Republic of Latvia

Cabinet

Regulation No. 1613

Adopted 22 December 2009

**Procedures for Providing the Necessary Assistance to a Child who has Suffered from Illegal Activities**

*Issued in accordance with*

*Section 51, Paragraph two of the Protection of the Rights of the Child Law and*

*Section 13, Paragraph 2.4 of the Law On Social Services and Social Assistance*

1. The Regulation prescribes the procedures by which the necessary assistance shall be provided from funds from the State budget to a child who is a victim of illegal activities – criminal offence, exploitation, sexual abuse, violence or any other unlawful, cruel or demeaning acts – (hereinafter – violence) in order that the child may regain physical and mental health and reintegrate into society, including the procedures by which the foundation “Foundation for Children of Latvia” (hereinafter – the Foundation for Children of Latvia) shall organise the provision of social rehabilitation services from the funds from the State budget for children who have suffered from violence (hereinafter – social rehabilitation services), and the conditions for carrying out such task delegated by the State.

2. A child who has suffered from violence shall be provided the necessary health care services, including medical rehabilitation, in accordance with the laws and regulations regarding the procedures for organising and financing health care.

3. If assistance has been provided at a medical treatment institution to a child to whom consequences of probable violence have been detected, the medical treatment institution shall, without delay, notify the police and the social service office of the local government.

4. If the Orphan’s Court has suspicions that a child has suffered from parental abuse, it shall inform the social service office of the local government and send the child, after he or she has received the necessary treatment and medical rehabilitation, to a psychologist or a social worker who shall evaluate and determine whether the child needs social rehabilitation.

5. If there are suspicions that the child has suffered from violence at a childcare institution, educational institution of social correction, or place of imprisonment (hereinafter – institution), the head of the institution, parents, foster family or guardians of the child shall inform the Orphan's court, social service office of the local government thereof and shall request an opinion of a psychologist or a social worker regarding the abused child.

6. A psychologist or a social worker shall, within 10 days, provide an opinion upon request of the parent or guardian of the abused child, the head of the institution, the foster family, or the Orphan’s Court. The following information shall be indicated in the opinion:

6.1. whether the child has signs of psychological trauma;

6.2. the necessary social rehabilitation measures;

6.3. whether it is preferable to receive social rehabilitation at the place of residence of the child (hereinafter – place of residence) or at the institution, or at a social rehabilitation institution;

6.4. whether the child needs a social rehabilitation course up to 30 days or a complex social rehabilitation course up to 60 days in a social rehabilitation institution;

6.5. whether it is necessary that a family member of the child or a person who takes care of the child stays at the social rehabilitation institution together with the child, taking into account the psychological state and age of the child.

7. If, according to the opinion of a psychologist or a social worker, it is necessary that a family member of the child or a person who takes care of the child stays at the social rehabilitation institution, the stay of such person in the relevant institution shall be financed from the funds from the State budget.

8. Social rehabilitation services shall be provided at the place of residence or the institution in the form of consultations (not more than ten consultations 45 minutes in duration each) or in the form of a social rehabilitation course at a social rehabilitation institution.

9. Upon a justified submission of the provider of social services to the Foundation for Children of Latvia the social rehabilitation course up to 30 days or a complex social rehabilitation course up to 60 days may be extended.

10. Social rehabilitation services shall be provided as close to the place of residence as possible.

11. Provision of social rehabilitation services shall be co-ordinated by the social service office of the local government, on the basis of the following documents:

11.1. a submission of the parent or guardian of the child, the head of the institution, the foster family, or the Orphan’s Court regarding the necessity to grant social rehabilitation services to the child, specifying the type of violence from which the child has suffered, and where it has taken place;

11.2. an opinion of a psychologist or a social worker;

11.3. an extract from the inpatient or outpatient medical treatment card (Form No. 027/u) regarding the treatment and medical rehabilitation received (if provided).

12. The social service office of the local government shall:

12.1. accept the documents referred to in Paragraph 11 of this Regulation and register them in a special register;

12.2. within three working days after receipt of the documents referred to in Paragraph 11 of this Regulation:

12.2.1. issue a reference to the head of the institution, the parent, foster family or guardian of the child, or the Orphan's court for social rehabilitation of the child at any of the following places:

12.2.1.1. at the place of residence or the institution at the provider of services with whom the local government has entered into a relevant contract. The service to be provided, its extent and conformity with the laws and regulations regarding providers of social services, the contract sum, the procedures for providing the service, as well as the time of providing the service shall be indicated in the contract;

12.2.1.2. at a social rehabilitation institution indicated by the Foundation for Children of Latvia for a social rehabilitation course up to 30 days long;

12.2.1.3. at a social rehabilitation institution indicated by the Foundation for Children of Latvia for a complex social rehabilitation course up to 60 days long;

12.3. control the fulfilment of the contract referred to in Sub-paragraph 12.2.1.1 of this Regulation and the conformity of the amount of the social service provided with the contract entered into;

12.4. after completion of the service provided by the service provider and acceptance of the service, but not later than until the fifth date of the following month, submit a report to the Foundation for Children of Latvia on children who have received the social rehabilitation service at the place of residence or the institution, and send documents regarding payment for such services from the funds from the State budget;

12.5. if necessary, organise the conveyance of the child to the provider of social services;

12.6. inform residents of the local government regarding the possibilities to receive social rehabilitation services paid by the State for children who have suffered from violence, as well as regarding the conditions and procedures for receipt of services;

12.7. provide the necessary support and assistance to a child who has suffered from violence and to the family of the child during and after social rehabilitation.

13. The Foundation for Children of Latvia shall:

13.1. organise the provision of social rehabilitation services at the institution in foundations the sole founder of which is the Foundation for Children of Latvia, in accordance with the laws and regulations governing public procurement, ensuring that social rehabilitation services at the institution are available in all planning regions;

13.2. if necessary, in accordance with the laws and regulations governing public procurement, choose other providers of social services registered in the Register of Social Service Providers and shall enter into contracts with them. The service to be provided, its extent and conformity with the requirements laid down in laws and regulations, the contract sum, the procedures for the provision of the service and payment, the duties and liability of parties, the time for providing the service shall be indicated in the contract;

13.3. on the basis of information provided by social service offices of local governments, decide on granting of the funds from the State budget to specific local governments and enter into contracts with the social service offices of local governments regarding provision of social rehabilitation services at the place of residence, as well as pay for social rehabilitation services which have been provided at the place of residence. The service to be provided, its extent and conformity with the laws and regulations regarding the requirements for providers of social services, the contract sum, the procedures for the provision of the service and payment, the duties and liability of parties, the time for providing the service shall be indicated in the contract;

13.4. according to the information provided by the social service offices of local governments and other social rehabilitation institutions, maintain a data base regarding provision of social rehabilitation services at the place of residence, institution and social rehabilitation institution to children who have suffered from violence;

13.5. once a month provide information to the Ministry of Welfare regarding the amount of social rehabilitation services provided and the State funding utilised in accordance with the contract referred to in Paragraph 14 of this Regulation;

13.6. inform inhabitants regarding the possibilities to receive social rehabilitation services paid by the State for children who have suffered from violence, as well as regarding the conditions and procedures for receipt of services.

14. The Ministry of Welfare shall enter into a delegation contract with the Foundation for Children of Latvia regarding provision of social rehabilitation services. The procedures for funding social rehabilitation services, the procedures for supervising the provision of social rehabilitation services and the circulation of information, the provisions regarding provision of financial and statistical reports, and other provisions of significance for provision of services shall be included in the contract.

15. A decision of the social service office of the local government may be contested to the municipality or city council. A decision of the municipality or city council may be appealed to the administrative court.

16. Cabinet Regulation No. 719 of 8 September 2008, Procedures for the Provision of Emergency Assistance to a Child who has Suffered from Illegal Activities (*Latvijas Vēstnesis*, 2008, No. 143), is repealed.

17. The Regulation shall come into force on 1 January 2010.

Prime Minister V. Dombrovskis

Acting for the Minister for Welfare,

Minister for Education and Science T. Koķe