Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

9 March 2000 [shall come into force on 11 April 2000];

18 May 2000 [shall come into force on 8 June 2000];

15 November 2001 [shall come into force on 18 December 2001];

31 October 2002 [shall come into force on 22 November 2002];

15 May 2003 [shall come into force on 17 June 2003];

20 May 2004 [shall come into force on 27 May 2004];

17 March 2005 [shall come into force on 15 April 2005];

19 October 2006 [shall come into force on 15 November 2006];

8 March 2007 [shall come into force on 10 April 2007];

29 June 2008 [shall come into force on 29 July 2008];

12 June 2009 [shall come into force on 1 July 2009];

15 October 2009 [shall come into force on 18 November 2009];

26 November 2009 [shall come into force on 1 January 2010];

4 March 2010 [shall come into force on 7 April 2010];

16 December 2010 [shall come into force on 1 January 2011];

1 July 2011 [shall come into force on 3 August 2011];

4 August 2011 [shall come into force on 1 October 2011];

30 May 2013 [shall come into force on 4 July 2013];

27 February 2014 [shall come into force on 31 March 2014];

6 March 2014 [shall come into force on 8 April 2014];

26 November 2015 [shall come into force on 29 December 2015];

23 November 2016 [shall come into force on 1 January 2017];

2 March 2017 [shall come into force on 28 March 2017];

22 November 2017 [shall come into force on 1 July 2018];

3 May 2018 [shall come into force on 1 June 2018];

13 November 2019 [shall come into force on 1 January 2020];

12 December 2019 [shall come into force on 6 January 2020];

11 June 2020 [shall come into force on 23 June 2020];

1 October 2020 [shall come into force on 28 October 2020];

25 February 2021 [shall come into force on 3 March 2021];

25 March 2021 (Constitutional Court Judgment) [shall come into force on 30 March 2021];

11 November 2021 [shall come into force on 8 December 2021];

16 November 2021 [shall come into force on 1 January 2022];

16 December 2021 [shall come into force on 1 July 2022];

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima* 1 has adopted and

the President has proclaimed the following Law:

**Law on the Protection of the Children’s Rights**

**Chapter I. General Provisions**

**Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **orphan** – a child whose parents have died or have been declared dead in accordance with the procedures laid down in law;

2) **a child left without parental care** – a child whose parents are not known, are missing, or due to a long-term illness are not able to exercise protection or whose parents have had the custody rights discontinued or removed;

3) **foster family** – a family or a person who ensures care for a child who has been temporarily or permanently removed from his or her family environment or in whose interests remaining in his or her family is not permitted until the moment when the child may return to his or her family or, if that is not possible, is adopted, guardianship has been established or the child has been placed in a child care institution;

31) **specialised foster family** – a foster family which ensures care for a child of a certain target group to whom special care is necessary;

4) **support family** – a family that provides support in the care of a child to another family on the basis of an evaluation performed by the local government social service office on the necessity for support;

5) **trusted person** – a person who provides support to a child in a family, on the basis of an evaluation conducted by the local government social service office regarding the necessity of the support;

6) **accommodation** – heated living quarters (dwelling) in habitable condition which conforms to the requirements of construction and sanitary norms;

7) **out-of-family care** – care which is ensured with a guardian, foster family, child care institution for orphans and children who have been left without parental care;

8) **child care institution** – an institution in which social care and social rehabilitation for orphans and children left without parental care, and also children for whom social rehabilitation is necessary or special care due to their state of health, is ensured;

9) [12 December 2019];

91) **violence** – physical or emotional cruelty of any kind, sexual abuse, neglect, or another treatment which endangers or may endanger the health, life, development, or self-respect of a child;

10) **sexual abuse** – the involving of a child in sexual activities that the child does not understand or to which the child cannot knowingly give consent;

11) **physical abuse** – the application knowingly of such force as threatens the health or life of a child in connection with the child or intentional exposing of the child to harmful factors, including tobacco smoke;

12) **emotional abuse** – the infringement of the self-respect of a child or psychological coercion (threatening him or her, swearing, humiliating him or her, abusing a relative of the child in his or her presence or otherwise harming the emotional development thereof);

13) [11 June 2020];

131) **negligence** – the failure to fulfil child care and supervision responsibilities or perfunctory, negligent fulfilment thereof;

132) **neglect** – continuous or systematic negligence against a child which harms or may harm the development of the child or causes physical or psychoemotional suffering to the child;

133) **failure to fulfil child care responsibilities** – the failure to ensure the physical, emotional, social needs, health care and education of a child, and also care that is not appropriate for the age of the child and endangers the health and development of the child in long-term;

14) **street children** – children who have insufficient connection with family and who spend the greater part of their time on the streets or in other circumstances inappropriate for the development of a child;

15) **guest family** – spouses or a person who temporarily admit a child placed in a child care institution at their place of residence, or have connection with a child in a child care institution he or she is placed;

16) **large family** – a family which cares for three or more children, including children placed in a foster family and children under guardianship. An adult person who has not attained 24 years of age shall be also deemed to be a child of a large family if he or she is studying to acquire general, professional, or higher education;

17) **child supervision service** – a qualified supervision and care service the purpose of which is to ensure that an adult is present with the child and to ensure safe, informative, and useful spending of time for a child, contributing to his or her comprehensive development.

[*17 March 2005; 29 June 2008; 15 October 2009; 30 May 2013; 26 November 2015; 22 November 2017; 12 December 2019; 11 June 2020; 11 November 2021*]

**Section 2. Purpose of this Law**

(1) The purpose of this Law is to set out the rights and freedoms of a child and the protection therefor, taking into account that a child as a physically and mentally immature person has the need for special protection and care.

(2) This Law also governs the criteria by which the behaviour of a child shall be controlled and the liability of a child shall be determined, governs the rights, obligations, and liabilities of parents and other natural persons and legal persons and the State and local governments in regard to ensuring the rights of the child, and determines the system for the protection of the rights of the child and the legal principles regarding its operation.

(3) Protection of the rights of the child is an integral part of State policy. The State and local governments shall organise and monitor the protection of the rights of the child throughout the territory of the State.

[*9 March 2000*]

**Section 3. Child and the Principle of Equality Regarding the Rights of the Child**

(1) A child is a person who has not attained 18 years of age, except for such persons who have been declared to be of legal age in accordance with the law or have entered into marriage before attaining 18 years of age.

(2) The State shall ensure the rights and freedoms of all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or health status, birth or other circumstances of the child, or of his or her parents, guardians, or family members.

(3) In the area of administrative offences against law and criminal law, all relevant legal provisions applicable to minors shall be applied to a person under 18 years of age.

[*9 March 2000; 17 March 2005; 26 November 2015*]

**Section 4. Objectives of Protection of the Rights of the Child**

The rights of the child shall be protected so as to achieve the following objectives:

1) the development and reinforcement of an orientation of a child toward values corresponding to the interests of society;

2) orientation of a child to work as the only morally supportable source for obtaining resources for livelihood and welfare;

3) orientation of a child toward the family as the fundamental value in social organisation and one of the principal values of society and of individuals;

4) orientation of a child to a healthy life style as an objective precondition for the survival of the nation;

5) the safety of the child, and also maximum protection of the health and the life of the child, paying particular attention to such during public events or visits to a public recreation activity, sports or recreation location accessible to children, armed conflict, fires or other emergency situations (floods, storms, increased radiation levels and the like).

[*19 October 2006*]

**Section 5. Persons and Institutions Protecting the Rights of the Child**

(1) The protection of the rights of the child in the State shall be ensured by:

1) the parents (adopters), foster family, and guardians of a child;

2) educational, cultural, health care, and child care institutions;

3) State and local government institutions;

4) public organisations and other natural or legal persons whose activities are related to the provision of support and assistance to children;

5) employers.

(2) Children’s organisations and the family shall also be protected.

[*9 March 2000; 17 March 2005*]

**Section 5.1 Subjects Requiring Special Knowledge in the Field of Protection of the Rights of the Child**

(1) The following persons shall require special knowledge in the field of protection of the rights of the child:

1) the manager of out-of-family care institutions, social workers, and a social rehabilitator;

2) the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, the Member of an Orphan’s and Custody Court, the assistant to the Chairperson of an Orphan’s and Custody Court, the assistant to the Member of an Orphan’s and Custody Court, and the person if he or she ensures legal support to the Orphan’s and Custody Court in drawing up the decision and performing other tasks assigned to the Orphan’s and Custody Court according to the assignment of the local government council;

3) the head of an educational institution and the deputy head in educational work;

4) a specialist of the Education Quality State Service;

5) a specialist in youth matters;

6) an employee of a place of imprisonment who works with minors;

7) the chairperson, the deputy chairperson, and members of the local government administrative committee or the chairperson, the deputy chairperson, and members of the sub-committee in child matters of the local government administrative committee;

8) the head of the pedagogical medical commission of the local government;

9) an employee of the municipal police who works with children and families;

10) a social worker of the local government social service office who works with children and families;

11) a public prosecutor;

12) a social educator and a psychologist who works with children;

13) the manager of the social service office;

14) a judge;

15) an official of the State Inspectorate for the Protection of Children’s Rights;

16) the head of the State Pedagogical and Medical Commission;

17) an official of the State Police who works with children;

18) an educator of general education, vocational education, and interest education;

19) an employee of the State Probation Service;

191) a lawyer;

192) a bailiff;

193) a forensic psychology expert who is carrying out the assessment of the psychological condition of children;

194) a sworn notary;

20) any other person if the rights and legal interests of a child are or may be affected by an administrative decision (particularly administrative act) taken thereby, actual action or performance of work or service duties of another kind.

(11) In order for the persons referred to in Paragraph one, Clauses 6, 11, 14, 17, and 19.1 of this Section to acquire special knowledge in the field of the protection of the rights of the child, including regarding communication with a minor during criminal proceedings, and also in order for the persons referred to in Paragraph one, Clause 19.4 of this Section to acquire special knowledge in the field of the rights of the child, the State Inspectorate for Protection of Children’s Rights shall organise training according to the funds assigned in the law on the State budget for the current year.

(2) The procedures by which special knowledge in the field of the protection of the rights of the child shall be acquired, and also the content and extent of such knowledge shall be determined by the Cabinet.

[*30 May 2013; 6 March 2014; 3 May 2018; 12 December 2019; 11 June 2020; 11 November 2021 /* *See Paragraph 45 of Transitional Provisions*]

**Section 5.2 Psychological Assessment Report in Matters Related to the Protection of the Rights of the Child**

(1) A psychologist who is certified in the field of the professional activity of clinical and health psychology or legal psychology and who has accumulated a three-year professional activity in the assessment of children or families is entitled to provide a psychological assessment report on the results of the psychological assessment for a court, an Orphan’s and Custody Court, the police, and the Office of the Prosecutor in matters related to the protection of the rights of the child. Information in accordance with that laid down in the Psychologist Law shall be indicated in the assessment report.

(2) [11 November 2021]

[*30 May 2013; 11 November 2021*]

**Section 6. Principle of Protection of the Rights of the Child**

(1) In lawful relations that affect a child, the rights and best interests of the child shall take priority.

(2) In all activities in regard to a child, irrespective of whether they are carried out by State or local government institutions, public organisations or other natural persons and legal persons, and also courts and other law enforcement institutions, the ensuring of the rights and interests of the child shall take priority. These persons shall take into consideration the best interests of the child in all activities which directly or indirectly affect or may affect the child:

1) in evaluating any case related to the child;

2) in acting in any matter related to the child;

3) in taking any decision in relation to the child.

(21) In determining the best interests of the child, it shall be necessary to aim for a solution that is sustainable for the situation of the child taking into account, according to the situation, the extent to which the measures to be taken ensure:

1) emotionally close, permanent, family-like relationships for the child;

2) education corresponding to the needs and abilities of the child;

3) health protection corresponding to the needs of the child;

4) care corresponding to the age, emotional and physical needs of the child;

5) support for balanced mental and physical development of the child;

6) possibility for the child to develop his or her individuality, abilities, and interests;

7) participation of the child in decision-making processes related to him or her;

8) listening to the opinion of the child and taking it into consideration according to the age, maturity, ability of the child to formulate an opinion;

9) protecting of the child from a conflict of loyalty;

10) safe environment for the child to grow up and develop, protection from violence, threat, antisocial behaviour, and influence of addictions;

11) preservation of the identity of the child;

12) forming of the sense of responsibility of the child;

13) other circumstances of significance to the development and welfare of the child.

(3) Protection of the rights of the child shall be implemented in collaboration with the family, State and local government authorities, public organisations, and other natural persons and legal persons. The organisation of institutional cooperation and the procedures for implementing the protection of children’s rights shall be determined by the Cabinet.

(4) During periods of out-of-family care necessary measures shall be taken to ensure the re-unification of a child with his or her parents.

(5) An act or failure to act as a result of which the rights of a child are not observed (leaving the child without a minimum amount of nourishment, accommodation, care, guardianship), or other acts which limit the personal or property rights and freedoms of the child, shall be considered amoral and illegal.

[*15 May 2003; 17 March 2005; 2 March 2017; 11 November 2021*]

**Chapter II. Fundamental Rights of the Child**

**Section 7. Rights of the Child to Life and Development**

Every child has an inalienable right to the protection of life and development.

**Section 7.1 Rights of the Child to the Family**

Every child has an inalienable right to the family.

[*3 May 2018*]

**Section 8. Rights of the Child to Individuality**

(1) From the moment of birth a child has the right to a given name, a surname and acquisition of citizenship. A child shall be registered in accordance with the law.

(2) A child has the right to retain his or her identity.

[*9 March 2000*]

**Section 9. Rights of the Child to Privacy and Freedom and Security of Person**

(1) A child has the right to privacy, living quarters, confidentiality of correspondence, and inviolability and freedom of the person.

(2) A child shall not be treated cruelly, tortured, or physically punished, and his or her dignity and honour shall not be violated.

**Section 10. Rights of the Child to Wholesome Living Conditions**

(1) A child has the right to such living conditions and benevolent social environment as will ensure his or her full physical and intellectual development. Every child shall receive adequate nourishment, clothing, and accommodation.

(2) A child with physical or mental disabilities also has the right to everything that is necessary for the satisfaction of his or her special needs.

(3) A child has a right to a permanent place of residence.

(4) [31 October 2002]

[*9 March 2000; 31 October 2002*]

**Section 11. Rights of the Child to Education and Creativity**

(1) The State shall ensure that all children have equal rights and opportunities to acquire education commensurate to their ability. The State and local government shall ensure the assessment of special needs for all children upon commencement of the compulsory education, and shall ensure individual pedagogical and psychological support measures appropriate for the needs of the child in State, local government, and private educational institutions.

(2) Children have the right to free-of-charge pre-school preparation, primary and secondary education and vocational training.

(3) Children belonging to the ethnic minorities of Latvia have the right to acquire education in their native language in accordance with the Education Law.

(4) A child has copyright and patent rights to his or her invention.

(5) A child has the right to learn about cultural heritage and to participate in its protection, and to develop his or her creative abilities.

[*9 March 2000; 1 October 2020 /* *Amendment to Paragraph one regarding the assessment of special needs of all children shall come into force on 1 September 2021.* *See Paragraph 42 of Transitional Provisions*]

**Section 12. Social Rights of the Child**

(1) A child has the right to acquire a profession and choose employment relevant to it. Educational institutions shall provide professional training, but, for children, who have attained 15 years of age and are registered as unemployed persons, through the national employment service.

(2) A child has the right to free-of-charge health care, as determined by the State programme. The State shall ensure an early assessment of development for all children from one and a half to three years of age in order to facilitate the timely recognition of development disorders and possible special needs.

(3) A child who is not receiving adequate parental care has the right to State and local government social assistance and social services.

(4) The State and local governments shall ensure the social guarantees stipulated by the Cabinet for each orphan and child left without parental care.

[*9 March 2000; 17 March 2005; 1 October 2020 /* *Amendment to Paragraph two shall come into force on 1 July 2021.* *See Paragraph 43 of Transitional Provisions*]

**Section 13. Freedoms of the Child**

(1) A child has the right to freely express his or her opinions, and for this purpose, to receive and impart any kind of information, the right to be heard, and the right to freedom of conscience and belief. The parents of a child shall determine his or her religious affiliation.

(2) A child has a right of association, insofar as it does not threaten the health and the life of the child.

(3) A child has the right to participate in self-administration in the fields of education, culture, and sports. In any other fields which affect the interests of the child, appropriate attention, corresponding to the age and maturity of the child shall be paid to the opinion of the child.

[*9 March 2000*]

**Section 14. Rights of the Child Regarding Property**

(1) A child has rights of property.

(2) A child, depending on his or her age, has the right himself or herself or through his or her lawful representative to carry out transactions and realise other ownership rights laid down in law.

[*9 March 2000*]

**Section 15. Rights of the Child to Protection from Exploitation**

(1) A child has the right to be protected from economic exploitation, and from employment in conditions that are dangerous or harmful to his or her health or physical, psychological, or moral development, or in night work or during such working periods as hinder his or her education.

(2) A child has the right to be protected from physical and mental exploitation, from sexual exploitation and seduction, and from any other forms of exploitation which may in any way harm the child.

**Section 16. Rights of the Child to Recreation and Free Time**

A child has the right to recreation and free time appropriate to his or her age and physical and mental development, and the right to take part in games and amusement events, and cultural activities, and to engage in art.

**Section 17. Rights of the Child to Take Part in the Drawing up of Programmes for the Protection of the Rights of Child**

A child has the right himself or herself or through a lawful representative to take part in the drawing up and implementation of programmes for the protection of the rights of the child.

**Chapter III. Guarantees of the Rights of the Child and Limitations of Rights**

**Section 18. Guarantees of the Rights of the Child**

Guarantees for the rights of the child shall be as laid down by the Constitution, this Law and other laws and regulatory enactments, and also international agreements binding on Latvia.

[*9 March 2000*]

**Section 19. Information Regarding Rights and Obligations of the Child**

(1) Educational institutions which implement general educational programmes shall ensure that each child has the opportunity to acquire a basic knowledge of the rights and obligations of the child.

(2) The State shall inform the public of the provisions of this Law and other laws and regulatory enactments adopted in the area of the protection of the rights of the child and of the principles of international law in this area.

[*17 March 2005*]

**Section 20. Examination of Matters Related to the Protection of the Rights of the Child**

(1) Submissions and complaints that are related to the protection of the rights of the child shall be examined without delay.

(2) A child shall be given the opportunity to be heard in any adjudicative or administrative proceedings related to the child, either directly or through his or her lawful representative or through a relevant institution.

(3) Matters that are related to ensuring the rights or interests of the child, also criminal matters in which the defendant is a minor, shall be adjudicated in court by emergency procedure.

[*30 May 2013*]

**Section 21. Limitations on the Rights of the Child**

(1) In the interests of security and protection of a child himself or herself, the implementation of the rights of the child may be subject to such limitations as are provided for by law and are necessary for the protection of national security, public order, and the morals and health of the public and the protection of the rights and freedoms of other persons.

(2) A child shall receive explanations regarding such limitations as soon as the rights of the child are limited.

[*9 March 2000*]

**Chapter IV. Obligations of the Child**

**Section 22. Obligations of the Child in the Home**

(1) A child has an obligation to keep him or herself neat and to take part in housework appropriate to his or her age.

(2) A child shall treat his or her parents (adopters), and other family members, guardians and foster family members with respect.

[*9 March 2000*]

**Section 23. Obligations of the Child Toward the Society**

(1) A child is a full-fledged member of the society. The obligations of a child towards the society shall increase in correspondence with the age of the child.

(2) A child has the obligation to study commensurately to his or her physical and mental development. During study time the child shall observe the internal procedural regulations of the educational institution.

(3) A child, depending on his or her age and maturity level, has the obligation to safeguard his or her health.

(4) A child shall treat the State and its symbols with respect and shall observe the law.

(5) A child shall observe the behavioural norms accepted by the society. The child shall not, in exercising his or her rights, infringe the rights and lawful interests of other children and adults.

(6) A child has the obligation to treat the surrounding environment with care.

[*9 March 2000*]

**Chapter V. Child and Family**

**Section 24. Obligations of Parents towards the Child**

(1) In accordance with the provisions of the Civil Law, parents have an obligation to care for a child and his or her property and to represent the child in his or her personal and property relations.

(2) It is the obligation of the parents of a child to prepare him or her for an independent life in society, as far as possible respecting the individuality of the child and observing the abilities and interests of the child.

(3) Parents are the natural guardians (lawful representatives) of a child. It is their obligation to defend the rights and interests of the child protected by law.

(4) Parents shall be held liable as determined by law for not fulfilling their parental duties and for abuse of custody rights, physical punishment or cruel treatment of a child.

(5) Limitations may be provided on expression of the wishes of the parents in relation to a child, irrespective of their opinions and religious convictions, if it is determined that they could be physically or mentally harmful to future development of the child.

(6) Parents or a person under whose care or supervision a child has been transferred (hereinafter – the person who is responsible for the supervision of the child) has an obligation not to leave a child up to seven years of age without presence of an adult or at least a person of 13 years of age.

(7) Parents have an obligation to cooperate with the social service office and to use the family support and assistance programmes offered if violence or other violations of the rights of the child in the care of a child have been detected. The social service office shall inform an Orphan’s and Custody Court of refusal from cooperation.

[*9 March 2000; 15 May 2003; 17 March 2005; 30 May 2013; 12 December 2019; 1 October 2020; 11 November 2021*]

**Section 25. Rights of Parents to Limit Freedoms of the Child**

(1) Depending on the maturity level of a child, parents may limit the rights of a child to privacy, freedom of association and of speech in order to:

1) ensure the development of the child and to protect the health and life of the child;

2) safeguard public order and public morals and health;

3) protect the rights and freedoms of other persons.

(2) A child may apply for assistance to the Orphan’s and Custody Court, if the parents, in the opinion of the child, have set unjustifiable limitations or other differences of opinion have arisen in their relationship.

[*17 March 2005*]

**Section 26. Support to the Family**

(1) The family is the natural environment for the development and growth of a child and every child has the inalienable right to grow up in a family. The State and local government shall support the family, particularly a large family and a family which cares for a child with disability, and provide assistance to it.

(2) If the relationship of the parents with their child does not ensure a favourable environment for the development of the child or if the child is chronically ill, the local government shall assist the family, providing consultations with a psychologist, social educator or other specialist, and shall appoint a support family or trusted person for the child who shall assist in stabilising the relationship between parents and child. A support family or trusted person, on the basis of a three-party agreement which is entered into between the support family or trusted person, local government social service office and the family for which support is necessary shall provide support to the child or the family.

(3) Depending on the age of a child, the local government shall assist the family, particularly, a family in need, in the upbringing and education of the child, in vocational education, and in finding employment and accommodation.

(4) The State and local governments shall provide support to child and family educational, health maintenance, cultural, sports and recreational institutions and organisations, in order to promote physical development and creative activities of a child; provide opportunities for spending free time for a child; and provide other services as will promote full development of a child and assist the family in the upbringing of a child.

(5) Other laws shall determine the duties by which the State and local governments ensure a minimal level of welfare to a child.

(6) In evaluating the contribution and increasing the prestige in the society, and also in order to promote and support voluntary involvement of local governments, merchants, and other persons in supporting large families and families which care for a child with a disability or a person who has not reached the age of 24 years and for whom Group I or II disability has been determined, the Society Integration Foundation shall ensure the implementation of the State support programme “Latvian Honorary Family Certificate Programme”. The procedures for implementing the abovementioned programme, including the cases and procedures for granting, issuing, using, cancelling the honorary family certificate, and also the restrictions for the receipt of the certificate shall be determined by the Cabinet.

(7) [1 January 2022 / See Paragraph 44 of Transitional Provisions]

[*9 March 2000; 31 October 2002; 17 March 2005; 15 October 2009; 26 November 2015; 12 December 2019; 25 February 2021; 16 November 2021*]

**Section 27. Separation of the Child from Family**

(1) A child may be separated from his or her family, if:

1) the life, health, or development of the child is seriously threatened due to violence or if there are justified suspicions regarding violence against the child, and also due to lack of care or due to the circumstances of his or her home (social environment);

2) the child is seriously threatening his or her health or development by using alcohol, narcotic, or toxic substances;

3) the child has committed a criminal offence.

(2) In the cases provided for in Paragraph one, Clauses 1 and 2 of this Section, a child shall be separated from the family if it is not possible to allay the circumstances unfavourable to the development of the child if he or she remains in the family. The eviction of a family from accommodation place may not be a reason to separate a child from his or her parents.

(3) When separating a child from the family, out-of-family care shall be ensured for him or her by a guardian or in a foster family. Out-of-family care in a child care institution shall be ensured only in such cases when care received from a guardian or in a foster family is not appropriate for the particular child. The child shall stay in a child care institution until he or she is ensured appropriate care by a guardian or in a foster family.

(31) [3 May 2018 / See Paragraph 35 of Transitional Provisions]

(4) If out-of-family care is ordered in connection with the circumstances referred to in Paragraph one, Clause 1 of this Section:

1) the children from one family shall not be separated, except for special cases where it is done in the best interests of the children;

2) upon selecting the form of out-of-family care, the point of view of the child shall also be taken into account.

(41) If the police separates a child from his or her family due to the circumstances referred to in Paragraph one, Clause 1 of this Section and a decision on his or her out-of-family care has not been taken yet, the police may refuse to notify the parents of the child, and also his or her brothers, sisters, grandparents, and persons with whom the child has lived for a long period of time in a common household, regarding the location of the child. If a child is being separated from his or her family due to the circumstances referred to in Paragraph one, Clause 1 of this Section and a decision on his or her out-of-family care has not been taken yet, a child care institution, an educational institution, a medical treatment institution, or a social rehabilitation institution may prohibit the parents of the child, and also his or her brothers, sisters, grandparents, and persons with whom the child has lived for a long period of time in a common household, from meeting the child if meeting the particular person:

1) is harmful to the health, development, and safety of the child;

2) poses a threat to the child or other children who are in the institutions referred to in this Paragraph.

(42) The police may communicate its decision to refuse to notify the location of the child and the child care institution, the educational institution, the medical institution, or the social rehabilitation institution may communicate their decision to prohibit meeting the child orally. A request may be submitted to draw up the abovementioned decisions in writing and also they may be appealed in accordance with the procedures laid down in the Administrative Procedure Law. The appeal of the decision shall not suspend the operation thereof.

(43) If a child is separated from his or her family within the meaning of a case referred to in Paragraph 4.1 of this Section, the Orphan’s and Custody Court which is competent to decide on the discontinuation of the custody rights of parents shall be informed of it not later than on the next working day. Having received this information, the Orphan’s and Custody Court shall decide on the termination of the custody rights of parents not later than on the next working day.

(5) Having taken the decision on separating the child from his or her family, the Orphan’s and Custody Court shall inform thereof the social service of the local government or the person delegated by the local government without delay. In such cases the social service of the local government in cooperation with other institutions of the local government, the child’s parents and institutions for the protection of child’s rights shall draw up a family support and assistance programme.

[*9 March 2000; 15 May 2003; 17 March 2005; 4 March 2010; 30 May 2013; 3 May 2018 / The new wording of Paragraph three and the amendment on deleting Paragraph 3.1 shall come into force on 1 September 2018. See Paragraph 35 of Transitional Provisions*]

**Section 27.1 Separation of the Child from Family in Order to Execute a Ruling on Return of the Child to the Country Where His or Her Place of Residence is Located**

(1) A child may be separated from the family if it is necessary for compulsory execution of a ruling on return of the child to the country where his or her place of residence is located and if:

1) the parent of the child or another person who has unlawfully moved or detained the child has not voluntarily executed the decision on return of the child to the country where his or her place of residence is located, and it has not been possible to ensure compulsory execution of the relevant ruling in accordance with the procedures laid down in laws and regulations, without separating the child from family;

2) the parent of the child or another person who has unlawfully moved or detained the child has not executed the decision on return of the child to the country where his or her place of residence is located within the time period indicated in the notification of the bailiff, and it has not been possible to ensure compulsory execution of the relevant ruling in accordance with the procedures laid down in laws and regulations, without separating the child from family.

(2) Upon separating the child from family, the Orphan’s and Custody Court shall ensure the protection of personal interests, and also rights of the child and, if the child is handed over to a representative of the Orphan’s and Custody Court for performance of further activities in cases when a collector does not participate in execution of the ruling, – the delivery of the child to a crisis centre or other safe conditions, if it is impossible to deliver the child without delay back to the country where his or her place of residence is located.

(3) If the parent of the child or another person who has unlawfully moved or detained the child, or close relatives of the child may endanger execution of the ruling on return of the child to the country where his or her place of residence is located, further compulsory execution, and preparation of the child for return to the country where his or her place of residence is located, the Orphan’s and Custody Court, upon delivering the child to a crisis centre or other safe conditions, may:

1) refuse to notify such persons of the location of the child;

2) prohibit such persons from meeting the child and removing him or her from the crisis centre or other safe conditions.

[*4 August 2011*]

**Section 28. Termination and Removal of Custody Rights**

(1) Custody rights shall be terminated or removed in accordance with the Civil Law and the Law on Orphan’s and Custody Courts.

(2) In the case provided for in Section 27, Paragraph one, Clause 3 of this Law, the ruling shall be made by the court. In the cases provided for in Section 27, Clause 2 of this Law, the court shall apply compulsory measures of a correctional or medical nature.

[*15 May 2003; 8 March 2007; 30 May 2013; 3 May 2018*]

**Section 29. Care of the Child According to Parental Request**

(1) The local government social service office in co-operation with the Orphan’s and Custody Court shall ensure care for a child with a provider of out-of-family care service upon request of his or her parents, if they are not able to care of the child due to their state of health.

(2) Upon request of the mother of a newborn child, if she does not have the maintenance or accommodation, such mother together with her child shall be admitted to a child care institution together with the child during the time she is breastfeeding the child.

(3) The local government social service office according to a parental request shall ensure the necessary social assistance or social services to the family, or if necessary, out-of-family care with a provider of out-of-family care services if parents are unable to care for the child due to his or her state of health.

[*17 March 2005; 30 May 2013*]

**Section 29.1 Mother’s Rights in Out-of-family Care**

(1) A mother who is a minor in out-of-family care has the right to remain together with her child. A guardian, foster family, or the child care institution together with the local government shall ensure this possibility.

(2) The Orphan’s and Custody Court shall for the child of a mother who is a minor, if necessary, appoint a separate guardian and shall supervise that the decisions taken best conform to the interests of the mother who is a minor and her child.

[*31 October 2002; 15 May 2003*]

**Section 30. Payment for Out-of-family Care of the Child**

(1) Parents have an obligation to pay for out-of-family care services. The Cabinet shall determine the procedures for the payment and the amount thereof. If out-of-family care services for a child are ensured by appointing his or her guardian, payment for the services shall be ensured in accordance with Section 35, Paragraph three of this Law.

(2) The circumstance that parents are not able to pay for the out-of-family care of a child may not be the basis for non-provision of extra-familial services. Payment for out-of-family care services in such cases shall be covered as applicable by the State or local government budget and thereafter shall be recovered from the parents in accordance with the procedures laid down in the Administrative Procedure Law on the basis of an execution order of the institution.

(3) A parent of the child shall be exempted from payment for out-of-family care services for a child if:

1) the child has been born to a mother as a result of a criminal offence against sexual inviolability or the mother has been recognised a victim in criminal proceedings initiated in relation to committing such criminal offence, and the child has been transferred for out-of-family care immediately after birth;

2) the parent of the child is at a long-term social care and social rehabilitation institution;

3) the capacity to act of the parent of the child is limited and trusteeship has been established due to disorders of mental nature or other health disorders;

4) the care of the child is ensured in the cases specified in Section 29 of this Law;

5) the local government social service office has provided a motivated opinion on involvement of the parent in solving of his or her problems;

6) the parent of the child has given a written consent for adoption.

(4) Parents of the child have an obligation to take care of maintaining the child or to pay for child care services also if both parents or one of the parents has been removed the custody rights by a court judgment. Such duty need not be carried out during the time period when the child has been transferred into care of adopters.

(5) During periods of out-of-family care, child and family support shall not be disbursed to parents.

[*30 May 2013*]

**Section 31. Adoption**

(1) In order to ensure a familial environment for the development of a child, adoption shall be supported.

(2) The legal basis of adoption shall be determined by the Civil Law. The Cabinet shall determine the procedures for adoption.

(3) In the cases and in accordance with the procedures provided for in laws, a child may be adopted to a foreign country if the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption as well as the Convention on the Rights of the Child of 20 November 1989 is binding on this country and if Latvia has entered into a bilateral agreement with it which determines the nature of mutual legal cooperation in the field of intercountry adoption. A child may be adopted to a foreign country if the Orphan’s and Custody Court which decided on out-of-family care receives an opinion of the Intercountry Adoption Commission which includes a conclusion that the adoption process to a foreign country complies with the principles of protection of the rights of the child and the best interests of the child.

(4) The Ministry of Welfare shall establish and keep the Adoption Register. The Cabinet shall determine the data to be included in the Adoption Register on the children to be adopted, adopters, adoption process, and also the amount of such data, data processing regulations and procedures.

(5) The Cabinet shall determine the procedures for the establishment of the Intercountry Adoption Commission, its composition and competence.

[*9 March 2000; 29 June 2008; 15 October 2009; 12 December 2019; 16 December 2021*]

**Chapter VI. Out-of-family Care**

**Section 32. Purpose of Out-of-family Care**

The purpose of out-of-family care is to create a feeling of protection for a child, to ensure circumstances for the development and welfare of the child, to prepare the child for an independent life in society, as far as possible respecting his or her individuality and observing his or her abilities and interests.

[*1 October 2020*]

**Section 33. Connection of a Child in Out-of-family Care with Parents and Other Persons**

(1) A child who has been placed under guardianship or with a foster family or has been placed in a child care institution, has the right to maintain personal relationship and direct connection with parents, and also with brothers, sisters, grandparents, and persons with whom the child has lived for a longer period of time in a common household, except for the cases when it:

1) is harmful to the health, development, and safety of the child;

2) poses a threat to the guardians, foster families, employees of child care institutions, or other children.

(2) If the circumstances referred to in Paragraph one of this Section exist, the Orphan’s and Custody Court which has taken the decision on out-of-family care may refuse to notify the parents of a child and other persons referred to in the introductory part of Paragraph one of this Section regarding the location of the child or take a decision to restrict the right to maintain personal relationship and direct connection.

(3) The persons concerned may appeal the decision to refuse to notify the parents of the child or other persons referred to in the introductory part of Paragraph one of this Section regarding the location of the child, and the decision to restrict the right to maintain personal relationship and direct connection, in accordance with procedures laid down in law. Submitting of an application to the court shall not suspend the operation of the abovementioned decisions.

(4) The manager of a child care institution, a foster family, or a guardian may permit a child to stay with the parents whose custody rights have been terminated or removed, or with other persons referred to in the introductory part of Paragraph one of this Section, if the Orphan’s and Custody Court has taken a decision in respect of this.

[*9 March 2000; 15 May 2003; 17 March 2005; 8 March 2007; 15 October 2009; 4 March 2010; 30 May 2013*]

**Section 34. Informing a Child of His or Her Parents**

According to the request of a child, taking into account the age and maturity of the child, a guardian, foster family, or manager of a child care institution shall notify the child why he or she is in out-of-family care and provide information on his or her family and how long the child will remain in out-of-family care.

[*15 May 2003*]

**Section 35. Care of a Child under Guardianship**

(1) The procedures by which a guardian is appointed and the obligations of a guardian towards a child shall be determined by the Civil Law, the Law on Orphan’s and Custody Courts, and the regulations governing the activity of Orphan’s and Custody Courts.

(2) A local government shall, within the scope of its budget resources, ensure the training for guardians. The Minister for Welfare shall approve a sample guardian training programme.

(21) The State Inspectorate for Protection of Children’s Rights within the framework of the allocated State budget resources shall provide the guardians with psychological assistance and informational and methodological support.

(3) If out-of-family care services are ensured by appointing a guardian for a child, parents have an obligation to pay the maintenance to the guardian in the amount necessary for the child, but not less than laid down in the laws and regulations regarding the minimum amount of the maintenance for a child.

(4) If parents do not pay maintenance, a guardian has an obligation to ensure that a child receives maintenance from his or her parents. In order to ensure it, the guardian has the right to bring an action to court.

(5) If recovery of the maintenance has been recognised as impossible by a court ruling regarding recovery of maintenance in accordance with the procedures laid down in the Civil Procedure Law or if parents carry out the court ruling regarding recovery of maintenance to an extent which is less than laid down in the laws and regulations regarding the minimum amount of the maintenance for a child, the guardian must address the Administration of the Maintenance Guarantee Fund.

[*9 March 2000; 17 March 2005; 8 March 2007; 12 June 2009; 30 May 2013; 23 November 2016; 12 December 2019*]

**Section 36. Care of a Child in a Foster Family**

(1) The Orphan’s and Custody Court shall grant the status of a foster family, including the status of a specialised foster family, and shall take care of entering into the child care agreement with the foster family. The Cabinet shall determine the criteria for the recognition of a family (person) as a foster family or specialised foster family, and also the types of specialised foster families.

(11) After the decision of the Orphan’s and Custody Court is taken on the suitability of the family or person for the status of a foster family, including the status of a specialised foster family, the support centre referred to in Section 36.1 of this Law shall organise the training for foster families.

(2) The local government shall assist foster families in the upbringing of children and shall ensure the necessary social services. A foster family has the right to receive funds for the maintenance of the child. The Cabinet shall determine the amount of funds for the maintenance of the child.

(21) The State shall ensure remuneration for the fulfilment of a specialised foster family’s duties according to the funds assigned in the law on the State budget for the current year. The amount of remuneration, the procedures for granting, disbursing, reviewing, and discontinuing thereof, and also the documents to be submitted by the foster family necessary for the receipt of remuneration shall be determined by the Cabinet.

(3) The legal relationship of a child and a foster family shall be governed by Cabinet regulations.

[*17 March 2005; 22 November 2017; 13 November 2019; 12 December 2019*]

**Section 36.1 Support for the Provision of Out-of-family Care Services**

(1) The State shall provide the financial support for the provision of out-of-family care services according to the funds assigned in the law on the State budget for the current year.

(2) The support for the provision of out-of-family care services shall be ensured by the out-of-family care support centre (hereinafter – the support centre).

(3) The Cabinet shall determine the criteria for the establishment of the support centres, the procedures for the registration of the support centres, and also the requirements for the support centres.

(4) The Cabinet shall provide for provisions for granting the State financing to the support centres, the amount of the financing, and also the procedures by which the support is to be provided.

[*22 November 2017*]

**Section 37. Child Care Institutions for Orphans and Children Left without Parental Care**

(1) [17 March 2005]

(2) The by-laws of a child care institution shall be approved by its founder.

(3) An orphan and a child left without parental care shall be placed in a child care institution according to the decision of an Orphan’s and Custody Court, but in the case referred to in Section 29, Paragraph three of this Law – in accordance with the procedures laid down in laws and regulations for the receipt of social services and social assistance.

(4) A child shall be admitted to a child care institution for short-term care (up to three months) on the basis of a unilateral decision of the Chairperson of the Orphan’s and Custody Court, a police order, or an opinion of the local government social service office. If the child care institution takes a child for short-term care according to a police order, the manager of the institution shall inform the Orphan’s and Custody Court and the local government social service office of the parent’s place of residence thereof not later than on the next working day.

(5) A child care institution may not refuse to take a child for short-term care if the child himself or herself has asked for assistance or his or her admission is requested by a person who has determined that the child has been left without care. In respect of taking the child into the child care institution, the manager of the institution shall inform the Orphan’s and Custody Court and the local government social service office of the parent’s place of residence thereof not later than on the next working day.

(6) [17 March 2005]

(7) There shall be premises and equipment thereof necessary for the development of a child and qualified medical and other personnel in child care institutions. The requirements for child care institutions for orphans and children left without parental care, including the medical health and hygiene requirements thereof, shall be determined by the Cabinet.

(8) A child care institution may establish separate apartment-type premises for orphans and children left without parental care who have attained 15 years of age.

[*9 March 2000; 15 May 2003; 17 March 2005; 2 March 2017*]

**Section 38. Social Correction Educational and Prophylactic Institutions**

(1) Social correction educational institutions are institutions in which children with socially deviant behaviour are placed and in which, if necessary, compulsory measures of a medical nature are applied. A child shall be placed in a social correction educational institution if social correction of the behaviour of the child while located at his or her place of residence has not been successful or also the child has committed a criminal offence before attaining 14 years of age.

(2) A child may be placed in the institutions referred to in Paragraph one of this Section pursuant to a court ruling in accordance with procedures laid down in a separate law.

(3) A prophylactic institution is a unit of the State Police, where a child who has committed a violation of the law or a child with socially deviant behaviour is placed in the cases specified in the law. A child may be placed in a prophylactic institution for a short-term in the cases and according to the procedures laid down in the law. The police may place a child in a prophylactic institution in the cases referred to in Section 60, Paragraph two of this Law not longer than for five days.

[*9 March 2000; 15 May 2003; 17 March 2005; 29 June 2008; 1 July 2011*]

**Section 39. Status of a Child under Out-of-family Care**

(1) A child who has been placed in out-of-family care shall not be humiliated, or his or her defencelessness or dependence stressed, or his or her honour and dignity otherwise infringed.

(2) During the time of out-of-family care, the behaviour of a child, personal hygiene and social interaction skills shall be developed, and circumstances shall be created for obtaining a general education and acquiring a profession.

(3) A child care institution shall inform the child of his or her rights and obligations in out-of-family care.

(4) A child who has been placed in a child care institution shall observe the internal procedure regulations of the institution, and shall treat with care the inventory and material valuables of the institution.

[*17 March 2005*]

**Section 40. Sanctions and Limitations**

(1) If the manager of a child care institution, the manager of a social correction educational institution, the manager of a social rehabilitation institution, the director of a boarding school, the guardian or foster family has reasonable cause for suspicion that a child has alcohol, narcotic, psychotropic, or toxic substances or the devices necessary for the use thereof, and also items and substances which may endanger the life or health of the child himself or herself or another person, they may search the child.

(2) If there is cause for suspicion that in correspondence or other mail addressed to a child there is alcohol, narcotic, psychotropic, or toxic substances or equipment necessary for their use, pornographic material or something else as may be harmful or dangerous to the child, the manager of the care and instructional institution, the manager of a social correction educational institution, the manager of a social rehabilitation institution, the guardian or the foster family may examine the correspondence or mail addressed to the child.

[*15 May 2003; 17 March 2005; 29 June 2008; 15 October 2009; 30 May 2013*]

**Section 41. Special Limitations**

(1) For a specified period a child may be prohibited from leaving his or her home, or his or her freedom of movement may be restricted, if it is necessary for the care of the child or in conformity with the interests of the welfare of the child in cases where:

1) out-of-family care has been provided for a child because the child is seriously threatening his or her health or development by using alcohol, narcotic, psychotropic, or toxic substances, or has committed a criminal offence, or due to other similar behaviour;

2) special circumstances exist for considering such limitation necessary.

(2) A child may be isolated from other children in the house, if the child threatens his or her life or health or that of another person or such isolation is necessary in connection with the care of the child.

(3) The period of isolation shall not exceed 24 hours and to continue isolation of the child from others shall be permitted only in special cases. The total duration of the isolation shall not exceed 48 hours.

(4) During the period of isolation, supervision shall be provided for the child.

(5) Circumstances concerning isolation of a child and the procedures for its application shall be determined by the Cabinet.

[*17 March 2005*]

**Section 42. Termination of Out-of-family Care**

(1) Out-of-family care shall be terminated when favourable conditions for the development of a child have been ensured by the family of the parents of the child or the child has attained 18 years of age. Leaving a child for a longer period of time in a care institution, with a guardian, or in a foster family may be permitted up to the end of the academic year if the child continues his or her education.

(2) In the cases specified in Paragraph one of this Section, six months prior to leaving the institution the manager thereof shall provide information in writing to a child on the guarantees specified in law, also the right to receive residential premises.

(3) A ruling regarding terminated or removed custody rights shall be made by a court or an Orphan’s and Custody Court in accordance with the procedures laid down in law.

[*9 March 2000; 15 May 2003; 17 March 2005; 30 May 2013; 12 December 2019*]

**Section 43. Provision of Assistance after Termination of Out-of-family Care**

(1) Upon termination of guardianship, or of the care of a child by a foster family or in a child care institution, the local government shall, in accordance with the law On Assistance in Solving Apartment Matters, provide the orphan or the child who has been left without parental care with residential premises and according to the social guarantees stipulated by the Cabinet shall provide other assistance, including after the attaining of 18 years of age.

(2) A person shall be maintained the right to unused social guarantees for not longer than until the attaining 24 years of age.

[*9 March 2000; 15 May 2003; 17 March 2005; 29 June 2008; 15 October 2009*]

**Section 44. Work with the Parents during Out-of-family Care**

(1) While a child is in out-of-family care, the local government shall provide educational, social and other assistance to the parents of the child in order to promote return of the child to the family.

(2) A foster family, a guardian, and a child care institution shall inform the parents of the development of the child and shall encourage the renewal of family ties.

[*15 May 2003; 19 October 2006; 30 May 2013*]

**Section 45. Supervision of Care of a Child Placed in Another Family**

[29 June 2008 / See Transitional Provisions]

**Section 45.1 Placement of a Child under Parental Care into Care of Another Person in Latvia and Supervision of Care**

(1) Parents may place the child into care of another person in Latvia for a period of time exceeding three months, if prior to placement the Orphan’s and Custody Court of the place of residence of the parents has recognised that such placement conforms to the interests of the child and the person will be able to provide appropriate care for the child. If necessary, the Orphan’s and Custody Court shall request an opinion of the Orphan’s and Custody Court of the place of residence of the person on the ability of the relevant person to provide appropriate care for the child.

(2) The Orphan’s and Custody Court of the place of residence of the parents of a child placed into care of another person shall inform the Orphan’s and Custody Court of the place of residence of the person which shall ensure regular checks of the living conditions of the child placed into care of the relevant person.

(3) If after placement of the child into care of another person it is found that such a person does not provide appropriate care for the child, the Orphan’s and Custody Court in cooperation with the social service office of the local government shall ensure return of the child to the care of the parents. If the return of the child under parental care is impossible, the Orphan’s and Custody Court of the place of residence of the parents in cooperation with the social service office of the local government shall decide on out-of-family care of the child.

[*29 June 2008 / Section shall come into force on 1 October 2008. See Transitional Provisions*]

**Section 45.2 Placement of a Child under Parental Care into Care of Another Person in Latvia and Supervision of Care**

(1) The guardian and the foster family may place the child into the care of another person in Latvia for a period of one to three months, if prior to placement the Orphan’s and Custody Court which has taken the decision on the out-of-family care concludes that the placement conforms to the interests of the child and the person will be able to provide appropriate care for the child. If necessary, the Orphan’s and Custody Court shall request an opinion of the Orphan’s and Custody Court of the place of residence of the person on the ability of the relevant person to provide appropriate care for the child.

(2) The guardian and foster family shall reach an agreement with the person regarding the procedures by which the person shall be covered expenditures related to the feeding of the child.

(3) The child care institution may permit the child to meet the relevant person on the premises of the institution or to place the child into the care of this person temporarily, if he or she has been granted the status of a guest family in accordance with Section 45.3 of this Law and the child care institution is convinced that the guest family will provide the necessary support to the child and will be able to take care of and supervise him or her according to his or her needs.

(4) A child care institution, upon reaching a written agreement with the family, shall determine the duration of the stay of the child placed in an out-of-family care institution in another family in a foreign country, the rights and obligations of the parties, and also disburse the child allowance or maintenance benefit granted thereto according to the period of time during which the child is in care of another person in a foreign country.

(5) The child care institution shall send a certified copy of the concluded agreement to the Orphan’s and Custody Court according to the guest family’s place of residence. The Orphan’s and Custody Court shall ensure regular checks of the living conditions of the child placed in the guest family.

(6) If after placement of the child in care of another person it is found that such a person does not provide appropriate care for the child, the Orphan’s and Custody Court which has taken the decision on out-of-family care or granted the status of the guest family to the person, in cooperation with the social service of the local government shall ensure return of the child to the out-of-family care.

(7) For the other person who has admitted a child under out-of-family care to be able to adopt the child or to take the child under guardianship, an opinion of the Orphan’s and Custody Court which has decided on the out-of-family care of the child, stating that it conforms to the best interests of the child, shall be necessary.

[*29 June 2008 / Section shall come into force on 1 October 2008. See Transitional Provisions*]

**Section 45.3 Status of the Guest Family**

(1) The status of the guest family shall be granted by the Orphan’s and Custody Court of the place of residence of spouses or a person.

(2) Prior to taking of a decision, the Orphan’s and Custody Court shall evaluate the suitability of the potential guest family for the acquisition of the status of the guest family, including:

1) evaluate the motivation of the spouses or the person to be become the guest family, the mutual relationship in the family and the ability to take care for a child;

2) check and evaluate the household and material conditions of the spouses or the person;

3) demand an opinion of the family doctor on the state of health of the spouses or the person;

4) send the spouses or the person to a psychologist in order to receive an opinion regarding suitability for the acquisition of the status of the guest family;

5) request information on the data included in the Register of Convictions on the spouses and the person.

(21) The following person may not be a guest family:

1) who has been punished for committing an intentional criminal offence related to violence or threatening violence – regardless of extinguishing or setting aside of conviction;

2) who has been punished for a criminal offence against morals or sexual inviolability – regardless of extinguishing or setting aside of conviction;

3) who has been revoked from fulfilling the obligations of a guardian due to careless fulfilment thereof;

4) who has been withdrawn the status of a foster family or guest family because the person has not fulfilled the obligations according to the interests of the child;

5) who has been withdrawn the right of guardianship according to a court judgment;

6) to whom the court has applied the compulsory measures of a medical nature laid down in the Criminal Law for a criminal offence committed in a state of mental incapacity.

(3) The Orphan’s and Custody Court who has taken a decision to grant the status of the guest family shall not less than once a year assess the suitability of the guest family for the status of a guest family in accordance with the assessment criteria specified in Paragraph two, Clauses 1 and 2 of this Section and verify whether the guest family will be able to continue the fulfilment of the obligations of a guest family.

(31) The Orphan’s and Custody Court shall decide on termination of the status of a guest family, if the guest family refuses to fulfil the obligations of a guest family, or on withdrawal of the status of a guest family, if the Orphan’s and Custody Court detects that the guest family is not fulfilling the obligations of a guest family according to the interests of the child.

(4) For the spouses or the person who has fulfilled the obligations of the guest family to be able to adopt the child or to take the child under guardianship, an opinion of the Orphan’s and Custody Court which has decided on the out-of-family care of the child, stating that it conforms to the best interests of the child, shall be necessary.

[*29 June 2008; 30 May 2013*]

**Section 45.4 Placement of a Child under Parental Care and Out-of-family Care into Care of Another Person in a Foreign Country and Supervision of Care**

(1) Parents may place the child into care of another person in a foreign country for a period of time which exceeds three months, if the Orphan’s and Custody Court of the place of residence of the parents agrees thereto and if this Orphan’s and Custody Court has recognised that such placement conforms to the interests of the child and the relevant person will be able to provide appropriate care for the child.

(2) A child in a child care institution or foster family who has attained the age of 12 years may be temporarily placed into care of another person in a foreign country if the child wants it and if the child care institution or foster family agrees to it and the Orphan’s and Custody Court which has taken the decision on the out-of-family care of the child has recognised that such placement conforms to the interests of the child and the relevant person will be able to provide appropriate care for the child.

(21) A child under the guardianship may be temporarily placed into care of another person in a foreign country if the child wants it and if the guardian agrees to it and the Orphan’s and Custody Court which has taken the decision on the out-of-family care of the child has recognised that such placement conforms to the interests of the child and the relevant person will be able to provide appropriate care for the child.

(22) In exceptional case a child in a child care institution and foster family who is younger than 12 years may be temporarily placed into care of another person in a foreign country if the child is placed into care of another person in a foreign country together with his or her brothers and sisters, step-brothers and step-sisters of whom at least one has reached the age of 12 years.

(3) Before the Orphan’s and Custody Court takes a decision to place a child into care of another person in a foreign country, the person wishing to admit the child shall submit the following documents to the Orphan’s and Custody Court issued by the competent authority for the protection of the rights of children of the relevant country:

1) a statement in which evaluation of the suitability of the person is provided in accordance with the requirements of Section 45.3, Paragraphs two and 2.1 of this Law;

2) a confirmation that it will ensure regular checks of the living conditions of the child placed under care and provide the Orphan’s and Custody Court with a report on the findings of each such check.

(4) The documents referred to in Paragraph three of this Section shall be submitted to the Orphan’s and Custody Court, appending a notarially certified translation of the documents into Latvian. Documents issued in foreign countries shall be legalised or certified in accordance with the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents, if other procedures have not been provided for in international treaties binding to the Republic of Latvia.

(5) The guardian and foster family shall reach an agreement with the person regarding the procedures by which the person shall be covered expenditure related to the feeding of the child.

(6) A child care institution, upon reaching a written agreement with the family, shall determine the duration of the stay of the child placed in an out-of-family care institution in another family in a foreign country, the rights and obligations of the parties, and also disburse the child allowance or maintenance benefit granted thereto according to the period of time during which the child is in care of another person in a foreign country.

(7) The child care institution shall send a certified copy of the agreement entered into to the Orphan’s and Custody Court which has taken the decision on out-of-family care of the child.

(8) If after placement of the child in care of another person it is found that such a person does not provide appropriate care for the child, the Orphan’s and Custody Court in cooperation with the competent authority for the protection of the rights of children of the relevant country shall ensure return of the child under parental care, care of the guardian or foster family, or care of a child care institution. If the return of the child under parental care is impossible, the Orphan’s and Custody Court of the place of residence of the parents in cooperation with the social service office of the local government shall decide on out-of-family care of the child.

(9) For the spouses or the person who has admitted a child under out-of-family care in a foreign country to be able to adopt the child, an opinion of the Orphan’s and Custody Court which has decided on the out-of-family care of the child, stating that it conforms to the best interests of the child, shall be necessary.

[*29 June 2008; 30 May 2013; 3 May 2018 / The new wording of Paragraph two, and also Paragraphs 2.1 and 2.2 shall come into force on 1 September 2018. See Paragraph 35 of Transitional Provisions*]

**Chapter VII. The Child and his or her Living Environment**

**Section 46. Rights of the Child to a Clean Living Environment**

(1) All persons and institutions have the obligation to avoid doing harm to the surrounding environment in order not to infringe on the rights of the child to quality of life, health, and development.

(2) The State, in accordance with the Environmental Protection Law, shall ensure supervision of the prevention of such harmful factors and causes of diseases as may negatively affect the health of the child.

(3) The State has an obligation to provide relevant information on the factual conditions of the environment in both the entire State and in specific territories thereof.

[*29 June 2008*]

**Section 47. General Provisions for the Protection of the Child from the Influence of a Negative Social Environment**

(1) It is the obligation of State institutions and local governments, and natural persons and legal persons, to protect a child from the influence of a negative social environment.

(2) In order to reduce the effects of a negative social environment, the objective of the State social policy is to establish a benevolent cultural environment and to popularise a healthy lifestyle. Resources shall be allocated in the State budget for this.

(3) Public radio and public television shall, pursuant to the national remit, annually create programmes popularising a healthy lifestyle.

[*9 March 2000*]

**Section 48. Protection of the Child from Smoking and the Influence of Alcoholic Beverages**

(1) A child may not smoke, use smokeless tobacco products, keep tobacco products, herbal products for smoking, electronic smoking devices and their refill containers, and also keep and use alcoholic beverages and energy drinks. A child shall be protected from smoking and the influence of alcoholic beverages. A child should not be under the influence of smoke or vapour of products or devices designated for smoking. Smoking in the presence of a child is prohibited in order to provide for him or her an environment free of smoke and vapour of products or devices designated for smoking.

(2) A negative attitude towards smoking and the use of smokeless tobacco products, alcoholic beverages and energy drinks should be created in the child. A child is prohibited to work at jobs that are directly related to the manufacturing, testing, storage, use, and also sale or advertising of tobacco products or other products or devices intended for smoking, or their refill containers. A child is prohibited to work at jobs that are directly related to the manufacturing, testing, storage, use, and also sale or advertising of alcoholic beverages, except for the cases when a child according to the acquisition of the practical part of the relevant vocational education programme is in traineeship which is carried out in the presence of the manager of the traineeship and during which conformity with the laws and regulations related to labour protection is ensured.

(3) In accordance with the Handling of Alcoholic Beverages Law, the Law on the Handling of Energy Drinks, and the Law on the Handling of Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices and their Liquids, alcoholic beverages and energy drinks, tobacco products or other products or devices intended for smoking, or their refill containers should not be sold to children.

(4) Persons guilty of involving children in the use of alcoholic beverages or energy drinks or smokeless tobacco products, and also in smoking shall be held liable before the law. Supplying the child with alcoholic beverages and energy drinks, tobacco products, or other products or devices intended for smoking, or their refill containers shall be also deemed to be involvement of the child in the use of alcoholic beverages or energy drinks or smokeless tobacco products, and also in smoking.

(5) A child to whom has been caused mental or behavioural problems as a result of the use of alcoholic beverages shall be ensured mandatory medical treatment and social rehabilitation in accordance with the procedures stipulated by the Cabinet. Resources shall be allocated in the State budget for this. In case where a child or his or her parents do not agree to mandatory medical treatment, it shall be performed if a consent of the Orphan’s and Custody Court of the place of residence of the child has been received.

[*9 March 2000; 31 October 2002; 17 March 2005; 29 June 2008; 30 May 2013; 2 March 2017; 11 June 2020*]

**Section 49. Protection of the Child from the Use of Narcotic, Psychotropic, Toxic and other Intoxicating Substances**

(1) A child may not use narcotic, psychotropic, toxic, or other intoxicating substances. A child shall be protected from the use of narcotic, psychotropic, toxic and other such intoxicating substances as have a negative influence on the organism and from the manufacture, sale and any form of distribution of such substances.

(2) For the giving of narcotic, psychotropic, toxic, or other intoxicating substances at the disposal of a child or the creation of such circumstances that such substances are freely accessible to the child, the encouraging of a child to use narcotic, psychotropic, toxic, or other intoxicating substances, or the inducing of a child to use or distribute such substances, the persons at fault shall be held criminally liable.

(3) A child to whom has been caused mental or behavioural problems as a result of the use of narcotic, psychotropic, toxic, or other intoxicating substances shall be ensured mandatory medical treatment and social rehabilitation in accordance with the procedures stipulated by the Cabinet. Resources shall be allocated in the State budget for this. In case where a child or his or her parents do not agree to mandatory medical treatment, it shall be performed if a consent of the Orphan’s and Custody Court of the place of residence of the child has been received.

[*9 March 2000; 31 October 2002; 17 March 2005; 29 June 2008 / The third sentence of Paragraph three shall come into force on 1 January 2010. See Transitional Provisions*]

**Section 49.1 Protection of a Child Against Begging**

It is prohibited to involve or use a child in begging.

[*12 December 2019*]

**Section 50. The Child and Games, Films and Mass Media**

(1) It is prohibited to show, sell, give as a gift, rent, or promote to a child toys and video recordings, computer games, newspapers, magazines and other types of publications in which cruel behaviour, violence, erotica, and pornography are promoted and which pose a threat to the psychological development of a child or the identity of a child.

(2) Materials which promote cruel behaviour, violence, erotica, and pornography and which pose a threat to the psychological development of a child may not be accessible to a child, irrespective of the form of expression, devices for showing, and location thereof.

(3) Restrictions on radio and television programmes and audiovisual services for the protection of the rights of the child shall be determined, upon request, by the Electronic Mass Media Law.

(4) It is prohibited for a child to be located in places where materials of an erotic and pornographic nature are manufactured or shown or a pornographic performance is prepared or shown.

(5) It is prohibited to involve a child in the manufacture or distribution of materials of pornographic nature, and also in preparation or showings of a pornographic performance.

(6) Issues related to the prohibition of the circulation of child pornography shall be governed by the Law on Pornography Restrictions.

(7) A child who has not attained 16 years of age is prohibited from being located in internet halls, computer salons, internet cafes, and other similar premises where internet and computer game services are provided for a fee during school hours without written permission of the administration of the educational institution.

(8) In accordance with the Gambling and Lotteries Law, a child may not have access to gaming houses and a child may participate in gambling.

(9) The Cabinet shall determine the regulations for the distribution of computer games.

(10) For violation of the prohibitions and restrictions referred to in this Section, the persons at fault shall be held liable as laid down in law.

[*17 March 2005; 19 October 2006; 29 June 2008; 1 July 2011; 6 March 2014; 12 December 2019; 11 November 2021*]

**Section 50.1 Restrictions on Involvement of the Child in Events**

(1) A child may participate in different activities (events) if it does not hinder his or her acquisition of education, and also does not threaten his or her safety, health, morality or other rights of the child and substantial interests, and also the security of the State.

(2) It is prohibited to involve a child in beauty contests or other similar events the main objective of which is only evaluation of their outer appearance.

(21) It is prohibited to involve a child in the activities (events) of military nature organised by a foreign country or another entity in international law, except for the cases when the child is participating in the activities (events) of military nature organised by the European Union, the North Atlantic Treaty Organisation, a European Union Member State, a European Free Trade Association Member State, a North Atlantic Treaty Organisation Member State, the Commonwealth of Australia, the Federative Republic of Brazil or the New Zealand or the activities of military nature organised by such country with which the Republic of Latvia has entered into the agreement on recognition of dual citizenship.

(3) A child may participate in activities (events), which are related to the demonstration of outer appearance (modelling schools, demonstration of clothes, advertisement of goods and other similar events) only if the restrictions referred to in Section 72, Paragraphs five and six of this Law are not applicable to the organiser of the event, the employer, and also another person whose work is related to engaging of children in such events.

(4) The Cabinet shall determine the procedures by which children may be involved in the events referred to in Paragraph three of this Section.

(5) Persons shall be held liable in accordance with the law for the violations of the prohibitions and restrictions referred to in this Section.

[*29 June 2008; 6 March 2014; 3 May 2018*]

**Section 50.2 Child Safety during Public Events or Visits to Public Places**

(1) Child safety shall be ensured at public events in which children participate, or a public recreation activity, sports or recreation location accessible to children.

(2) [29 June 2008]

(3) The persons referred to in Section 72 of this Law shall be liable for child safety at public events.

(4) An organiser of a public event who established that a child has got lost or has been abandoned in such an event, or is in such conditions which threaten his or her safety or health, shall inform the parents of the child or their substitutors or, if it is impossible, – the Police.

(5) A child who has not attained 16 years of age is prohibited to be present in a public place during night-time without the presence of an adult person who is responsible for the supervision of the child. Within the meaning of this Law, night-time shall mean the period of time from 22:00 to 6:00.

[*19 October 2006; 29 June 2008; 12 December 2019*]

**Section 50.3 Safety Requirements upon Provision of Child Supervision Services**

(1) If parents or a person under whose care a child has been transferred is not able to ensure that a child up to seven years of age is in the presence of a reliable person during their absence, they have an obligation to ensure supervision of the child at the place of residence of a provider of child supervision services or another place provided for supervision of a child, or at a provider of child supervision services who implements a pre-school educational programme or an interest educational programme for children.

(2) The restrictions laid down in Section 72 of this Law shall be also applicable to the provider of child supervision services (its employees).

(3) A provider of child supervision services shall ensure at the place where the service is provided an environment corresponding for the child which does not cause threats to his or her safety, life, health, morals, and comprehensive development, and also ensure the legal representative of the child with an opportunity to become acquainted with documentation certifying conformity with the requirements laid down in Section 72, Paragraphs five and six of this Law.

(4) A provider of child supervision services is registered with the Register of Providers of Child Supervision Services. The requirements for providers of child supervision services, the regulations for registration thereof, the administrator of the Register of Providers of Child Supervision Services, and the information to be included in the Register shall be determined by the Cabinet.

[*30 May 2013; 6 March 2014*]

**Section 51. Protection of the Child from Illegal Activities**

(1) For violence or negligence against a child, encouraging or forcing a child to take part in sexual activities, exploitation or involvement of a child in prostitution, the persons at fault shall be held liable as laid down in law.

(2) A child who is a victim of a criminal offence, exploitation, sexual abuse, violence, negligence, or any other unlawful, cruel or demeaning acts shall, in accordance with the procedures stipulated by the Cabinet, be provided with emergency assistance free of charge in order that a child may regain physical and mental health and reintegrate into society. Such medical treatment and reintegration shall take place in an environment favourable to the health, self-respect, and honour of a child, carefully guarding the child’s intimate secrets.

(3) Every person has the obligation to inform the police or another competent authority regarding violence or any other criminal offence directed against a child. For failing to inform, the persons at fault shall be held to liability as laid down in law.

(4) The police has an obligation to inform the Orphan’s and Custody Court according to the location of the child of the decision taken by the police on separation, if such decision has been taken in relation to the threat of harm to the freedom, life, or health of the child or such person who is permanently residing with the child.

[*27 February 2014; 11 November 2021*]

**Section 52. Child Victims of Violence or Other Illegal Acts**

(1) Special institutions or sections in general medical institutions shall be established and special resources shall be allocated in the State budget for the medical treatment and rehabilitation of a child who has suffered as a result of violence or negligence. Expenditures for the medical treatment and rehabilitation of the child shall be covered by the State and shall be collected from the persons at fault by subrogation procedures.

(2) Special medical treatment shall be provided for a child who has become ill with a sexually transmitted disease. The adults at fault for the illness of the child shall be held liable as laid down in law and the costs of the medical treatment shall be collected from them.

(3) It is prohibited for a child who has been a victim of violence or negligence (illegal act):

1) to be left alone, except for the cases when the child himself or herself so wishes and this choice is considered appropriate by a psychologist who has undergone special preparation for work with children who have suffered from violence;

2) to be left without psychological or other form of care;

3) to be confronted by the possible perpetrator of the violence (illegal act) while the child is not sufficiently psychologically prepared for such a confrontation;

4) to be subjected to the use of any compulsory measures in order to obtain information or for any other purpose.

(4) Out-of-family care shall be provided without delay for a child who has suffered from violence (illegal act) in his or her family or for whom a real threat of violence exists, if it is not possible to isolate the persons at fault from the child.

[*9 March 2000; 11 November 2021*]

**Chapter VIII. Child with Special Needs**

**Section 53. Concept of the Child with Special Needs**

A child with special needs is a child who in connection with an illness, trauma, or functional impairment of an organ system caused by an innate defect has need of additional medical, pedagogical, and social assistance irrespective of whether there is a determination of disability in accordance with procedures laid down in law.

[*9 March 2000; 29 June 2008*]

**Section 54. Right of the Child with Special Needs to Live a Full Life**

A child with special needs has the same right to an active life, the right to develop and acquire a general and professional education corresponding to the physical and mental abilities and desires of the child, and the right to take part in social life, as any other child.

**Section 55. Special Care for the Child with Special Needs**

(1) A child with special needs has the right to special parental care.

(2) The State and local governments shall assist a child with special needs to integrate into society and ensure for him or her education, health care, and social services in accordance with laws and regulations.

(3) A child with special needs whose care his or her family is not able to ensure shall be taken into the full care of the State or local government in accordance with the procedures laid down in laws and regulations.

(4) Where a child with special needs is placed for adoption, the adopters shall be informed of the state of health of the child, developmental characteristics and their consequences, and the special nature of care for the child.

[*9 March 2000; 17 March 2005; 1 July 2011*]

**Section 56. Preparation of Pedagogical and Social Workers for Work with Children with Special Needs**

Pedagogical and social workers shall be specially trained for work with children with special needs. For this purpose the Ministry of Education and Science and the Ministry of Welfare shall draw up special training programmes.

[*19 December 2019*]

**Chapter IX. Liability of a Child for and Prevention of Violations of Law**

**Section 57. Liability of a Child for Violations of Law**

(1) In accordance with the law a child (hereinafter also – the minor) who has committed an administrative violation after attaining 14 years of age may be held administratively liable, but a minor who has committed a criminal offence after attaining 14 years of age may be held criminally liable.

(2) During the time a child is under arrest for an administrative violation or a criminal offence, in detention, under custodial arrest or is in a place of imprisonment, the guarantees of the rights of the child during the safeguarded period shall be as determined by laws providing for administrative liability, and governing criminal procedures or serving of sentence. Every child has the right to apply with a submission to institutions for the protection of the rights of the child. Such communications shall not be censored. The manager of the institution shall ensure that the submission is sent without delay to the addressee.

(3) For involving a child in crime or other illegal activities, the persons at fault shall be held liable as laid down in law.

[*15 May 2003; 17 March 2005*]

**Section 58. Organisation of Work for the Prevention of Violations of Law**

(1) Work with children for the prevention of violations of law shall be carried out by local governments in collaboration with the parents of children, educational institutions, the State Police, the State Probation Service, if the child is a probation client, public organisations and other institutions.

(2) A local government shall establish a prevention file and draw up a programme for social correction of behaviour for each child who:

1) has committed a criminal offence;

2) is found guilty of the commission of a criminal offence, but whose sentence is not connected with deprivation of liberty;

3) is released from criminal liability;

4) is released from imprisonment or from the place where they are serving sentence;

5) has committed, prior to attaining 14 years of age, illegal acts provided for in the Criminal Law;

6) has committed an administrative offence more than twice;

7) begs, is vagrant, or performs other acts which may lead to illegal actions.

(3) The State Police may enter into prevention records children indicated in Paragraph two, Clauses 1 – 6 of this Section and other children for whom there is a prevention file established at a local government, if the drawn-up programme for social correction of behaviour provides for the joint participation of the police in a specific case.

[*9 March 2000; 30 May 2013; 3 May 2018; 12 December 2019 /* *Amendments to Clause 6 of Paragraph two shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 59. Conveying of a Child to a Police Station**

(1) A child shall be conveyed to a police station, if the child:

1) has committed activities for which criminal liability is provided;

2) has committed an administrative offence if it is not possible to determine the identity of the child otherwise and take a decision to commence an administrative offence proceedings;

3) is found in a public place in a state of intoxication;

4) is begging;

5) has not attained 16 years of age and is present in a public place during night-time without the presence of an adult person who is responsible for the supervision of the child;

6) is lost or abandoned, or is found in such circumstances as are dangerous for a child or may harm his or her development;

7) has arbitrarily left his or her family, guardian, foster family, or child care institution.

(2) In the cases provided for in Paragraph one, Clauses 3 – 7 of this Section, the conveyance of a child to the police is permissible if it is not possible to provide assistance to the child in another way. In cases where the police determine that the child is vagrant, begging, intoxicated with narcotic or toxic substances or alcoholic beverages or there is an unfavourable family environment or that other circumstances exist as may be harmful to the child, they shall inform the relevant Orphan’s and Custody Court and the social service office.

(3) A child conveyed to the police may not be held together with adult violators of the law, and the child shall be provided with constant adult supervision. The child may not be subjected to any physical or mental influence, and may not be forced to testify or to confess guilt.

(4) Explanations may be requested from a child who has been conveyed to a police institution in relation to the circumstances referred to in Paragraph one of this Section by a police officer who has the special knowledge specified in Section 5.1, Paragraph one of this Law in the field of the protection of the rights of the child, with the participation of the parent, guardian, representative of the Orphan’s and Custody Court (if the child has been placed with a foster family) or a child care institution or their authorised person (hereinafter – the parent). If participation of the parent is in contradiction with the interests of the child, the parent refuses to participate in requesting explanations or cannot be reached, the police officer shall invite another person whom the child trusts or a psychologist.

(5) If a child with special needs has been conveyed to the police, the conditions for satisfying his or her special needs shall be ensured, and also a specialist for the provision of medical and other assistance to the child shall be invited, if necessary.

(6) The Cabinet shall determine the procedures by which the police shall ascertain whether the child has special needs, and invite a competent specialist, and also determine the procedures by which the police shall ensure conditions for satisfying special needs of the child.

[*9 March 2000; 15 May 2003; 17 March 2005; 8 March 2007; 29 June 2008; 30 May 2013; 12 December 2019 /* *The new wording of Paragraph two shall come into force on 1 July 2009.* *See Paragraph 38 of Transitional Provisions*]

**Section 60. Measures to be Taken if a Child Requires Assistance**

(1) If a child has been conveyed to the police institution due to circumstances referred to in Section 59, Paragraph one of this Law, the child may be held there until given over to the parents, guardian, foster family, representative of a child care institution, or their authorised person.

(2) If within a period of four hours it is not possible to determine the identity of a child and to give the child to his or her parents, foster family, guardian, child care institution that he or she has left or their authorised person and if as a means of security imprisonment is not applied to the child, the police shall place the child in a foster family, a crisis centre, or a child care institution, but if it is not possible in a prevention institution, and not later than the next working day shall inform the Orphan’s and Custody Court and the local government social service office thereof.

(3) If a child who has been conveyed to the police is under the influence of alcoholic beverages, narcotic, or toxic substances or other intoxicating substances or there is suspicion that the child is being sexually abused, has become the victim of illegal activities or has been induced to beg, the police shall determine the circumstances of the acquisition and use of the intoxicating substances, and the persons who have induced the child to engage in activities harmful to him or her or have performed illegal acts against the child.

(4) If a child who has been conveyed to the police requires medical assistance, the police shall organise the conveyance of the child to a medical treatment institution and ascertain that the child has been accepted therein or outpatient medical treatment assistance has been provided to him or her.

[*17 March 2005; 30 May 2013*]

**Chapter X. Organisation of the Protection of the Rights of the Child**

**Section 61. Competence of the Cabinet in the Field of the Protection of the Rights of the Child**

The Cabinet:

1) shall draw up the relevant draft laws and issue the necessary regulations in regard to the protection of the rights of the child;

2) shall approve long-term State policy projects in the field of protection of the rights of the child;

3) [30 May 2013];

4) shall approve a State programme for the preparation of social educators and social workers;

5) shall approve a programme for the prevention of child crime and the protection of the child from crime;

6) shall determine the procedures by which the Latvian central authority in conformity with the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction shall perform the activities referred to therein and cooperate with the authorities of other states and local governments;

7) [13 November 2019].

[*9 March 2000; 15 May 2003; 17 March 2005; 19 October 2006; 29 June 2008; 30 May 2013; 13 November 2019*]

**Section 62. Competence of the Ministry of Welfare**

(1) The Ministry of Welfare shall:

1) in cooperation with the Ministry of Education and Science, the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture and the Ministry of Health, and also other State and local government authorities and non-governmental organisations, develop draft long-term State policies in the field of the protection of the rights of children, including draft State policies in the field of alternative care for orphans and children left without parental care;

2) organise and coordinate the supervision of the observation of the laws and regulations in the field of the protection of the rights of children;

3) [26 November 2009];

4) coordinate the cooperation of State and local government institutions in issues related to the protection of the rights of children and family law within the competence thereof;

5) coordinate the work of institutions for out-of-family care for children in the field of the protection of the rights of children;

6) ensure the quality assessment of the process of the protection of the rights of children, analysis thereof and the preparation of proposals for improvement of the protection of the rights of children;

7) ensure the preparation of the annual report on the condition of children in the State and the submission thereof to the *Saeima* and the Cabinet;

8) prepare a report on the condition of children in Latvia and the measures taken for the provision of the rights of children for submission to the Committee on the Rights of the Child of the United Nations;

9) inform the society of the provisions of the laws and regulatory enactments adopted in the field of the protection of the rights of children, and also of the principles of international law in this field.

(2) The Minister for Welfare shall approve the annual State programme for improvement of the condition of children and family, and also determine the type, criteria, and procedures for the implementation thereof.

[*12 June 2009; 26 November 2009; 1 July 2011; 12 December 2019*]

**Section 62.1 Competence of the Ministry of Health**

The Ministry of Health shall:

1) draw up State policy projects in the field of child health care, including in the field of medical rehabilitation;

2) organise and coordinate child health care in accordance with the State programme, laws and other regulatory enactments.

[*15 May 2003*]

**Section 63. Competence of the Ministry of Education and Science**

(1) The Ministry of Education and Science shall:

1) draw up State policy projects in the field of child education and sports and organise the implementation of approved projects;

2) ensure the accessibility and quality of education;

3) in cooperation with the Ministry of Welfare, draw up educational programmes in the field of protection of the rights of the child;

4) ensure mandatory inclusion of the content of health studies in general education programmes;

5) determine the qualifying requirements and criteria to be met by workers in education, and shall promote the raising of the qualification level of workers in education;

6) together with the Ministry of Welfare and Ministry of Health draw up the State programme for the preparation of social workers, social educators, and teachers for work with children with special needs and children who require social and pedagogical correction of behaviour, and with the families of such children, and shall coordinate the implementation of State programmes;

7) [15 May 2003].

(2) [15 May 2003]

(3) The Minister for Education and Science shall approve the annual State programme for youth policy.

[*9 March 2000; 15 May 2003; 20 May 2004; 17 March 2005; 12 June 2009*]

**Section 64. Competence of the Ministry of the Interior**

The Ministry of the Interior shall:

1) in cooperation with the Ministry of Welfare and other responsible authorities, ensure that a draft programme is drawn up for a three-year period for the prevention of child crime and for the protection of the child from crime, and shall coordinate the implementation of such programme;

2) in collaboration with other authorities, take measures in the fight against illegal relocation of children across the State border and non-return of children from foreign countries;

3) ensure special training for police officers for work with law-breakers who are minors and with minors who are victims of criminal offences, and with their families;

4) [30 May 2013].

[*9 March 2000; 17 March 2005; 12 June 2009; 1 July 2011; 30 May 2013; 12 December 2019*]

**Section 64.1 Competence of the Ministry of Justice**

(1) The Ministry of Justice shall organise the training for judges with respect to the issues on the rights of the child.

(2) The Ministry of Justice shall ensure that court work is organised so that priority consideration shall be applicable in the adjudication of matters related to the protection of the rights and the best interests of the child.

(3) [15 May 2003]

[*9 March 2000; 15 November 2001; 15 May 2003; 12 December 2019*]

**Section 64.2 Competence of the Ministry of Culture**

The Ministry of Culture shall draw up the State programme in the field of culture and education regarding culture and shall be responsible for its implementation.

[*9 March 2000*]

**Section 64.3 Competence of the Office of the Prosecutor General**

The Office of the Prosecutor General shall organise training for prosecutors with respect to issues on the rights of the child and shall ensure that the rights of the child are conformed to during pre-trial investigations.

[*9 March 2000; 12 December 2019*]

**Section 65. Competence of the Minister for Children and Family Affairs and the Ministry of Children and Family Affairs**

[12 June 2009]

**Section 65.1 Competence of the State Inspectorate for Protection of Children’s Rights**

The State Inspectorate for Protection of Children’s Rights shall supervise and control conformity with the laws and regulations in the field of protection of the rights of the child. Inspectors of the State Inspectorate for Protection of Children’s Rights have the right to conduct negotiations and to interview children without the presence of other persons. The State Inspectorate for Protection of Children’s Rights shall be under supervision of the Minister for Welfare.

[*19 October 2006; 1 July 2011; 11 November 2021*]

**Section 65.2 Competence of the Ombudsman**

The Ombudsman shall:

1) inform the public of rights of the child;

2) examine complaints regarding violations of the rights of the child, paying particular attention to violations committed by State or local government institutions and the employees thereof;

3) submit proposals which promote the conformity with the rights of the child.

[*17 March 2005; 19 October 2006; 11 November 2021*]

**Section 65.3 Competence of the Administration of the Maintenance Guarantee Fund**

The Administration of the Maintenance Guarantee Fund shall:

1) in accordance with the procedures laid down in the Maintenance Guarantee Fund Law, ensure the rights of the child to social security by paying out maintenance from the Maintenance Guarantee Fund;

2) in accordance with the procedures stipulated by the Cabinet, issue information from the Maintenance Guarantee Fund applicant and debtor register.

[*8 March 2007*]

**Section 65.4 Co-operation Council in Children Matters**

The Co-operation Council in Children Matters is an advisory collegial body the objective of which is to promote a unified understanding on the conformity with the principle of priority of a child’s interests in local government and State action policies, and also to promote coordinated activity of authorities, including cooperation groups, in the protection of children’s rights. The Co-operation Council in Children Matters shall be established, its tasks and composition shall be determined, and the by-laws of operation shall be approved by the Minster for Welfare.

[*12 December 2019*]

**Section 66. Competence of Local Governments in Protecting Children’s Rights**

(1) A local government shall analyse the situation in the field of observance of the rights of the child and shall develop and implement a programme for the protection of the rights of the child in the administrative territory of the local government.

(2) In accordance with the law, the local government shall:

1) provide assistance and support to families in which there are children, guaranteeing shelter, warmth and clothing, and nutrition appropriate to his or her age and state of health, for each child residing in the local government territory;

2) provide out-of-family care for children who temporarily or permanently do not have a family or who in their own interest should not be left in the relevant family;

3) ensure the children’s right to acquire secondary education and provide them with assistance in vocational education;

4) organise primary health care for mothers and children;

5) organise parental education;

6) provide for primary schools and extracurricular child institutions, public libraries, and organisation of child recreation;

7) draw up and implement programmes for work with street children;

8) take other measures ensuring the rights of the child.

(3) Orphan’s and Custody Courts as guardianship institutions shall ensure the protection of the personal and property rights of the child.

(4) [29 June 2008]

(5) The local government shall involve the public in ensuring the rights of the child and shall coordinate the activities of public organisations.

[*9 March 2000; 31 October 2002; 29 June 2008; 12 December 2019; 11 November 2021*]

**Section 67. Delimitation of the Competence of Local Governments**

(1) The local government according to the place of residence of a child shall be responsible for the protection of the rights of the child. The local government shall keep a record of every child residing in its territory.

(2) The declared place of residence of the parents of a child shall be considered the place of residence of the child within the meaning of this Law. If the declared places of residence of the parents of the child are located in different administrative territories, the declared place of residence of the parent with whom the child lives shall be considered the place of residence of the child.

(3) If the parents of a child do not have a declared place of residence, the actual place of residence of the parents of the child shall be considered the place of residence of the child.

(4) During the period that a child is located in out-of-family care, the residence of the child shall remain in the administrative territory of the local government which has taken the decision on out-of-family care.

(5) In cases where a child is found in conditions hazardous to the life or health of the child, assistance shall be provided by local government and State institutions according to where the child is located. Lack of secure accommodation, warmth and clothing, and nutrition appropriate to the age and the state of health of the child, negligence, and violence against the child shall be considered conditions hazardous to the life and health of the child.

(6) If a child alone, or together with his or her parents, is located in a temporary residence, assistance and support shall be provided for the child by local government institutions in accordance with the temporary residence.

(7) Accounting by local governments with regard to the provision of social services in the cases provided for in Paragraphs four and five of this Section shall be in accordance with the procedures laid down in the Law on Social Services and Social Assistance.

(8) If the guardian or the family in whose care an orphan or a child left without parental care has been placed does not receive the maintenance expenditures or social assistance provided for in law, assistance for the child shall be ensured without delay from State budget resources, pending the taking of a decision by the relevant local government. The resources disbursed from the State budget shall be collected from the local government according to the residence of the child.

[*9 March 2000; 17 March 2005; 29 June 2008; 11 November 2021*]

**Section 67.1 Statistical Information on the Status of the Rights of the Child**

The Ministry of the Interior, the Ministry of Education and Science, the Ministry of Welfare, the Ministry of Environmental Protection and Regional Development, the Ministry of Justice, the Ministry of Health, the State Inspectorate for Protection of Children’s Rights and local governments shall, within the scope of their competence, provide statistical information on the protection of the rights of the child in the State, on parents whose care or custody rights have been terminated or removed, and on families who together with children have been evicted from their dwellings, on child adoption, the placing of children in out-of-family care, the application of compulsory measures of an instructional or medical nature to children, children being held to criminal liability, on children who have attained the mandatory education age and who are not attending educational institutions, and on children who have become victims of negligence and violence and street children, and also shall submit an appropriate summary report to the Central Statistical Bureau. The Central Statistical Bureau shall annually compile the abovementioned information and submit it to the Ministry of Welfare and the Ombudsman’s Office.

[*15 May 2003; 20 May 2004; 19 October 2006; 12 June 2009; 16 December 2010; 1 July 2011; 30 May 2013; 11 November 2021*]

**Section 67.2 Information System for the Support of Minors**

(1) The information system for the support of minors is a part of the State information system “Integrated Information System of the Interior” in which the information necessary for the protection of the rights of the child is included, integrating information of State and local government institutions, and also of medical practitioners on minors who need support and cases when preventive measures should be taken for the protection of the rights of children.

(2) The purpose of the information system for the support of minors is to promote the protection of the rights and interests of children, ensuring processing of the necessary information and promoting interinstitutional cooperation in the following issues:

1) defence of the rights and interests of a minor;

2) supervision of ensuring the rights and interests of a minor;

3) preventive work;

4) provision of social assistance and social services;

5) prevention and resolving of criminal offences and other violations of the law;

6) searching for a minor;

7) ensuring execution of administrative penalties, criminal punishments, means of security, and compulsory measures of correctional nature;

8) implementation of settlements and preparation of evaluation reports on a probation client.

(21) In order to provide social guarantees, and also social assistance and social services, additional information on the persons referred to in Section 42, Paragraph one of this Law who reside in child care institutions after attaining 18 years of age and the persons referred to in Section 43 of this Law who after attaining 18 years of age have the right to social guarantees shall be included in the information system for the support of minors.

(3) The following institutions and persons have the right to process the information included in the information system for the support of minors, including personal data, for carrying out the functions specified for such institutions and persons in the laws and regulations governing their activities:

1) the State Police;

2) the Orphan’s and Custody Court;

3) the municipality police;

4) the local government social service office;

5) the State Probation Service;

6) the Prison Administration;

7) a social correction educational institution;

8) the Ombudsman;

9) the Ministry of Welfare;

10) medical practitioners;

11) the Social Integration State Agency;

12) the State Inspectorate for Protection of Children’s Rights;

13) the State Border Guard;

14) the Office of Citizenship and Migration Affairs;

15) the State Social Insurance Agency;

151) a child care institution;

16) other State and local government institutions the laws and regulations governing activities of which prescribe that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative penalty in relation to minors.

(4) Information characterising the child on his or her interests and habits, place of residence and living environment may be included in the information system for the support of minors. Information which has not been obtained within the scope of administrative offence proceedings or criminal proceedings and has not been received with the assistance of the resources linking information systems shall be deemed information characterising the child.

(5) The information characterising the child included in the information system for the support of minors shall be issued only to such State and local government institutions in the laws and regulations governing activities of which it is laid down that the functions of such institutions are related to the protection of the rights of children or execution of a criminal punishment or administrative penalty in relation to minors.

(6) The information included in the information system for the support of minors, except for the information characterising the child, shall be stored until the day when the person has attained 24 years of age, also in such case if the person has died before attaining the relevant age. The information characterising the child shall be stored in the information system for the support of minors until the day when the person has attained the age of majority, or until the day of death if the child has died before attaining the age of majority. The information referred to in Paragraph 2.1of this Law shall be kept for 15 years from the day when the relevant person has attained the age of majority.

(7) The Cabinet shall determine the procedures and the extent in which information shall be submitted to and received from the information system for the support of minors, and also the procedures for processing the information included in the system.

[*30 May 2013; 23 November 2016; 2 March 2017; 12 December 2019 /* *Amendments to the second sentence of Paragraph four shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 68. Competence of Child Care, Educational and Other Institutions**

(1) Child care, cultural, educational, and other institutions shall ensure the children’s rights within the scope of the competence specified in their articles or association or by-laws.

(2) The maintenance of order in these institutions shall be ensured by internal procedural regulations that conform to the requirements of law and do not infringe upon the dignity of children.

[*15 May 2003; 12 December 2019*]

**Section 69. Participation of Social and Religious Organisations in Ensuring the Rights of the Child**

(1) Social and religious organisations shall realise their programmes for parent and child education, strengthening of the family, organisation of recreation and in regard to other issues as provided for in their articles of association, shall organise public support for protection of the rights of the child, and shall implement public monitoring of protection of the rights of the child in general or in regard to specific fields of protection of the rights of the child in accordance with the procedures laid down in law.

(2) Religious organisations may involve children in activities of a religious nature and events conducted by religious organisations only with a written consent from parents, but during periods of out-of-family care, with the written consent of a guardian, a foster family, or a care and instructional institution.

(3) Within budget limits, the State and local governments shall provide financial support to public organisations for the implementation of programmes dedicated to the interests of the family and children.

[*9 March 2000; 15 May 2003*]

**Chapter XI. Rights and Obligations of Persons and Institutions Responsible for the Protection of the Rights of the Child in Respect of the Conformity with the Rights of the Child**

[*12 December 2019*]

**Section 70. Persons and Institutions Responsible for the Protection of the Rights of the Child**

(1) It is the obligation of any subject responsible for protection of the rights of the child to provide assistance in every case to a child who has need thereof, evaluating the needs of the particular child and the circumstances of the relevant situation. If there are doubts regarding minority of a person, the person shall be deemed a minor until his or her age is ascertained and such person shall be ensured a relevant assistance.

(2) The child himself or herself and other persons shall have the right to seek assistance from institutions for the protection of the rights of the child and other State and local government institutions and in each case these institutions shall take statutory action in order to prevent the offence if it has been established, and also to provide support and assistance to the child. The heads of child care, educational, health care, and similar institutions in which children reside have an obligation to determine the procedures for submitting and processing children’s complaints and make them known and accessible to children.

[*15 May 2003; 6 March 2014; 2 March 2017*]

**Section 71. Prohibition from Disseminating Information on the Child**

(1) Information on a child obtained by an employee of a child care, educational, social assistance, or other institution or by an employee of a State or local government institution, upon fulfilling the duties of their office, shall be confidential, and information which could in any way harm the future development of the child or the maintenance of the psychological balance of the child may not be disclosed.

(2) It is prohibited to disseminate personally obtained information on a child who has become a victim, a witness or has committed a violation of the law, and also such information as could harm the child now or in the future.

(3) Taking advantage, for motives of self-interest, of the information supplied by a child, is prohibited.

(4) It is prohibited to interview a child and disseminate to the press and other mass media information in regard to the child who has become a victim or a witness of an illegal activity or has committed a violation of the law, except for the cases where the child him or herself expresses the desire to openly disclose what was experienced and the parents or other lawful representatives of the child consent to it. If criminal procedure has been commenced, the permission of the person directing the proceedings is also necessary.

(5) Persons at fault for the use or dissemination of information as is prohibited shall be held disciplinarily liable or otherwise liable as specified in the law.

[*15 May 2003; 17 March 2005; 8 March 2007*]

**Section 72. Liability of Employees of Child Institutions and Event Organisers**

(1) Managers and employees of child care, educational, health care, and other such institutions where children are staying, organisers of events for children and such events in which children take part, persons who perform voluntary work in the abovementioned institutions and events or provide a service according to an agreement entered into with such institutions, shall be liable for the protection of the health and life of the child, that the child be safe, that he or she is provided with qualified services and that his or her other rights are observed.

(2) For violations committed the persons referred to in Paragraph one of this Section shall be held disciplinarily or otherwise liable as laid down in law.

(3) Upon hiring persons for work as managers or employees of child care, educational, health care, and other such institutions where children are staying, the employer has an obligation to request information on the previous activity, competence and experience of such persons.

(4) Managers and employees of child care, educational, health care, and other such institutions where children are staying, and also organisers of events, individual merchants, managers of commercial companies, and organisers of voluntary work have an obligation to ensure that such persons participate in organising an event and fulfil duties in the institution who comply with the requirements laid down in this Section. In order for a person to be able to fulfil duties in an institution or to participate in organising events, the organiser of events or the manager of the institution has an obligation to request information from the Punishment Register in order to ascertain the compliance of the person with the requirements referred to in Paragraphs five and six of this Section, and also to re-verify such information not less than once a year. The employer shall request the abovementioned information on the manager of the institution.

(5) Such persons shall not work in child care, educational, health care, and other such institutions where children are staying, at events for children and such events in which children take part, shall not perform voluntary work, and also shall not provide services according to an agreement entered into (except for the persons who provide extraordinary or temporary services, and also services which are provided in the absence of a child):

1) who have been convicted of criminal offences that are related to violence or threats of violence – irrespective of whether or not the conviction is extinguished or set aside – except for the case when, after extinguishing or setting aside the conviction, the State Inspectorate for Protection of Children’s Rights has assessed whether it does not harm the interests of children and has permitted such persons (except for teachers who are assessed in accordance with that laid down in the Education Law) to work, carry out voluntary work, and also, according to an agreement entered into, to provide services at childcare, educational, health care institutions and other such institutions where children are present, at children’s events, and such events where children are participating. The Cabinet shall determine the procedures by which it shall be assessed whether the permission for such persons to work, to carry out voluntary work, and also, according to an agreement entered into, to provide services are not to harm the interests of the child;

2) who have been convicted of criminal offences against morals and sexual inviolability – irrespective of whether or not the conviction is extinguished or set aside;

3) to whom the court has applied the compulsory measures of a medical nature specified in the Criminal Law;

4) who have been imposed a fine for the administrative offence referred to in Section 81 of this Law, unless three years have elapsed from the day when the decision taken by the competent authority or court judgment has entered into effect and become not subject to appeal.

(6) If the person referred to in Paragraph five of this Section has been punished for the administrative offence referred to in Sections 79, 80, 81 (in the cases when the warning is imposed as an administrative penalty), 82, 83, 84, and 85 of this Law, the administrative offence referred to in Section 14 of the Handling of Alcoholic Beverages Law, for selling tobacco products, herbal products for smoking, electronic smoking devices or refill containers for electronic smoking devices to a child, for intentional inflicting of insignificant bodily injury or for an intentional criminal offence which is not referred to in Paragraph five, Clauses 1 and 2 of this Section, the manager of the institution, the employer (on the manager of the institution), or the organiser of the event has an obligation to evaluate whether the person endangers the safety, health, or life of the child. If it does not endanger the safety, health, or life of the child, the manager of the institution, the employer (on the manager of the institution), or the organiser of the measure shall be permitted to work, to perform voluntary work, and also to provide services according to the agreement entered into with such institutions or organisers of measures.

(7) If there are justified suspicions or the manager of the institution, the employer, or the organiser of the event has information at the disposal thereof that the persons referred to in Paragraph five of this Section have allowed violations of the rights of the child or criminal proceedings on the criminal offence referred to in Paragraphs five and six of this Section have been initiated against them, or an administrative offence proceedings have been initiated for the administrative offences referred to in Paragraph six of this Section, the manager of the institution, the employer, or the organiser of the event shall ensure that the relevant employees are suspended from their position (from the fulfilment of the duties) until the day when the decision taken by the competent authority or a court judgment has entered into effect and become not subject to appeal or until making of the final ruling in the criminal proceedings.

(8) Suspending of the persons referred to in Paragraph five of this Section may be requested by the State Inspectorate for Protection of Children’s Rights, if it has justified suspicions regarding potential violations of the rights of the child. The request of the State Inspectorate for Protection of Children’s Rights shall not be subject to contesting and appeal, it shall be executed without delay.

(9) Disputes regarding suspending of the persons referred to in Paragraph five of this Section shall be reviewed in accordance with the procedures laid down in the Civil Procedure Law. The court, upon reviewing the abovementioned issue, may evaluate the validity of the request of the State Inspectorate for Protection of Children’s Rights.

[*6 March 2014; 3 May 2018; 12 December 2019; 11 November 2021*]

**Section 73. Obligations of Residents in Protection of the Rights of the Child**

(1) All inhabitants have an obligation to safeguard the safety of their own and other children and to inform not later than on the same day the police, the Orphan’s and Custody Court, or another institution for the protection of the rights of the child about negligence, any violence and criminal offence or administrative offence against a child, violation of the rights of the child or another threat to a child, and also if the person has suspicions that the child has articles, substances, or materials which may be a threat to the life or health of the child himself or herself or of another person.

(2) Health care, pedagogical, social field, or police employees, and elected State and local government officials who have received information on violations of the rights of the child and who have failed to inform the abovementioned institutions thereof, shall be held liable as laid down in the law for such failure to inform.

[*17 March 2005; 6 March 2014; 11 November 2021*]

**Chapter XII. International Protection of a Child and Guarantee of Rights in Cross-border Matters**

[*12 December 2019*]

**Section 74. Refugees and Persons who have been Granted Alternative Status**

(1) If in accordance with international or national law a child is a refugee or a person to whom has been granted alternative status, the child shall receive protection and assistance irrespective of whether the child is together with parents or other adults or alone in accordance with the Asylum Law.

(2) The Orphan’s and Custody Court together with the local government social service office and immigration institutions shall take measures to find the parents of a child and to determine what possibilities there are for the child to return to his or her family.

(3) If it is not possible to find the parents of a child, the refugee child and the child to whom has been granted alternative status shall be provided with the same care as any other child who has been left without parental care.

[*15 May 2003; 8 March 2007*]

**Section 74.1 Financial Expenditures of a Local Government for the Accommodation of an Unaccompanied Minor**

(1) Financial expenditures for the accommodation of the unaccompanied minor referred to in the Asylum Law in a child care institution or a foster family, unless such person has acquired the status of asylum seeker, a refugee or alternative status, are covered in accordance with the procedures laid down and in the amount specified in the Asylum Law for the accommodation of an unaccompanied minor in a child care institution or a foster family.

(2) A local government may ensure the accommodation at the guardian for the unaccompanied minor referred to in Paragraph one of this Section. In such case the financial expenditures which conform to the amount provided for in the binding regulations of the local government to be granted to a guardian shall be covered by the Ministry of Welfare from the State budget resources granted for such purpose for the current year, however, not more than the benefit disbursed in the amount for the maintenance of the child under guardianship and remuneration for the fulfilment of a guardian’s duties specified in laws and regulations. The abovementioned financial expenditures shall be covered in accordance with the procedures laid down in Paragraph one of this Section.

[*12 December 2019*]

**Section 75. Child Visitation with Parents Living in Different Countries**

(1) A child whose parents live in another country has the right, except for the special circumstances, to regularly maintain a personal relationship and direct connection with them (visit with them). With respect to the right of the parents to enter the country or to exit from it only such restrictions shall be in effect as are specified in law and are necessary for the protection of national security, public order, the health and morals of the public, or the rights and freedoms of other persons.

(2) A mother or father living in a different country has the right, in accordance with procedures specified, to enter Latvia for purposes of unification of the family.

**Section 76. Crossing the State Border**

(1) A child may cross the State border accompanied by both parents or one of them, or a guardian, or a person authorised by them. A child who has attained the compulsory schooling age may cross the State border independently with the consent of both or one of their parents or of their guardian.

(2) The Cabinet shall determine the procedures according to which a child shall cross the State border.

[*18 May 2000*]

**Chapter XIII. Administrative Offences in the Field of Protection of Children’s Rights and Competence in Administrative Offence Proceedings**

[*12 December 2019; 11 June 2020 /* *The new wording of Chapter shall come into force on 1 July 2020.* *See Paragraphs 38 and 41 of Transitional Provisions*]

**Section 77. Violations Committed by Children and Related to Alcoholic Beverages, Other Intoxicating Substances, or Energy Drinks**

(1) For the use of energy drinks if it has been committed by a child, a warning or a fine of up to three units of fine shall be imposed.

(2) For the use of alcoholic beverages or other intoxicating substances or for being under the influence of alcoholic beverages or other intoxicating substances if it has been committed by a child, a warning or a fine of up to seven units of fine shall be imposed.

(3) For the purchase or storage of alcoholic beverages if it has been committed by a child, a warning or a fine of up to seven units of fine shall be imposed.

[*11 June 2020 /* *The new wording of this Section shall come into force on 1 July 2020.* *See Paragraph 41 of Transitional Provisions*]

**Section 78. Violations Committed by Children and Related to Tobacco Products, Herbal Products for Smoking, Electronic Smoking Devices and Their Refill Containers**

(1) For the smoking or use of smokeless tobacco products if it has been committed by a child, a warning or a fine of up to three units of fine shall be imposed.

(2) For the purchase or storage of tobacco products, herbal products for smoking, electronic smoking devices or their refill containers if it has been committed by a child, a warning or a fine of up to three units of fine shall be imposed.

[*11 June 2020 /* *The new wording of this Section shall come into force on 1 July 2020.* *See Paragraph 41 of Transitional Provisions*]

**Section 79. Involvement of a Child in Smoking, Use of Alcoholic Beverages, Other Intoxicating Substances, or Energy Drinks**

(1) For the involvement of a child in use of energy drinks, a warning or a fine of up to forty units of fine shall be imposed.

(2) For the involvement of a child in smoking, use of alcoholic beverages or other intoxicating substances, a fine of seven up to forty units of fine shall be imposed.

[*11 June 2020 /* *The new wording of this Section shall come into force on 1 July 2020.* *See Paragraph 41 of Transitional Provisions*]

**Section 80. Involvement of a Child in Begging**

For the involvement of a child in begging or use in begging if it is committed by an adult person, a fine of up to one hundred and forty units of fine shall be imposed.

[*12 December 2019 /* *Section shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 81. Physical and Emotional Violence Against a Child**

For neglect, physical or emotional violence against a child, a warning or a fine of up to one hundred and forty units of fine shall be imposed.

[*12 December 2019; 11 November 2021*]

**Section 82. Illegal Involving of Children in Events**

(1) For the violation of such laws and regulations which determine the procedures by which children are to be involved in the activities (events) related to demonstration of outer appearance, a warning or a fine of twenty-eight up to seventy units of fine shall be imposed on a natural person, but of seventy up to two hundred and eighty units of fine – on a legal person.

(2) For the involvement of a child in the beauty contest or other event in which only his or her outer appearance is being assessed, a fine of seventy up to one hundred and forty units of fine shall be imposed on a natural person, but of one hundred and forty up to four hundred and twenty units of fine – on a legal person.

[*12 December 2019 /* *Section shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 83. Leaving a Child without Supervision**

(1) For leaving a child who has not attained seven years of age without supervision if it is committed by a person who is responsible for the supervision of the child, a warning or a fine of up to forty units of fine shall be imposed.

(2) For the supervision of a child under the influence of alcoholic, narcotic, psychotropic, toxic, or other intoxicating substances which may restrict the ability to ensure the child’s safety and protection from possible threats to the child’s life and health if it is committed by a person who is responsible for the supervision of the child, a warning or a fine of up to forty-two units of fine shall be imposed.

[*12 December 2019 /* *Section shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 84. Failure to Conform to the Requirements for the Provision of Child Supervision Services**

For failing to conform to the requirements for the provision of child supervision services if negative consequences have set in or could have set in for a child in relation thereto, a warning or a fine of up to forty-two units of fine shall be imposed on a natural person, but of forty up to seventy units of fine – on a legal person.

[*12 December 2019 /* *Section shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 85. Failure to Fulfil Child Care Responsibilities**

For failure to fulfil the child care responsibilities, a warning or a fine of up to forty two units of fine shall be imposed on the parents, the person to whom a child is transferred by a decision of the Orphan’s and Custody Court, or the person who is ensuring temporary child care.

[*12 December 2019 /* *Section shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 86. Failure to Conform to the Safety Requirements in Respect of Presence of a Child at Public Recreation Activity, Sports or Recreation Location**

For letting a child who has not attained 16 years of age or allowing that he or she is present during night-time at recreation activity, sports or recreation event where the entry point is controlled and public recreation activity, sports or recreation events are offered without the presence of an adult person who is responsible for the supervision of the child, a warning or a fine of up to fifty-six units of fine shall be imposed on an organiser – natural person of a recreation activity, sports or recreation event, and up to two hundred and eighty units of fine – on a legal person.

[*12 December 2019 /* *Section shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 87. Presence of a Child who has not Attained 16 Years of Age at a Public Place During Night-time without the Presence of an Adult Person who is Responsible for the Supervision of the Child**

For presence of a child who has not attained 16 years of age at a public place during night-time without the presence of an adult person who is responsible for the supervision of the child, a warning or a fine of up to fourteen units of fine shall be imposed.

[*12 December 2019 /* *Section shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Section 88. Competence in Administrative Offence Proceedings**

(1) Administrative offence proceedings for the offences referred to in Section 81 of this Law which have been committed by officials or employees of State and local government authorities, and for the offences referred to in Section 82 shall be carried out by the State Inspectorate for the Protection of Children’s Rights.

(2) Administrative offence proceedings for the offences referred to in Sections 77, 78, 79, 80, 81 (for offences which have been committed by persons other than officials or employees of State and local government authorities), 83, 84, 85, 86, and 87 of this Law shall be carried out by the State Police or the municipal police until examination of the administrative offence case. The administrative offence case shall be examined by the administrative committee or sub-committee of the local government.

[*12 December 2019 /* *Section shall come into force on 1 July 2020.* *See Paragraph 38 of Transitional Provisions*]

**Transitional Provisions**

1. The Cabinet shall:

by 31 December 2000, submit to the *Saeima* draft laws regarding amendments necessary in other laws;

by 31 December 2000, submit to the *Saeima* a draft law regarding application of compulsory measures of a correctional nature to children.

[*9 March 2000; 31 October 2002*]

2. Section 29, Paragraph three of this Law that provides for admission of a mother together with her child to an infant home, shall come into force on 31 December 1999.

3. For the implementation of Section 64 of this Law, within two months after the Law comes into force, the local government shall inform police institutions of which child care institutions or foster families children who require assistance may be placed in.

[*9 March 2000*]

4. The Central Statistical Bureau together with the Ministry of the Interior, the Ministry of Education and Science, the Ministry of Welfare, the Ministry of Justice, the Minister for Special Assignments – State Administration and Local Government Matters and local governments shall, by 1 June 2000, draw up and approve a unified statistical report system for issues regarding the protection of the rights of the child.

[*9 March 2000*]

5. Section 27, Paragraph five of this Law shall come into force on 1 January 2001.

[*9 March 2000*]

6. The provisions of Section 11, Paragraph two of this Law regarding the right of the child to primary school preparation free of charge, shall come into force on 1 January 2001.

[*9 March 2000*]

7. The Cabinet shall, by 1 July 2000, issue the regulations regarding the procedures by which the child shall cross the State border.

[*18 May 2000*]

8. [19 October 2006]

9. The provisions of Section 67.1 of this Law regarding the submission of statistical information in relation to street-children shall come into force on 1 January 2005.

[*15 May 2003*]

10. The Cabinet shall, by 1 June 2005, issue the regulations provided for in Section 12, Paragraph four, Section 20, Paragraph one, Section 30, Paragraph one, and Section 50, Paragraph nine of this Law.

[*17 March 2005*]

11. Until the day of the coming into force of the Cabinet regulations, but not longer than by 1 June 2005, Cabinet Regulation No. 348 of 2 December 1995, Regulations Regarding the Importation, Manufacture, Distribution, Public Showing or Advertising of Materials of an Erotic and Pornographic Nature, shall be in force.

[*17 March 2005*]

12. [29 June 2008]

13. Amendments to Section 65.2 of this Law (regarding the replacement of the words “State Human Rights Bureau” with the words “Ombudsman’s Office”) and Section 67.1 (regarding addition of the words “ and Ombudsman’s Office”) shall come into force on 1 January 2007.

[*19 October 2006*]

14. Amendments to this Law regarding the deletion of Section 45 and the supplementation of the Law with Sections 45.1, 45.2, 45.3, and 45.4 shall come into force on 1 October 2008.

[*29 June 2008*]

15. The Cabinet shall, by 1 October 2008, issue the regulations referred to in Section 31, Paragraph four of this Law. Until the date of the coming into force of the relevant regulations, but not longer than until 1 October 2008, Cabinet Regulation No. 512 of 9 September 2003, Regulations Regarding the Adoption Register, shall be applicable insofar as they are not in contradiction to this Law.

[*29 June 2008*]

16. Amendments to this Law regarding the supplementation of Section 48, Paragraph five and Section 49, Paragraph three of this Law with the third sentence shall come into force on 1 January 2010.

[*29 June 2008*]

17. Section 50.1, Paragraph four of this Law shall come into force on 1 January 2009. Until the date of the coming into force of the relevant norm the Cabinet shall issue the regulations referred to therein.

[*29 June 2008*]

18. Amendments to this Law regarding the rewording of Section 66, Paragraph one and Section 67, Paragraph one of this Law, and also regarding the deletion of Section 66, Paragraph four of this Law shall come into force on 1 July 2009.

[*29 June 2008*]

19. Section 64, Clause 4 of this Law shall come into force on 1 April 2012.

[*1 July 2011*]

20. The Cabinet shall, by 1 September 2013, issue the regulations provided for in Section 67.2, Paragraph seven of this Law. Until the day of coming into force of the abovementioned Cabinet regulations Cabinet Regulation No. 348 of 22 May 2012, Regulations Regarding the Information System for the Support of Minors, shall be applicable insofar as it is not in contradiction with this Law.

[*30 May 2013*]

21. The Cabinet shall, by 31 December 2013, issue regulations regarding the procedures by which the police shall ascertain whether the child has special needs, and invite a competent specialist, and also the procedures by which the police shall ensure conditions for satisfying special needs of the child.

[*30 May 2013*]

22. Amendments to Section 50.3, Paragraph four of this Law which provide for the Cabinet stipulating the requirements for a provider of child supervision services (its employees) shall come into force on 1 September 2013.

[*30 May 2013*]

23. The Cabinet shall, by 31 March 2014, issue the regulations provided for in Section 30, Paragraph one of this Law. Until the day of coming into force of the Cabinet regulations provided for in Section 30, Paragraph one of this Law Cabinet Regulation No. 1536 of 22 December 2009, Regulations Regarding the Procedures for and Amount of Payment for Out-of-family Care Services, shall be applicable insofar as it is not in contradiction with this Law.

[*30 May 2013*]

24. A child whose parents have been removed the care rights by a decision of the Orphan’s and Custody Court until 31 December 2012 shall be a child left without parental care from 1 January 2013 until the time when the Orphan’s and Custody Court takes a decision to renew the custody rights or the bring a claim to the court regarding removal of custody rights.

[*30 May 2013*]

25. The persons referred to in Section 5.1, Paragraph one, Clauses 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 15, 16, 18, 19, and 20 of this Law who have not acquired the special knowledge in the field of the protection of the rights of the child shall acquire them not later than by 31 December 2014.

[*6 March 2014*]

26. The persons referred to Section 5.1, Paragraph one, Clauses 6, 11, 14, and 17 of this Law, and also in Section 5.1, Paragraph one, Clause 19.1 of this Law who represent or defend minors in criminal proceedings, shall acquire the special knowledge referred to in Section 5.1, Paragraph 1.1 of this Law not later than until 31 December 2017.

[*6 March 2014*]

27. The persons referred to in Section 5.1, Paragraph one, Clause 19.1 of this Law who do not represent or defend minors in criminal proceedings, but represent minors in administrative proceedings, civil proceedings, or Constitutional Court proceedings, and also represent or defend minors in administrative offence proceedings, shall acquire the special knowledge in the field of protection of children’s rights not later than by 31 March 2020.

[*12 December 2019*]

28. Persons who have not acquired special knowledge in the field of protection of children’s rights are entitled to carry out work, service, or professional duties which include work with minors or representation or defence of the interests of minors until expiry of the time limit specified in Paragraphs 25, 26, and 27 of these Transitional Provisions.

[*12 December 2019*]

29. Until 31 December 2014 the employer, the manager of the institution and the State Office of the Quality of Education, accordingly, shall ensure the compliance of the persons referred to in Section 50.1, Paragraph three, Section 50.3, Paragraph two and Section 72, Paragraph five of this Law with the requirements of Section 72 of this Law.

[*6 March 2014*]

30. If the binding regulations of local governments contain a definition of a large family which differs from the definition laid down in Section 1, Clause 16 of this Law, the definition provided for in the binding regulations of the local government shall be applicable but not later than by 31 December 2016.

[*26 November 2015*]

31. Amendments to Section 1, Clause 16, the title of Section 26 (rewording of the title) and Paragraph six of this Section shall come into force on 1 January 2016.

[*26 November 2015*]

32. The Cabinet shall, by 31 December 2015, issue the regulations provided for in Section 26, Paragraph six of this Law.

[*26 November 2015*]

33. The Cabinet shall, by 31 July 2017, issue the regulations provided for in Section 6, Paragraph three of this Law.

[*2 March 2017*]

34. The persons referred to in Section 5.1, Paragraph one, Clause 2 of this Law, if they ensure legal support to the Orphan’s and Custody Court in drawing up the decision and performance of other tasks assigned to the Orphan’s and Custody Court according to the assignment by the local government council, and the persons referred to in Paragraph 19.2shall acquire the special knowledge in the field of the protection of children’s rights not later than by 31 December 2020.

[*3 May 2018*]

35. Amendments to this Law in respect of the new wording of Section 27, Paragraph three and the deletion of Paragraph 3.1, and also amendments to this Law in respect of the new wording of Section 45.4, Paragraph two and the supplementation thereof with Paragraph 2.1and 2.2shall come into force on 1 September 2018.

[*3 May 2018*]

36. Amendments to this Law that provide for the supplementation Section 72, Paragraph five with Clause 4 and the supplementation of Paragraph six which shall come into force concurrently with the relevant amendments to Section 172.2of the Latvian Administrative Violations Code in relation to increase of the maximum punishment and imposition of the warning to the officials or employees of State or local government authorities who have committed the relevant violation. The restriction specified in Section 72, Paragraph five, Clause 4 of this Law shall not be applicable to persons who have been punished with the fine for the violation specified in Section 172.2of the Latvian Administrative Violations Code before the day of coming into force of this norm.

[*3 May 2018*]

37. The officials of the State Inspectorate for the Protection of Children’s Rights referred to in Section 5.1, Paragraph one, Clause 15 of this Law who have not acquired special knowledge in the field of protection of children’s rights shall acquire them not later than by 31 March 2020.

[*12 December 2019*]

38. Amendment to Section 24 of this Law regarding the new wording of Paragraph six, amendment to Section 58, Paragraph two, Clause 6 of this Law, amendment to Section 59, Paragraph one of this Law regarding the new wording of Clause 2, amendments to Section 67.2, Paragraph four, second sentence and Section 72, Paragraph five, Clause 4 and Paragraphs six and seven, and also Chapter XIII of this Law shall come into force concurrently with the Law on Administrative Liability.

[*12 December 2019*]

39. The Cabinet shall, by 30 June 2020, issue the Cabinet regulations provided for in Section 31, Paragraph four of this Law. Until the day of coming into force of the relevant regulations but not longer than until 30 June 2020 the Cabinet Regulation No. 794 of 29 September 2008, Procedures for Ensuring Accounting of Children to be Adopted and Those Persons who are Willing to Adopt a Child, shall be applied insofar it is not in contradiction with this Law.

[*12 December 2019*]

40. The deputy chairpersons and members of the local government administrative committees or the sub-committees in child matters of the local government administrative committees referred to in Section 5.1, Paragraph one, Clause 7 of this Law who have not acquired special knowledge in the field of protection of children’s rights shall acquire it not later than by 30 November 2020.

[*11 June 2020*]

41. Amendment to this Law regarding the new wording of the title of Chapter XIII, and also the new wording of Sections 77, 78, and 79 shall come into force concurrently with the Law on Administrative Liability.

[*11 June 2020*]

42. Amendment to Section 11, Paragraph one of this Law regarding the assessment of special needs of all children shall come into force on 1 September 2021.

[*1 October 2020*]

43. Amendment to Section 12, Paragraph twoof this Law shall come into force on 1 July 2021.

[*1 October 2020*]

44. Section 26, Paragraph seven of this Law shall come into force on 1 May 2021 and shall be in force until 31 December 2021. The support measures provided for in the Law for families which care for a child with disability or for a person who has not reached the age of 24 years if Group I or II disability has been determined for such person shall be financed in this period according to that laid down in Section 53 of the law On the State Budget for 2021 from the financing reserved in the programme 11.00.00 “Demographic Measures” of the budget unit “74. Funding to be Reallocated in the Process of Implementation of the Annual State Budget”.

[*25 February 2021*]

45. The persons referred to Section 5.1, Paragraph one, Clause 19.4 of this Law shall acquire the special knowledge in the field of the protection of the rights of the child not later than until 31 December 2023.

[*11 November 2021*]

46. The Cabinet shall, by 30 June 2022, make amendments to Cabinet Regulation No. 352 of 1 June 2021, Procedures for the Implementation of the Latvian Honorary Family Certificate Programme, in accordance with amendments to Section 26, Paragraph six of this Law. Until the day of coming into force of the relevant amendments but not longer than until 30 June 2022, Cabinet Regulation No. 352 of 1 June 2021, Procedures for the Implementation of the Latvian Honorary Family Certificate Programme, shall be applied insofar it is not in contradiction with this Law.

[*16 November 2021*]

47. The laws and regulations that were in force at the time of initiating intercountry adoption process shall be applied to the cases initiated until 30 June 2022.

[*16 December 2021*]

48. The Cabinet shall, by 30 June 2022, issue the regulations provided for in Section 31, Paragraph five of this Law.

[*16 December 2021*]

**Informative Reference to European Union Directives**

[*6 March 2014; 26 November 2015*]

This Law contains legal norms arising from:

1) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;

2) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;

3) Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/TI;

4) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast);

5) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

This Law has been adopted by the *Saeima* on 19 June 1998.

President G. Ulmanis

Rīga, 8 July 1998