

### Question 7.d.

Article 155

(jurisdiction to impose measures to protect the interests of the child)

Measures to protect the interests of the child are imposed by the court.

Article 156

(principle of least action)

When choosing a measure to protect the interests of the child, two limitations must be taken into account:

- a measure should be issued that will limit the parents as little as possible in the exercise of parental care, if it is possible to sufficiently secure the benefits of the child;

- above all, a measure should be issued that does not take the child away from the parents, if the child's benefits can be sufficiently secured with this measure.

Article 157

(condition for imposing measures to protect the interests of the child)

(1) The court pronounces a measure for the protection of the child's interests if it finds that the child is at risk.

(2) A child is at risk if he has suffered or is very likely to suffer damage, and this damage or the likelihood that damage will occur is the result of the service or neglect of the parents or the result of the child's psychosocial problems, which are manifested as behavioral, emotional, learning or other difficulties in his upbringing.

(3) Damage from the previous paragraph includes damage to the physical or mental health and development of the child or to the child's property.

#### Article 158

(child's opinion)

(1) When deciding on a measure for the protection of the child's interests, the court takes into account the child's opinion, expressed by the child himself or through a person he trusts and has chosen himself, if he is able to understand its meaning and consequences.

(2) The court may issue a temporary order without obtaining the child's opinion beforehand.

#### Article 159

(types of measures)

Measures to protect the interests of the child are temporary orders, emergency removal of the child and measures of a more permanent nature.

### 7.3. Emergency removal of the child

#### Article 167

(implementation of emergency removal of the child)

(1) If it is proven with probability that the child is in such serious danger that his benefits can only be secured by immediately taking the child from the parents, the social work center takes the child and places him with another person, in a crisis center, in foster care or in an institution, or before the court decides on the motion to issue a temporary injunction. The child may not be placed with a person who cannot be a guardian. With regard to the obligations of the other person with whom the child is placed and the supervision of the placement, the provisions of the law governing the implementation of foster care shall be applied *mutatis mutandis*.

(2) In the act of immediately taking a child away from the parents, the police may provide assistance to the social work center in accordance with the regulations governing the duties and powers of the police.

(3) When placing a child in accordance with the first paragraph of this article, the Center for Social Work shall fill out a form containing:

- indication of the center for social work and the personal name of the official who carried out the emergency removal of the child according to the first paragraph of this article,
- personal name of the child and the person from whom the child was taken,
- the date and time of the emergency removal of the child,
- a brief explanation of the further course of the procedure.

(4) The form from the previous paragraph shall be delivered directly to the person from whom the child was taken and to the child's parents or guardian or sent by registered mail.

#### Article 168

(issuance of a temporary injunction)

(1) Within 12 hours after the removal of the child, the Center for Social Work must propose to the court the issuance of a temporary order on the removal of the child. The court must decide on the proposal to issue a temporary injunction immediately, but within 24 hours at the latest.

(2) If the social work center does not propose the issuance of a temporary order within the time limit specified in the previous paragraph or if the court does not decide on the proposal of the social work center within the time limit specified in the previous paragraph or refuses to issue a temporary order, the child shall immediately be returned to the parents.