

Co-funded
by the European Union



Co-funded and implemented
by the Council of Europe



REPUBLIC OF SLOVENIA
MINISTRY OF JUSTICE



Building a Europe
for and with children

INTERAGENCY COOPERATION IN CIVIL PROCEEDINGS: Services and institutions in the field of family law

Training materials

Unofficial translation into English¹

Ana Bajt and Katarina Bervar Sternad
PIC – Legal Centre for Human Rights and the Environment

Ljubljana, February 2026

Joint project of the EU and the Council of Europe

“Ensuring the best interests of children in civil proceedings in Slovenia”

23SI08

The Project is co-funded by the European Union via the Technical Support Instrument and implemented by the Council of Europe, in cooperation with the European Commission.

¹ The original version of this document was written in Slovenian. AI was used for the unofficial translation.

The training materials were prepared with the financial support of the European Union and the Council of Europe. The content of the materials is the sole responsibility of the authors. The views expressed in this document do not necessarily reflect the official opinion of the European Union or the Council of Europe.

TABLE OF CONTENTS

About the project and materials	5
Glossary of basic terms in family law.....	8
Legal basis for the operation of services and institutions.....	10
List of abbreviations, acronyms and symbols	11
1. Introduction.....	12
1.1. Relevant proceedings in family matters.....	13
1.1.1. Court proceedings	13
1.1.2. Proceedings at the CSD.....	14
1.2. Purpose of educational materials	15
2. Ensuring the best interests of the child and inter-institutional cooperation	16
2.1.1. The obligation to ensure the best interests of the child	16
2.1.2. Inter-institutional cooperation.....	16
3. Services and institutions in family proceedings.....	19
3.1. Courts.....	19
3.1.1. The role of courts and court proceedings	19
3.1.2. Cooperation of other institutions with the court	20
3.2. Social work centres	25
3.2.1. Role and tasks of the CSD	25
3.2.2. Cooperation between the CSD and other services	31
3.3. Court experts.....	35
3.3.1. Clinical psychology.....	36
3.3.2. Adult psychiatry.....	38
3.3.3. Child and adolescent psychiatry	39
3.3.4. Family psychology	39
3.3.5. Social work	40
3.3.6. Contact between the court expert and other institutions	43
3.4. Children's advocate at the VČP.....	45
3.4.1. About advocacy.....	45
3.4.2. Reasons for appointing a child advocate.....	49
3.4.3. Guardianship process	50
3.4.4. Examples of good practice in cooperation	54
3.4.5. List of children's advocates and regional coordinators	55

3.4.6.	Practical experience with advocacy	55
3.5.	Conflict guardian	74
3.5.1.	Reasons for appointing a guardian ad litem for a child.....	75
3.5.2.	Procedure for appointing a guardian ad litem	76
3.5.3.	Role of the guardian ad litem	77
3.5.4.	Duties of the guardian ad litem	78
3.6.	Differences between the work of a children's advocate and a guardian ad litem.....	82
3.7.	Lawyers representing the parties in the proceedings	88
3.8.	State Attorney's Office of the Republic of Slovenia	89
3.9.	Mediation	89
3.9.1.	Mediation — general, types and significance	89
3.9.2.	Basic principles of the mediation process	90
3.9.3.	Regulations on mediation.....	91
3.9.4.	Stages of mediation.....	93
3.9.5.	Mediator	94
3.9.6.	Differences between a court settlement and a mediation agreement	95
3.9.7.	Mediation at social work centres.....	95
3.9.8.	Special features of mediation in family disputes	96
3.9.9.	Regulations in the field of family relations and mediation in family disputes.....	97
3.9.10.	Prohibition of mediation in cases of suspected domestic violence	97
3.9.11.	Additional information on the prohibition of mediation	98
3.10.	Non-governmental organisations	98
3.10.1.	Role and tasks of NGOs.....	99
3.10.2.	The role of NGOs in cases of domestic violence	99
3.10.3.	Sectoral NGOs in Slovenia	101
3.11.	Educational institutions.....	103
4.	Examples of legal regulation of inter-institutional cooperation in Slovenia.....	105
4.1.	Inter-institutional cooperation within the framework of the ZPND.....	105
4.2.	Interinstitutional cooperation within the framework of the Children's House	106
5.	Proposal for training using materials.....	107
6.	Conclusion	112

About the project and materials

At the request of the Council of Europe, the European Union and the Ministry of Justice of the Republic of Slovenia, PIC – Legal Centre for Human Rights and the Environment, in cooperation with consortium members and external partners, has prepared an educational module on inter-institutional cooperation in civil proceedings in Slovenia. The educational module presents the work of various institutions, services and organisations in the field of family law and the possibilities for inter-institutional cooperation between them. The preparation of the module is part of the project "Ensuring the best interests of children in civil proceedings"², which aims to strengthen the protection of children's rights in civil proceedings in Slovenia, with a particular focus on the application of the principle of the best interests of the child. In line with the ongoing reforms in Slovenia aimed at strengthening the protection of children's rights, the project aims to position Slovenia as a leading country in promoting child-friendly justice standards among European Union member states.³

After the initial phase of the project, two key reports were prepared to assess the situation in the field of family law in Slovenia: **a report on the legal, political and institutional system**⁴ and **a report on the training needs of those working in the field of family law**.⁵ In order to provide a solid basis for future reforms, **a comparative analysis of best practices and ways of protecting the best interests of the child in civil proceedings** in Council of Europe member states was also prepared as part of the joint project.⁶ On the basis of all three documents, **a comprehensive strategy and action plan for the implementation of reforms in the field of family justice in Slovenia** was then designed. The strategy and action plan were presented and adopted by the interministerial working group for improving the situation of children in civil proceedings in Slovenia, which operates under the auspices of the Ministry of Justice. The strategy and action plan were also approved by the Government of the Republic of Slovenia. The Ministry of Justice monitors and coordinates the implementation.⁷

The strategy defines a series of priority measures, including the preparation of educational materials on inter-institutional cooperation and training in the use of these materials. In addition, other priority tasks are also underway, such as the development of guidelines for determining the best interests of the child in civil proceedings, a protocol for dealing with cases of suspected violence, which includes a form for risk assessment, a detailed report with specific recommendations for improving the status and role of

² Council of Europe, Ensuring the best interests of the child in civil court proceedings in Slovenia. <<https://www.coe.int/sl/web/children/slovenia-civil-court-proceedings>> 2.10.2025

³ Ministry of Justice, Ensuring the best interests of the child in civil court proceedings. <<https://www.gov.si/novice/2024-10-24-zagotavljanje-najvecje-koristi-otrok-v-civilnih-sodnih-postopkih/>> 2.10.2025

⁴ Dr Murgel J., Mag. Oštir T., Stankić Rupnik Z., Dr Pecin S., Recommendations for more effective safeguarding of the best interests of the child in civil proceedings in Slovenia (2024), Joint EU and Council of Europe project "Ensuring the best interests of the child in civil proceedings in Slovenia" 23SI08 <<https://rm.coe.int/legal-analysis-slovenia-juvenile-proceedings-slo/1680b1d044>>

⁵ Bajt A., Bervar Sternad K., Gap analysis and recommendations for education and training in the field of ensuring the best interests of children in civil proceedings in Slovenia (2024), Joint EU and Council of Europe project "Securing the best interests of the child in civil proceedings in Slovenia" 23SI08 <<https://rm.coe.int/training-gap-analysis-slovenia-juvenile-proceedings-slo/1680b1d045>>

⁶ Wenke D., Securing the best interests of the child in civil proceedings: A selection of guidance, methods and tools used in Council of Europe member states (2025), Joint EU-Council of Europe project "Ensuring the best interests of the child in civil court proceedings in Slovenia" 23SI08 <<https://rm.coe.int/securing-the-best-interests-of-the-child-in-civil-proceedings-a-select/1680b4e123>>

⁷ Ministry of Justice, Ensuring the best interests of the child in civil court proceedings (2025) <<https://www.gov.si/novice/2025-12-05-zagotavljanje-najvecje-otrokove-koristi-v-civilnih-sodnih-postopkih/>> 28 January 2026

conflict guardians, and targeted awareness-raising initiatives aimed at making children and their families more aware of their rights and position in the proceedings.

The educational module contains various content related to family law and procedures in family matters. As explained below, the purpose of the materials is to gather information in one place about the functioning of various institutions, services and organisations operating in the field of family and family law, the specifics of their work, internal processes and opportunities for cooperation between them. The materials place particular emphasis on the latter, i.e. the possibilities (and obligations) for cooperation between stakeholders in family matters. In addition, the materials consistently draw attention to an important circumstance for the conduct of proceedings in family matters, **namely the presence of domestic violence and intimate partner violence**. By using the materials, we aim to empower stakeholders to work with each other, strengthen inter-institutional cooperation and networking, which will reinforce the protection of the principle of the best interests of the child in Slovenia, not only on paper but also in practice. In this way, as a country, we will be able to better comply with international standards in the field of child protection, such as the Convention on the Rights of the Child, the European Convention on the Exercise of Children's Rights, the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, recommendations in parental separation proceedings, custody proceedings and other legal acts.⁸

Following the instructions of the project partners, the training module is based on the principle of *training of trainers (ToT)*, which means that the materials are intended, among other things, for those who wish to disseminate the content of the module in their own environment. Using the materials, they can conduct the training themselves, as they are designed to be comprehensive and, in addition to content clusters, also include suggestions for conducting the training in the final section. At the same time, we encourage the authors of the materials to include experts with experience in the field in the presentation of individual chapters, as they can share their personal experiences and compare them with the experiences of others from practice. In addition, we encourage the organisation of training at the local level, where participants can share experiences from their local environment. At the same time, we must not forget the importance of exchanging good practices between regions in Slovenia, which can be facilitated by the training provider using these materials.

We also believe that the materials are a living document that should be updated over time in line with legislative changes, experience and user needs. Therefore, we invite training providers and users of the materials to send us their suggestions for improvement to pic@pic.si. We welcome suggestions, corrections and practical examples that will help us improve and update these materials.

On behalf of PIC – Legal Centre for Human Rights and the Environment, we would like to express our sincere gratitude to all those who contributed to the preparation of these materials. Firstly, we would like to thank the regional advocacy coordinator Maša Gril at the Human Rights Ombudsman, lawyer and conflict guardian Zoran Stankić Rupnik, and court expert in the field of child psychiatry Barbara Šegula Škoberne, who are part of the consortium for the preparation of materials. We would also like to thank family mediator Gordana Ristin, children's advocate Nataša Zidar, and Ksenija Kejžar, Master of Laws and district judge, for their contributions, which are listed at . We would like to thank district

⁸ UN General Assembly, Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577; Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice; CM/Rec(2025)4 - Recommendation of the Committee of Ministers to member States on the protection of the rights and best interests of the child in parental separation proceedings; CM/Rec(2025)5 - Recommendation of the Committee of Ministers to member States on the protection of the rights and best interests of the child in care proceedings;

judge Vanja Tinta Tavčar, family psychology experts Metoda Maj and Maja Kovač, and court expert for the field of child psychiatry Barbara Šegula Škoberne for reviewing and suggesting corrections. We would like to thank district judge Vanja Tinta Tavčar, court experts in the field of family psychology Mag. Metoda Maj and Irena Toš Koren, court experts in the field of clinical psychology Dr. Barbara Dobnik Renko and Jani Kodrič, Katja Štampfel, court expert in the field of social work, senior state attorneys Jani Morela and Andreja Grum, state attorney Veronika Globokar, employees of the Directorate for Organisational Legislation and Judicial Administration (Ministry of Justice), employees of the Ministry of Labour, Family, Social Affairs and Equal Opportunities, experts at the Association for Non-Violent Communication Tjaša Hrovat and Tanja Svetičič Hrovat, and their external collaborator, lawyer Jasna Zakonjšek. We would like to thank the employees of the Ministry of Justice, the Council of Europe and the European Union for their help in implementing the project and for their trust.

Glossary of basic terms in family law

Child. A child is a person who has not yet reached the age of 18, unless they have already acquired full legal capacity.⁹

The principle of the best *interests of the child*. The principle of *the best interests of the child* is a fundamental legal and ethical principle defined by international and national legislation. The principle is assessed on a case-by-case basis for each individual child. The duty to act in the best interests of the child is incumbent on parents, the state (state authorities, state agencies, public service providers, public authorities, local community authorities) and other natural and legal persons. Parents act in the best interests of the child if, taking into account in particular the child's personality, his or her age and stage of development, and wishes, appropriately satisfy his or her material, emotional and psychosocial needs through behaviour that demonstrates their care and responsibility towards the child, and provide him or her with appropriate guidance and encouragement in his or her development.¹⁰ Although parents have priority over all others in the care and responsibility for the welfare of the child, the state and other natural and legal persons must also take care of the welfare of the child in all activities and procedures relating to the child.¹¹

Parental care. Parental care is the totality of the obligations and rights of parents to create, in accordance with their abilities, conditions in which the child's comprehensive development will be ensured. Parental care primarily belongs to both parents together,¹² unless the court withdraws or restricts it from one or both parents.¹³ It does so if it considers, taking into account the circumstances of the case, that the restriction or withdrawal of parental care is in the best interests of the child. Supervision of the exercise of parental care by one or both parents is carried out by the CSD. The rights and obligations of parents in relation to parental care relate to caring for the child's life and health, his or her upbringing, protection and care, supervision of the child and care for his or her education, representation, maintenance and management of his or her property.¹⁴

Proceedings in family matters. The proceedings relevant to the scope of these educational materials are those governing personal status and family relations. They are defined in Chapter X of the Non-Contentious Proceedings Act (ZNP-1), under the heading "Proceedings for the regulation of personal status and family relations". In these materials, we refer to them as "family proceedings" or "family procedures".

⁹ Article 5 of the DZ.

¹⁰ Article 7 of the DZ.

¹¹ Article 7 of the DZ.

¹² Article 6 of the DZ.

¹³ Second paragraph of Article 136, Article 171 and Article 176 of the DZ.

¹⁴ First paragraph of Article 136 of the DZ.

Mediation. Mediation in family matters is a procedure in which the participants voluntarily seek to reach an amicable resolution of a dispute arising from mutual family relations with the help of one or more neutral third parties – mediators.¹⁵ Mediation is prohibited in cases of domestic violence.¹⁶

Conflict of interest. In connection with the institution of the conflict guardian, the term "conflict of interest" means a conflict of interests between a parent and a child. In this case, the conflict of interest is not between the parents, but between the parent and the child (one or both parents).

¹⁵ Article 13 of the DZ.

¹⁶ Article 22.e of the ZPND.

Legal basis for the operation of services and institutions

Provisions and procedures in family matters and other procedures relating to the family sphere are based on national and international legal frameworks.

National legal acts

Family Code (DZ)

Rules on the implementation of preliminary counselling

Rules on the implementation of mediation under the Family Code

Domestic Violence Prevention Act (ZPND)

Rules on cooperation between authorities and on the operation of social work centres, multidisciplinary teams and regional services in dealing with domestic violence

Rules on the rules and procedures for dealing with domestic violence in the implementation of health care activities

Rules on cooperation between the police and other authorities and organisations in detecting and preventing domestic violence

Rules on dealing with domestic violence for educational institutions

Non-contentious Proceedings Act (ZNP-1)

Law on Civil Procedure (ZPP)

Social Protection Act (ZSV)

Catalogue of public powers, statutory tasks and services performed by social work centres (2025).

Act on the Treatment of Children and Adolescents with Emotional and Behavioural Problems and Disorders in Education and Training (ZOOMTVI)

International legal acts

Convention on the Rights of the Child (CRC)

European Convention on the Exercise of Children's Rights (MEKUOP)

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

Convention on the Civil Aspects of International Child Abduction (Hague Convention)

List of abbreviations, acronyms and symbols

CSD	Social Work Centre
DO	State Attorney's Office
KS	Collision Administrator
MDT	Multidisciplinary Team
Expert Centre	Expert centre for children with emotional and behavioural problems and disorders
NGO	Non-governmental organisation
VČP or Ombudsman	Human rights ombudsman
VIZ	Educational institution
Institution	The term is used in its broadest sense to include public institutions, official bodies and services (e.g. courts, CSD, DO) as well as organisations (e.g. non-governmental organisations) and individual institutions (e.g. child advocate, guardian ad litem).

For clarity, the following symbols are used in the text:

	The symbol refers to relevant legislation and other official documents relevant to the topic under discussion.
Important!	This symbol indicates content that requires additional attention when reading.
Important	This symbol indicates content that requires additional attention when reading, as it is important in terms of specific circumstances for the implementation of procedures for the protection of children's interests – domestic violence and intimate partner violence.
Comment:	The symbol indicates additional content on the topic in question.

Entries in the masculine grammatical form apply to women, transgender and intersex persons, and others.

1. Introduction

Various services, institutions and persons are involved in family proceedings, each contributing to the regulation of personal status and family relationships within the scope of their powers and capabilities. These include courts, social work centres (CSD), lawyers, children's advocates, court experts and others who are directly or indirectly involved in proceedings for the regulation of family matters. Cooperation between them is crucial, as these are sensitive relationships where various legal, social, psychological and protective aspects of all those involved must be coordinated simultaneously.

Relationships are particularly sensitive when children are involved. When coordinating and deciding on relationships, it is therefore crucial to act in **the best interests of the child**, which both parents and state officials and others are obliged to protect. One way of ensuring the best interests of the child is through **inter-institutional cooperation**, i.e. coordinated cooperation between various institutions, services, organisations and individuals (hereinafter referred to as "institutions") in the field of family affairs.

The following institutions are directly or indirectly involved in family law proceedings:

- **Courts.** Courts have jurisdiction to decide on family matters. With the adoption of the DZ and the amendment to the ZNP-1 in 2019, decision-making for most family matters was transferred from the CSD to the courts.
- **Social work centres.** Social work centres primarily play an expert advisory and support role in relation to the courts.¹⁷
- **State Attorney's Office.** The court may request the State Attorney's Office of the Republic of Slovenia to represent the social work centre if it considers that representation by a lawyer is necessary to protect the interests of the children and due to the complexity of the case.¹⁸
- **Lawyers.** In civil proceedings, lawyers may appear as representatives of the parties to the proceedings (the applicant or the opposing party) or as guardians ad litem for the child if the interests of the child conflict with those of one or both parents and the parents are unable to protect them.
- **Children's advocates.** The Children's Advocacy Unit is an internal organisational unit within the Human Rights Ombudsman that ensures that the child's voice is heard. In addition to the advocate, the regional advocacy coordinator and a representative of the Ombudsman also participate in the advocacy process.
- **Court experts.** Court experts from various fields provide the court with professional insight into the situation of the child, parents and family dynamics. The court may call upon a court expert from the sub-field of clinical psychology, family psychology, psychiatry, child psychiatry or social work to give an expert opinion on specific issues.
- **Educational institutions.** Educational institutions, such as schools and kindergartens, are an important source of information for the judiciary and other stakeholders in the proceedings, as they are in daily contact with the child and parents. They include specialist centres where children may be placed.

¹⁷ B. Novak, Family Code with introductory explanations (2020), Official Gazette of the Republic of Slovenia

¹⁸ Second paragraph, Article 46 of the ZNP-1

- **Healthcare institutions.** Healthcare institutions are also an important source of information, as they are in contact with children regarding their health status (especially paediatricians, psychologists, child psychiatrists).
- **Non-governmental organisations.** NGOs offer users psychosocial support programmes, counselling programmes, accommodation in safe houses, etc. NGO professionals are also involved in cases of domestic violence. They participate in MDTs, in the development of safety plans, as confidential persons or in the role of social advocates.
- **Police.** The police are present in cases of (suspected) criminal offences and misdemeanours, and can also assist in enforcement.

Important! When discussing the role of the state in regulating family relations, it should be emphasised that **the state only protects the rights and interests of the child when the parents do not exercise their rights and obligations or do not exercise them in the best interests of the child.** The admissibility of state measures is thus conditional on the parents' conduct not being in the child's best interests.

In order to provide a better understanding of the work of institutions and mutual cooperation, we present below the work of individual institutions, their competences and ways of connecting and coordinating their activities. The materials focus exclusively on the work of institutions in family matters proceedings that take place or concern, directly or indirectly, the work of the courts.

1.1. Relevant proceedings in family matters

The educational module focuses on the functioning of institutions, services, organisations and others in family matters. **It specifically focuses on the functioning of other institutions in relation to the court,** as it is the court that decides in family matters. In doing so, it cooperates with other stakeholders who are directly or indirectly involved in the decision-making process.

1.1.1. Court proceedings

With regard to court proceedings, in the context of protecting the best interests of children, we focus on proceedings in which the court regulates **personal status and family relationships**. These are defined in Chapter X of the ZNP-1, and are referred to as "family proceedings" for short.¹⁹ The focus is therefore on proceedings that directly or indirectly affect children.

These are:

- Proceedings to contest paternity and maternity
- Proceedings for the protection of the interests of the child
 - Proceedings for deciding on the care and upbringing of a child, child support and child contact

¹⁹ Chapter X of ZNP-1; Chapter X of ZNP-1 also regulates a procedure that does not fall under "family proceedings" – the procedure for placing an adult under guardianship

- Proceedings for deciding on issues of parental care that significantly affect the child's development
- Proceedings for deciding on measures for the protection of the interests of children
- Procedure for placing a child in care
- Procedure for placing a child in foster care
- Procedure for granting parental care to a relative
- Procedure for adoption and annulment of adoption

Comment: In addition to the above, proceedings in matrimonial disputes may also be relevant in relation to children, as, for example, divorce proceedings are often conducted in conjunction with proceedings for the protection of the interests of the child.

Important! In addition to the above-mentioned proceedings, in the context of civil law, it is also important to highlight proceedings concerning domestic violence and intimate partner violence. The main law in this area is the Domestic Violence Prevention Act (ZPND).



The key legislative framework for the work of courts and other institutions is thus represented by the **Family Code (DZ)**, the **Non-Contentious Proceedings Act (ZNP-1)**²⁰, and the **Domestic Violence Prevention Act (ZPND)**.

The main principle in all proceedings concerning children is the protection of the child's best interests.

1.1.2. Proceedings at the CSD

In addition to court proceedings, the procedures and activities carried out at the CSD are also relevant for explaining the functioning of institutions and inter-institutional cooperation. The most common tasks performed by CSDs in relation to civil court proceedings are derived from **the Catalogue of Public Powers, Tasks under the Law and Services Performed by Social Work Centres (2025)**, subchapter "CHILD AND FAMILY PROTECTION".

The relevant procedures are:

- STATUS RELATIONSHIPS
 - Family counselling or professional assistance to parents in regulating mutual relations for the benefit of parental care
 - Preliminary counselling
 - Professional counselling for couples
 - Mediation in family matters
- RELATIONSHIPS BETWEEN PARENTS AND CHILDREN
 - Acknowledgement of paternity
 - Opinion to the court in legal proceedings for the protection of the interests of the child
- SPECIAL PROTECTION OF CHILDREN AND YOUNG PEOPLE
 - Measures for the protection of the interests of the child

²⁰ The rules of procedure are governed in particular by ZNP-1, while the provisions of ZPP also apply mutatis mutandis.

- Proposal for measures to the court
- Emergency removal of a child
- Supervised contact
- Opinion on measures to protect the interests of the child
- Plan for assistance to the family and child
- Foster care
 - Working with foster parent candidates
 - Placement of the child in a foster family and monitoring
 - Working with foster parents
- Placement in a specialist centre and monitoring
- Guardianship for children
 - Guardianship for children - appointment of a guardian for special cases (conflict guardian)
 - Guardianship of children - proposal for placement under guardianship, appointment/dismissal of guardian
 - Guardianship of children – opinion to the court on the guardian
 - Guardianship of children - monitoring the work of the guardian
 - Guardianship for children - direct performance of guardianship duties
- Adoptions
 - Adoption
 - Opinion to the court in proceedings for the adoption of a child by a spouse or extramarital partner
- Granting parental care to a relative
- Opinion on the parents' advance directive
- Cooperation in the enforcement of court decisions

1.2. Purpose of educational materials

The preparation of educational materials on inter-institutional cooperation has three key objectives:

1. To improve the competence of all those involved in family proceedings involving children regarding the work and powers of the services involved in family proceedings.
2. To improve inter-institutional and multidisciplinary cooperation in family proceedings in practice.
3. To ensure the best interests of children in family proceedings in Slovenia through multidisciplinary cooperation.

In order to pursue these objectives, the materials are intended for all the above-mentioned institutions that are directly or indirectly involved in family proceedings conducted by the courts.

2. Ensuring the best interests of the child and inter-institutional cooperation

Inter-institutional cooperation is one of the key ways of pursuing the principle of the best interests of the child. This chapter briefly presents the duty to ensure the principle and the importance of inter-institutional cooperation for its implementation in practice.²¹

2.1.1. The obligation to ensure the best interests of the child

The obligation of courts and other institutions is to safeguard the best interests of children during proceedings and when deciding on all (judicial) matters concerning children. This is defined in various legal sources.



Article 7, DZ. Principle of the best interests of the child. "State authorities, public service providers, holders of public powers, local community authorities and other natural and legal persons must ensure the best interests of the child in all activities and procedures relating to children."



Article 6, ZNP-1. Speed of proceedings and protection of the rights of participants. "The court must take all necessary measures to protect the rights and legal interests of children /.../."



Article 56, Constitution of the Republic of Slovenia. Rights of children. "Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms in accordance with their age and maturity."



Article 3, Convention on the Rights of the Child. "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

The best interests of the child shall be determined **on an individual basis**, for each specific case.

The best interests of the child are a matter of **public interest** that takes **precedence over private interests**.

2.1.2. Inter-institutional cooperation



Article 16 of the Family Code defines the mutual cooperation of institutions in family matters proceedings. The provision states that in performing the tasks specified by the Family Code, "social work centres and other public authorities, public service providers, state and judicial authorities, local community authorities, humanitarian and other non-governmental organisations must cooperate with each other".

²¹ The content of the principle and methods for its application in practice are the subject of another product within this project.



In addition, the duty to cooperate is also reflected in other provisions, such as **Article 48 of the ZNP-1** on the exchange of information and the use of evidence already obtained. According to this provision, personal data controllers (), organisations and persons who have the data necessary for a decision are obliged to provide the requested data to the court.



The possibility and obligation of inter-institutional cooperation is also stipulated by the **Family Violence Prevention Act**, which provides for the establishment of multidisciplinary teams at social work centres and prescribes the obligation of all those invited to participate in such teams.²² In addition, several articles of the ZPND stipulate the manner of cooperation between different institutions in cases of violence.

In addition to legal provisions, inter-institutional cooperation is crucial for several reasons:

- **It enables a comprehensive approach to dealing with families.** Family problems are often complex (violence, neglect, economic hardship, emotional problems), and no single institution can effectively intervene and take action on its own. It is necessary for them to work together in a coordinated manner. Inter-institutional cooperation ensures **a so-called integrated comprehensive child protection system** that puts the child at the centre and ensures that all key actors, organisations and systems, such as the family, community, NGOs and educational, health, social welfare and judicial systems, work for the child's well-being. This approach is particularly important when dealing with child victims of violence.
- **It contributes to faster and better decisions by public authorities and ensures more effective and fairer decisions.** The court is an official body in the field of justice, but court employees often lack specialised knowledge in the fields of psychology, pedagogy and social work, which are key to a comprehensive understanding of family dynamics and the child's life. Therefore, the opinions of other professions are crucial. A comprehensive approach contributes to greater public confidence in the system, as the case is considered from multiple perspectives.
- **It ensures the effective implementation of measures.** When a court orders a measure (e.g. supervised contact or a restraining order), other services (CSD, police, education or NGOs) must ensure that the measure is implemented in practice. In this light, inter-institutional cooperation and the exchange of information are of key importance.
- **Better protection for vulnerable persons, especially children.** The central principle of family law is the protection of the interests of the child. In order to determine this as comprehensively as possible, it is necessary for several institutions to cooperate, so that they can jointly assess the best interests of the child from different perspectives and forward this assessment to the court. Based on the information received, the court can make a decision that is not only well-founded but, above all, better protects children.

Important! For comprehensive protection, it is also necessary to assess the comprehensive assistance and support that the family in which the child lives needs.

Separation in a marital or non-marital partnership is a difficult period in which conflicts are to be expected. **During such a period, it cannot reasonably be expected that parents will be able to make decisions solely in the best interests of the child during divorce proceedings or the breakdown of**

²² Paragraph 5, Article 14 of the ZPND.

a non-marital partnership. ²³ It is therefore essential that a system is in place to protect the child's interests if both parents are unable to do so. A system that is inter-institutionally linked ensures that the rights and interests of the most vulnerable participants in family proceedings, i.e. children, are fully and prioritised.

²³ We cannot expect the perpetrator of violence to act in the best interests of the child, because the very fact that he or she is violent towards the other parent of the child means that he or she is not putting the child's interests first.

3. Services and institutions in family proceedings

In this chapter, we present the work of individual services in family proceedings before the courts. We primarily review the work of the courts and present a concise overview of the involvement of other services in the court proceedings in question. The concise descriptions of cooperation are followed by more detailed ones, where each chapter presents the specifics of the work of each institution in more detail. The legislative and theoretical overview is supplemented by practical experience.

3.1. Courts

3.1.1. The role of courts and court proceedings

The courts are the main official body for deciding on family matters. Since the amendment of family law in 2019, there have been few cases falling within the administrative jurisdiction of the CSD, so these materials focus primarily on civil proceedings before the courts.

Some key information about the functioning of the courts:

- **The district courts have jurisdiction over substantive matters.**

District courts have jurisdiction to decide on proceedings in matrimonial disputes, proceedings to establish and contest paternity and maternity, and proceedings for the protection of the interests of the child, which are relevant to these materials.²⁴

- **Priority handling of court cases and urgency.**

Court cases from the DZ that are conducted in relation to parent-child relationships, adoption, the granting of parental care to relatives, foster care and guardianship are dealt with as a matter of priority.²⁵ In addition, proceedings to decide on measures to protect the interests of children are urgent.²⁶ Proceedings under the ZPND are also urgent and given priority.²⁷

- **Exclusion of the public.**

Under the ZNP-1, the public is excluded from proceedings to regulate personal status and family relations.²⁸

- **Emphasis on procedural principles.**

In light of the special concern for children in family matters, it is worth mentioning **the investigative principle** and **the protection** of the **weaker** party, which the court is obliged to follow. When it comes to protecting the rights of children, the court is also obliged to establish facts that have not been stated by the parties and to examine evidence that has not been proposed

²⁴ Second paragraph, Article 10 of the ZNP-1.

²⁵ Second paragraph, Article 14 of the DZ.

²⁶ Article 105 of the ZNP-1.

²⁷ Fourth paragraph, Article 22.a of the ZPND.

²⁸ Article 43, ZNP-1.

by the parties themselves.²⁹ In the interests of protecting the vulnerable, the court must, ex officio, take all necessary measures to protect the rights and legal interests of children and persons who, due to mental disability or mental health problems or other circumstances, are unable to protect their own rights and interests.³⁰

When deciding on family matters, courts cooperate and liaise with various institutions. They work closely with social services, court experts, coordinators or ombudsmen in the field of child advocacy, guardians ad litem, NGOs, educational institutions, health institutions, etc. By obtaining their opinions, they can form a more comprehensive picture of the case in question and the child's position in the family, as well as the child's views on the issues at hand. Below, we present a summary of the cooperation between the court and other institutions, and between the institutions themselves.

3.1.2. Cooperation of other institutions with the court

3.1.2.1. Courts and CSD

The work of courts and CSDs overlaps in various ways. Courts and CSDs cooperate:

- A. During court proceedings.
- B. In the implementation of court decisions.
- C. In court initiatives.

A. During court proceedings.

During proceedings, the CSD provides expert opinions to the court and participates in hearings.

The court obtains the opinion of the CSD in all proceedings for the protection of the child's interests (if the CSD is not the initiator of the proceedings).³¹ **The CSD is obliged to give its opinion** and provide an expert assessment of the family situation, psychosocial circumstances, the child's needs and interests.

In addition to the above and depending on the specific case, the CSD also gives an opinion on which foster parent or other person the child should be placed with, in which professional centre they should be placed, which person should be appointed as guardian, etc.

The court does not obtain the opinion of the CSD if the proposal for a court settlement was prepared during preliminary counselling at the CSD and the minutes of the preliminary counselling show that such a proposal is in the best interests of the child.³²

In the case of more permanent measures, an important task of the CSD during the court proceedings is also **to draw up a plan to assist the family and the child.**

In addition, the CSD may be **present at hearings** during the proceedings, but not always. In some proceedings (e.g. measures to protect the interests of the child), it has the status of a legal participant,

²⁹ Article 7 of ZNP-1.

³⁰ Second paragraph, Article 6 of ZNP-1.

³¹ Article 98 of ZNP-1.

³² Article 98 of ZNP-1.

while in others, the court invites it to the hearing, but not necessarily. At the hearing, the CSD presents its findings orally, makes proposals and provides explanations.

A CSD professional may participate in **an informal interview between the judge and the child**,³³ if the court invites them to participate, or act as **the child's confidant**.³⁴

B. In implementing court decisions

the CSD implements the measures decided by the court, monitors the situation and reports on it to the court.

C. In court initiatives

the CSD may submit a proposal to initiate proceedings or draw attention to the need to implement urgent measures.

You can read more about the work of social work centres in the chapter [Social Work Centres](#).

3.1.2.2. Courts and court experts

The purpose of cooperation between courts and court experts is to provide the court with **additional expert knowledge and insight into the issues at hand** when making a decision. In order to correctly establish the facts of the case, the court must appoint an expert if it needs professional knowledge that it does not have at its disposal. If this is not necessary, no expert is appointed.



In Slovenia, cooperation between courts and court experts is regulated primarily by **the Non-Contentious Proceedings Act (ZNP-1), the Family Code (DZ) and the Courts Act**.

In family proceedings, cooperation with **court experts from various fields** is of key importance, as these are matters that require professional insight from different perspectives. In family matters, the court appoints experts from the following sub-fields:

- clinical psychology,
- family psychology,
- psychiatry,
- child psychiatry
- social work

Comment: If the judge is unsure which field is most appropriate for the question, we recommend consulting with the expert beforehand. In addition, more information can be found in the official descriptions of individual sub-fields, which are available on the subpage of the Expert Council for Forensic Expertise, Judicial Appraisal and Judicial Interpretation.³⁵

³³ Second paragraph, Article 96 of the DZ.

³⁴ Third paragraph, Article 96 of the DZ.

³⁵ Ministry of Justice, Expert Council for Judicial Expertise, Judicial Appraisal and Judicial Interpretation. Descriptions of professional fields and subfields of forensic expertise and judicial appraisal work. <<https://www.gov.si/zbirke/delovna-telesa/strokovni-svet-za-sodno-izvedenstvo-sodno-cenilstvo-in-sodno-tolmacenje/>>

The court appoints an expert when a professional assessment is required for a decision, e.g.:

- parental competence and ability to care for a child;
- the psychological state of one or both parents;
- the emotional and developmental needs of the child and his or her attachment;
- family dynamics and the impact of the situation on the child;
- the degree of risk to the child and the appropriateness of individual measures;

Cooperation between the court and the expert is as follows:

- The court determines the scope and content of the task and ensures that the questions are clear and relevant.
- The expert informs the court if they need additional information or if they identify circumstances that require the involvement of a court expert from another field.
- Sometimes the court and the expert cooperate during the taking of evidence (e.g. the expert is present during an informal interview between the judge and the child).

The expert's opinion is key evidence in the court's decisions. The court is not obliged to follow the opinion, but in practice it often takes it into account – if it deviates from it, it must explain in detail why. The parties have the right to object to the opinion and propose a supplement or a new expert.

The court may also use a written **expert opinion from other court proceedings** if it considers that this is the only way to protect the child's interests in a timely manner.³⁶

Important! The child's advocate or guardian ad litem cannot replace the court expert. Each institution has different tasks and powers.

You can read more about the work of court experts in the chapter [Court Experts](#).

3.1.2.3. Courts and child advocacy

The child's advocate ensures that the child's opinion is heard in court proceedings, if the child agrees. Like some other institutions, the court itself can also initiate the appointment of a child advocate. Based on information provided by the court, the CSD and the parents, the Ombudsman assesses whether the initiative is justified or not. If it is justified, the Ombudsman appoints a suitable advocate for the child from a list of qualified persons.

In addition to the child advocate, **the Ombudsman and the regional advocacy coordinator** are also key players in the advocacy process. The Ombudsman extracts essential information about the proceedings and the child from the documentation obtained from the court or the CSD and forwards it to the regional advocacy coordinator, who prepares a brief description of the case for the advocate. During the advocacy process, the Ombudsman cooperates with the court, primarily by informing the court of the approximate end date of the advocacy, as this allows the judge to better plan the dates of

³⁶ Article 48 of ZNP-1.

the hearings. **In principle, the court is not in direct contact with the advocate, except in cases where the advocate is invited to the hearing or accompanies the child to court.**

The advocate presents the child's opinion to the court in writing or orally at the hearing. They only present it if the child agrees, otherwise they do not. They always present it in such a way that the child's message is conveyed faithfully, which means that they do not include their own interpretation. The court takes the child's opinion into account when making its decision, but is not obliged to decide in accordance with it. It is important that the advocate informs the child of the court's lack of obligation so that the child can adjust their expectations.

If the child wishes, the **advocate accompanies the child to court as a confidant.**

You can read more about the work of children's advocates in the section [Children's Advocates at the VČP.](#)

3.1.2.4. Courts and guardians ad litem

The court appoints a guardian ad litem when **there is a conflict of interest between the parent and the child.** The court does not appoint a guardian ad litem when there is a conflict or dispute between the parents. In every family matter, the court must consider whether the child needs a guardian ad litem to represent their interests or whether their interests are sufficiently protected by one of the parents.

The cooperation between the court and the guardian ad litem begins when **the court issues a decision appointing a guardian ad litem.** After being appointed, the guardian ad litem is given access to the case file and all case documentation. As the child's guardian, he or she submits motions, legal remedies, objections, proposes evidence and participates in hearings. His or her task is not (only) to convey the child's opinion (as in the case of an advocate), but **to actively represent the child legally** when the parents are unable to represent the child's interests.

The KS enables the child to be heard and realises their **right to be heard.** By appointing a guardian ad litem, the court ensures that the child is an equal party to the proceedings. The child has the same procedural rights as any other party in the proceedings. Representation is independent of the parents' wishes and prevents the child from being left without proper protection in the event of a conflict of interest between them.

The guardian ad litem regularly informs the court of his or her findings and opinions. If the situation changes (e.g. the child is at risk), he or she may propose urgent measures, i.e. interim orders, to the court.

Comment: Assuming that the court is already obliged to protect the best interests of children in court proceedings, the question arises as to why a child would need a KS during court proceedings. In this case, we explain that in the event of a conflict of interest between the parent and the child, children need additional legal protection and representation. Only a legal representative who is a person with legal knowledge can represent the interests of the child. During the proceedings, the court is obliged to ensure that the procedural rights of children are protected, but it cannot perform procedural acts on behalf of the child and represent them as a participant in the proceedings.

Important! When appointing a guardian ad litem, special care must be taken with regard to interference with the rights and obligations of parents. In cases of domestic violence where only one parent is violent (towards the child and/or the other parent), the non-violent parent can in most cases adequately protect the interests of the child and usually does so actively. In such cases, a guardian ad litem is not always necessary. In practice, courts often decide to appoint a guardian ad litem in cases of domestic violence, even if the parent who does not perpetrate the violence is fully capable of representing the interests and rights of the child. This can lead to a dangerous practice where, due to the violence of one parent, the court places the victim of violence in an unequal position.

You can read more about the work of guardians ad litem in the chapter [Guardian ad litem](#).

3.1.2.5. Courts and specialist centres

The court may remove the child from the parents and place him or her in a specialist centre.³⁷ Children are not placed in specialist centres before starting primary school.³⁸

After placing a child in a specialist centre, the court cooperates with the specialist centre in **implementing the placement**. The professional team at the centre, in cooperation with the child and his or her parents, prepares **an individualised programme**, which is supplemented and amended as necessary, and evaluates it at least twice a year, informing the competent court, among others, of the evaluation.³⁹

The professional centres may also convene **an MDT**, to which they also invite the competent court.⁴⁰ A representative of the competent court may visit the child at the professional centre, talk to him or her and the professional team, and familiarise himself or herself with the aforementioned evaluation and report.⁴¹

Below, we present in more detail the roles and tasks of individual institutions and the inter-institutional cooperation that takes place between them in family matters proceedings.

³⁷ Articles 174, 175 and 182.a of the DZ.

³⁸ Third paragraph, Article 182.a of the DZ

³⁹ Fourth paragraph, Article 11 of ZOOMTVI.

⁴⁰ Fifth paragraph, Article 11 of ZOOMTVI.

⁴¹ Article 18 of ZOOMTVI.

3.2. Social work centres

During the proceedings, before them and after the decision, the CSD performs various tasks that directly or indirectly relate to the work of the courts and proceedings in family matters. In doing so, they also cooperate with other services, institutions and persons, not just the courts.

3.2.1. Role and tasks of the CSD

Social **welfare services** are intended to prevent social distress and problems and include activities to assist and empower individuals, families and population groups. Anyone who needs help can voluntarily enrol in social welfare services at the CSD. Individuals or families can find out about the services when they first contact the CSD, or they can be informed about them by professionals while performing other tasks at the CSD. Individuals can be included in CSD services during civil proceedings if they are willing to work with a professional to find solutions or make changes.

The following social welfare services are available to individuals and families **during civil proceedings**:

- **Initial social assistance** is a service that individuals can access on any working day at any CSD. It is often provided during the first contact with a CSD professional due to a specific hardship and includes assistance and support in recognising and defining social hardship, assessing possible solutions, and informing the person about social welfare services and rights, as well as the network of assistance and programmes.
- **Personal assistance** is a more comprehensive service that takes place in several agreed meetings. It is a form of assistance to individuals in situation-specific distress and difficulties that they do not know how to or cannot resolve themselves, but are willing to work with a CSD professional to find appropriate solutions. Through personal assistance, individuals learn about social relationships, their own reactions, ways of resolving conflicts, and are trained in social learning and changing relationships in their environment. Participation in the service is voluntary and takes place in accordance with the individual's wishes, abilities and life situation.
- **The family home support service** is also a service that includes several meetings, held monthly or weekly, and the whole family can be involved. Families can voluntarily participate in this service when they are facing difficulties due to dysfunctional family relationships, when they need help caring for their children and their behaviour patterns and knowledge are not sufficient to resolve the problems, and when the difficulties of several family members require more permanent support and guidance.

Implementation of transitional counselling: Before initiating divorce proceedings (by lawsuit or mutual agreement) in court, parents must attend preliminary counselling at the CSD. This is a procedural prerequisite for divorce if the parents have minor children together. Preliminary counselling is also mandatory for parents who intend to file a motion to initiate proceedings for the protection of the interests of the child (e.g. care and upbringing, maintenance, contact, etc.).⁴²

The purpose of preliminary counselling is to draw the attention of the parents or other persons to the principle of protecting the interests of children in the settlement of all relationships and to the

⁴² Article 94 of ZNP-1.

advantages of peaceful and amicable settlement of these relationships, provided that there is no domestic violence. It includes support for parents and the search for solutions based on mutual understanding. The professional worker presents further options to the parents and informs them about possible forms of assistance at the CSD and outside the institution.

Important! Preliminary counselling takes place in the presence of both parents, unless there is violence in the family or other reasons why the CSD professional assesses that it is more appropriate to conduct the conversation separately.

Parents attend the preliminary counselling **in person, without their representatives**. Other persons may also attend if they wish to arrange contact with the child.

When the parents reach an agreement, the professional assesses the agreement from the perspective of the child's best interests. **If the parents do not reach an agreement, the professional does not give such an assessment, as they cannot comment on an agreement that does not exist.** If the parents fail to reach an agreement, the court calls on the CSD to give its opinion in the proceedings, and the CSD gives its expert opinion on the best interests of the child in a separate document.



The legal basis defining the manner of conducting preliminary counselling at the CSD is **the Rules on the Conduct of Preliminary Counselling**.

Mediation. In most cases, mediation is carried out before the start of court proceedings with the aim of drawing up a proposal for a divorce by mutual consent or a proposal for a court settlement on the care and upbringing of the child, his or her maintenance and contact with parents or other persons, or on issues of parental care that significantly affect the child's development. It may also be carried out during or after court proceedings, e.g. when parents wish to agree on the care of the child.

Important! Mediation is **prohibited in cases of suspected domestic violence** (prohibition of alternative dispute resolution).⁴³ CSD professionals are alert to signs of violence in relationships – in such cases, they do not offer or encourage mediation. Mediation could increase the victim's vulnerability and coercive control. The victim could agree to something that is not in their or their child's best interests and that they do not want.

Mediation at the CSD and outside it is free of charge in cases of disputes arising from relationships with children. Mediators are specially trained professionals at the CSD or mediators from the list of mediators maintained by the MDDSZ.



The legal basis defining the manner of conducting mediation in family proceedings is **the Rules on the Conduct of Mediation under the Family Code**.

Professional counselling for couples. Professional counselling is intended for spouses or extramarital partners with the aim of preserving their partnership and family life. Partners can attend several meetings at the CSD with the aim of providing support during difficult times in their relationship,

⁴³ Article 22.e of the ZPND.

learning new behaviours, learning to resolve conflicts, changing relationships, finding common solutions and testing solutions in practice.

Preparation of an opinion for the court. The court requests the opinion of the CSD in proceedings for the protection of the interests of the child and when deciding on measures for the protection of the interests of the child (if the CSD is not the initiator of the proceedings). The court authorises the CSD to take all necessary actions to determine the best interests of the child. The CSD provides the court with an expert basis for decision-making.

It submits its opinion to the court within the time limit specified by the court in its request, or within 60 days at the latest. In case of reservations, it informs the court.

In its opinion to the court, the CSD:

- gives its opinion on the best interests of the child, particularly with regard to contentious and open issues.
- may recommend that the parents perform other specific tasks in the best interests of the child (e.g. attending parenting classes)

The CSD, like a court expert, acts as a professional assistant to the court. Case law also shows that the professional opinion of the CSD is comparable to that of a court expert, i.e. that the opinion of the CSD has the essential characteristics of expert work.⁴⁴

Important! At the same time, it is important to note that the roles and tasks of the CSD and court experts are different – the expert opinion of the CSD cannot be completely equated with the expert opinion given by a court expert. In certain cases, the opinion of the CSD is sufficient for the court to make a decision and the opinion of a court expert is not required. In other cases, however, the opinion of the CSD is not sufficient, which means that the court will obtain additional information from court experts from various fields.

To prepare their opinion for the court, social workers have access to *Professional guidelines for preparing opinions for the court when deciding on the care, upbringing and maintenance of children, contact, the exercise of parental care and the granting of parental care to a relative*, prepared in June 2021 by the Family Unit of the Community of CSD Slovenia. The document is not publicly available, but CSD employees have access to it.

Interview with the child. When a professional assesses that an interview with the child is necessary for the professional preparation of an opinion, they conduct it. In addition to obtaining information and learning about the child's experience of the family situation, the CSD professional relieves the child during the interview.

In most cases, the CSD professional will discuss this with the parents before talking to the child and will work with them to plan the conversation and prepare the child for it. The conversation with the child without the parents present is conducted with their consent. However, the law allows **the CSD to conduct the conversation with the child even without the parents' consent** if it is deemed to be in the child's best interests. In addition, it may **refuse to allow the parents to inspect the minutes of the interview** for the same reasons. The CSD is thus competent to assess whether the interview should be

⁴⁴ Decision of the Higher Court in Ljubljana, ref. no. IV Cp 693/2023; Decision of the Supreme Court II Ips 56/2019.

conducted without the parents' consent and whether the child should be protected by not disclosing the content of the interview to the parent or parents.



The restriction of parental rights stems from **Article 177 of the Family Code**.

Important! The DZ does not oblige the court or the CSD to conduct an interview with the child or to obtain the child's opinion. The official authorities are only obliged to inform the child that the proceedings are ongoing and that they have the right to express their opinion in them.⁴⁵

Informing the child. A professional informs the child in an age-appropriate manner about the initiation of proceedings and their right to express their opinion in them. They may inform them of this during a home visit, after prior agreement with the parents. The child has the right to be informed about the proceedings, even if they do not wish to express their opinion – expressing an opinion is the child's right, not their duty. Children over the age of 15 must also be informed of their procedural rights.

Protecting the interests of children. The main guiding principle in the work of the CSD is to protect the best interests of the child in all proceedings in which they are involved.

Important! The CSD cannot protect the child's interests and welfare to the same extent as a guardian ad litem and/or child advocate. During the proceedings, it is in contact not only with the child, but also with the child's parents, which may affect its objectivity. It is therefore important that the child receives independent support and representation, e.g. through a child advocate and/or KS.

Proposer of the proceedings. The CSD must ensure the protection of the child's interests at all times and, in the event of a threat to the child, must submit a proposal to initiate proceedings. The CSD may propose temporary orders and measures of a more permanent nature. As it monitors the implementation of measures and cooperates with parents at all times, it may also propose the termination or modification of measures.

Legal participant in the proceedings. The CSD is always a participant in proceedings concerning measures to protect the interests of the child. The statements made by the social work centre in its proposal, opinion and other documents, as well as the testimony of a social work centre professional, are considered to be statements made by a person with specialised professional knowledge of the facts.⁴⁶

Emergency removal of a child. If the child is in such serious danger that his or her interests cannot be protected other than by immediate removal, the CSD removes the child and places him or her in a crisis centre, or with another person, in foster care or in a specialist centre. After the emergency removal of the child, it must propose to the court within 12 hours that a temporary order be issued and, within 7 days of the issuance of the temporary order, propose a more permanent measure.

Important! In urgent cases (e.g. domestic violence, serious endangerment of the child), **the CSD and the court must act quickly and in a coordinated manner**. For example, the CSD

⁴⁵ First paragraph, Article 96 of ZNP-1.

⁴⁶ Article 108 of ZNP-1.

submits a proposal for a temporary order, the court issues it, and the CSD immediately begins to implement the measure.

Supervised contact. When the court decides on supervised contact by means of a temporary order, in most cases this takes place at the CSD. A CSD professional, often two, is present during supervised contact to monitor the interactions between the child and the parent and to protect the child's interests during the contact. After the contact, the CSD professional prepares a record of the course of the contact and evaluates what happened during the contact, and once a month sends a report on the course of the contacts to the court (or immediately if they assess that the contacts are not in the child's best interests). Within the framework of supervised contact, the CSD cooperates with the parents throughout and conducts interviews with each of them separately as well as with the child.

Comment: In practice, there may be differences in the way contact is implemented by CSD professionals.⁴⁷ Some perceive and perform this role as a kind of passive supervision of the interaction between the parent and the child, while others are more proactive: they prepare the child and parents for contact, assist during contact and play an active role in it. The tasks of professional staff are defined in *the Catalogue of Public Powers, Tasks under the Law and Services Provided by Social Work Centres (2025)*, as the manner of implementation of a specific measure must not depend on each individual separately.

Important! If stakeholders encounter deviations in practice, they should immediately notify the management of the social work centre – directors, assistant directors – of the specific case.

Important! The **professional** implementation of supervised contact is crucial, especially in cases of domestic violence. In practice, it happens that the parent who commits violence is left alone with the children, which is unacceptable (e.g. a professional leaves the room or allows the parent to go to the shop alone with the children).

Important! In the context of violence and contact, it is also unacceptable to assume that supervision of contact is no longer necessary if the parent in contact has not been violent towards the child. If the parent has not taken positive steps towards change (e.g. attending counselling, regular therapy, treatment), it is not safe for contact to take place without supervision. In such cases, the professional should not propose to the court that supervised contact be discontinued.

Plan for helping the family and child. In all procedures involving measures of a more permanent nature for the protection of the child's interests, the CSD prepares a plan for helping the family and child. The assistance plan includes a description of the situation, the children's needs, the family's possibilities, the method of monitoring, the forms of assistance and a description of the implementation of the measure in practice. The plan includes the type of assistance, the anticipated scope and duration, milestones, deadlines and implementers. The CSD offers assistance and support to the family, monitors the implementation of the assistance plan and plans further work with the family and child. It reports to the court at least once a year on the implementation of the plan.

⁴⁷ The Association for Non-Violent Communication (DNK) has observed in practice that professional workers sometimes leave the room when supervised contact is taking place or allow fathers to go shopping alone with their children, which is unacceptable.

Supervision of the exercise of parental care. Where the court decides to impose a measure of a more permanent nature on one or both parents to supervise the exercise of parental care, the CSD supervises one or both parents. The court determines the manner of supervision of one or both parents (whose parental care has been restricted). It reports on the supervision to the court.

Search for a suitable foster family, placement in foster care and monitoring. For each child who needs to be placed with a person other than their parents, the CSD shall find a foster family that meets the child's needs and shall propose this to the court or give its opinion on the matter. It prepares the parents, the child and the foster family for the placement and ensures that the foster family and the biological family get to know each other. A CSD professional plans and is present during the placement of the child to ensure that it is carried out in a way that minimises the child's distress. An individual project group is formed at the CSD, which prepares an individual foster care implementation plan and meets regularly. Throughout the placement in the foster family, the CSD must cooperate with the parents, offer them help and support, and motivate them to change, all with the aim of eliminating the reasons that led to the placement. It also provides assistance and support to the foster family, regulates their status, ensures their inclusion in training, etc. It prepares the child, the foster family and the parents for the child's return to their biological family and plans the steps together with them.

Placement in a specialist centre and monitoring. The CSD submits a proposal or opinion on placement in a specialist centre, agrees with the specialist centre, parents and child on a visit to the specialist centre and the method of admission, and is present at the time of placement. During the placement, it cooperates with the specialist centre, monitors the implementation of the measure and the child's development, and offers the child and parents assistance and support. It prepares the child and parents for the child's return to their family of origin and plans life after the return together with them.

Searching for a suitable adoptive family, monitoring during placement with the aim of adoption. Once the decision has been made that adoption is the best solution for the child, the CSD looks for the most suitable adoptive family for them. It conducts several interviews with the biological parents (e.g. about their motives, the consequences, the existing support network), talks with the child (about their views, wishes and feelings, informing them about adoption) and with the adoptive family (e.g. planning the child's gradual transition to the new family, assistance and support). The CSD arranges for the child to be placed in a new family and monitors and provides assistance during the placement.

Guardian of the child. The CSD proposes a person to be the guardian of the child and monitors the guardian's work. It often assumes the role of guardian itself. The CSD may appoint a guardian for the child in special cases.

Working with parents. Throughout the proceedings, the professional must strive to reach an agreement between the parents that is in the best interests of the child. They inform them that they have the option of participating in mediation, professional counselling for couples or social welfare services until the end of the court proceedings. They can also participate in these services after the proceedings have been concluded. The professional worker personally informs the parents of the opinion prepared by the CSD. If this is not possible, it is sent by post. The parents may lodge an objection to the opinion with the court.

Important! During the proceedings, CSD professionals treat both parents or other parties to the proceedings equally. They ensure their equal involvement and the opportunity to express their opinions (e.g. they interview both parents, and if this is not possible, they inform the court).

Important! In cases of domestic violence, working with both parents at the same time is not appropriate, and mediation as a form of alternative dispute resolution is prohibited in cases of any form of violence.⁴⁸ The professional does not encourage the reaching of agreements in these cases.

Cooperation at the CSD and multidisciplinary cooperation. Professionals may work in teams when preparing opinions for the court and working with children and families. Teams may be **internal** and include other professionals at the CSD, or **multidisciplinary**, and also include external experts from other professional fields. The purpose of cooperation with others is to obtain a more comprehensive picture of the case in question.

- **The internal professional team** may propose to the case manager, based on professional judgement, that the cooperation of several CSD professionals is necessary. Such cooperation is often necessary in cases of complex family situations, previous cases involving individuals at the CSD, the need to prepare a risk assessment, the need to regulate rights to public funds, etc. The case manager for a specific case is still one professional, but they consult with others on the matter. The internal team helps the professional worker to better understand the family dynamics and the situation in which the child finds themselves, and helps them to plan further steps in relation to the child and to find specific forms of assistance and support for the family. Within the team, professional workers exchange information they already have about the family.
- **Multidisciplinary team.** These also include professionals from other fields and other experts who are connected to the case and could provide important information about it. This is a working group where professionals from different fields discuss the same issue from different perspectives.

3.2.2. Cooperation between the CSD and other services

In its work, the CSD cooperates with other public authorities, public service providers, state and judicial authorities, local community authorities, and humanitarian and non-governmental organisations.



The mutual cooperation between the CSD and other stakeholders is defined in Article 16 of the DZ. On the basis of this provision, the CSD obtains reports from, for example, schools, kindergartens, the police, personal doctors and non-governmental organisations where the family is involved and treated. **In cases of domestic violence, mutual cooperation is defined by Article 10 of the ZPND.**

In addition, it is worth mentioning the **duty of notification** that various institutions have if, in the course of their work, they become aware of circumstances that suggest that a child is at risk. The duty to notify the CSD and the courts is incumbent on state authorities, local self-government authorities, public authorities, public service providers and non-governmental organisations, as well as anyone, in particular healthcare professionals and staff of childcare, educational and social institutions, and providers of activities for children in sports and cultural associations.

⁴⁸ Article 22.e of the ZPND.



The duty to report in cases of domestic violence is defined for all of the above in Article 180 of the Family Code and Article 6 of the Protection Against Domestic Violence Act.

Cooperation between CSDs and other services depends on the case, the participants and the matter at hand. Cooperation may be based on legal acts such as laws and regulations or protocols of conduct.

An example of good practice in cooperation are **the multidisciplinary teams at the CSD**. These are professional teams composed of CSD professionals and external experts.⁴⁹ When it comes to professional teams that include not only social workers and other CSD employees but also experts from other fields, disciplines and professions, we refer to them as "multidisciplinary teams" or MDTs. In practice, the terms "professional" and "internal" team are used for internal teams among CSD employees, while the term "multidisciplinary team" is used for teams that also include external experts.⁵⁰ Teams can be permanent or crisis-based.

A multidisciplinary team (MDT) is an institutionalised form of inter-institutional cooperation that is used in various cases and is defined in various legal acts. MDTs can be convened by various institutions, depending on the content of the case and the context. The CSD convenes a team to which it also invites other institutions when it assesses that this is professionally justified and necessary for the comprehensive treatment of the person in a specific case. On the other hand, according to ZOOMTVI, an MDT may be convened by a professional centre or by a school, which invites the CSD to participate if it assesses that this is necessary.

Examples of MDTs for different areas are:

- **Domestic violence.** The convening and operation of the MDT are defined **by the Rules on the Cooperation of Authorities and the Operation of Social Work Centres, Multidisciplinary Teams and Regional Services in Dealing with Domestic Violence**⁵¹ and ZPND. The rules explicitly define a multidisciplinary team as a form of multidisciplinary cooperation whose purpose is to provide comprehensive assistance and protection to individual victims.⁵² It is formed if the CSD professional in charge of the case decides that the cooperation of other authorities is necessary to assess the need for a victim assistance plan or to develop and implement such a plan. The CSD invites these authorities to participate in the team.⁵³

⁴⁹ Association of Social Work Centres of Slovenia, Catalogue of public powers, tasks under the law and services provided by social work centres (2025), https://www.scsd.si/files/Katalog_nalog_CSD_2025_ZSV_in_ZDOsk-1.pdf

⁵⁰ Julija Lubej, Social workers' views on cooperation with other professionals at social work centres, Diploma thesis (2021), University of Ljubljana.

⁵¹ Official Gazette of the Republic of Slovenia, Nos. 31/09 and 42/17.

⁵² Article 8, Rules on the cooperation of authorities and the operation of social work centres, multidisciplinary teams and regional services in dealing with domestic violence, Official Gazette of the Republic of Slovenia, Nos. 31/09 and 42/17.

⁵³ Article 8, Rules on the cooperation of authorities and the operation of social work centres, multidisciplinary teams and regional services in dealing with domestic violence, Official Gazette of the Republic of Slovenia, Nos. 31/09 and 42/17.

Important! According to the ZPND, participation in the team is mandatory for all those invited.⁵⁴

- **Treatment of persons with mental health problems in the community.** MDT is also defined for the treatment of persons in the community⁵⁵, where the coordinator at the CSD, together with the person and a multidisciplinary team, prepares a plan for the type of assistance the person needs, e.g. psychosocial rehabilitation, daily tasks, organising living conditions, integration into everyday life. The MDT consists of a psychiatrist, a district nurse, a representative of the CSD, a representative of an NGO, the person's closest relative and others who may influence the course of treatment in the community.⁵⁶
- **Treatment of children and adolescents with emotional and behavioural problems and disorders in education and training.** The MDT is convened on the basis of the **Act on the Treatment of Children and Adolescents with Emotional and Behavioural Problems and Disorders in Education and Training**⁵⁷ if the life of a child or adolescent is endangered, their peers or employees at the specialist centre, or if the child or adolescent behaves in an auto-aggressive or hetero-aggressive manner.⁵⁸ One of the tasks of the specialist centre is to provide comprehensive, multidisciplinary treatment in cooperation with other services dealing with the child or adolescent, including the CSD.⁵⁹ The CSD is involved in order to prepare and monitor the family support plan appropriately.⁶⁰

The "multidisciplinary team" as such is not defined in other legal acts, but the CSD (or another institution) may **convene** it at its discretion **whenever there is a complex social situation** where the protection of an individual requires the cooperation of several professions and institutions.

The institutions that most frequently participate in MDTs are:

- Social work centres
- Police
- Schools, kindergartens and specialist centres
- Healthcare workers and associates (paediatricians, psychologists, district nurses)
- Courts
- Prosecutor's office
- Non-governmental organisations (e.g. safe houses, crisis centres)
- Mental health centres

⁵⁴ Article 14, Act on the Prevention of Domestic Violence; The participation of health workers in MDTs is regulated by Article 6 of the Rules on the Rules and Procedures for Addressing Domestic Violence in the Provision of Health Care, Official Gazette of the Republic of Slovenia, No. 38/11.

⁵⁵ Rules on the method and content of community treatment and the content, conditions and method of taking the exam for community treatment coordinators, Official Gazette of the Republic of Slovenia, No. 49/09.

⁵⁶ Community of Social Work Centres of Slovenia, Coordinators for the treatment of persons in the community with mental health problems <<https://www.scsd.si/centri-za-socialno-delo/koordinacija/dusevno-zdravje/>>.

⁵⁷ Act on the Treatment of Children and Adolescents with Emotional and Behavioural Problems and Disorders in Education and Training, Official Gazette of the Republic of Slovenia, No. 200/20.

⁵⁸ Article 11 of ZOOMTVI.

⁵⁹ Article 4 of ZOOMTVI.

⁶⁰ Article 17 of ZOOMTVI.

In addition to the MDT, another example of cooperation regulation is **the Protocol on Recommended Conduct in the Event of the Enforcement of a Decision on the Removal of a Child by Direct Handover**, which was prepared in 2020 by an inter-institutional working group of the Supreme Court of the Republic of Slovenia, Slovenia Chamber of Enforcement Agents, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Ministry of the Interior and the Ministry of Education, Science and Sport.

Comment: The preparation of protocols is an example of good practice in standardising cooperation across the country. The use of protocols can harmonise practice across a wider area and empower professionals to know how to act in a given case. The protocols must be broad enough to allow professionals to act flexibly in specific cases, while at the same time being sufficiently focused to guide professionals in their work and ensure their safety.

3.3. Court experts

Court experts are persons appointed for an indefinite period with the right and duty to provide the court, at its request, with findings and opinions on professional issues specified by law or on which the court considers that expert assistance is necessary for its assessment. The court appoints a court expert in cases **where it does not have sufficient knowledge and competence to assess a particular situation.**

The court appoints the expert witness.⁶¹ The CSD may propose to the court that an expert witness be appointed, but it cannot appoint one itself.

Important! Only the court can appoint an expert in the proceedings. The parties may obtain expert opinions (at their own expense), but such opinions, even if prepared by persons who otherwise act as court experts, are treated in the proceedings only as statements by the parties and not as expert opinions.

In proceedings for the protection of the interests of the child, the expert must, according to the law, **prepare an opinion within 60 days of receiving the decision to appoint an expert**, and supplement the expert opinion within 15 days of receiving the decision to supplement the expert opinion.⁶²

Important! An outpatient psychiatrist, child psychiatrist or psychologist cannot also be a court expert in a case involving that person. However, information from the treating psychiatrist, child psychiatrist or psychologist is an important source of information that contributes to the overall picture and understanding of the case.

The work of a court expert does not consist solely of talking to the child, but of a comprehensive examination. It is not only what the child says that is relevant, but also what the court expert observes in the child and concludes from their behaviour.

In their work, court experts follow the questions posed by the court. The court's questions relate to the symptoms and signs that the expert is investigating in the child and how they can be interpreted.

Important! It is crucial that the court allows the expert to include in their report, in addition to the answers to the judge's questions, other observations they have made about the child that they consider important for the decision in the case. It is important for court experts that the decision states that the court expert may add anything to the opinion that they consider important and relevant to the decision in the case.

In family proceedings, expert work may be performed by court experts from various fields, namely **experts in the sub-fields of clinical psychology, adult psychiatry, child and adolescent psychiatry, family psychology and social work.**

The list of professional fields and subfields of forensic expert work and their descriptions are determined by the Ministry of Justice on the basis of a reasoned proposal by the Expert Council for Forensic Expertise, Judicial Appraisal and Judicial Interpretation.⁶³ The Expert Council monitors the

⁶¹ If the necessary conditions are met, the costs are covered by the court, otherwise they are covered by the participants in the proceedings.

⁶² second paragraph, Article 99 of ZNP-1.

⁶³ Article 14 of ZSICT.

adequacy of the set of professional fields and sub-fields and their descriptions for court experts.⁶⁴ Descriptions and guidelines for the fields and sub-fields approved by the Expert Council are published on the Ministry's website.⁶⁵

The descriptions of individual sub-fields listed below are based exclusively on official descriptions approved by the members of the Expert Council.

More detailed information on active court experts can be found in [the directory of court experts](#).

3.3.1. Clinical psychology



The official description of the subfield of clinical psychology can be found in the document of the Ministry of Justice⁶⁶, which was approved by the Expert Council for Forensic Expertise, Forensic Valuation and Forensic Interpreting:

1. Clinical psychological and neuropsychological assessment of adults

The work of a forensic expert includes the assessment of personality traits, mental abilities and psychosocial functioning of adults in connection with court questions about:

- the ability of an adult to understand the significance of their actions, to anticipate the consequences of their behaviour and to control their behaviour – in the context of assessing their sanity or responsibility for a criminal offence;
- the mental capacity of the accused to cooperate and make decisions in court proceedings;
- the ability to perform tasks;
- psychological consequences (mental or psychological disorders, harm and suffering) in an adult individual resulting from various harmful factors or events (e.g. traumatic brain injury or other brain diseases resulting in dysfunction, exposure to severe violence and abuse in early childhood, chronic or past physical or neurological diseases);
- psychological circumstances of perpetrators of criminal offences;
- predictions of the effects of treatment and psychosocial measures (e.g. psychotherapy, security measures, psychological counselling and learning);
- personality functioning and possible psychopathology.

2. Clinical psychological and neuropsychological assessment of children and adolescents

⁶⁴ Article 7 of ZSICT.

⁶⁵ Ministry of Justice, Expert Council for Judicial Expertise, Judicial Appraisal and Judicial Interpretation
<<https://www.gov.si/zbirke/delovna-telesa/strokovni-svet-za-sodno-izvedenstvo-sodno-cenilstvo-in-sodno-tolmacenje/>> 29.1.2026.

⁶⁶ Ministry of Justice, Professional field of psychology: Description of the subfield of clinical psychology (2022)
<<https://www.gov.si/zbirke/delovna-telesa/strokovni-svet-za-sodno-izvedenstvo-sodno-cenilstvo-in-sodno-tolmacenje/>>.

The work of a court expert includes the assessment of developmental, psychological (cognitive, emotional, behavioural) and social characteristics, psychosocial functioning and the needs of children and adolescents in connection with court questions about:

- the psychological (cognitive, emotional and behavioural) characteristics of children and adolescents with normative and non-normative development;
- the psychological effects or consequences of acquired brain injury, chronic illness or other conditions on the daily functioning of a child or adolescent;
- the signs and consequences of physical, sexual, psychological/emotional abuse, neglect or other forms of harmful treatment or exposure of a child or adolescent;
- the psychological and psychosocial consequences of other harmful events, psychological and physical trauma or injury;
- the child's/adolescent's ability to participate in court proceedings;
- the credibility of the child's/adolescent's statements or confessions;
- the psychological characteristics of juvenile offenders, the risk of violence and other forms of antisocial behaviour;
- the possibilities for rehabilitation of juvenile victims and juvenile offenders;
- individuals' specific needs in the areas of education, work, self-care and community integration.

3. Assessment of parental capacity in family matters

The work of a court expert includes assessing parents, children and other persons important to the child in proceedings concerning the custody and upbringing of children after the termination of a marriage or extramarital union, determining contact with the parent to whom the court has not entrusted the custody of the child, upbringing and care, restriction of contact, restriction of parental rights, removal of the child, placement of the child in foster care or an institution, and deprivation of parental rights.

The expert assesses the psychological or personality characteristics of the parents that are necessary for adequate parenting, for promoting the comprehensive development of children from the perspective of the child's best interests:

- assessment of the ability of parents/guardians to meet the child's needs;
- assessment of the parents' ability to consider the child's needs before their own needs/interests;
- assessment of the child's psychological and developmental characteristics and needs;
- assessment of past, present and anticipated future relationships between the child and members of the family community;
- assessment of the child's past, present and anticipated future adjustment in the family, school and wider social community.

More information:

For more information **on the work of court experts in the field of clinical psychology**, we recommend that you familiarise yourself with the publication [General Guidelines for Performing Court Expert Work in the Field of Psychology](#), published by the Chamber of Clinical Psychologists of Slovenia.

For more specific information **on the field of parenting and guardianship**, we recommend that you read the publication [Guidelines for Clinical Psychological Expert Work in the Field of Parenting and Guardianship](#), published by the Slovenian Chamber of Clinical Psychologists.

For more information on the subfield of clinical psychology, please contact **the Slovenian Chamber of Clinical Psychologists**.

3.3.2. Adult psychiatry



The official description of the subfield of psychiatry can be found in the document of the Ministry of Justice⁶⁷, which was approved by the Expert Council for Forensic Expertise, Forensic Valuation and Forensic Interpretation:

Experts in the field of psychiatry have theoretical and practical knowledge of diagnosis, treatment and rehabilitation in the field of acute and chronic psychiatric conditions and areas such as emergency and intensive psychiatry, prolonged psychiatric treatment and rehabilitation, geriatric psychiatry, addiction treatment, crisis intervention, outpatient psychiatric treatment, forensic psychiatry, and developmental psychiatry.

Experts and specialists in the field of psychiatry contribute to court decisions in cases involving:

- measures for the proper treatment of patients with acute and chronic psychiatric illnesses and conditions,
- measures for the correct choice of compulsory psychiatric treatment,
- measures for the proper and comprehensive treatment of patients with psychiatric disorders,
- measures for the timely treatment of addiction
- measures for the correct decision on inpatient or outpatient psychiatric treatment.

⁶⁷ Ministry of Justice, Description of the professional field of medicine with descriptions of subfields (2023)
<<https://www.gov.si/zbirke/delovna-telesa/strokovni-svet-za-sodno-izvedenstvo-sodno-cenilstvo-in-sodno-tolmacenje/>>.

3.3.3. Child and adolescent psychiatry



The official description of the subfield of child and adolescent psychiatry can be found in the document of the Ministry of Justice⁶⁸, which was approved by the Expert Council for Forensic Expertise, Forensic Valuation and Forensic Interpretation:

Experts in the field of child and adolescent psychiatry have theoretical and practical knowledge in the field of child and adolescent psychiatry to such an extent that they are able to independently care for most children and adolescents with acute and chronic mental disorders. Care refers to the diagnosis, treatment, rehabilitation and prevention of illness in children or adolescents, which includes the involvement of the child or adolescent and their family or carers, as well as cooperation with other experts involved in the child's treatment.

Specialists and experts in the subfield of child and adolescent psychiatry in this area assist the court in its decisions in cases involving:

- measures for the proper treatment of children and adolescents with mental disorders,
- measures for the correct selection of the latest psychiatric tests for the treatment of mental disorders in children and adolescents,
- measures for the timely involvement of families and other interdisciplinary teams in the treatment process,
- measures for the prevention of mental health problems in children and adolescents.

3.3.4. Family psychology



The official description of the subfield of family psychology can be found in the document of the Ministry of Justice⁶⁹, which was approved by the Expert Council for Forensic Expertise, Judicial Appraisal and Judicial Interpretation:

Forensic experts in the subfield of family psychology provide expert findings and expert opinions in proceedings to determine the best interests of a minor child in matters defined in family and other legislation:

- the custody and upbringing of a child in divorce proceedings or in cases where the parents live separately,
- regulating the child's contact with parents and other persons;
- disputes in the exercise of parental care;

⁶⁸ Ministry of Justice, Description of the professional field of medicine with descriptions of subfields (2023)
<<https://www.gov.si/zbirke/delovna-telesa/strokovni-svet-za-sodno-izvedenstvo-sodno-cenilstvo-in-sodno-tolmacenje/>>.

⁶⁹ Ministry of Justice, Professional field of psychology: Description of the subfield of family psychology (2023)
<<https://www.gov.si/zbirke/delovna-telesa/strokovni-svet-za-sodno-izvedenstvo-sodno-cenilstvo-in-sodno-tolmacenje/>>.

- measures to protect the interests of the child, measures of a more permanent nature;
- foster care, adoption;
- change of the child's personal name.

Court experts are professionally competent to answer questions in the following areas:

- the personality of the parents and their suitability for the care and upbringing of a minor child (child) and the implementation of contact, the parents' relationship with the child;
- the psychological characteristics of the minor child, developmental and psychological needs, relationship with each parent and other family members, attachment, experience of family circumstances and environment, the child's wishes and opinion;
- family relationships and dynamics, parental communication;
- endangerment of the child in the family environment, appropriateness of a specific measure.

If the court expert finds evidence of psychopathology in the course of their work, they shall propose that an expert from the relevant field be consulted.

More information:

For more information on the subfield of family psychology, please contact the Commission for Expertise in the Field of Family Psychology, which operates within **the Slovenian Psychological Association**.

3.3.5. Social work



The official description of the subfield of social work can be found in the document of the Ministry of Justice⁷⁰, which was approved by the Expert Council for Forensic Expertise, Judicial Appraisal and Judicial Interpretation:

Social work deals with people in context, which means that it recognises the matrix of economic, social, cultural and symbolic circumstances, statuses and identities that determine and influence individuals, with particular attention to the interests of children, young people and vulnerable groups. Social work is based on establishing a relationship with the individual, family, group and community and focuses on the individual's personal experience of the circumstances and context in which they find themselves and/or the circumstances in which they live. It seeks ways to support and rehabilitate individuals, support persons and support factors in the environment. It cooperates with individuals,

⁷⁰ Ministry of Justice, Professional field of social work: Description of the subfield of social work (2023)
<<https://www.gov.si/zbirke/delovna-telesa/strokovni-svet-za-sodno-izvedenstvo-sodno-cenilstvo-in-sodno-tolmacenje/>>.

groups and communities in a dialogical manner and by recognising, analysing, understanding and clarifying socially problematic situations with a view to contributing to their resolution.

1. Protection of the interests of children and young people

Social work in the context of protecting the interests of children and young people takes care of the situation of children or young people in cases where parents do not exercise their rights and obligations towards their children or do not exercise them in the best interests of the children, and in cases where, due to behavioural, emotional, educational or other problems, children or young people need special measures by the state to protect their rights and interests.

Social work assists the courts by answering questions in decisions on:

- measures to protect the interests of the child,
- placing a child in care,
- placing a child in foster care,
- granting parental care to a relative,
- adopting a child or annulling the adoption of a child.

The court expert determines and clarifies:

- the manner in which parental care is exercised by the parents and/or other persons,
- the characteristics of the parents (cooperation between parents, prominent personality traits, psychophysical condition, addictive behaviour, risky or harmful use of psychoactive substances, ability to cope with and resolve problematic situations),
- characteristics and factors relating to the child (developmental needs, vulnerability, protective factors, risk factors, the child's opinion, etc.),
- characteristics of the family system (communication, parenting styles, relationships, family lifestyle, threatening behaviours and actions, suitability of the environment, etc.),
- the degree to which the child's needs are being met,
- the responsibility of other persons in caring for the child (foster parents, guardians, etc.),
- special vulnerabilities caused by minority ethnicity, physical, sensory or intellectual disabilities, gender expression and other personal circumstances.

2. Parental care

Parental care refers to the obligations and rights of parents regarding their child's life, health, upbringing, protection and care, supervision, education, representation, maintenance and property.

Social work assists the courts by answering questions in decisions on:

- the custody and care of the child,
- the child's contact with parents and other persons important to the child,
- maintenance,
- disputes between parents regarding the exercise of parental care and other important issues concerning children.

The court expert determines and clarifies:

- the characteristics of the family system (communication between family members, parenting styles, relationships between family members, family lifestyle, values, norms, etc.),
- the role of parents in caring for the child,
- the flexibility of family members in dealing with change,
- the effect of divorce/breakdown of the community on family members,
- determining the content and manner of parental care,
- the needs of children,
- the child's opinion and wishes,
- harmful behaviour and conduct of family members,
- protective factors in the family and social network,
- the necessary forms of professional assistance for parents and children,
- special vulnerabilities caused by minority ethnicity, physical, sensory or intellectual disabilities, gender expression and other personal circumstances.

3. Domestic violence

The key role of social work in this area is to prevent domestic violence and to protect and safeguard persons who have experienced or are experiencing physical, psychological, sexual or economic violence or neglect.

Social work assists the courts by answering questions in decisions on:

- measures in cases of domestic violence (prohibition of entry into the home or release, detention and approaching places where the victim is usually located, establishing contact, publishing personal data, etc.),
- other issues related to relationships between parents and children where violence is present.

The court expert determines and clarifies:

- the context in which different types of violence occur and their frequency,
- the dynamics of violence, its signs and consequences,
- the characteristics of those involved in the system of violent relationships,
- risk and protective factors for victims and perpetrators of domestic violence,
- the needs of victims,
- factors that contribute to eliminating the vulnerability of victims,
- defines the requirements and/or proposes forms of professional assistance to the person who causes violence,
- other facts and circumstances related to domestic violence.

4. Mental health

The role of social work in this area is to protect the rights and interests of persons with mental health problems, to identify and define their needs, and to ensure optimal conditions for their quality of life in the family and community.

Social work assists by responding to questions from the court in decisions on:

- the procedure for admission to a psychiatric hospital in a special supervision ward without consent on the basis of a court decision,

- the procedure for admission to a secure ward of a social welfare institution without consent on the basis of a court decision,
- the procedure for admission to supervised treatment without consent on the basis of a court decision.

The court expert determines and clarifies:

- the life situation of the person in question; their views, behaviour, contribution to solving the problem, sources of strength,
- the person's socio-economic situation, family context, working environment, support network and social environment, the existence of psychosocial support,
- risk factors that lead to recurring mental health problems,
- the possibilities for the individual to live in the community and the types of support they need to live in the community and with their family (children and other family members)
- assessment of the risks involved in institutionalisation or community living.

If the assessment reveals the presence of psychopathology, the involvement of an expert in the relevant field is recommended.

More information:

For more information **on the work of court experts in the field of social work**, we recommend that you familiarise yourself with the publication [General and Individual Professional Guidelines for the Preparation of Expert Opinions in the Field of Social Work](#), published by the Association of Social Workers of Slovenia, Commission for Judicial Expertise in the Field of Social Work.⁷¹

3.3.6. Contact between the court expert and other institutions

The task of a forensic expert is to thoroughly examine the case and its entire context, which means that it is highly desirable for them to have sufficient information from various sources. Important information for the assessment of the child includes reports from the school and school environment, reports from the CSD, reports from other organisations where professional work with children takes place (e.g. safe houses, counselling centres, etc.), medical records, and reports from the child's advocate, advocacy coordinator, and guardian ad litem.

Information obtained from other actors is particularly important in cases where the written documentation received by the court expert from the court does not yet contain much information about the child or from the child (the documentation may mainly contain the parties' submissions and their biased views). By consulting various sources, the court expert maintains objectivity and supplements the information received in the file.

- **The report of the guardian ad litem to the court can be an important source of information** for court experts, as it provides them with preliminary information about the child. The court

⁷¹ Commission for Judicial Expertise in the Field of Social Work, Association of Social Workers of Slovenia (2020) General and specific professional guidelines for the preparation of expert opinions in the field of social work
<<https://www.gov.si/assets/ministrstva/MP/DOZPU/SICT/Professional-Council-/General-Guidelines/General-and-Individual-Guidelines-for-the-Professional-Field-of-Social-Work.pdf>>.

expert can also contact the guardian ad litem and ask questions to get a more complete picture of the child.

- **The report of the child's advocate may also be an important source of information.** The court expert may also contact the advocate or advocacy coordinator to obtain more detailed information from the report about which they would like to know more.
- **Court experts have access to opinions previously written by other experts.** In family proceedings, several experts may be appointed.
- **As part of the written documentation, court experts receive reports** from the CSD, including reports on supervised contact between the parent and child. A lot can happen during contact, or can be gleaned from it, which is why it is important for the expert.

Comment: Court experts could obtain important information by participating in supervised contact. At the same time, caution is required, as supervised contact also takes place in an artificial and controlled environment, where the supervised parent appears to cooperate well with the child. Supervised visits usually go smoothly, even if the parent is violent. When observing or supervising a visit, the court expert or professional must take this into account and approach the interaction critically.

Due to time constraints, court experts do not usually conduct interviews with persons from other services.

Comment: Written documentation is an important source of information for experts, as it usually contains most of the information about the child and their circumstances (reports, etc.). However, the information is sometimes incomplete, e.g. where the child is located, with whom they are staying, and is not up to date. It would be advisable for courts to ensure that the court expert is provided with basic information in advance, such as where the child is located, who their guardian is and who to contact for information.

Comment: Expert work involves the process of gathering information, forming an expert opinion and sharing information. It would be important for court experts to be able to share their findings not only with the court, but also with, for example, the guardian ad litem and the CSD, which protect the interests of children. Once a court expert has reached certain conclusions, it would be advisable for other persons and services representing the interests of the child to be informed of them. At the same time, direct or informal communication between the court expert and other stakeholders in the proceedings may justifiably raise doubts among other participants in the proceedings about the impartiality of the expert and thus of the court (e.g. when the CSD acts as the initiator of the proceedings). For this reason, we propose that communication with other stakeholders always take place through the court.

Comment: It would be advisable to prepare guidelines on when a particular case constitutes a "complex (family) situation" and when experts from different fields are needed to provide an opinion. This would encourage the courts to appoint a team of experts to work on the case at the outset (e.g. a court expert in clinical psychology and a court expert in child and adolescent psychiatry).

"Complex (family) situations" may include cases such as suspected mental disorders in a child and/or parent, violence or suspected violence, suspected abuse, multiple parties involved, obvious developmental disorder in a child, conflicts regarding contact or parental care, the need for long-term measures (foster care, change of parental care, restriction of contact), etc.

3.4. Children's advocate at the VČP

3.4.1. About advocacy

The children's advocate provides professional assistance to children so that they can express their opinions in all proceedings and matters in which they are involved. The child's opinion is then forwarded via the Ombudsman to the competent authorities and institutions that decide on their rights and interests, if the child agrees.⁷² The child's opinion may also be communicated to the parents, but only with the child's consent.

Advocacy enables the child to be an active participant in family proceedings, not the subject of decision-making. This ensures their right to an opinion.⁷³ Advocacy contributes to fairer and more comprehensive decisions, as decision-makers have the opportunity to hear the child's opinion at the end of the advocacy process, obtained in a child-friendly manner and in accordance with their age and abilities.

Important! Advocacy is voluntary, without coercion, and adapted to the age and understanding of the child involved.

 The advocacy process is defined by the **Human Rights Ombudsman Act (ZVarCP)** and the **General Act on the Method of Implementing Child Advocacy, the Organisation of Advocacy, the Involvement of Children in Advocacy, and the Tasks, Composition and Method of Work of the Expert Council.**

Making a statement is a child's right and not an obligation, which children are informed of at the introductory meeting. The vast majority of children want their voice to be heard through the statement they write, but some children do not want to make a statement.

Comment: If a child does not wish to make a statement, this may be significant in itself. The advocate shall note in the report to the court that the child did not wish to make a statement and describe how the meetings between the advocate and the child proceeded. In addition to the child's opinion, the process that the child went through with the advocate in forming their opinion may also be important for the decision. Decision-makers can use this to understand the significance and meaning of the information that was or was not provided.

⁷² Article 25a of the ZVarCP.

⁷³ Article 12 of the Convention on the Rights of the Child.

Important! The advocate may **only** forward the child's statement to the court and the CSD **with the child's consent**. The child must also agree that his or her parents or one of them may inspect the statement. In the case of mediation, the child's opinion is also presented to the mediator with the child's consent. **The child gives their consent regardless of their age.**

3.4.1.1. About the organisation of advocacy

Advocacy is provided by **an internal organisational unit of the Human Rights Ombudsman of the Republic of Slovenia (VČP)**.

The network of advocates operates throughout Slovenia, ensuring that all children have equal access to an advocate. In practice, advocacy is carried out more frequently in some regions than in others. One of the goals of advocacy is to make this institution equally recognisable throughout Slovenia – among institutions and employees who come into contact with children, as well as among parents and children themselves.

At the regional level, the work of children's advocates is led and directed by regional coordinators.

3.4.1.2. About advocates

Advocates are professionally trained to work with children. As candidates for advocates, they undergo training and testing according to a programme determined by the Ombudsman at the proposal of the expert council.

The training comprises:

- 60 hours of theoretical work,
- participation in intervention and supervision,
- handling their first advocacy case under the mentorship of a coordinator,
- defending a written assignment before an expert committee.

Candidates for advocates then take an exam and become advocates. They regularly update their knowledge and participate in professional training provided by the Ombudsman.

Advocacy is carried out by child advocates who are volunteers. Their work is voluntary and honorary, and they are entitled to a reward determined by the Ombudsman by general act and reimbursement of travel expenses at the rate applicable to civil servants.

The characteristics of an advocate are:⁷⁴

- **They take an independent position.** They work only with the child, not with his or her parents, guardians or lawyers representing his or her legal representatives. The coordinator and advocate

⁷⁴ Advocacy for children. Do we listen to children when deciding on their future? (2018) Human Rights Ombudsman. https://www.varuh-rs.si/fileadmin/user_upload/pdf/zagovornik/Zlozenke_publikacije/VCP_ZOTROK_strokovna2018_web.pdf.

cannot be a person whose impartiality and objectivity is in doubt due to previous direct or indirect involvement in the specific case.

- **They have a trusting relationship with the child.** They meet with the child several times and establish a trusting relationship with them.
- **Conducts conversations with the child in an appropriate manner.** Takes into account the age and maturity of the child in the conversation. Relieves the child and empowers them to say what they want.

The tasks of the advocate are to:⁷⁵

- be familiar with the regulations governing the field of child advocacy;
- organise their work in accordance with the principles of advocacy and plan meetings with the child, which they record and report to the coordinator;
- regularly attend supervision, intervention and training sessions organised by the Ombudsman in the field of advocacy;
- after the final meeting, prepares a final report on the course of the advocacy case;
- after the conclusion of the case, together with the coordinator, ensures that the child's opinion is presented in ongoing proceedings, e.g. in court proceedings, proceedings at the Social Work Centre.

The tasks of the advocate do NOT include:⁷⁶

- **Interviewing the child.** Making a statement is the child's right, not their duty. The advocate talks to the child and offers them a space to unburden themselves through play. They allow the interaction to flow freely.
- **Working with parents and addressing their conflict.** Communication with parents is the job of the coordinator. The advocate only gets in touch with parents to arrange the location and time of their meeting with the kid. The advocate focuses only and exclusively on the kid.
- **Taking over the tasks of the social services centre or the court.** It is not the advocate's task to question the child about pre-formulated questions that are relevant to the decision.
- **Assessments and decisions about what is in the best interests of the child.** In the report to the court, the advocate may give an opinion on this in an indirect manner.

Important! The child's advocate is not familiar with the details of the specific proceedings or case.

⁷⁵ Article 8. General Act on the Manner of Implementing Child Advocacy, the Organisation of Advocacy, the Involvement of Children in Advocacy, and the Tasks, Composition and Manner of Work of the Expert Council – officially revised text.

⁷⁶ Child advocacy. Do we listen to children when deciding on their future? (2018) Human Rights Ombudsman. https://www.varuh-rs.si/fileadmin/user_upload/pdf/zagovornik/Zlozenke_publikacije/VCP_ZOTROK_strokovna2018_web.pdf.

Important! The child advocate is not the child's primary therapist. In practice, they do offer help, support and psychosocial relief, but all within the framework of the advocate's priority task, which is to enable the child to have their say in the proceedings.

Important! The child's advocate is not the child's legal representative. To represent the child's interests in a legal sense, a guardian ad litem is appointed for the child. At first glance, the roles of advocate and guardian ad litem may seem similar, but there are several important differences between them. You can read more about this in [the section on the difference between a guardian ad litem and a child advocate](#).

3.4.1.3. About regional advocacy coordinators

Advocacy coordinators operate in the following areas:

- CELJE-KOROŠKO area and ZASAVJE
- DOLENJSKO area, POSAVJE AND BELA KRAJINA
- GORENJSKO area
- GORIŠKO area
- LJUBLJANA and SURROUNDINGS
- NOTRANJSKO, KRAŠKO and JUŽNOPRIMORSKO regions
- NORTHEAST SLOVENIA

The tasks of the regional advocacy coordinator are:⁷⁷

- to be familiar with the basic domestic and international standards for the protection of children's rights and the regulations governing the advocacy of children, and to implement them in practice within the scope of their duties;
- organising introductory and final meetings with the child;
- to cooperate with the child's parents, guardians or legal representatives and institutions, depending on the needs of each individual advocacy case; to obtain documentation and information from the court and the CSD;
- monitors the work of the advocate, provides them with information and consults with them;
- cooperates regularly with the Ombudsman throughout the case;
- together with the advocate, ensures that the child's opinion is represented in proceedings and matters involving the child;
- performs other tasks specified in the Concept of Child Advocacy.

Comment: The advocacy coordinator may, in cooperation with the Ombudsman's advocacy officer, also contact the CSD on his own initiative if he believes that information has been obtained in the course of advocacy that would be relevant to the CSD.

⁷⁷ Article 6. General Act on the Manner of Implementing Child Advocacy, the Organisation of Advocacy, the Involvement of Children in Advocacy, and the Tasks, Composition, and Manner of Work of the Expert Council – officially revised text.

The advocate and the coordinator regularly exchange information about the case. The coordinator must be available to answer questions from advocates, be familiar with the content of the advocate's reports on meetings with the child and, if necessary, discuss any ambiguities and dilemmas with the advocate. The coordinator responds to the report received, and the advocate is obliged to supplement it if necessary. The coordinator forwards the report to the Ombudsman.

3.4.2. Reasons for appointing a child advocate

In practice, children are most often included in advocacy in the following cases:⁷⁸

- decisions on contact with parents,
- placing a child in care and upbringing,
- removal of the child from the family,
- arranging contact with other relatives,
- the child's schooling/transfer to another school.

A guardian is not appointed for a child if:

- the child needs therapeutic treatment (psychologist, child psychiatrist);
- the child's opinion does not influence the implementation of the measure (e.g. in the case of urgent removal of a child, when the measure is truly necessary due to violence against the child or severe neglect, the child is not asked whether they want to stay with the abusive parent or not – in this case, the removal must be carried out);
- the child needs legal representation (a representative or guardian for a specific case);
- the child is a victim of a criminal offence (other services and institutions are available to protect the child in criminal proceedings);
- the child's age and maturity are not appropriate;
- a decision is being made on a temporary order (deciding on a temporary order is a quick process, while advocacy is a process that takes longer, i.e. approximately two months);
- the proceedings are lengthy, the child has already expressed their opinion several times during the proceedings and is not changing it;
- the child is already involved in numerous hearings;

If the Ombudsman decides that the request for the appointment of a guardian is unfounded, he informs the initiator of this decision.

⁷⁸ Child advocacy. Do we listen to children when deciding on their future? (2018) Human Rights Ombudsman. https://www.varuh-rs.si/fileadmin/user_upload/pdf/zagovornik/Zlozenke_publicacije/VCP_ZOTROK_strokovna2018_web.pdf

3.4.3. Guardianship process

3.4.3.1. Procedure for appointing an advocate

The procedure for appointing an advocate includes the following steps:

- A. Initiative to appoint an advocate.
- B. Obtaining consent.
- C. Selection of a defence counsel.
- D. Appointment of an advocate and agreement on cooperation.

A. Initiative to appoint an advocate.

Depending on the relevant legislation, anyone who believes that a child is unable to exercise their right to express their opinion may submit an initiative for the appointment of an advocate.⁷⁹

Advocacy may be proposed by:

- the child themselves,
- the child's parent or legal representative,
- the social services centre (CSD),
- the court,
- the guardian
- non-governmental organisations
- other individuals who know the child;

It is in the child's best interests to have an advocate as soon as possible when a problem arises and the proceedings or matters are still in their initial stages. If an advocate is appointed to the child early enough in the proceedings, the likelihood that the child will have a genuine opinion is much greater. In lengthy proceedings, the possibility of manipulation by parents is much greater, and the child is often tired of everything, traumatised and/or convinced that their opinion does not matter at all. Unfortunately, in practice, it is still too often the case that an advocate is proposed after the court, social services and/or parents feel that all other sources of help have been exhausted. Advocacy is not as effective if the child is involved in the proceedings too late.

Children under the age of 18 can be included in the advocacy process. There is no lower age limit for including a child in advocacy. The inclusion of younger children in advocacy is assessed on a case-by-case basis.

Comment: Often, before appointing an advocate, the coordinator talks to the child and assesses whether the child will be able to participate in the advocacy process. The youngest child to have been assigned an advocate was four years old. The criterion is whether the child is able to recognise and express (including non-verbally) their thoughts, feelings, wishes, etc. If it is clear from the documentation attached to the initiative (e.g. opinions of the CSD, court expert) or

⁷⁹ Article 25.a of the ZvarCP.

from documentation received later that the child is unable to cooperate with the advocate, the Ombudsman will talk to the parents, but in most cases no advocate will be appointed.

If the child turns 18 during the guardianship, the guardianship continues.

Persons over the age of 18 are not assigned a guardian.

B. Getting consent.

If the Ombudsman assesses that the initiative is justified, he or she obtains the consent of both parents or legal representatives regarding the appointment of an advocate.

The consent of a parent is not required if they have been deprived of parental care or if they are permanently unable to express their will. The consent of parents or legal representatives is also not required if a child who has already reached the age of 15 agrees to the appointment of a guardian.

If the parents or legal representatives do not agree to the appointment of a guardian, or if the consent is subsequently withdrawn, the Ombudsman shall send a proposal for the appointment of a guardian to the competent CSD or court. In the proposal, the Ombudsman shall propose to the court or CSD a guardian appointed from the list of guardians.⁸⁰

The court or CSD may agree or disagree with the appointment of an advocate for the child. In this case, the Ombudsman shall request an explanation as to why the appointment is not agreed to, if the authority has not already explained its decision.

Before appointing a guardian to a child, it is necessary to check whether the child agrees with the guardianship or not. Guardianship can only take place with the child's consent, as the child's participation in guardianship is their right and not their duty.

C. Choosing an advocate.

An advocate is carefully selected for each child. The first criterion is that the advocate has no connection whatsoever with the child and his or her family. In addition, the selection criteria may also include specific knowledge that the advocate needs for work on a particular case and that would help him or her to carry out the advocacy for the specific child as successfully as possible. The third criterion is the personal characteristics of the advocate. Before appointing an advocate, it is therefore important for the Ombudsman to obtain information about the child's situation, the proceedings and the child's personality – what interests them, how they interact with unfamiliar adults, and so on.

Precisely because advocates are carefully selected, there are practically no replacements of advocates. If a child does not want to cooperate with a particular advocate, the advocate would be replaced, but if one of the parents requested this, the justification for the replacement would be carefully assessed based on the arguments presented by the parent in question.

⁸⁰ Article 25.a of the ZVarCP.

D. Appointment of an advocate and agreement on cooperation.

The Ombudsman prepares *a decision on the appointment of an advocate* and informs the coordinator of any additional information.

The coordinator prepares *a cooperation agreement* that clearly defines the tasks, purpose and objectives of the specific advocacy. Signed by the advocate and the coordinator, it is forwarded to the Ombudsman.

The Ombudsman informs the competent CSD and the court or authorities/institutions where the proceedings for which the advocate was appointed are taking place in writing about the appointment of the advocate for the child.

3.4.3.2. Advocacy process

Introductory meeting. The coordinator organises an introductory meeting to which the child and parents or legal representatives are invited. The child's advocate or advocates, if there are several children in the family, are also present. The introductory meeting is intended to familiarise the child and parents with the advocate and coordinator, the method of work, to clarify any ambiguities, to precisely define the tasks and objectives, and to agree on when and where the meetings will generally take place.

Meetings between the advocate and the child. The advocate meets with the child at an agreed location, usually once a week. The number of meetings depends on the case, but as a rule, no more than ten meetings are held.⁸¹ After each meeting with the child, the advocate writes a report, which is forwarded to the coordinator and then to the Ombudsman.

The professional assistance provided by the advocate to the child includes:⁸²

- assistance in drafting the child's statement;
- discussions about his wishes, feelings and opinions;
- empowering and providing psychosocial support;
- familiarising the child with procedures and activities in a manner appropriate to them;
- accompanying the child before authorities and institutions that decide on their rights and interests;

Important! An advocate represents a child who is a subject in a procedure, most often a court procedure, so it is right that they are informed, **in language appropriate to them**, about what kind of proceedings are involved, what will be decided and what the function of their voice is, which they can (or not, if they do not wish to) express with the help of the advocate. However, providing information about the proceedings is not the primary role of the advocate – their priority is to enable the child to have their say in proceedings that will determine their future.

⁸¹ Article 14. General Act on the Method of Implementing Child Advocacy, the Organisation of Advocacy, the Inclusion of Children in Advocacy, and the Tasks, Composition and Method of Work of the Expert Council – officially revised text.

⁸² Article 25.a of the ZVarCP.

Regular intervention and supervision are mandatory for advocates. In cases where an advocate has not been active for a long time, participation in intervention and supervision is a prerequisite for further involvement in the advocacy process with the child.

Intervention. Intervention is organised for advocates at the level of the area in which they operate. It is intended for the exchange of news in the field of child advocacy and the current work experiences of advocates in a particular area. It provides advocates with professional support, effective learning from the experiences of colleagues and their own experiences, mutual support and the dissemination of good practice examples. Intervention is organised and led by a coordinator, usually every two months.⁸³

Supervision. The purpose of supervision is to ensure the quality of professional work, reflect on the content and procedures of advocacy work in order to improve its quality and resolve issues, difficulties and ethical dilemmas. Supervision is led by an external supervisor who is professionally qualified to perform supervision. Advocates are entitled to 20 hours of group supervision per year.

Obligation to report violence against children. If, during a meeting with a child, an advocate learns that violence has been or is being perpetrated against the child or that the child has witnessed violence, they are obliged to immediately inform the coordinator, who then informs the Ombudsman. The advocate is obliged to call the coordinator immediately and write a detailed report of the meeting, describing the reported violence in the child's own words. On this basis, the coordinator writes a report on the reported violence, which the Ombudsman forwards to the police and the competent social services centre.

3.4.3.3. Conclusion of advocacy

Final report. At the end of the process, the child's advocate and the coordinator prepare separate reports.

1. **Final report of the advocate at the end of the meetings.** The mandatory components of the final report on the course of advocacy are:
 - the advocate's observations of the child during the meetings,
 - any changes from the first to the final meeting and when writing the statement,
 - a description of the mother's and/or father's cooperation in arranging meetings between the advocate and the child,
 - compliance with the recommendation that parents should not influence the child,
 - the decision regarding the child's participation in the final meeting.

In the final report, the advocate also describes any other special circumstances that they observed during the advocacy process.

⁸³ Article 9. General Act on the Manner of Implementing Child Advocacy, the Organisation of Advocacy, the Inclusion of Children in Advocacy, and the Tasks, Composition, and Manner of Work of the Expert Council – officially revised text.

Important! The advocate does not write what the child said in the final report – the child's wishes are written in the statement. The child's statement is not interpreted in the final report.

Important! The advocate does not give their opinion in the final report and does not assess the best interests of the child, but by stating facts about how the advocacy was conducted (e.g. how consistent the child's statements were and whether they changed depending on which parent brought the child to the meeting, how the agreement with the parents was reached), they can help in finding the best interests of the child.

2. **The coordinator's final report on the advocacy process.** In this report, the coordinator describes their role in the entire process (organising and leading the introductory and final meetings, monitoring the advocacy process) and describes any cooperation with the parents. If, during the advocacy process, the child reported violence and the coordinator reported the violence through the VČP, this is also described.

Comment: In the final report, the advocate and coordinator may point out the child's perceived greater distress and the need for further consideration.

The guardian ensures that **the coordinator's report, the advocate's final report** and the **child's statement**, if made during the process, are sent to the court and/or the CSD in a timely manner.

Conclusion of the advocacy process. Advocacy has its own purpose and objectives, which are defined in a cooperation agreement signed by the advocate and the coordinator before the advocacy process begins. Once the purpose and objectives of the advocacy have been achieved, the advocacy is concluded. At that point, the coordinator organises **a final meeting** and ensures that the advocates' reports and his or her own report, together with the statement, are forwarded to the Ombudsman, who then sends them to the court and the competent social work centre.

3.4.4. Examples of good practice in cooperation

Given that the advocate is appointed to children who are involved in certain proceedings at the CSD and/or court, the fact that the child's voice is conveyed to these institutions through the advocate is in itself a good example of cooperation.

Some courts invite advocates to hearings where they present the course of advocacy and the children's statements.

In the past, advocates have accompanied children to informal interviews with judges or prepared them for such interviews.

In many cases, it makes sense for **the advocacy coordinator to participate in inter-institutional teams** organised to deal with matters relating to children. As a rule, advocates do not attend inter-institutional teams unless the child is involved.

Comment: Practice shows that parents do not perceive advocates as part of the "system". The independent stance of the advocate, who is there solely for their child, often reassures them to such an extent that they are willing to discuss with the advocacy coordinator what would be best for the child and for resolving the family situation.

3.4.5. List of children's advocates and regional coordinators

A list of active children's advocates is available [on the Ombudsman's website](#).⁸⁴

The list of regional coordinators is available [on the Ombudsman's website](#).⁸⁵

3.4.6. Practical experience with advocacy

Below are two articles on practical experience, written by a child advocate and a district judge, which we hope will give users of the materials a first-hand insight into the experience of advocacy.

For more information on advocacy, we recommend reading the collection ["Challenges and perspectives of child advocacy in Slovenia"](#), which contains a wealth of information on various aspects of advocacy from legislation and, above all, practice (e.g. child psychology, guidelines for talking to children).

Advocacy from the perspective of a children's advocate⁸⁶

Introduction

Why an advocate when the child has parents? Often, adults' own conflicts, in which they are involved and which are usually emotionally intense, cloud their view of what is best for the child. It is impossible for the emotional component of the conflict not to affect the child, who is too often a silent witness to the battles in the adult world. The real action takes place inside the child, who, unable to understand the adult world, seeks explanations for the often unreasonable behaviour of adults (in highly conflictual situations).

Due to an insurmountable conflict of interest or conflict between parents or family circumstances that deprive the child of the right to express their opinion and wishes, we, as advocates, step in. Our task is to provide professional assistance to the child, which includes psychosocial support (e.g. stress relief and empowerment), discussions about their wishes, feelings and experiences, familiarisation with the procedures in a manner appropriate to them, and searching for a suitable solution together with the child. We want to enable the child to express their feelings and experiences, help them correct any distorted perceptions of themselves and the situation they find themselves in, help them express their

⁸⁴ Human Rights Ombudsman, List of active advocates. <<https://www.varuh-rs.si/o-varuhu/notranje-organizacijske-enote/zagovornistvo-otrok/>> 30.1.2026.

⁸⁵ Human Rights Ombudsman, Contact details of regional coordinators. <<https://www.varuh-rs.si/o-varuhu/notranje-organizacijske-enote/zagovornistvo-otrok/>> 30.1.2026.

⁸⁶ This article was written by Nataša Zidar, children's advocate, family mediator, primary school teacher and primary school teacher (counsellor) at Brinje Grosuplje Primary School.

opinions and wishes, and accompany them before the authorities and institutions that decide on their rights and interests.⁸⁷

Regardless of the fact that the child's family situation is usually emotionally stressful or at least psychologically uncomfortable, as advocates we must remain **neutral** towards the child's significant others and institutions and **biased towards the child**, as we are their voice and no one else's. However, it is easier to fulfil our duties and maintain a professional attitude if the goals of advocacy are clearly defined and if we are well prepared for each meeting with the child.

Preparing to start the advocacy process

The first information that the advocate receives from the coordinator about the child is **a description of the child's life situation and the purpose and goals of advocacy**. Among other things, information about the child's age is also important for preparing for the introductory meeting, as we can adapt our approach and set of potential starting points for getting to know the child according to their age. The more we know about how children perceive the world, the easier it will be to approach and understand them. Children respond differently to conflict situations because they perceive themselves and their surroundings differently.

For example, up to about the age of seven, children perceive the world egocentrically, are very intuitive and judge the world only from their own point of view. They perceive problems and emotional tensions, but cannot explain them. Due to their lack of experience, they draw irrational conclusions and take the blame for problems (my parents are arguing because I don't like broccoli). They may respond to events with aggressive, regressive or overly mature behaviour. We can help them by trying to make sense of actions and consequences and reassuring them as often as possible that it is not their fault.

Between the ages of approximately seven and twelve, children understand the events around them better, but not completely. They are able to identify with one of their parents (by gender, character, etc.), so they are much more susceptible to parental manipulation and often take the side of one or the other. They get involved in parental conflicts, which increases their distress and raises the likelihood of developing depression and anxiety. At this age, we try to help children better understand their own emotions and the events around them.

Upon entering puberty, adolescents begin to reject authority, believing that they know what is best for them and that they are capable of making their own decisions. What they all have in common is that they are focused on the present, while the future is still a rather abstract concept. How others see them, especially their peers, is very important to them. They believe that no one understands them because no one else has experienced what they have. We can help them by establishing contact with them in a way that does not represent authority, but respect. We offer the child the opportunity to explain to us how they feel, *"because at that moment we really don't know how they feel, but we want to know."*⁸⁸

⁸⁷ Human Rights Ombudsman Act (ZvarCP), Official Gazette of the Republic of Slovenia No. 69/17 of 8 December 2017 – officially revised text. Retrieved from <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO300> (1 April 2021)

⁸⁸ Buljan Flander, G. (2020). The child at the centre (of the conflict). Geromar d.o.o.

First contact with the child

An English proverb says that we never get a second chance to make a first impression. People form an impression of the person in front of them in an instant, which is why the first contact we have with a child is very important. When we meet them for the first time at the introductory meeting, they are the ones who are uncertain, who judge and decide whether we are worthy of their trust or not. The child observes our behaviour, body language, tone of voice... At that moment, this probably tells them more about us than our words, so in addition to a positive attitude and self-confidence, it is also necessary to pay attention to other non-verbal and congruent communication (consistency between what is said and what is communicated through non-verbal communication).

The coordinator prepares the first contact with the child. The coordinator has an important multifaceted role in the advocacy process: they monitor the implementation of the advocacy process, the protocol and the ethical conduct of the advocate, advise the advocate as needed, and communicate with the parents.

At the introductory meeting, it is important that the coordinator provides the child with information about advocacy in a way and with words that they understand. The advocate shows interest primarily in the child (not in their problem), as their initial meeting is focused on talking about friends, hobbies, spending free time, and finding possible dates for their future meetings. The advocate looks for common ground between them, and it is very important to be **respectful and sincere**. A good sense of humour is also welcome.

At a certain point during the introductory meeting, the parents and coordinator leave the room and I remain alone with the child. I usually start the conversation by telling them what and who I love, what I dislike and what I am afraid of. The latter is what usually attracts their attention.

In my experience, it means a lot to younger children if I approach them with my eyes at their level, sit on the floor next to them if they are sitting, join in their game and, to a certain extent, **mirror their behaviour**. I also talk to young people about serious topics (e.g. the current political situation, current events, relationships with teachers, etc.), as this shows them that I take them seriously. Children like to hear me tell them something about myself, especially if it is about some imperfection.

Some children are open from the very first contact, and we have even concluded the introductory meeting with a hug, while others need more time to relax. For the latter, it is very important that the first meeting with the advocate is a pleasant experience.

Since the purpose is to get to know each other and establish contact through socialising, we conclude the meeting when we sense that the child has had enough. In any case, the time spent by the advocate and the child alone at the introductory meeting is limited to 10–15 minutes.

Planning the meeting

Before each meeting, I always set a goal, which is also recorded in advance in the meeting report, and I will pursue it during the meeting. I plan it based on the progress we made with the child at the previous meeting. It often happens that the goals need to be adapted to the child's mood or feelings and to topics and events that are important to them, sometimes pressing current issues, etc.

I usually structure the meetings in steps: I start with a game or a relaxed chat, followed by a part dedicated to achieving the goals or the purpose of specific advocacy (e.g. a conversation about family relationships), and I conclude with a game or an activity of the child's choice.

At the first individual meeting, I don't usually bring up serious or intimate topics; I mainly follow the child's lead and let them set the pace. I check with the child to see how they understood the coordinator's presentation at the introductory meeting – what the purpose of our meetings is, what my role is, what the nature of our cooperation is, and what the principle of confidentiality means. I explain to them that I am only their confidante, that what we talk about will remain between us, unless they themselves want otherwise or if it concerns actions that need to be reported. I emphasise that he can tell me or ask me anything he wants, that we will not do anything he does not want to do, and that I trust him completely.

I always bring my "Mary Poppins" bag (as one of the children called it) to each meeting, which I prepare based on what I know about the child. The contents of the bag also change from meeting to meeting, depending on the child's response to the items in it. The bag has two compartments. One contains games, toys and mysterious objects, while the other contains a pencil case, crayons, paper, conversation cards, character pictures, etc. I never allow the child to touch the bag, as this allows me to maintain its mystery and control over what happens. During the first meetings, I use items from the first compartment. Through (getting-to-know-you) games, I can get to know the child very well, find out what interests them, how they respond emotionally, what their character is like, etc. Once the child is relaxed enough and a suitable level of trust has been established, the conversations slowly move on to more serious topics. This course of action is not a rule, of course, but it is very effective with introverted children who need more time and different approaches to open up.

We take children's words seriously, respectfully and empathetically. We always listen actively to children and let them know that we have heard them. We are not patronising towards children and do not express doubts about what they say, as children often tell their truth about events that may not correspond to reality, but which is how the child experienced it. Even if the child does not appear to be affected in any way, it is important to be aware that the consequences of exposure to conflict are not necessarily immediately apparent, but are certainly long-term.⁸⁹

Topics and methods in advocacy

The introductory meeting gives us our first insight into the child, and based on what we learn about them, we prepare for the first individual meeting, which is usually intended for getting to know each other and **creating a relaxed, trusting atmosphere**. The easiest way to engage younger children is with toys they like, while older children are more attracted to skills they would like to learn (e.g. magic tricks, string games, etc.); even better if they teach us skills we do not know. Teenagers are most attracted to conversations about role models, music, and also good mind games or card games. When we have fun, laugh and get to know each other, we also show our personal side, the child relaxes and we begin to build a relationship with them.

Establishing a genuine relationship with the child is a prerequisite for good cooperation, as the advocacy process opens up a variety of topics in which the child is emotionally involved in one way or another

⁸⁹ Buljan Flander, G. (2020). The child at the centre (of the conflict). Geromar d.o.o.

(exploring the child's life situation, family, discussions about peers, school, free time, experiences of individual situations, views on the future, family relationships, desires for change, etc.).

Depending on the child's age, interests and the topic of conversation, we can also prepare in advance a set of methods that are appropriate for working with the child.

In my experience, the following work very well with **the youngest children**:

- methods that involve drawing, if the child likes to draw (e.g. drawing important people in the child's life, which can later be expanded into a social map by connecting the people; drawing a timeline),
- the use of various picture books that encourage conversation,
- various visual materials (conversation cards, pictures of animals that they can compare to people in their lives, etc.),
- puppets (can replace the voice of the advocate or child).

For **younger primary school children**, the following are also very useful:

- Unfinished "What if ..." questions, where we first use fun questions (e.g. "What would you do if you were invisible?") and then increasingly profound questions ("If you could erase a memory, which one would you erase?").
- Incomplete sentences ("I would most like to...", "I wish...").
- Stress meter ("How much does ... affect you on a scale of 1 to 10?").
- Concentric circles (write yourself in the centre and the people around you according to their closeness or distance in the relationship).

Teenagers are more diverse in terms of methods, as they differ greatly in terms of abilities, interests and experiences. As they are already more verbally skilled, we can talk to them more. For those who are more reserved, at least at the beginning when they are still awkward, we enable conversation in a way that respects the child's personal space, e.g. by talking during an activity during which the child has the opportunity to look away.

Under no circumstances should we force the child into activities or conversations on topics for which they show unwillingness or resistance. **The child's participation in the advocacy process must be voluntary.** However, we can encourage them to participate, while being patient and understanding of their fears, reservations and resistance. The advocate must value the child as a person and assure them that they will not be ignored by the advocate or other important people.

Children respond to the hardships they face in life with various types of inappropriate behaviour or excessive maturity. We regularly encounter such responses in advocacy meetings. It is important that we are prepared in advance to recognise these behaviours as responses to distress and not take them personally.

Conducting the conversation

I always plan advocacy meetings with the following in mind: the advocate: *“/.../ respects the child’s personality and integrity, /.../ puts the child’s interests at the forefront of the process, /.../ respects the differences in their feelings and perceptions of reality”*⁹⁰

I usually start a conversation with a child using conversation cards or something the child told me at our previous meeting that I thought was important to them. This shows them that I have listened to them and that what they tell me is important to me. **During the conversation, I pay attention to both their words and non-verbal communication.** When there is a contradiction, I try to clarify it with additional questions.

During the conversation, I often summarise what the child has said to make sure I have understood him correctly. I take notes of important information during the conversation, as this is useful when writing reports and helping the child formulate a statement. Of course, I explain to the child in advance that the notes are intended only for me and him, as otherwise the child may feel uncomfortable and start to weigh up what he can and cannot say. If I notice this, I tell them openly that I sense they are uncomfortable, ask them about their concerns and encourage them to tell me openly when something is bothering them.

During the conversation, I let the child speak freely. I encourage them with additional questions or by sharing my own similar experiences, which lets the child know that they are not the only one going through this. As a rule, children are interested in how these experiences turned out, how everyone involved reacted to them, and they draw on this to think about their next steps.

Advocates use different types of questions, such as:

- Informative questions to gather information (e.g. "When did this happen?")
- Open-ended questions that encourage storytelling (e.g., "What happened when you told him you didn't like that?")
- Reflective questions that encourage reflection on feelings, the future, events (e.g. "How did this event affect you?"),
- Strategic questions when we want to direct the child to something specific that we want to make sure they know or have thought about whether it is important to them (e.g. "Can you imagine all your wishes coming true right now?")⁹¹

I bring the conversation to a close when I see that the child is no longer in the mood for it (either because they are exhausted or because they would like to think about things) by saying that we will continue next time. In any case, the meeting lasts between 45 and 60 minutes.

Some children, especially at the beginning, are less motivated to cooperate with their advocate. The reasons for this may be **the child's resignation to fate** (the feeling that they have no influence on the situation anyway), **fear of revealing emotions** that they have successfully suppressed until then (if they

⁹⁰ Jenkole, M. (2013). Advocate – voice of the child: special report of the Human Rights Ombudsman of the Republic of Slovenia: pilot project 2007-2012. Ljubljana: Human Rights Ombudsman.

⁹¹ Metelko, T. P. (2018). Mediation techniques and skills: 1-50: a handbook for effective conflict prevention and resolution and for personal growth in communication. Pro Chreator.

don't say it out loud, the problem doesn't exist), **fear of the reactions of important people in their lives** (their words may hurt a parent) or **fear of the consequences** (if their parent finds out, they will be punished). With these children, more time and different approaches are needed to create a relationship of trust and a sense of security. It is also helpful to play out hypothetical situations that happen to a third person (How would the child advise a person with such problems?).

Sometimes, especially with younger children, it is helpful to spend some time identifying and naming emotions so that they can express them successfully. In doing so, we must be very careful not to suggest to the child what they should feel.

When the child begins to freely express their feelings, desires and fears, I focus primarily on listening. Later, I gradually open up topic after topic and work with the child to find solutions or ways to deal with the problems. For the purpose of empowerment, I often use role-playing or visualisation. Sometimes I agree with the child that they will try some of this out in practice before our next meeting, first with their classmates and teacher, and later also in communication with their parents (e.g. using "I-messages" such as: It really bothers me when you talk about me as if I'm not there, because I have my own opinion too. This boosts the child's self-confidence and slowly gives them the strength to express their will, opinions and feelings.

Advocates are not therapists, of course, but our meetings can have therapeutic effects. Using new strategies in situations with parents can quickly change the dynamics of the relationship with the parent and allow the child to see it differently. This may mean that the child sees that the parent who wants to influence them for their own benefit is not so perfect after all, or that the parent they had previously seen only in a negative light is not entirely bad, which encourages them to think and limits the influence of their parents on them.

When discussing wishes, opinions and views on how to resolve a particular important issue, it makes sense to deepen the conversation by arguing for what is desired and exploring the meaning and consequences of various outcomes for the child. It is also important to explain to the child **the difference between wishes and benefits**, as this will make it easier for them to understand how decisions are made in court and why their wishes may not be granted.

Statement

It is desirable that the advocacy process be concluded with a statement, as this is the most unambiguous way to present the child's voice. **However, making a statement is the child's right, not an obligation.** The advocate should explain to the child the possibility of making a statement and its purpose at the first meetings. Experience shows that the child's initial reactions to making a statement may be accompanied by doubts about their ability to express their feelings and wishes and fears of the negative consequences of the statement. The advocate therefore does not rush into the statement and allows sufficient time to explore the child's experience of emotions, themselves, the world, their life situation and their desires and opinions, and actively focuses on strengthening the child's positive self-image through the advocacy process.

We begin drafting the statement when the child is confident and consistent in their statements. What will be written in the statement and to whom it will be addressed is entirely up to the child, which may sometimes differ from the advocate's view, but must nevertheless be respected.

The advocate always agrees with the child on who will present the statement, how and to whom. The advocate undertakes to do everything in their power to ensure that the addressees hear the statement, but cannot guarantee that the message in the statement will be taken into account by the parents, competent authorities or institutions.

Concluding the advocacy process

Throughout the advocacy process, the child may become quite attached to the advocate. They accept them as a person they can trust completely, rely on and turn to for help. Consequently, it is also difficult for the advocate when the time comes to say goodbye to the child. We prepare the child in advance for the end of the cooperation and the farewell to the advocate. From the very beginning of the advocacy process, it is also clear that the duration of advocacy is limited to the achievement of specific goals in each individual case.

At the end of the collaboration, the advocate **explores the child's support network together with the child** – who else they can turn to if and when they need help, who they can trust, who they can talk to openly. The advocate empowers and equips the child with as many strategies as possible for dealing with distress and problems (how to approach a person with whom they have problems, how to assertively express their disagreement) and setting boundaries (how to say no, stand up for themselves) and expressing their will.

Report

*"Informs someone, usually officially, about a specific event or situation, without personal explanations or comments."*⁹²

Writing reports is an important part of an advocate's work. After each advocacy event (meeting with the child, attending a hearing, etc.), the advocate writes **a report** and, in particular, **a final report on the course of advocacy** after the conclusion of meetings with the child for the purposes of the competent institutions where certain procedures involving the child are taking place. The latter is usually intended for the court or the CSD to familiarise themselves with the process and results of the work, and is fully consistent with the definition in the Slovar slovenskega knjižnega jezika (Dictionary of the Slovenian Literary Language).

The advocate's final report for the CSD and the court is thus neutral, without value judgements or interpretations or precise content of confidential conversations, and in it the advocate concisely notes:

- how he was appointed as advocate (by a court decision, a decision of the Ombudsman or the consent of the 15-year-old child, who is also the initiator)
- the purpose and objectives of the appointment of the advocate
- the course of the meetings (date, location)
- agreements with parents regarding meeting dates,

⁹² Dictionary of the Slovenian Literary Language. Retrieved from:
<https://fran.si/iskanje?FilteredDictionaryIds=130&View=1&Query=poro%C4%8Dilo> (1 April 2021).

- methods and techniques used and topics discussed with the child,
- description of the child's participation,
- special features of the meetings,
- the process of drafting the statement and to whom it is addressed,
- how the advocacy process was concluded.

The reports written by the advocate after each meeting are intended for the coordinator, the professional manager of the individual case at the Ombudsman's Office, and, to a large extent, the advocate himself.

In addition to an anecdotal description of the meeting, the report also contains the advocate's observations, guidelines for the next meeting, and a section on possible cooperation with institutions, agreements with parents, etc. In the report, the advocate describes the highlights of the work with the child, which is usually the longest part of the report. It is useful to summarise the working methods and quote the child's statements (for the purpose of drafting a statement). I often write down the questions I ask the child.

The second part of the report allows the advocate to write down their observations, opinions and thoughts that arise when reflecting on the meeting. In the third part of the report, the advocate plans their work for the next meeting and sets out the goals they will pursue and the methods they will use to achieve them (e.g. the next meeting will be a social game designed to create a relaxed atmosphere; so we can also see from the reports how a trusting relationship with the child was built based on the goals set and achieved). It is important to note that the child also has the opportunity to express their wishes, suggestions and ideas or topics for discussion with the advocate.

If the advocate's reports are written thoroughly, they are extremely valuable for the advocate's insight into the advocacy process with the individual child, for self-evaluation, professional growth and development of the advocate. I regularly return to past reports to refresh my memory and prevent misinterpretations of memories, analyse my questions and use of methods, and my responses. The reports are of great help to the advocate in writing the final report, reporting any violence and attending court hearings. They are also an important source of information for the coordinator, who uses them to provide the advocate with meaningful advice and guidance as needed. In every respect, they are worth all the time and effort that the advocate puts into them.

My advocacy experience

The above account is based on my experience to date as a children's advocate, which is now quite extensive, and each case has given me new knowledge, challenges and fond memories. This was also the case with my advocacy experience with Rozi (name changed for the purposes of this article). At first, she was reserved and insecure, and sharing her opinions or expressing her wishes and feelings in front of others seemed impossible. She also firmly refused to write a statement at the beginning.

During walks through the festively decorated town, social games and brain teasers, I gradually got to know her world – her family, friends and her – and we established contact and connected. When I felt that she trusted me, I asked her for the first time about her feelings in situations that she had previously only described. She did not know how to name them, so we spent the entire meeting playing fun games

to explore emotions and body language and name different feelings. Her initial reserve and caution gave way to trust and relaxation – at each session, she delved deeper into intimate conversations, began to actively seek validation and confront herself, her desires, which were no longer based on the desires of others, and in doing so, she strengthened her self-image.

Soon we were facing a very stressful (pre)experience for her. The judge invited Rozi to an informal interview because she wanted to hear her views and wishes regarding the arrangement of parental care and contact with her parents, who were divorcing. At first, Rozi was very frightened by the invitation. She confided in me that she felt she would not be able to cope with the stress.

Because I wanted to empower her and because she did not completely reject the possibility of participating in the conversation with the judge, we began to prepare with the help of visualisations and "rehearsals," where we played out the roles, situations, and scenarios of this conversation. Rozi and I agreed that I would accompany her to the judge, so she also authorised me to tell the judge what to say in case she couldn't handle it.

Everything went well in court. The judge was very sympathetic and understanding towards Rozi and her approach enabled her to have a positive experience. Rozi also courageously presented her statement with her newfound confidence.

After some time, Rozi learned of the court's decision, which was in line with the wishes she had expressed in her statement.

Dilemmas

In my advocacy work, I consistently ensure that I follow the Code of Ethical Principles for Child Advocacy⁹³, such as: I do not accept or give gifts (with the exception of some support items that I make myself – stones with encouraging words), I ensure the safety of children, I do not interfere in areas that do not fall within the scope of advocacy, and I strive to protect the interests of children. I am delighted to see how naturally all my previous knowledge and experience and my newly acquired knowledge merge into a new whole – me as an advocate.

Of course, there are also situations that do not bring only joy and success. When I listen to children's stories about events they do not deserve, I sometimes find myself caught in an emotional trap that can easily cloud my judgement, which is something advocates cannot afford to do. Excellent leadership and feedback from the coordinator, a support group (supervision) that is always ready to share their views on the dilemmas I face, and occasional conversations with fellow advocates always keep me on the right track.

It is quite stressful psychologically when I learn about injustices but cannot pass them on because the child may not want me to, or when the advocate's common-sense opinion could perhaps help in the court's decision-making, but the advocate has no opportunity to express it.

⁹³ Code of Ethical Principles for Child Advocacy, (2017). Retrieved from: <https://www.varuh-rs.si/o-varuhu/organizacijske-enote-in-svet-varuha/zagovornistvo-otrok/levi-meni/kodeks-eticnih-nacel-zagovornistva-otrok/> (1 April 2021).

My biggest problem as an advocate, and at the same time, in my opinion, the biggest obstacle to the child's voice being heard, is the (lack of) understanding of adults or the lack of empathy of parents (experience and emotion) towards their own children and their lack of insight into their own behaviour. I have often wanted to confront an important adult, to make them see how they themselves are the biggest obstacle to what they want, because they give priority to their current interests and not to the long-term benefits of the child.

I believe that it would be in the best interests of the child if the system (advocacy, social) also offered some assistance (therapeutic?) to parents, because: "Working with children requires new social learning, not only for candidates for advocates, but for society as a whole, including parents."⁹⁴

Conclusion

I think the entire advocacy process is excellently designed – from the beginning, when it starts with the child's consent, to the end, when the child is allowed to express their thoughts and wishes on their own terms and independently of the opinions of others. The objectives are clearly defined, and parents are well prepared for advocacy, which aims to protect the child from parental influence on the advocacy process.

I am often asked how I can "carry" all the difficult stories I hear. I usually reply that it would be much harder to bear if I only knew they existed and did nothing to help. By acting as an advocate, I help the child and contribute a piece to the mosaic of their better life, which is more than just standing by and wondering about the injustices that happen to the child.

I believe that children who have experienced advocacy gain self-confidence and, because of this, find it easier to move forward on their path, while the advocate also feels satisfaction because they have enabled the child to be heard and accepted.

Experiences with advocacy in court proceedings from the perspective of a judge⁹⁵

Introduction⁹⁶

The constitutional provision on the right to appoint an ombudsman for specific areas of human rights did not guarantee the specific right of a child to an advocate in court proceedings. In practice, the best solutions were sought during the project Advocate – Voice of the Child, and only then was the

⁹⁴ Jenkole, M. (2013). Advocate – Voice of the Child: Special Report of the Human Rights Ombudsman of the Republic of Slovenia: Pilot Project 2007-2012. Ljubljana: Human Rights Ombudsman.

⁹⁵ This article was written by Ksenija Kejžar, Master of Legal Sciences, District Judge – Councillor in the Family and Commercial Division of the District Court in Kranj.

⁹⁶ The article refers to the following legal sources: Family Code (DZ), Official Gazette of the Republic of Slovenia No. 15/17 of 31 March 2017, as amended; Constitution of the Republic of Slovenia, Official Gazette of the Republic of Slovenia No. 33/91-I of 23 December 1991, as amended.

Non-Contentious Proceedings Act (ZNP-1), Official Gazette of the Republic of Slovenia No. 16/19 of 8 March 2019; Human Rights Ombudsman Act (ZvarCP), Official Gazette of the Republic of Slovenia No. 69/17 of 8 December 2017 – officially revised text.

appropriate normative basis adopted. The legislation and acts of the Human Rights Ombudsman (hereinafter referred to as the Ombudsman) regulate the conditions for acquiring the status of advocate, the tasks of the advocate and coordinator, and provide for training, supervision, etc., which is the basis for successful and professional advocacy.

The position of the advocate in court

The procedural status of the child advocate in civil proceedings remained unclear even after the provisions on the child advocate were incorporated into the Human Rights Ombudsman Act. Some interpretations have suggested that the advocate may appear in court proceedings on the basis of the provisions of the Constitution and Article 25a of the Human Rights Ombudsman Act, according to which the advocate may submit his opinion to the competent authorities and institutions that decide on children's rights and accompany the child before those authorities and institutions. and accompany the child before the authorities and institutions. However, the courts have generally not been favourable to the participation of advocates in proceedings in general, let alone inviting advocates to hearings where they could submit and explain the content of the child's statement. The adoption of the Family Code and the Non-Contentious Proceedings Act has finally confirmed that advocates can appear in court proceedings, not in their own name as participants, but as representatives of the child. However, not as their legal representative (this role is played by the parents), temporary representative, guardian ad litem or authorised representative, but as their voice, ensuring that the child actually becomes a subject of the proceedings and that their rights on paper are realised in life. Regardless of the fact that the procedural position of the advocate is not regulated in detail, the court must respect the procedural provisions of the Non-Contentious Proceedings Act and the Contentious Proceedings Act, which are intended to ensure the legality and fairness of the proceedings. The court conducts proceedings orally at hearings and in writing outside of hearings. All participants must have the opportunity to be familiar with all procedural materials, including the content of communications between the advocate, the coordinator and the court, and have the opportunity to respond to them. **This means that all information between the court, the advocate, the coordinator and the Ombudsman must be communicated either in writing, so that the court informs the participants, or at the hearing.** Only on organisational matters that do not affect the decision may the court communicate less formally, namely with the coordinator, as the latter is not directly involved in the advocacy process, but coordinates the advocacy and is primarily in contact with the parents, not the child, or obtains information from the competent employees of the Ombudsman.

The advocate is a professional assistant to the child in difficult moments of his or her life, when the parents are in conflict and do not play their role of protecting the child's rights, but put their own interests first, in cases of violence or simply difficulties in growing up, all related to court proceedings. They perform this role at meetings with the child. The detailed procedural status of the advocate is not regulated in the Non-Contentious Proceedings Act, but it can be concluded from the provisions of Article 97 of the Act, on the basis of which the court appoints an advocate at the proposal of the Ombudsman, that they are involved in the proceedings. Provisions on the procedural status of the advocate are not necessary, as his rights derive from the procedural status of the child as a subject of the proceedings who has the right to participate in the proceedings (is the person in respect of whom the proceedings are conducted) and to attend the hearing at which he expresses his opinion. **In court proceedings, the advocate is a "medium" through which the child communicates his or her statement to the court, which the advocate has helped to formulate through the advocacy process using his or her professional knowledge, and ensures that the court and the participants hear it.**

The advocate does not express his or her own opinion, as he or she is not an expert, even though he or she has some professional knowledge to be able to assess what is in the best interests of the child. The child advocate does not directly ask the child about the content of the disputed relations between the parents regarding their joint child, which are being decided in court proceedings, but through play and a conversation adapted to the child's age and focused on the child, the child expresses his or her views on issues that are important to him or her. This may be content outlined in a proposal in specific court proceedings, or the child may express their opinion on other issues that are important to them but may not have been addressed by their parents or other participants in the proceedings. In this way, the child can become a person who also helps to shape the issues that need to be considered when deciding their fate in court proceedings. Adults cannot always know what is important to a child. **When a child helps to shape the issues, their right to be a subject of the proceedings is also realised.**

Initiatives for appointment

The number of advocacy cases is increasing over time in practice, but there could be even more. Above all, it is important that advocacy is carried out in all areas of the country to ensure equal rights for all children, regardless of where they live or where the court proceedings take place. **Criteria should be established for when advocacy is not necessary.** Children whose parents are unable to recognise and respect their wishes regarding their future should have the opportunity to express their opinions through an advocate, in accordance with their age and maturity.

Advocacy begins with the Ombudsman's initiative to appoint an advocate, so it more or less depends on whether the environment (professionals, parents) recognises the child's need for advocacy. Social workers and judges have the most information about when a child is in a position to need an advocate, so they should take on the role of initiator to a greater extent. Their role in court proceedings is compatible with taking the initiative, provided they respect the autonomy of the Ombudsman. We must not forget the basic function of the Ombudsman, which is to supervise the work of state bodies, including the courts. **The decision on whether to appoint a guardian for a child on the basis of an initiative and with the consent of the parents must be in the hands of the Ombudsman.** The Ombudsman assesses, according to his professional criteria, whether to appoint a guardian or submit a proposal to the court; judges and CSD employees must not influence his decision. **Judges may use their experience and knowledge to assess when the appointment of a guardian would be in the best interests of the child, but the final assessment is reserved for the Ombudsman.** The court or the CSD may not influence the Ombudsman's decision by sending him documentation from the file at their discretion; it is better for the Ombudsman to request information and only the necessary documents he needs. The Ombudsman's independence in the advocacy process and non-involvement in court proceedings is one of the most important circumstances on which the trust enjoyed by advocates is based. In order to avoid the perception that filing initiatives is useless in cases where the Ombudsman rejects the initiative, it would be appropriate for the Ombudsman to formulate or present (I am not aware of any uniform criteria) the circumstances under which he considers advocacy to be inappropriate. If the criteria are known to the initiators, there will be fewer "rejections of initiatives" in practice. There are not many such cases. When parents do not give their consent to advocacy, the court may appoint an advocate on the basis of a reasoned proposal by the Ombudsman. It is therefore important that the Ombudsman substantiates the proposal, otherwise the court cannot appoint a guardian but will reject the proposal. **Recently, proposals for the appointment of a guardian have also been submitted by the parents' representatives in court proceedings, based on previous positive experiences in other cases. However, in some cases, the initiative is based on misguided motives, with the aim of**

obtaining a statement from the child that will serve as "evidence" to support the proposal of the parent they represent, in the expectation that the statement, if consistent with their proposal, will be taken into account without further proceedings. It is the court's task to explain that the statement will still have to be assessed in terms of whether it is in the best interests of the child, taking into account other evidence, in particular the opinion of the CSD and experts on the best interests of the child.

The decision on which person to appoint or propose, depending on the needs and specificities of the child, and when the advocacy will be concluded, must be in the hands of the Ombudsman. The advocates listed with the Ombudsman are various experts, so the choice for each child is tailored to their needs. must ensure that the advocate is not a person who is in any way involved in the life of the child or parents (personal acquaintances, family and kinship relationships, therapeutic relationships, involvement of children in school and school and extracurricular activities).

Even when the court appoints a guardian by decision, it does so in accordance with the law, on the basis of a reasoned proposal by the Ombudsman. **The latter proves that it is within the Ombudsman's remit to decide whether to propose to the court that a guardian be appointed and, if so, who that guardian should be.** The court may only decide not to grant the proposal, but it cannot appoint a guardian ex officio without a proposal from the Ombudsman.

The judge should systematically raise the question of advocacy in every proceeding concerning children. The Family Code requires that parents attend preliminary counselling before the proceedings and that the minutes be attached to the proposal concerning the relationship between children and parents. **This means that the judge already has a lot of information at the time of filing the proposal, on the basis of which he or she can assess whether it would be appropriate to appoint a child advocate.** Where the parents are able to agree on the best interests of the children and recognise them, the appointment of an advocate would be a burden on the child and could constitute an excessive interference with the parents' rights to protect the rights of their children themselves. In such cases, it is sufficient for the CSD, when it assesses that the child is capable of understanding the meaning and consequences of the proceedings, to obtain the child's opinion by conducting an interview with the child by a CSD professional. The same applies if the parents disagree only on the amount of maintenance or if there are only minor differences regarding the course of contact.

The role of the advocate

The appointment of an advocate is appropriate when the parents are unable to recognise the needs of the child and put their own interests first, when there is suspicion of child abuse, when children are being turned away from the other parent, when the parents have health problems that affect their parenting capacity, when children are in severe distress due to their parents' separation, in cases involving younger children who do not yet understand the meaning and consequences of the proceedings and from whom the CSD will not obtain a statement, when lengthy court proceedings are expected, including the involvement of an expert. Since the advocate's role is to relieve the child's distress and help the child, it is useful to know whether the child is already receiving any form of psychological or psychiatric help, so that these two roles do not overlap and the advocacy does not become a burden for the child. The CSD could take the initiative when the parents express distrust in their professional work for various reasons, often because they have already given their opinion on the best interests of the child, with which the parents disagree. **The advocate finds it easier to gain the trust of the parents because their role is only to obtain the child's statement and help the child,**

without expressing their opinion on the matter or having any influence on the decision. Therefore, from the parents' point of view, the credibility of the child's statement obtained with the help of the Ombudsman is greater and easier to follow. If the CSD had taken the initiative at an early stage, the child could have been involved in the mediation process through the advocate, which should be carried out before the court makes a substantive decision. Advocacy is most successful when the parents' consent is obtained, **so the CSD or the court can ensure that they give their consent to the appointment of an advocate, then submit the initiative to the Ombudsman,** who then obtains the child's consent, without which advocacy is not possible.

Advocacy process and court proceedings

It is important that the advocate is appointed as early as possible in the court proceedings, as they need time to establish a relationship of trust with the child, hold the necessary number of meetings and obtain a statement, and, using their professional knowledge, offer support and assistance in overcoming distress and familiarise the child with the court proceedings in a manner appropriate to the child. **The court proceedings may not be concluded until the advocacy is complete,** as otherwise the child's statement would remain "up in the air" and the child would not be heard. Nor may the court allow a settlement between the parents before the advocacy is completed, as this would be detrimental to the child. **The timing of the court proceedings must be coordinated with the advocacy so that the advocacy does not prolong the proceedings.** A coordinator is of great help in this regard, with whom the judge coordinates the course of the proceedings in terms of whether and when to invite the advocate to the hearing, depending on whether he has already obtained a statement, and when to schedule hearings so that the court proceedings are not concluded before the advocacy is completed. The defence may also be terminated prematurely if it is contrary to its purpose, when instead of relieving the child of distress, it only intensifies it. Such cases mainly occur when the parents want to influence the child and pressure them in the direction of the content of the statement, when there is not the slightest cooperation between the parents and the advocate (e.g. they do not take on the task of bringing the child to the meeting and agreeing on the time of the meetings), when the conflict between the parents deepens. However, such cases are rare, as the coordinator plays a role in contacting, guiding and alerting parents to inappropriate behaviour. **An advocate who learns of violence against a child in a conversation with the child is obliged to report it to the competent authorities, including the court that decides on the best interests of the child, through the coordinator.** The judge is only familiar with the material in the file, which does not always reflect the real situation, while the advocate is, in a sense, involved in the child's life and has a trusting relationship with the child. Therefore, the advocate is quicker to determine when something is seriously wrong and can inform the judge of any potential danger to the child through the coordinator. **This relieves the judge somewhat of the burden of worrying about whether they will obtain information in time and, if necessary, ensure the child's protection,** as provided for in the Family Code in the form of measures to protect the child's interests.

Once the advocate has obtained the child's statement, they forward it to the court with the child's consent and present it at the hearing at the court's request, although the parents are usually already familiar with the statement at the final meeting. The court must assess whether it is genuine and in the best interests of the child. It is therefore useful for the advocate to explain the circumstances in which it was made, whether it was formed gradually, whether the child already had a pre-formed opinion at the beginning of the advocacy, whether they changed their statement, whether they were indecisive in forming it, and whether distress was observed in the process. **When providing information, the advocate must be careful not to overstep the boundaries of the confidential relationship with the child, which the**

judge is also mindful of. The court can determine from the coordinator's report whether the parents may have attempted to influence the advocate's work and the content of the child's statement. When the CSD's opinion on the child's best interests differs from the child's expectations, the reason for this must be determined, but the advocate must not give his opinion on this, and the court does not ask him or allow questions from participants in this regard. **The court does not have the expertise to assess the statement; the opinion of the CSD or an expert in the relevant field must be obtained to clarify why the child's statement is not in the best interests of the child and to what extent it should be taken into account, if at all, and why not.** When the decision is more or less different from the child's statement, it is **the duty of the advocate to explain to the child that the court has not ignored the statement**, but has determined on the basis of other circumstances that a different decision is better for the child. Of course, this can only be done if the court ensures that the advocate is aware of the court's decision and the reasons why it is not in line with the child's statement. Perhaps at the hearing to which the advocate is invited, before the conclusion of the proceedings, the court could explain that, based on the material in the file (), there is a possibility that the decision will differ from the child's statement and state the reasons for this. The task of the advocate and coordinator is to explain to the child at the beginning of the advocacy process that the judge will not only decide on the basis of the child's statement, but will also assess what is in the child's best interests on the basis of all the circumstances. It is also right to explain the specific decision to the child after the proceedings have ended. This ensures that the child is treated as a subject of the proceedings.

A discussion is needed on whether it is necessary and permissible to serve court decisions on advocates, given that they are not participants in the proceedings and do not act as the child's representative. This would probably not make sense in all proceedings, but it might be appropriate in cases where the decision is contrary to the statement.

Dilemmas and challenges

A particular challenge is when a kid makes a statement to their advocate but only wants the judge to see it, not their parents. The question is how to take it into account if it cannot be discussed with the participants and cannot be used as an argument in the court's decision, as this would quickly violate the confidentiality to which the advocate, and indirectly the judge, is bound. Children's statements are usually short, and it is not possible to summarise them without breaching confidentiality. If we breach it, we give unjustified priority to the parents' right to be informed about the proceedings. **The question is what to do with a statement if it contradicts the opinion of the CSD or the expert on the best interests of the child, in which the statement is not taken into account.** This dilemma could perhaps be avoided by the advocate obtaining the child's consent for the CSD and the expert to also be informed of the statement and evaluate it. It would be useful for the child to say whether the court that will decide on the appeal can be informed of the statement. **We should consider the possibility of advocacy in proceedings for measures to protect the interests of the child.** These are specific proceedings in which it would be even more useful to involve an advocate in obtaining the child's statement. The CSD acts as a participant in the proceedings, most often against the child's parents. This may raise doubts among them that the CSD will not be impartial in obtaining the child's statement. **However, it is necessary to examine in which cases advocacy is not appropriate.** As there are very different cases of child neglect by parents, advocacy could give the child at risk false hope that their situation will change, that their parents will take care of them, but unfortunately advocacy cannot improve parental capacities. **It remains an open question whether it is possible to ensure that the child expresses their will through the advocate even after a decision has been made,** when a more permanent

measure has been imposed for a certain period of time and the court is monitoring the implementation of the measure.

The Family Code placed children over whom parental rights had been extended in the position of adults under guardianship, thereby depriving them of the possibility of representation by a children's rights advocate (they are no longer children), so consideration will need to be given to how to ensure that they have the same opportunity to express their views, in accordance with their abilities, as they have had until now.

Advantages of advocacy

A statement obtained by an advocate has priority over a statement obtained by the CSD or a judge through an interview with the child. Although the CSD also interviews the child with a person who has professional knowledge, they cannot take as much time as an advocate, who establishes a confidential relationship with the child, holds several meetings in a friendly environment and during activities chosen by the child. **The CSD must first determine whether the child is capable of understanding the meaning and consequences of the statement (). Only if the answer is positive does it interview the child and obtain a written statement, while the advocate can also obtain a statement from younger children.** Sometimes this is not even a written statement, it can be just a drawing, in short, anything with which the child is familiar and can express themselves. In any case, it is much more personal than the one obtained by the CSD, which makes a record of it. **Parents trust the work of the advocate more because they are a neutral person who has no influence on the proceedings and the decision.** Meanwhile, the role of the CSD in the proceedings is to give its expert opinion on the best interests of the child, which the court is obliged to obtain. In other proceedings, it even acts as a participant in the proceedings. Therefore, there is a greater likelihood of mistrust of their work among the participants, and a greater likelihood that parents will try to influence the child's will and statement to the CSD. It is even more likely that they will try to influence the child if the interview with the child is conducted by a judge who is also the decision-maker in the proceedings. It is therefore not surprising that parents most often request an interview with the child in highly contentious cases with the aim of influencing what the child says in order to achieve their "victory", which is by no means the purpose of the interview and is not in the child's best interests. **The judge does not have the necessary expertise, sufficient time or a suitable space to obtain a statement, so the quality of the statement is questionable.** Just because he or she knows how to talk to children in everyday life does not mean that he or she knows how to obtain an appropriate statement from a child.

Parents, advocates, coordinators and children report that children enjoy attending meetings and that the statement is important to them because they feel involved in the decision-making process. **The decision on whether the judge will initiate the involvement of a child advocate in the court proceedings is left to the judge alone.** As the law offers a wide range of options for how the court will obtain the child's statement, the number of advocates in court proceedings varies between courts and regions. From the perspective of equal protection of children's interests, regardless of where the proceedings take place, it would be beneficial if practices in this area were more uniform. **Only arguments in favour of advocacy, compared to other forms of obtaining statements, can convince judges who do not use advocacy to change their practice.** Therefore, they should be highlighted as often as possible, either in the context of training for judges and lawyers or through various forms of promotion by the Ombudsman.

Talking to a child about personal issues that are important to them is a difficult topic and requires a subtle approach that must be learned. Judges are not trained in this area. In addition to knowing the law, family judges should also have the highest possible level of empathy, which varies from person to person. In order to obtain a high-quality statement, it is necessary to be familiar with child development in relation to their age, which determines their ability to understand the content of the judge's questions and their ability to form and express their true and genuine will. The specific characteristics of each individual child must be taken into account (whether the child finds it easier or more difficult to relax and express themselves, whether they have any health problems that affect their ability to understand the content of the interview, form their will and express it). When there is a dispute between the parents, this has a negative impact on the child, who is already in distress, which the interview with the judge may more or less exacerbate, affecting the child's understanding and ability to form an opinion and express their views. All of this must be taken into account when asking questions, which should be phrased in different ways to test the child's understanding. **For this reason, interviews between judges and children should be the exception rather than the rule**, especially with older children who have no particular characteristics that would affect their ability to understand, form and express their will, and if they themselves express a desire for an interview. When there is no other option, the interview can be conducted together with an expert or a social worker who is trained to conduct interviews. Advocates have specific knowledge related to their profession that facilitates their work, and the one who has the knowledge necessary to interview a specific child is assigned to the case. As they have several meetings, they first gain the child's trust through play and conversation on less difficult topics. Then, through a guided conversation, the child expresses their views on the issues that are the subject of the proceedings and other issues that are important to them. Since there are several meetings, advocates can check whether the child's statement is consistent or changing.

The purpose of advocacy is also to relieve the child, so even if the child does not express an opinion, advocacy is not meaningless, but is in the child's best interests, which is the guiding principle of court proceedings for the protection of the child's interests. With the advocate, they can clarify issues that bother them and which they cannot or find it difficult to discuss with their parents, who are in conflict. In the case of a child whom the CSD or an expert assesses as unable to understand the significance of the proceedings and the consequences of the decision, the court is not obliged to obtain the child's opinion. These are mostly younger children or children with developmental disabilities, who are therefore even more vulnerable and whose rights are even more important to protect, as they are unable to express their feelings and wishes orally or in writing. Therefore, they do not have the same rights in the proceedings as children who are able to express their opinions. **Although it is not possible to guarantee this right to the youngest children, advocacy is an opportunity to lower the age limit at which a child is given the opportunity to express their opinion.** The CSD participates in the proceedings as an assistant to the judge, giving an opinion on the best interests of the child or even acting as a participant in the proceedings, while the judge is the one who decides. Therefore, parents who do not recognise the best interests of their children and put their own interests before those of their children often tend to influence the child who is supposed to make a statement, thereby effectively abusing the rights of the child. The tendency to influence the child in the case of advocacy is less due to the neutral role of the advocate. If the advocate recognises this, they may terminate the advocacy. If, after the conclusion of the court proceedings, new proceedings commence, the advocate is usually the same as in the previous proceedings, which is in the child's best interests, as they already know them. For all the above reasons, the child's right to participate in the proceedings and express their opinion must be exercised in such a way as to expose them as little as possible to direct contact with the court, to prevent abuse and to avoid exposing them to additional stress. Therefore, in my opinion, advocacy has a significant advantage over other forms of obtaining the child's opinion.

It is important that advocacy remains at a high professional level, which can only be maintained through ongoing quality training of advocates and continuous development of the concept of advocacy, by questioning dilemmas and seeking possible solutions. Good work is the best promoter. **In this specific case, communication between the court, the advocate and the coordinator is governed by the rules of immediacy** (the court decides after an oral hearing) and **reciprocity** (all information on which the decision is based must be presented to the participants, who have the opportunity to comment on it) and by **the confidential relationship between the child and the advocate** (the child's opinion is only presented to the court in the form and to the extent desired by the child); the advocate may not discuss any other aspects of the advocacy. Therefore, broader cooperation can only take place in joint training sessions, where experiences can be shared at a general level without exposing specific cases. As there have already been many advocacy cases, it might be appropriate to carry out training or a project in cooperation with all stakeholders (advocates, coordinators, representatives of the Ombudsman, judges, professional associates at the court, representatives of the CSD, parents' representatives, temporary representatives and guardians of children), where past practice would be evaluated and shortcomings and opportunities for improvement identified, and examples of good practice recognised. An example of good practice from the judge's point of view may not necessarily be recognised as such by the advocate or other participants in the court proceedings. **Even those who are not in favour of advocacy probably have their own arguments, which should be heard and assessed to determine whether they can be overcome.**

Conclusion

The inclusion of an advocate in the proceedings initially represents additional work for us judges and sometimes prolongs the proceedings somewhat. However, if we focus on the child's right to express their opinion and be heard, we will decide in favour of the initiative. Over time, with good planning of the proceedings, the involvement of an advocate becomes routine to a certain extent, just like taking care of other matters that the judge presiding over the proceedings must pay attention to. **I believe that cooperation with the Ombudsman or advocate is not a burden for the judge, but rather an aid in ensuring that the child is not overlooked as a subject in the court proceedings.** The tendency to conduct proceedings as quickly as possible, which unfortunately still takes uncritical priority, must not outweigh the duty to truly hear the child, even if this takes a little more time. Only with the help of a lawyer, who accompanies them throughout the proceedings if necessary, is the child represented as a subject throughout the proceedings and can change and formulate their statement until a decision is made, regardless of whether they are able to understand the meaning and consequences of their statement. Children who are unable to do so are the most vulnerable, but they too have the right to express their thoughts in the way they know how. **When parents are in conflict and focused on their own interests, who else but an advocate can convey their voice to the court?** We judges cannot replace them in obtaining statements, as we do not have the necessary knowledge, space and time to devote to each child, nor does the CSD, which has no obligation to obtain statements from children who, in their opinion, do not understand the meaning of their statements. I often receive feedback from participants in court proceedings, authorised representatives, participants in mediation proceedings and children expressing their satisfaction that an advocate participated in the proceedings, with which I can only agree.

3.5. Conflict guardian

A guardian ad litem is a guardian who represents a child in cases where the interests of the child and those of their parent or other legal representative are in conflict. They protect the rights of the child in civil proceedings and family matters and do everything they can in procedural terms to ensure that the decisions taken by the authorities in a particular case are in the best interests of the child. They represent the child only in matters that are being decided in the specific proceedings. The guardian represents the child within the scope of the powers/tasks entrusted to him or her in the specific decision on the appointment of a guardian ad litem by the court.

The institution of the guardian ad litem is defined in **Article 269 of the Family Code (DZ)** as a guardian for special cases, and in **Article 45 of the Non-Contentious Proceedings Act (ZNP-1)**.

The appointment of a guardian ad litem ensures effective independent representation of the child.

A guardian ad litem is appointed **for children under the age of 15**. Children over the age of 15 may also retain a guardian ad litem if one was appointed before they turned 15.

As a rule, courts appoint lawyers as guardians ad litem, as they are supposed to protect the rights and interests of children and take care of procedural actions in the proceedings. The choice of a lawyer as a guardian ad litem is appropriate, as they have the substantive and procedural knowledge necessary to represent children in proceedings. Additional knowledge and skills in the field of child psychology and communication with children are useful, but are not currently required by law.⁹⁷

Practice shows that when appointing guardians ad litem, judges most often draw on their own experience of working with lawyers and appoint lawyers whom they know to give priority to the interests of the child over those of their clients, including in other proceedings.⁹⁸ Courts often appoint lawyers with whom they have worked in the past as guardians ad litem.

The competence of individual guardians ad litem in the above-mentioned areas currently depends on the interest of each individual lawyer. The law does not provide for specific training or professional qualifications for guardians ad litem. However, efforts are being made to regulate the education and training of guardians ad litem, particularly in relation to working with children.

⁹⁷ Efforts are currently underway as part of the same project to reform the regulation of the work and role of the collision guardian in family proceedings, including training. The objective of the reform is defined in measures 14 and 15 of the Strategy and Action Plan. Dr. Susanna Grejter, Strategy and Action Plan (2025), Council of Europe <<https://rm.coe.int/strategija-in-akcijski-nacrt-skupni-projekt-eu-in-sveta-evrope-zagotav/488028e731>>

⁹⁸ SURVEY required for the development of measures 14 and 15 from Chapter 2: Best interests of the child, Joint EU and Council of Europe project "Ensuring the best interests of children in civil proceedings in Slovenia" (2025)

3.5.1. Reasons for appointing a guardian ad litem for a child

A guardian ad litem is appointed for a child if the child's interests conflict with those of the parents who exercise parental care over the child.⁹⁹ In other words, if the interests of the child and his or her legal representative are in conflict, the court appoints a guardian ad litem for the child. When there is a conflict between the interests of the child and those of one of the parents, it depends on the proceedings when the court appoints a guardian ad litem. This is usually the case in paternity disputes, for example.

The appointment is not based on a conflict or collision of interests between the parents, but on a conflict of interests between the parent(s) and the child. A guardian ad litem is appointed when there is doubt that the parents are able to protect the interests of their children in the proceedings, rather than their own interests.¹⁰⁰ In order to appoint a guardian ad litem, there must be doubt that the parents are capable of protecting the interests of their children.

In practice, a guardian ad litem is appointed primarily in cases involving the restriction of parental care. **The court actually appoints a guardian ad litem in the following cases:**

- In proceedings for the protection and upbringing of a child, if the court finds that the parents are not acting in the child's best interests, that their conflict is so great that it endangers the child, and the court finds that, despite the fact that an expert will be appointed in the proceedings and that the CSD is involved in the proceedings, a guardian ad litem must be appointed for the child.

Important! In cases of violence by one parent, it is important not to assume that the other parent, who is not causing the violence, cannot protect the child's interests.

- In paternity disputes where the child is also a party to the proceedings. There is no doubt about the conflict of interest here, **so a guardian ad litem is always appointed** if the child is under 15 years of age.
- In cases where the parents agree to place the child in an institution, but the child does not, a guardian ad litem is appointed due to the conflict of interest.
- In cases of removal of a child from their parents and proceedings for the removal of parental care.

If there is no doubt that the parents or legal representatives can protect the interests of the child, the child does not need a guardian ad litem, as they can protect the child's interests in the proceedings themselves.

Important! A guardian ad litem is often involved in the proceedings at a very late stage, which is not in the best interests of the child. It is important that the court appoints a guardian ad litem as soon as possible if it assesses that the interests of the child will not be adequately protected

⁹⁹ Article 269, Family Code

¹⁰⁰ VSL Decision IV Cp 1716/2023

by at least one of the parents. The court may soon realise during the proceedings that there is a conflict of interest between the parent(s) and the child.

Comment: Under the current rules, the costs of the guardian ad litem are covered by the court that appointed the guardian. The financial burden on the court's budget should not be a reason for the court not to appoint a guardian ad litem for the child. This is about protecting the interests and rights of children, who are a particularly vulnerable group.

3.5.2. Procedure for appointing a guardian ad litem

Who is appointed as a guardian ad litem?

A guardian ad litem is appointed for children under the age of 15 in civil proceedings.

The court cannot appoint a guardian ad litem for a child who has already reached the age of 15 and is capable of understanding the meaning and legal consequences of his or her actions.¹⁰¹ If a guardian ad litem was appointed before the child turned 15, they can keep it after the child turns 15. In this case, the guardian ad litem keeps representing the kid over 15.

If the guardian ad litem continues their work after the child reaches the age of 15, the court does not need to issue a new decision or amend the existing one. If the court determines that the work of the guardian ad litem is no longer necessary, it dismisses the guardian. It also does so if the child over the age of 15 obtains a lawyer on the basis of free legal aid or authorises him or her.

The court appoints a guardian ad litem for children of different ages. There is no lower age limit for when the court can appoint a guardian ad litem for a child, as it is necessary to represent the interests of children of different ages, often including the youngest.

Example: The court may appoint a guardian ad litem for a child aged one year if the child's interests conflict with those of his or her legal representatives. In this case, the guardian ad litem will not interview the child, as the child is not yet able to communicate verbally. However, they may visit the child at home with their parents or foster parents to determine the circumstances in which the child lives and how attached they are to their parents or foster parents.

What is the procedure for appointing a guardian ad litem?

In court proceedings, the guardian ad litem is appointed by the court. In most cases, the proposal for appointment is submitted by the CSD.¹⁰²

In practice, the court appoints a guardian ad litem from a list of lawyers, but the law does not require the guardian ad litem to be a lawyer. Any lawyer can be on the list, even those who do not normally deal with family matters.

¹⁰¹ According to the second paragraph of Article 45 of ZNP-1, a child becomes legally competent at the age of 15. The court then allows them to independently perform procedural acts as a participant in the proceedings. For this, two conditions must be met: the child must be at least 15 years of age and must be capable of understanding the meaning and legal consequences of their actions.

¹⁰² In cases of paternity disputes, due to a conflict of interests, the appointment of a guardian ad litem is often proposed by the court.

The court may request the opinion of the social services centre on which person to appoint as guardian ad litem.¹⁰³ Often, the CSD itself proposes a specific lawyer.

The judge may appoint a guardian ad litem even if the parents do not agree. The court never asks the parents for their consent; their consent to the appointment of a guardian is not required. The parents may appeal against the decision to appoint a guardian, in which case the higher court will decide on the matter.

A child who has been assigned a guardian ad litem cannot appeal against the decision to appoint one.

In the case of multiple children

In the case of several children who are under the parental care of the same person but whose interests conflict, a guardian ad litem is appointed for each of them. Each child in the family thus has their own guardian ad litem if the interests of the children conflict with each other and with their parents.

Comment: In practice, the court most often decides to appoint the same guardian ad litem for all minor children. If the children are of different ages and are also in different situations in relation to their parents, the court decides to appoint a separate guardian ad litem for each child. It may also decide on this basis of other circumstances of the specific case.¹⁰⁴

Enforceability of the decision on the guardian ad litem

Most courts decide that an appeal against a decision to appoint a guardian ad litem for a minor child does not suspend its enforcement, so it takes effect immediately. They do this because without a guardian, the child would be too exposed in the proceedings and would not be able to protect their rights on their own. The guardian ad litem thus begins to represent the child immediately, even before the court's decision on the appeal becomes final. The legal consequences therefore arise even before the decision becomes final.

3.5.3. Role of the guardian ad litem

The role of the guardian ad litem is to protect the rights and interests of the child in the proceedings. The guardian ad litem can convey the child's wishes and desires in the proceedings themselves.

The guardian ad litem is not an antagonist of the other parties in the proceedings (the parties to the family dispute). They are there to protect the best interests of the child, which should also be in the interests of both parents or other legal representatives of the child in the proceedings.

¹⁰³ Paragraph 6, Article 45 of ZNP-1.

¹⁰⁴ Murgel et al., Recommendations for more effective safeguarding of the best interests of the child in civil proceedings in Slovenia (2024), *Joint project of the European Union and the Council of Europe*. <https://rm.coe.int/legal-analysis-slovenia-juvenile-proceedings-slo/1680b1d044> (The Voice of the Child in Non-Contentious Proceedings).

3.5.4. Duties of the guardian ad litem

The tasks of the guardian ad litem are to:

- Familiarise themselves with the current family situation in which the child finds themselves, establish contact with them and represent them in the proceedings.
- Inform the child in an appropriate manner about the proceedings and the significance of individual procedural actions.
- Establish a relationship of trust with the child. The child can trust them and they are a source of support for the child.
- They make statements and propose evidence on behalf of the child; in general, they comment on the procedural material and propose measures of a temporary and more permanent nature.
- Participates in main hearings and is present during informal discussions between the judge and the child if the child expressly wishes this.
- In mediation proceedings, they request to be present in the part relating to the child (e.g. when discussing maintenance or contact).
- In their report to the court, they report any indications of violence they have noticed.
- He cooperates with institutions and other services involved in family proceedings.

The work of the guardian ad litem overlaps with the work of other services in the following ways.

- **Cooperation with social work centres**, as they want to obtain as much information as possible about the children and the family. The CSD cooperates with them because they are obliged to protect the interests of the child, which is the primary purpose of the guardian ad litem. The guardian ad litem participates in the multidisciplinary teams of the social work centres, but this does not necessarily mean that he or she agrees with the proposals of the social work centres. In multidisciplinary teams, he or she can also establish contact with other stakeholders (e.g. schools).

Comment: The work of the guardian ad litem begins when the court decision on his appointment becomes final, as only then does he receive a copy of the file. Since one of the parents may lodge an appeal against the decision to appoint a guardian ad litem, it may take some time before the file is received. If the decision and the nature of the case indicate that the child may be at risk, the guardian ad litem may contact the competent social services centre in order to obtain information about the possible risk to the child, what is happening to the child in the meantime, and whether the child is being properly cared for.¹⁰⁵

- **They also cooperate with the school**, obtaining information that is already available to the court, but they can still cooperate. They can contact the school on their own initiative.

¹⁰⁵ Stankić Rupnik Z., The voice of the child in non-contentious proceedings (2023) Judicial Bulletin, No. 3/2023
<[https://sodnapraksa.si/search.php?q=najve%C4%8Dja%20korist%20otroka&database\[SOSC\]=SOSC&database\[SOPM\]=SOPM&_submit=i%C5%A1%C4%8Di&order=date&direction=desc&rowsPerPage=20&page=0&id=52474](https://sodnapraksa.si/search.php?q=najve%C4%8Dja%20korist%20otroka&database[SOSC]=SOSC&database[SOPM]=SOPM&_submit=i%C5%A1%C4%8Di&order=date&direction=desc&rowsPerPage=20&page=0&id=52474)>.

- **They cooperate with health professionals**, e.g. the child's paediatrician, to obtain information about the child's health.¹⁰⁶
- As a rule, they have no contact **with the court expert**. The court expert may, however, contact the guardian ad litem and ask him questions. It is good practice for the guardian ad litem to report the contact to the court (due to the adversarial nature of the proceedings, so that both parties are informed of the contact). The guardian ad litem may contact the court expert and ask whether he or she considers it important to prepare the children for the interview with him or her (to talk to the children about the role of the expert). The guardian ad litem may be better able to prepare the children for the interview with the expert than the parents, who are in conflict with him.
- They decide on measures to protect the children (e.g. what kind of contact would be in the best interests of the child) and submit a proposal to the court.

The guardian ad litem does NOT:

- **Interpret what the child has said, what is true and what is not.** Assess the risk to the child and present it to the court. Other services, e.g. court experts, are responsible for signs of violence.
- **The guardian ad litem should not have contact with the parents.** They do not "help" the parents or discuss their case with them, as the parents have their own lawyers with whom they can consult. The guardian ad litem is not their lawyer and does not represent their interests, but rather the interests of their children.
 - The parents support the guardian ad litem to the extent that he or she can contact the child, arrange the first meeting and bring the child to subsequent meetings.
 - Minors who have already reached the age of 15 are invited to the meeting directly, while younger children are invited through their parents.
- **The role of the guardian ad litem is not to be present during the child's contact with the parents and to supervise them.** Sometimes, contact in the presence of the guardian ad litem is carried out on the basis of a court decision (most often this is stated in a temporary order) if there is no other option and it is in the best interests of the child. This does not involve supervised contact, but rather contact in the presence of a third party, who may also be the guardian ad litem. In this case, the guardian ad litem sends a report on the contact to the court.

Important! The child's refusal of contact must be taken into account as a circumstance that requires a reassessment of the usefulness of contact for the child; this circumstance must not be overlooked and the child must not be forced into contact with the help of the guardian ad litem.

¹⁰⁶ At the same time, it is important to note that healthcare professionals, healthcare workers and persons who have access to data due to the nature of their work are obliged to protect professional secrets, i.e. information about patients, including children, in accordance with Article 45 of the Patient Rights Act (ZPacP). According to this article, the aforementioned persons are obliged to protect as professional secrecy everything they learn about a patient in the course of their profession or work, in particular information about their health, personal, family and social circumstances, and information relating to the diagnosis, treatment and monitoring of illnesses or injuries. Children who have reached the age of 15 may, under certain conditions, determine to whom, when and what information about their health condition may, must or may not be disclosed by a doctor or other person authorised by the doctor. However, it follows from the same legal basis that a doctor is obliged to report any suspicion of a criminal offence against life and limb, a criminal offence against sexual integrity, and a criminal offence against marriage, family and youth, **in which a child was involved as the victim**.

Important! The guardian ad litem may explain to the court why he or she believes that a particular task does not fall within his or her remit.

In practice, conflict guardians have different approaches to children. **As part of this training, we advocate the following as good practice for conflict guardians working with children:**

- The guardian ad litem strives to see the child. To get to know them, to find out who they are, what they are like, and for the child to get to know the person who represents their interests and benefits.
- The guardian ad litem talks to the child if appropriate.
 - The conversation is open in nature, allowing the child to speak freely. The guardian does not interrogate the child about what happened at a particular moment.
 - The conversation is conducted alone, without the parents present. The child is given the opportunity to express their wishes and expectations regarding the proceedings and what they want the guardian ad litem to communicate to the court. The child is explained that the court is not necessarily bound to follow the child's opinion in its decision. It may take it into account, but it is not obliged to follow it in its decision.
 - Do not talk to the child if they are too young or if the conversation would place an unnecessary additional burden on them.
 - Check in advance whether the child has already been interviewed by other services (e.g. social services, police, court experts) from which reliable information on the matter in question could already have been obtained.
 - If the child has been exposed to multiple interviews, only interview them if additional clarification is needed or if new questions have arisen.
- The collision guardian adapts the time and location of the meeting to the child. The time is adapted to the child's schedule (as far as possible), and the location of the meeting is chosen to be a place where the child feels comfortable and at ease (e.g. in front of the school, in a park, in a library, or even in the guardian's office).
- The conflict manager may give the child their (work) telephone number so that they can contact them when needed. This helps to establish a more trusting relationship with the child.
- They prepare the child for the meeting with the court expert, if appropriate (check with the expert in advance).
- For example, if there is no contact, they offer the child the opportunity to communicate with their parent through them. At the same time, there are professionals at the CSD, child advocates and other professionals to whom the guardian ad litem can refer the child.

Important! The guardian ad litem formulates the will on behalf of the child, which cannot be interfered with by their legal representative (e.g. parent). In doing so, they realise the child's right to be heard.

3.5.4.1. Determining the duties of the guardian ad litem in a court decision

The tasks of the guardian ad litem are not defined in legislation. The tasks of the guardian ad litem are derived from the appointment decision. The court or the CSD decides on the duties and powers of the guardian ad litem, taking into account the circumstances of each specific case. The guardian ad litem represents the child only in matters that are decided in the specific case.

Comment: In practice, judges define the tasks of the conflict guardian to varying degrees in court decisions. Some judges describe the tasks of the conflict guardian in more general terms, while others are more specific. In most cases, the tasks are not defined specifically enough. In some decisions, the tasks are not apparent at all. Sometimes, the decision specifies a task that cannot be performed. For example, the court orders the guardian ad litem to talk to the child and convey his or her opinion, which is often impossible because the child is too young, has special needs, or has already been involved in too many conversations with adults. Sometimes the guardian ad litem cannot talk to the child because the parent does not allow it, and the guardian has no leverage to ensure that the conversation takes place.¹⁰⁷

Comment: The court can specify exactly what it expects from the guardian ad litem in each specific case. For example, that they visit the child at home, talk to them, visit them at nursery, at their foster parents' home, etc.

Important! When defining tasks, care must be taken to ensure that the court does not extend the powers of the guardian ad litem to other professional areas that require specific knowledge and skills. This is a legal and not an advisory therapeutic role, which must be preserved for the sake of the systemic protection of children.

For more information **on how a guardian ad litem works in practice**, we recommend reading the article by guardian ad litem and lawyer Zoran Stankić Rupnik, *The voice of the child in non-contentious proceedings*, which is available [at the link](https://rm.coe.int/legal-analysis-slovenia-juvenile-proceedings-slo/1680b1d044).¹⁰⁸

¹⁰⁷ Murgel et al., Recommendations for more effective safeguarding of the best interests of the child in civil proceedings in Slovenia (2024), *Joint project of the European Union and the Council of Europe*. <https://rm.coe.int/legal-analysis-slovenia-juvenile-proceedings-slo/1680b1d044>

¹⁰⁸ Stankić Rupnik Z., The voice of the child in non-contentious proceedings (2023) Judicial Bulletin, No. 3/2023
<[https://sodnapraksa.si/search.php?q=najve%C4%8Dja%20korist%20otroka&database\[SOSC\]=SOSC&database\[SOPM\]=SOPM&_submit=i%C5%A1%C4%8Di&order=date&direction=desc&rowsPerPage=20&page=0&id=52474](https://sodnapraksa.si/search.php?q=najve%C4%8Dja%20korist%20otroka&database[SOSC]=SOSC&database[SOPM]=SOPM&_submit=i%C5%A1%C4%8Di&order=date&direction=desc&rowsPerPage=20&page=0&id=52474)>

3.6. Differences between the work of a children's advocate and a guardian ad litem

A guardian ad litem and a child advocate perform different tasks and play different roles in relation to the child. Their roles are different but complementary.¹⁰⁹ The only similarity between them is that both focus on the child and on ensuring the child's best interests.

The following table summarises the differences between the two institutions:

Conflict guardian	Child advocacy
A guardian ad litem is a person with legal knowledge, usually a lawyer.	A child advocate is a person who is professionally qualified to talk to children (in accordance with <i>the Rules on the Procedure for Inclusion in the List of Child Advocates</i>). At least a college degree and at least five years of work experience in the field of working with children or in the family field are required. In practice, child advocates are special educators, social workers, psychologists, teachers, preschool teachers, social pedagogues, and lawyers (rarely).
A guardian ad litem provides legal protection for a child in cases where there is a conflict of interest between the child and his or her parents.	An advocate enables the child to form and express their opinion, their voice, in all proceedings where decisions are made about them. The purpose of advocacy is to relieve the child and enable them to express their opinion if they so wish.

¹⁰⁹ The roles of the two institutions were also defined by the Higher Court in Ljubljana in its decision VSL Decision IV Cp 474/2023.

The role of the guardian ad litem is to protect the rights of the child and to perform procedural acts on their behalf. The primary task of the guardian ad litem is not to relieve the child and offer them psychosocial assistance, although this may also occur in practice.	The advocate works with the child to form an opinion, which is then communicated to the court, other authorities and the parents, if the child agrees. The advocate is not a legal representative (such as a guardian ad litem) and does not give expert opinions (such as a court expert). Their task is exclusively to convey the child's voice in the proceedings, in agreement with the child.
Duration: the guardian ad litem meets with the child less frequently (in practice, sometimes not at all).	The advocate stays with the child for about two months – meeting with them at least eight times.
There is no special training for conflict guardians. Mandatory training is not required by law. Individual lectures on the work of conflict guardians are organised.	The training is theoretical and practical – after a condensed (60-hour) theoretical part, the candidate for guardian participates in supervision and intervention. Once they have fulfilled the conditions, they are assigned their first case, which they handle under supervision. Upon successful completion of the case, they write an exam paper, which they defend before a special commission. Details are specified in the Rules on Inclusion in the List of Advocates. The Ombudsman organises regular additional training courses, depending on the needs and wishes of the participants in the advocacy programme. Special skills: advocates must have previous experience working with children and must undergo an interview with the commission before being accepted into the training programme (they may be rejected). The network of advocates also includes advocates with special skills, so children with special needs also have access to an advocate.

The work of the guardian ad litem is exclusively related to court proceedings. Access to information: The guardian ad litem has access to all documentation related to the proceedings in which he or she is involved.	The work of an advocate is related to any proceedings (judicial or other) and other matters (e.g. social welfare services, school). An advocate represents the voice of the child in the proceedings or matter in which the child is involved. The advocate is not informed in detail about the proceedings or matter itself in order to ensure the advocate's independence. In order to decide on the merits of the initiative, the Ombudsman obtains information about the child's family dynamics and the proceedings or matter. The Ombudsman provides the coordinator with the essential information, who then proposes an advocate. The advocate is there for the child, not for the proceedings as such. Access to information: The advocate receives only the most basic information about the proceedings in order to establish a relationship with the child as successfully as possible and to maintain a neutral role.

A guardian ad litem may be appointed for children up to the age of 15. Children may retain their guardian ad litem if they were appointed before reaching the age of 15 and if the court considers that representation by a guardian ad litem is still necessary. There is no lower age limit for the appointment of a guardian.	Guardianship is available to children up to the age of 18 and may continue after they reach the age of majority if it was appointed earlier. There is no written lower limit, but in principle, a guardian is appointed to children who are emotionally, intellectually and verbally mature enough to be able to cooperate with the guardian.
A guardian ad litem is appointed to a child even if the child does not agree to it.	Inclusion in advocacy is voluntary. If the child rejects advocacy and does not agree to it, advocacy is not carried out. The child may refuse advocacy regardless of age.
The guardian ad litem has no contact with the parents. They do not answer questions related to the parents' interests in the proceedings, as the parents have their own lawyer for this purpose.	The advocate has no contact with the parents. He or she focuses solely on the child. As a rule, he or she only meets with them at the first introductory meeting with the child, which is attended by the child, the parents, the child's advocate and the advocacy coordinator. In the advocacy process, only the regional advocacy coordinator has contact with the parents, and possibly also the case manager at the Human Rights Ombudsman.

Conflict guardians do not have access to supervision and intervention meetings. Some consult internally on matters, although regular meetings for the purpose of relief and consultation would be beneficial.¹¹⁰	Supervision and intervention are regular and mandatory.
The work of the conflict guardian is supervised by the court that issued the decision, as well as by the CSD, which may request an annual report from the conflict guardian.	Each advocacy case is regularly and closely monitored by the regional coordinator and the Ombudsman, who respond immediately to any problems that may arise.
When a court appoints a guardian ad litem in court proceedings, the costs of their work are covered by the court's budget.	The costs incurred in the course of advocacy are covered by the Ombudsman from its budget (transport, meals, other necessary expenses and a symbolic allowance (remuneration)).

Comment: While the differences between the work of a collision guardian and a children's advocate are clear in theory, problems with understanding the work of both arise mainly in practice in certain areas. This can lead to misunderstandings about the roles and responsibilities of each, or to a reluctance on the part of officials to appoint both a guardian ad litem and a child advocate when necessary.

¹¹⁰ Bajt A., Bervar Sternad K., *Gap analysis and recommendations for education and training in the field of ensuring the best interests of the child in civil court proceedings in Slovenia* (2024), Joint EU-Council of Europe project "Ensuring the best interests of the child in civil court proceedings in Slovenia" 23SI08

Does a child always need a guardian ad litem and a child advocate?

It depends on the case. In many cases, both are needed in the proceedings, as one does not take over the work of the other, but rather they complement each other in protecting the child's interests. The use of both enables the child to take advantage of what the system has to offer, but caution is needed. The effectiveness of legal proceedings and the protection of the child and his or her interests can be increased through the use of various institutions, but this can also be stressful for the child.

In practice, problems arise because there is often a desire (well-intentioned) to give the child everything the system has to offer, which is not in the child's best interests, as many proceedings are similar, the child is involved in them for the same reason and with a similar purpose, and sometimes has no influence on the proceedings. We particularly advise against multiple similar treatments at the same time (e.g. advocate, psychologist, child psychiatrist, psychotherapist, etc.).

Important! Great care must be taken not to burden the child with all the institutions and proceedings. It is also essential to make the parents themselves aware of this.

Sometimes an advocate is sufficient. When there is no conflict of interest and the child does not need legal representation, but is a subject in proceedings that will determine their future, they do not need a guardian ad litem, but an advocate. With their help and support, children can express their opinions in accordance with their age and abilities. They offer children psychosocial support and provide them with a space to express their feelings and deal with any trauma they may have experienced in their family. They do not need representation in the legal sense, they just need someone to help them convey their opinion and relieve them of their burden.

Can one person perform the work of another?

If a child has a guardian ad litem and an advocate, it is very important that the former makes use of the latter's work.

Comment: The guardian ad litem can conduct the conversation in the presence of the advocate with whom the child has already established contact. The advocate is invited to the conversation, which makes the child feel more comfortable. If the conversation with the child has already taken place several times, the guardian ad litem does not need to talk to the child, but can work closely with the advocate.

The guardian ad litem can see from the file whether a guardian has been appointed for the child and, if so, who. Contact details are obtained from the file or through the regional coordinator/Ombudsman.

If the CSD or the court shares information with the Ombudsman that the child already has a guardian ad litem before the advocate, then the coordinator and the advocate also receive this information. In practice, the guardian ad litem also informs the Ombudsman that the child already has an advocate. Responses and experiences of cooperation vary.

The guardian ad litem may propose that a guardian be appointed for the child. In conversation with the child, he or she may find that the child's relationship with his or her parents is very stressful (e.g. the child loves his or her father but does not want to have contact with him). The guardian ad litem may also propose to the parents themselves that they give their consent to the appointment of a guardian.

3.7. Lawyers representing the parties in the proceedings

*"Often, lawyers do not act in the best interests of the child in their submissions, manner of communication, presentation of evidence, or even their behaviour in the courtroom. They may be acting in accordance with the wishes and expectations of their clients, but if lawyers acted professionally, expertly and according to their conscience, in accordance with the code of conduct for lawyers, they would have to set aside the expectations of their clients in this regard. In my opinion, the mandate relationship is terminated in the best interests of the child."*¹¹¹

Mag. Mihela Pašek, Maribor District Court

The Code of Professional Ethics for Lawyers (OZS) does not contain any specific provisions obliging lawyers to protect the best interests of children in proceedings. However, lawyers – like courts and other parties involved in family proceedings – must act in the best interests of the child in all activities and proceedings relating to the child, as stipulated in Article 7 of the Family Code. In addition, lawyers must take into account international instruments that are binding under Slovenian law in their work. According to Article 3 of the Convention on the Rights of the Child, they are obliged to ensure that the best interests of the child are the primary consideration in all their activities.

Comment: Pursuing the interests of the client regardless of the best interests of the child, burdening the court with numerous unnecessary motions, abusing procedural rights, such as excessive filing of temporary injunctions and legal remedies, and behaving inappropriately towards other participants in the proceedings **are actions that do not pursue the best interests of the child.**

Does the court have the discretion to deny a lawyer the right to represent their client if the lawyer does not pursue the best interests of the child as seen by the court?

Not just because the lawyer does not pursue the best interests of the child as seen by the judge. The court may punish a lawyer for abuse of procedural rights under Article 11 of the Civil Procedure Act or for insults, obstruction of work and failure to comply with orders to maintain order (Article 304 of the Civil Procedure Act), but these provisions are applied restrictively. The judge may notify the Slovenian Bar Association of the lawyer's inappropriate behaviour. The judge may not interfere with the parties' right to freely choose their lawyer. Even if the judge removes the representative from the hearing in accordance with Article 304 of the ZPP, the same lawyer may still represent the party in the further proceedings. This issue is more a matter of legal ethics.

¹¹¹ National Assembly, A judge's view of current problems in family matters, Consultation in the National Assembly of the Republic of Slovenia on 27 November 2024. The position and role of the child in lengthy court proceedings. (2024). <<https://imss.dz-rs.si/IMiS/ImisAdmin.nsf/IMiSNetAgent?OpenAgent&2&DZ-MSS-01/d5ad31982c5bb335964a03635175c52c81675160b26813e3f495664e27c5ba21>>.

3.8. State Attorney's Office of the Republic of Slovenia

 Pursuant to Article 46 of the ZNP-1, if the court assesses that, **in order to protect the interests of children and due to the complexity of the case**, representation by a lawyer or other person who has passed the state bar exam is necessary, **the court may request the State Attorney's Office of the Republic of Slovenia to take over the representation of the social work centre.**¹¹² Otherwise, the CSD may also perform procedural acts in proceedings before the court of first instance through a professional employee authorised by the director.¹¹³ The provision applies only to non-contentious proceedings regulating personal status and family relations.

 The State Attorney's Office may also represent the CSD in proceedings before domestic courts on the basis of the third paragraph of **Article 12 of the State Attorney's Office Act**, provided that the formal and substantive conditions are met. In this case, the assessment is made by the State Attorney's Office, which may refuse representation with a reasoned opinion of the State Attorney General.

3.9. Mediation¹¹⁴

3.9.1. Mediation — general, types and significance

3.9.1.1. Introduction

Mediation is one of the alternative (peaceful) methods of dispute resolution¹¹⁵. The Civil and Commercial Mediation Act (ZMCGZ)¹¹⁶ defines mediation in Article 3 as a process in which the parties voluntarily attempt, with the help of a third neutral person (mediator), to reach an amicable settlement of a dispute arising from or relating to a contractual or other legal relationship. It is an informal but structured process with the assistance of a third neutral person. Article 2 of the ZMCGZ defines the scope of application of the Act. Among the types of disputes, it also lists disputes arising from family relationships, in which the parties are free to dispose of their rights and settle their claims, unless otherwise provided by a special law¹¹⁷.

3.9.1.2. Types of mediation

Mediation is a general term. However, it has certain specific features depending on: the type of dispute, the type of procedure and the mediator's activity. There is mediation in family disputes, commercial disputes, civil disputes, administrative disputes, environmental disputes, labour disputes, consumer disputes, pre-trial proceedings, disputes between peers in schools, disputes between different groups of

¹¹² Second paragraph, Article 46 of ZNP-1.

¹¹³ First paragraph, Article 46 of ZNP-1.

¹¹⁴ Subchapters 3.9.1. – 3.9.10 were prepared by **Gordana Ristin**, Vice-President of the Slovenian Mediators Association and mediator. Subchapter 3.9.11 was prepared by the authors and editors of educational materials.

¹¹⁵ Hereinafter ARS.

¹¹⁶ Official Gazette of the Republic of Slovenia, No. 56/2008.

¹¹⁷ Editor's note: e.g. in cases of domestic violence, where mediation is prohibited (Article 22.e, ZPND).

people in the local community, or disputes between countries. Mediation can be organised in court or in various organisations.

Mediation can be classified according to the mediator's activity. For learning purposes, we distinguish between:

Facilitative mediation. When the mediator takes a more passive role in directing the process, listening to both parties, giving them a chance to speak, summarising their common interests and calming strong emotions, we refer to this as facilitative mediation.

Evaluative mediation. When the mediator uses questions to encourage the parties to evaluate their own positions and those of the other party, they are also indirectly asking about the legal basis and perspective of the dispute. This is a more evaluative approach to mediation.

Transformative mediation. The mediator may reflect the parties' statements and use other techniques aimed at improving relations and working primarily in joint meetings. This is referred to as transformative mediation¹¹⁸.

Integrative mediation. When the mediator uses all methods of mediation and adapts to the stage of the process, the dispute and the parties, we refer to integrative mediation.

A skilled mediator is facilitative in the initial phase, then uses questions to help the parties assess their position in the dispute, works on the relationship and, if necessary, adapts the techniques (integrative) to the parties and the dispute. In most cases, relationships are repaired (especially in family disputes), but not always.

3.9.1.3. The importance of mediation

Peaceful dispute resolution is a civilised value that is important in all types of disputes. It is also important from an economic point of view, as mediation is faster and cheaper than years of litigation. However, when no agreement is reached, the parties must be assured that they always have the option of seeking protection in court. It is therefore not a matter of "competition" between court proceedings and ADR. Parties must be given time to decide on mediation before filing a lawsuit, during the trial, and also after the trial has ended.

Important! Mediation also plays an important role in speeding up proceedings and reducing court backlogs.

3.9.2. Basic principles of the mediation process

The mediation process is informal, but it has a certain structure and principles. There are several principles that are specific to this process. **The basis of mediation is the principle of party autonomy**, including in a procedural sense. Some principles already stem from the objectives of mediation. If the parties do not specify this in the mediation agreement, the provisions of the ZMCGZ apply.

¹¹⁸ However, even in this type of mediation, even if it concerns a family dispute, the mediator must take into account the interests of the child and therefore also assess the child's situation.

Article 4 refers to the principles: the principle of voluntariness, equal treatment of parties, confidentiality and impartiality of the mediator. However, there are other principles in the mediation process¹¹⁹.

The principle of confidentiality of the procedure. If no settlement is reached, the mediation procedure has no consequences for the lawsuit. The procedure is confidential in the relationship between the mediator and the parties, between the mediator and the judge, and in relation to the public. The ZMCGZ does not specify sanctions in the event of violations, but there is a compensation sanction under the Obligations Code. The mediator may hold separate meetings with the parties, and the parties may also propose this. The mediator may disclose all information from a separate meeting if this is useful for the mediation, unless the parties do not allow this (Article 10 of the ZMCGZ). Evidence is dealt with in Article 11 of the ZMCGZ.

Principle of mediator impartiality. The mediator may not perform his or her duties if there are circumstances that raise doubts about his or her impartiality or independence. This must be disclosed to the parties immediately (Article 7 of the ZMCGZ). This is binding for the duration of the proceedings. If doubts arise about the mediator's impartiality, the parties may propose his or her exclusion.

Principle of voluntariness. When introducing any alternative dispute resolution, the first question to be answered is whether participation in the procedure should be mandatory or voluntary. The existing model of mediation is such that the parties can voluntarily choose whether to participate in this method of dispute resolution. Exceptions are provided for in the Alternative Dispute Resolution Act (ZARSS),¹²⁰, which specifies exceptions in Articles 21 and 19. Each party and the mediator may withdraw their consent at any time, and the case is then referred to the presiding judge. The mediator terminates the mediation when he sees that the parties are moving away from a solution and he cannot help them.

3.9.3. Regulations on mediation

The objectives of regulation in the field of ADR may be to promote the use of ADR, regulate the procedure and regulate ADR service providers.

EU Member States have different regulations on mediation, except for those regulated by Directive 2008/52/EC. ADR is mainly based on the general principles of contract law, civil procedural law, domestic law and private international law¹²¹. In EU law, mediation is considered in the context of improving access to justice. This is already evident from the Green Paper on ADR in civil and commercial matters, published by the European Commission on 19 April 2002 (COM (2002) 196 final). In the field of consumer law, the European Commission has published a Green Paper on consumer access to justice and the settlement of consumer disputes in the single market (COM (93) 576 final) and, in the area of cross-border disputes, a Green Paper on cooperation in the field of civil justice (COM

¹¹⁹ For more on the basic principles, see Ristin. G.: *Mediation in Theory and Practice*, DMS, Ljubljana 2011, pp. 79 to 88.

¹²⁰ Official Gazette of the Republic of Slovenia, No. 97/2009.

¹²¹ Betetto., N.: *Mediation in Theory and Practice*, DMS, Ljubljana 2011, pp. 69-77.

(2000) 51 final). These regulations were followed by Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008.

Although not a binding formal source of law, the acts of the Council of Europe are also important, as they carry weight through the force of their arguments. To date, the Council of Europe has issued four recommendations in the field of mediation: Rec (98)1 of 21 January 1998 on family mediation, Rec (99)19 of 15 September 1999 on the use of mediation in criminal matters, Rec (2001)9 of 5 September 2001 on the possibilities of ADR between administrative authorities and private parties, and Rec (2002)10 of 18 September 2002 on mediation in civil disputes. In 2007, a special working group of the Council of Europe's CEPEJ body prepared guidelines for better implementation of existing recommendations.¹²²

Mediation in Slovenian law

The Civil and Commercial Mediation Act (ZMCGZ) regulates mediation uniformly, regardless of whether the dispute is cross-border or not. It applies to both *ad hoc* mediation and mediation organised by special institutions.

Alternative Dispute Resolution Act (ZARSS)

The ZARSS broadens access to judicial protection in civil law disputes and introduces mediation in courts. Two regulations have been issued on the basis of the ZARSS:

- **Regulations on mediators**, which regulate the maintenance of a list and central register of mediators working in court programmes; the conditions for issuing permits to alternative dispute resolution providers for the inclusion of mediators on the list; training and other conditions that mediators must meet, and supervision of the work of mediators.
- **The Rules on Remuneration** determine the amount of remuneration and reimbursement of travel expenses in court programmes. The application of the Act is limited to certain types of disputes (Article 2 of the ZARSS) – it applies to disputes arising from economic, labour, family and other civil law relationships.

One of the objectives of the ZARSS is to ensure minimum quality standards for mediators in court mediation programmes. **Mediation may only be conducted by mediators who are included in the lists of mediators (Article 7 of the ZARSS).** The list is maintained by the court that directly organises and implements the mediation programme (court-affiliated mediation) or by an external ARS provider that implements the programme for the court and is licensed by the ARS Council (court-related mediation).

Pursuant to Article 22 of the ZARSS, participation in mediation in disputes between parents and children and in labour disputes due to termination of an employment contract is **free of charge for the parties**, regardless of the duration of the mediation. In commercial disputes, mediation is fully payable

¹²² [Http://www.coe.int/t/dghl/cooperation/cepej/mediation/default_en.asp](http://www.coe.int/t/dghl/cooperation/cepej/mediation/default_en.asp), last accessed on 15 December 2010.

by the parties. In other disputes, the first three hours of mediation are free of charge for the parties (the parties only cover their own costs, e.g. for representatives).

Civil Procedure Act (ZPP¹²³)

The ZPP provides for forms of ADR, regardless of whether they are conducted completely independently of the court or whether they are part of an alternative dispute resolution programme associated with the court – in connection with the institution of settlement hearings. In order to attempt to resolve the dispute using one of the forms of ADR, the court may suspend the proceedings for a maximum of three months if the parties agree to use such a procedure (Article 305.b/3 ZPP).

Other regulations

Several laws regulate dispute resolution with the help of a neutral third party in certain special areas. For issues not covered by special regulations, the ZMCGZ applies. This group includes, for example: the Employment Relationships Act, the Financial Instruments Market Act, the Insurance Act and the Investment Funds and Management Companies Act. The same applies to the Copyright and Related Rights Act, the Electronic Communications Act, the Patient Rights Act (ZpacP) and the Free Legal Aid Act, the Family Code and other regulations.

3.9.4. Stages of mediation

Although mediation is an informal process, it has a certain internal structure that is recommended.

The mediation process (after the conclusion of the mediation agreement) consists of the following stages:

- i. introductory remarks by the mediator,
- ii. introductory statements by the parties,
- iii. exploration,
- iv. negotiations,
- v. drafting of an agreement or farewell.

It is important that the mediator also knows and applies the 4 Harvard Rules¹²⁴ :

- separate people from interests,
- focus on interests, not positions,
- seek possible solutions to achieve common interests, and
- use objective criteria.

Throughout the process, the mediator adapts the course of the proceedings to the dispute and the parties. Only when all the parties' interests are known can the mediator move on to specific interests

¹²³ Official Gazette of the Republic of Slovenia, No. 26/99, consolidated text and subsequent amendments.

¹²⁴ Fisher, R., Ury, W.: Getting to Yes, Random House Business Book, London 1991, p. 1.

by summarising the common interests. This is followed by the negotiation phase and the drafting of the agreement.

The mediator uses specific techniques in each phase, but some techniques are basic and are used in all phases of the process:

- active listening,
- reframing,
- asking the right questions,
- mirroring,
- managing strong emotions.

In the continuation of mediation, other techniques are also used:

- establishing a balance of power,
- separate meetings,
- onion peeling,
- value pyramid,
- reality testing,
- breaking the deadlock,
- decision tree,
- etc.

3.9.5. Mediator

The role of the mediator is very important for the successful course of mediation. Although the parties are at the forefront of mediation, it is the mediator who moderates the process, using special techniques to re-establish good communication between the parties. This does not only mean that the mediator enables each party to tell their side of the story, their wishes and needs, but also that the other party hears them as interests and not as positions. This requires certain human qualities. A good mediator is not only willing to help people resolve disputes, but also has the necessary training.

Important! In family mediations, where the interests of children are paramount, it is highly recommended that a person with psychological knowledge (psychologist, social worker, etc.) participate as a (co-)mediator.

Special regulations and rules determine who can be a mediator. In addition to the prescribed education, they must complete at least 40 hours of training with prescribed content, pass an exam, and undergo additional training each year. They must be flexible and patient and must not put pressure on the parties. Mediators must identify the parties' real interests, which are not apparent from the documentation submitted, and consequently help them to recognise these interests, which are hidden behind the positions they express outwardly, and then work with the parties to find a solution that will satisfy these interests.

The mediator remains in the role of a kind of "moderator" of the negotiations between the two parties throughout. At the stage when actual and realistic proposals for settlement are made, the mediator's role becomes more active, first encouraging the parties to seek solutions themselves and only if this is truly

impossible does the mediator carefully present possible options¹²⁵. In doing so, the mediator is not bound by the claim and can give full expression to his or her creativity. The mediator only makes a proposal as a last resort to break the deadlock in the negotiation process. This means that the parties will be more likely to comply with such an agreement voluntarily, and above all, the solution is future-oriented and regulates future relations between the parties.

3.9.6. Differences between a court settlement and a mediation agreement

The settlement phase in mediation has certain characteristics that distinguish it from **court settlement**. There are also differences when comparing court settlement and evaluative mediation. This is even more true for facilitative mediation. Court proceedings, including court settlement, are based on the authority of the judge. For this reason, a procedural settlement concluded before the court is often less a resolution of the dispute in terms of the autonomy of the parties and more an approximation of a judgment in the form of an accepted judicial "arbitration" proposal. The judge is a person who acts in an official capacity as the holder of judicial power. In contrast, the mediator derives his power from the fact that the parties consider him to be a neutral person who will help them reach an amicable resolution of their dispute.

There are also certain differences

- the confidentiality of the mediation process,
- separate meetings as a mediation technique,
- the use of mediation techniques,
- the principle of informality of the mediation process.

The mediation process is much less formal than court proceedings. The procedural rules are flexible, there are no unnecessary formalities or rules of evidence. Informal contacts between the mediator and the parties are extremely important. The atmosphere should be more like an informal discussion than a formal hearing for the main hearing. A court settlement is an enforceable title. If an agreement is reached in mediation in court-related proceedings, it is only a draft and not yet a contract. The parties must still go to the judge to have the court settlement approved. In mediation outside court, the agreement is a contract that is not yet enforceable. The parties can have the agreement made enforceable by a notary or in court (except in family disputes).

3.9.7. Mediation at social work centres

After prior counselling at the social work centre, which was unsuccessful, mediation may be useful, and the social work centre employee proposes mediation. Either parent may also submit a proposal. **This is**

¹²⁵ Betteto, Nina: Methods and techniques of mediation in civil proceedings, PP 1-2/2002

an important new development under the Family Code, as mediation in family disputes is now possible before filing a lawsuit, during the trial and after the trial.

Important! A professional who has participated in mediation may not participate in the preparation of an opinion for the court in proceedings for the protection of the interests of the child (Article 210 of the Family Code).

After the proceedings are completed, a report on the mediation is drawn up. Among other things, the report contains proposals for a divorce by mutual consent, for a court settlement on the care and upbringing of children, on child support, and on contact with parents and third parties (Article 32 of the Rules on the Implementation of Mediation under the Family Code).

The duration is 3 months.

3.9.8. Special features of mediation in family disputes

Family disputes arise from family relationships. Mediation is conducted before, during and after the end of court proceedings (Article 205 of the Family Code). The Family Code states that, in addition to personal relationships, family mediation may also regulate property relations between parents. **All family mediations are free of charge.**

The mediator may also involve the child in the mediation if the child is capable of understanding the meaning and consequences of mediation and if the mediator assesses that this is in the child's best interests (Article 210 of the Family Code). The mediator looks after the best interests of the child (principle of the best interests of the child). Even when an agreement is reached between the parents, this agreement will still be reviewed by a judge. If the judge finds that it is not in the best interests of the child, they will not allow the court settlement (Article 412 of the Civil Procedure Act).

Important! In cases of suspected domestic violence, mediation is not carried out.

If the mediator learns that a child is at risk, they will notify the social services centre. In this case, the principle of confidentiality does not apply, as the interests of the child take precedence.

When working in family mediation, the mediator uses the following techniques in particular:

- managing strong emotions,
- validation,
- mirroring,
- reframing,
- asking the right questions,
- separate meeting,
- pyramid of values
- magic shop.

The specifics of the process stem from the child's situation: the relationship between the partners has ended, but the parental relationship will continue until death. Mediation can restore the

relationship between the parents, which has a positive effect on the child and their agreement on all contentious issues.

It is necessary to talk about the feelings of the child as well as those of the parents. However, it is important to note that family mediation is not family counselling in the sense of psychotherapy. Therefore, in the end, it is necessary to focus on all the issues that need to be resolved: where the child will live, maintenance, contact, holidays and, if desired, property relations.

3.9.9. Regulations in the field of family relations and mediation in family disputes

In addition to the regulations on mediation listed in 2.6.3., family mediation is regulated by the Family Code (DZ)¹²⁶ and by a subordinate act. The Rules on the Implementation of Mediation under the DZ¹²⁷ regulate the work of family mediators. Article 14 requires the mediator to invite the parties to the first meeting within 14 days of the assignment of the case.

Mediation begins on the date of signing the mediation agreement and lasts for three months.

If there are difficulties in **enabling the child to express their opinion**, the parents, the child or the competent institutions may contact the Human Rights Ombudsman, who may appoint a children's rights advocate for the child. The mediator may assess whether the child should be involved in the mediation and whether a child rights advocate is needed. However, their presence is not mandatory. If there is a conflict of interest between the child and their legal representatives, the court may appoint a special guardian ad litem for the child (Article 142 of the Family Code). The mediator shall also assess whether the child's participation in mediation is necessary on the basis of discussions with the participants in the mediation. However, the mediator must inform the parties and the guardian ad litem thereof.

¹²⁸, we ratified the Convention on the Civil Aspects of International Child Abduction (the Hague Convention) back in 1993. This also encourages discussions between parents and includes peaceful dispute resolution or mediation. This is a good example of how, when we can establish a safe environment and the parents agree, even after "violence" such as child abduction, mediation is possible.

3.9.10. Prohibition of mediation in cases of suspected domestic violence

The Domestic Violence Prevention Act (ZPND)¹²⁹ defines domestic violence in Article 3: violence is any use of physical, sexual, psychological or economic violence by one family member (the perpetrator of violence) against another (the victim) or the failure of one family member to provide the necessary

¹²⁶ Official Gazette of the Republic of Slovenia, No. 15/17 and subsequent amendments.

¹²⁷ Official Gazette of the Republic of Slovenia, No. 76/19.

¹²⁸ Official Gazette of the Republic of Slovenia 23/1993.

¹²⁹ Official Gazette of the Republic of Slovenia, No. 16/08 and subsequent.

care for another, regardless of the age, gender or any other personal circumstances of the victim or perpetrator of violence, and the physical punishment of children. The Act then defines the individual types of violence.

When the mediator suspects violence, he or she must take action in accordance with the DZ. Article 210 of the DZ stipulates that in cases of suspected domestic violence, mediation between the parties shall not be carried out. According to Article 22.e of the ZPND, in cases of domestic violence, ARS is excluded – and therefore mediation is also excluded.

3.9.11. Additional information on the prohibition of mediation

As stated in **the Handbook for dealing with cases of children who are victims of violence, abuse or neglect**¹³⁰, the court is attentive to allegations of violence or power imbalance between parents from the outset of the proceedings. In such cases, it does not offer mediation, let alone encourage the parties to engage in it.

In cases of violence and unequal status of the participants, the court may not encourage the conclusion of agreements between the parents. If the parents (especially the victim) wish to conclude a court settlement regarding the arrangement of family relations despite the court's explicit warning, the court shall carefully assess whether the agreement is an expression of the free and genuine will of the parents and not the result of violence or the dominance of one parent over the other. It is also necessary to carefully assess whether the agreement is in the best interests of the child. If the agreement is not in the best interests of the child or even endangers the child, or if the proposed agreement is the result of the subordinate position of the victim of violence, the court shall not allow the conclusion of a court settlement.

Source: Mokbel B., mag. Oštir T., Stojnšek V., Tinta Tavčar V., Handbook for dealing with cases of children who are victims of violence, abuse or neglect (with a form for determining the level of risk to the child in family court proceedings)

3.10. Non-governmental organisations

Non-governmental organisations (NGOs) play an important role in family proceedings, where they operate primarily on the basis of their status **as public interest organisations in the field of social welfare** and their status **as public interest organisations for the performance of humanitarian activities in the field of social welfare**. They are often involved in cases of domestic violence and intimate partner violence, and their programmes address both victims of violence (adults and children) and perpetrators of violence.

¹³⁰ Mokbel B., mag. Oštir T., Stojnšek V., Tinta Tavčar V. (2025), Handbook for dealing with cases of children who are victims of violence, abuse or neglect (with a form for determining the level of risk to the child in family court proceedings), Joint project of the European Union and the Council of Europe "Ensuring the best interests of the child in civil court proceedings in Slovenia" 23SI08

3.10.1. Role and tasks of NGOs

The role of NGOs is advisory and supportive, as well as advocacy. Their task is to inform and empower clients and to participate in court proceedings at the request of the court.

Key roles of NGOs in family proceedings:

- **Counselling and support:** They provide psychosocial, legal and material assistance to parents and children dealing with changed family relationships (e.g. divorce), violence, difficulties in determining custody, contact and the like.
- **Representing the interests of children:** When working with children, they gain insight into the family and the child, enabling them to provide the court with additional information and propose solutions that are in the best interests of the child, which is crucial in court decisions.
- **Cooperation at the request of the court:** In some cases, the court invites NGOs with verified programmes and public interest status to cooperate as experts in providing opinions on family situations or proposing measures.
- **Implementation of court measures.** Some NGOs also implement court measures, e.g. by working with perpetrators of violence against children.
- **Liaison between stakeholders.** Depending on their capacities and capabilities, NGOs can also act as a liaison between the parties involved in the proceedings and the official authorities. NGO users have pointed out, for example, that the process was made easier by the fact that one organisation (e.g. a safe house, DNK) handled communication with all other institutions. The user was informed, but the conversation and coordination were handled by an NGO employee.
- **Implementation of programmes to strengthen parenting skills.** Counselling and education programmes help parents develop more constructive ways of communicating after separation.

3.10.2. The role of NGOs in cases of domestic violence



The role and tasks of NGOs in relation to domestic violence are defined in **the ZPND**, specifically in **Article 17**.

NGOs are required to treat cases of violence as a priority.¹³¹

Non-governmental organisations working in the field of addressing and protecting against violence carry out the following within the framework of their programmes:

- provide social advocacy and psychosocial assistance to victims
- provide accommodation programmes for the most vulnerable victims of violence and their children

¹³¹ Article 10 of the ZPND.

- participate in systemic changes to improve the rights and increase the protection of victims of violence
- organise programmes to teach perpetrators of violence about non-violent behaviour in interpersonal relationships with the aim of preventing further violence and changing violent behaviour patterns
- cooperate with authorities and organisations from various fields, such as the police, the public prosecutor's office, the courts, social services, health organisations and educational institutions.

Mutual information and assistance are key to preventing and detecting violence, eliminating its causes and providing assistance to victims in establishing conditions for a safe life, including in terms of legislation.¹³²

The advocacy role of NGOs

In cases of violence, the advocacy role of NGOs is even more important. When victims are not heard and taken seriously in their distress, it is much less likely that their safety will be ensured, so in such cases it is good for them to have the option of advocacy.

In her role as an advocate, the counsellor can contact various institutions and help to ensure that the victim's experience is taken into account and heard. In doing so, she encourages users to defend their rights and gather information themselves as much as possible, as this gives them a greater sense of power and control over the situation. In cases where the user is unable to do so, the counsellor helps in accordance with her/his wishes and interests. In situations where a minor or a person who, for various reasons (disability, etc.), is unable to take measures to protect themselves is at risk, the counsellor performs social advocacy tasks at her professional discretion and in accordance with the legislation and ethical principles of social welfare.

Within the framework of social advocacy in cases of violence, the counsellor:

- Establishes cooperation with social work centres, schools, kindergartens, safe houses, maternity homes, crisis centres, nursing homes and other organisations and institutions.
- Alerts persons working with victims of violence in other institutions and organisations to the specificities and characteristics of situations involving violence; presents the specificities of domestic violence to them and encourages them to take this into account in their work.
- It assists in organising the removal of victims of violence and their children from the environment in which they experience violence.
- It agrees with the organisations and institutions working with the victim that hearings and other procedures will be conducted in a manner that makes it easier for the user to participate in the process.
- Accompanies the user in contacts with other organisations, at oral hearings and team meetings.
- Assists victims of violence in obtaining legal information and organising legal assistance if they are unable to do so themselves for various reasons.

¹³² Article 10 of the ZPND.

- Reports violence to the social services centre or the police and submits written or oral requests to social services centres, public prosecutors and courts to convene teams, expedite proceedings or examine additional information.
- It writes or assists in writing complaints about minutes in which the views or words of the user have been neglected or incorrectly recorded.
- Writes or assists in writing complaints about the conduct of professional staff.
- Alerts ministries, the Office of the Human Rights Ombudsman and other services to systemic shortcomings in the resolution of individual cases of violence.

3.10.3. Sectoral NGOs in Slovenia

There are several organisations in Slovenia whose work is directly or indirectly related to family proceedings. Most of them get involved when there's violence in a family or intimate relationship.

NAME	HEADQUARTERS	WEBSITE	CONTACT
Association for Nonviolent Communication	Ljubljana, Koper	https://www.drustvo-dnk.si/sl/	LJUBLJANA 01 031 770 120 info@drustvo-dnk.si KOPER UNIT 05 031 dnk.koper@drustvo-dnk.si
SOS Telephone Association for Women and Children Victims of Violence	Ljubljana	https://drustvo-sos.si/sl_si/	01 drustvo-sos@drustvo-sos.si
Life Without Violence Association	Novo Mesto	https://varnahisano.vomesto.si/	031 696 389 drustvo.dzbn.nm@gmail.com
Regional Safe House Association	Celje, Velenje, Slovenj Gradec	https://varnahisa.si/	CELJE 03/ 492-63-57 051/233-894 VELENJE 03/ 897-66-90 031/243-071 SLOVENJ GRADEC

			02/ 882-94-35 031/234-404
Safe Haven Association	Ljutomer	https://dvz.si/	02 031 info@dvz.si
Association for Assistance to Women and Children Victims of Violence – Safe House of Gorenjska	Kranj	https://www.varnahisagorenjske.si/	+38 vhg@varnahisagorenjske.si
Stigma (Safe House)	Ljubljana	https://drustvo-stigma.si/	+386 info@drustvo-stigma.si
Women's Counselling Association	Ljubljana	https://www.drustvo-zenska-svetovalnica.si/	01 040 zenska@svetovalnica.org Crisis Centre kc@svetovalnica.org
Ključ Association – Centre for Combating Trafficking in Human Beings	Ljubljana	https://drustvo-kljuc.si/sl/domov/	080 17 22 info@drustvo-kljuc.si
Emma Institute	Ljubljana, Krško	https://zavod-emma.si/	01 080 21 33 (toll-free number) zavod.emma@siol.net
Youth Assistance Centre	Ljubljana	https://www.cpm-drustvo.si/	+386 lj-info@cpm-drustvo.si
Association Za Moč	Ljubljana, Maribor	https://zamoc.si/	LJUBLJANA 041 20 49 info@zamoc.si MARIBOR 041 info@zamoc.si
Association of Physically Disabled Persons VIZIJA	Slovenian horses	https://drustvo-vizija.si/	+386 +386

NGOs run various social welfare programmes, most of which are co-financed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MDDSZ). Lists of beneficiaries and information about their programmes are available on the MDDSZ website ([here](#)).

3.11. Educational institutions

The public network of specialist centres for children and young people with emotional and behavioural problems and disorders includes:

- **In the Central Slovenia and Gorenjska regions:**
 - Logatec Professional Centre,
 - Kranj Professional Centre,
 - Fran Milčinski Smlednik Professional Centre.

The Logatec Centre also performs tasks related to coordinating the cooperation of all centres in this area.

- **In the Central Slovenia, South-East Slovenia, Zasavska and Lower Posavska regions:**
 - Višnja Gora Professional Centre,
 - Malči Belič Professional Centre Ljubljana,
 - Mladinski dom Jarše Professional Centre.

The Višnja Gora Professional Centre also performs tasks related to coordinating cooperation between all professional centres in this area.

- **In the Podravska, Pomurska, Savinjska and Koroška regions:**
 - Mladinski dom Maribor Professional Centre,
 - Dom pri Osnovni šoli Veržej unit.

The Maribor Youth Centre also performs tasks related to coordinating the cooperation of professional centres in this area.

- **In the Goriška, Obalno-kraška and Primorsko-notranjska regions:**
 - Planina Professional Centre.

The Planina Professional Centre also coordinates all the tasks of the professional centre in this area.



Professional centres in the public network are defined by the Ministry of Education and Science in the **Decision on the designation of professional centres and individual professional centres** that perform tasks related to the coordination of cooperation between professional centres in a particular field (6034-4/2021/4).

Professional centres play an important role in accordance with **the Act on the Treatment of Children and Adolescents with Emotional and Behavioural Problems (ZOOMTVI)** and the implementation of more permanent measures for the protection of children's interests.

 The tasks of expert centres are described primarily in Articles 4 and 8 of ZOOMTVI. These include cooperation with educational institutions, social work centres and the court before which the proceedings for the protection of the interests of the child are conducted (). The specific obligations of professional centres in court proceedings are defined in Articles 8 to 26 of the ZOOMTVI.

 Article 17 of ZOOMTVI defines cooperation with the social work centre, while Article 18 defines cooperation with the competent court.

4. Examples of legal regulation of inter-institutional cooperation in Slovenia

4.1. Inter-institutional cooperation within the framework of the ZPND

The Family Violence Prevention Act (ZPND)¹³³ is the basic legal framework governing **action, protection and assistance to victims of domestic violence** in Slovenia. Its main objective is not to punish the perpetrator (which is a matter for criminal law), but **to ensure the safety of the victim and the coordinated action of all the competent institutions** involved.

The ZPND is **a systemic law** that connects different areas – social, legal, health, education, and security – to effectively protect people and stop violence from happening again. Domestic violence is a complex phenomenon that manifests itself on an emotional, social, legal and health level, **and therefore cannot be effectively addressed within a single institution**. The ZPND therefore requires an inter-institutional approach, which means the cooperation of several bodies and professions that must act in a coordinated, rapid and professional manner.

As already mentioned, in order to address domestic violence under the ZPND, a multidisciplinary team is established at the CSD, which is a form of inter-institutional cooperation. Participation in the team is mandatory for all those invited.¹³⁴

In cases of domestic violence, individual services act and cooperate with each other on the basis of the following regulations:

- Rules on cooperation between authorities and on the operation **of social work centres**, multidisciplinary teams and regional services in dealing with domestic violence.¹³⁵
- Rules on cooperation between **the police** and other authorities and organisations in detecting and preventing domestic violence.¹³⁶
- Rules on dealing with domestic violence for **educational institutions**.¹³⁷
- Rules on the rules and procedures for dealing with domestic violence in the provision **of health services**.¹³⁸

On the basis of the law, **services for coordination and assistance to victims** have been established at the CSD, in addition to the MDT, with the aim of coordinating cooperation between institutions. These services provide assistance to victims of violence, carry out intervention services, coordinate the

¹³³ Official Gazette of the Republic of Slovenia, No. 16/08, 68/16, 54/17 – ZSV-H and 196/21 – ZDOsk.

¹³⁴ Article 14 of the ZPND.

¹³⁵ Official Gazette of the Republic of Slovenia, Nos. 31/09 and 42/17.

¹³⁶ Official Gazette of the Republic of Slovenia, No. 25/10.

¹³⁷ Official Gazette of the Republic of Slovenia, No. 104/09.

¹³⁸ Official Gazette of the Republic of Slovenia, No. 38/11.

activities of authorities and organisations, and monitor and analyse incidents of domestic violence.¹³⁹ Coordination and victim assistance services are established **at the regional level**.

4.2. Interinstitutional cooperation within the framework of the Children's House

In addition to the provisions of the ZPND and regulations, it is also worth mentioning **the Children's House (Barnahus)** and the cooperation of institutions in procedures carried out under its auspices in connection with inter-institutional cooperation.

The implementation of comprehensive care in the Children's House is based on the Act on the Protection of Children in Criminal Proceedings and their Comprehensive Care in the Children's House¹⁴⁰ and the Regulation on the method of cooperation between the Children's House Public Institution and other participants in ensuring comprehensive care at the Children's House.¹⁴¹ The latter in particular defines **the method of cooperation between the Public Institution Children's Home and other participants (CSD, NGOs, education, health care, etc.)** in the treatment of minor victims, witnesses and minors against whom pre-trial or criminal proceedings are pending.

"Cooperation" is defined in the regulation as **mutual notification, coordination and reporting**,¹⁴² and the regulation defines cooperation between the institution and individual institutions in individual chapters. It defines cooperation between the institution and the court, the public prosecutor's office, the police, the social work centre, healthcare providers, and cooperation with organisations for the purpose of providing crisis support and psychosocial assistance and conducting training at the institution.

The children's home provides comprehensive care. A special feature of this public service is that it uses a methodological approach to provide multidisciplinary and inter-institutional care in one place. In practice, this means that all the necessary institutions (police, prosecution, court, CSD, health care) carry out their procedures at the headquarters of the children's home (Zaloška 59, 1000 Ljubljana), which means that procedures are not duplicated and the child does not change environment during the treatment. The aim of all this is to make the child as comfortable as possible during the proceedings, to avoid repeating traumatic experiences and stress that would be caused by different procedures at the police, the prosecutor's office, the court, social services, etc.

¹³⁹ Article 16, ZPND.

¹⁴⁰ Official Gazette of the Republic of Slovenia, No. 54/21.

¹⁴¹ Official Gazette of the Republic of Slovenia, No. 135/22.

¹⁴² Article 1, Regulation on the method of cooperation between the Public Institution Children's Home and other participants in ensuring comprehensive care in children's homes.

Official Gazette of the Republic of Slovenia, No. 135/22.

5. Proposal for training using materials

Below are some proposals for training in the field of inter-institutional cooperation using the prepared materials.

The recommended time frame for the training is 6 hours, including breaks. Since 40–45 minutes is the upper limit at which adult participants can maintain their concentration, we suggest that individual training modules be divided into **20 minutes of explanation** and **20 minutes of interactive work** that requires engagement from participants. This can be a discussion, group work or self-reflection.

It is recommended that **the training sessions themselves be inter-institutional in nature.** If possible, they should involve participants from different fields of expertise and professions who are involved in one way or another in proceedings relating to family law and the best interests of the child. Participants from different professions, whose roles and tasks are presented in the materials themselves, should be invited to the training sessions. In this way, participants can complement the training provider with practical experience and highlight issues related to their work that are still open.

It is important that **training courses are organised at regional level or within the community.** This allows those working in the field of family law to get to know each other, which strengthens trust and the stability of the system. As they work in a specific environment, they can discuss specific issues and dilemmas that arise in the community, while protecting the personal data of individuals when discussing specific cases.

A formal and professional attitude should be maintained at all times among training participants.

Proposed training programme:

1. Introduction to the training

- **Presentation of the project and other activities** carried out within the framework of the joint EU/Council of Europe programme "[Ensuring the best interests of children in civil proceedings in Slovenia](#)"
- **Presentation of the training programme**
- **Getting to know the participants**
 - Areas they come from
 - Preliminary questions that participants have regarding inter-institutional cooperation or the work of individual services and institutions in the field of family law
 - Expectations regarding this training and the project in general
- **Purpose of the training**
- **The importance of inter-institutional cooperation**
- **The principle of the best interests of the child as a guiding principle**

The purpose of the introductory part is to present the project, the training programme and to get to know the participants. Knowing the participants' backgrounds and group dynamics is important for

ensuring the relevance of the training, identifying the participants' interests and the questions they have before the training.

2. Training process

When conducting training, trainers can follow **the order of topics as presented in these materials**.

In this way, participants first learn about the roles of often overlooked or unknown institutions for the protection of children's interests, such as the Children's Advocate at the Human Rights Ombudsman and the conflict guardian, and the differences between them. This is followed by an introduction to the various areas of judicial expertise in family disputes and information on the work of social work centres and courts. The materials consistently emphasise the interconnectedness of institutions and the need for systematic cooperation between them, especially in proceedings involving children.

When presenting individual sections, we suggest that trainers **combine a passive approach with an active one** – a 20-minute explanation of the characteristics of the institution or service should be followed by a 20-minute active part, where participants discuss practical cases together or in small groups, or participate in a workshop based on individual self-reflection.

The explanation should be based on the information contained in the training materials. For the interactive part, trainers can use **the following templates**, which are designed for each individual section.

Important! At the beginning of the training, trainers should explain that questions or requests for additional clarification can be asked at any time during the training.

If the trainer is unable or does not know how to answer a question on the spot, they should explain that the answers will be provided after the training. For answers to questions, trainers can consult the author of the training materials, i.e. PIC – Legal Centre for Human Rights and the Environment (pic@pic.si).

The trainer may also ask other training participants to answer the question and encourage discussion.

MODULE 1: Children's advocate at the VČP

- Should the advocate merely be a “conveyor” of the child’s voice, or should they have greater weight in the proceedings?
- How early in the proceedings does it make sense to appoint an advocate for the child? Would it make sense to appoint an advocate for the child before the parents begin proceedings to settle family relations?
- Should child advocacy be mandatory in all high-conflict disputes?
- Where are the biggest legal or systemic gaps in the current model of child advocacy?
- What are the characteristics of a child advocate?

In this module, trainers can use a worksheet to check participants' understanding of the differences between the roles of a guardian ad litem and a child advocate. Participants are divided into small groups and given worksheets with a table similar to the one in the chapter on this topic. Participants are invited to think together about the differences that have been presented and then share their findings.

MODULE 2: Conflict guardian

- Should the appointment of a guardian ad litem be mandatory/ex officio in certain cases (e.g. paternity disputes)?
- How can we ensure that the guardian ad litem truly represents the interests of the child and does not merely attend the proceedings as a formality?
- Should training for guardians ad litem be mandatory?
- Should guardians ad litem have uniform working standards and certification?
- What training and professional support are needed to ensure that the guardian ad litem can competently represent the child?
- Who should finance the work of guardians ad litem – the state, the court, special funds?

In this module, trainers can use a worksheet to check participants' understanding of the differences between the roles of guardian ad litem and child advocate. Participants are divided into small groups and given worksheets with a table similar to the one in the chapter on this topic. Participants are invited to think together about the differences that have been presented and then share their findings.

MODULE 3: Court experts

- How should a judge proceed if the expert opinions of different experts are contradictory?
- How can the quality of expert opinions be ensured – would a uniform methodology for assessing family situations be necessary?
- Should experts receive regular additional training on family law, trauma and domestic violence?
- What should be done if a child makes different statements in different conversations?

MODULE 4: Social work centres

- What information must the social work centre obtain in order to prepare a high-quality opinion?
- In cases where different family members are being dealt with at the same time, how can professional treatment be ensured and adequate protection provided in cases of domestic violence?
- In your opinion, what competencies are most important for the effective work of social work centres in family proceedings?

MODULE 5: Mediation

- What personality traits and skills should a good family mediator have?

- How does a mediator ensure that the child's opinion is taken into account without the child being exposed to pressure from their parents?
- In which cases is family mediation not possible? How can we recognise the limits in such cases?

Important! Participants should consider their answers not only from the perspective of their institution, but also from the perspective of "what the child needs". This shifts the focus from institutions to the child as the centre of cooperation.

General questions in the field of inter-institutional cooperation

Below are some **general questions in the field of inter-institutional cooperation** and the work of individual institutions in family proceedings.

B. Communication and coordination

- What are the biggest obstacles to the exchange of information between stakeholders (e.g. courts, CSD, schools)?
- How can we ensure that institutions do not “duplicate” work (e.g. multiple interviews with the child)?
- What are the possibilities for cooperation in proceedings conducted by a specific institution?

C. Conflicts and their resolution

- How should professionals act if institutions provide conflicting information or recommendations?
- How can pressure from parents on different institutions be prevented?

D. System and practice

- Do existing legislation and regulations allow for sufficiently effective cooperation between institutions? Where are the gaps and opportunities for improvement?
- What are some good practices of cooperation from abroad (if you know of any) that would be useful to transfer to our system?
- How can we reduce secondary victimisation in the process?
- What else do you think is missing from the system to improve cooperation between institutions?

3. Conclusion of the training

At the end, summarise the main points of the training and check whether there are any open questions among the participants.

Ask participants how the training and materials could be improved. Allow them to share their observations and suggestions after the training and anonymously (e.g. using a survey).

Tell participants where they can find the materials you covered in the training so that they can review the content and share it with others.

6. Conclusion

Decisions must be based on the best interests of the individual child and not on abstractly defined interests of the "general child". In order to determine as accurately as possible what is in the best interests of the child, it is important to involve institutions working in the field of family and individual care. Such inter-institutional cooperation enables procedures to be conducted in a comprehensive manner, taking into account legal, social and psychological aspects. Only by bringing together different disciplines and institutions can we ensure that decisions in family matters truly protect and promote the best interests of children, while contributing to greater fairness and trust in the judicial system.

In the educational module, we wanted to explain the roles and tasks of individual services operating in the field of family law and connected in one way or another with children as participants in proceedings. Children under the age of 18 are a particularly vulnerable group that requires special care. However, caring for them is not only the responsibility of parents or legal representatives, but also of the state and its authorities, especially when parents do not provide adequate care or do not act in the best interests of the child.

These materials are intended for various stakeholders who wish to learn about and understand the work of family law services. To this end, the document discusses the role and work of the child's advocate (and the entire advocacy process), the role and work of the child advocate (and the entire advocacy process), the role and work of the conflict guardian, court experts, social work centres, non-governmental organisations in the field of social welfare and, last but not least, the courts, which make decisions based on the information provided to them by the aforementioned professional services. As explained in the introduction, this is a living document and teaching aid that should be updated with new information from practice, which is also welcomed by users.