**

Section 34 – *Obligation to provide support in open care*

(1) The municipal body responsible for social services must provide support in open care in accordance with this chapter without delay if:

    1) the circumstances in which the children are being brought up are endangering or failing to safeguard their health or development; or
    2) the children's behaviour is endangering their health or development.

(2) The purpose of support in open care is to promote and support the child's development and to support and enhance the upbringing skills and opportunities of the parents, custodians and persons responsible for the child's care and upbringing.
(3) Assistance in open care will be provided wherever possible in cooperation with the child and the parents, and with the custodians or other persons responsible for the child's care and upbringing.

Section 35 – *Safeguarding the means of support and accommodation*

(1) If the need for child welfare is to a significant extent due to inadequate means of support, poor living conditions or lack of accommodation, or if these factors form a material impediment to the rehabilitation of the child and family, the municipality must, without delay, arrange sufficient financial support and rectify the deficiencies in living conditions or arrange for accommodation that meets the need.

(2) Adequate financial support and accommodation must also be arranged for a child or young person for whom after-care is being provided under section 75(1) if the child's or young person's rehabilitation so requires.

Section 36 – *Other child welfare support in open care*

In addition to social services such as child day-care and home-help services referred to in section 17(1) and 17(2) of the Social Welfare Act, and social assistance and preventive social assistance under the Act on Social Assistance (1412/1997), the municipal body responsible for social services must, wherever necessary, arrange the following as child welfare support in open care, giving due consideration to the client plan based on the support needs of the child and family:

1) support for investigating a problem situation involving the child and family;
2) financial and other support for the child's schooling and in acquiring an occupational qualification, obtaining accommodation, finding work, in free-time pursuits, maintaining close human relationships and satisfying other personal needs;
3) a support person or support family;
4) care and therapy services supporting the child's rehabilitation;
5) family work;
6) section 37 placement of the whole family in family or institutional care;
7) peer group activities;
8) holiday and recreational activities; and
9) other services and supportive measures to support the child and family.

Section 37 – *Placement as support in open care*

(1) Family or institutional care may be arranged as support in open care for a child together with a parent, custodian or other person responsible for the child's care and upbringing, in the manner referred to in the client plan and in the form of care in which the need for support is assessed or in the form of rehabilitative care.
(2) Placement as support in open care may also be arranged on a short-term basis for the child alone. Such placement requires the consent of the child's custodian and, if the child is twelve years of age or more, the consent of the child. The preconditions for the placement are that it is necessary for:

1) assessing the child's need for support;
2) rehabilitating the child; or
3) arranging care for the child temporarily on account of the custodian or other person in charge of the child's care and upbringing being ill, or for some other similar reason.

(3) Placement as support in open care may not, however, be arranged for the child if the preconditions for taking the child into care under section 40 are met. Nor may placement as support in open care be arranged repeatedly for the child unless a new short-term placement is essential in view of the interests of the child.
(4) If the child has more than one custodian and the views of one of more of these custodians can not be heard on account of travel arrangements, illness or some other reason, or if the custodians have differing views concerning the child's placement, the placement may nevertheless proceed if the custodian with whom the

child is living, or with whom the child will live during the period of placement, agrees to it and the placement is considered to be in the child's interests.

(5) When the decision about a placement is made, the objectives and estimated duration of the placement must be specified. If the placement is for the child alone under subsection 2, the preconditions for continuing the placement and the alternatives available must be assessed no later than three months after the start of the placement. If the placement continues, an assessment must be made every three months. The possible need for taking the child into care must also be investigated in connection with the assessment.

## Chapter 8 – **Emergency placement of a child**

### Section 38 – *Emergency placement of a child*

(1) If a child is in immediate danger for a reason referred to in section 40 below, or is otherwise in need of urgent placement and substitute care, the child may be placed with urgency in family care or institutional care, or the care and custody the child requires may be arranged in some other way.

(2) The decision on emergency placement shall be made by the social worker referred to in section 13(2).

(3) Before a decision on emergency placement is made, the views and perceptions of the child, the parent, the custodian or other person now responsible for the child's care and upbringing in regard to the case must be ascertained. It is not necessary to ascertain these views and perceptions if the resulting delay in dealing with the case would harm the child's health, development or safety.

(4) While an emergency placement is being undertaken, the municipal body responsible for social services is entitled to take decisions on the child's affairs to the extent necessary in view of the purpose of the emergency placement and in the manner laid down in section 45.

### Section 39 – *Termination of emergency placement*

(1) When the grounds for emergency placement no longer exist or when the placement has been cancelled under circumstances referred to in subsections 2-4 below, the social worker referred to in section 13(2) or 13(3) must make a decision on the termination of placement without delay.

(2) An emergency placement is cancelled if an application for the continuation of placement or an application for taking a child into care referred to in section 43(2) has not been submitted to an administrative court within 30 days of the commencement of the placement.

(3) If a custodian and a child who is 12 years of age or more agree to a continuation of emergency placement for the purpose of preparing a decision to take the child into care, emergency placement is not however, cancelled, unless a decision on taking a child into care or an application for continuing placement or taking a child into care has not been submitted to an administrative court within 45 days of the commencement of the placement.

(4) On application by a social worker responsible for a child's affairs, an administrative court may continue emergency placement for a period that is necessary for preparing the matter of taking the child into care, however, not for longer than 60 days from the expiry of the deadlines referred to in subsections 2 and 3. When the deadline expires

the placement is cancelled unless an application referred to in section 43(2) in the matter concerning taking the child into care has been submitted to the administrative court.

(5) When a decision is made on emergency placement after an application for taking the child into care is already under discussion in an administrative court, an interlocutory order referred to in section 83 must be applied for without delay. The emergency placement is cancelled when the administrative court issues an interlocutory order.

## Chapter 9 – **Taking into care**

### Section 40 – *Duty to take a child into care and provide substitute care*

(1) Children must be taken into care and substitute care must be provided for them by the municipal body responsible for social services if
1) their health or development is seriously endangered by lack of care or other circumstances in which they are being brought up; or
2) they seriously endanger their health or development by abuse of intoxicants, by committing an illegal act other than a minor offence or by any other comparable behaviour.

(2) Taking a child into care and provision of substitute care may, however, only be resorted to if
1) the measures referred to in chapter 7 would not be suitable or possible for providing care in the interests of the child concerned or if the measures have proved to be insufficient
2) substitute care is estimated to be in the child's interests in accordance with section 4.

### Section 41 – *Preparations for taking a child into care and substitute care*

(1) Cases relating to taking a child into care and substitute care are prepared by the social worker responsible for the child's affairs in cooperation with another social worker or some other employee familiar with child welfare. Legal expertise and other expertise necessary for the implementation of child welfare must be available to support the preparation work.

(2) In addition to what is provided in section 20 of the Act on the Status and Rights of Social Welfare Clients on the right of access to information by municipal social services bodies, the social worker referred to in subsection 1 above has the right to obtain views from the parties referred to in the said provision if they are needed for preparing the taking into care, for deciding on taking a child into care or for providing substitute care.

### Section 42 – *Hearing of parties concerned*

(1) Before making a decision on taking a child into care, substitute care and termination of care, the child's own views must be ascertained and an opportunity must be reserved for the child to be heard in accordance with section 20.

(2) A child's parent, custodian and persons in charge of the care and upbringing of the child during or immediately before the preparation of the case must be reserved an opportunity to be heard in matters referred to in subsection 1 as provided in section 34 of the Administrative Procedure Act.

(3) The hearing may be omitted if it can be considered justified on the basis of lack of contact between the child and the person to be heard and the hearing cannot be presumed to be necessary for clarifying the matter or if the place of residence or whereabouts of the person to be heard cannot be determined by reasonable means. The reasons for not hearing the persons concerned must be recorded in the documents concerning the child.
(4) Persons who have not been heard for reasons referred to in subsection 3 must, however, be notified of decisions on taking a child into care, substitute care or termination of care as provided on verifiable service in the Administrative Procedure Act.

Section 43 – *Making decisions on taking a child into care and placement in substitute care*

(1) Decisions on taking a child into care and substitute care are made by municipal officeholders determined by section 13(1) after the social worker responsible for the child's affairs has prepared the case if the custodian or a child of 12 years of age or more does not oppose the taking into care and related placement into substitute care. The said municipal officeholder also makes the decision when the hearing has not been carried out for reasons referred to in section 42(3).
(2) If the child's custodian or a child of 12 years of age or more opposes the taking into care or related placement into substitute care or if the hearing has not been carried out for reasons other than those referred to in section 42(3), the case is decided by an administrative court on application by a municipal officeholder determined under section 13(1) when the social worker responsible for the child's affairs has prepared the case.

Section 44 – *Applications to administrative court*

(1) An application by the municipal officeholder referred to in section 43(2) concerning taking a child into care and related placement into substitute care must include

    1) a demand that the child be taken into care and placed into substitute care and that an interlocutory order under section 83 be issued and justifications for the demands where necessary;
    2) a client plan regarding the child under section 30;
    3) a report on the supportive measures in open care given or offered to the family and the child;'
    4) a report on the charting of the network of persons close to the child referred to in section 32(1);
    5) a description of the place of substitute care;
    6) a plan for maintaining contact between the child and persons close to the child;
    7) a plan for or report on examination of the child's state of health under section 51;
    8) a report on ascertaining of views and hearing under section 42;
    9) expert opinions where necessary; and
    10) any other reports and documents with a potential bearing on the decision.

(2) Client plans and other documents referred to in subsection 1 may be submitted separately when necessary if it has not been possible to draw them up on account of the urgency of the application.

Section 45 – *Custody of children taken into care*

(1) When a child has been taken into care, the municipal body responsible for social services has the right, in order to implement the purpose of taking the child into care, to decide on the child's whereabouts and care, upbringing, supervision and other care and the instruction and health care necessary for the provision of these.
(2) The social worker responsible for the child's affairs referred to in section 13(3) above or the social worker referred to in subsection 2 of the same section or the director of an institution decides on restrictions on contact between the child that has been taken into care and the child's parents and other persons close to the child as provided in sections 62 and 63.
(3) In situations referred to in subsections 1 and 2 above, efforts must be made to cooperate with the children, parents and custodians concerned, and the interests of the child concerned must be given priority.

Section 46 – *Decisions on the custody of a child during care*

(1) During care a court of law may decide who is to have custody or guardianship of the child as provided in the Child Custody and Right of Access Act or the Guardianship Services Act.
(2) If, on the basis of the Child Custody and Right of Access Act, a child's custody has been given to persons who have made a commission agreement under the Family Carer Act instead of the child’s parents, the municipal body responsible for social services may pay them a compensation for the child's maintenance and care and, when necessary, a remuneration, and support the child's care and upbringing in other ways, too. Before submitting an application or report to a court on the transfer of the child's custody to persons who have made a commission agreement, the municipal body responsible for social services must agree with them on the supportive measures referred to in this subsection and on remuneration and compensation. At the same time an assessment must be made about whether it is necessary to designate a separate guardian for the child.

Section 47 – *Duration and termination of care*
(1) Taking into care is valid indefinitely. When the need for care and substitute care under section 40 no longer exists, the municipal officeholder determined under section 13(1) must make a decision on terminating the care when the social worker responsible for the child's affairs has prepared the case. Care must not be terminated even if the conditions for taking a child into care no longer exist if termination is manifestly not in the interests of the child in the manner referred to in subsection 3.
(2) The social worker responsible for the child's affairs must assess the conditions for continuing care when the client plan is reviewed, when a child or custodian applies for termination of care or when it otherwise proves necessary.
(3) When a child's interests are being considered in a case concerning termination or care, in addition to what is said in section 4(2), the following must be taken into account: the duration of substitute care, the quality of the affection between the child and the party providing substitute care, interaction between the child and the parents and the child's views.
(4) Care is terminated when the child concerned becomes 18 years of age.

Section 48 – *Non-validity of care decisions*

Decisions on taking a child into care are cancelled if implementation has not begun within three months of the decision becoming legally valid.

Chapter 10 – **Substitute care**

**General provisions on substitute care**

Section 49 – S*ubstitute care*

(1) A child's substitute care means arranging the care and upbringing of a child that has been taken into care, placed urgently or placed on the basis of an interlocutory order referred to in section 83 of the Act away from the child's own home. (1390/2007)
(2) A child's substitute care may be arranged in the form or family care, institutional care or in some other way required by the child's needs.
(3) A child that has been taken into care may be placed temporarily for a maximum period of six months under the care and upbringing of a parent or other custodian when the child's return home is being prepared after placement away from home or when it is otherwise justified in terms of the child's interests for some other reason.

Section 50 – *Choosing a place for substitute care*

When a place is chosen for substitute care, particular attention must be paid to the justification for taking the child into care, the child's needs, maintenance of relations with siblings and other close human relations and the continuation of the care. In addition, the child's linguistic, cultural and religious background must be taken into account as far as possible.

Section 51 – *Examining a child's state of health*

When a child is placed in substitute care, the child's state of health must be examined unless it is deemed unnecessary in view of the reasons leading to taking the child into care.

Section 52 – *Cooperation during substitute care*

In order to safeguard the continuity of the child's care, the social worker responsible for the child's affairs or some other child welfare employee and the employee responsible for the child's care and upbringing in substitute care must cooperate with the child placed in substitute care, the child's parents and custodian and a representative of the place of substitute care.

**Children's status in substitute care**

Section 53 – *Disclosing information to children and opportunity for discussion*

(1) The social worker responsible for a child's affairs must ensure that it has been explained to the child in substitute care, in a manner suited to the child's age and development level, why the child has been taken into care and the measures which have been or will be taken in the child's case.
(2) A child must be provided, in a manner to be recorded in detail in the client plan, with adequate opportunity to meet the social worker responsible for the said child's affairs or some other child welfare employee in person without the presence of other people and to discuss matters concerning the child and the provision of substitute care.

Section 54 – *Human relations and contacts*

(1) Children in substitute care must be guaranteed human relations that are important, continuous and safe for their development. Children have the right to meet their parents, siblings and other people close to them by receiving visitors or by making visits outside the place of substitute care and to keep in contact otherwise by telephone or by sending and receiving letters or comparable confidential messages or other deliveries.
(2) The municipal body responsible for social services and the place of substitute care must support and promote contact between children and their parents and other persons close to the children concerned. Children's substitute care must be arranged so that the distance of the place is not an obstacle to contact with persons close to the children.

Section 55 – *Disposable funds*

(1) When children or young people are placed outside their own homes under provisions concerning placement as a supportive measure in open care, substitute care or after-care, the municipality must ensure that their studies and leisure activities are supported financially if necessary.
(2) In addition to financial support referred to in subsection 1 above, children or young people must be given in a calendar month the following disposable funds for their own use for personal needs depending on age and growth environment:
1) to children under 15, an amount equalling their personal needs; and
2) to children or young people of 15 years of age or more at least an amount equalling one third of the amount of maintenance laid down for a single child under section 7 of the Security of Child Maintenance Act (671/1998).
(3) Notwithstanding what is provided in the Guardianship Services Act, underage persons have the right to decide on spending the funds paid under subsection 2.
(4) The place where a child is placed must keep a record of payments of disposable funds to the child.

**Family care**

Section 56 – *Arranging substitute care as family care*

What is provided in sections 25, 26 and 26a of the Social Welfare Act and in the Family Carer Act applies to family care.

**Institutional care**

Section 57 – *Child welfare institutions*

Child welfare institutions in which substitute care of a child referred to in this Act and placement as a supportive measure in open care referred to in section 37 include children's homes, correctional schools and other comparable child welfare institutions.

Section 58 – *Circumstances in which children are brought up and facilities*

(1) What is provided in section 1 of the Child Custody and Right of Access Act must be complied with in child care and upbringing and arrangement of circumstances in

which children are brought up. Child care and upbringing must be arranged so and children must be treated so that their privacy is respected.

(2) Child welfare institutions must have adequate and appropriate facilities and operating equipment.

(3) An institution may have one or more residential units. The units may also operate separately from each other.

Section 59 – *Number of children and young people to be cared for together*

(1) A maximum number of seven children or young people may be cared for in a residential unit. A maximum of 24 children or young people may be placed in one building. If institutional care is arranged for a child together with a parent, custodian or other person responsible for the child's care and upbringing, more children may be cared for together.

(2) A residential unit must have a minimum of seven employees in care and upbringing work. If there is more than one residential unit in the same building, there must be a minimum of six employees in care and upbringing work per residential unit. If an employee in care and upbringing work lives together with the children or young people to be cared for, exceptions can be made concerning the said numbers of personnel.

(3) In urgent cases it is possible to make temporary exceptions to the numbers of children referred to in subsection 1 if it is necessary in order to arrange care for a child.

(4) In situations referred to in subsections 1-3 above, the number of personnel must be in appropriate proportion to the number of children or young people to be cared for, the care and upbringing required by them and the nature of operations, giving due consideration to what is provided in section 60.

Section 60 – *Personnel*

(1) Child welfare institutions must have a number of professional social welfare and other personnel that is sufficient with regard to the care and upbringing required by the children and young people.

(2) Directors responsible for care and upbringing duties in an institution must have the qualifications laid down in section 10(4) of the Act on Qualification Requirements for Social Welfare Professionals.

(3) The special needs of the clientele and the nature of operations in the operating unit must be taken into account in the qualifications for personnel in care and upbringing work.

Chapter 11 – **Restrictions in substitute care**

Section 61 – *Scope of application for the provisions*

(1) Restrictions referred to in sections 62 and 63 of this chapter apply to substitute care that is arranged both as family care and institutional care and restrictive measures referred to in sections 64–74 only to substitute care arranged as institutional care.

(2) Provisions laid down in this chapter relating to the restrictive authority given to directors of or other personnel in child welfare institutions apply to all child welfare institutions referred to in section 57 regardless of whether the personnel concerned is in a public-service or other employment relationship unless otherwise separately

provided by law. Provisions on the public criminal liability of persons other than those in public service employment relationships are laid down in chapter 40, section 12 of the Penal Code.

Section 62 – *Restrictions on contact*

(1) The rights of children in substitute care to keep in contact with their parents or other persons close to them may be restricted by a decision referred to in section 63 if it has not been possible to reach agreement on contact in the client plan referred to in section 30 or otherwise for some special reason with the children concerned and their parents or other close persons and if:

1) the contact endangers the purpose of a child's substitute care and the restriction is necessary for the child's care and upbringing; or
2) the contact endangers a child's health, development or safety; or
3) the restriction is necessary because of the safety of the parents or other children in the family or the family care home or other children or personnel in an institution; or
4) a child of 12 years of age or more opposes contact; the same applies to children under 12 years of age if they are sufficiently developed for their views to be taken into account.

(2) On the grounds referred to above in subsection 1 it is possible:

1) to restrict children's rights to meet their parents or other people close to them;
2) to restrict children's rights to keep in contact with persons close to them by telephone or using other devices or means of contact;
3) to read and withhold private letters sent by children or addressed to them or other similar confidential messages or inspect and withhold some other delivery; and
4) for the place of substitute care to confiscate for the duration of the restriction all communication means or equipment held by the children concerned or restrict their use.

(3) On the grounds referred to in subsection 1, children's whereabouts may be kept from parents or custodians during care.

(4) Restriction of contact referred to in sections 1-3 above can only be applied to the extent it is necessary in each individual case to achieve the purpose laid down in law. Any letters withheld and other confidential messages must be kept separate from other documents relating to the children concerned so that they may only be read by the parties referred to in section 63(2).

Section 63 – *Decisions concerning restrictions on contact*

(1) A decision must be made concerning restrictions on contact referred to above in section 62(1-3) which must be issued for a fixed term and last for a maximum of one year at a time. The decision must include the reason for the restriction, the persons restricted, the kind of contact the restriction concerns and to what extent the restriction is enforced.

(2) Decisions on restricting contact are made by the social worker responsible for the child's affairs referred to in section 13(3) or in cases of emergency placement and when necessary in other urgent situations a social worker referred to in section 13(2).

The director of a child welfare institution may also decide on a short-term restriction not exceeding 30 days referred to in section 62(1) and 62(2). If it is necessary to continue the restriction or to decide on a restriction lasting longer than 30 days, the social worker responsible for the child's affairs will make the decision. Restrictions on contact must be lifted as soon as they are no longer necessary in the manner referred to in section 62(1).

Section 64 – *General requirements for application of restrictive measures*

During substitute care arranged in the form of institutional care, restrictive measures may only be applied to a child under sections 65-73 of this Act to the extent that is necessitated by the purpose of taking the child into care, the child's own or another person's health or safety or safeguarding some other interests laid down in the above-mentioned provisions. Such measures must be implemented in a manner as safe as possible and respecting the child's value as a human being.

Section 65 – *Confiscation of substances and objects*

(1) If a child is in possession of substances used for intoxication or equipment specifically suited to using such a substance, these must be confiscated by the institution. Also substances or objects that a child is in possession of and that are meant for harming the child or another person must be confiscated by the institution. The institution is allowed to confiscate substances or objects with characteristics that render them suitable for endangering the child's own or another person's life, health or safety or damaging property if the child is likely to use these substances or objects in the manner referred to in this provision. What is laid down elsewhere in law applies to handing over or destroying confiscated possessions. Provisions are laid down in section 60 of the Alcohol Act (1143/1994) concerning destruction of alcoholic beverages or other substances containing alcohol and of beverages referred to in section 34(5) of the Alcohol Act. On termination of substitute care in an institution, all confiscated possessions must be returned to the child unless otherwise provided elsewhere in legislation concerning the return or destruction of possessions.
(2) Confiscation referred to in subsection 1 above may be carried out by the director of an institution or a person who is a member of the institution’s care or upbringing personnel. The director or a member of the care and upbringing personnel designated by the director must be informed of such matters without delay, and this person must make a decision on confiscation if the possessions are not returned.
(3) Substances and objects in a child’s possession other than those referred to in subsection 1 which are likely to cause serious harm to the provision of substitute care for the child concerned or other children or to public order in the institution may also be confiscated by the institution. Decisions on such confiscation are made by the institution’s director or a member of the care and upbringing personnel designated by the director. The measure may not continue longer than is necessary for the reasons mentioned in the provision and for the child's care and upbringing.

Section 66 – *Bodily search and physical examination*

(1) If there is a justified reason to suspect that children have in their clothing or otherwise on them substances or objects referred to in section 65(1), a *bodily search* may be carried out on them for the purpose of investigating the matter. This search is to be carried out by the director of the institution or a member of the care and upbringing personnel designated by the director. The search must be carried out in the presence

of another member of the care and upbringing personnel unless there are special reasons to proceed otherwise. The person carrying out the search and the other person present must be of the same sex as the child unless the person concerned is a health-care professional.

(2) If there is a justified reason to suspect that children have been using intoxicating substances referred to in section 65(1), a *physical examination* may be carried out which may comprise a breath test or blood, hair, urine or saliva samples. Decisions on performing a physical examination are made and examinations carried out by the institution director or a member of the care and upbringing personnel or some other person with a suitable professional qualification for the task designated by the director. The examination must be carried out so that it does not cause unnecessary harm to the child.

(3) If a physical examination is carried out by other than a health-care professional, there must be present another person who is a member of the care and upbringing personnel or some other person with a suitable professional qualification. Blood samples may only be taken by health-care professionals. Physical examinations must not be carried out or attended by persons not of the same sex as the child unless such a person is a health-care professional.

(4) Notwithstanding what is provided in subsections 1 and 3 above, persons carrying out a bodily search or a physical examination and persons present need not, however, be of the same sex as the child if immediate action is required to ensure the child's or another person's safety.

Section 67 – *Inspection of possessions and deliveries. Leaving deliveries unforwarded*

(1) If there is a justified reason to suspect that children are in possession of substances or objects referred to in section 65(1), the premises that they occupy or their possessions may be inspected.

(2) If there is a justified reason to suspect that a letter or some other similar confidential message or delivery addressed to a child contains substances or objects referred to in section 65(1), the contents of the delivery may be inspected without reading the letter or other confidential message.

(3) Decisions on inspections referred to in subsections 1 and 2 above are made and the inspections are carried out by the institution director or a member of the care and upbringing personnel designated by the director. Inspections must be carried out in the presence of the child concerned and another member of the institution's care and upbringing personnel. Premises occupied or possessions held by a child may, however, for special reasons also be inspected without the presence of the child or another person. The reason for the inspection must be explained to the child.

(4) In addition, the social worker responsible for a child's affairs referred to in section 13(3) has for special reasons the right to decide that a message referred to in subsection 2 or some other delivery must be left totally or partly unforwarded to the child if the content of the message or delivery can be assessed with justification and taking the overall situation into account as endangering the child's or some other person's life, health, safety or development. The delivery must be forwarded to the social worker responsible for the child's affairs without delay for decision-making.

Section 68 – *Restraining a child physically*

(1) In order to calm a child, an institution’s director or a member of the care and upbringing personnel may restrain children physically if it is likely that they may, judging from confused or threatening behaviour, harm themselves or others and if

restraining is necessary to prevent immediate danger to the child's or some other person's life, health or safety or significant damage to property. Restraining must be therapeutic in nature and justified in view of the overall situation, giving due consideration to the child's behaviour and the circumstances. Physical restraining may involve moving the child. Restraining must cease as soon as it is no longer necessary.

(2) Persons resorting to physical restraining must submit a written report to the director of the institution. If the institution director resorts to restraining a child physically, the written report must be submitted to the social worker responsible for the child's affairs referred to in section 13(3).

(3) Provisions on excessive physical restraining are laid down in chapter 4, section 6(3) and section 7 of the Penal Code.

Section 69 –*Restrictions on freedom of movement*

(1) Children may be prohibited for a fixed period from leaving an institution's grounds, the institution or the premises of a certain residential unit if it is necessary for their care, if it is in their own interests and if
1) the children concerned have been taken into care on the grounds that they have seriously endangered their health or development by using intoxicants, by committing an illegal act other than a minor offence or by other comparable behaviour; or
2) children in an institution behave in the manner referred to in paragraph 1; or
3) the restriction is otherwise necessary for the children's care in order to protect them from behaviour that would cause them serious harm.

(2) Restrictions referred to in subsection 1 above must not continue longer than seven days without a new decision. Restrictions may not continue for longer than 30 days without interruption. Restrictions must not be imposed on a larger scale or for a longer period than the child's care and upbringing necessitate. The measure must also be terminated as soon it is no longer necessary in the manner referred to in subsection 1.

(3) The director of an institution or a member of the care and upbringing personnel designated by the director may decide on a restriction of a maximum of seven days. Decisions on longer restrictions of a maximum duration of 30 days are made by the social worker responsible for the child's affairs referred to in section 13(3). The social worker responsible for the child's affairs must be notified of the matter without delay for the purpose of making a decision.

Section 70 – *Isolation*

(1) A child may be isolated from other children in the institution if, on the basis of his/her behaviour he/she poses a danger to him/herself or others or if isolation is necessary for some other particularly justified reason in terms of his/her life, health or safety. Isolation must not be ordered on a larger scale or for a longer period than the child's care necessitates. Isolation must not continue uninterrupted for longer than 24 hours without a new decision. Isolation must be terminated as soon as it is no longer necessary.

(2) Decisions on isolation are made by the director of an institution or a member of the care and upbringing personnel designated by the director. The isolation must take place under the continuous watch of the institution's care and upbringing personnel. When a child is ordered to be isolated, orders must be issued at the same time specifying whose duty it is to see to the child's safety. The circumstances of the child

during isolation must be arranged so that the child receives sufficient care and has an opportunity to talk to an attendant.

(3) Isolation can only be continued by a new decision without interruption if the conditions for isolation laid down in subsection 1 continue to exist. A further condition is that it is still not expedient or possible to arrange care of the child in any other way. The total duration of isolation must never exceed 48 hours.

(4) A medical examination must be carried out by a physician before a decision is taken to continue isolation unless it is manifestly unnecessary. Where necessary, a medical examination of the child must also be carried out at the beginning of or during isolation.

(5) The director of the institution concerned or a member of the care and upbringing personnel designated by the director must notify the social worker responsible for the child's affairs referred to in section 13(3) of the isolation or its continuation without delay.

Section 71 – *Special care*

Special care means special multiprofessional care to be arranged in a child welfare institution for a child in substitute care, during which care the child’s freedom of movement may be restricted to the extent required by the care as provided in sections 72 and 73 below.

Section 72 – *Provision of special care*

(1) During substitute care, special care may be arranged for children if their extremely important private interest so necessitates in order to interrupt a vicious circle of intoxicant abuse or crime or when the children’s own behaviour otherwise seriously endangers their lives, health or development. The purpose of special care is to stop behaviour that harms the children themselves and to allow provision of comprehensive care for them. A further precondition is that it is not possible to arrange substitute care otherwise, giving due consideration to the need for care of the child concerned.

(2) Decisions on starting or continuing special care are made by the municipal officeholder referred to in section 13(1) after the social worker responsible for the child’s affairs referred to in section 13(3) has prepared the case. The decision must be based on a multiprofessional assessment of the child’s situation made for the purpose of arranging special care on the basis of expert opinions in upbringing, social work, psychology and medicine.

(3) Special care may be arranged for a maximum of 30 days. The period is calculated from actual commencement of special care. A decision on the provision of special care will expire if it is not possible to start implementation within 90 days of making the decision. For an extremely pressing reason, special care may be continued by a maximum of 60 days if the provision of substitute care for the child continues to necessitate this on the basis of justifications referred to in subsection 1. Special care must be terminated without delay if it proves ineffective in achieving the objectives set for it or when the need for it ceases. The social worker responsible for the child’s affairs referred to in section 13(3) makes the decision on termination.

Section 73 – *Provision of special care*

(1) Special care may be arranged in a child welfare institution that has sufficient expertise in upbringing, social work, psychology and medicine available for arranging

special care. The institution must have personnel that the task requires and who hold appropriate professional qualifications. It must also have facilities appropriate for providing special care in terms of health and other conditions. Children may be prevented from leaving these facilities without authorization or supervision.

(2) During special care, the persons with the expertise referred to in subsection 1 must see the child regularly and participate in planning, implementing and assessing the child's special care. During special care, necessary medical examinations of the child must be carried out by a physician. These and other measures concerning the provision of special care and their impact on the child and the child's situation and on the arrangement of future substitute care for the child must be recorded during special care. If necessary, further provisions on the content of the records may be issued by a Decree of the Ministry of Social Affairs and Health.

(3) Client plans for children must be reviewed when special care is terminated.

Section 74 – *Recording of restrictive measures. Impact on client plan and care and upbringing plan*

(1) In order to ensure monitoring and supervision of the application of restrictive measures referred to in sections 65–70, the child welfare institution concerned must record in the appropriate manner the restrictive measures it uses. The records must include a description of the restrictive measure concerned, justification for and the duration of the measure, the name of the person who made the decision on the measure, the name of the person who carried the measure out in practice and of the person present during the measure and when necessary the special reason referred to in section 66(1) and section 67(3). In addition, the potential impact of the measure on the care and upbringing plan must be mentioned. The records must also specify how the child concerned was heard before the decision on the restrictive measure was made or implemented and the child's views on the matter. If necessary, further provisions on the content of the records may be issued by a Decision of the Ministry of Social Affairs and Health.

(2) When a client plan for a child is reviewed, an assessment must be made in particular of the achievement of the objectives of the restrictive measures applied to the child and of their impact on the client plan. If a need for immediate revision of the client plan arises, the director of the institution or a member of the institution's care and upbringing personnel designated by the director must notify the social worker responsible for the child's affairs referred to in section 13(3) of the matter without delay.

(3) Sufficient dialogue must be carried out with the child concerning the reasons for restrictive measures applied to him/her and the potential impact of these measures on the care and upbringing plan and the client plan.

## Chapter 12 – **After-care**

Section 75 – *Children's and young people's entitlement to after-care*

(1) Municipal bodies responsible for social services must provide after-care for children or young people in accordance with this chapter after the termination of substitute care referred to in section 40. After-care must also be provided after termination of placement carried out as a supportive measure in open care referred to in section 37 if the placement has lasted at least six months without interruption and has been applied to the child alone.

(2) After-care can also be provided for young people other than those referred to in subsection 1 who have been clients of child welfare services.
(3) The duty of a municipality to provide after-care terminates when five years have passed since the child was last a client of child welfare services after termination of placement outside the home referred to in subsection 1. The duty to provide after-care terminates at the latest when the young person concerned becomes 21 years of age.

Section 76 – *Content of after-care*

(1) The municipality must provide after-care giving due consideration to the client plan drawn up in accordance with section 30(4) on the basis of the needs of the child or young person concerned, by supporting the child or young person and their parents and custodians and persons in charge of their care and upbringing as provided in chapter 7 of this Act on measures supporting open care, in section 46(2) on supporting family carers after transfer of custody, in section 54 on human relations and contacts and in this chapter.
(2) When after-care is terminated, the social worker concerned must, where necessary, draw up a plan together with the young person, recording the services and supportive measures available to the young person after the termination of after-care.

Section 77 – *Funds for promoting independence*

(1) When a child or young person has been placed outside the home under provisions concerning placement as a supportive measure in open care, substitute care referred to in section 40 or after-care, a sum equivalent to at least 40 per cent of the child's or young person's income, compensation or receivables referred to in section 14 of the Act on Client Fees in Social and Health Care Services must be reserved per month for the purpose of promoting independence. Child allowance will not be taken into account, however, when the amount is calculated.
(2) If a child or young person does not have income, compensation or receivables referred to in section 14 of the Act on Client Fees in Social and Health Care Services or if they are insufficient, the municipal body responsible for social services must support young people who are in the process of gaining independence on the termination of the placement with necessary funds for covering expenses relating to accommodation, education and training and other processes of gaining independence.
(3) Municipal bodies responsible for social services have the right to decide on the time of payment of the funds for gaining independence. In principle, such funds must be given to a child or young person in the process of gaining independence on the termination of after-care or, for a special reason relating to supporting or safeguarding the child's or young person's process of gaining independence, at the latest when the person concerned becomes 21 years of age.
(4) Municipal bodies responsible for social services must submit a report on the accrual and payment of the funds reserved for promoting independence when the placement is terminated and during placement if so requested by a custodian, a guardian or a child who is 15 years of age or older.

Chapter 13 – **Supervision**

Section 78 – *Notification concerning child to be placed by municipal authorities*

In situations referred to in section 16(2) of this Act in which a child is placed outside the municipality making the placement, the placing municipality must notify the municipal body responsible for social services in the placement municipality of the placement and termination of placement of the child in order to allow for provision of the services and supportive measures needed for the child and for implementation of supervision of the place of substitute care, and this municipal body must maintain a register of children placed in its territory.

Section 79 – *Supervision of substitute care*

(1) It is the duty of the placing municipality to supervise conformity of the placement of a child in family care or institutional care with this Act and the giving to the child the services and supportive measures which are needed during the placement and which must be provided by the placement municipality under section 16(2) and 16(3).
(2) The operation of the place of substitute care is also supervised by the placement municipality and the State Provincial Office. In carrying out supervision they must cooperate with the placing municipality referred to in subsection 1.
(3) If the placing municipality finds grievances or inadequacies in the operation of the place of substitute care that may affect the care of the children placed, it must, confidentiality obligations notwithstanding, without delay notify the placement municipality referred to in subsection 2, the State Provincial Office concerned and any other municipalities it knows to have placed children in the same place of substitute care.

Section 80 – *Other supervision by State Provincial Offices*

(1) In addition to what is provided in section 79 above, State Provincial Offices must monitor the operation of child welfare institutions through inspections carried out on their own initiative and specifically supervise the application of restrictive measures carried out in child welfare institutions under chapter 11 of this Act. In carrying out supervision, State Provincial Offices may reserve an opportunity for children to have a confidential discussion with a representative of the State Provincial Office.
(2) Authorizations to establish and expand a private child welfare institution and to make substantial changes in such an institution’s operations are granted by State Provincial Offices. Provisions concerning the issuing of permits and supervision of private institutions by State Provincial Offices are issued in the Act on Supervision of Private Social Services (603/1996).

Section 81 – *Supervision of care provided for privately placed children*

(1) Municipal bodies responsible for social services must be notified without delay of children placed in a private home on a permanent basis by other than municipal bodies responsible for social services. Both custodians of children and persons under whose care the children concerned have been placed are under obligation to make such a notification. Provisions on the content of the notification may be issued by a Decree of the Ministry of Social Affairs and Health.
(2) When an municipal body responsible for social services receives such a notification, it must ascertain if the conditions in the private home concerned are suitable for child care and upbringing, if the person who has taken charge of the child is capable of looking after the child and if the placement is in the interests of the child. The placement must be approved by decision.

(3) The municipal body responsible for social services must explain to the person who has taken charge of the child this person's rights and obligations and, if necessary, it must support this person by providing supportive measures in accordance with chapter 7 to promote the child's care and upbringing.
(4) The requirements for continuing placement referred to in subsection 2 above and the need for supportive measures under subsection 3 must be monitored as necessary. Municipal bodies responsible for social services must maintain a register of children placed privately in the municipality.
(5) If a private home or care and upbringing provided there are found to be inappropriate or inadequate, the relevant municipal body responsible for social services must try to correct the situation. If a correction cannot be achieved, the municipal body may prohibit the child concerned from being kept in such a private home. The municipal body must then ensure that the care and upbringing is arranged in accordance with the child's interests and needs.

## Chapter 14 – **Administrative court processing**

### Section 82 – *General provisions concerning processing*

What is provided in the Administrative Judicial Procedure Act (586/1996) applies to processing of cases referred to in this Act in administrative courts and the Supreme Administrative Court unless otherwise provided in this Act.

### Section 83 – *Interlocutory order*

In processing applications for taking a child into care, administrative courts may issue an interlocutory order concerning a child's whereabouts and the arrangement of the child's care and upbringing during court procedure. The order may be issued without hearing those concerned if the matter cannot be delayed. Unless cancelled or amended, interlocutory orders will remain in force until an administrative court issues a decision in a case of taking a child into care.

### Section 84 – *Preparatory oral hearing by administrative court*

(1) After the institution of proceedings concerning taking into care, an administrative court may, in addition to written preparation of the case, conduct a limited oral hearing laid down in section 37(2) of the Administrative Judicial Procedure Act in order to find out the demands of the parties concerned and justifications for them. The purpose of the hearing is in particular to identify the difference of opinion between the parties concerned and the authority that has made the application or decision and to determine what evidence can be presented to support the demands. No oral evidence can be given or experts heard in this hearing.
(2) After the limited oral hearing referred to in subsection 1, the processing of the case will continue in written form or an oral hearing can be conducted as provided in sections 37 and 38 of the Administrative Judicial Procedure Act.

### Section 85 – *Administrative court quorum*

(1) An administrative court decision may be given by a single legally trained member of the administrative court:

1) in a matter referred to in section 28 regarding authorization to search a child;
2) in a matter referred to in section 39(4) regarding extension of the time period for emergency placement; and
3) in a matter referred to in section 83 concerning the issue of an interlocutory order.

(2) In a matter referred to in subsection 1, an administrative court may also give a decision in a composition including a legally trained member of the administrative court and an expert member if both agree on the decision.
(3) In addition, the composition for giving a decision laid down in subsection 1 or 2 may arrange for a preparatory oral hearing referred to in section 84(1) to be conducted.
(4) Other provisions on the presence of a quorum in administrative courts are issued in the Administrative Courts Act (430/1999).

Section 86 – *Hearing children in administrative courts*

(1) Children may be heard in person by administrative courts or the Supreme Administrative Court if a child requests it or consents to it. Children under 12 years of age may, however, only be heard in person if the hearing is necessary for settling the case and it is estimated that the hearing will not cause the child concerned significant harm.
(2) Children may also be heard in person so that only one or more members of the court and the child concerned are present if the court deems this appropriate and the procedure is necessary to protect the child or to ascertain the child's independent views. The parties concerned and the authority making the application or decision must be reserved an opportunity to see the case material drawn up or recorded about the content of the hearing and to give an opinion on its content. The right of the parties concerned to receive information may be limited if information is withheld to protect the child or to safeguard some other extremely important interest of the child.
(3) Hearing a child in person may take place in oral proceedings or in some other manner decided by the court.

Section 87 – *Appointment of legal advisor for a child*

(1) An administrative court or the Supreme Administrative Court may appoint a legal advisor for a child for court processing of a case if the child or the child's legal representative so requests or if the court otherwise deems such an appointment necessary.
(2) If an administrative court or the Supreme Administrative Court appoints a legal advisor in spite of the fact that the child or the child's legal representative has not informed the court of their desire to have one, what is provided in the Legal Aid Act (257/2002) applies as appropriate to appointing a legal advisor and to the fee and compensation payable to the legal advisor regardless of whether the child has been or will be granted legal aid referred to in the Legal Aid Act. To this extent the legal aid is free of charge.

Section 88 – *Urgency of proceedings*

Matters of child- and family-specific child welfare referred to in this Act must be processed as urgent.

Chapter 15 – **Appeals**

Section 89 – *Right of appeal*

(1) Appeals concerning emergency placement referred to in sections 38 and 39, taking into care and substitute care referred to in section 43 and termination of care referred to in section 47 may be submitted separately by a child of 12 years of age or more, a child's parent or custodian and a person in charge of the care and upbringing of the child during or immediately before the preparation of the case.
(2) Appeals concerning placement in the form of a supportive measure in open care referred to in section 37 may be submitted separately by a child of 12 years of age or more and a child's custodian.
(3) Appeals concerning restrictions on contact referred to in section 63 may be submitted separately by a child of 12 years of age or more, a child's parent or custodian or any other person whose contact with the child has been restricted by a decision.
(4) Appeals concerning restrictive measures referred to in sections 65, 67(4), 69, 70 and 72 may be submitted separately by a child of 12 years of age or more and a child's custodian.
(5) Otherwise, what is provided in the Administrative Judicial Procedure Act applies to the right of appeal and exercise of the right to be heard.

Section 90 – *Appeals to administrative court*

(1) Decisions by municipal officeholders under municipal bodies responsible for social services concerning emergency placement referred to in sections 38 and 39, taking into care and substitute care referred to in section 43(1), termination of care referred to in section 47, restrictions on contact referred to in section 63 and restrictive measures referred to in sections 65, 67(4), 69, 70 and 72 may be appealed directly to an administrative court as provided in the Administrative Judicial Procedure Act.
(2) Decisions by persons other than municipal officeholders under municipal bodies responsible for social services concerning restrictions and restrictive measures referred to in chapter 11 are appealed to an administrative court. Appeals must be submitted within 30 days of receiving notification of the decision.
(3) Unless otherwise provided in this Act, what is provided in chapter 7 of the Social Welfare Act and in the Administrative Judicial Procedure Act applies to appeals.

Section 91 – *Implementation of decisions not yet legally valid*

(1) Decisions concerning taking a child into care, termination of care, substitute care, emergency placement, restrictions on contact and restrictive measures referred to in section 89(4) may be implemented regardless of appeals if the implementation cannot be postponed without endangering the child's health or development and an authority or a court has ordered the decision to be implemented promptly.
(2) Provisions concerning implementation of authorization to carry out an examination of a child are laid down in section 28(3).
(3) When an appeal has been submitted, an appeal authority may prohibit implementation of a decision or order the implementation to be interrupted.

Section 92 – *Appeals to Supreme Administrative Court*

(1) Decisions by administrative courts concerning emergency placement referred to in sections 38 and 39 of this Act, taking a child into care and substitute care referred to

in section 43, termination of care referred to in section 47, restrictions on contact referred to in section 63, authorization to examine a child referred to in section 28, safeguarding means of support and accommodation referred to in section 35, after-care referred to in sections 75 and 76, prohibitions referred to in section 81(5) and the provision and cost responsibility between municipalities referred to in section 16 may be appealed to the Supreme Administrative Court as provided in the Administrative Judicial Procedures Act. Decisions by administrative courts concerning the provision and cost responsibility between municipalities referred to in section 16 of this Act may be appealed to the Supreme Administrative Court if the Supreme Administrative Court grants leave to appeal the case.

(2) The authority making an application or a decision may appeal administrative court decisions in cases referred to in subsection 1 to the Supreme Administrative Court.

(3) Decisions by administrative courts concerning anything other than child- or family-specific child welfare referred to in subsection 1 may not be appealed.

(4) Decisions made by administrative courts during processing in order to forbid or interrupt implementation of an appealed decision may not, however, be appealed to the Supreme Administrative Court.

(5) Interlocutory orders issued by administrative courts referred to in section 83 may not be appealed separately.

## Chapter 16 – **Special provisions**

### Section 93 – *Further provisions*

Further provisions on the implementation of this Act may be given by Government decree.

## Chapter 17 – **Entry into force provisions**

### Section 94 – *Entry into force*

(1) This Act enters into force on 1 January 2008. Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

(2) This Act repeals the Child Welfare Act (683/1983) adopted on 5 August 1983 including later amendments to it.

(3) If the Child Welfare Act of 1983 is referred to elsewhere in legislation, this Act applies instead.

### Section 95 – *Transitional provisions*

(1) The maximum number of children cared for in a residential unit of a children's institution referred to in section 59(1) of this Act, the minimum number of personnel per residential unit in a children's institution referred to in subsection 2 of the same section and requirements concerning the professional qualifications of the director responsible for an institution's care and upbringing duties referred to in section 60(2) are to be applied in all child welfare institutions at the latest 3 years from the entry into force of this Act.

(2) This Act does not apply to appeals or submissions concerning decisions made before the entry into force of this Act or to processing of such cases in a higher appeal authority.

**Entry into force and application of amendments:**
**1390/2007**

This Act enters into force on 1 January 2008.