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Protocol of recommended measures in cases of suspected violence, abuse, or neglect including a form for assessing the level of risk to the child in family court proceedings

Brigita Mokbel
Mag. Tadeja Oštir
Vinko Stojnšek
Vanja Tinta Tavčar

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1. INTRODUCTION

Between 1 September 2023 and 28 February 2026, Slovenia benefits from the European Union–Council of Europe Joint Project “Ensuring the best interests of the child in civil court proceedings in Slovenia”¹. The project is implemented by the Council of Europe’s Children’s Rights Division in close cooperation with the Slovenian Ministry of Justice and the European Commission, the Reform and Investment Task Force (SG REFORM). The Project aims to strengthen the protection of the rights of the child, fully realising the principle of the best interests of the child in civil court proceedings.

As part of the Project, the Strategy for ensuring the best interests of the child in civil court proceedings in Slovenia (hereinafter: Strategy) was adopted for the next five years as the vision for a child-friendly and child-sensitive civil justice system. The Strategy includes an action plan establishing concrete actions for its implementation, monitoring and evaluation.²

Chapter 6 of the Strategy focuses on specific considerations and measures for children in situations of vulnerability, who are involved in, or affected by, civil proceedings. This includes children who are victims/witnesses of violence, abuse, or neglect.

Actions 36 and 37 of the Action Plan foresee the measures stated below to improve the position of the children in civil court proceedings:

- to develop, together with relevant experts, a tool for assessing the level of risk of maltreatment/abuse/neglect of a child which can be used by civil court judges. (Action 36 of the Action Plan); and
- to develop, together with relevant experts, a protocol of recommended actions 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. (Action 37 of the Action Plan).

¹ <https://www.coe.int/sl/web/children/slovenia-civil-court-proceedings> <26 February 2026>

² [https://gradiva.vlada.si/mandat22/VLADNAGRADIVA.NSF/18a6b9887c33a0bdc12570e50034eb54/5fe62ce138406264c1258d230047fcd8/\\$FILE/StratAN.pdf](https://gradiva.vlada.si/mandat22/VLADNAGRADIVA.NSF/18a6b9887c33a0bdc12570e50034eb54/5fe62ce138406264c1258d230047fcd8/$FILE/StratAN.pdf) <31 January 2026>

2. REASONS BEHIND THE DRAFTING OF THE HANDBOOK

Article 19 of the Convention on the Rights of the Child³ stipulates measures to protect the child from domestic violence and other forms of maltreatment. In this regard, the Committee on the Rights of the Child adopted General comment no. 13 (2011), “The right of the child to freedom from all forms of violence”.⁴

Article 24 of the Charter of Fundamental Rights of the European Union⁵ regulates special rights and the status of children: the right to such protection and care as is necessary for their well-being, right to be heard, the principle of the best interests of the child, and the right of the child to maintain contact with both their parents, unless that is contrary to their interests. In numerous documents, the European Union (hereinafter: EU) points out the following: 1) the obligation of Member States to protect the child against all types of violence and maltreatment; 2) the urgency of immediate response to violence from the competent authorities and services; 3) the need for interdisciplinary and coordinated treatment of domestic violence and violence against children, and the interconnection between criminal and civil proceedings with the aim of harmonising legal responses to violence; 4) the urgency of taking violence into account when deciding on issues of custody and visitation; 5) the need to consistently respect the right of the child to express their views in accordance with their age, maturity, and linguistic skills; and 6) the unsuitability of alternative dispute resolution mechanisms in cases involving violence.

Article 31 of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence⁶ (hereinafter: Istanbul Convention) requires parties to take the necessary legislative or other measures to: 1) ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account; and 2) ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

In its baseline evaluation report on legislative or other measures giving effect to the provisions of the Istanbul Convention,⁷ drafted by the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter: GREVIO Report), a group monitoring the implementation of the Istanbul Convention in Member States, urges, within the framework of Article 31, the Slovenian authorities to take the necessary measures to ensure that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority, the competent authorities are required to consider all issues relating to violence against women and domestic violence, and assess whether this violence might warrant restricting custody and visitation rights.

The European Court of Human Rights (hereinafter: ECtHR) imposes positive obligations on Member States to address and prevent domestic violence and violence against children. The ECtHR assesses the fulfilment of these obligations in a specific case using a two-part test (the so-called Osman test). The first part of the test establishes whether the authorities knew or should have known at the time of the existence of a real and immediate risk to a person, while the second part establishes whether they took reasonable measures that could reasonably be expected to avert the risk.

In the context of domestic violence and violence against children, the ECtHR, in the first part of the test, urges the authorities to respond to reports of domestic violence and violence against children, and perform autonomous, proactive, and comprehensive risk assessment. Risks must be assessed while taking into account the specific circumstances of domestic violence, such as cycles of violence whose frequency, intensity, and risk increase over time. The authorities must rely not only on the victim's statements and their perception of

³ Official Gazette of the Republic of Slovenia – International Treaties (*Uradni list RS – Mednarodne pogodbe*), No. 9/92.

⁴ <https://digitallibrary.un.org/record/711722?v=pdf> <31 January 2026>

⁵ OJ C 326, 26.10.2012, p. 391.

⁶ Official Gazette of the Republic of Slovenia – International Treaties (*Uradni list RS – Mednarodne pogodbe*), No. 1/15.

⁷ https://www.gov.si/assets/ministrstva/MDDSZ/Enake-moznosti/Porocilo-GREVIO_dodatek_SI.pdf <31 January 2026>

risk, but must supplement the victim's risk assessment with their own, preferably using standardised tools and checklists. To this end, they must gather and assess data on all relevant risk factors and circumstances of the case. It is important to document risk assessments, the sharing of information, and the coordination of support between authorities and persons who are in regular contact with persons at risk. The authorities must notify victims of the result of risk assessments, and where necessary, provide them with advice and recommendations regarding available protective measures. If it is established based on the risk assessment that there is real and immediate danger to the victim, the second part requires the authorities to adopt preventive and protective measures that are appropriate and proportionate to the level of the assessed risk.

The ECtHR further highlights that protective and preventive measures must be selected in a way so as to facilitate suitable and effective response to the established risk, while maintaining compliance with other obligations of Member States under the Convention for the Protection of Human Rights and Fundamental Freedoms⁸ (hereinafter: ECHR), including the respect for the rights of the child and the perpetrator of violence as provided for in Article 8 of the ECHR (Right to respect for private and family life).⁹

Since the adoption of the Domestic Violence Prevention Act¹⁰ (hereinafter: ZPND) in 2008, and the ratification of the Istanbul Convention in 2015, Slovenia has made considerable progress towards the prevention of domestic violence and violence against children. The Family Code¹¹ (hereinafter: FC), which was adopted in 2017 and entered into force in 2019, significantly contributed to a better protection of children in situations of endangerment arising from actions of parents, including violence, abuse, or neglect.

Nevertheless, GREVIO and non-governmental organisations active in the field of the prevention of domestic violence and violence against children point out the shortcomings in recognising and addressing violence in legal proceedings to protect the child's best interests (Article 93 of the Non-Contentious Civil Procedure Act¹² – hereinafter: ZNP-1). Concerns include the following issues: 1) institutions fail to recognise domestic violence and violence against children, and do not consider it an important factor in the determination of custody and visitation between the child and parents; 2) in proceedings to protect the child's best interests, risks are not systematically assessed, or risk assessments and safety plans drafted by other authorities are not obtained and taken into account; 3) the family court does not verify whether any criminal proceedings are pending or have been conducted against the participants for crimes of violence; 4) cooperation and information exchange between the family court and the criminal court, and between the family court and other authorities and organisations addressing violence and victims of violence (e.g. social work centres, the police, healthcare and educational institutions) are insufficient; 5) despite the presence of violence, the court offers, and expects, the participants to take part in mediation procedures, and encourages the conclusion of a court settlement; and 6) the right of the child to express their views is not consistently observed, and when opinions are issued, no measures are in place to prevent secondary victimisation of the child.¹³

The basis of the stated concerns is not only in the documents summarised above but also in numerous other international documents, both binding and non-binding, which, as the body of legal rules, standards, principles, and recommendations, constitute the international legal framework for addressing domestic violence and violence against children. The stated concerns were also reflected in the Resolution on the National Programme

⁸ Official Gazette of the Republic of Slovenia – International Treaties (*Uradni list RS – Mednarodne pogodbe*), No. 7/94.

⁹ The positions of the ECtHR are summarised from cases of *Kurt v. Austria* (Application no. 62903/15), *Luca v. the Republic of Moldova* (Application no. 55351/17), and *Bizdiga v. the Republic of Moldova* (Application no. 15646/18).

¹⁰ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 16/08, 68/16, 54/17 – ZSV-H, and 196/21 – ZDOsk.

¹¹ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 15/17, 21/18 – ZNOrg, 22/19, 67/19 – ZMatR-C, 200/20 – ZOOMTVI, 94/22 – Constitutional Court Decision, 94/22 – Constitutional Court Decision, 5/23, and 34/24 – Constitutional Court Decision.

¹² Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 16/19.

¹³ Cf. GREVIO's Evaluation Report and 3rd General Report on GREVIO's activities, Focus section: Child custody, visitation and domestic violence (<https://rm.coe.int/prems-055022-gbr-2574-rapportmultiannuelgrevio-texte-web-16x24/1680a6e183> <31 January 2026>).

for the Prevention of Domestic Violence and Violence against Women 2024–2029 (RENPPND24–29).¹⁴

The purpose of the Handbook is to address the stated concerns, and strengthen the protection of children from violence and other forms of maltreatment in legal proceedings to protect the child's best interests.

¹⁴ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 38/24.

3. DRAFTING, CONTENT, AND OBJECTIVES OF THE HANDBOOK

The drafting of the Handbook included as follows:

- the examination of international legal frameworks, particularly documents of the United Nations, the EU, and the Council of Europe, and the ECtHR case law;
- the examination of the national constitutional, statutory, and regulatory framework;
- the review of national guidelines and protocols to address violence and risk assessment tools;
- the review of practices in other countries (Austria, Croatia, Finland, and Ireland);
- consultations within various expert groups on the challenges and needs detected by professionals in practice, and areas for improvement.

The following was established:

- Slovenia has a suitable legal framework in place to address suspected violence against, or abuse or neglect of, the child in relation to family court proceedings. In addition, there are numerous protocols, guidelines, best practices, programmes, and projects, which address domestic violence and violence against children. However, neither legal sources nor existing professional standards are integrated into a unified and comprehensive protection system. The dispersion and fragmentation of sources make it difficult even for professionals in the same field to understand their responsibilities and the standards for handling cases of suspected violence against, or abuse or neglect of, the child. Even more adverse is their impact in circumstances that require interdisciplinary cooperation.
- Existing tools are used inconsistently and haphazardly in practice, either because users are unfamiliar with them, because their use is left to individual discretion, or for lack of uniformly established rules governing their practical application. The problem is particularly pronounced in environments with high employee turnover.
- Unlike recommendations from relevant international documents, there are no guidelines on court conduct in family proceedings that involve suspected violence against, or abuse or neglect of, the child, or a tool to assist the court in establishing and assessing the level of risk to the child.

To address the stated shortcomings, the Handbook includes the following:

- a suitable legal framework to address suspected violence against, or abuse or neglect of, the child in relation to family court proceedings;
- an application, legal and expert bases for operations, and procedures for handling cases of suspected violence against, or abuse or neglect of, the child for educational and healthcare facility, the police, and social work centres;
- a handbook on the conduct of the family court in cases of suspected violence against, or abuse or neglect of, the child; and
- a form for assessing the level of risk to the child in family proceedings.

In accordance with the content and purpose of the project within which it was prepared, the Handbook is focused on risks to the child, which arise from active or passive conduct of one or both parents, and on the position and protection of the child in proceedings to protect the child's best interests under the Family Code and proceedings to protect the child under the ZPND. Since risks to the child in such proceedings are frequently (but not necessarily) related to the issues of domestic violence, the Handbook is based on the regulations governing the handling and prevention of this type of violence, focusing on the child.

The purpose of the Handbook is not to influence the content of decisions, but rather to contribute to effective,

consistent, standardised, systematic, and coordinated handling of cases of violence against, or abuse or neglect of, the child, while considering the applicable regulations, internationally established standards, and existing professional guidelines.

Like any text, this Handbook reflects the reasons behind its creation and the time in which it was prepared. The authors' hope is that it will not only come into being but remain relevant by being continually evaluated and updated, and perhaps even expanded and refined – all with the aim of ensuring the highest level of protection of the child and safeguarding their best interests.

4. LEGAL FRAMEWORK

Pursuant to paragraphs one and two of Article 56 of the Constitution of the Republic of Slovenia¹⁵ (hereinafter: Constitution), children enjoy special protection and care. Children are guaranteed special protection from economic, social, physical, mental, or other exploitation and abuse.

The Family Code contains a comprehensive protection system of the child against various forms of risks in the family environment, including risks arising from violence, abuse, or neglect. Article 8 stipulates that children are provided special protection by the state wherever their healthy development is at risk or wherever this is required to protect other interests of children. Article 16 stipulates that social work centres and other holders of public authority, public service providers, state and judicial authorities, local community authorities, and humanitarian and other non-governmental organisations must cooperate in carrying out the tasks provided by this Code.

The ZPND defines domestic violence, determines the role and tasks of state authorities, holders of public authority, public service providers, and other service providers in the field of social security, long-term care, healthcare and education, authorities of self-governing local communities and non-governmental organisations in handling cases of domestic violence, and lays down the measures to protect victims of domestic violence (paragraph one of Article 1).

The ZPND provides special protection against violence for minor family members (hereinafter: children) (paragraph one of Article 4). Special care for children is reflected in:

- the prohibition of corporal punishment of children (Article 3a);
- the definition that the child is a victim of violence even if they are merely present where violence is perpetrated against other family members, or if they live in an environment where violence is perpetrated (paragraph two of Article 4);
- the interests and rights of the child having priority over the interests and rights of other participants in the proceedings (Article 5);
- the obligation of anyone, regardless of the provisions on maintaining professional secrecy, to immediately inform the social work centre, the police or the State Prosecutor's Office if they suspect that a child is a victim of violence (paragraph two of Article 6);
- the obligation of social work centres to treat with special care cases of violence against children, and in particular cases of suspected child sexual abuse (paragraph two of Article 14);
- the determination of special child protection measures by the court (Article 20);
- an expanded group of petitioners of proceedings (paragraph two of Article 22b);
- expanded options for ordering judicial measures without a prior statement from the perpetrator of violence (paragraph one of Article 22d);
- the special child protection during court proceedings (Article 22g);
- the obligation to notify (Article 22h).

Article 10 of the ZPND regulates the role of authorities, organisations and non-governmental organisations in addressing domestic violence. Within the scope of the tasks and powers established by laws and other regulations, authorities, organisations and non-governmental organisations must give priority to cases of violence, provide mutual information and assistance to prevent and identify violence, eliminate the causes, and provide assistance to the victim in establishing safe living conditions. The following rules have been adopted to fulfil these obligations:

¹⁵ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121,140,143, 47/13 – UZ148, 47/13 – UZ90,97,99, 75/16 – UZ70a, 92/21 – UZ62a, and 98/25 – UZ74a.

- Rules on the organisation and work of multidisciplinary teams and regional services and on the activities of social work centres in dealing with domestic violence¹⁶;
- Rules on the treatment of domestic violence for educational institutions¹⁷;
- Rules on procedures for dealing with domestic violence in the implementation of healthcare activities¹⁸; and
- Rules on police cooperation with other authorities and organisations in the detection and prevention of domestic violence¹⁹.

Effective and quality child protection requires uniform understanding of the basic principles and objectives of child protection, and a clear definition of the role and tasks of all authorities and organisations involved in protecting the child and ensuring the child's best interests. In addition to their professional obligations and conduct, professionals must be familiar with their responsibilities, basic tasks, and the operating rules of other systems involved. They must also be familiar with the methods of information exchange and the options for professional consultation within each system and among different departments.

¹⁶ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 31/09 and 42/17.

¹⁷ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 104/09.

¹⁸ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 38/11.

¹⁹ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 25/10.

5. ADDRESSING VIOLENCE AGAINST, ABUSE OR NEGLECT OF, THE CHILD BY EDUCATIONAL INSTITUTIONS

5.1 Role of teachers and other professionals in dealing with and protecting children who are victims of violence, abuse, or neglect

Teachers and other professionals play a key role in identifying children who are victims of violence, abuse, or neglect, and suitably protecting them if risk is detected. Almost every child is included in some form of educational institution, where they typically spend a large part of their day. Parents are also involved in the educational process.

5.2 Legal and expert bases

The role of educational institutions in handling domestic violence is defined, in addition to the ZPND, in the **Rules on the treatment of domestic violence for educational institutions** (hereinafter in this chapter: Rules). The Rules specifically address the conduct of employees at educational institutions²⁰ when they detect domestic violence against a child, the forms of assistance available to children who are victims of violence, and the cooperation of educational institutions with state authorities, holders of public authority, and public service providers in cases of domestic violence against a child (paragraph one of Article 1).

The publication *Addressing domestic violence*²¹ was drafted on the basis of the Rules, constituting a handbook for employees in educational institutions and explaining in more detail their duties defined in the Rules.

In the field of education, great attention is paid to the prevention, early detection, and treatment of violence against children.²²

In the field of education, there are two protocols that outline the conduct of employees at educational institutions when they detect violence against a child:

- *Protocol for the Identification and Handling of Peer Violence in Educational Institutions*²³;
- *Protocol for Conduct Upon the Detection and Handling of Sexual Violence and Sexual Harassment in Educational Institutions*²⁴.

Despite the fact that the publications refer to peer and sexual violence, and sexual harassment, they are a useful tool for understanding the roles, responsibilities, and professional conduct of employees at educational institutions also with regard to other forms of violence against, and maltreatment, of the child. This particularly applies to the protocol on sexual violence and sexual harassment, as it also addresses violence by a third person (e.g. a family member), relying on the provisions of the Rules.

A useful professional resource for teachers and other professionals at educational institutions is the publication *Protecting Children from Violence Outside of School: A Handbook for Teachers and Other Professionals*²⁵.

²⁰ In these Rules, this term refers to public and private educational institutions that carry out a state-approved programme.

²¹ Filipčič Katja, Klemenčič Ingrid, *Obravnavanje nasilja v družini: priročnik za zaposlene v vzgojno-izobraževalnih zavodih*, Ljubljana: Institute of Criminology at the Faculty of Law, 2011.

²² <https://www.gov.si teme/prepoznavanje-in-preprecevanje-medvrstniškega-nasilja-v-solah/> <31 January 2026>

²³ <https://www.zrss.si/wp-content/uploads/2022/03/Protokol-ob-zaznavi-in-za-obravnavo-medvrstniškega-nasilja-v-VIZ-1.pdf> <31 January 2026>

²⁴ https://www.zrss.si/digitalna_bralnica/protokol_spolno_nasilje-pdf/ <31 January 2026>

²⁵ Krek Janez et al., *Zaščita otroka pred izvenšolskim nasiljem*, priročnik za vzgojitelje, učitelje in druge strokovnjake, Ljubljana: Faculty of Education, 2023;

The handbook intended for teachers and other professionals was prepared within the Dare2see Project to raise awareness of violence against children, and to better detect and prevent such violence in the education system.

A tool for identifying violence and taking action was also published by the Association for Nonviolent Communication in the form of the leaflet *I Notice and Take Action: Information for Employees at Educational Institutions*²⁶. It provides answers to the questions and dilemmas faced by employees at educational institutions when they suspect that a child is experiencing domestic violence, and summarises the provisions of the Rules in a user-friendly format.

5.3 Procedure for treating children who are victims of violence, abuse, or neglect in educational institutions

In accordance with the provisions of the Rules, teachers and other education professionals must inform of, document, and report violence.

5.3.1 Conduct of employees when they detect violence

Teachers and other education professionals who suspect²⁷ that a child is or could be a victim of violence must promptly notify a school counsellor or, in their absence, the headteacher or assistant headteacher.

In the event of injury resulting from physical or sexual violence, or severe psychological distress in a child due to domestic violence, the teacher, either alone or with a school counsellor, must notify the competent social work centre, or the police outside of the social work centre's business hours.

Any suspicion of violence must be properly documented. The teacher or another staff member at an educational institution must, either alone or with a school counsellor, make a record of the incident, observations, information obtained, or conversation with the child. This record of the incident must include all circumstances and observations from which it can be concluded that violence is occurring and that the child is at risk; it must also note whether immediate measures are required to protect the child. The incident report is recorded on the form attached to the Rules; it is an official document that serves as the basis for both reporting violence and providing assistance to the child within the educational institution.

After documenting the incident, the headmaster or the counselling service of the educational institution must notify, on the same day or within 24 hours, the social work centre, the police, or the State Prosecutor's Office of the suspected domestic violence against the child via telephone, and send a written report of the violence to the social work centre along with the incident report.

It is very important that professionals at the educational institute quickly recognise and promptly respond to any sign or change in the child's behaviour or well-being, not only when these indicate violence or abuse, but also when they indicate child neglect. The educational institute must always and promptly notify the social work centre thereof. Only prompt report and early treatment of the child and their family enable assistance to be activated early enough, which prevents the deepening of the child's distress and the escalation of their negative reactions, and facilitates addressing the problems faced by the child and the family with proportionate and soft measures.

https://www.policija.si/images/stories/Publikacije/PDF/Zascita_otroka_pred_izvensolskim_nasiljem_Prirocnik.pdf <31 January 2026>

²⁶ https://www.drustvo-dnk.si/images/publikacije/2023-DNK_Informacije_za_zaposlene_v_VIZ.pdf <31 January 2026>

²⁷ Pursuant to the provision of Article 3 of the Rules, a suspicion that a child is or may be a victim of violence arises in the following ways: a teacher or staff member at the educational institution has personally observed changes in the child that could be the result of violence; the child has confided in the teacher or staff member that they are a victim of violence; the teacher or staff member has received information about the violence from a third party; or the teacher or staff member has personally witnessed the violence.

In cases of suspected maltreatment of the child, the child's best interests and rights take precedence over the interests and rights of others, including the rights and wishes of the parents. Parental opposition does not affect the obligation to report. The educational institution's hope to maintain good cooperation with parents or fear of their reaction towards the institution cannot constitute a valid reason for failing to file a report.

The headteacher or counselling service of the educational institution notifies parents of a reported violence only when they determine that doing so is in the child's best interest. In case of any doubts, the educational institution consults with the competent social work centre.

5.3.2 Providing assistance to the child

An internal team plays the key role in providing assistance to the child who is a victim of domestic violence. The Rules determine in more detail their tasks and obliges them to cooperate with a social work centre, the police, the prosecution service, and the court.

No later than the next business day after a report of violence is made by phone to the social work centre, the police, or the prosecution service, the school counsellor convenes an internal team of the educational institution consisting of the counselling service, the class teacher of the child who is a victim of violence, and the teacher or other staff member who documented the incident. The headteacher must be present at least at the first meeting.

The internal team has a leader, whose role is to notify all relevant stakeholders at the educational institution when handling a case of violence. The leader also participates in a potential multidisciplinary team convened by the social work centre.²⁸

The tasks of the internal team when addressing violence include:

- agreeing on the manner of support and assistance to be provided to the child who is a victim of violence at the educational institution;
- defining the tasks of individual members of the internal team and other professionals to assist the child who is a victim of violence with coping with the consequences of the violence and actively participating in the proceedings of other authorities in order to ensure the child's long-term safety, and setting deadlines for their implementation;
- exchanging information on the dynamics of violence against the child who is a victim of violence, and the consequences of the violence;
- cooperating with the social work centre, the police, and the court;
- making a decision to conclude the internal team's work based on an evaluation of the team's work and effectiveness, and the counselling work with the child who is a victim of violence.

If the social work centre convenes a multidisciplinary team, the internal team:

- coordinates the activities of the educational institution with the activities of other authorities as agreed within the multidisciplinary team;
- provides opinions regarding the circumstances of the case of violence to which the multidisciplinary team

²⁸ The internal team is led by the school counsellor. If the educational institution only has one counsellor and they are absent, the internal team is led by the headteacher. The tasks of the internal team's leader include exchanging information with members of the team, coordinating activities within the educational institution, notifying the headteacher of all forms of assistance for the child who is a victim of violence. If the social work centre convenes a multidisciplinary team to handle a case of domestic violence, the leader participates as a representative of the educational institution, and notifies other members of the internal team of the multidisciplinary team's activities.

should pay attention when providing assistance to the child, so that the child's best interests are safeguarded during the process of addressing the violence;

- monitors the activities of the social work centre, the police, and the court.

Other professionals at the educational institution are notified of the case of violence if this is required for their subsequent work with, and counselling to, the child. The internal team drafts a support plan to the educational institution and the child, where necessary, in cooperation with other professionals at the institution. The team must also reach an agreement on the method of cooperation with the parents or guardians of the child who is a victim of violence.

5.3.3 Cooperation of educational institutions with other authorities

The Rules anticipate intensive cooperation of educational institutions with social work centres. Employees at educational institutions cooperate with social work centres in gathering information on the child's endangerment.

Regarding participation in a multidisciplinary team of the social work centre, the Rules distinguish two situations, i.e.:

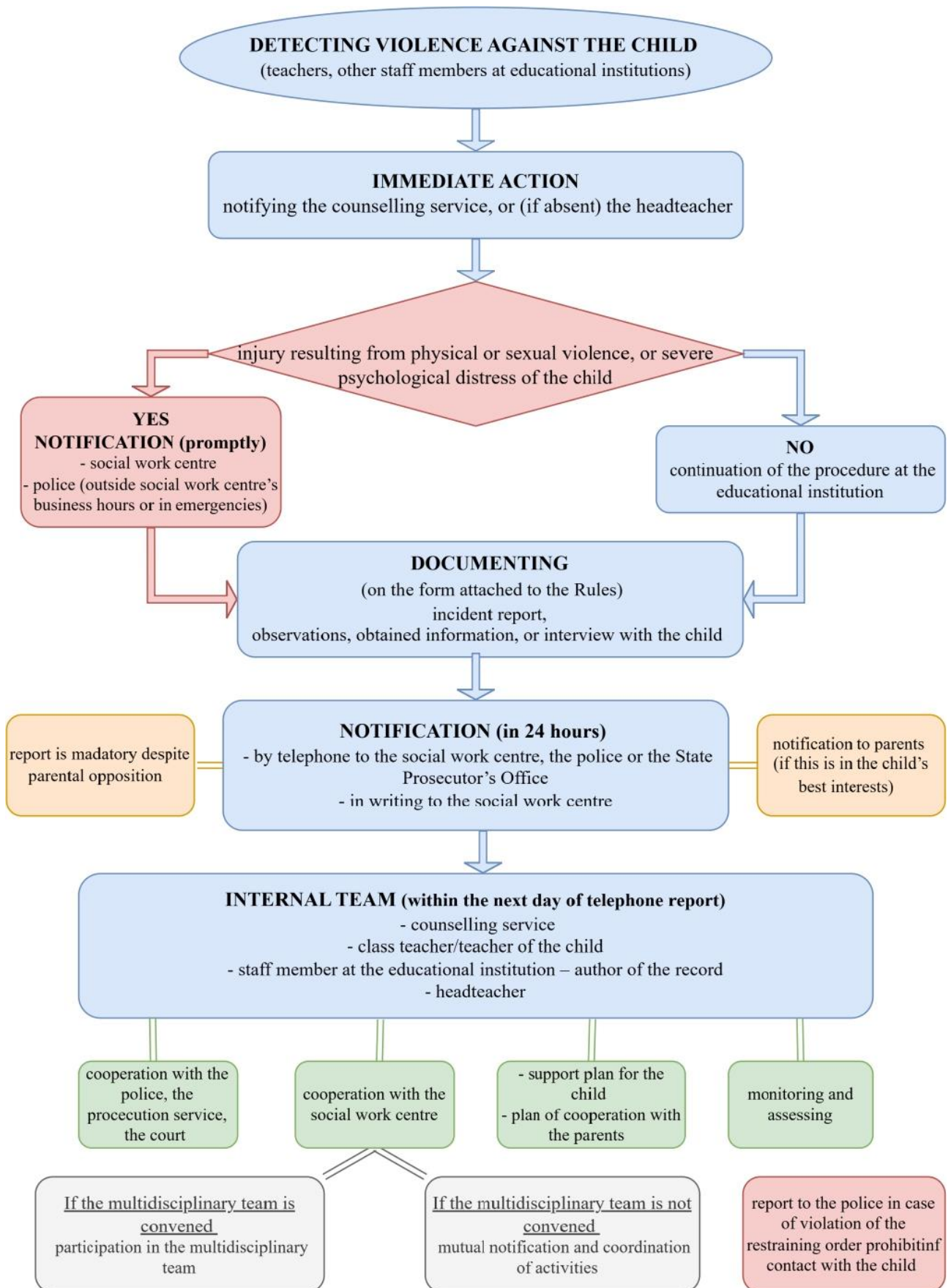
- If the educational institution participates in a multidisciplinary team, the leader of the internal team as the representative of the institution exchanges information with members of the multidisciplinary team to clarify the circumstances; participates in the activities of the child protection and support team, and informs team members about institution's activities in providing assistance to the child; ensures the coordination of the institution's activities with those of other authorities; provides the multidisciplinary team with the internal team's opinion on how to ensure the child's best interests, and actively participates in preparing the child risk assessment and developing a support plan.
- If the educational institution is not invited to join the multidisciplinary team, the social work centre and the institution mutually notify each other (in person, in writing, and by telephone) of activities to protect and assist the child, and coordinate such activities.

If the social work centre instigates procedures to protect the child, the counselling service of the educational institution, at the request of the social work centre, writes a report including an opinion on the endangerment of the child. The counsellor preparing the report includes the opinions of the employees at the institution, who are in contact with the child.

If the internal team believe that the procedure to protect the child at the social work centre is progressing too slowly or lacks efficiency or the violence against the child continues, the headteacher notifies the director of the competent social work centre. If the procedure continues to progress too slowly or lack efficiency, the headteacher notifies the Social Affairs Inspection Service.

Employees at the educational institution cooperate with the police, the prosecution service, and the court in gathering the data on the endangerment of the child. If the educational institution is officially notified that the perpetrator of violence was issued a restraining order prohibiting them from approaching the child by the court or the police, the headteacher or assistant headteacher promptly notifies the police of detected violations of such a restraining order.

5.4 Handling procedure



6. ADDRESSING VIOLENCE AGAINST, ABUSE OR NEGLECT OF, THE CHILD BY HEALTHCARE FACILITIES

6.1 Role of healthcare professionals in dealing with and protecting children who are victims of violence, abuse, or neglect

Healthcare professionals have a crucial role in early detection and identification of children as victims of violence, abuse, or neglect, and their prompt protection, as they are in regular contact with children and, as part of their basic professional competence, have the knowledge required to recognise the signs of violence, abuse, or neglect.

6.2 Legal and expert bases

At the legislative level, the role of healthcare professionals in the recognition and prevention of violence, and the provision of assistance to victims is defined in the ZPND and the **Rules on procedures for dealing with domestic violence in the implementation of health activities** (hereinafter in this chapter: Rules) adopted on the basis of the ZPND.

Pursuant to Article 3 of the Rules, the Ministry of Health drafted in 2015 the **Professional Guidelines for dealing with domestic violence in the implementation of health activities**²⁹ (hereinafter in this chapter: Professional Guidelines) approved by the Health Council.

Chapter 3 of the Professional Guidelines includes guidelines for the protection and welfare of children who are victims of violence and abuse. These guidelines include:

- basic principles for working with children at risk;
- legal bases and obligations of healthcare professionals;
- definitions of violence against, and abuse and maltreatment of, children;
- guidelines for identifying and recognising children who are victims of violence and abuse (recognising child abuse and violence, identifying signs of violence and child abuse by defining risk factors and potential signs of various forms of violence and abuse, addressing particularly vulnerable children);
- identification and recognition of children who are victims of sexual abuse;
- definition of the handling procedure when identifying a child as a victim of violence and abuse;
- protocol for the examination of a child suspected of being a victim of sexual abuse; and
- form for documenting the treatment of the child in cases of suspected violence.

All healthcare professionals must behave in accordance with the Guidelines (Article 3 of the Rules).

The publications stated below also serve as a useful source for understanding the role of healthcare professionals in protecting children from violence, abuse, or neglect, and for learning about their duties, professional standards, guidelines, and best practices in identifying and addressing endangered children in healthcare settings:

- *Identifying and Treating Victims of Domestic Violence: A Handbook for Healthcare Professionals*³⁰ and

²⁹ <https://www.prepoznajnasilje.si/docs/default-source/zakonodaja/strokovne-smernice-za-obravnavo-nasilja-v-dru%C5%BEini-pri-izvajanju-zdravstvene-dejavnosti.pdf> <31 January 2026>

³⁰ <https://www.prepoznajnasilje.si/docs/default-source/default-document-library/priro%C4%8Dnik-za-zdravstveno-osebje.pdf?sfvrsn=0> <1 February 2026>

*Protocol for Identifying and Treating Victims of Domestic Violence*³¹, which were prepared as part of the project Recognising and treating victims of domestic violence in healthcare settings (POND);³²

- *Domestic violence in the healthcare sector*³³ prepared as part of the project IMPRODOVA (Improving Frontline Responses to High Impact Domestic Violence).³⁴

6.3 Procedure for treating children who are victims of violence, abuse, or neglect in healthcare facilities

6.3.1 Recognising violence

During each medical examination (including routine preventive check-ups, curative and emergency examinations), all healthcare professionals must pay attention to the circumstances and signs that could hint at violence against, and abuse or neglect of, the child (within and outside the family). They must also watch out the possibility that the child is an indirect victim of maltreatment or a witness of violence against another family member, or that the child lives in an environment where violence is perpetrated.

If a healthcare professional suspects violence against an adult family member, they check whether there are any children involved and whether they are at risk. If they suspect maltreatment of the child, they check whether there are any siblings involved and whether they are at risk.

6.3.2 Gathering information and initial risk assessment

If a healthcare professional suspects that a child is a victim of violence, abuse, or neglect, they conduct an appropriate enquiry procedure.

This includes:

- taking a detailed medical history from the child's parents or guardians;
- a thorough examination of the child focused on identifying signs of violence, abuse, or neglect;
- a conversation with the child without the parents present (during the conversation, professional guidelines for speaking with a child who speaks out or shows signs of violence, abuse, or neglect must be followed);
- thorough and complete record of findings in the medical records of the person being treated, and storage of data in accordance with the law. To record and store data, the child's parents' consent is not required. A form for documenting the treatment of the child in cases of suspected violence and abuse is attached to the Professional Guidelines.

Based on the information, the healthcare professional carries out an initial risk assessment, in which they determine whether the child must be immediately protected from violence, abuse, or neglect, or that protective measures are not urgent and may be postponed pending a response from the competent authorities on the basis of the filed report.

In case of any doubts, the healthcare professional may contact, for advice, the competent social work centre or

³¹ <https://www.prepoznajnasilje.si/docs/default-source/Informacije/protokol-koncni.pdf?sfvrsn=6> <1 February 2026>

³² The project ran in 2015 and 2016 under the auspices of the Government Office for Development and European Cohesion Policy. Its objective was to implement the provisions of the ZPND in the field of healthcare, and enhance the knowledge and skills of healthcare professionals in working with victims of domestic violence.

Project website: <https://www.prepoznajnasilje.si/sl> <1 February 2026>

³³ <https://www.fvv.um.si/improdova/osnovno/nasilje-v-druzini-zdravstvo/> <1 February 2026>

³⁴ The Project ran from 1 May 2018 and 31 August 2021 at the Faculty of Criminal Justice and Security of the University of Maribor, and aimed to bridge the gap between the content of the rules and their implementation in practice, and to improve cooperation among first responders when violence is detected.

the police outside the business hours of social work centres.

6.3.3 Obligation to report

Whenever there is a suspicion that a child is a victim of violence, abuse, or neglect, a healthcare professional must promptly, but within 24 hours, notify the social work centre, the police, or the State Prosecutor's Office thereof.

In emergencies, i.e. if the victim's life or the lives of the victim's children are at risk, a healthcare professional must promptly notify the police by calling 113. If necessary, the police will include the social work centre, or outside its business hours, the regional emergency response service. The competent social work centre and the child's selected paediatrician must be notified of violence within 24 hours.

Pursuant to Article 45 of the Patients' Rights Act³⁵, physicians must report any suspicion of a criminal offence against life and limb, sexual offence, and a criminal offence against marriage, family and youth, in which a child was a victim.

When in doubt, a report must be filed. The competent authorities will combine the information obtained with other available data, and decide on further action. Provisions on maintaining professional secrecy do not apply in these cases. A report filed in good faith cannot result in civil or criminal liability for the person making the report.

In cases of suspected maltreatment of the child, the child's best interests and rights take precedence over the interests and rights of others. Parental consent is not required to report violence, and parental opposition does not affect the obligation to report.

The report must include all professional observations from which it is possible to infer violence against, abuse or neglect of, the child. The notification must be filed in writing, electronically, or by telephone. Information provided by telephone must also be submitted in writing within three days, using the form attached to the Rules.

6.3.4 Prompt protection of, and assistance for, the child

Healthcare professionals take immediate action to protect the child. Pending an intervention by relevant professional services, the child must not be exposed to circumstances that would put their safety at risk.

Pending a response from the competent authorities, healthcare professionals must provide the child, in addition to treatment, with a safe environment (e.g. admission to the secondary or tertiary care hospital, where further procedures are carried out in cooperation with all the services) and emotional support.

Healthcare professionals notify the parents on its actions, unless this could put the safety of the child and others at risk.

6.3.5 Obligation to share information and cooperate with other institutions

Healthcare professionals must share and exchange information on suspected violence against, abuse or neglect of, the child, and its treatment with the institutions that deal with the child and make decisions regarding the child's protection and welfare. At the request of the social work centre, the police, and the court, healthcare facilities submit documents relevant to the clarification and substantiating of the circumstances in family

³⁵ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 15/08, 55/17, 177/20, and 100/22 – ZNUZSZS.

proceedings.

The selected physician, paediatrician, or another healthcare professional must be included in further procedure and participate in the multidisciplinary team at the competent social work centre.

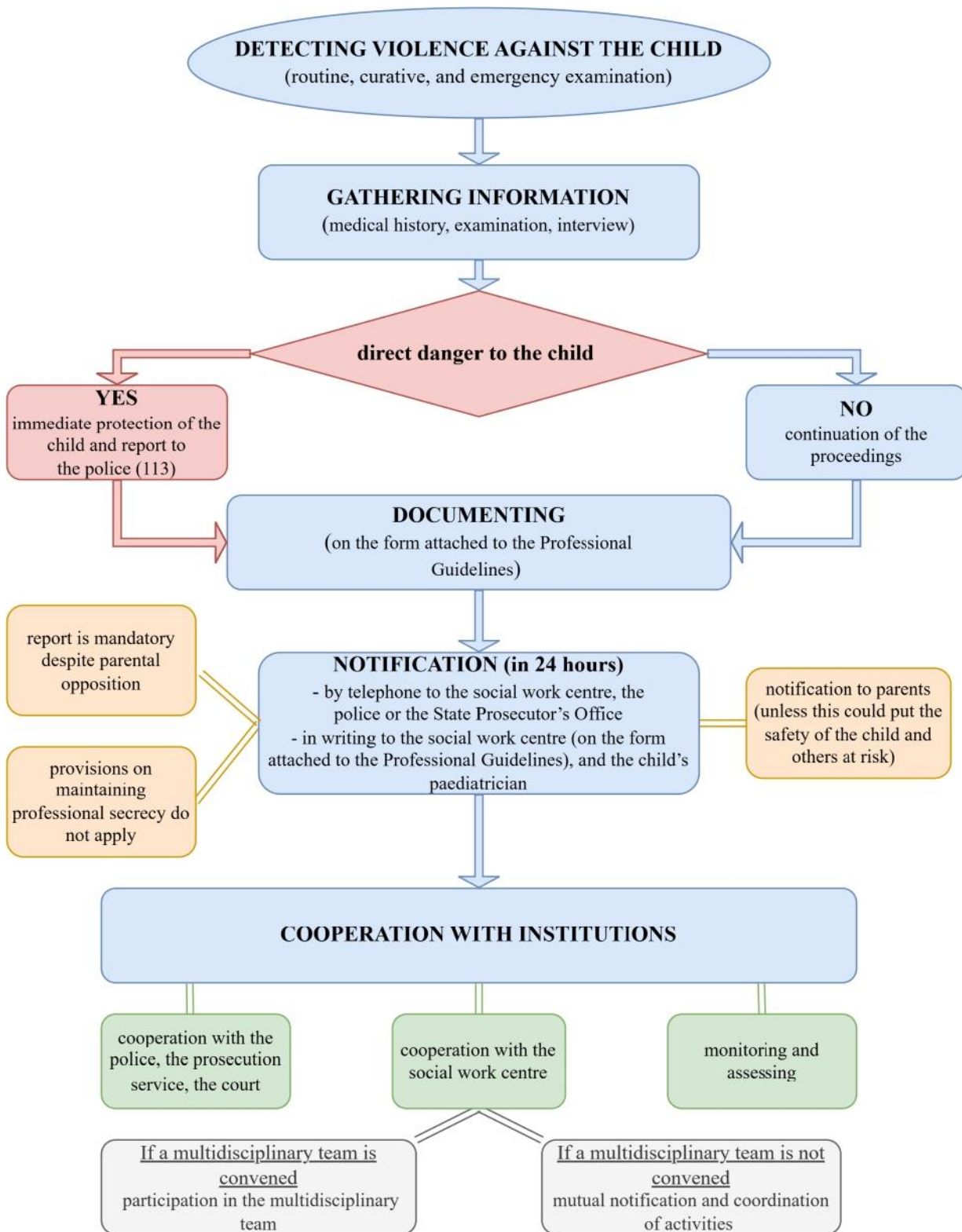
6.4 Obligation to educate

Training healthcare workers to recognise violence and react to it is crucial to quality and affective protection of children from violence, abuse, or neglect.

Pursuant to Article 8 of the Rules, training on domestic violence must be attended by all healthcare professionals who provide healthcare services in the fields of general or family medicine, paediatrics, gynaecology, psychiatry, and community nursing service; in emergency and trauma clinics and hospital wards, and in counselling services.

Regardless of the said provision, all healthcare professionals must undergo continuous training to acquire the necessary knowledge and skills.

6.5 Handling procedure³⁶



³⁶ The handling procedure is also shown at <https://www.prepoznajnasilje.si/docs/default-source/Informacije/protokol-koncnii.pdf?sfvrsn=6> <1 February 2026>

7. ADDRESSING VIOLENCE AGAINST, ABUSE OR NEGLECT OF, THE CHILD BY THE POLICE

7.1 Role of the police in dealing with and protecting children who are victims of violence, abuse, or neglect

The tasks of the police in identifying and addressing violence and other forms of child maltreatment include in particular prompt protection of the child and ensuring the child's safety; prevention, detection, and investigation of criminal and minor offences; detection and apprehension of perpetrators of criminal and minor offences; and cooperation with, and providing assistance to, the competent institutions to address violence against, abuse or neglect of, the child.

7.2 Legal and expert bases

The tasks of the police are defined in Article 4 of the Police Tasks and Powers Act³⁷ (hereinafter: ZNPPol). Article 13 of the Act defines general principles in performing police tasks. These principles require police officers to treat individuals who require special attention, including children, minors, and victims of domestic violence, with particular care when performing their tasks.

As part of criminal proceedings, the police comply with the provisions of the Criminal Procedure Act³⁸ (hereinafter: ZKP), Criminal Code³⁹ (hereinafter: KZ-1)⁴⁰ or acts governing minor offences (most frequently the Protection of Public Order Act⁴¹).

The main legal act based on which the police are included in family proceedings are the ZPND, the Rules on police cooperation with other authorities and organisations in the detection and prevention of domestic violence (hereinafter in this chapter: Rules), and the Rules on restraining order prohibiting from approaching a particular person, place or area.⁴²

Comprehensive information on the role of the police in the system for protecting children from violence, abuse, or neglect is available on the *website of the Police*.⁴³ The information encompasses: definition of domestic violence; guidelines for persons reporting, and victims of, violence; description of police duties, tasks, and powers; overview of specific measures; and links to useful publications.

The publications stated below are a useful source of information on the role, tasks, and powers of the police in the protection of children from violence, abuse, or neglect:

- *Handbook for Recognising and Addressing Domestic Violence: Together Against Violence*,⁴⁴

³⁷ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 22/25 – official consolidated text

³⁸ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 176/21 – official consolidated text, 96/22 – Constitutional Court Decision, 2/23 – Constitutional Court Decision, 89/23 – Constitutional Court Decision, 53/24, 93/25 – ZNUZJV, and 10/26 – ZKOM.

³⁹ Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 50/12 – official consolidated text, 54/15, 6/16 – corr., 38/16, 27/17, 23/20, 91/20, 95/21, 186/21, 105/22 – ZZNSPP, 16/23, and 107/24 – Constitutional Court Decision.

⁴⁰ In family relationships, children are most frequently involved as witnesses or victims in the following criminal offences: neglect and maltreatment of minors (Article 192), domestic violence (Article 191), failure to pay child maintenance (Article 194), abduction of minors (Article 190), sexual assault against a person under fifteen years of age (Article 173), the presentation, manufacture, possession, and distribution of pornographic material (Article 176).

⁴¹ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 112/2025.

⁴² Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 49/14.

⁴³ <https://www.policija.si/svetujemo-ozavescamo/oosebna-varnost/nasilje-v-druzini> <1 February 2026>

⁴⁴ https://www.policija.si/images/stories/Publikacije/PDF/Skupaj_proti_nasilju_Prirocnik.pdf <1 February 2026>

- and *Domestic Violence and the Police* prepared as part of the project IMPRODOVA.⁴⁵

7.3 Police procedure for dealing with children who are victims of violence, abuse, or neglect

7.3.1 Notification

The police may be notified of violence against, abuse or neglect of, the child in various ways, e.g. direct detection, a call to the emergency number 113, a call to the anonymous police telephone number, a written notification, an oral report at a police station, an e-mail, way supported by e-government (anonymous e-report, e-report of a criminal offence). The police must duly address each detection or report of violence or other types of maltreatment of the child.

7.3.2 Urgent child protection measures

Following detection or received notification that a child is a victim of a criminal offence, the police must promptly gather all the necessary information and take action to protect the child.

When it is evident that the victim's life or health is at risk, and the police determine that immediate police intervention is required, they act in accordance with the regulations governing criminal proceedings and the operations and powers of the police, without prior consultation with the social work centre.

Upon intervention, the police immediately notify the social work centre by phone or in person, and within 24 hours also in writing in the form of a notification of detected domestic violence. The notification is submitted on the form attached to the Rules, and includes a description of the actions already taken.

The most common police measure for the prompt protection of a child is the issue of a restraining order under Article 60 of the ZNPPol.

The police immediately notify the locally competent social work centre of the issued order; if the location the offender is prohibited from approaching is also the educational institution attended by the child, they also notify the responsible person at that institution. The police also notify other known persons and institutions where the child regularly stays or is placed (e.g. providers of extracurricular activities, specialised centres) of the restraining order prohibiting contact with the child.

The police issue a restraining order prohibiting the offender from approaching a specific location or person for 48 hours, and immediately submit it for review to the investigating judge of the district court, who may confirm, modify, or revoke the measure. If the investigating judge confirms the restraining order, the measures may be issued for up to 15 days. At the request of the victim, it may be extended to a maximum of 60 days from the effective date of the measure issued by the police (Articles 60 and 61 of the ZNPPol).

The police monitor the compliance with the restraining order. If they detect violations, they comply with paragraphs six and eight of Article 60 of the ZNPPol (notification to the investigating judge, fine, detention). The police take the same action if the perpetrator of the violence violates the measures issued under the ZPND (Article 23 of the ZPND).

If the social work centre also takes action to protect the child, and establishes that the child is at severe risk and must be removed from the domestic environment, the police provide police assistance to professionals at the request of the social work centre (Article 12 of the ZNPPol, paragraph two of Article 167 of the Family

⁴⁵ <https://www.fvv.um.si/improdova/osnovno/nasilje-v-druzini-policija/> <1 February 2026>

Code). The police provide assistance upon written request. If the child must be urgently and promptly removed, the request may be submitted orally, but must be also submitted in writing within 24 hours after the oral request.

7.3.3 Notifying the social work centre

When the police are notified of circumstances on the basis of which it may conclude that a child is a direct victim of violence, that they are present where violence is perpetrated, or they live in an environment where violence is perpetrated, they notify the social work centre within 24 hours of receiving the notification or detecting violence. The notification must be filed in writing, electronically, by telephone, or in person. Notification submitted by telephone or in person must also be submitted in writing within three days, using the form attached to the Rules.

In the notification, the police may propose that a multidisciplinary team be convened. If the social work centre fails to do so within three days of submission of the proposal, and fails to provide feedback to the police about their proposal, the police proceed with their activities within their powers without prior coordination with the social work centre.

7.3.4 Police investigation

Following receipt of a criminal offence report, the police comply with Article 148 of the ZKP. Within their powers, they gather information from residents, organisations, educational institutions, the social work centre, healthcare facilities, and also from the child who is a victim of violence, abuse, or neglect. Typically, information is gathered from the child by more experienced police officers, while in more complex investigations (e.g. in cases of sexual abuse, severe neglect, or maltreatment), this task is performed by criminal investigators.

If a child is involved in the proceedings, the individual assessment of the victim's level of risk is not completed for that child. Children are always considered to have special protection needs, making them always entitled to the special protective measures provided by the ZKP (Article 143č) for victims.

Once the police have completed all their duties, they file a criminal complaint with the competent State Prosecutor's Office. If, based on the information and evidence gathered, they determine that there are no grounds for filing a criminal complaint, they send a report to the State Prosecutor's Office.

7.3.5 Obligation to share information and cooperate with other institutions

If the social work centre files a report of violence with the police, workers at both institutions responsible for the case promptly (within three days) consult and coordinate further activities.

At the request of the social work centre, the police must appoint a representative to the multidisciplinary team. The police representative must attend the team's meetings; cooperate with other members of the team; be actively involved in the work of the team; gather information relevant to professional police action, and submit information relevant to the action of other authorities and organisations; provide assistance to the social work centre in implementing emergency measures in accordance with the law; and participate in the development and implementation of the support plan.

The police representative must continue to participate in the team even if the suspected criminal offence has not been confirmed and criminal proceedings have not been initiated, if the social work centre expressly requests police cooperation to clarify certain facts previously gathered by the police, or to decide on further measures in proceedings, which the social work centre will conduct or propose to protect the child.

7.3.6 Police cooperation with the court if a measure prohibiting the crossing of the state border with the child has been imposed

The family court sends the decision prohibiting the crossing of the state border with the child to the locally competent police station. They ensure that the data is entered into the police information system.

In emergencies or where there is a risk that the child will soon be taken out of the country, the court sends the decision to the email address: *sirene.slovenija@policija.si*.⁴⁶ It is helpful if the decision specifies whom the police should contact if a child is found to have crossed the state border without authorisation or to be present in another country without authorisation, and who is responsible for ensuring the child's return to Slovenia.

To avoid unnecessary delays at the state border or in a foreign country, the court promptly notifies the police of potential changes to the measure (e.g. regarding permitted travel to a specific destination for a specific period of time) and its termination.

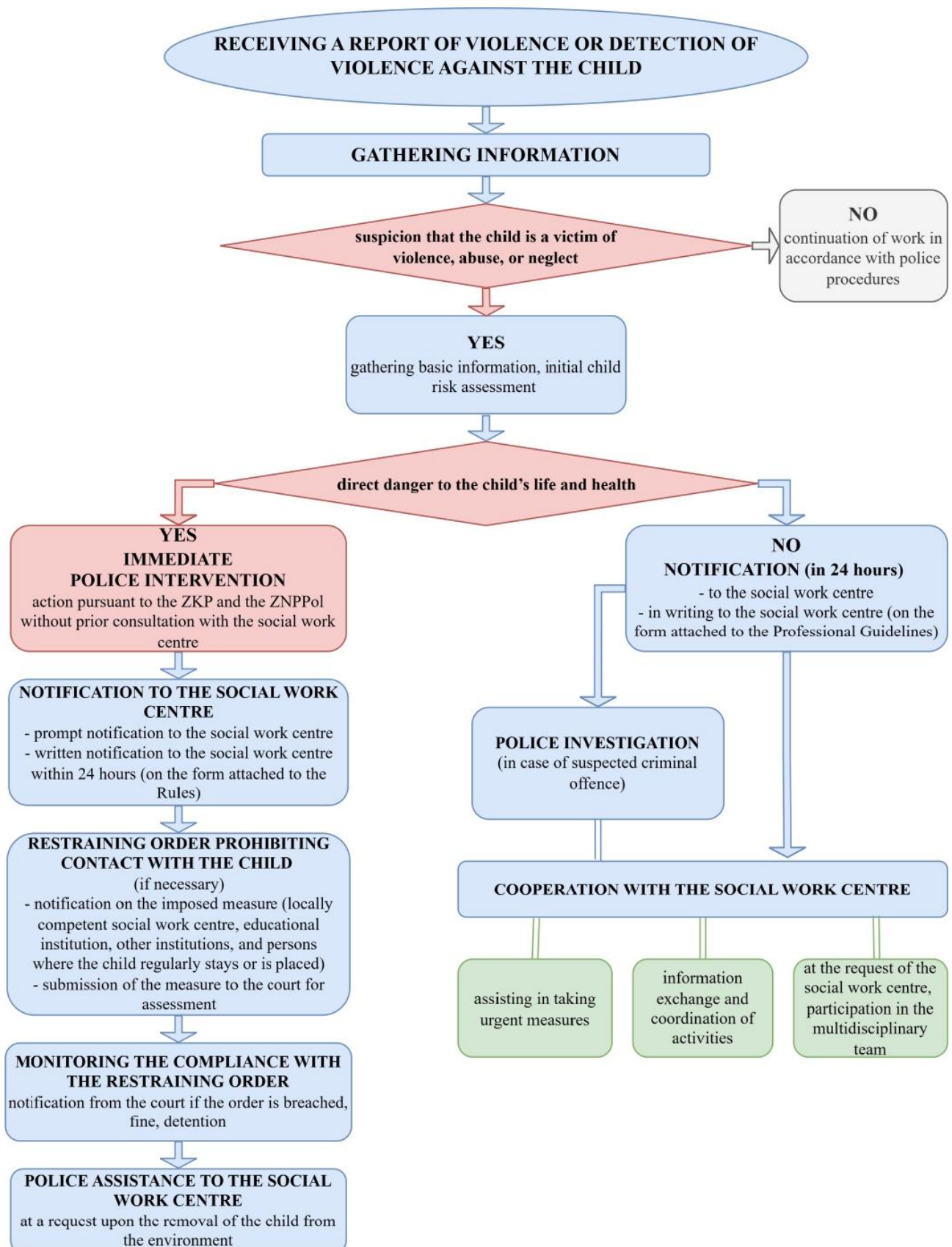
7.4 Obligation to undergo training

Police officers and criminal investigators involved in the prevention and investigation of criminal offences related to domestic violence and violence against children must undergo regular training.

Training is planned and carried out by the General Police Directorate. The Training Centre is drafting a training catalogue with a wide range of training courses for police officers and criminal investigators in the protection of the most vulnerable groups, including children. The main objective of these programmes is to strengthen and modernise procedures to protect and deal with the most vulnerable persons.

⁴⁶ <https://www.policija.si/o-slovenski-policiji/organiziranost/generalna-policijska-uprava/uprava-kriminalisticne-policije/nacionalni-urad-sirene> <1 February 2026>

7.5 Handling procedure



8. ADDRESSING VIOLENCE AGAINST, ABUSE OR NEGLECT OF, THE CHILD BY THE SOCIAL WORK CENTRE

8.1 Role of the social work centre in dealing with and protecting children who are victims of violence, abuse, or neglect

Social work centres play a central and crucial role in the protection of children who are victims of violence, abuse, or neglect. Their task is to eliminate immediate danger to the child, take action to prevent the child's further endangerment, and to ensure the child's best interests in the long term. Social work centres also work towards protecting and enhancing the safety of adult family members who are victims of violence, and preventing further domestic violence. To carry out the said tasks, they cooperate with other authorities and non-governmental organisations, and coordinate and harmonise their operations. Tasks related to addressing domestic violence and protecting children at risk are among the centres' priority tasks.

8.2 Legal and expert bases

The role of social work centres in recognising and preventing domestic violence, and protecting children at risk is defined particularly in the ZPND, the Family Code, and the Social Assistance Act⁴⁷ (hereinafter: ZSV), and the **Rules on the organisation and work of multidisciplinary teams and regional services and on the activities of social work centres in dealing with domestic violence** (hereinafter in this chapter: Rules).

Addressing domestic violence and protecting children at risk are tasks carried out according to social work methods presented in the text *Basic operations of social work*⁴⁸. The text was drafted as an introduction to the Catalogue of public authorities, legal tasks and services carried out by social work centres⁴⁹.

In 2010, the Association of Centres for Social Work of Slovenia prepared the **Professional Guidelines for social work centres on protecting children from domestic violence**⁵⁰ (hereinafter in this chapter: Professional Guidelines). The Professional Guidelines include:

- a comprehensive overview of the relevant legal bases;
- basic principles for working with children at risk;
- a definition of forms of child abuse and their consequences;
- a description of the child protection process and a definition of child protection measures;
- an overview of how to prepare a child risk assessment and a family support plan, including a data framework for conducting the risk assessment;
- methods for monitoring and evaluating the support plan;
- a basic overview of the child's developmental needs; and
- a table of risk factors and protective factors that influence the child's development.

8.3 Social work centre procedure for dealing with children who are victims of

⁴⁷ Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 3/07 – official consolidated text, 23/07 – corr., 41/07 – corr., 61/10 – ZSVarPre, 62/10 – ZUPJS, 57/12, 39/16, 52/16 – ZPPreb-1, 15/17 – DZ, 29/17, 54/17, 21/18 – ZNOrg, 31/18 – ZOA-A, 28/19, 189/20 – ZFRO, 196/21 – ZDOsk, 82/23, 84/23 – ZDOsk-1, 24/25, and 112/25.

⁴⁸ Vito Flaker. Ljubljana: Faculty of Social Work, Association of Centres for Social Work of Slovenia, 2003 (Ljubljana: Collegium graphicum).

⁴⁹ https://www.scsd.si/files/Katalog_nalog_CSD_2025_ZSV_in_ZDOsk-1.pdf <26 February 2026>

⁵⁰ Newsletter of the Association of Centres for Social Work of Slovenia 'Kaljenje', no. 10 (2011).

violence, abuse, or neglect

8.3.1 Receiving information on suspicions or signs that a child is at risk, and conducting an initial risk assessment

Regardless of the provisions on maintaining professional secrecy, anyone, and healthcare professionals and staff members at educational and care institutions and educational institutions in particular, must promptly notify the social work centre, the police, or the State Prosecutor's Office whenever they suspect that a child is a victim of violence or at risk.

For healthcare, educational institutions, and the police, the obligation to report is more precisely regulated in rules issued on the basis of the ZPND, which are presented in the preceding chapter separately for each group of professionals.

The social work centre may receive information on domestic violence or suspicion that a child is at risk from the victim, other competent institutions, or the wider community. It may also suspect that a child is risk or violence is perpetrated against them while performing its other duties. It must document any information received regarding child endangerment with an official record. The same applies to anonymous reports.

When suspecting, or receiving information on, child endangerment, the social work centre must promptly initiate a suitable fact-finding procedure.

It duly studies the received information on alleged child endangerment, and verifies whether they have an information on the family. If necessary, it swiftly obtains information from other authorities and organisations familiar with the child and the family. Based on the available information, the social work centre carries out an initial risk assessment in which it establishes: who poses a threat to the child; whether the parents or one of them are willing and able to ensure the child's protection; what risk factors can be identified; whether the child is in immediate danger and immediate action is required; whether there is a suspicion that the child is at risk, and further assessment of the child and family is needed; and what assistance and protection should be provided to the child, the family, or the parent who is not perpetrating the violence.

The initial risk assessment may indicate a low, moderate, or high level of risk to the child. Based on this assessment, the first steps in the case are planned.

If the social work centre identifies circumstances indicating an immediate risk to the child or suspicion of physical, sexual, or severe psychological abuse of the child, it immediately contacts the police to coordinate initial activities and plan further action.

Based on the gathered data, the social work centre assesses the need to form a multidisciplinary team. The initiative to convene the team may also be taken by another authority or organisation involved in the child protection process. In emergencies (e.g. sexual and severe physical abuse), the multidisciplinary team is convened even before the initial risk assessment is completed.

When the social work centre identifies a suspected criminal offence against a child, it immediately files a report with the police or the Public Prosecutor's Office.

Within five days, the social work centre provides feedback on the initial actions taken to the authority that reported the suspected violence.

8.3.2 Conduct in case of low and moderate initial risk levels

Based on the established low and moderate risk levels, the social work centre contacts the parent who is not perpetrating the violence or endangers the child, and work with them to put together a safety plan for the child to prevent further violent and threatening behaviour by the parent perpetrating the violence. If the information indicates that both parents are perpetrating the violence against the child, the social work centre first interviews the child and provides them with information on existing forms of assistance and self-defence.

8.3.2 Conduct in case of a high level of risk to the child

A high level of risk to the child exists if the child lives in dangerous circumstances and measures to prevent further damage to the child's development are urgent.

If the child is in immediate and serious danger, the social work centre must act immediately and remove the child from the dangerous environment even before the court decides on a motion to issue an interim order (Article 167 of the Family Code). If necessary, the social work centre asks the police for assistance.

Child protection in emergencies must be planned as carefully as possible in order to ensure that the removal is carried out quickly and safely, with as little stress to the child as possible. The professional in charge of the case convenes a crisis team of professionals from the social work centre, within which tasks are clearly defined and assigned.

If the child is in an educational and care institution or an educational institution, a healthcare facility, or another institution, the social work centre immediately contacts the counselling service or the responsible person and explains the reasons for the urgent action. All services must respond immediately and participate in urgent protection of the child. All services must work in coordination. If necessary, the social work centre asks the police for assistance and notifies them of the plan to remove the child. An action plan must be established and coordinated before leaving to the location of removal.

If a newborn must be removed from the maternity hospital for urgent protection, the social work centre follows the protocol referred to in the *Protocol for recommended procedures and cooperation when removing a child from the maternity hospital* adopted by the Association of Centres for Social Work of Slovenia (SCSD).⁵¹

Emergency protection for a child at high risk outside the social work centre's business hours is provided by the centre's regional emergency response service, which operates exclusively in emergencies. Its phone number is not publicly listed and is accessible only to the police. All other persons and services, who become aware of a child at risk outside the social work centre's business hours, must therefore immediately notify the police, who will contact the regional emergency response service.

Within 12 hours of the child's removal, the social work centre proposes that the court issue an interim order to remove the child. The court must decide on the motion to issue an interim order immediately, or within 24 hours (Article 168 of the Family Code).

if the child is at high risk, but the circumstances do not require the child's immediate removal from the dangerous environment, the social work centre files a motion with the court to issue an interim order proposing that the court imposes the necessary measure to protect the child's best interests. To protect the child, the social work centre may also file a motion to impose measures pursuant to the ZPND.

To protect the child's best interests., the social work centre may propose that the court notifies one or both parents where the child has been placed (Article 178 of the Family Code). In this case, the social work centre,

⁵¹ This is internal material located in the Knowledge based on the SCSD website and only available to social work centres.

when filing the motion, must clearly point out to the court that the information on the child's placement must be protected. The social work centre files the motion with the court in two versions, one of which contains the information on the child's placement, while in the other (which the court will serve to the parties), this information is redacted.

8.3.4 Gathering information and convening a multidisciplinary team

To establish the facts and decide on appropriate measures to protect the child, the social work centre investigates protective and risk factors regarding the child, the parents, and the family's social environment.

It gathers information using social work methods, i.e. interviews the child, relevant members of the extended family, and other relevant persons, and conducts a home visit. To interview the child, the social work centre does not need parental consent, and may deny parents access to the record of the interview with their child to protect the child's best interests (Article 177 of the Family Code). If possible, the child is interviewed by an expert with special psychological knowledge and experience in working with children.

The social work centre obtains information from the authorities and organisations in which the child or the family is involved, particularly healthcare facilities, educational institutions, and providers of extracurricular activities or support programmes attended by the child and their parents. All actions taken are carefully and thoroughly documented. It is recommended that the information and findings of professional services are submitted in writing, as such reports constitute important evidence in further proceedings.

When the cooperation of multiple services, comprehensive information exchange between them, the coordination of their operations, and an agreement of a joint strategy with a division of responsibilities are required to protect the child and ensure the child's best interests, the social work centre convenes a multidisciplinary team. At the request of the social work centre, the authorities must respond and appoint their representative to the team. If a member who is the representative of an authority cannot attend the multidisciplinary team's meeting, the authority sends a replacement to the meeting. If that is not possible, the agency submits a report to the social work centre on its observations the day before the meeting.

On the basis of the gathered information, the social work centre decides on the participation of the child and their parents at the meeting, and determines invited experts: both those who possess relevant information and those who are currently involved or will be involved in the ongoing work with the child and their family. All invited persons must attend, and actively participate in, the team's meeting to devise a support plan for the child and their family. If the child has an advocate appointed pursuant to the Human Rights Ombudsman Act⁵² (hereinafter: ZVarCP), or a guardian *ad litem*, the social work centre also invites them to attend the multidisciplinary team's meeting.

The social work centre has the main coordination role in the multidisciplinary team. Within the team, relevant information is exchanged and assessed, the situation is evaluated, the required services and measures to protect the child and the child's best interests are planned, and a support plan for the child and their family is coordinated.

Agreements reached by the multidisciplinary team must be clearly defined, and must contain specific objectives and a clear division of responsibilities to facilitate efficient monitoring of their execution and of the attainment of the objectives. The authorities whose representatives are part of the team ensure that the agreements are implemented. In addition to the team's meetings, the social work centre provides the smooth and timely flow of key information among all participants, monitors their activities, and ensures that the child's case and the implementation of the support plan proceed smoothly. All participants are required to promptly provide the social work centre with any relevant new information. Communication among team members is

⁵² Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 69/17 – official consolidated text and 57/25 – ZF.

properly documented.

8.3.5 *Child risk assessment*

Throughout the process, the social work centre analyses and professionally evaluates the received information from the aspect of child endangerment. It relies on the *Data Framework for Assessing Child Vulnerability* and the *Table of Risk and Protective Factors for Child Development*, which are attached to the Professional Guidelines.⁵³ Responses and further measures are regularly adapted to new findings. Based on the obtained information, the social work centre carries out a comprehensive child risk assessment, whose findings constitute the basis for devising a support plan for the child and their family.

The child risk assessment must be comprehensive, systematically organised, and in writing. It contains the established facts and circumstances; an indication of the applied social work methods and information sources; a definition and analysis of risk and protective factors; an impact assessment of the established facts on the child's welfare; and a final assessment of the level of child endangerment.

8.3.6 *Plan to reduce risks and endangerment*

From the beginning of the case, the social work centre plans services and measures to protect the child, and assistance to the child and their family. Initially, it ensures the child's immediate safety, and then plans measures that will ensure the child's long-term safety and welfare. As part of the plan to reduce risks and endangerment, the need for the social work centre to propose the initiation of the procedure to impose measures pursuant to the ZPND (paragraph three of Article 10 of the Rules) is verified, and measures to protect the child according to the regulations governing family relationships (paragraph three of Article 15 of the ZPND) are foreseen.

The social work centre primarily explores options to mobilise the family and other social networks. As part of social assistance services (personal assistance and family counselling), it provides parents with the necessary support in understanding their parental role, developing parenting skills, and recognising and meeting their child's developmental needs. In addition, it refers parents to programs run by other competent providers, including those aimed at improving parenting skills and those aimed at preventing domestic violence. When guiding parents, it is important to distinguish the responsibilities of each parent and to consider, for each individually, any shortcomings, and any past inappropriate or violent behaviour.

It is also important that all initiatives and proposals from the social work centre, as well as the parents' responses to them, are carefully and transparently documented, and that measures and agreements are clearly defined and recorded in the form of concrete agreements with a precisely defined plan for their implementation. The parents' willingness to participate in less restrictive means of assistance, their motivation to change past inappropriate patterns of behaviour, and their ability to fulfil the obligations they have accepted are important factors in planning the social work centre's further actions and in the court's decision-making in potential legal proceedings.

The social work centre must regularly monitor the implementation of the risk and endangerment reduction plan, assess new circumstances as they arise, and adapt further services and actions to the changing needs of the child and their family.

If social work methods cannot avert the child's endangerment, the social work centre files a motion with the court to issue an interim order to protect the child's best interests.

⁵³ Newsletter of the Association of Centres for Social Work of Slovenia 'Kaljenje', no. 10 (2011).

8.4 Cooperation of social work centres with the court

In deciding on a measure to protect the child's best interests, the social work centre follows the principle of least restrictive means, according to which the selected measure should impose the fewest possible restrictions on the parents' ability to exercise parental responsibility, and should not result in the child being removed from the parents' care, provided that this measure is sufficient to protect the child's best interests (Article 156 of the Family Code).

A motion to issue an interim order to protect the child's best interests must contain a clear, comprehensive, and detailed description of the actual situation, including the method of its determination. The motion must also include all facts and circumstances likely to indicate that the child is at risk, and a detailed explanation of how the principle of least restrictive means was taken into account. The social work centre takes into account both the facts obtained during the fact-finding procedure to determine the child's risk, as well as the facts obtained during the handling of domestic violence (violence against the child and violence against one of the parents). The motion must include evidence and the proposed presentation of potential other evidence. The proposed measure must be clearly and precisely defined.

If the social work centre proposes to the court that one or both parents not be notified of the child's placement, this must be clearly stated in the motion. In this case, it submits two versions of the motion to the court: one containing the information on the child's placement and another in which this information is redacted. This principle also applies when filing subsequent motions with the court.

In the motion, the social work centre should state its position on whether the child should be appointed a guardian *ad litem*. The motion should also state how the court should obtain the child's opinion, including a potential proposal for an informal interview or inclusion of child advocate.

If the social work centre attaches to the motion the child's statement, regarding which it proposes that the parents not be allowed to view it, it forwards the transcript of this interview to the court in a separate consignment, enclosed in a special envelope clearly marked as confidential.

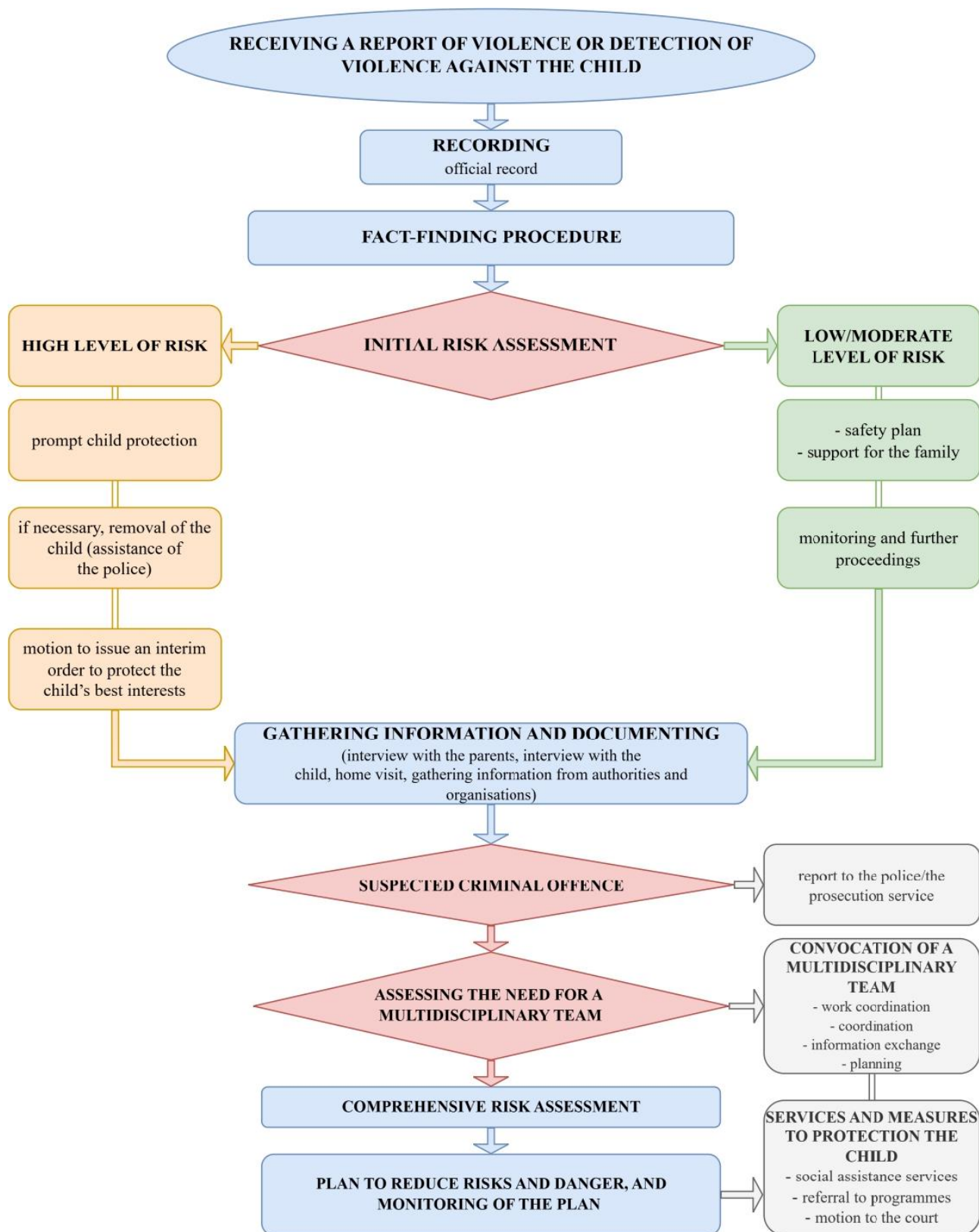
The social work centre proceeds in the same manner when it does not act as the petitioner of the proceedings to protect the child's best interests, but rather prepares an opinion for the court.

Throughout the proceedings, the social work centre regularly notifies the court of the newly established facts and changed circumstances, and promptly responds to the requests of the court. If it needs further explanation to carry out a task, it contacts the court, which provides further guidance.

Prior to imposing a long-term measure, the social work centre prepares a support plan pursuant to Article 170 of the Family Code to eliminate the reasons for imposing the measure, and to establish conditions within the family that will enable the child's healthy and holistic development.

It monitors the implementation of the family support plan during and after the conclusion of the proceedings, regularly assesses new factors, and adapts further services and actions to the changed circumstances.

8.5 Handling procedure



9. ADDRESSING VIOLENCE AGAINST, ABUSE OR NEGLECT OF, THE CHILD BY THE COURT

9.1 Role of the court in dealing with and protecting children who are victims of violence, abuse, or neglect

The court renders decisions in proceedings to protect the child's best interest⁵⁴, pursuant to the Family Code and on actions to prevent domestic violence pursuant to the ZPND, and regulates family relationships with an authoritative decision. The court investigates and establishes the actual situation, and with legal acts, suitably balances the rights and interests of all the participants in family relationships by taking into account the main goal of family proceedings, i.e. To protect the child and ensure the child's best interests. In proceedings to protect the child's best interests, the court takes into consideration to need to exchange information, to cooperate with other institutions, and for a coordinated response to violence against, abuse or neglect of, the child, while ensuring that the participants' right to a fair and independent trial is respected.

9.2 Legal and expert bases

The jurisdiction and powers of the court in preventing and addressing violence against, abuse or neglect of, the child in connection with family proceedings are governed by the Constitution, the Family Code, the ZPND, and the ZNP-1. The court must also comply with all legal acts and decisions adopted by international organisations to which Slovenia may transfer the exercise of part of its sovereign rights (Article 3a of the Constitution), and with generally accepted principles of international law and with treaties that are binding on Slovenia (Article 8 of the Constitution).

In rendering decisions, the court also complies with professional standards prepared by institutions and services working in the field of child protection and child welfare. These standards are particularly relevant to the recognition of sign of violence, more effective twinning, and decision making on suitable responses to the established cases of violence against, abuse or neglect of, the child.

A comprehensive list of types and examples of abusive and threatening behaviour by parents is beyond the scope of this document. The judge may find the following a useful source of information:

- Professional Guidelines for dealing with domestic violence in the implementation of health activities;
- Professional Guidelines for social work centres on protecting children from domestic violence;
- the publication 'Violence Against Children: Professional Guidelines for working with children who experience neglect and/or abuse' issued by the Association for Nonviolent Communication.⁵⁵

Judges who encounter victims or perpetrators of violence in the course of their work must, as part of their continuing professional development and training, undergo mandatory regular training in the fields of preventing and detecting acts of violence, prosecuting, trial, and enforcing sanctions for such acts of violence, gender equality, the needs and rights of victims, and preventing secondary victimisation (paragraph six of Article 10 of the ZPND in connection with paragraph four of the same article).

⁵⁴ Proceedings to protect the child's best interests are proceedings in which the following is decided: the protection and education of the child; the maintenance of the child; contacts between children and their parents; issues concerning the exercise of parental responsibility, which significantly affect the child's development; measures to protect the child's best interests; the placement of the child under guardianship; the placement of the child in foster care; the attribution of parental responsibility to a relative; the adoption and the annulment of adoption of the child (aArticle 93 of the ZNP-1).

⁵⁵ https://www.drustvo-dnk.si/images/publikacije/2017-smernice_otroci.pdf <1 February 2026>

9.3 Treating children who are victims of violence, abuse, or neglect in family court proceedings

9.3.1 *Receiving information on suspicions or signs that a child is at risk*

The family court may identify or be notified of threatening behaviour toward a child in any proceedings and at any stage of the proceedings.

Most frequently, the court is notified of suspected violence against, abuse or neglect of, the child by the parties to the proceedings and the social work centre. It may also learn of such conduct during an informal interview with the child or be notified by the child's advocate or an expert who has interviewed the child, and occasionally by the educational institution the child attends or the healthcare facility that has treated the child. Regardless of everyone's obligation to report suspected violence against, abuse or neglect of, the child, the court must not passively wait for a potential report or motion to issue a child protection measure, but must also be vigilant for any signs that a child is at risk.

The court must respond immediately to any suspicion or report of violence or other form of child maltreatment.

If the court is not notified of violence against, abuse or neglect of, the child by the social work centre, it immediately notifies the social work centre. When the circumstances of the case indicate a serious and immediate danger to the child, the court also directly notifies the police, who, if necessary, contact the social work centre's emergency response service.

Pursuant to Article 145 of the ZKP, the court must report a criminal offence for which the perpetrator is prosecuted *ex officio* if it is notified of the offence or otherwise becomes aware of it.

When the court itself detects that a child is a victim of violence, it properly documents all of its findings. This is important for the further conduct of family proceedings, and for the possible initiation of criminal proceedings.

9.3.2 *Establishing the actual situation*

The court carefully and thoroughly investigates violence of which a child is the direct victim, and any violence against other family members. A child is considered a victim of violence even if they witness the violence or live in an environment where violence is perpetrated (paragraph two of Article 4 of the ZPND). The court pays particular attention to identifying any potential risk to other children in the family. If it determines that there is another child in the family who might be at risk, it also takes measures to protect that child.

When the court is notified of a child's endangerment by the social work centre, it reviews the submitted documents, and determines whether it is complete and provides a sufficient factual basis for taking measures to protect the child. If it establishes that the information must be supplemented, it notifies the social work centre, and provides clear instructions on what additional actions to take and what additional information to submit to the court.

When the court has been notified by a third party of a suspected risk to a child or has identified such a risk on its own, it promptly notifies the social work centre and requests that it provide the necessary information (e.g., whether the family has been involved in previous cases and what the findings were, and whether and what measures to protect the child have already been taken), to conduct a fact-finding procedure to evaluate the risk to the child, and to provide an opinion on the risk to the child. The request must include the facts already available to the court. The court clearly specifies which actions the social work centre must perform (e.g. enquiries, an interview with the child, an interview with the parents, a risk assessment, a safety plan, a support

plan, an opinion on the necessity of immediate protection of the child), and what information it needs for making further decisions.

The court may also obtain information directly from the professional services in which the child and the family are involved (educational institutions, healthcare facilities, providers of extracurricular activities, non-governmental organisations). If the court does not have the necessary information to conduct enquiries, it requests assistance from the social work centre. Authorities, holders of public authority, public service providers, and non-governmental organisations are required to provide the court with the information necessary to adopt measures for the protection of the child, regardless of provisions on maintaining professional secrecy.

If necessary, the court verifies whether the child and their family have already been heard in court, and inspects any previously considered cases.

If necessary, it also enquires with the police to see if there have been any previous cases involving the child and their family.

If necessary, the court obtains information from the criminal record, and information on pending criminal proceedings against the parties to the proceedings. The information from the criminal record are obtained from the Ministry of Justice, while information on pending criminal proceedings against the parties to the proceedings are obtained from the local or district court in Slovenia.

If both family and criminal proceedings (relating to a family relationship) are pending concurrently, the family court obtains information from the criminal court regarding the stage and substance of the proceedings and, if necessary, reviews the criminal case file. There is no obstacle to the family court providing the criminal court with information from its own case, which is relevant to the criminal proceedings. The family and criminal judges inform each other of the need to protect any secret or confidential information, so that the family judge's actions do not compromise the course of the criminal proceedings, while preventing unnecessary or impermissible disclosure of personal and confidential information from the family proceedings in the criminal proceedings (e.g. disclosure of the content of a child's statement regarding which the family court has ruled that the parents have no right to access; disclosure of the child's placement in cases where the court has ruled that one or both parents must not be informed of where the child will be placed).

At the hearing, the court hears the parents and any witnesses. If one parent is violent toward the other, the court takes measures to protect the victim of the violence (e.g. accompanying the victim, providing separate waiting areas for court hearings, separate exits from the court, and, in cases of severe violence or serious danger to the victim, conducting the victim's hearing via videoconference).

If the decision requires expert knowledge that the court does not possess, it appoints an expert. When selecting the expert's field of expertise, the court takes into account the complexity of family relationships in cases of violence or other forms of abuse.

The court adapts the scope and method of fact-finding in the individual stages of the proceedings to the specific factual circumstances, the level of risk to the child, and the urgency to protect the child.

9.3.3 Communication between the court and other authorities and organisations, and data protection and privacy of the parties to the proceedings

The court, the social work centre, and other authorities and organisations included in the child protection procedure communicate through in writing, or via email or by telephone in emergencies. In such cases, the court makes an official record of the interview, which includes information on the purpose of the interview, the person with whom the interview was conducted, and a brief summary of the interview or the information

obtained.

In proceedings concerning family relations, the public is excluded pursuant to Article 43 of the ZNP-1. The court ensures the protection of data and the privacy of the parties to the proceedings at all times. When making enquiries with other authorities and organisations, the court ensures that it does not disclose more information than is strictly necessary, while also warning the recipient that they must treat all information obtained in the course of these proceedings as confidential.

The court and other participants pay special attention in every action to ensure that the addresses of safe shelters for at-risk children and adult victims of violence are not disclosed.

9.3.4 Involving the child in the proceedings

The child has a right to participate and be heard in all proceedings that affect their rights, interests, and welfare.

The court enables a child over 15 years of age, who is capable of understanding the significance and legal consequences of their actions, to, as a party to the proceedings, independently perform procedural acts (paragraph two of Article 45 of the ZNP-1). If the child expresses a desire to participate independently in the proceedings, the court informs them of the right to free legal aid and, either on its own or in cooperation with the social work centre, assists the child in taking the necessary steps to obtain it.

If the child has not yet reached 15 years of age or the court decides that the child is not capable of understanding the significance and legal consequences of their actions, the child is represented by a legal representative, usually the parents. When the court is faced with allegations of violence against, abuse or neglect of, the child, it carefully assesses whether the parents as the child's legal representatives are capable of distinguishing their own interests and expectations from the child's needs and best interests, and of objectively pursuing the child's best interests. If it determines that they are unable to do so and that their interests conflict with those of the child, it appoints a guardian *ad litem* for the child (paragraphs four and five of Article 45 of the ZNP-1).

In any proceedings in which it decides on the child's situation, the court must, in accordance with its duty to act in the child's best interests, consider *ex officio* whether it is appropriate to obtain the child's opinion. If it decides not to obtain the child's opinion, it must provide an adequate explanation for such a decision.⁵⁶

In proceedings to protect the child's best interests, the court requests the social work centre to notify the child, who is capable of understanding the significance of the proceedings and the consequences of the decision, in an appropriate manner of the initiation of the proceedings and of the child's right to express their opinion (paragraph one of Article 96 of the ZNP-1).

The child may provide their opinion at the social work centre with a child advocate or, in view of the age and other circumstance, during an informal interview with the judge (paragraph two of Article 96 of the ZNP-1).

To avoid subjecting the child to repeated stress and secondary victimisation, the court and the social work centre promptly agree on how to obtain the child's opinion. In doing so, they take into account both the child's best interests and their wishes.

In cases involving children who are victims of violence, abuse, or neglect, it is particularly important that interviews are conducted in a manner that is as emotionally stress-free as possible for the child, and does not place them in a position where they feel they must take responsibility for their own safety and the realisation of their best interests. In such cases, the court therefore always considers the possibility of appointing a child

⁵⁶ Cf. case M.P. And others v. Greece (Application no. 2068/24).

advocate; if the child's opinion is obtained by other means, the interview is conducted, wherever possible, by a professionally qualified person with the necessary knowledge in the fields of developmental psychology and the dynamics of violence, and with relevant experience in working with children.

If a child expresses a desire for an informal interview with the judge, the judge complies with such a request, unless the interview would put the child at risk. At the judge's discretion, a professionally qualified person is present during the interview (e.g. the social worker from the social work centre). The child is notified in an age-appropriate manner that a person of their choice may be present during the interview, and that person is then allowed to participate, unless that person is not someone the child trusts and would have chosen themselves, or unless that person's participation in the proceedings would be contrary to the child's best interests (paragraph three of Article 96 of the ZNP-1).

Where the child has already been interviewed in these or another proceedings, careful consideration must be given to whether the child's opinion should be sought again. In doing so, consideration must be given to, on the one hand, the child's right to be heard on all matters relating to their situation and, on the other hand, the consequences that a repeat interview could have on their emotional state.

If the court has specially adapted facilities, it is appropriate, particularly in the case of younger children, to conduct the interview with the child in such a facility. If no such facilities are available, the available space should be adapted as much as possible to make it child-friendly.

When a child is summoned to court, the court ensures measures for the child's protection, and prevents any contact between the child and the perpetrator of violence or the person posing a threat.

When a child expresses a wish that the content of the interview not be disclosed to the parents or third parties, or when the court determines that disclosure of the content of the interview would put the child at risk, it issues an order prohibiting the parents from reviewing the transcript or listening to or viewing the recording of the interview with the child (paragraph four of Article 96 of the ZNP-1). The court places the transcript or recording of the interview in a special envelope, and marks it as confidential information. Each instance of access is recorded on the envelope, noting the date of access and the name of the person who accessed the transcript. If the court determines that, in the best interests of the child, the transcript of the interview should be shared with other professionals (social services, an expert), it, when forwarding the transcript, specifically reminds the recipient of their duty to keep the content of the statement confidential.

If the child has been or will be subject to comprehensive care at the Children's House pursuant to the provisions of the Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act⁵⁷, it is advisable to enquire about actions already taken, and the possibility of a family court judge being present during subsequent proceedings.

9.3.5 Assessing the level of risk to the child

With the assistance of the social work centre, the court evaluates the gathered information, assesses risk and protective factors, and, based on these, determines the level of risk to the child. It takes these findings into account when deciding whether and which emergency protective measures are necessary, and whether and which measures are needed to prevent long-term risk to the child and ensure the child's best interests.

The form attached to this Handbook can assist the court in identifying and evaluating risk and protective factors.

The court and the social work centre ensure the prompt exchange of information regarding the level of risk to

⁵⁷ Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 54/2021.

the child. If necessary, the court guides the social work centre to obtain information relevant to determining the level of risk to the child. The social work centre also gathers information on its own, and provides professional support to the court. The court informs the social work centre of its assessment of the child's level of risk, and the social work centre provides the court with its own risk assessment. If a standardised form was used for this purpose, it is also submitted at the court's request. Both the court and the social work centre review each other's risk assessments, supplement them with their own data as needed, and independently assess the level of risk to the child. If there are discrepancies in the assessment of the level of risk between the court and the social work centre, they investigate the causes with mutual cooperation.

The assessment of the level of risk to the child must be monitored, supplemented, and, where appropriate, re-evaluated and amended.

9.3.6 Court decisions

The court must take all necessary measures *ex officio* to protect the rights and legal interests of children (paragraph two of Article 6 of the ZNP-1).

The court may also initiate proceedings *ex officio* to decide on more permanent measures for the protection of the child's interests, and may also issue an interim order *ex officio* to prevent a threat to the child (paragraph two of Article 106 of the ZNP-1). For the protection of the rights and interests of the child, the court also establishes facts not raised by the parties and presents evidence not proposed by the parties (Article 7 of the ZNP-1). The social work centre is a party to proceedings for the issue of measures to protect the child's best interests, even if it is not the petitioner of the proceedings.

Throughout the proceedings, the court regularly assesses whether the child must be protected by a measure to protect the child's best interests. If the child is in immediate danger, the court issues an interim order either upon a motion or *ex officio*. Upon a motion by the social work centre or another authorised petitioner, the court may also impose measures to protect the child under the ZPND.

The court, in cooperation with the social work centre and in accordance with the principle of proportionality, works toward issuing effective protective measures that will interfere as little as possible with parental responsibility, and allow the child to remain in the home environment. To this end, the court, in cooperation with the social work centre, encourages the parents (or one of them) to participate in programmes to strengthen parenting skills and programmes to prevent domestic violence, and, if necessary, it may also require such participation. In providing guidance, it pays particular attention to determining the respective responsibilities of each parent for the family situation that has arisen, and, for each parent individually, identifies past inappropriate and violent behaviour and any shortcomings in the exercise of parental responsibility, which form the basis for the guidance.

Regardless of whether it decides in proceedings for the imposition of measures to protect the child's interests, proceedings concerning custody, visitation, and child maintenance, or other proceedings for the protection of the child's interests, the court considers violence against, abuse or neglect of, the child as a significant factor in the regulation of family relationships. The reasoning for the decision must include: a description of the process used to determine the presence of violence, abuse, or neglect; the court's findings regarding the existence of violence or other harmful conduct by the parents; an explanation of how the court took this conduct into account in its final decision; a detailed description and assessment of the risk to the child, and a conclusion as to why the court did or did not adopt specific measures for the child's protection. The decision must also be explained with regard to the question of why the court assesses that the decision taken prevents the child (and the other parent) from being at risk, and ensures the child's best interests. The court must explain how the child's opinion was taken into account; if the child's opinion was not obtained, the court must also explain this decision.

If the court has issued a restraining order prohibiting contact with the child or another measure to protect the child from the perpetrator of the violence, either through an interim order or a decision issued under the ZPND, it must notify the police, the social work centre, and the educational institution or any other person or institution where the child is located (e.g. a foster parent, a specialised centre, a hospital).

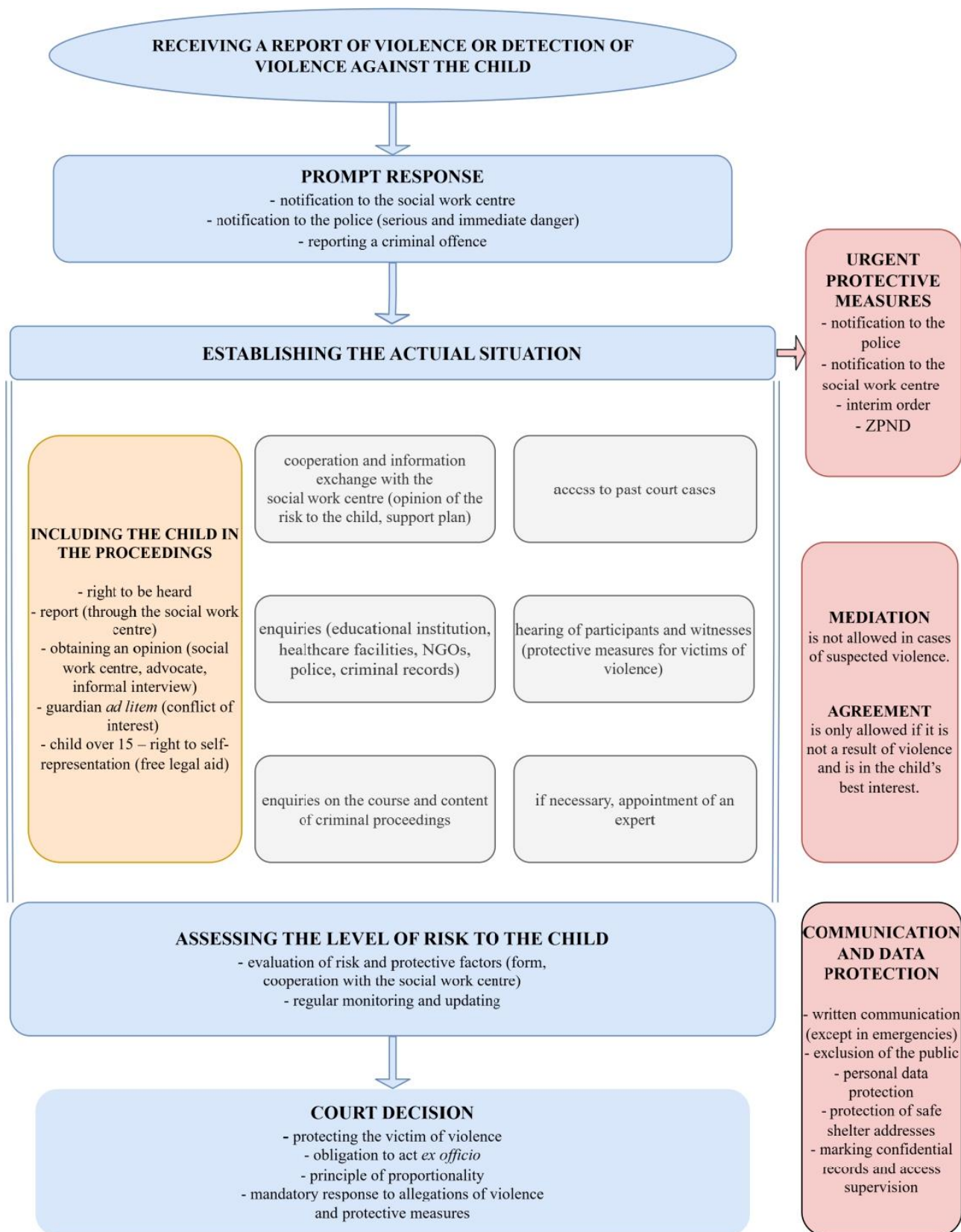
The court promptly sends the decision prohibiting the crossing of the state border with the child to the locally competent police station, and in emergencies, to the email address: sirene.slovenija@policija.si.

9.3.7 Mediation and other forms of peaceful settlement of disputes

In proceedings concerning all forms of violence, alternative dispute resolution is excluded (Article 22e of the ZPND). Even in disputes arising from relationships involving children, mediation is not conducted in cases of suspected domestic violence (paragraph three of Article 210 of the Family Code). The court pays close attention to allegations of violence or an imbalance of power between the parents from the beginning of the proceedings. If any of the parties makes such allegations, the court does not offer mediation, much less encourage the parties to participate in it.

In cases of violence and an unequal position of the parties, the court must not encourage the parents to reach agreements. If the parents (especially the victim) wish to conclude a court settlement regarding the arrangement of family relationships despite the court's explicit warning, the court must carefully assess whether the agreement is an expression of the parents' free and genuine will, and not the result of violence or the dominance of one parent over the other. It must also carefully assess whether the agreement is in the child's best interest. If the agreement is not in the child's best interest or would even put the child at risk, or if the proposed agreement is the result of the victim of violence being in a subordinate position, the court does not permit the conclusion of the court settlement.

9.4 Handling procedure



10. FORM FOR ASSESSING THE LEVEL OF RISK TO THE CHILD IN FAMILY COURT PROCEEDINGS

As noted in the introduction, state authorities must respond promptly to reports of violence and child endangerment, and conduct an independent, proactive, and comprehensive assessment of the risk to the child. The ECtHR and organisations working in the field of child protection and the prevention of domestic violence recommend the use of standardised tools to assess the level of risk, as these help ensure that all relevant circumstances are systematically taken into account and improve the identification of risk factors. However, the use of standardised questionnaires and forms also have drawbacks. The first drawback is that risk assessment may devolve into a mechanical, technical exercise without an in-depth evaluation of the specific case. The second drawback is overlooking factors that the tool may not cover but that could be crucial to a specific case. A high-quality assessment of the level of risk is always based on an accurate and complete assessment of the actual situation, a thoughtful identification of risk and protective factors, and a professional evaluation of each individually and all together, all while taking into account the specific circumstances of the individual case.

In preparing the form, it was taken into account that the preparation of a comprehensive child risk assessment is primarily the responsibility of the social work centre. It possesses the necessary expertise in identifying a child's developmental needs and characteristics (biological, cognitive, personality, emotional, and behavioural), and in identifying and assessing relevant psychosocial characteristics of the family (care, protection, child care, characteristics of the parent-child relationship, parental characteristics, characteristics of the family system) and relevant factors in the broader social environment.⁵⁸

The form is based on the risk assessment attached to the "Protocol for recommended procedures when enforcing a decision on the removal of a child by direct handover" already used by the court in the conduct of its work⁵⁹. In preparing the form, existing forms for assessing the level of risk to the child were also taken into account, i.e.: Table of Risk and Protective Factors for Child Development used by social work centres⁶⁰, and Guidelines for preparing and updating individual assessments of minors in criminal proceedings⁶¹.

ATTACHMENT – Form for assessing the level of risk to the child in family court proceedings

[Attachment – click to view](#)

⁵⁸ Cf. Data Framework for Assessing Child Vulnerability attached to the Professional Guidelines for social work centres on protecting children from domestic violence.

⁵⁹ <https://nasodiscu.si/uploads/1edcf1dd6f966ac7f9448fb9f0858877/1edcf1dd6f966ac7f9448fb9f0858877-original.pdf> <1 February 2026>

⁶⁰ Newsletter of the Association of Centres for Social Work of Slovenia 'Kaljenje', no. 10 (2011).

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FORM FOR ASSESSING THE LEVEL OF RISK TO THE CHILD IN FAMILY COURT PROCEEDINGS

Introductory note:

The form is not intended for scoring, tallying, or evaluating risk factors; rather, it is designed as a checklist to help the court identify which risk and protective factors it should particularly consider when making decisions, both procedural (e.g. deciding on the protection of information regarding the child's whereabouts or the content of the child's statement, the method of obtaining the child's opinion, protective measures during the hearing) and substantive (e.g. the need for temporary measures to prevent risk to the child). All factors do not have to prove significant in a specific case. On the other hand, this is not an exhaustive list, as other relevant circumstances may arise in individual cases. An individual factor may prove to be (and is indicated on the form) either a protective factor or a risk factor in a specific case. It is important to recognise that the assessment of the level of risk is a dynamic concept, as risk factors and protective factors may change rapidly. A high-quality risk assessment therefore requires constant monitoring and updating.

Name and surname of the child:

Date of birth:

CHILD		
Factor	Protective factor	Risk factor
Age		
Health and physical condition		
Developmental characteristics (mental and physical developmental disorders, other special needs)		
Mental health issues		
Personality, emotional, and behavioural characteristics		
Inclusion (preschool, school, extracurricular activities)		
Academic performance		
Medical treatment		
Problems with alcohol, illicit substances, or psychoactive substances		
Excessive use or misuse of electronic devices, exposure to online harassment		
Aggressive behaviour		
Self-harming and risky behaviour (e.g., self-harm, suicidal threats, running away)		
Support person		
Support services		
Other relevant factors		

PARENTS				
<u>Parent 1</u>			<u>Parent 2</u>	
Protective factor	Risk factor	Factor	Protective factor	Risk factor
		Mental health issues		
		Personality, emotional, and behavioural characteristics		
		Past traumatic experiences		
		Addiction to, or abuse of, alcohol, illicit substances, or psychoactive substances		
		History of violence/abuse/neglect		
		Aggressive/impulsive/manipulative behaviour		
		Self-harming behaviour/suicidal threats		
		Employment/unemployment		
		Social integration		
		Relationship with the other parent		
		Violence/abuse in relation to the other parent		
		Relationship with the child		
		Parenting skills		
		Violence/against/abuse of/neglect of the child		
		Self-reflection on one's own behaviour		
		Taking responsibility		
		Ability to protect the child		
		Motivation to change		
		Cooperation with institutions		
		Involvement in support services		
		Other relevant factors		

FAMILY		
Factor	Protective factor	Risk factor
Family structure		
Living conditions		
Socio-economic status		
Cultural characteristics		
Language barriers		
Social network		
Social integration		
Support services		

Frequent moves		
Other relevant factors		

FAMILY RELATIONSHIPS		
Factor	Protective factor	Risk factor
Stability		
Parental cooperation		
Respecting and supporting the other parent's role		
Conflicts between parents		
Violence in the relationship between parents		
The child's relationship with, and attachment to, the mother		
The child's relationship with, and attachment to, the father		
Violence/against/abuse of/neglect of the child		
Corporal punishment and other disciplinary measures involving violence		
The child's involvement in the parents' relationship		
Relationships among siblings		
Relationships within the extended family		
Other relevant factors		

VIOLENCE/ABUSE/NEGLECT		
Factor	Protective factor	Risk factor
Type of violence/abuse/neglect		
Frequency and duration of violence/abuse/neglect		
Consequences of violence/abuse/neglect		
History of violence/abuse/neglect		
History of unexplained injuries to the child or one of the parents		
Escalation of behaviour		
Previous interventions involving the child and family due to (violent) threatening behaviour		
Previously issued protective measures		
Compliance with, or violations of, previously ordered measures		
Parental separation		
(Non)Acceptance of the separation by one of the parents		
Unresolved family and/or property issues		
Stalking and surveillance		
Possession of weapons or other dangerous items (e.g. a dangerous dog)		

Access of the perpetrator of violence/abuse/neglect to the child		
Criminal proceedings against the perpetrator		
Recognition and critical reflection by the perpetrator regarding their own violent (threatening) behaviour		
Recognition and critical reflection regarding violent (threatening) behaviour by the other parent		
Taking responsibility for one's behaviour		
Following the instructions of professional services and accepting assistance		
Participation in programmes to improve parenting skills		
Participation in programmes to prevent domestic violence		
Threats against the child, the other parent or other close relatives		
Relatives of the perpetrator living abroad		
Feelings of insecurity of the child and other victims		
Other relevant factors		