

Co-funded  
by the European Union



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Co-funded and implemented  
by the Council of Europe



REPUBLIC OF SLOVENIA  
MINISTRY OF JUSTICE

Building a Europe  
for and with children



# Strategy and Action Plan

## **Joint EU-Council of Europe project “Ensuring the best interests of the child in civil court proceedings in Slovenia” 23SI08**

The project is co-funded by the European Union via the Technical Support Instrument, and co-funded and implemented by the Council of Europe, in cooperation with the European Commission, the Reform and Investment Task Force (SG REFORM).

This report was produced with the financial support of the European Union and the Council of Europe. Its contents are the sole responsibility of the authors. The views expressed herein can in no way be taken to reflect the official opinion of either the European Union or the Council of Europe.

This strategy was developed by Susanna Greijer (PhD, Researcher and Legal & Policy Consultant on Children's Rights and Violence against Children) in close collaboration with the Slovenian Ministry of Justice (MoJ) and the Inter-Ministerial Working Group to improve the situation of children in civil court proceedings in Slovenia (IMWG) . The document was subsequently endorsed by the IMWG

# ENSURING THE BEST INTERESTS OF THE CHILD IN CIVIL COURT PROCEEDINGS IN SLOVENIA

## NATIONAL STRATEGY

<b>INTRODUCTION TO THE STRATEGY .....</b>	<b>4</b>
BACKGROUND AND RATIONALE.....	4
VISION AND OBJECTIVES.....	5
STRUCTURE OF THE STRATEGY AND NAP .....	5
<b>CHAPTER 1. RIGHTS OF THE CHILD .....</b>	<b>7</b>
<b>CHAPTER 2. BEST INTERESTS OF THE CHILD.....</b>	<b>10</b>
<b>CHAPTER 3. CHILD PARTICIPATION .....</b>	<b>17</b>
<b>CHAPTER 4. TRAINING OF PROFESSIONALS.....</b>	<b>23</b>
<b>CHAPTER 5. ALTERNATIVES TO COURT PROCEEDINGS .....</b>	<b>28</b>
<b>CHAPTER 6. SPECIFIC CONSIDERATIONS FOR CHILDREN IN SITUATIONS OF VULNERABILITY .....</b>	<b>31</b>
<b>CONCLUSION .....</b>	<b>34</b>
<b>NATIONAL ACTION PLAN .....</b>	<b>35</b>
ACTIONS FOR CHAPTER 1. RIGHTS OF THE CHILD .....	36
ACTIONS FOR CHAPTER 2. BEST INTERESTS OF THE CHILD .....	40
ACTIONS FOR CHAPTER 3. CHILD PARTICIPATION.....	43
ACTIONS FOR CHAPTER 4. TRAINING OF PROFESSIONALS .....	46
ACTIONS FOR CHAPTER 5. ALTERNATIVES TO COURT PROCEEDINGS .....	49
ACTIONS FOR CHAPTER 6. SPECIFIC CONSIDERATIONS FOR CHILDREN IN SITUATIONS OF VULNERABILITY .....	50

## INTRODUCTION TO THE STRATEGY

This Strategy for ensuring the best interests of the child in civil court proceedings in Slovenia sets forth the vision for a child-friendly and child-sensitive civil justice system in Slovenia for the next five years (2025-2030). It is adopted by the Government of Slovenia together with a National Action Plan (NAP) establishing concrete actions for implementation, monitoring and evaluation.

The global objective of the Strategy and its NAP is to make significant improvements in terms of the protection of the child's rights in the Slovenian civil justice system, confirming Slovenia's commitment to the best interests of the child in its legal system.

Implementing this Strategy and the concrete actions set forth in the NAP will ensure the goal-oriented and consistent fulfilment of Slovenia's fundamental and human rights obligations concerning children, in particular as set out in the [UN Convention on the Rights of the Child](#), and is expected to lead to a higher level of harmonisation with international and European standards on the rights of the child and child-friendly justice. Of specific relevance are the [Council of Europe Guidelines on child-friendly justice](#) and the recently adopted Council of Europe Recommendations on parental separation and on care proceedings<sup>1</sup> (2024), as well as the [European Parliament resolution on the protection of the rights of the child in civil, administrative and family law proceedings](#) (2022).

## BACKGROUND AND RATIONALE

This Strategy and its NAP have been developed in the framework of the European Union-Council of Europe Joint Project “*Ensuring the best interests of the child in civil court proceedings in Slovenia*”, implemented during the period from 1 September 2023 to 28 February 2026. The project is implemented by the Council of Europe's Children Rights Division in close co-operation with the Slovenian Ministry of Justice and the European Commission, Reform and Investment Task force (SG REFORM). The Project contributes to the ongoing reform processes in Slovenia to strengthen the rights of the child and to pioneer child-friendly justice within the EU region.

Slovenia has recently made significant progress to strengthen the protection of children's rights in criminal law proceedings. This project, and the Strategy and NAP developed within it, aim to produce similar improvements in the area of civil law. In view of this project, the Government of Slovenia had identified the need to reform the civil procedure legislation and practice, in particular with regards to delays in family law proceedings involving children, lack of sufficient expertise and lack of a systematic approach to these proceedings.

The Ministry of Justice of Slovenia therefore requested technical assistance from the EU, through its Technical Support Instrument (TSI), to undertake a thorough review of the existing system. At first, an *inception report* was prepared to gain a broad overview of the current situation and identify areas in need of further analysis. During the project, an *analysis of the legal framework*, including the Civil Procedure Act and other relevant legislation, was carried out. In addition, a *gap analysis and recommendations for education and training* was produced, providing a deep-dive into the currently existing training programmes for professionals working in or in relation to civil court proceedings, addressing how such professionals are trained, where they lack expertise, and making suggestions on how to build the relevant skills needed to uphold the rights of the child. Lastly, a *comparative study* of other countries' reforms and initiatives to ensure the best interests of the child in civil court proceedings was produced, and provides insights into existing practices which may also be relevant to the Slovenian context.

The Strategy and NAP are based on the abovementioned documents, which, read jointly, provide a comprehensive assessment of the current situation in Slovenia, identifying shortcomings and proposing ways forward.<sup>2</sup> The Strategy and NAP have been the subject of thorough consultations with key stakeholders to confirm concrete needs and actions, as well as to agree on a set of indicators to measure

---

<sup>1</sup> Still to be adopted by the Committee of Ministers of the Council of Europe.

<sup>2</sup> These documents can be consulted at <https://www.coe.int/en/web/children/slovenia-civil-court-proceedings> or by contacting the Ministry of Justice of Slovenia.

their implementation and, in due time, evaluate the NAP. A full list of consulted stakeholders can be found in annex 1 to the Strategy.

## VISION AND OBJECTIVES

The *new Family Code of Slovenia (DZ)*<sup>3</sup> was adopted in 2017 and entered into force in 2019. It established measures and safeguards to protect children against violence and to increase their voice in judicial proceedings. In addition, the *General Act on the Method of Implementing Child Advocacy*<sup>4</sup> introduces relevant provisions regarding child advocacy in legal proceedings involving children, defining the method and organisation of child advocacy as well as the process of including a child in advocacy.

While it is generally accepted that the new Family Code has brought important changes to the judicial system, additional steps are still needed in order to ensure a full implementation of the rights of the child in civil court proceedings and, in particular, to guarantee the best interests of the child at all times.

## The vision

This Strategy and NAP set forth an ambitious vision to improve the protection of the child's rights in the Slovenian civil justice system, confirming and further strengthening Slovenia's commitment to the best interests of the child in its legal system.

The specific objectives of this Strategy, which will be reached through the implementation of the concrete actions outlined in the NAP, are:

- 1** To reach a system in which the rights of the child are systematically and consistently upheld, with a particular focus on the best interests of the child
- 2** To carry out substantive reforms to the legal framework governing civil court proceedings involving children and align the Slovenian legal framework with relevant international legal provisions
- 3** To implement concrete initiatives and actions which tangibly improve children's experiences within civil court proceedings

## STRUCTURE OF THE STRATEGY AND NAP

The first chapter of the Strategy, and group of actions under the NAP, relate to the right of the child in general. It focuses on general principles such as the principle of non-discrimination (article 2 CRC), the child's right to life and development (article 6 CRC), as well as on the rights of the child to family life and relations (articles 7-9 CRC).

The general principles of the best interests of the child (article 3 CRC) and the child's right to be heard (article 12 CRC) are addressed in Chapters 2 and 3 of this Strategy.

Chapter 4 of the Strategy focuses on the training of professionals, while Chapter 5 addresses alternatives to civil court proceedings.

Lastly, Chapter 6 looks specifically at children in particularly vulnerable situations, for whom additional measures or safeguards may be needed.

---

<sup>3</sup> [Družinski zakonik \(DZ\) \(PISRS\)](#)

<sup>4</sup> English version: <https://www.varuh-rs.si/nc/en/about-us/organisational-units-and-hro-council/child-advocacy/levi-menu-1/general-act-on-the-manner-of-implementing-child-advocacy/>

The National Action Plan follows the same thematic structure and order as the Strategy and is presented in the form of a table with specific objectives, concrete actions, responsible entities, a time line and a set of indicators.



**1**  
RIGHTS  
OF THE  
CHILD



**2**  
BEST  
INTERESTS OF  
THE CHILD




**3**  
CHILD  
PARTICIPATION



**4**  
TRAINING  
OF  
PROFESSIONALS



**5**  
ALTERNATIVES  
TO COURT  
PROCEEDINGS



**6**  
CHILDREN IN  
VULNERABLE  
SITUATIONS

## CHAPTER 1. RIGHTS OF THE CHILD

The first chapter of the Strategy, and group of actions under the NAP, relate to the right of the child in general. It focuses on general principles such as the principle of non-discrimination (article 2 CRC), the child's right to life and development (article 6 CRC), as well as on the rights of the child to family life and relations (articles 7-9 CRC).

### Current state

A strong child rights system requires that the rights of the child are known. Known among the general population, among parents and families, within formal and non-formal educational facilities, and among all professionals working for and with children every day. Be they lawyers or judges, social workers or psychologists, teachers and educators, medics and health professionals, they all need specific knowledge about the rights of the child.

The research carried out in the framework of the European Union-Council of Europe Joint Project "*Ensuring the best interests of the child in civil court proceedings in Slovenia*" showed that this general knowledge on the rights of the child in the context of civil proceedings, and on child-friendly justice in particular, is still missing in the country. A lack of general information and awareness on the rights of the child was observed, and a lack of prevention programmes was noted, in particular for parents.

Civil court proceedings in cases of family problems, divorce and custody battles can have a harsh impact on children and their well-being. In some cases, it may lead to long-lasting negative effects on the child's overall well-being and development, and spill over to other areas of the child's life, such as school, friendships and leisure activities.

While the new Family Code (DZ) establishes, as a general rule, that parents shall jointly agree on custody arrangements, there is still a mindset in the country that accords great importance to judicial custody decisions and leads to many parents wanting to be the one entrusted with the custody of the children. This has been seen as hampering agreements between parents and leading to an unnecessary number of civil court cases regarding situations that could be solved peacefully outside of court.

### Family Code (DZ)

#### Article 138(1) (custody of children)

"If parents are living apart or about to separate, they must agree on the custody and maintenance of their joint children in accordance with the interests of the children. They can agree on joint custody of the children, to grant custody of all the children to one of them or to grant custody of certain of the children to one parent and of the other children to the other parent. If the parents fail to reach agreement on the matter themselves, a Social Work Centre shall assist them in reaching an agreement and, at their request, mediators."

#### Article 203

"Before asking the Court to decide on the child's custody, maintenance and contact with them or other persons, or on issues relating to the exercise of parental responsibility which have a significant impact on the child's development, the parents shall attend a prior consultation with the SWC, unless: one of the parents is injudicious; one of the parents lives abroad, is missing or of whose place of residence is not known."

## **Moving towards...**

The better parents and other family members or legal guardians are informed about the potential negative effects of both parental separation and judicial proceedings on their children and the benefits of amicable parenting arrangements, the easier it can be prevented. Therefore, an important part of the present Strategy and NAP on ensuring the best interests of the child in civil court proceedings in Slovenia lies in **prevention**, in particular through **information** and **awareness raising** campaigns and programmes.

Such prevention initiatives should also focus on the child's right to have a family life and relations, to be cared for, where possible, by their parents, and not to be separated from their parents against their will. All these rights need to be balanced and considered in the light of the principle of the best interests of the child.

It is also of particular importance to address inequalities among the population and identify cases in which children may find themselves in situations of particular vulnerability. This may depend on socio-economic factors, migration status, or disabilities and specific needs either in the parent or the child, or both.

A holistic and preventive approach which fosters general awareness on children's rights and the safeguarding of such rights, child-friendly justice and the protection of children from all forms of violence will be promoted in the Slovenian society.

Children also need to be better informed about their own rights, and specific key messages will be developed for children and families.

Prevention programmes for parents and legal guardians will be developed and aimed at strengthening their understanding of children's rights and child development before problems arise. Such programmes must strive to move away from the mindset of "winning the legal child custody battle" and raise awareness on the harm this causes the child, and move towards enabling parents to work together to ensure the best interests of their child.

In this vein, parents involved in civil proceedings will be informed about the decision-making process itself and about the significant weight of the principle of the best interests of the child within this process. Guidelines with practical examples will be developed for parents to learn from in order to better understand and ensure the best interests of the child.<sup>5</sup>

A key actor in this prevention work are the Social Work Centres (SWC), and their staff will be empowered to work better with parents and children, providing advice to families already before civil proceedings begin and building further on existing family-based prevention programmes.<sup>6</sup>

## **Making parents aware of the difference they can make for their children's well-being and development**

The Strategy and NAP will keep building on existing initiatives at national level, and also take inspiration from other European countries.

At national level, the Ministry of Health's long-term approach to positive parenting, which has been implemented in health institutions for over a decade, will serve as inspiration and could provide useful lessons learned.

Parenting programmes offered in Slovenia include the "Incredible Years"<sup>7</sup> which is available in mental health services through the network of twenty Child and Adolescent Mental Health Centres across the country. In addition, in the field of social welfare, the Incredible Years programme is implemented in more than five Social Work Centres in the country. The Ministry of Labour, Family, Social Affairs and

---

<sup>5</sup> Gap analysis and recommendations for education and training, p. 20, Recommendation 1.

<sup>6</sup> Gap analysis and recommendations for education and training, p.21, Recommendations 2-4.

<sup>7</sup> Available at: <https://neverjetna-leta.si/>

Equal Opportunities funds the Incredible Years programme as part of the activities in Family centres, where both parent and children's programmes (such as the Dino Programme)<sup>8</sup> are carried out.

At the international level, the “Incredible Years” early intervention parental training programme<sup>9</sup> is being implemented in over 20 countries. This programme teaches parents positive parenting skills in a simple, understandable and friendly way, with the aim to promote a safe and healthy cognitive, social and emotional development of the child.

Shortly, the evidence-based “Invest in Play” (iiP) programme will also be implemented in Slovenia and will complement the already existing initiatives. The iiP programme is based on the same theoretical foundations and experience with the implementation of the Incredible Years programme and has proven to be comparably effective, while also being shorter and significantly less time-consuming. In addition to time and cost efficiency, the value of the iiP programme also lies in its adaptation to the Slovenian cultural environment and greater opportunities for faster and broader implementation.

Several other countries in Europe and beyond have implemented positive parenting programmes such as the Positive Discipline in Everyday Parenting (PDEP) programme or the International Child Development Programme.<sup>10</sup> These evidence- and rights-based parenting programmes will be looked at in the first phase of the Strategy, along with a mapping exercise of existing national initiatives, in order to determine a base-line of existing initiative and identify gaps and potential for improvement. This will make it possible to select the programme best suited to the national context of the country for future implementation and training.

Positive parenting programmes can improve parents’ understanding of child development, non-violent discipline and upbringing, and provide useful tools for intra-family problem solving and conflict management. The Council of Europe has developed a recommendation on policy support to positive parenting, and sets out principles for positive parenting and for how states can support positive parenting through policy.<sup>11</sup> The abovementioned positive parenting programmes establish a methodology to implement such principles in practice.

The Strategy aims not only at strengthening positive parenting, but at improving relevant professionals’ skills and preparedness to provide the relevant information and support to families, as well as to detect situations of vulnerability, be mindful of any discriminatory elements, and decide upon special measures where necessary.<sup>12</sup>

## Relevant international examples

In **Germany**, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth worked with partners to develop digital resource centres offering information and support for children and parents concerned by parental separation. The website “STARK” (“strong”) is directed towards separating parents and their children, and the website “ZANK” (“quarrel”) focuses on parental separation involving cross-border disputes. Both websites offer resources and information for professionals working with parents and children in these situations. The latter has separate pages for parents and professionals, younger children and adolescents. The pages for children use child-friendly language and illustrations to inform about family conflicts and parental separation, relocation and international abduction. They aim to help children understand their own role in these situations, as well as key legal terminology, and they explain the role of the main actors with whom the child may get into contact, such as local child protection services, counselling services, the family court, the lawyer and guardian ad litem, or the mediator.<sup>13</sup>

---

<sup>8</sup> <https://neverjetna-leta.si/programi/dino-sola/>

<sup>9</sup> Available at: <https://www.incredibleyears.com/>

<sup>10</sup> Available at: <https://icdp.info/>

<sup>11</sup> Council of Europe, Recommendation [Rec\(2006\)19](#) of the Committee of Ministers to member states on policy to support positive parenting, 13 December 2006.

<sup>12</sup> Chapter 6 of the Strategy focuses specifically on children in vulnerable situations.

<sup>13</sup> See: D. Wenke, [Securing the best interests of the child in civil proceedings: A selection of guidance, methods and tools used in Council of Europe member states](#) (2025), paragraphs 472 and following.

## CHAPTER 2. BEST INTERESTS OF THE CHILD

The second chapter of this Strategy, and group of actions under the NAP, focus on the fundamental principle of the best interests of the child. The concrete actions under this chapter relate to issues such as the duration of civil court proceedings involving children, the need for systematic and professional assessments of the best interests of the child on a case-by-case basis, as well as the need for expert witnesses who can intervene and assist in civil court proceedings involving children.

### Current state

Civil courts make decisions affecting children daily. Whether in matters regarding placement and custody arrangements, safety and permanency planning, or decisions for the continuation or termination of parental rights, judges must weigh whether or not a certain decision will be in the best interests of the child.

While the principle of the best interests of the child is explicitly mentioned in the new Family Code of Slovenia, it has been observed that it is lacking in level of detail and does not cover all specific cases that can arise in civil law proceedings. This has led to a significant level of uncertainty with regard to the practical implementation of the best interests of the child in civil court proceedings and an absence of a systematic best interests assessment known by all relevant professionals and applied consistently in all cases.

As has been pointed out by a number of national stakeholders, one of the most important challenges in the current system is the long duration of family law proceedings involving children. Such delays exist especially in high-conflict divorces, adding to an already difficult situation for children entangled in complex family disputes.

This stands in contradiction with both the best interests of the child and the *Council of Europe Guidelines on child-friendly justice*, which set forth that the “urgency principle” should be applied to provide a speedy response and protect the best interests of the child in all proceedings involving children (guideline 50). In family law cases in particular, “exceptional diligence” should be exercised to avoid any risk of adverse consequences on the family relations (guideline 51).

The delays in civil court proceedings involving children have been seen as a problem by the Ministry of Justice for a long time now, and are caused by a number of different factors. Among these are an increase in civil court cases compared to the total number of judges available, as well as turnover among professionals, leading to a lack of concrete experience. A shortage of professionals who can intervene as court experts in civil court proceedings has also been pointed out as an important factor, along with a lack of clarity in how such experts are appointed on a case-by-case basis and what profile and competence a court expert should have to provide an expert opinion on certain specific questions.<sup>14</sup>

The use of provisional or temporary decisions by civil court judges has also been identified as an important challenge. Two key aspects of such measures need to be considered.

Firstly, the current national legal framework sets as a condition for the adoption of any temporary decision that it must be “demonstrated as probable” that the child is endangered (article 161 of the Family Code). Although the current interpretation of the child’s endangerment is of a broad nature, encompassing situations where the child’s well-being may be negatively affected, this provision arguably limits the possibility of resorting to temporary measures in other cases where such measures could be useful and appropriate to guarantee the best interests of the child.

Secondly, as established by article 163(1) of the Family Code, temporary decisions imposing supervised contacts are limited to a maximum duration of 9 months without extension..

---

<sup>14</sup> For a more detailed analysis, see: <https://www.coe.int/en/web/children/slovenia-civil-court-proceedings>.

## **Family Code**

### **Article 161** (Condition for issuing an interim injunction)

A court shall issue an interim injunction in cases where the fact that the child is endangered is demonstrated as probable.

### **Article 162** (Types of interim injunctions)

- (1) In order to protect the child's best interests, a court may issue interim injunctions for the purpose of temporarily protecting the child, particularly the following:
  - an injunction to remove a child from the parents and place them in the care of another person, a crisis centre, a foster carer or an institution;
  - a warrant allowing access to the dwelling or other premises where the child is, against the will of the parents;
  - an injunction prohibiting or restricting contacts;
  - an injunction on the manner of carrying out contacts;
  - an injunction on custody of the child;
  - an injunction on the child's maintenance;
  - an injunction prohibiting crossing of the state border with the child;
  - an injunction on evicting a violent family member from the common dwelling;
  - an injunction prohibiting persons that endanger the child from approaching the child;
  - an injunction on freezing of parents' or child's property;
  - an injunction on medical examination or treatment.
- (2) The court shall, in the injunction referred to in the first indent of the preceding paragraph, name the other person, the crisis centre, the foster carer or the institution. The child shall not be placed with a person who may not be a guardian. The provisions of the Act governing foster care shall apply, *mutatis mutandis*, to the obligations of the other person with whom the child is placed and to supervision of the placement.

### **Article 163** (Interim injunction on supervised contacts)

- (1) In an interim injunction a court may decide that contacts shall take place in the presence of a professional of the social work centre or institution where the child is placed. The court shall determine the time and the place of contacts by prior agreement with the social work centre or institution where the child is placed. The contacts shall last for no more than two hours per week.
- (2) The interim injunction on supervised contacts shall apply for no more than nine months and, notwithstanding the provisions of paragraphs one and three of Article 160 of this Code, shall not be reissued or extended.
- (3) The professional shall monitor the contacts and shall prepare monthly reports on contacts and submit them to the court.
- (4) The ministry responsible for the family shall provide the premises and staff for ensuring supervised contacts.

In the Council of Europe Guidelines on Child-friendly justice, temporary measures are recommended in a broad way, as a means to avoid undue delay in judicial proceedings involving children.<sup>15</sup> Such temporary measures can allow judges to provide a speedy response and uphold the best interests of the child while respecting the rule of law. It is imperative that such temporary measures are monitored and reviewed, so that they can be adapted to any change in circumstances and can be replaced by a permanent decision where appropriate.

---

<sup>15</sup> The Council of Europe Guidelines for child-friendly justice, chapter D.4., guidelines 50 to 54.

## **Moving towards...**

This Strategy aims to foster a better understanding of the best interests of the child in civil court proceedings and, through concrete actions in the NAP enable relevant professionals to determine the best interests of the child in a consistent and systematic manner on a case-by-case basis. Best interests determination procedures will be composed of different parts, namely an assessment phase, a decision, and a follow-up to the decision. The best interests of the child must be systematically assessed and determined in all civil proceedings in which children are involved, whether or not the child is considered to be in a particularly vulnerable situation.

## **The best interests of the child**

For the purposes of this Strategy, the best interests of the child relate to the child's physical, mental, and psychological conditions and needs, combined with any other factor the court considers to be relevant to the child, such as factors related to the child's living circumstances and the parents' or caregivers' circumstances and capacity to adequately care for the child and/or to get appropriate support and assistance to do so. The court has the role to adequately balance these different factors, which may affect the safety, health, development, physical, mental, emotional, educational, and social well-being of the child.

Decisions relating to family matters potentially affect the child's whole life, including where they live, if they have to change schools and sport clubs or leisure/cultural activities, if they will be able to maintain friendships and connections to familiar environments, broader networks of family members and/or other trusted adults. Therefore, taking a holistic view of the child when assessing their best interests is of great importance.

In Slovenia, the most frequent matters in which civil courts must consider the best interests of the child (whether they are child protection proceedings conducted alone or in conjunction with matrimonial proceedings or proceedings to establish or contest paternity or maternity) relate to:

- custody
- child maintenance
- the child's contacts with parents / family members / caretakers
- issues of parental responsibility
- measures to protect the best interests of the child
- placing the child under guardianship
- placing the child in foster care
- granting parental responsibility to a relative
- adoption of a child and annulment of adoption of a child.<sup>16</sup>

## **Guiding principles for assessing the best interests of the child**

The NAP foresees a specific activity, based on a multidisciplinary and interagency approach, to develop a protocol and accompanying guidelines for the determination of the best interests of the child in civil proceedings. In line with guidance from the UN Committee on the Rights of the Child, "a best interests determination builds on assessments conducted by a multi-disciplinary team of well-trained professionals with appropriate judicial involvement".<sup>17</sup>

Concretely, the principles that should guide civil court judges and other relevant professionals involved in developing such a protocol and guidelines are

---

<sup>16</sup> Analysis of the legal framework, p. 40.

<sup>17</sup> Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art.3, para. 1), paragraph 64.

First and foremost:

- the safety and protection of the child from harm, neglect, violence and abuse;
- the child's own views. For these to be known, the court must ensure the child is of an age and level of maturity to express a reasonable opinion or preference, and has a real opportunity to express their views freely in their own words in a safe environment and to a person who is trained to speak with children and can explain, in a way the child understands, what different decisions might be made.<sup>18</sup>

Thereafter:

- the importance of family integrity and preference for avoiding removal of the child from their home where possible;
- the importance of preserving the child's ties to their family and maintaining family relations with both parents/caretakers and siblings;
- the emotional ties between the child and their parents/caregivers and siblings;
- the mental and physical health needs of both the child and their parents/caretakers;
- the possibility of maintaining the child's familiar environment and healthy/trusted connections with other children and adults;
- the assurance that a child removed from their home will be placed in the least restrictive setting possible and in an environment that can meet the child's needs.

In addition, civil court judges must consider:

- the importance of timely decisions to avoid protracted situations of uncertainty which can harm the child;
- the potential need for directly applicable provisional measures to guarantee the child's well-being;
- the provision of services, treatment, and guidance that can assist the child in developing into a healthy and self-sufficient adult.

With regard to the last guiding principle, it should be noted that while the capacity of parents/caretakers to provide a safe home and adequate food, clothing, and medical care for the child should be part of the assessment, care must be taken not to place too much weight on this criterion. Parenting must never be reduced to an economic matter only, and parents/caregivers with low socio-economic status should receive adequate support and assistance to be able to provide for their children.

In practice, this means that the socioeconomic status of the parent or caregiver must never be a determining factor in a best interests assessment. In addition, no discriminatory factors should be allowed in a best interests assessment and it must never be assumed that one parent is more or less qualified than the other because of sex, gender identity, sexual orientation, disability, or national origin.

As abovementioned, the NAP to this Strategy sets forth specific activities to develop a standardised national protocol for best interests determination procedures, which can be used consistently by relevant professionals, in particular civil court judges and social workers of the Social Work Centres (SWC), but also expert witnesses who are called upon to make independent assessments, as well as lawyers or guardians ad litem who represent children in civil court proceedings. This protocol will also need to establish clear guidelines on how children should be treated within and during civil proceedings to ensure that the best interests of the child are not only seen as something external that the SWCs or courts determine for others, but that the child's best interests are also consistently upheld throughout a child's involvement and participation in proceedings.<sup>19</sup>

---

<sup>18</sup> Chapter 3 of the Strategy focuses more in detail on child participation.

<sup>19</sup> This corresponds partly to Recommendations 5-7 of the Gap analysis and recommendations for education and training, p. 21.

## Relevant international examples

**Ireland** has incorporated a comprehensive set of factors for best interests assessments in national law. The Child and Family Relationships Act of 2015 was amended in 2022 to provide for specific factors which shall guide courts of law in conducting a best interests determination procedure. Among the Council of Europe member states, the Irish law is one of the most comprehensive and detailed examples of legal criteria for the best interests assessment. It applies to care proceedings and parental separation proceedings.<sup>20</sup>

In the **United Kingdom**, “Working Together to Safeguard Children” is a national guidance document for the best interests determination procedure in child protection casework and civil proceedings. This social service tool takes a multidisciplinary and interagency approach to assess the child’s situation in a comprehensive manner in the context of the family and community.<sup>21</sup>

**Sweden** has developed the “Children’s needs in focus” programme (*Barns behov i centrum / BBIC*), which sets out standards and guidance for social workers to ensure the welfare and care of children and support families in childcare and child rearing. With an overall goal to ensure children have access to the support and protection they need to grow up in safety, the programme offers a systemic approach for social service delivery and structures the case management process to support social workers in focusing on every child’s needs and unique situation. The standards and guidance of the programme enable service providers to ensure quality interventions while complying with legal regulations, giving them legal certainty in their actions and decisions.<sup>22</sup>

These examples will be studied in more detail as national stakeholders come together to develop a national protocol for determining the best interests of the child, including guidelines for best interests assessments.

## Reducing delays in civil court proceedings

The Strategy and NAP aim to reduce the significant delays in civil court proceedings involving children by proposing a series of concrete actions.

The measures in focus are to assess the case load of civil courts and carefully consider alternatives to civil court proceedings (see chapter 5 of the Strategy) and make sure professionals strengthen their capacity to assess the best interests of the child, notably through professional training (see chapter 4 of the Strategy).

It should be noted that while reducing delays is an important general aspect of civil proceedings, it is not always possible or even desirable. In complex cases involving violence or other specific factors that need to be carefully considered, it is important to be thorough and not favour speed over quality assessments and decisions. Here, the Strategy and NAP favour a balancing act, whereby relevant professionals must do their utmost to avoid undue delay and grant the child’s right to speedy judicial proceedings without compromising the child’s right to be protected from all forms of violence. Additional safeguards, for instance in the form of expert witness assessments or other examinations, may require more time but may prove crucial in order for the judge to reach a correct decision.

It is important to acknowledge the pressure that the parties to family proceedings are sometimes under, as they attempt to rebuild their lives after the breakup of a family unit and are emotionally processing significant life changes. This can have a negative impact on both parents and children, and in some cases rushing matters on can be detrimental rather than helpful.

---

<sup>20</sup> See: D. Wenke, Securing the best interests of the child in civil proceedings: A selection of guidance, methods and tools used in Council of Europe member states (2025), paragraph 80.

<sup>21</sup> Ibid., paragraph 86.

<sup>22</sup> Ibid., para. 105.

## Expert witnesses

In addition, the observed shortage of professionals who can intervene as court experts in civil court proceedings must be assessed, both from a training and skills perspective (chapter 4) and from the perspective of who they are and how they are appointed.

The lack of expert witnesses in civil court proceedings has been known for some time and the Ministry of Justice has already begun working to tackle this problem. During the time span of this Strategy, the initiatives already undertaken will be continued and new actions added. These include merging five previously separate sub-fields of forensic clinical psychology into one single sub-field, making it easier to identify and appoint forensic experts in family matters; drawing up a list of named forensic experts in clinical psychology, family psychology, and social work, along with their respective competencies and workload status; identifying, together with the Medical Chamber of Slovenia, forensic psychiatric experts suitable to provide opinions also in family matters and sharing this list with the courts; and making it possible for courts to appoint the Slovenian Chamber of Clinical Psychologists as an expert institution to provide expert opinions in difficult cases where two or more clinical psychology experts are required.

The Strategy embraces the view that the role of expert witness could be taken on by professionals other than clinical psychologists, and that the required profile of the professional in a specific case may best be assessed on a case-by-case basis. Making it easier to identify and appoint expert witnesses is therefore the goal of several actions of the NAP.

In addition, while clinical psychologists already possess general guidelines on how to draw up an expert report in civil court cases involving children,<sup>23</sup> the Strategy foresees an evaluation of such guidelines and the possibility of drawing on them for a broader expert report template which clearly sets forth what elements need to be taken into consideration and balanced, and what information should be included in the report. Expert witnesses must be familiar with the civil courts' protocol for best interests determination procedures and provide relevant input into such determination procedures through their expert assessment reports. Without prejudice to the parties of a case, and under strict rules of confidentiality, any information existing about a specific case before the drafting of an expert report will be provided to the appointed expert witness for integration into the expert assessment report.

In order to ensure that a sufficient number of suitable and qualified expert witnesses are available, a special department of the Ministry of Justice is responsible for the field of court experts. The department carries out all activities related to the appointment of court experts and their inclusion on the lists from which courts appoint them for specific cases. The department also works closely with the Expert Council for Court Expertise, which is a body ensuring the quality and professional work of court experts. The Strategy and NAP foresees an evaluation of the work of this department in order to assess potential improvements to keep reinforcing the capacity and efficiency of expert witness interventions in civil court proceedings. It also foresees the development of a standard template for best interests assessments conducted by court experts.

## Interim decisions

As explained higher up in this chapter, interim measures are decisions under the Family Code (DZ)<sup>24</sup> to temporarily protect the child's best interests when it is demonstrated as probable that a child is endangered. Such measures may include child custody, freezing of property, or concern certain medical examinations or treatments. They may also restrict the right of access of one of the parents to a child for a certain period, with the aim of balancing the child's need for safety and protection with the right to family relations. Restrictions include measures to remove a child from the parents, prohibiting or restricting contacts, controlling the manner of carrying out contacts, or prohibiting a person from approaching the child.

---

<sup>23</sup> Inception report, p. 9.

<sup>24</sup> Article 163.

Interim measures also make it possible to restrict contact between a parent and a child to supervised contact for a maximum of two hours per week. While this measure of supervised contact can currently be decided upon once, for a maximum duration of 9 months and without possibility of extension, **the Strategy sets forth a concrete goal to amend the Family Code in order to enable the renewal or extension of such interim measures where the best interests of the child so require**, as well as to grant more flexibility in its application, for instance by gradually increasing the time of supervised contact up to four or six hours per week. Supervision should be possible not only by SWC staff but also by specially trained staff of relevant NGOs, as long as the same preparedness can be granted and the same rules apply.

This will contribute to avoiding situations where, after nine months, if the child's safety can still not be guaranteed without professional supervision, contact between child and parent may have to be interrupted entirely, in violation of the child's right to family relations.

In relation to interim measures, during the life span of the strategy **the possibility of amending the Family Code and replacing the criterion of "child endangerment" with the criterion of "the best interests of the child"** will also be explored.

Replacing the criterion of "child endangerment" with that of the best interests of the child could open for the possibility that civil courts could adopt (certain) temporary measures while court proceedings are ongoing, to make sure that children involved in such proceedings are not stuck in a situation of uncertainty for long periods of time, which could negatively affect their well-being and prove contrary to their best interests. Such temporary measures may also provide the opportunity to test a certain arrangement during the course of the proceedings and lead to less tension or conflict between the parents while enhancing the well-being of the child. Such measures would need to be monitored and reviewed where necessary. In the best case, interim measures could lead to a court settlement and/or amicable arrangements.

The legal reform will also be accompanied by initiatives to foster a better understanding both among parents and professionals of the rights and best interests of the child, as well as of interim measures as a tool to ensure the best interests of the child (chapter 4 of the Strategy).

## CHAPTER 3. CHILD PARTICIPATION

The third chapter of the Strategy, and group of actions under the NAP, focus on child participation. It includes the child's right to be heard, to be informed appropriately, to have their own legal representation, and to have civil proceedings involving children adapted to their age and level of maturity in order for them to effectively participate.

### Current state

Consultation of children involved in Slovenian civil court proceedings are still happening on a case-by-case basis and without a clear and systematic procedure. Children are not always consulted or informed, and independent representation is not necessarily granted.

This can be exemplified by the recent case before the European Court of Human Rights (ECtHR), [\*X and Others v. Slovenia\*](#), in which one of the most significant findings of the ECtHR was the lack of opportunity given to the children, particularly the eldest, to express their views. Despite the eldest child's consistent and continuous opposition to the court's decisions, the children's perspective was never really considered. According to the ECtHR, the lack of engagement with and consideration of the children's views raised serious concerns regarding the fairness and thoroughness of the national court's decision-making process.

The need for better information and participation of children in civil court proceedings has been expressed by many stakeholders in the country, and there is a wish for clarity around when children should participate directly and when and how they should be entitled to legal representation.

In case of legal assistance and representation to the child, the question has been raised as to whether children who are able to take part in court proceedings could be represented by a lawyer on a right to legal aid service (LAS) basis, or whether legal assistance to children can only be provided by specialised children's lawyers, who are not necessarily operating under LAS.

The appointment of guardians ad litem and children's lawyers is also an issue in need of attention, and the lack of consistency regarding their profiles, roles and appointment procedures has led to a certain unpredictability which, in turn, undermines the effectiveness of representation in a manner corresponding to the best interests of the child. For instance, there is a significant difference between the capital city of Ljubljana, where guardians ad litem are frequently appointed to represent the child's interests, and other district courts in the country, where this practice is much more rare.<sup>25</sup> Precise definitions of necessary qualifications, responsibilities and appointment procedures are still lacking, and would be instrumental in ensuring a sound framework tailored to the complex realities of children involved in civil court proceedings.

Today, children involved in civil court proceedings can receive assistance such as psychosocial support, the opportunity to discuss their wishes and opinions and to receive information about the proceedings, and the opportunity to be accompanied through the various decision-making instances. Nevertheless, such assistance is not provided systematically. For instance, guardians ad litem are appointed by civil court judges in only about 20 % of cases involving children<sup>26</sup> and, as abovementioned, mainly in Ljubljana. Since it is often the Social Work Centres (SWC) that request a guardian ad litem to be appointed for the child, it is necessary to ensure that both civil court judges and SWC staff across the country are familiar with this practice and how it can impact decisions affecting children. The decision should never depend on which court in Slovenia the proceedings are taking place in, or on whether or not a court has enough qualified guardians ad litem available.

Some stakeholders have proposed that the nomination of a guardian ad litem be mandatory for the duration of civil court proceedings involving children, on the basis that cases tend to go more smoothly when a guardian ad litem is appointed. Nevertheless, in accordance with the national legal framework,

---

<sup>25</sup> Analysis of the legal framework, p. 38.

<sup>26</sup> Inception report, p. 7.

guardians ad litem should be appointed in cases where the best interests of the child are in conflict with the interests of one or both parents/caregivers.

Having children in civil court proceedings being represented by one of the parents' lawyers gives rise to concerns regarding bias and potential manipulation, in particular in cases where parents have difficulties agreeing on a family and/or custody arrangement. In such cases, it is important that the child is represented by a separate children's lawyer who defends the child's views and interests. However, free legal aid to children is made available only in cases considered very difficult, meaning that other venues must be explored.

The Slovenian Ombudsperson has pushed for better information to children, in a manner adapted to their age and level of maturity, both about their rights, about the type of assistance available, and about the judicial proceedings.

The Ombudsperson has also proposed to discuss with all civil courts on how to improve child participation and children's advocacy in order to better uphold the rights of the child. Children's advocacy is explicitly foreseen in the Human Rights Ombudsman Act, which stipulates its functioning and rules. The Act grants the Ombudsman the mandate to add and remove advocates from the list of child advocates, to train them, and to supervise their performance.

The appointment of an advocate may be proposed by anyone who believes that a child cannot exercise the right to express his or her opinion. Concretely, this means that children can request an advocate independently if they believe they need help expressing their opinion in proceedings that concern them. It is important, however, that the child is capable of expressing this request in the first place.

In addition, one or both parents, or another legal representative (e.g. a guardian), may propose that an advocate be assigned to the child if they believe this would be in the child's best interests. Other individuals, such as grandparents, aunts, uncles, siblings, etc., who notice that a child is in a situation where they need help expressing their voice, may also make such a proposal.

Likewise, professionals such as pedagogues, psychologists, social workers, teachers, preschool teachers, counsellors, healthcare personnel, etc., particularly those working in schools, kindergartens, social work centres, healthcare institutions, or other public institutions, who in the course of their work identify that a child might be at risk or in need of support to express their opinion. Examples include courts, Social Work Centres, the police, schools, kindergartens, healthcare institutions, and other state or public bodies. Organisations working in the field of human rights, children's rights, or social welfare (e.g. the Slovenian Association of Friends of Youth (ZPMS), organisations offering child assistance, etc.) may also submit a proposal.

The Human Rights Ombudsman may also initiate the advocacy procedure ex officio if, in the course of their work, they determine that it is necessary to protect the rights of the child.

A proposal can be submitted in writing (via email or regular mail) or through an online form available on the official website of the Ombudsman: <https://www.varuh-rs.si>

There is no need to fill out a specific form; it is sufficient to clearly describe:

- who the child is (name, surname, age),
- the situation the child is in,
- why the child may need an advocate,
- who is submitting the proposal and their relationship to the child.

The process is voluntary – the child must agree to have an advocate. The purpose of advocacy is not to resolve a dispute, but to support the child in expressing their views during proceedings. The advocate does not represent the child legally, but rather promotes the child's participation and right to be heard.

## **Human Rights Ombudsman Act**

### Section III.a. Child advocacy

#### **Article 25.a**

- (1) As regards the protection of children's rights, the Ombudsman shall, in addition to other tasks determined by this Act, organise and provide children's advocacy within an internal organisational unit. Children's advocacy shall be carried out by children's advocates (hereinafter: advocates), who shall form part of a volunteer network ensuring each child equal access to an advocate.
- (2) The purpose of advocacy is for the advocate to provide professional assistance to a child enabling him or her to express his or her opinion in all procedures and cases the child is involved in and to communicate the child's opinion to the competent authorities and institutions that decide on his or her rights and best interests. The advocate shall not be the child's statutory representative. Professional assistance shall consist of psychosocial support provided to the child, conversations about his or her wishes, feelings and opinion, providing information to the child as to procedures and activities in a child-appropriate manner, seeking the best solution together with the child, and accompanying the child before authorities and institutions deciding on his or her rights and best interests.

#### **Article 25.č**

- (1) A child's statement obtained with the help of an advocate may be used in any procedure in which the rights and best interests of the child are decided on.
- (2) An authority that decides on the rights or best interests of a child shall be obliged to explain in its decision how the child's statement was taken into consideration and how it acted in the best interests of the child.

### **Moving towards...**

This Strategy aims to enhance the effective participation of children in civil proceedings in and outside of courts, and ensure that the child's voice is taken into serious consideration in any decision made affecting the child.

## **Effective participation**

### **The right to information & child advocacy**

The Strategy and its NAP sets out concrete actions to contribute to a better child-friendly information and a stronger child participation in civil proceedings involving children.

This includes continuing to build on already existing initiatives, for instance **Child Advocacy** through the Office of the Human Rights Ombudsperson, to advocate for children's right to participate and to organise exchanges between civil courts and other relevant professionals to foster a common understanding on how children's voices should be heard and considered.

Child Advocacy at the Human Rights Ombudsman is a very important initiative, the main goal of which is to ensure that children are heard when decisions are being made that affect their lives. It represents a recognition of the child's right to participation, which is one of the general principles of the Convention on the Rights of the Child (specifically, Article 12 – the right of the child to express their views freely in all matters affecting them).

The primary task of the child's advocate is to help the child express their opinions, feelings, needs, and wishes in situations where decisions are made about their rights, interests, or life circumstances. Children often lack the courage, the words, or the opportunity to communicate how they experience certain situations (e.g. parental separation, decisions made by social work centres, court proceedings).

The advocate is there to support them in doing so. Many proceedings that affect children's rights (such as civil court procedures, decisions by social work centres, placement in foster care, etc.) can be emotionally very demanding for a child.

The advocate is not just a mediator but also an emotional support, someone who listens to the child and accompanies them throughout the process. Adults frequently make decisions “in the best interests of the child” without directly consulting the child. The advocate ensures that the child’s voice is heard, understood, and taken into account, regardless of the child’s age. They also help interpret and communicate the child’s messages to adults in a way that is appropriate and understandable in a given context.

The advocacy process strengthens the child’s self-awareness, self-respect, and sense of worth – the child learns that their opinion matters and that they have the right to participate in important decisions. Although the advocate does not represent the child in a legal sense, they always act in accordance with the best interests of the child. Sometimes, the child’s opinion and best interests may differ – in such cases, the advocate explains the child’s options and the reasons behind certain developments, while also ensuring that the child’s will is respected to the greatest possible extent. In the advocacy process, various stakeholders often collaborate, including parents, social work centres, schools, healthcare providers, and courts. The advocate helps build bridges and facilitate communication among them – always keeping the child’s rights at the centre. This also contributes to improving the quality of institutional decision-making.

Examples of situations where child advocacy may be needed include situations where a child is facing problems at home (e.g. domestic violence, neglect, parental divorce), or in foster care or institutional care, where a child feels unheard in school or within the healthcare system, or where a child wants to participate in proceedings at a social work centre or in court but is not given the opportunity to do so.

Advocates are specially trained volunteers from various professional backgrounds (e.g. psychologists, pedagogues, social workers, etc.) who undergo training provided by the Human Rights Ombudsman. Their role is to stand by the child’s side, while remaining independent, confidential, and committed to protecting the child’s rights. Participation in the advocacy process is voluntary – the child must give their consent; advocacy is never forced. Conversations between the child and the advocate are confidential (with certain legal exceptions). The advocate is not part of the social work centre, court, or any other authority – they act independently. The entire process revolves around the child’s needs, emotions, wishes, and safety. The aim is to enable the child’s active participation in decision-making.

During the lifespan of the Strategy, options for coordinating and connecting parallel criminal and civil court cases involving children in a multidisciplinary and interagency manner and, where relevant, using the specialised facilities of the **Slovenian Children’s House (Barnahus)** will be explored. As part of this, solutions are being sought in accordance with existing legislation so that, in certain cases, a judge from the family court could also participate in the forensic interview, hence reducing the overall number of interviews with the child. This could make the child’s participation in judicial proceedings considerably more child-friendly and child-sensitive, while ensuring a safer and more effective overall case management and sharing of information between relevant professionals. Ultimately, this can contribute to reducing the risk of secondary victimisation of children in contact with the justice system.

Such a coordination of procedures requires a broad consensus among courts, lawyers, and other participants in the proceedings, as well as the Expert Council of Barnahus, which is responsible for assessing professional issues related to Barnahus.

For those situations and civil cases that do not go to court but can be handled by Social Work Centres (SWC), child participation will also be strengthened. While the child may express their views in an interview with the SWC, it needs to become clear what the purpose of an interview is, who the person interviewing the child is and how that person is trained, and what protocol, if any, is followed. It also needs to become clear that all children truly understand their right to be heard and feel safe to speak their mind, and that they know they are heard and that their views will be taken into account in the decisions made.

In this view, a more systematic and consistent approach to informing children about their rights and the decisions that will be made will be developed, along with clear guidance on how to enable children's participation consistently. The digital platform mentioned under Chapter 1 of this Strategy will include specific sections with child-friendly information adapted to children of different age groups.

## **Legal representation**

Whenever a child's interests may differ from or are in conflict with the interests of one or both parents in a civil law case, it is of the utmost importance that the child's interests are represented and brought forward independently by a legal representative. Whether this is a court appointed guardian ad litem or a children's lawyer appointed by the child, such representation will be 1) guaranteed and 2) free of cost for the child.

The Family Code sets out the conditions for when a guardian ad litem can be appointed, but is vague on what the exact tasks of the guardian ad litem are. During the life span of the Strategy, the goal will be to make sure there is greater clarity on how children's interests are represented and to make sure no child stands without legal representation where their interests may differ from those of the parents. The current variation in the appointment of guardians ad litem in civil proceedings, which sees such representatives much more frequently appointed in Ljubljana than in other district courts in the country, will be reduced during the lifetime of the Strategy. Furthermore, anyone representing a child, whether a lawyer or a guardian ad litem, must be specially trained and qualified to do so.

Children who are parties to civil proceedings will be provided with legal representation by a children's lawyer on the basis of LAS. For this purpose, a public list of lawyers specially qualified to interview and represent children will be established and published.

It is reminded that child participation is a right, not a duty. Every child has the right to participate in a manner that is convenient for them, be that directly with their own words and presence in court, or indirectly by being represented by their own specialised lawyer or advocate. In certain situations where the risk of trauma or secondary victimisation is considered high, the best interests of the child may be better ensured by providing the child the opportunity to speak to specialised staff in a Barnahus.

## **Child hearings & interviews**

This Strategy embraces the idea of children being encouraged and supported to participate directly in civil court proceedings and for them to be enabled to share their views freely in their own words. The Strategy envisages a more systematic procedure for hearing children involved in civil court proceedings. In order for this to be done in a child-friendly and child-sensitive manner, civil court judges must receive training and support in how to hear children and how to take their views into account in a serious and balanced way.

The Strategy and its NAP therefore foresee trainings (see Chapter 4 below) in child interviews, based on evidence-based forensic interviewing protocols. Such protocols are frequently used in criminal proceedings involving children, and their use in – and potential adaptation to – civil court proceedings will be explored and enhanced.

Where appropriate, and in particular in cases of children in situations of vulnerability, child hearings and interviews may be moved to and conducted by Barnahus professionals, who are already highly specialised in interacting with child victims and witnesses of violence and can receive the child in a child-friendly and safe setting.

## Relevant international examples

In 2021, **Germany** adopted an Act to combat sexual violence against children, which introduced changes to the civil procedural law concerning child protection cases and care proceedings. The Act stipulates that children must be heard in person, regardless of their age, and lays down qualification requirements for family judges and guardians *ad litem* for children involved in care proceedings. To support the implementation of the law by family court judges, the National Council against Sexual Violence against Children and Adolescents developed a practical guide to support family courts in hearing children and applying child-friendly justice criteria in the proceedings. It is targeted primarily at judges and provides recommendations for the child-friendly organisation of civil proceedings. It can be used also by other actors involved in the proceedings, such as child protection workers, guardians *ad litem* and lawyers, as well as court administrations.<sup>27</sup>

**Ireland** launched a cross-Government National Strategy on children and young people's participation in decision-making in 2015, based on the Lundy model of child participation, which provides guidance for decision-makers on how to operationalise the right of the child to be heard. The Irish Child and Family Agency Tusla developed a general children and youth participation training for its staff and a Child and Youth Participation Toolkit to support child protection work. The toolkit is complemented by child-friendly information material and specific tools that caseworkers can use to communicate with children on the services they provide. It includes a storybook for 3-7-year-old children placed in alternative care; a guide for children placed in foster care targeted at age groups 8-12 and 13- 18; and a guide on going into residential care for children aged 13-18 years.<sup>28</sup>

---

<sup>27</sup> See: D. Wenke, Securing the best interests of the child in civil proceedings: A selection of guidance, methods and tools used in Council of Europe member states (2025), paragraphs 189-191.

<sup>28</sup> *Ibid.*, paragraphs 200, 206, 208.

## CHAPTER 4. TRAINING OF PROFESSIONALS

The fourth chapter of the Strategy, and group of actions under the NAP, are dedicated to the training of professionals working with and for children involved in civil proceedings. They include issues such as the quality and curriculum of professional trainings, the expansion and professionalisation of training curricula, the definition of target groups to be trained, as well the establishment of rules and good practice for regular basic and ongoing training.

### Current state

In Slovenia, a lack of sufficient competence with regard to the rights of the child and child-friendly interactions has been observed both within and outside the civil courts, including professional groups ranging from judges, court assistants and lawyers to social workers, educators and psychologists.

Stakeholders have pointed out that, in general, all professionals working with and for children in civil court proceedings should be better trained on how to approach and interact with children, how to communicate with them in a child-friendly manner, and how to determine what is in the best interests of the child. Any professional interviewing or hearing a child should be specially trained for this task, which is currently not the case.

With regard to the civil courts, there are about 70 judges deployed in the area of family law matters in the country. Many of them have exercised for a period of less than 5 years<sup>29</sup> and there are significant differences between well-trained and experienced judges with expertise in child-friendly justice and less knowledgeable and experienced judges.

There is a need to increase the overall knowledge of judges in areas such as child psychology, to avoid situations in which they base their decisions entirely on the opinion of a clinical psychologist appointed as expert witness. Judges would also benefit from training to better identify what type of expertise is needed in a specific case, in order to appoint the right profile of the expert witness.

As for lawyers representing children, including as guardians ad litem, most do not have the necessary knowledge to assess the best interests of the child. During law studies, lawyers are not prepared for the practical reality of family law proceedings, and clear training requirements and training curricula on child-friendly justice and the best interests of the child are missing.

Social Work Centre (SWC) professionals in the country face similar challenges. They come from many different educational backgrounds (law, psychology, social work, administration, etc.) and often lack specific training in children's rights and how to assess the best interests of the child taking into account a broad range of criteria.

Lastly, clinical psychologists working with children are very few and a lack of financial resources to train additional ones has been observed.

For all the abovementioned professional groups, there is currently a total of around 200 training programmes covered for by the state budget in Slovenia. Among the topics covered are child interviewing and how to communicate with children, children's development and psychological needs, children's rights, as well as support to children and families in crisis or conflict situations. While these are highly relevant topics, only few of the programmes are evidence-based and the content of the programmes is not controlled or validated by the state. Social services and NGOs are the main providers of professional training and support programmes.

In a 2023 survey, relevant professionals were asked to select what they would consider important in professional trainings.<sup>30</sup> The respondents could choose from topics already listed or could indicate additional training topics that would be useful for them in their work with children:

---

<sup>29</sup> Gap analysis and recommendations for education and training, p. 17.

<sup>30</sup> Ibid., p. 23.

Psychosocial status and functioning of children (development, maturity level, etc.).	95%
Working with children (practical guidance on interviewing, special measures, reasonable adjustments, etc.).	85%
Multidisciplinary work (ways of working with forensic experts, social work, etc.).	75%
Child protection support services.	70%
Obstacles faced by children in court proceedings.	65%
Working with children with disabilities (practical guidance on interviewing, special measures, etc.).	60%
Children's rights in civil court proceedings.	55%

### Moving towards...

This Strategy aims to fill these gaps and the NAP sets out concrete actions to improve the situation over the next few years, while carefully monitoring progress.

Firstly, the Strategy will address the gap whereby professionals who are not specially trained in child-friendly justice are allowed to represent and/or interview children in civil court proceedings. A clear goal is set to ensure that all professionals who interact with children in the framework of civil court proceedings have received at least a basic training in children's rights and the best interests of the child. For professionals interviewing or hearing the child, additional training will be required in how to do so in a child-friendly and evidence-based manner.

### Training for judges

Under the Strategy, judges will be better prepared and informed on the different support programmes available for families, including social services and psychological support programmes. That way, judges will be able to assign parents on a case-by-case basis to the most relevant and effective ones for their specific situation. The list of available programmes will be made readily available, regularly reviewed and updated, and shared with all relevant professionals.

Where it is not already the case, judges will be trained on better informing and interviewing children in a child-friendly way, based on evidence-based interview protocols and methods, and regular continued training will be made available and be required. Continued training will also include a pilot initiative to learn about selfcare techniques to preserve the mental and physical health of judges exercising in very complex and/or high conflict cases.

In accordance with draft Council of Europe Recommendation on the protection of the rights and best interests of the child in parental separation proceedings:

*“High-conflict case”* means a case in which one or both parents are unable or unwilling to put aside their differences and to focus on the best interests of the child for the purpose of reaching a separation settlement or agreement, unless it is a case involving domestic violence. High-conflict cases are generally characterised by one or more of the following:

- a high level of hostility, antagonism and distrust between the parents;
- continuous communication difficulties and repeated litigation;
- a lack of co-operation between the parents, in particular in the implementation of a settlement or agreement reached or a decision made concerning parental responsibility, custody or upbringing, access to or contact with the child.

In addition, a pilot will be launched to set up peer support and supervision programmes, providing opportunities to exchange with other judges and learn from one another.

Training programmes will also be made available to other members of civil court staff, in order to make it possible to delegate more tasks to those who want it.

Trainings provided specifically for the professional group of judges and other court staff will be developed in cooperation with the CIP and the Slovenian Judges' Association.<sup>31</sup>

## Training for lawyers

With regard to legal representation, it will become obligatory to have special training for this purpose, and lawyers who have completed such training and qualified will be listed in a public list of children's lawyers. When appointing a legal representative to a child, whether it is as a lawyer or a guardian ad litem, Social Work Centres (SWC) and judges must choose a person from the official list.

Training will include clear guidance on the appointment procedure and the role of guardians ad litem, which are currently not clearly defined, and provide guardians ad litem with the necessary skills and preparation to carry out their role in a manner consistent with the best interests of the child.<sup>32</sup>

For lawyers to remain on the list of children's lawyers, there will be adequate requirements for continued training on a regular basis.

Trainings for lawyers will be developed in cooperation with the OZS Law Academy.<sup>33</sup>

## Relevant international examples

In **Belgium**, the Flemish Bar Association and its Youth Lawyer Commission offer a specialisation course on children's rights for lawyers. In this two-year course, lawyers receive training on the rights of the child in accordance with national, European and international law, combined with basic training in child psychology and development. The course includes practical training components on key skills needed by lawyers when representing children, such as communicating with children. Lawyers who participate in the full training are certified as "youth lawyers". Youth lawyers are specialised in providing legal counsel and representation for children concerned by parental separation or care proceedings, proceedings under criminal law where children are victims, witnesses, suspects or accused persons, as well as legal matters concerning conflicts in the family or at school. All children are entitled to free legal advice and assistance by a specialised lawyer.<sup>34</sup>

In **Ireland**, the NGO Barnado's operates a specialised guardian *ad litem* service for children concerned by legal proceedings, including parental separation and care proceedings. Under the Irish Children Act, the judge decides whether a guardian *ad litem* should represent a child in a specific case and appoints a person to act as guardian *ad litem*. Parties to the proceedings can apply for having a guardian *ad litem* appointed. Barnado's is operating a database of trained guardians *ad litem* in each of the regions and local areas that courts can choose from. Courts should consider to appoint a guardian *ad litem* where Tusla, the national child protection agency, has made an application to the court for a child to be placed in alternative care, including where there is a risk that siblings will be separated, or a child should be supervised within the family because of concerns about the child's care; in cases of significant disputes over a child's care plan or where a child's wishes differ significantly from the measures of his or her care plan; where a child's referral to a closed institution is under consideration; where a parent is unable

---

<sup>31</sup> Responds to Recommendation 18 of the Gap analysis and recommendations for education and training, p. 24.

<sup>32</sup> Responds to Recommendation 23 of the Gap analysis and recommendations for education and training, p. 25.

<sup>33</sup> Responds to Recommendation 17 of the Gap analysis and recommendations for education and training, p. 24.

<sup>34</sup> See: D. Wenke, Securing the best interests of the child in civil proceedings: A selection of guidance, methods and tools used in Council of Europe member states (2025), paragraphs 9-539-541.

or unwilling to participate in the proceedings or where the parents concerned by proceedings have significant differences in language or culture.<sup>35</sup>

## **Training for social workers and other SWC professionals**

With regard to social workers, similar requirements will be established to ensure that anyone guiding families in civil matters involving children has adequate knowledge and understanding of child development and children's rights, and is also familiar with the best interests assessment and procedure that will be developed under this Strategy.

To ensure that professional staff in Social Work Centres receive the adequate training, additional resources will need to be allocated throughout the lifespan of this Strategy. That way, children can be met by professionals who know how to receive them, how to interact with them, and how to interview them if necessary. They can be accompanied by social workers who are able to understand their needs and can propose appropriate measures and solutions.

The different educational backgrounds of Social Work Centre professionals, who may work on prevention, counselling, family support, welfare services, family home assistance or assisting in legal proceedings, will be valued and built upon to enhance the multidisciplinary character of training programmes in children's rights and child protection.

## **Multidisciplinary and interagency capacity building**

Capacity building and training programmes on how to make an assessment on the best interests of the child or on how to prepare and draft expert opinions will be developed and proposed, and some of these programmes will be held jointly for social workers, clinical psychologists and psychiatrists, lawyers and judges to create synergies in acting in the best interests of the child, to better understand the needs of children and families, and to understand the role of each professional involved in the civil court proceedings.<sup>36</sup>

Joint trainings will be organised on a regular basis to ensure cross-sectoral exchanges and learning experiences, enhance the mutual understanding of professionals involved in civil proceedings, and foster trust and communication between different professional groups.

In order to enhance and build on a multidisciplinary approach, the skills and know-how developed in the framework of the Slovenian Barnahus (Children's house) will serve as inspiration and source of learning to continue to build upon.

## **Coordination and funding of professional training and capacity building**

As has been stated above, about 200 training programmes are currently covered by the state budget of Slovenia. During the life span of the Strategy, a better coordination, evaluation and validation, will be put in place to ensure that the content of the trainings remains relevant, is evidence-based and holds a high quality, and that duplication is avoided.

With regard to the exact content of the different training programmes for professionals involved in civil court proceedings and who work with children, the Gap analysis and recommendations for education and training produced in the framework of the European Union-Council of Europe Joint Project

---

<sup>35</sup> Ibid., paragraphs 552-553.

<sup>36</sup> Responds to Recommendation 16 of the Gap analysis and recommendations for education and training, p. 24.

*“Ensuring the best interests of the child in civil court proceedings in Slovenia”* provides a wealth of detail that will serve as inspiration in the development of key messages and training curricula.

A **multidisciplinary approach to training programmes** will be encouraged, and exchanges and learning experiences across sectors promoted. Moreover, while training programmes will be implemented both nationally and regionally, inter-regional training will also be promoted in order to enhance the exchange of experience and good practice across the different regions and district courts.<sup>37</sup>

---

<sup>37</sup> Recommendation 47 of the Gap analysis and recommendations for education and training, p. 31.

## CHAPTER 5. ALTERNATIVES TO COURT PROCEEDINGS

The fifth chapter of the Strategy, and group of actions under the NAP, focuses specifically on alternatives to court proceedings. This includes practices such as amicable agreements, prevention programmes, and information and awareness raising initiatives.

### Current state

In Slovenia, more than 40% of all family law proceedings before courts are concerned with the amicable settlement of child custody between parents.<sup>38</sup> The Court decides in non-litigious proceedings in accordance with Article 8 of the ZNP-1, usually at a hearing. In such proceedings, the Court decides on the basis of a proposal the parents have already agreed on, and will only disagree if the proposed arrangement is manifestly not in the best interests of the child.

Dealing with these cases at a hearing, as is the norm, is time-consuming because of the large number of cases.

In addition, civil court proceedings in Slovenia are often lengthy due to the difficulty parents have to understand the negative impact of parental conflict on their children, and also their lacking understanding on how the involvement in court proceedings affects children. There is a strongly felt need to increase such understanding among parents in order for them to proactively seek alternative solutions to their disputes and to come together and collaborate towards the best possible solution for their children.

### Moving towards...

By reducing the number of cases that end up in civil court proceedings in the first place, civil court judges could focus their energy on those cases for which no other solutions can be found, ensuring that such cases are handled more diligently and thoroughly, upholding the best interests of the child.

## Reducing the case load of civil courts

### Mediation

The Strategy aims to reduce the case load of civil courts by strengthening existing alternative paths to reach separation and custody agreements based on mediation.

The Mediation Centre at the Bar Academy of the Slovenian Bar Association provides family mediation before the start of court proceedings and contribute to potential reduction of the courts' workload.

Mediation in family matters is a process in which participants, on a voluntary basis and with the assistance of one or more neutral third parties acting as mediators, try to reach a peaceful settlement of a dispute arising from family relations.<sup>39</sup>

While different mediation options are available, such as mediation at the Social Work Centre (SWC), mediation at the Bar Association, and court-annexed mediation, these options are only rarely requested and used.

In the initial phase of a separation or divorce, the SWC shall inform the spouses of the consequences of divorce for themselves and for the domestic community, and explain the aim and the procedure of mediation. If the spouses consent, the SWC may provide mediation as a follow up to counselling, or the spouses may attend mediation provided by other providers.<sup>40</sup>

---

<sup>38</sup> Analysis of the legal framework, p. 14.

<sup>39</sup> Family Code (DZ), article 13.

<sup>40</sup> Family Code (DZ), article 202.

## **Family Code**

### **Article 205 (Providing mediation)**

- (1) Mediation may be carried out before the commencement, during or after the end of court proceedings; it shall provide assistance in arranging personal and property relationships.
- (2) Mediation shall primarily be carried out before the commencement of court proceedings with the aim of drafting a motion for consensual divorce or a motion for court settlement for child custody, maintenance and contacts with parents and other persons, and issues pertaining to the exercise of parental responsibility which significantly affect the child's development.
- (3) The Act governing alternative dispute resolution shall apply to mediation during court proceedings. In proceedings that involve children, the court may reject the motion of parties to the proceedings who agree to carry out a mediation attempt, and refuse to stay the proceedings if it considers that such stay would not be in the best interests of the child.

Mediation during court proceedings shall be carried out by mediators in the framework of programmes adopted and implemented by the courts in accordance with the Act governing alternative dispute resolution.

Mediation before and after court proceedings shall be carried out by mediators on the list of mediators held by the ministry responsible for family affairs.

The NAP accompanying this Strategy includes a concrete action to promote mediation at national level, in order for this option to become more widely known among the general public. Gradually, an increased use of – and trust in – mediation in civil proceedings could contribute to finding solutions to family disputes faster, alleviate the case load of civil courts, and avoid involving children in potentially lengthy civil court proceedings unless it is absolutely necessary.

## **Enhancing the capacities of SWCs and of parents**

In addition, under the Strategy and its NAP significant efforts will be made to enhance parent's knowledge and understanding of how children are negatively impacted by protracted conflicts, involvement in judicial proceedings, and uncertainty about their situation. The aim of such education and awareness raising will be to provide parents with the necessary insight, skills and support to enable them to make proactive and informed choices in favour of the well-being of their children.

For this purpose, the role of the Social Work Centres (SWC) will increasingly become that of a “guardianship authority”, equipped and resourced to provide the necessary guidance and support to families, as well as more in-depth services where needed, such as family therapy and other educational and psychosocial programmes.<sup>41</sup>

In principle, SWCs can already suggest such services to some extent, but they are not yet tailored to the needs and best interests of the child. During the life span of the Strategy, SWC services will be developed with a particular mindset focusing on empowering and supporting parents in identifying and upholding the best interests of the child.

Reducing the case load for civil courts and increasing the possibilities for parents to find alternative solutions to custody arrangements will contribute to fewer children having to go through civil court proceedings and free up human resources enabling judges to more speedily reach a decision in those cases that do end up in court, or to focus in more detail on complex cases involving children in particularly vulnerable situations.

Enhancing parents' understanding of the best interests of the child and supporting them in finding alternative solutions to court disputes will also bring along a positive change in the overall awareness of children's rights and increase the chances of children's needs being met and of parents feeling

---

<sup>41</sup> Analysis of the legal framework, p. 9.

positively encouraged and empowered to bring up their children in a constructive and non-conflictual manner.

## CHAPTER 6. SPECIFIC CONSIDERATIONS FOR CHILDREN IN SITUATIONS OF VULNERABILITY

The sixth and last chapter of the Strategy, and group of actions under the NAP, provide for specific considerations and measures for children in situations of vulnerability who are involved in or affected by civil proceedings. This includes children who may be victims/witnesses of violence, children with disabilities and/or specific needs, as well as children who are considered at high risk of falling into harmful situations or behaviours.

As mentioned in Chapter 1 of this Strategy, efforts will be undertaken to strengthen initiatives for families and enhance the capacity of Social Work Centres to provide preventive services for families. This is particularly important for families in situations of vulnerability, for instance due to socio-economic factors, unemployment, illness, migration-related or other factors.

### Current state

In general, there is a lack of structured programmes for families that face greater challenges and find themselves in situations of vulnerability. Firstly, there are very few free services to which the social work centre or the court could refer family members in cases where more intensive professional support is needed (for instance multi-dimensional family therapy). Secondly, even paid services are difficult to access.

For civil court judges, this complicates the task of selecting appropriate and accessible services for families in need, as the offer is currently inadequate. Although no immediate solutions exist to this problem, during the lifespan of the Strategy, ideas will be explored and solutions sought to at least gradually improve the availability of and access to such services.

With regard to children who are victims of **domestic violence**, both the Family Code (DZ) and the Prevention of Domestic Violence Act (ZPND) stipulate measures to be imposed by the Court against the perpetrator of violence to protect the child when the child is a victim of domestic violence. However, the Court has no protocol on how to proceed at the commencement of proceedings to determine the level of risk of harm to the child.

In cases where there are parallel civil and criminal proceedings, coordination and information sharing which would make it possible to avoid duplicating interviews with the child are not systematically carried out, leading to potential risks for the child. For instance, decisions on joint custody in cases of domestic violence should be handled with extreme care and require civil court judges to be immediately informed in case there is a suspicion of violence against one of the parents.

In cases where the protection of the child cannot be guaranteed in the home of a parent, for instance due to a suspicion or report of family violence during the proceedings, or when children are at risk and need to be temporarily removed from their parents to protect their best interests, the judge may need to request their placement in a crisis centre. There are only few crisis centres for children at national level, and children are not supposed to stay more than 21 days in these institutions. However, delays to place children in residential homes, foster families or reunite them with a non-violent parent can be very long and children sometimes stay much longer in the crisis centres.<sup>42</sup>

Slovenia lacks a sufficient number of foster families to take care of children in need, and residential care centres tend to be closed during summer holidays and cannot take care of children during this period of the year, leading to additional difficulties in ensuring children's safety and care in cases of domestic violence and other forms of violence and abuse.

---

<sup>42</sup> Inception report, p. 9-10.

With regard to **children with disabilities or specific needs**, in addition to the general rules applying to all children, they are subject to specific regulations in the fields of education,<sup>43</sup> healthcare and social security.<sup>44</sup>

The provisions of the Family Code (DZ) and ZNP-1 are not specifically adapted to the rights of children with specific needs, and it is not necessarily clear that children with specific needs are entitled to special considerations in decisions affecting them.

### **Moving towards...**

Civil court proceedings involving children in vulnerable situations must follow all the rules for children in general, but often also require additional safeguards and considerations in order to assess and uphold the best interests of the child.

Best interests assessments can be much more challenging to make when faced with children who have been victims of crime and trauma, or who have specific support and/or health care needs which may include guaranteeing timely access to medical care. In such situations, balancing the child's rights and needs requires careful consideration of a series of elements, and an ideal solution can be difficult to find.

Under the Strategy, it will be a priority to make sure all children, including those in particularly vulnerable situations, have their rights respected and benefit from a thorough assessment of their best interests by trained and qualified professionals.

The protocol and guidelines for the determination of the best interests of the child foreseen under Chapter 2 of this Strategy will include a specific part on children in situations of vulnerability. These tools will include appropriate considerations for the respective professional groups involved in working with children and families in a variety of different situations and settings. They will also contain specific elements to take into account when assessing and determining the best interests of children in different situations of vulnerability.

## **Children who are victims of domestic violence or of crime**

Under the Strategy, an assessment protocol enabling the civil court to assess the level of risk of a child victim of domestic violence will be developed with the help of a multidisciplinary approach involving professionals able to provide relevant information to the court in such specific cases.

If a child victim has siblings who are still under 18 years of age, assessments will pay attention also to them and to the relationship between all children in the family unit and their parents or caregivers.

Specific safeguards will be added to the protocol for determining the best interests of the child in cases of domestic violence, paying close attention to **revictimisation** (the risk of the child falling victim again) and **secondary victimisation** (the risk of the child being traumatised by the judicial proceedings).

### **Children in need of placement**

Actions will be undertaken to increase the capacity and ensure that children at risk can be placed rapidly in crisis centres and, for longer periods, in foster families or small-scale residential units.

---

<sup>43</sup> The Placement of Children with Special Needs Act – ZUOPP-1 and the Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs – ZOPOPP.

<sup>44</sup> The Parental Protection and Family Benefits Act – ZSDP-1.

Staff in such places, including foster parents, will receive appropriate support and be provided with relevant training, both before receiving children and during care.

Periodic reviews of any placement will be conducted, and children in out-of-home / residential placement will be consulted in such review processes to make sure that their views and needs are adequately heard and considered.

## Children with specific needs

With regard to children with specific needs or with disabilities who are involved in civil proceedings, additional effort will be made to ensure that these children are adequately supported and that their rights are upheld. This Strategy acknowledges that children with specific needs or with disabilities may need information to be not only child-friendly, but specifically adapted to their level of maturity as well as their degree and capacity of understanding. Information may need to be provided in a different format, in a specific or simplified wording, and by persons who are not only trained in children's rights and child participation but who also have knowledge about a certain type of disability or need.

Where needed, information must be provided in Braille or orally, in other cases, written information may be more appropriate.

## Relevant international examples

In **Finland**, the *Lasta-seula* model is a multi-agency risk assessment method, which has been developed for cases of children who have experienced violence and need coordinated assistance from different service providers. The assessment is initiated when child welfare services or the police receive a notification about a child who has experienced violence, including corporal punishment, or is at risk. The development of the model involved a project group composed of a police officer, a prosecutor, a child welfare expert, a paediatrician, a child psychiatrist, a psychologist and a lawyer. In addition, a working group was set up for the hands-on development process, consisting of two specialised social workers, a family therapist and an expert physician, as well as a secretary. The working group decided to work with a structured clinical assessment method, based on research on risk factors typically associated with violence against children, as well as clinical experience. The objective was to develop an assessment form to guide officials and professionals in identifying such risk factors. The more risk factors a child or a family is exposed to, the more vulnerable they are to violence. The model is used in the Finnish Barnahus services.<sup>45</sup>

---

<sup>45</sup> See: D. Wenke, Securing the best interests of the child in civil proceedings: A selection of guidance, methods and tools used in Council of Europe member states (2025), paragraphs 246-263.

## CONCLUSION

The six chapters presented above constitute the core of this Strategy for ensuring the best interests of the child in civil court proceedings in Slovenia. They outline the different steps needed to fill the gaps and needs identified for each thematic area, and include some of the key recommendations that have been made in the framework of the European Union-Council of Europe Joint Project “*Ensuring the best interests of the child in civil court proceedings in Slovenia*”.

Among the key findings of this Project are the needs to invest in systemic best interests determination methods and procedures, to foster specialisation among professionals, institutionalise multidisciplinary approaches and strengthen professional networks, to empower children and parents, and to use digital platforms to increase access to relevant information and raise awareness.

The Strategy also takes into account the joint European Union-Council of Europe *Child-friendly Justice Project*<sup>46</sup>, which aims to improve the protection of children in contact with the law, including in civil court cases, across Europe. Slovenia is one of three focus countries to pilot the implementation of activities at national and local levels to collect data, identify gaps, as well as to improve legislation, policies and practices during a two-year period between 2024 and 2026.

Based on this Strategy, the National Action Plan which follows here below transforms the identified gaps, needs and recommendations into concrete actions to be implemented at national level over the years to come.

This Strategy is adopted by the Slovenian Government and endorsed by an Inter-Ministerial Working Group for a period of five years (2025-2030). The NAP below sets forth concrete actions for the first half of the Strategy. Following the first 2,5 years of implementation, a mid-term review of the Strategy is foreseen, during which the implementation of concrete measures and actions will be assessed and evaluated, and a set of continued and/or additional actions will be adopted for the second half of the Strategy.

Importantly, the NAP contains not only concrete actions related to each thematic chapter of this Strategy, but also clear indications of which entity/actor is responsible for their implementation, the time frame during which each action is to be implemented, and one or more indicators aimed at enabling the monitoring and evaluation of each action and its implementation. Where relevant, a risk and opportunities assessment is made, and the relationship between different actions in the NAP is indicated. This is particularly the case where the successful implementation of one specific action depends on the prior realisation of another. Where relevant, the relationship or link between actions in the NAP and already existing initiatives and measures is also indicated.

The NAP follows the thematic structure of six chapters of the Strategy presented above, and takes the form of a table with actions.

---

<sup>46</sup> See: <https://www.coe.int/en/web/children/child-friendly-justice-project>

## **NATIONAL ACTION PLAN**

This NAP sets forth actions for the first half of the Strategy. By the end of 2027 to the beginning of 2028, following the first 2,5 years of implementation, a mid-term review of the Strategy is foreseen.

During the mid-term review, the level of implementation of the concrete actions established through this NAP will be assessed and evaluated, and a set of continued and/or additional actions will be adopted for the second half of the Strategy.

This NAP establishes concrete actions related to each thematic chapter of this Strategy. In addition, it sets out which entity/actor is responsible for the implementation of each action, the level of priority of each action, and one or more indicators aimed at enabling the monitoring and evaluation of each action and its implementation.

With regard to the level of priority, which can be high, medium, or low, this indicates that some actions are necessary to implement first in order to enable the subsequent implementation of other actions. This may be the case for instance for legal reforms, without which certain other actions are not possible to implement. In other cases, where legal reform is expected to take longer, certain improvements can already be achieved through specific policy initiatives in the short term.

The level of priority also takes into account the level of urgency with which certain measures and actions need to be put into place in order to improve the situation for children in civil proceedings as quickly as possible. Other, more long term changes envisaged may be indicated as “low priority” not because they are less important from an overall perspective, but because they will inevitably require more gradual steps or a longer phase of reflection, discussion, and preparatory work before they can be fully implemented.

To the extent possible, where the successful implementation of one specific action depends on the prior realisation of another, this is indicated in the NAP under the last column dedicated to risk assessment and relations between different actions.

The NAP follows the thematic structure of six chapters of the Strategy presented above, and takes the form of a table with actions.

## ACTIONS FOR CHAPTER 1. RIGHTS OF THE CHILD

The actions included under chapter 1 are expected to contribute to the specific objectives of the Strategy, in particular specific objective 1 “**To reach a system in which the rights of the child are systematically and consistently upheld, with a particular focus on the best interests of the child**”. Actions focus on enhancing access to quality information for three target groups: a) parents and caregivers, b) children, and c) professionals working with and for children in relation to family law proceedings.

	ACTION (WITH DETAILED EXPLANATION)	RESPONSIBLE ENTITY	PRIORITY LEVEL	INDICATORS	RISK / RELATION / OPPORTUNITIES
1.	<p>Develop a <b>national online resource platform</b> with digital content including information and advice on the rights of the child, positive parenting (including existing training programmes, courses and materials for parents), divorce and custody issues, the impact of civil court proceedings on children, existing alternatives to court proceedings. The platform should also include content for informing individuals before family separation (e.g., “Considering Divorce: What to Expect”).</p> <p>The platform should contain different and clearly visible sections for a) parents and caregivers, b) children and c) professionals, to easily orient each target group to the material and information most relevant to them. Style, language and design should be adapted to each of these target groups.</p> <p>The platform should include easily accessible contact information for both parents/caregivers and children in need of assistance, including an email/chat function and a phone number.</p>	<p>Ministry of Justice Supreme Court Ministry of labour, family, social affairs and equal opportunities Ministry of Health</p>	HIGH	<p>Platform is created and is accessible online (Y/N).</p> <p>Number of clicks on platform during the first 6 months, then yearly.</p> <p>Number of clicks on the respective sections of the platform – i.e. on the section dedicated to parents and caregivers, the section dedicated to children, and the section dedicated to professionals – during the first 6 months, then yearly.</p> <p>Number of resources downloaded by users on the respective sections of the platform, during the first 6 months, then yearly.</p> <p>Number of calls/chats/contacts with relevant support and social services that are listed on the platform, during the first 6 months, then yearly.</p> <p>Satisfaction surveys among the three main target groups (parents/caregivers, children, professionals) yearly, with 1<sup>st</sup> year setting the baseline.</p>	<p><b>Risk</b> – that one broad platform with a large amount of information, materials and tools gets confusing for the user. To tackle this risk, it would be important to create the content together with communications professionals and test the website with pilot end-users before launching it.</p> <p><b>Risk</b> – that the platform requires important resources to put in place and maintain and update regularly and that its actual use by the relevant target groups remains low, at least until it gets more broadly known.</p> <p><b>Potential need</b> – for regional/local sections to better target / increase access to and visibility of local support services.</p> <p><b>Opportunity</b> – to gather and centralise all relevant resources and references in one place, which can be made highly visible and accessible to a large public. This can also ensure that everyone on the country has the same information.</p> <p><b>Link</b> – Action 1 is linked to several other actions in this NAP, which will depend on the implantation of this action.</p>

2.	<p>Develop an <b>awareness raising campaign</b> on civil proceedings for the general public, with key messages directed towards families / parents / children.</p> <p>The campaign will include the creation of awareness posters to promote the existence of the national online resource platform (Action 1). The posters will be placed strategically at Social Work Centres and Courts.</p> <p>The awareness raising campaign will include key messages on:</p> <ul style="list-style-type: none"> <li>- family separation and divorce;</li> <li>- high conflict separation cases;</li> <li>- the rights of children to family relations and not to be separated from their parents against their will;</li> <li>- the rights of children in family proceedings.</li> </ul>	<p>Ministry of labour, family, social affairs and equal opportunities;</p> <p>Ministry of Justice;</p> <p>in collaboration with relevant NGOs/civil society actors and service providers</p>	HIGH	<p>Campaign(s) created and launched (Y/N)</p> <p>Estimated reach of campaign(s)</p> <p>Feedback received (e.g. population survey)</p> <p>Increase in requests for information/assistance number of request over a given period of time).</p>	<p><b>Relation</b> – Brochures were produced for criminal law cases and there is a need to increase information also on civil/family law cases.</p> <p><b>Risk</b> – that people see the campaign only once they enter the procedure / institutions. To tackle this risk, consider sharing the campaign also more broadly in public spaces, such as on city billboards, bus stops, in schools and in hospitals, as well as online through social media.</p> <p><b>Link</b> – Action 2 is linked to and will contribute to the visibility of the national online platform created under Action 1.</p>
3.	<p>Develop and launch an <b>early prevention programme</b> to ensure future parents / parents of young children are better aware of the risks/needs of children, both in general and in separation/divorce situations, and how intra-family conflict and separation/divorce may affect the child’s development and well-being.</p> <p>Such an early prevention programme should include a “<b>School of responsible parenthood</b>”, introducing parents to responsible and conscientious care for children and their protection and upbringing, as well as a “<b>School of healthy divorce</b>” to provide parents with comprehensive information on child-friendly divorce methods (from the point of “we’re going our separate ways” to the point of “apart but still ok”).</p>	<p>Ministry of labour, family, social affairs and equal opportunities;</p> <p>in collaboration with NGOs/civil society actors;</p> <p>Ministry of Education and Science</p>	HIGH	<p>Number of cities where prevention programme is developed and launched.</p> <p>Number of (future) parents / families prevention programme has reached.</p> <p>Results of beneficiary survey over time (yearly survey, with 1<sup>st</sup> year setting the baseline).</p>	<p><b>Opportunity</b> – Potential support from the EU Social Cohesion Fund.</p> <p><b>Link</b> – Action 3 is linked to Action 1 and the resources developed within the early prevention programme should also be uploaded and shared on the national online platform created under Action 1.</p>

	The programme should include as much support as possible for both parents and children, stressing that while divorce itself may not be traumatic for children, conflicts between parents are.				
4.	Conduct a <b>mapping of existing initiatives on positive parenting</b> at national and international level and, based on this mapping, identify priorities for strengthening and completing existing initiatives.	Ministry of labour, family, social affairs and equal opportunities	HIGH	Mapping conducted (Y/N)  List of priorities for the strengthening of positive parenting initiatives is established (Y/N)	<b>Relation</b> – This activity should build on what already exists, and be followed by the development and implementation of improved positive parenting programmes during the second half of the Strategy.  The mapping is seen as high priority because it will help identify needs for other high priority actions, in particular Action 1.
5.	Create <b>awareness raising materials</b> (brochures, web/online content etc.) for relevant professionals working with children and families involved in civil law cases informing about the rights of all children to be protected from discrimination of any kind, and to work actively against such discrimination.  In particular, create materials for Social Work Centres (SWC) containing information about divorce and reference to the national online resource platform (Action 1) to ensure that all SWCs in the country have access to and use the same resources and materials.  In addition, child-friendly materials should be prepared separately for children and their parents/caregivers (Chapter 3).	Ministry of labour, family, social affairs and equal opportunities;  Association of centres for social work;  Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	Campaign(s) created and launched  Estimated reach of campaign(s)  Data collected on detected discriminatory situations/cases.  Feedback received (e.g. survey among professionals)	<b>Risk</b> – Inadequate multidisciplinary commitment to develop highly relevant material.  <b>Link</b> – Action 5 is linked to Action 1 and the national online platform, to ensure that all SWCs in the country have access to and use the same resources and materials.
6.	Continue building on existing family-based prevention programmes and <b>empower SWC staff and relevant NGOs to improve their work with parents.</b>	Ministry of labour, family, social affairs and equal opportunities;  Ministry of Health;	HIGH	Family-based prevention programmes are completed and strengthened (enhanced curricula and improved/updated material).  SWC staff feel better prepared to provide adequate support to families (surveys among professionals).	<b>Risk</b> – Inadequate funding for SWCs.  <b>Link</b> – Action 6 is linked to Action 4 and the positive parenting programmes which are also connected to family-based prevention programmes.

		<p>Association of centres for social work;</p> <p>in collaboration with NGOs/civil society actors;</p> <p>Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group</p>			<p>Action 6 is also linked to Action 1 and the national online platform on which all resources and programme material should be uploaded and shared with SWC professionals across the country.</p>
--	--	--	--	--	--

## ACTIONS FOR CHAPTER 2. BEST INTERESTS OF THE CHILD

The actions included under chapter 2 are expected to contribute to the three specific objectives of the Strategy: 1) To reach a system in which the rights of the child are systematically and consistently upheld, with a particular focus on the best interests of the child; 2) To carry out substantive reforms to the legal framework governing civil court proceedings involving children and align the Slovenian legal framework with relevant international legal provisions, and; 3) To implement concrete initiatives and actions which tangibly improve children's experiences within civil court proceedings.

	ACTION	RESPONSIBLE ENTITY	PRIORITY LEVEL	INDICATORS	RISK / RELATION
7.	<p>Develop a <b>protocol for the determination of the best interests of the child</b> with clear <b>Guidelines</b> for all relevant professionals.</p> <p>For the elaboration of the protocol and guidelines, a multidisciplinary and interagency working group is established, composed of highly experienced and knowledgeable professionals from all relevant sectors, including judges, lawyers, psychiatrists, psychologists, and social workers, as well as any independent national experts considered able to bring added value to the working group, including relevant NGOs.</p> <p>The working group shall assess existing practice from other countries and develop a <b>protocol setting forth clear steps for a best interests determination procedure, including an assessment phase, a decision-making and a follow-up procedure to the decision.</b> The protocol shall be based on clear criteria and shall establish which professionals are involved in what part(s) of the procedure, who is responsible for making a decision, how information is shared between relevant stakeholders, and who is in charge of following</p>	<p>Ministry of Justice; Supreme Court;</p> <p>Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group</p>	HIGH	<p>Multidisciplinary and interagency working group on the best interests of the child established and functioning (Y/N).</p> <p>Number of meetings of the working group annually.</p> <p>Minutes/notes from working group meetings.</p> <p>Protocol and Guidelines developed and adopted (Y/N).</p> <p>Protocol and Guidelines implemented (2<sup>nd</sup> half of Strategy).</p> <p>The best interests of the child are systematically assessed and determined in civil court cases involving children, and adequate follow up of decisions is ensured (surveys with professionals, analysis of case law, research).</p>	<p><b>Risk</b> – Lack of commitment from certain stakeholders.</p> <p><b>Risk</b> – Lack of / difficulty to reach consensus on a protocol / guidelines.</p> <p><b>Opportunity</b> – To foster a stronger multidisciplinary and interagency work culture around the best interests of the child.</p>

	<p>up and, if necessary, questioning and/or amending the decision.</p> <p>Clear guidelines shall be developed for how to implement each part of the best interests determination procedure and which parameters/criteria to consider (and which not to consider, e.g. discriminatory practices, involuntary/inadvertent biases etc.).</p>				
8.	<p><b>Increase the number of court experts</b>, both in clinical psychology and other relevant profiles, including professionals trained to work with very young children.</p> <p>Establish a systemic funding system for specialisations in clinical psychology.</p>	<p>Ministry of Justice</p> <p>Ministry of Health (financing of specialisations for clinical psychologists)</p>	<p>MEDIUM</p> <p>(GRADUALLY THROUGHOUT STRATEGY)</p>	<p>Number of additional court experts per year.</p> <p>Types of profiles of court experts have expanded (name types of professions)</p> <p>Establishment of formal list of approved (/certified / pre-screened / trained) court experts</p> <p>Resources (funds and training) invested in the preparation / training / certification of court experts</p>	<p><b>Risk</b> – Inadequate funding, absence of a systemic funding system.</p> <p><b>Risk</b> – Difficulty recruiting / identifying adequate experts</p> <p><b>Opportunity</b> – Increase pool of court expert witnesses and broaden the profile of such experts to provide a more varied set of expert assessments.</p>
9.	<p>Draft <b>Guidelines for the preparation of an opinion on the best interests of the child</b>, prepared by the SWCs for the court.</p>	<p>Ministry of Labour, Family, Social Affairs and Equal Opportunities;</p> <p>Association of Social Work Centres;</p> <p>Ministry of Justice;</p> <p>Supreme Court</p>	<p>HIGH</p>	<p>Guidelines are drafted and adopted (Y/N)</p> <p>Best interests opinions improve in quality (surveys with professionals, analysis of submitted opinions, research)</p>	
10.	<p>Change the legal regime for the exercise of <b>contact under supervision</b> of the SWC, which can currently only be regulated by a temporary order and only for 9 months (Article 173 of the DZ).</p>	<p>Ministry of Labour, Family, Social Affairs and Equal Opportunities</p>	<p>MEDIUM</p>	<p>Legal regime changed (Y/N)</p>	<p><b>Risk/Opportunity</b> – The action will be examined in the context of the revision of the Family Code</p>
11.	<p>Consider the <b>adoption of a wider range of possibilities for supervised contacts</b>, such as using NGO premises, appointing conflict</p>	<p>Ministry of Labour, Family, Social Affairs and Equal Opportunities</p>	<p>MEDIUM</p>	<p>Legal regime changed (Y/N)</p>	

	guardians, and putting in place contact monitoring institutes.				
12.	Consider the <b>extension of available measures to protect the best interests of the child</b> , and establish a clearer structure for the adoption and escalation of measures (what the SWC does, what the Court does).	Ministry of Labour, Family, Social Affairs and Equal Opportunities	MEDIUM	Legal regime changed (Y/N)	
13.	Examine the possibility for civil court judges of <b>issuing certain interim measures also in cases where the standard of “endangerment” of the child is not met</b> , when such measures would clearly be in the best interests of the child.	Ministry of Labour, Family, Social Affairs and Equal Opportunities; Supreme Court; Ministry of Justice	HIGH	Legal regime changed (Y/N)	<b>Risk/Opportunity</b> – The action will be examined in the context of the revision of the Family Code
14.	Regulate in more detail the <b>conditions for the appointment of a guardian <i>ad litem</i></b> and the precise role / extent to which the guardian <i>ad litem</i> represents the child and looks after the child’s best interests in the DZ or ZNP-1.	Ministry of Labour, Family, Social Affairs and Equal Opportunities; Ministry of Justice	MEDIUM	Legal regime changed (Y/N)	<b>Risk/Opportunity</b> – The action will be examined in the context of the revision of the Family Code
15.	Adopt relevant by-laws which specify <b>who can be appointed as a guardian <i>ad litem</i></b> and what conditions must be met. Lay down rules on how the Court determines who will be the guardian <i>ad litem</i> in a particular proceeding and how the appointment is made. Define how guardians <i>ad litem</i> shall be financed.	Ministry of Labour, Family, Social Affairs and Equal Opportunities; Ministry of Justice	MEDIUM	Legal regime changed (Y/N)	<b>Risk/Opportunity</b> – The action will be examined in the context of the revision of the Family Code
16.	Adopt a clearer legal basis for judges to refer parents to family support and crisis solution programmes.	Ministry of Justice; Ministry of Labour, Family, Social Affairs and Equal Opportunities	MEDIUM	Legal regime changed (Y/N)	<b>Risk/Opportunity</b> – The action will be examined in the context of the revision of the Family Code

### ACTIONS FOR CHAPTER 3. CHILD PARTICIPATION

The actions included under chapter 3 are expected to contribute to the three specific objectives of the Strategy, in particular objective 1) To reach a system in which the rights of the child are systematically and consistently upheld, with a particular focus on the best interests of the child, and objective 3) To implement concrete initiatives and actions which tangibly improve children’s experiences within civil court proceedings.

	ACTION	RESPONSIBLE ENTITY	PRIORITY LEVEL	INDICATORS	RISK / RELATION
17.	Include <b>child-friendly information</b> about the rights of the child and civil court proceedings and decisions in a specifically dedicated section of the national online resource platform mentioned under Chapter 1.	Ministry of Justice; Supreme court; Association of Centres for Social Work; Ministry of Labour, Family, Social Affairs and Equal Opportunities	HIGH	Number of children / groups of children consulted in the elaboration of the child-friendly information and material.  Publication of child-friendly information on the National online platform and elsewhere as relevant.	<b>Risk/opportunity</b> – Child-friendly material should be developed with the participation of children, including consultations through which children are asked what the most important messages are for them, and by testing draft material with different groups of children and integrating their feedback. Children who participate should be acknowledged for doing so, and receive feedback on how their participation has impacted the final outcomes (e.g. the published material).  <b>Link</b> – This action is linked to the National online platform foreseen under Action 1.
18.	Develop a <b>protocol for child interviews</b> in civil court proceedings, including clear guidance on interviewing techniques and protocols, which professionals can conduct interviews and which requirements they must fulfil.	Ministry of Justice; Supreme court; Association of Centres for Social Work; Ministry of Labour, Family, Social Affairs and Equal Opportunities;  Involvement of all relevant Ministries and professional groups through a multidisciplinary and	HIGH	The multidisciplinary and interagency working group is composed and meets x number of times to develop the interview protocol.  An interview protocol is drafted (Y/N).  A pilot phase for testing the interview protocol is launched.  Results of the pilot phase are analysed and the interview protocol is amended as needed (second half of Strategy).	<b>Opportunity</b> – For this action, already existing evidence-based forensic interview protocols should be used as a basis. Such protocols already explain well how to build rapport with the child, how to structure the interview and the questions, and how to conclude.  <b>Link</b> – This Action is linked to Action 31 below, dedicated to training of professionals in child interviews in civil proceedings.

		interagency working group			
19.	Draft a Protocol of Recommended Practices to ensure <b>the right of the child to participate in civil court proceedings</b> .	Ministry of Justice; Supreme court; Association of Centres for Social Work; Ministry of Labour, Family, Social Affairs and Equal Opportunities	HIGH	A Protocol is drafted (Y/N). Child participation in civil court proceedings increases (survey with professionals, analysis of caselaw, research).	<b>Risk</b> – The recommended practices are not followed by the relevant professionals. <b>Risk</b> – No/insufficient data is collected on children’s participation in court proceedings and the form such participation takes <b>Opportunity</b> – Children get the chance to participate more and better in civil court cases in which they are involved.
20.	Ensure that all children have the right to <b>assistance to express their views in decisions that concern them</b> , for example through a legal representative, through the child advocacy programme by the Ombudsman’s office, through SWCs, or through another suitable person whom the child trusts.	Ministry of Justice	MEDIUM	Legal regime changed (Y/N)	
21.	Ensure <b>free legal aid for children</b> who are parties to civil proceedings.	Ministry of Labour, Family, Social Affairs and Equal Opportunities	MEDIUM	Legal regime changed (Y/N)	<b>Risk</b> – Inadequate funding.
22.	Integrating <b>parallel criminal and civil proceedings involving children</b> in order to reduce the number of hearings with a child to the minimum possible.	Ministry of Justice	LOW (2 <sup>ND</sup> HALF OF THE STRATEGY)	Legal regime changed (Y/N) The number of hearings/interviews with children is reduced, in line with the best interests of the child. The child’s risk of being traumatised by the judicial proceedings is reduced. (Surveys with professionals and with children/families, analysis of caselaw, research).	<b>Risk</b> – Resistance from relevant professionals and/or difficulties relating to the sharing of personal data relevant to the child and the court cases.
23.	Create information <b>materials for children whose status is being decided in court proceedings</b> , regarding their position and rights in civil court proceedings, in order for the court to explain to all children in the same way how they may participate in the proceedings.	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	Information materials for children whose status is being decided in court proceedings, regarding their position and rights in civil court proceedings, is created and published on the online platform (Action 1) (Y/N).	<b>Link</b> – This action is linked to the National online platform foreseen by Action 1.

				<p>Children effectively access the material (number of clicks on relevant webpages/resources).</p> <p>Children understand better how they may participate in civil proceedings (surveys with professionals / with children).</p>	
24.	Prepare and adopt a <b>legal basis for lists of specialised lawyers for children.</b>	Ministry of Justice	MEDIUM	Legal regime changed (Y/N)	

#### ACTIONS FOR CHAPTER 4. TRAINING OF PROFESSIONALS

The actions included under chapter 4 are expected to contribute to the three specific objectives of the Strategy, and in particular specific objective 1) To reach a system in which the rights of the child are systematically and consistently upheld, with a particular focus on the best interests of the child and specific objective 3) To implement concrete initiatives and actions which tangibly improve children's experiences within civil court proceedings.

	ACTION	RESPONSIBLE ENTITY	PRIORITY LEVEL	INDICATORS	RISK / RELATION
25.	Strengthen the <b>multidisciplinary and interagency cooperation</b> between all relevant professionals working with civil proceedings involving children.	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	Relevant professionals experience stronger cooperation across sectors and have an easier time to exchange and communicate between professional groups (interviews/survey with relevant professionals).  Civil proceedings are carried out in a more fluent manner without interruptions or delays caused by lack of communication/cooperation between professionals (interviews/survey with relevant professionals).	<b>Risk</b> – If done too quickly, without a proper mapping of existing training courses and curricula both at national and international level, this action risks being inefficient in practice.  <b>Opportunity</b> – Possibility to do a mapping of competences that each institution / type of professionals have, what they can expect from one another etc.
26.	Develop and implement <b>joint trainings</b> involving relevant professionals from all fields working with civil proceedings involving children.	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	MEDIUM	Number of organised joint trainings involving relevant professionals from all fields working with civil proceedings involving children per year.  Number of joint trainings carried out increases (year 1 as baseline, yearly evolution).  Number of professionals trained (year 1 as baseline, yearly evolution).	<b>Risk</b> – If done too quickly, without a proper mapping of existing training courses and curricula both at national and international level, this action risks being inefficient in practice.  <b>Opportunity</b> – Possibility to do a mapping of competences that each institution / type of professionals have, what they can expect from one another etc.
27.	<b>Strengthen criteria and requirements for basic and continued training</b> for professionals working with and for children in civil proceedings.	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	MEDIUM	Criteria and requirements for basic and continued training for professionals working with and for children in civil proceedings are strengthened.  Number of professionals trained in accordance with new criteria (year 1 as baseline, yearly evolution).	<b>Risk</b> – If done too quickly, without a proper mapping of existing training courses and curricula both at national and international level, this action risks being inefficient in practice.  <b>Opportunity</b> – Possibility to do a mapping of competences that each institution / type of

				Professionals experience that they are better prepared to carry out their professional tasks (interviews/surveys with professionals).	professionals have, what they can expect from one another etc.
28.	<b>Conduct a mapping of the content and relevance of existing training courses for professionals</b> working with and for children in civil proceedings, and identify what is already in place and what needs to be added.	Ministry of Justice	HIGH	<p>A mapping of the content and relevance of existing training courses for professionals working with and for children in civil proceedings is done (Y/N).</p> <p>The mapping enables the identification of missing parts in the Slovenian training curricula, and the addition of important elements to improve training curricula (Y/N).</p>	<p><b>Relation</b> – The existing “Gap analysis and recommendations for education and training” prepared during the project should serve as the basis for this Action. The “Gap analysis and recommendations for education and training” provided an overview of existing trainings, but work still needs to be done to map the content and relevance of existing training courses.</p> <p>The mapping would allow other actions in this chapter to be better implemented, and is therefore considered of high priority.</p>
29.	<p><b>Assess practice from other countries</b> and determine which of the existing programmes would be best suited for the Slovenian national context, and bring those curricula (partly or fully) into the national training programmes.</p> <p>Translate relevant training material from other countries, and make it accessible to all relevant professionals, including through the national online resource platform mentioned in Chapter 1.</p>	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	<p>Relevant training curricula from other countries / the international context are assessed and selected for inclusion (in part or in whole) into Slovenian training programmes for professionals (Y/N).</p> <p>Relevant training material from other countries / the international context is translated (Y/N).</p> <p>Professional trainings improve in quality and prepare professionals working with civil proceedings involving children to work better and more in line with the best interests of the child (surveys with professionals).</p>	<p><b>Relation</b> – This assessment would allow other actions in this chapter to be better implemented, and is therefore considered of high priority.</p>
30.	<p>Improve the <b>exchange of information</b> between criminal and civil courts, by organising joint round tables / workshops and fostering regular dialogue.</p> <p>Consider how <b>Barnahus</b> could act as the crossroads for children involved in both criminal and civil proceedings, by providing the child and parents/caregivers with relevant child-friendly</p>	Ministry of Justice; Supreme Court	MEDIUM	<p>The exchange of information between criminal and civil courts is strengthened and professionals are less hesitant to share information with one another (interviews/surveys with professionals).</p> <p>Number of joint round tables / workshops organised (e.g. on a yearly basis).</p> <p>Barnahus staff is involved in the joint round tables and information exchanges (Y/N).</p>	<p><b>Opportunity</b> – If successful, this action could significantly reduce the stress and potential secondary victimisation of children involved in justice proceedings and enhance their best interests by ensuring child-friendly information, interviews and contacts, as well as by reducing the number of hearings / interviews with the child.</p> <p><b>Risk</b> – Information cannot be shared due to legal obstacles and/or due to unwillingness among</p>

	information and conduct interviews which could serve both proceedings.				relevant professionals to share data with other actors.
31.	Develop a <b>training programme for Child Interviews in civil proceedings</b> , including evidence-based child interview protocols and techniques.	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	<p>A training programme on child interviews in civil proceedings, including evidence-based child interview protocols and techniques, is developed.</p> <p>The training programme includes the interview protocol foreseen under Action 18 (Y/N).</p> <p>Number of trainings organised.</p> <p>Number of professionals trained.</p>	<b>Link</b> – This Action is linked to Action 18 aimed at developing a child interview protocol for civil proceedings.
32.	<b>Review existing verified parenting programmes</b> and publish them on the national online resource platform (Action 1) to ensure that they are all accessible in one place.	Ministry of labour, family, social affairs and equal opportunities	HIGH	<p>Existing parenting programmes are reviewed (Y/N).</p> <p>Once reviewed and validated, parenting programmes are published on the National online platform (Action 1) (Y/N).</p> <p>Parenting programmes are available and accessible in one same place (on the National online platform).</p>	<b>Link</b> – This Action is linked to Action 1 and the National online platform. <b>Opportunity</b> – To reduce discrepancies between different parenting programmes and enhance quality and consistency between existing programmes.
33.	Identify and agree on the set of <b>skills, knowledge and competences needed by judges, lawyers, and SWC staff</b> working with civil proceedings involving children.  Prepare a <b>catalogue of necessary criteria</b> and disseminate the catalogue to all training providers (CIP, Academy of Lawyers, Chamber of Clinical Psychologists, SCSD).	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	<p>A determined set of skills, knowledge and competences needed by judges, lawyers, and SWC staff working with civil proceedings involving children is agreed upon by the relevant professional groups (Y/N).</p> <p>A catalogue of necessary criteria is prepared and disseminated to all training providers (CIP, Academy of Lawyers, Chamber of Clinical Psychologists, SCSD).</p>	<b>Opportunity</b> – To reduce discrepancies between different professionals working with civil proceedings involving children and enhance knowledge, skills and consistency between professional groups.

## ACTIONS FOR CHAPTER 5. ALTERNATIVES TO COURT PROCEEDINGS

The actions included under chapter 5 are expected to contribute to the three specific objectives of the Strategy and in particular specific objective 1) To reach a system in which the rights of the child are systematically and consistently upheld, with a particular focus on the best interests of the child.

	ACTION	RESPONSIBLE ENTITY	PRIORITY LEVEL	INDICATORS	RISK / RELATION
34.	<p>Promote mediation at national level, including through the National online resource Platform (action 1) in order for this option to become more widely known and used among the general public.</p> <p>In particular, raise awareness of the various existing mediation options for separation and divorce (Bar Association, SWC, family mediators)</p>	<p>Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group</p>	HIGH	<p>Mediation is promoted through information and awareness raising material published on the National online platform (Action 1) (Y/N).</p> <p>Mediation is better known among the public (surveys/clicks on relevant links/materials on the online platform).</p> <p>Requests for mediation in separation / divorce situations increase (data collection, number of requests).</p>	<p><b>Link</b> This action is linked to the National online platform foreseen under Action 1.</p>
35.	<p>Equip and resource Social Work Centres (SWC) to provide the necessary guidance and support to families in situations of vulnerability and ensure the provision of more in-depth services where needed, such as family therapy and other educational and psychosocial programmes.</p>	<p>Ministry of labour, family, social affairs and equal opportunities; Social Work Centres (SWC)</p>	<p>LOW (GRADUALLY THROUGHOUT THE LIFE SPAN OF THE STRATEGY AND NAP)</p>	<p>SWC staff is equipped with the necessary training, skills and resources to carry out their work tasks effectively (interviews/surveys with professionals).</p> <p>SWC staff can effectively support to families in situations of vulnerability and provide (directly or by directing to others) adequate services in line with the needs and best interests of the child (interviews/surveys with professionals).</p> <p>Evaluations/audits of SWCs.</p>	<p><b>Relation:</b> SWCs can already suggest such services to some extent, but they are not yet tailored to the needs and best interests of the child.</p> <p><b>Risk:</b> Lack of resources for SWCs to strengthen their capacity to sufficiently support families in situations of vulnerability.</p> <p><b>Opportunity:</b> During the life span of the Strategy, SWC services could be developed with a particular mindset focusing on empowering and supporting parents in identifying and upholding the best interests of the child.</p>

## ACTIONS FOR CHAPTER 6. SPECIFIC CONSIDERATIONS FOR CHILDREN IN SITUATIONS OF VULNERABILITY

The actions included under chapter 6 are expected to contribute to the three specific objectives of the Strategy: 1) To reach a system in which the rights of the child are systematically and consistently upheld, with a particular focus on the best interests of the child; 2) To carry out substantive reforms to the legal framework governing civil court proceedings involving children and align the Slovenian legal framework with relevant international legal provisions, and; 3) To implement concrete initiatives and actions which tangibly improve children's experiences within civil court proceedings.

	ACTION	RESPONSIBLE ENTITY	PRIORITY LEVEL	INDICATORS	RISK / RELATION
36.	Develop, together with relevant experts, <b>a tool for assessing the level of risk</b> of maltreatment/abuse/neglect of a child which can be used by civil court judges.	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	The multidisciplinary and interagency working group meets x times and works on the development of a risk assessment tool.  A risk assessment tool is developed and adopted (Y/N).	<b>Link</b> – Already existing risk assessments done by social work centres should be looked at and used, to the extent relevant, as inspiration for this new risk assessment tool.  <b>Link</b> – to the action below (37).  <b>Opportunity</b> – Take into account the perspective of different relevant professionals working specifically on violence against children and domestic violence to include such expertise into the assessment tool.
37.	Develop, together with relevant experts, a <b>protocol of recommended actions</b> in cases involving child victims of domestic violence or neglect. The protocol should include guidelines for identifying violence or neglect and the tool for assessing the level of risk for a child who is the victim of domestic violence or neglect, as well as recommended actions based on the level of risk identified.	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	A protocol of recommended actions in cases involving child victims of domestic violence or neglect is developed together with relevant experts (Y/N).  The protocol includes guidelines for identifying violence or neglect and the tool for assessing the level of risk for a child who is the victim of domestic violence or neglect (developed under Action 36), as well as recommended actions based on the level of risk identified (Y/N).  The protocol is adopted and implemented in practice (surveys with professionals, analysis of caselaw, research)	<b>Link</b> – Already existing risk assessments done by social work centres should be looked at and used, to the extent relevant, as inspiration for this new risk assessment tool.  <b>Link</b> – to the action above (36).

38.	<b>Enable civil courts to take appropriate measures</b> in individual cases on the basis of the abovementioned tool and protocol, as well as on the basis of expert assessments, according to the level of risk to the child, with a view to identifying risk- and protective factors.	Ministry of Justice; Supreme Court	HIGH	Civil court judges are able to take appropriate measures in individual cases on the basis of the assessment tool and protocol developed under Actions 36 and 37 (Y/N).	<b>Link</b> – to the actions above (36 and 37). <b>Risk</b> – Legal change may prove necessary to enable civil courts to make decisions based on the assessment tool and protocol.
39.	Enhance <b>cooperation between the different institutions</b> involved in dealing with domestic violence against children to ensure a more holistic approach to protecting children and preventing recurrence.	Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH	Cooperation between different institutions involved in dealing with domestic violence against children is enhanced (Y/N).  A more holistic approach to protecting children and preventing recurrence of violence is taken (Interviews/surveys with relevant professionals).	<b>Risk</b> – Professional groups communicate too little / have too few occasions for dialogue and exchange to be able to establish a holistic approach to protecting children.
40.	Add a section in the <b>protocol for the determination of the best interests of the child</b> with clear <b>Guidelines</b> for all relevant professionals (action 7) specifically dedicated to children in situations of vulnerability, including children with specific needs, to ensure that any best interests assessment and determination procedure adequately considers such aspects and circumstances.	Ministry of Justice; Supreme Court;  Involvement of all relevant Ministries and professional groups through a multidisciplinary and interagency working group	HIGH/MEDIUM  (DURING OR AFTER THE IMPLEMENTATION OF ACTION 7)	A section specifically dedicated to children in situations of vulnerability, including children with specific needs, is developed and inserted into the protocol for the determination of the best interests of the child with clear Guidelines for all relevant professionals (Action 7) (Y/N).	<b>Link</b> – This action is linked to Action 7 on a protocol for the determination of the best interests of the child and guidelines for professionals.

## **Annex I**

### **Consultation with the Ministry of Justice (continuous consultations)**

1. Andrej del Fabro, Head of the Child-friendly Criminal Justice Department, Ministry of Justice
2. Mija Cankar, Secretary in Civil law Directorate, Ministry of Justice of Slovenia

### **Consultation with the national team in charge of the preparation of the Legal analysis, online meeting, 9 January 2025**

1. Zoran Stankić Rupnik, Lawyer, Croatian Bar Association
2. Mag. Tadeja Oštir, Family Judge and Head of the Family Law Department in Ljubljana
3. Jasna Murgel, President of the District Court in Maribor

### **Consultation with the national team in charge of the preparation of the Gap analysis and recommendations for education and training, online meeting, 9 January 2025 as well as written comments on the 2<sup>nd</sup> draft**

1. Katarina Bervar Sternad, Director, Legal Centre for the Protection of Human Rights and the Environment (PIC)
2. Ana Bajt, Legal Centre for the Protection of Human Rights and the Environment (PIC)

### **Consultations with the IMWG members, online meeting, 6 March 2025**

1. Nadja Hriberšek, Court Appraisal and Court Interpretation
2. Barbara Šegula Škoberne, Court Appraisal and Court Interpretation
3. Špela Zupan, Association of Centres for Social Work
4. Dr. Bernarda Dobnik Renko, Slovenian Chamber of Clinical Psychologists
5. Dr. Jana Kodrič, Slovenian Chamber of Clinical Psychologists
6. Vanja Tinta Tavčar, Ljubljana High Court
7. Mag. Tadeja Oštir, Ljubljana District Court
8. Špela Isop, Barnahus Slovenia
9. Anita Bregar, Ministry of Labour, Family, Social Affairs and Equal Opportunities
10. Zoran Stankić Rupnik, Bar Association of Slovenia
11. Andreja Dajčman, Bar Association of Slovenia
12. Jasna Murgel - President of the District Court in Maribor
13. Jana Morela, State Attorney's Office
14. mag. Matej Čujovič, Supreme Court of the Republic of Slovenia
15. Mag. Andreja Kokalj, State Secretary, Ministry of Justice
16. Miha Verčko, Ministry of Justice
17. Mag. Andrej Del Fabro, Ministry of Justice
18. Dr. Maja Čarni Pretnar, Ministry of Justice
19. Mija Cankar, Ministry of Justice
20. Mojca Lobnik, Ministry of Justice
21. Sara Regancin, Ministry of Justice
22. Tina Kodrič Perko, Ministry of Justice
23. Romana Bercic, Ministry of Justice

### **Consultation with the IMWG, written comments on the 1<sup>st</sup> draft and the 2<sup>nd</sup> draft**

1. Mag. Andreja Kokalj, Ministry of Justice
2. Miha Verčko, Ministry of Justice
3. Mag. Andrej Del Fabro, Ministry of Justice
4. Dr. Maja Čarni Pretnar, Ministry of Justice
5. Mija Cankar, Ministry of Justice
6. Mojca Lobnik, Ministry of Justice
7. Sara Regancin, Ministry of Justice
8. Tina Kodrič Perko, Ministry of Justice
9. Dr. Agata Zupančič, Ministry of Health

10. Dr. Jože Ruparčič, Deputy of the Human Rights Ombudsperson of the Republic of Slovenia
11. Ivan Šelih, Deputy of the Human Rights Ombudsperson of the Republic of Slovenia
12. Nadja Hriberšek, Court Appraisal and Court Interpretation
13. Barbara Šegula Škoberne, Court Appraisal and Court Interpretation
14. Špela Zupan, Association of Centres of Social Work of Slovenia
15. Tatjana Milavec, Association of Centres of Social Work of Slovenia
16. Dr. Bernarda Dobnik Renko, Slovenian Chamber of Clinical Psychologists
17. Dr. Jana Kodrič, Slovenian Chamber of Clinical Psychologists
18. Katja Zabukovec Kerin, Association for Nonviolent Communication
19. Katarina Parazajda, Supreme Court of the Republic of Slovenia
20. Vanja Tinta Tavčar, Ljubljana High Court
21. Mag. Tadeja Oštir, Ljubljana District Court
22. Erika Ponikvar Dečman, Ljubljana District Court
23. Špela Isop, Barnahus Slovenia
24. Mag. Petra Hribar Habjan, Ministry of Labour, Family, Social Affairs and Equal Opportunities
25. Anita Bregar, Ministry of Labour, Family, Social Affairs and Equal Opportunities
26. Zoran Stankić Rupnik, Bar Association of Slovenia
27. Andreja Dajčman, Bar Association of Slovenia