



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

INTERNATIONAL JUVENILE JUSTICE OBSERVATORY

Alternatives to Custody for Young Offenders:
Developing Intensive and Remand Fostering
Programmes

5 December 2013

www.ijjo.org



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

INDEX

1. Survey (comparative analysis)
2. Desk Analysis in EU M.S.



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

1. Survey

Comparative Analysis

www.ijjo.org

Countries Inquired

- Austria
- Belgium
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

1. Is **alternative family care** used within your country to protect and support the welfare of children and young people not able to be parented in their own families?

COUNTRY		YES	NO	OBS
Austria		X		AFC is not used in the juvenile criminal justice system but in the juvenile welfare system .
Belgium	F	X		
	D	X		
Croatia		X		
Cyprus		X		provided under Cyprus Cap. 352 (Children's Law)
Czech Republic		X		Since January 2013 through an amendment of the law on social and legal protection of children (359/1999) there is an effort to prefer and use by the courts an alternative family care for children who cannot be in their original family rather than institutional care.
Denmark				This needs to start out with a precise definition of age groups and the age(s) of criminal responsibility. In Denmark foster care is an option by free will or by force when a person is up to 18 years old if the child health or personal security or education is seriously threatened. This is decided by the social welfare system and the possibility that the person has committed a crime is not valid as a single reason for this. Also it is not seen as a definite deprivation for liberty as the child is expected to live as "normal" as possible, i.e. go to school, sport etc.

COUNTRY	YES	NO	OBS
Estonia	X		
Finland	x		
France	X		Les familles d'accueil sont l'un des dispositifs que la Protection Judiciaire de la Jeunesse propose aux magistrats pour le placement des mineurs ayant commis des actes de délinquance
Germany	x		
Greece	X (few)		Alternative foster care as a reformatory measure is stipulated in article 122 par. 1 cat. c and article 123 par. 1 cat. a of the Greek Penal Code. The institution of fostering for juvenile delinquents was first introduced in the Greek Juvenile Law with Act 3189/2003. Despite the provision however, foster care for young offenders has only been applied once with Court Decision 3451/2009 which placed the care of a young male offender aged 15 under the supervision of a foster mother.
Ireland		X	Only within the child protection system, not for children who offend.
Italy		X	

COUNTRY	YES	NO	OBS
Latvia	X		Currently there are three alternative forms of childcare: foster family, trusteeship (guardian) and childcare facilities/institutions (as regulated by the Protection of the Rights of the Child Law, Law on Orphan's Courts and the Civil Law).
Lithuania	X		
Luxembourg	X		
Malta	X		
Netherlands	X		Alternative care or out of home placement can take place on a voluntary basis (i.e. parents themselves take the initiative) or on the basis of court order (i.e. child protection measure). In 2013, the law on improving position foster parents has been adopted (wet verbetering positie pleegouders).
Poland	X		
Portugal	X		Under the current legal model of the Portuguese Children and Youth Justice, alternative family care must only be used as a promotion and protection measure applied to children and youth at danger, within the framework of the Promotion and Protection Law for Children and Youth in Danger ("Lei de Promoção e Proteção de Crianças e Jovens em Perigo - LPCJP", Law No. 149/99. of 1st of September).

COUNTRY	YES	NO	OBS
Romania	X		In Romania, alternative family care developed especially since the 1990s, when the focus was to decentralize residential care. The competent authority is the Direction of the Protection of the Child within the Ministry of Labour, Family, Social protection and Elderly. The law provides for specialized supervision within the own family or placement in foster care with the extended family or non-related professional foster carers.
Slovakia	X		
Slovenia	X		
Spain	X (in the law)		In Spain's law there is one measure that talks about this alternative, it is "coexistence with another person, family or educational group", and as a result we can say that this exists in the law. However we can't find any program or practice about this alternative measure. But we can read the following information: "In the juvenile justice system Spanish has not had a great impact, being a measure with low rate of applicability to both the LO 4/1992 as under current law, leading some authors to argue for its demise". (Ombudsman's report on the first year of Minor's Law –Ley Reguladora de la Responsabilidad Penal de los Menores, 5/2000-).
Sweden	X		

2. If alternative family care is provided, please give a brief outline of this **provision**, and the support/supervision available to foster carers, children and young people in foster care, and their birth families.

COUNTRY	Outline of alternative family care provision	
Austria	<p>Child welfare is regulated individually in each province, so there are nine different laws in Austria. Adoption can only be allowed if it is likely that there will be a relationship between foster child and foster parents comparable to a relationship between biological parents and children. There is institutional support guaranteed (consultations with biological parents, foster parents and child). Non-related foster families can only be conveyed by the district's competent authority.</p>	
Belgium	F	<p>Most of the time, this solution is chosen for vulnerable children, mistreated children or children in need. But it is also applicable for young offenders, if the family is not in a position to take care of their child</p>
	D	<p>Placement of children in foster care can be voluntary (with the agreement of the parents) or can be imposed by the youth court. Family reunification is the primary aim. Foster carers are volunteers which need to go through a screening process before being allowed to take care of a foster child. Also family members of the child can be foster carers. They are supported, trained and monitored by professional services for foster care which are subsidized by the government. They receive an allowance for their expenses and insurance.</p>
Croatia	<p>There are two types of alternative family care: (1) accomodation service (temporary accommodation in social care provider's home), and (2) family-based foster care (accommodation in unrelated family's home) There are 4 types of family-based foster care: (1) traditional (generally for children without adequate care), (2) specialized (for children with special needs), (3) urgent (for children in a crisis situation), (4) occasional (for children that will be placed in a foster-family permanently and for children that need to be prepared for family life after a period spent in an institution). Various support/supervision is available to foster carers,</p>	

COUNTRY	Outline of alternative family care provision
Cyprus	<p>The person responsible for alternative care is the Chief Welfare Officer ('The Director'). Article 3 of the Law provides that the Director may receive a child under his care, in the event of a child under the age of sixteen, has neither parent nor a guardian or the parents or the guardian are permanently or for the time being prevented by reason of mental or bodily disease unable to maintain the child and there is no available person and the Social Welfare Department thinks is necessary for the interest of the welfare of the child. Moreover, the Director can assume parental rights, if parents are dead and has no guardian or the parent or guardian are incapable of caring for the child.</p>
Czech Republic	<p>Those who are interested in foster care must complete a basic form and pass through examining to determine whether candidates have the appropriate prerequisites for fostering. Then the candidates are specially trained for challenging work with children with various special needs. The preparation of candidates for foster care is provided by the regional authorities, in partnership with non-profit organizations under contract. Linking government and non-profit sector is mainly due to the provision of quality services in the field of education and follow-up support services for foster parents that the regional office due to limited staff capacity, cannot provide.</p>
Denmark	<p>Foster families are supported and supervised by the social welfare system. The child may receive psychological or other treatment. The child goes to school and is (as far as health allows it) encouraged to live like other children at the same age. If it is meant to be in the best interest of the child contact with birth family is supported.</p>
Estonia	<p>In most of cases when a child is taken away from his/her biological family, it is done by a decree of the court. The main reasons are incapability or unwillingness of the biological parents to bring up their child in a decent way. Most of such children remain in the state-run orphanages, the rest in foster-families. The reverting is done through the services under the Ministry of Social Affairs, whereby also funding is provided. Foster families are monthly paid by the state; they must primarily undergo training and will have constant supervision.</p>

COUNTRY	Outline of alternative family care provision
Finland	<p>In addition to economic and social support for the parents, they may include also psychological support and psychiatric services, substance abuse programs, school related work, structured open care programs for the children, appointment of contact persons (mentors) etc. The most intrusive child welfare measures are transfer of guardianship and placement in a foster home or in residential care. Foster care orders can be imposed both on voluntary and involuntary basis.</p>
France	<p>When it is deemed possible, depending on the personality of the juvenile offender , the foster family may be advised by court. The foster family , which has a status of voluntary compensation, ensures that the child receives health and security care and supports his intellectual and physical development. Interviews and home visits to the family are held locally with the director, psychologists and educators. An individual agreement is established by the Judicial Protection of Youth (PJJ) .</p>
Germany	<p>Foster care is provided in the youth welfare system by the Children and Youth Welfare Act (SGB VIII) if a young person's wellbeing is at risk. Supervisory assistance includes placement in a foster family. Hereby, the age and developmental stage as well as the emotional attachment of the young person and possibilities to improve the conditions in the family of origin have to be taken into account. Foster carers can be family members or non-related carers or professionals. In general, foster care is applicable only in case the parents agree.</p>
Greece	<p>Foster care can be provided from non-related carers, either family or friend carers, with or without children. Foster carers receive by the state a monthly income, which allows them to raise the child properly and also to cover the child's health insurance. The foster carers cooperate with psychologists and social workers, who except offering their science at the same time they supervise the whole environment where the child lives. S.W. visit in regular basis the family and send their reports to the Court and the National Centre for Social Solidarity. Finally, training programmes are carried out for candidates to be foster carers.Children or young people who are under the supervision of foster carers are supported by specialists (psychologists and social workers).</p>

COUNTRY	Outline of alternative family care provision
Latvia	<p>Currently there are three alternative forms of childcare: foster family, trusteeship (guardian) and childcare facilities/institutions (as regulated by the Protection of the Rights of the Child Law, Law on Orphan's Courts and the Civil Law). Trustee (guardian) is appointed or approved for children without parental care and his/her responsibility is to replace parents for child, as well as to represent the child interests in personal and property relations. The status of Foster family shall be granted by Orphan's Court after the family has mastered special training programs.</p>
Lithuania	<p>In Lithuania there are three types of alternative family care settings: family guardianship, social family guardianship and institutional care settings. Regarding the support for foster parents, State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of the Republic of Lithuania initiates training according to PRIDE (Parenting Resources Information Development Education) program of foster parents (guardians) and adoptive parents. In 2012, training was performed by 25 institutions in Lithuania.</p>
Luxembourg	<p>There are 4 services which support the placement in families and which support and supervise the families .</p>
Malta	<p>Once a child is placed under State care (Care Order) provision is made for out of home care by placement in residential or foster care. Support and supervision are offered to all although support to parents requires strengthening and is currently being addressed in new draft legislation reviewing out of home care.</p>
Netherlands	<p>When a child is under protection of youth care and can not live at home anymore, a child can be placed out of home under the Youth Law. Foster Care is the first option. In 2015 a new Youth Law is introduced resulting that foster care will be under the responsibility of municipalities. Currently foster care is organised by 28 foster care institutions. Both foster parents and the institution for foster care sign a contract when a child is under foster care, which implies also a financial part for the foster parents.</p>

COUNTRY	Outline of alternative family care provision
Poland	<p>Under Article 71 of the Constitution the state in its social and economic policies takes into account the welfare of the family. Care there are two form of substitute (alternative) care: a) family care; and b) institutional care. There are different types of foster families: a) related foster families composed of close relatives of the child, b) non-professional foster families, c) professional foster families. Professional foster families can be divided into: a) emergency foster families b) specialized foster families. The 2011 Act provides also for the function of the coordinator of family foster care who is appointed by the organizer of family foster care at the local level.</p>
Portugal	<p>The current legal framework distinguishes between fostering in a family or in a professional foster care, with the last one applied to children and youth with special needs, which requiring particular training and specific practical expertise. Currently, foster care is defined as a transitory measure which application relies on the predictability of the return of the child to his/her family.. Birth families should continue to have the support of local social services, and from the Children and Youth's Protection Commissions or technical specialized teams from the social services that provided support to the courts.</p>
Romania	<p>According to Art. 39 para. 1 Law no. 272/2004, in case a child is deprived of parental care, or cannot be left in their care in order to protect his/her interests, the child has the right to alternative protection. When choosing alternative protection measures, the authority has to aim at ensuring continuity in the education of the child. It furthermore takes into consideration the individual background of the child regarding ethnic, linguistic, religious and cultural aspects (Art. 39 para. 2 Law no. 272/2004). During the placement, the child, his/her family and foster carers receive assistance in order to support the reintegration of the child.</p>
Slovakia	<p>The Family Act regulates three types of surrogate custody: surrogate personal custody, foster care, and institutional care. The foster parent must have a permanent residence in Slovakia and full legal capacity and his health, personality and moral characteristics, and way of life must guarantee that foster care will be in the child's</p>

COUNTRY	Outline of alternative family care provision
Slovenia	<p>What plays the important role in this process is the fact, that sending a child into a foster family does not mean, that a child is totally separated from a family, but it means a collaboration between child, family, foster family and a professional team of Centre of social work. For that reason the Centre organizes individual project group where all the above mentioned participate. The main goal is to achieve the plan which is in the best interest of a child, where must be taken care for a child personal development, health, education, emotional and behavioural development, building a relationship with family, friends and peers, teaching a child of being responsible. The family needs a support/advice how to raise a child for his/her best interest and therefore are also receive help from the expert team.</p>
Spain	<p>Coexistence with another educational group measure is mainly used in Spain when there is violence of the minor towards the parents. Minors are in special centres with more minors and professionals (social workers, educators and psychologists) in an educational environment. In this type of centre, minors are not deprived of their liberty; it is more similar to family home.</p>
Sweden	<p>Municipalities have the ultimate responsibility for insuring that individual residents receive the support and assistance they need. Social services are responsible for care and service, information, advice, support, financial assistance and other assistance to families and individuals that need it. Young persons can be placed into:</p> <ul style="list-style-type: none"> - foster family care (inclusive kinship foster homes) - municipality children's home - private children's home - Centrally managed secure children's homes - with parents - other types of placement as short term emergency placement

3. What are the resources or routes for diverting children from involvement in the **youth justice system**, and do they include the provision of alternative family care in the senses referred to above, i.e. including both non-related foster care, family or friends care and other forms of family care?

COUNTRY		Resources/ Routes	If there is provision of alternative family care
Austria		<p>paying a fine</p> <p>community service</p> <p>probation period up to two years</p> <p>victim-offender mediation</p>	<p>YES.The social network of the juvenile are assisted by social workers, psychologists etc. Family care by foster family care or any kind of intervention within the family can be triggered by the automatic information of the Youth Welfare Office and the Guardianship Court</p>
Belgium	F	<p>the placement of a child in a foster family can be taken by social / administrative services, on request of the family or on a voluntary basis.</p>	
	D	<p>refer a case to victim-offender mediation</p> <p>issue a warning</p>	<p>YES. In serious cases the youth court can intervene and impose child protection measures (foster care)</p>

COUNTRY	Resources/ Routes	If there is provision of alternative family care
Croatia	the public prosecutor may decide not to request that the criminal proceedings be instituted	YES. Family Act (Official Gazette No. 116/03, 17/04, 136/04, 107/07, 57/11, 61/11):The court will take away a child from his parent(s) who significantly neglect(s) the raising and upbringing of a child or where there is a danger to the proper development of the child, and will confide the child to the care and upbringing of another person, an institution or another legal entity that carries out the activity of social care
Cyprus	Community service may be ordered by the Court	NO. There is no formal youth justice system therefore the provision of foster care is not given as an alternative.

COUNTRY	Resources/ Routes	If there is provision of alternative family care
Czech Republic	Children below the age 15 (the age of criminal responsibility) are never detained in pre-trial prisons or prisons	YES. Protective care is assigned in cases when juvenile don't have proper care and education, the education and care was neglected or the environment where they live does not guarantee the proper education
Denmark	Community service may be ordered by the Court NORMALLY they are placed in alternative juvenile institutions of high security with a pedagogically skilled staff	NO. Foster care is normally not used during criminal investigation and execution
Estonia		NO.

COUNTRY	Resources/ Routes	If there is provision of alternative family care
Finland		<p>YES. Voluntary foster care orders are issued by the child welfare board</p> <p>Involuntary orders are decided by the administrative court on request of the leading social worker.</p>
France	-	
Germany	<p>the public prosecutor before the beginning of the court process</p> <p>Juvenile Judge or the Juvenile Court</p> <p>educational measures</p>	<p>NO. Not for this context.</p>
Greece	<p>Reprimand</p> <p>Responsible care of his parents or his guardians</p> <p>Care of institutions</p> <p>Community service</p> <p>Social and psychological programs, vocational schools or training.</p>	<p>YES. assignment of the care of the child to foster parents</p> <p>(hardly ever implemented)</p>

COUNTRY	Resources/ Routes	If there is provision of alternative family care
Ireland	The Children Act 2001 has a number of community based sanctions which draw on family resources	NO. Fostering is being developed as a means of bail support but this is in very early stages of development
Italy	Judicial Pardon Prescriptions Trial suspension and testing	NO.
Latvia	issue a warning duty to apologies to the victims custody of parents or guardians Duty to eliminate by his or her work the consequences of the harm caused duty to reimburse the harm caused behaviour restrictions to perform community services to place a child in an educational establishment	NO.

COUNTRY	Resources/ Routes	If there is provision of alternative family care
Lithuania	<p>social pedagogues at schools dealing with children's conflicts and offensive behaviour</p> <p>children's rights service workers visiting children at their homes</p>	NO. The separation of a child from his family is possible only in cases of insufficient care from the part of parents
Luxembourg		NO. There is no penal legislation for children, only a law on child protection
Malta	<p>The law provides for such diversion under the Care Orders Act but in practice there are few structures or appropriately trained carers to support the option</p>	NO.

COUNTRY	Resources/ Routes	If there is provision of alternative family care
Netherlands	some courts work with so called 'combi-zittingen' – court session in which the competent authorities can either apply criminal law or apply child protection law	YES. A juvenile criminal court can decide to impose a non-custodial treatment order which can result in a placement in multi treatment foster care (MTFC)
Poland	The task of family court, to be implemented in force in January 2014 is not to punish juveniles but to impose on them educational, medical or correctional measures	NO.
Portugal	The Promotion and Protection Law for Children and Youth in Danger is the major resource for diverting children and youth form the youth justice system.	YES.

COUNTRY	Resources/ Routes	If there is provision of alternative family care
Romania	No penal action will be taken or the court will dismiss the action in case of reconciliation of the parties or a mediation agreement has been reached (Art. 16 para. 1g) CCP).	NO.
Slovakia		YES . Protective custody is executed in special custody facilities (“institutional protective custody”) or in professional foster families (“family protective custody”) or, if required by the juvenile person’s health, in a medical custody facility.
Slovenia	Educational institution Housing community	NO.

COUNTRY	Resources/ Routes	If there is provision of alternative family care
Spain	mediation and extrajudicial repair, also known as restorative justice	NO.
Sweden	special residential homes for young people (KVU) possibility for social services, police, court, etc. to work together with the civil society ("Early Action")	NO.



4. When children are dealt with by the courts either pre or post sentencing, is the provision of alternative family care in any form available to the courts, and/or used by the courts in any form?

COUNTRY		YES	NO	OBS
Austria			X	The only possibility (which is not in practice) are constraints a judge could add to probation. However the Guardianship Court has to be informed about any kind of criminal proceedings against a juvenile and theoretically could put a child to any kind of alternative family care.
Belgium	F	X		
	D			
Croatia		X		Can be done only by civil courts.
Cyprus			X	
Czech Republic		X		Before ordering institutional care, the court shall consider whether the child's upbringing can provide alternative family care or family care in a facility for children in need of immediate assistance, which take precedence over constitutional education.
Denmark			X	Foster care is normally not used during criminal investigation and execution for this age group (15-17) unless special needs prescribes this (serious handicaps etc)

COUNTRY	YES	NO	OBS
Estonia	X		Is it always initiative and responsible of the local community/municipality to apply to the court, when there is a need for alternative foster family care.
Finland	X		The courts are informed about the child welfare interventions when they consider the issue of sentencing. However, child welfare interventions do not function as such substitutes to punishment (in the age group over 15 y), but they may nevertheless be one reason for not imposing a custodial sanction for a young offenders.
France	X		The host family is an individualized response to a placement ordered by a judge. In addition, there may be cases where the judge decides to expel the young of the region to protect it.
Germany	X		In theory an influence of foster care is possible at different levels of the criminal procedure but in practice foster care does not play a role in juvenile justice.
Greece	X		Rarely
Ireland		X	Not formally although children may be required, through bail conditions of probation conditions, to reside at home or with a family member.
Italy	X		The judge may order to the minor to stay by his family home or another private residence with surveillance duties entrusted to a parent or to the people whose home the minor is staying at.

COUNTRY	YES	NO	OBS
Latvia		X	
Lithuania	X		However, such measure may not be provided as a penalty, i.e. is not applicable in most cases of sentencing, but can be applied in strictly determined cases.
Luxembourg		X	
Malta	X		It is available in the law but the service requires development so it is not an effective option
Netherlands	X		Within the juvenile justice alternative care / foster care can be used through diversion to the child protection system or as a form of alternative sentencing.
Poland	X		the Juvenile Act provides for the placement of a juvenile in a professional foster family. This measure is also enumerated among educational measures which may be imposed on juvenile perpetrators of “punishable acts” as well as juveniles showing signs of “demoralization”.
Portugal	X		Only within the legal framework of the Promotion and Protection Law for Children and Youth in Danger not within the legal framework of the Educational Guardianship Law.

COUNTRY	YES	NO	OBS
Romania	X		Only children and juveniles who are not criminally responsible can be imposed alternative family care by the courts.
Slovakia	X		Duties and restrictions include the duty to submit to probationary supervision, to live with a parent or another adult, to seek to settle with the injured party and to compensate for the damage caused, the duty to perform activities of general interest without remuneration or to submit to addiction treatment, social training, psychological counselling or a different programme.
Slovenia		X	
Spain		X	The judge can use Coexistence with another person, family or educational group when there is pre or post sentencing. And as we said before, this measure is in the law, but judges cannot impose coexistence with another person or family, because in Spain this resource doesn't exist.
Sweden	X		The state pays for closed juvenile care but municipalities still have overall responsibility for young persons and must take an active part in planning their treatment and re-entry into society.

5. What is the extent to which children are remanded at home with their birth families but with conditions (curfews, electronic tagging and so on, and with psychological help/counselling and so on)?

COUNTRY		POSSIBILITIES	CONDITIONS IMPOSED
Austria		possible	accommodation, a job, an income and health insurance he/she can apply for electronic tagging
Belgium	F	possible	attending school on a regular basis, undergoing a therapy, keeping away from some places or some people, writing a letter to apologize to the victim,
	D	possible	

COUNTRY	POSSIBILITIES	CONDITIONS IMPOSED
Croatia	Possible	Court reprimand, special obligations, referral to a correctional centre, intensified care and supervision , intensified care and supervision with daily stay in a correctional institution or security measures (e.g. mandatory psychiatric treatment, mandatory addiction treatment, mandatory psychosocial treatment).
Cyprus	Minimum to non possibilities	There might be referrals to the Mental Health Services of the State in order for children to receive psychological assistance and counselling.
Czech Republic	Possible	supervision of probation officer ; probation program; educational responsibilities; protective education; confiscation of assets; community service; prohibition of entering on sports, cultural and other social events financial measures etc.

COUNTRY	POSSIBILITIES	CONDITIONS IMPOSED
Denmark	Possible	go to school every day, do not stay out late at nights, regular psychological treatment...
Estonia	Possible	restrictions of movement and appointed hours of staying at home, that will be supervised occasionally by a probation officer.
Finland	Not Possible	
France	Possible	Educational Activities Electronicsurveillance Limited conditions to stay out
Germany	Possible	community service, victim-offender-mediation or the participation in a training course for traffic offenders
Greece	Not applicable	

COUNTRY	POSSIBILITIES	CONDITIONS IMPOSED
Ireland	Possible	curfews and restriction on movement orders are very common.
Italy	Possible as a precautionary measure	the Judge has a wide discretionary power as for the studying or working needs, or other activities which contribute to the minor's education, with surveillance duties entrusted to a parent
Latvia	Not applicable	
Lithuania	Possible	usually parents are fined and child is entrusted for parental custody and care. It also may include curfew, detoxication and rehabilitation.
Luxembourg	Not applicable	

COUNTRY	POSSIBILITIES	CONDITIONS IMPOSED
Malta	Not applicable	
Netherlands	Possible	Curfews , limitation of the freedom of movement, counselling etc. Electronic monitoring will be possible in the near future.
Poland	Possible	Reprimand, the supervision of the juvenile by his/her parents or the probation officer as well as the imposition some obligations on the juvenile who stays with his/her family.
Portugal	Possible	Imposition of duties and obligations, such as to attend school regularly and attain positive results, to participate in activities for young people or to attend orientation sessions in a psycho-pedagogical institution

COUNTRY	POSSIBILITIES	CONDITIONS IMPOSED
Romania	Not applicable	The educational measures may be combined with certain obligations, e.g. not to contact certain persons such as the victim, or to follow treatment or care measures. The new Code of Criminal Procedure on February 1st, 2014, is due to implement electronic monitoring.
Slovakia	Possible	the supervision over the offender's behaviour during the probationary period (1- 3 years). Probationary supervision may involve also certain restrictions and duties.
Slovenia	No conditions imposed	

COUNTRY	POSSIBILITIES	CONDITIONS IMPOSED
Spain	Possible	<p>On the measure probation, the minor is subject for the time established in the sentence, to a surveillance and supervision by qualified personnel, in order to acquire the skills, abilities and attitudes needed for proper personal and social development. During the duration/development of probation, the child must also meet the obligations and prohibitions.</p>
Sweden	Possible	<p>There is currently a discussion among politicians on whether young criminals aged between 15 and 17 could face curfews during evenings and weekends. This could replace punishments such as juvenile community service, fines and being bound over.</p>

6. If alternative family care is provided as part 4 or 5 above, is this care provided as part of a structured programme?

COUNTRY		YES	NO	OBS
Austria			X	No AFC within the penal law system.
Belgium	F	X		There are clear rules, services, funding, control, inspection,
	D	X		Placement imposed by the youth court is always supervised by the social service and the youth court itself. The measure can be modified or withdrawn at any moment. Because of the discretionary power of the youth court to supervise and amend the imposed measures, the court has the possibility to structure the intervention if needed.
Croatia			X	
Cyprus			X	
Czech Republic		X		The execution of care of children in need is provided by a combination of activities of state and local governments.
Denmark			X	

COUNTRY	YES	NO	OBS
Estonia		X	
Finland	X		Alternative family care (foster care order) is guided by the provisions in the child welfare protection act and general guidelines confirmed by the child welfare authorities.
France	X		
Germany		X	There is an individual support-plan for each case of family care which considers all circumstances.
Greece		X	The Foster Care Program in Greece was initiated by the aforementioned Law though it has never been fully operational as also reported by the Greek Ombudsman
Ireland		X	
Italy		X	

COUNTRY	YES	NO	OBS
Latvia		X	
Lithuania		X	Alternative family care (relating juvenile justice) is provided on the basis of provisions of the Criminal Code; however, the implementation of application of reformatory sanctions does not fall under a single structured programme.
Luxembourg		X	
Malta		X	
Netherlands	X		Under the child protection system this is the case. Home arrest is hardly structured. There are programmes that have been acknowledged by a commission for interventions. http://www.nji.nl/nl/Kennis/Projecten/Erkenningscommissie-Interventies http://www.erkenningscommissie.nl/organisatie/commissie/Taken/index.aspx
Poland		X	
Portugal	X		Few. The structured programme most recognized is carried out by the NGO "Mundos de Vida" (web page at http://www.mundosdevida.pt/).

COUNTRY	YES	NO	OBS
Romania	X		Alternative family care is based on an individual care plan (Art. 54 Law no. 272/2004). The individual care plan prioritizes the reintegration of the youth in its family of origin. It includes the planning of the services and performances for the child, based on the psycho-social evaluation of the child and its family. It aims at integrating the child in a stable family environment, for the shortest time possible (Art. 4 e) Law no. 272/2004).
Slovakia	X		
Slovenia		X	
Spain	X		If alternative family care is provided by professional or non-related carers, foster care provided by family or friend's carers; it is not a part of a structured programme. On the other hand, regarding to the measure Coexistence with another person, family or educational group, in Spain centers which develop this measure provide to the children a positive and structured environment, and professionals are also qualify to intervene with minors.
Sweden	X		SIS care

- Mainly in the countries where foster care is not well developed there is a **lack as well of structured programs**.
- In general, Alternative Family Care is guided by the **provisions in the child welfare protection** system and by the general following up of the child welfare authorities.

7. If alternative family care is not available, what are the pathways, and types and duration of sentences for children through the custodial system, and the resources available for resettlement and after care?

COUNTRY		Pathways	Types	Duration	Resources
Austria		youth prison	restrictions for custody on remand	the minimum level of a punishment from adult's law is not applicable for juveniles, except for crimes with a threat of punishment from 10-20 years or life imprisonment: If the juvenile is below 16 years there is a threat of punishment of 1-10 years, for juveniles over 16 years it's 1-15 years	victim offender mediation community service probation
Belgium	F	X		decided by a judge	All placement institution have to ensure the resettlement and provide after care support; and there are some services available to follow up children when they go back to their families or if they are allowed to live on their own (with financial support)
	D	N/A			

COUNTRY	Pathways	Types	Duration	Resources
Croatia	individual programs dealing with juvenile who is the greatest extent possible adapted to estimated risk factors			Social Welfare Centre will provide systematic professional help
Cyprus	Prison sentences award of monetary damages compensation community service are the most common of the sentences		The sentences received by children might be as long as a sentence received by an adult, depending always on the individual judge's decision.	
Czech Republic	In proceedings against children under 15 years of age and juveniles is taken into consideration their age, state of health, mental and moral maturity.	Community service Pecuniary penalty Forfeiture Prohibition of activity Deportation		Supervision of a probation officer Probation program Educational obligations Educational restrictions Warning alert Protective treatment Protective education

COUNTRY	Pathways	Types	Duration	Resources
Denmark	Age 15-17 in principle like an adult but with an emphasis on the ambition to find alternative (institutional) placements			
Estonia	only 5-10% of juvenile criminal cases go through the court	conditional/parole sentence, with subject-specific conditions		full pardoning, sending to some social programme, appointing community work or, sending to a reformatory
France	Depends on the minor's profile			
Germany	the Juvenile Court can send the juvenile or young adult to a special juvenile detention centre	Youth imprisonment is executed in separate juvenile prisons.	one or two weekends or up to four weeks	

COUNTRY	Pathways	Types	Duration	Resources
Greece	placement of juveniles in young offenders' institutions, reformatory centres or care institutions, as well as for supervision orders or other reformatory measures.	varies across the country based on courts decisions	varies across the country based on courts decisions	
Ireland	sentences	from several months to years		little
Italy	Probation House arrest Semi custody Half release			
Latvia	Conditionally sentenced to imprisonment Community service Deprivation of liberty Compulsory measures of a correctional nature			

COUNTRY	Pathways	Types	Duration	Resources
Lithuania	Limitation of freedom through limitation of behaviour within family (e.g. curfew) or assignment to Juvenile justice re-education centres.	Public works (up to 240 hours). (if he works/possesses assets) up to 50 MLS Arrest (up to 45 days) Imprisonment (up to 10 years).	Usually child is assigned until reaches 18 years of age.	Resocialization and social reintegration plan
Luxembourg				EPI - 'Encouragement, la Promotion et l'Intégration, specialized in working with children and families who have been partly deprived of liberty or have been imprisoned in the framework of care and not in the custodial system.
Malta	Custodial sentences as last resort			

COUNTRY	Pathways	Types	Duration	Resources
Netherlands	12-24 months of youth imprisonment mental health disorder, to a custodial treatment order which could endure for 7 years			reintegration programme for children sentenced to youth imprisonment of more than 3 months
Luxembourg				EPI - 'Encouragement, la Promotion et l'Intégration, specialized in working with children and families who have been partly deprived of liberty or have been imprisoned in the framework of care and not in the custodial system.
Poland	educational, medical and correctional measures			

COUNTRY	Pathways	Types	Duration	Resources
Portugal	N/A			
Romania	non-liberty depriving measures liberty-depriving sanctions	measure of placement in an educational centre or a prison sentence can be ordered by court	If the law provides life imprisonment for the offense, the court imposes for juveniles a prison sentence ranging from five to 20 years The duration of the placement in a detention centre is usually two to five years, except in cases where the law provides for the offense 20 years or more or a lifetime sentence	Few NGO programs
Slovakia	N/A			
Slovenia			The prison sentence should not be shorter than 6 months and should not exceed 5 years.	All the activities are focused into the returning back into a society.

COUNTRY	Pathways	Types	Duration	Resources
Spain	<p>The minor is subject for the time established in the sentence, to a surveillance and supervision by qualified personnel, in order to acquire the skills, abilities and attitudes needed for proper personal and social development.</p>	<p>Closed semi-open Open therapeutic regime</p>	<p>pre-trial detention can last 6 months and may be extended by other 3 months</p>	
Sweden	N/A			



8. Is there any outcome research on the results of children being placed in alternative family care or sentenced to other court disposals?

COUNTRY		OUTCOME RESEARCH	OBS
Austria		<p>Hofinger/Neumann: Legalbiografien von Neustart-Klienten (2008)</p> <p>Kucera: Anwendung der §§ 6 und 7 JGG 1988 in der Praxis</p> <p>Ruderstaller: Rückfälligkeit jugendlicher Gewalttäter (2013)</p>	
Belgium	F		there are no comparison between children in alternative family care and the ones placed in institutions.
	D		there is no specific research on foster care as a response to youth delinquency.
Croatia			Few researches.
Cyprus			There is not any available research or statistical information pertaining to the issue.

COUNTRY	OUTCOME RESEARCH	OBS
Czech Republic	<p>research made by Ministry of Interior called "Evaluation of the system of care for children in need" (2004)</p> <p>The Institute of Criminology and Social Prevention: researches were focused on the issues of antisocial behaviour of children and juveniles</p> <p>"Socio-pathological phenomena by children" (2000)</p> <p>"Juvenile offenders in Millennium" (2004)</p>	
Denmark		No outcome research.
Estonia		As the child welfare interventions are designed from a "non penal" perspective, there has been quite limited interest in measuring their effects and results in terms of re-offending
France		Not discriminated.

COUNTRY	OUTCOME RESEARCH	OBS
Germany	<p>Eckert, Anna (2007): Pflegefamilie oder Heim? Die Identitätsentwicklung von Kindern und Jugendlichen in den Erziehungskontexten - Ein Vergleich. München : GRIN Verlag GmbH.</p> <p>Hiller, Petra (2010): Kinder in den stationären Hilfen zur Erziehung. Forum Erziehungshilfen, Heft 2 / 2010, pp. 81- 85.</p> <p>Trede, Wolfgang; Winkler, Michael (2012): Stationäre Erziehungshilfen: Heim, Wohngruppe, Pflegefamilie. In: Krüger , Heinz-Hermann ; Rauschenbach, Thomas (Eds.): Einführung in die Arbeitsfelder des Bildungs- und Sozialwesens. Opladen, Toronto pp. 319- 344.</p>	All these studies try to find out whether it is more favourable to place children either in residential care or in foster families:
Greece		No outcome researches.
Ireland		No outcome researches.
Italy	R. you can find useful statistical data on the website of the Italian Juvenile Justice Department www.giustiziaminorile.it	

COUNTRY	OUTCOME RESEARCH	OBS
Latvia		There are not many researches on these issues in Latvia.
Lithuania	Global Initiative on Psychiatry Lithuania has published research on juvenile justice re-education centres.	
Luxembourg		No outcome researches.
Malta		No outcome researches.
Netherlands	Currently research is being done at the University of Leiden.	
Poland		There is no evaluative research concerning the results of children being placed in alternative family care. Some empirical research was carried out which related the reoffending rate by juveniles who left youth educational centres or correctional institutions.

COUNTRY	OUTCOME RESEARCH	OBS
Portugal	<p>Delgado, P; Carvalho, J. & Pinto, V. (in press). Crecer en Familia: la Permanencia en Acogimiento Familiar. <i>Pedagogía Social. Revista Interuniversitaria</i>, 2014, 23, pp. 111-138. Available at: http://www.upo.es/revistas/index.php/pedagogia_social/article/view/286/637</p> <p>Martins, P.C. (2005). O acolhimento familiar como resposta de protecção à criança sem suporte familiar adequado, Paper available at: http://repositorium.sdum.uminho.pt/bitstream/1822/5664/1/Texto.pdf</p>	
Romania		<p>Only research on aspects of judicial practice on placement of children and research on the impact of institutionalization on the development of children under 4 years old.</p>

COUNTRY	OUTCOME RESEARCH	OBS
Slovakia	<p>research titled “Family in danger” which was done in years 2006-2010 are following: - The most common reasons for placement children in foster care are neglect of a child, loss of housing, drug abuse by father, job loss of parents. - There is increasing number of children excluded for economic reasons of family - Insufficient cooperation between social workers and risk families.</p>	
Slovenia	<p>There is some data (source not identified)</p>	
Spain	<p>with regard to other researches related the most effective intervention programmes associated with young offenders there is a recent research (Redondo, Martínez y Pueyo, 2011) publish by the Spanish Ministry of Health, Social Policy and Equality; which describes educational interventions and treatments, and also Spanish researches about efficacy.</p>	<p>There is only some data about the judicial measure “Coexistence with another person, family or educational group” (which in Spain is mainly implemented in specific centres</p>
Sweden	<p>There is some data (source not identified)</p>	

- There is **few researches**.
- Mainly because when foster care is under the **child welfare system**, the measures are designed from a "non penal" perspective, there has been quite limited interest in measuring their effects and results in terms of re-offending.



INTERNATIONAL
JUVENILE JUSTICE
OBSERVATORY

OBSERVATORIO
INTERNACIONAL
DE JUSTICIA JUVENIL

OBSERVATOIRE
INTERNATIONAL
DE JUSTICE JUVÉNILE

2. Desk Analysis in EU M.S.

National Desk Analysis

- 24 national reports (EU MS and Croatia / no UK, Italy, Hungary, Bulgaria).
- Experts from different backgrounds.
- 4 experts for scientific review and compendium of the results obtained.
- Template of the national report : JJ, Restorative approaches and Foster care
- Publication online of the national reports, and development of compendium of results obtained (snapshot)

National Experts

Judith	Ruder-Staller	Austria
Sabien	Hespel	Belgium (Flandres)
Aleksandar	Marsavelski	Croatia
Antonios	Stylianou	Cyprus
Dagmar	Doubravová	Czech Republic
Anette	Storgaard	Danemark
Jaano	Rässa	Estonia
Tapio	Lappi-Seppala	Finland
Sébastien	Marchand	France
Eftychia	Katsigaraki	Greece
Ursula	Kilkelly	Ireland
Ilona	Kronberga	Latvia
Egle	Kavoliunaite-	Lithuania
Ursula	Peters	Luxembourg
Ruth	Farrugia	Malta

Barbara	Standó-Kawecka	Poland
Maria Joao	Leote	Portugal
Miroslava	Vráblová	Slovakia
Danijela	Prelic	Slovenia
Pablo	Gallego	Spain
Sophie	Andersson	Sweden
Ton	Lieffard	The Netherlands
Ineke	Pruin	Germany
Andrea	Parosanu	Romania
Joanna	Grzywa	Poland
Philip	Horsfield	UK

A. JUVENILE JUSTICE

- A.1. Please describe the legal framework and the main characteristics of the juvenile justice system of your country.
 - A.1.1. Is there a special law or code regarding juvenile justice?
 - A.1.2. Which courts and other special authorities are responsible for the reactions of juvenile offending (criminal courts, specialised juvenile criminal courts, family courts, special prosecutors, police etc.)?
 - A.1.3. What is the scope (only criminal or also antisocial behaviour) of juvenile justice? How is the age of criminal responsibility regulated (please refer to the different age groups and include the legal definitions on “child”, “youth” and “young person”)?
 - A.1.4. Are there specific procedural rules for young persons and how do they differ from those for adults? Are due process guarantees respected?

A. JUVENILE JUSTICE

- A.2. Please describe the sanctioning system regarding juvenile justice in your country.
 - A.2.1. Please give an overview on the sanctions/reactions on youth offending at the different levels of criminal proceedings.
 - A.2.2. Which possibilities exist to divert a juvenile from a trial? (diversion structures/schemes, alternative authorities like special community councils which can impose certain measures)?
 - A.2.3.. What types of interventions can the competent court impose?
 - A.2.4.. Which forms of liberty depriving sanctions are provided? What is the minimum and what is the maximum length for liberty depriving measures?
 - A.2.5.. What types of residential and custodial institutions exist for juvenile criminal offenders?
 - A.2.6.. What does in practice happen with most juvenile offenders? Are they regularly subject to diversion schemes or to court trials? Do you have any reliable data about the diversionary and sentencing practice?

B. RESTORATIVE APPROACH within juvenile justice

- B.1. Where do you see a restorative approach within the juvenile justice system (this questionnaire follows a process based definition of restorative justice)?
- B.2. What are the types of restorative justice measures provided for juveniles (e.g. victim-offender mediation, family conferencing, circles)? Please also refer to their legal basis.
- B.3. Do these restorative measures play a role in juvenile justice (sentencing) practice?
- B.4. What are the main actors involved in delivering restorative justice measures (public institutions, NGOs...). Who bears for the costs of restorative justice measures?

C. FOSTER CARE

within the JJ system

- C. 1. Does foster care play any role in your juvenile justice system?
- C. 2. Under which conditions can foster care be imposed within the juvenile justice system (at pre- or post-sentencing level or in case of diversion?) Can foster care be imposed as an alternative to custody or pre-trial/police detention? If so please describe the regulations for foster care (length, rights of the children/the foster carers etc.) If there are possibilities in law, how are they used in practice?
- C. 3. Does your system know any other alternatives to custody like alternative care in case of pre-trial detention (e.g. in closed juvenile welfare institutions instead of prisons) or in case of juveniles sentenced to youth prison or comparable forms of custody? If there are possibilities in law, how are they used in practice?

Compendium of results obtained

- European standards and bases of juvenile justice
- Comparative articles on Juvenile Justice Trends
- 28 snapshots on juvenile justice systems in the EU
 - Scope
 - Age groups
 - Sanctioning system (focus on alternative/restorative approach)
 - Liberty depriving sanctions
 - Alternative care (foster family, residential houses, housing projects)
- Comparison of alternative care approaches and conclusion

Methods and Timeline

- Literature review and questionnaire concerning alternative care to all Member States
- Timeline:
 - September 2013: Literature review and preparation of a questionnaire,
 - December 2013: Collection of information concerning foster care (online survey)
 - February 2014: deadline to receive the national reports and exchange with the experts.
 - April 2014: Analysis of the results obtained and finalizing country snapshots with the information regarding alternative care,
 - July 2014: Preparation of concluding and comparative chapters, finalizing the compendium.www.ijjo.org