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

21 December 2006 [shall come into force on 1 January 2007];

12 December 2008 [shall come into force on 1 January 2009];

21 May 2009 [shall come into force on 1 July 2009];

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

3 December 2009 [shall come into force on 1 January 2010];

10 December 2009 [shall come into force on 1 January 2010];

1 July 2011 [shall come into force on 1 January 2012];

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

29 November 2012 [shall come into force on 1 January 2013];

23 May 2013 [shall come into force on 1 November 2013];

12 September 2013 [shall come into force on 1 January 2014];

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

8 May 2014 [shall come into force on 1 July 2014];

29 October 2015 [shall come into force on 3 December 2015];

15 June 2017 [shall come into force on 13 July 2017];

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

1 November 2018 [shall come into force on 21 November 2018];

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

16 June 2021 [shall come into force on 1 July 2021].

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 Orphan’s and Custody Courts**

**Chapter I**

**General Provisions**

**Section 1. Purpose of the Law**

The purpose of the Law is to prescribe the principles and procedures for establishing an Orphan’s and Custody Court, the competence and principles of the operation of an Orphan’s and Custody Court, as well as the procedures for taking and appeal of decisions of an Orphan’s and Custody Court.

**Section 2. Establishment and Operation of an Orphan’s and Custody Court**

(1) An Orphan’s and Custody Court is a guardianship and trusteeship institution established by a local government.

(2) In the territorial units of municipalities where there is no notary, an Orphan’s and Custody Court shall, in the cases specified in the Civil Law, provide assistance in the settlement of inheritance matters, provide for the protection of inheritance, and also perform other tasks indicated in Section 61 of this Law.

(3) The territory of the operation of an Orphan’s and Custody Court shall be the administrative territory of the relevant local government, except for the case referred to in Paragraph five of this Section.

(4) When establishing an Orphan’s and Custody Court, the local government council shall ensure that the Orphan’s and Custody Court is as easily accessible as possible to all the residents of the administrative territory of the relevant local government. The operation of the Orphan’s and Custody Court shall be ensured in all rural territories and towns of the municipality.

(5) Not more than one Orphan’s and Custody Court shall be established in one local government. Several local governments may establish a joint Orphan’s and Custody Court.

(6) A local government shall publish information on establishment of an Orphan’s and Custody Court and the territory of the operation thereof, as well as regarding changes in the territory of the operation of an Orphan’s and Custody Court, in the official gazette *Latvijas Vēstnesis*.

(7) The name of the Orphan’s and Custody Court shall be created adding the words “Orphan’s and Custody Court” to the name of the administrative territory of the operation of the relevant Orphan’s and Custody Court.

(8) [16 June 2021]

[*21 May 2009; 29 November 2012; 23 May 2013; 16 June 2021*]

**Section 3. Financing and Employment Legal Relationships of an Orphan’s and Custody Court**

(1) The relevant local government council shall assign financial resources for the operation of an Orphan’s and Custody Court.

(2) The provisions of the laws and regulations governing employment relationship shall apply to the Chairperson of an Orphan’s and Custody Court, and also to the Vice-Chairperson of an Orphan’s and Custody Court and a Member of an Orphan’s and Custody Court, unless laid down otherwise in this Law. The remuneration for the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court and a Member of an Orphan’s and Custody Court shall be determined in accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

(21) The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court shall be employed on the basis of an employment contract, determining the normal working hours and conforming to the right of a person to request determination of part-time working hours in accordance with the provisions of the laws and regulations governing employment relationship.

(3) The Cabinet shall determine the regulations for the operation of an Orphan’s and Custody Court.

[*21 May 2009; 3 December 2009; 16 June 2021*]

**Section 4. Principles of the Operation of an Orphan’s and Custody Court**

(1) An Orphan’s and Custody Court shall repose on laws and regulations and the principles of the public law in the operation thereof.

(2) An Orphan’s and Custody Court shall ensure by priority the protection of the rights and legal interests of a child or a person under trusteeship.

(3) The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, a Member of an Orphan’s and Custody Court, and employees of an Orphan’s and Custody Court, upon fulfilling the duties of office, shall comply with the general ethics principles and behavioural standards for employees of an Orphan’s and Custody Court to be developed by the Latvian Association of Employees of Orphan’s and Custody Courts.

[*29 November 2012; 29 October 2015; 15 June 2017 / The new wording of Paragraph three shall come into force on 1 September 2017. See Paragraph 18 of Transitional Provisions*]

**Section 5. Supervision, Monitoring of the Operation, and Methodological Assistance of Orphan’s and Custody Courts**

(1) The State Inspectorate for the Protection of Children’s Rights shall supervise the operation of Orphan’s and Custody Courts in the protection of rights and interests of a child and a person under trusteeship and provide them with methodological assistance.

(11) Orphan’s and Custody Courts shall be under the functional supervision of the State Inspectorate for Protection of Children’s Rights in the fields of termination of the child custody right, removal of such right, renewal of a terminated child custody right, and out-of-family care to the extent specified in this Law.

(12) The State Inspectorate for Protection of Children’s Rights shall organise the operation of the Qualification Commission within the framework of institutional supervision. The Qualification Commission shall ensure review of the issues related to the certification, qualification, and further education of the officials of an Orphan’s and Custody Court.

(2) The Ministry of Justice shall provide Orphan’s and Custody Courts with methodological assistance in the fulfilment of the tasks determined in Chapters VII and VIII of this Law.

(3) [10 December 2009]

(4) An Orphan’s and Custody Court shall, not less than once a year, provide a report on its operation to the council of the relevant local government. The report shall be published on the website of the local government.

(5) A local government council has the right to request a report from an Orphan’s and Custody Court regarding the operation thereof at any time.

(6) A local government has a duty to ensure purposefully organised advisory, educating and psychological support to the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and Members of an Orphan’s and Custody Court in order to improve their professional competence and quality of professional activity.

[*12 June 2009; 10 December 2009; 29 November 2012; 29 October 2015; 16 June 2021 /* *See Paragraphs 24, 25, and 26 of Transitional Provisions*]

**Section 6. Seals of an Orphan’s and Custody Court and the Usage Thereof**

(1) An Orphan’s and Custody Court shall have the following seals:

1) with the picture of the lesser State coat of arms and the name of the Orphan’s and Custody Court conforming to the territory of the operation of the Orphan’s and Custody Court;

2) with the picture of the supplemented lesser State coat of arms and the name of the Orphan’s and Custody Court conforming to the territory of the operation of the Orphan’s and Custody Court.

(11) The Orphan’s and Custody Court may have several seals referred to in Paragraph one of this Section.

(2) The seal with the picture of the supplemented lesser State coat of arms and the name of the Orphan’s and Custody Court conforming to the territory of the operation of the Orphan’s and Custody Court shall be used in making certifications.

(3) If an Orphan’s and Custody Court does not make a certification, it shall use the seal with the lesser State coat of arms and the name of the Orphan’s and Custody Court conforming to the territory of the operation of the Orphan’s and Custody Court.

[*21 May 2009*]

**Chapter II**

**Composition of an Orphan’s and Custody Court**

**Section 7. Composition of an Orphan’s and Custody Court**

(1) The composition of an Orphan’s and Custody Court shall include the Chairperson of the Orphan’s and Custody Court and at least three Members of the Orphan’s and Custody Court.

(2) The number of the Members of an Orphan’s and Custody Court shall be determined by the local government according to the number of the residents declared in the administrative territory of the local government, the number of children and persons under trusteeship, the number of cases in an Orphan’s and Custody Court, and the size of the administrative territory of the local government in order to ensure full protection of the rights and interests of children and persons under trusteeship.

(3) The composition of an Orphan’s and Custody Court may include the Vice-Chairperson of the Orphan’s and Custody Court.

(4) At least one person from the composition of an Orphan’s and Custody Court shall have a second level higher academic education in law or a professional master’s degree in law conforming to the field of law, or a professional master’s degree in law and a fifth level professional qualification (lawyer) or another qualification in law corresponding to seventh level of the European Qualifications Framework as established in the Latvian classification of education.

[*21 May 2009; 29 November 2012; 1 November 2018; 16 June 2021*]

**Section 8. Employees of an Orphan’s and Custody Court**

(1) A secretary or an employee appointed by the local government council shall manage the record-keeping of an Orphan’s and Custody Court.

(11) Support to the Chairperson of an Orphan’s and Custody Court and a Members of an Orphan’s and Custody Court for ensuring the activities of the Orphan’s and Custody Court shall be provided by an assistant to the Chairperson of the Orphan’s and Custody Court and an assistant to a Member of the Orphan’s and Custody Court according to the scope of duties specified in this Law and the employment contract, in particular, in preparing drafts of documents and cases, participating in search for suitable guardians, trustees, and foster families, preparing and updating reports on the activities carried out for the protection of the interests of children and persons under trusteeship, participating in inspections of living conditions and family risk assessments, and at hearings of persons. The assistant to the Chairperson of an Orphan’s and Custody Court and the assistant to a Member of an Orphan’s and Custody Court shall not perform such work that falls within the competence of an Orphan’s and Custody Court only (for example, risk assessment of families, inspection of living conditions, conversations with the child in the absence of another person).

(2) The Chairperson of an Orphan’s and Custody Court is entitled to hire an assistant to the Chairperson of the Orphan’s and Custody Court, an assistant to a Member of the Orphan’s and Custody Court, and other employees to ensure the work of the Orphan’s and Custody Court according to the amount of work.

[*16 June 2021*]

**Chapter III**

**Hiring, Dismissal, and Removal of the Composition of an Orphan’s and Custody Court and the Employees of an Orphan’s and Custody Court**

[*16 June 2021*]

**Section 9. Hiring and Competition of Applicants**

(1) The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and the Members of an Orphan’s and Custody Court shall be hired by the relevant local government. The local government may instruct the Chairperson of an Orphan’s and Custody Court to hire Members of the Orphan’s and Custody Court.

(2) An open competition of applicants for the position of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and Members of an Orphan’s and Custody Court shall be announced.

(3) [16 June 2021]

(4) When organizing the competition of applicants for the Chairperson of an Orphan’s and Custody Court, the relevant local government shall request an opinion of the Qualification Commission regarding the activities of the Chairperson of an Orphan’s and Custody Court, if any of the applicants to the competition has acted as the Chairperson of an Orphan’s and Custody Court during the period of the last three years.

(5) When hiring the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, a Member of an Orphan’s and Custody Court, an assistant to the Chairperson of an Orphan’s and Custody Court, an assistant to a Member of an Orphan’s and Custody Court, the local government or, in the case referred to in the second sentence of Paragraph one of this Section, the Chairperson of the Orphan’s and Custody Court have an obligation to request information from the Punishment Register in order to ascertain the absence of any restrictions referred to in Section 11, Clauses 2, 3, 4, 5, and 6 of this Law. The local government or the Chairperson of an Orphan’s and Custody Court accordingly has an obligation to re-examine the abovementioned information on the person at least once a year.

[*29 October 2015; 16 June 2021*]

**Section 10. Requirements for the Applicants**

(1) The Chairperson of an Orphan’s and Custody Court and the Vice-Chairperson of an Orphan’s and Custody Court may be a person:

1) who is a citizen or a non-citizen of the Republic of Latvia;

2) who has reached the age of 30 years;

3) who has acquired at least an academic master’s degree or a professional master’s degree, or a professional master’s degree and a fifth level professional qualification, or another qualification in pedagogy, psychology, medicine, social work or law, educational management or public administration corresponding to seventh level of the European Qualifications Framework as established in the Latvian classification of education, and who has served not less than five years in the subject area of the education acquired or in the fulfilment of the duties of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court;

4) who is fluent in the official language at the highest level;

5) who has an impeccable reputation.

(2) A Member of an Orphan’s and Custody Court may be a person:

1) who is a citizen or a non-citizen of the Republic of Latvia;

2) who has reached the age of 30 years;

3) who has acquired at least an academic bachelor’s degree or a professional bachelor’s degree and a fifth level professional qualification, or another qualification in pedagogy, psychology, medicine, social work or law, educational management or public administration corresponding to sixth level of the European Qualifications Framework as established in the Latvian classification of education, and who has served not less than three years in the subject area of the acquired education or in the fulfilment of the duties of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court;

4) who is fluent in the official language at the highest level;

5) who has an impeccable reputation.

(3) If, in taking up the office, the person has not completed the study programme referred to in Paragraph four of this Section, the person shall complete it within six months after the employment relationship has been established, not including the probationary period. The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court shall take up fully independent fulfilment of their duties of office only after successful completion of the study programme. Until completion of the abovementioned study programme:

1) the Chairperson of an Orphan’s and Custody Court shall organise the performance of the functions of the Orphan’s and Custody Court, manage the administrative work of the Orphan’s and Custody Court, manage the financial, personnel, and other resources of the Orphan’s and Custody Court;

2) the Vice-Chairperson of an Orphan’s and Custody Court and a Member of an Orphan’s and Custody Court shall fulfil their duties of office insofar as they are not related to the adoption of any decisions on ensuring the protection of the personal and property rights and interests of a child or a person under trusteeship.

(31) If the expenses related to the completion of the study programme have been fully or partially covered for the relevant official by the local government, the official with whom, by mutual agreement with the employer or in accordance with Section 14 of this Law, the employment relationship is terminated before four years after the completion of the study programme have expired shall reimburse the expenses covered by the local government for the completion of the study programme to the local government in proportion to the time worked. The official shall not reimburse the tuition fee to the local government compensated by the local government if the official ceases to work in the Orphan’s and Custody Court and starts working in another authority of the same local government where the knowledge acquired in the study programme is required for the fulfilment of the duties of office.

(4) The Cabinet shall determine the content of the study programme and the training procedures of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court and a Member of an Orphan’s and Custody Court.

(5) If any of the persons from the composition of an Orphan’s and Custody Court has not completed the study programme referred to in Paragraph four of this Section until the moment when it has been completed by the Chairperson of an Orphan’s and Custody Court and at least three of its Members, the Orphan’s and Custody Court shall cooperate with another nearest Orphan’s and Custody Court for the performance of the tasks specified in this Law in accordance with Section 53, Paragraph 1.1of this Law.

[*29 October 2015; 15 June 2017; 16 June 2021*]

**Section 10.1 Qualification Commission**

(1) The Qualification Commission shall be a collegial institution the activities of which are organised by the State Inspectorate for Protection of Children’s Rights.

(2) The objective of the Qualification Commission shall be to assess the professional activities of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court and to promote the professional growth of the Chairperson of an Orphan’s and Custody Court, the Vice Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court in order to improve the quality of the work of the Orphan’s and Custody Court.

(3) The Qualification Commission shall:

1) perform evaluation – certification – of the professional activities of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court;

2) develop the content of further education programmes for specialists of an Orphan’s and Custody Court and the system for the evaluation of the results of the completion of these programmes;

3) assess whether employment of a person convicted of an intentional criminal offence – after the criminal record has been extinguished or set aside – is not detrimental to the protection of the rights and interests of children and persons under trusteeship and grant the person a permission to work as the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, a Member of an Orphan’s and Custody Court, an assistant to the Chairperson of an Orphan’s and Custody Court, or an assistant to a Member of an Orphan’s and Custody Court;

4) upon request of the local government, provide an opinion which is necessary when organizing the competition of applicants for the Chairperson of an Orphan’s and Custody Court.

(4) The composition of the Qualification Commission shall include the representatives of the Ministry of Welfare, the Ministry of Justice, and the State Inspectorate for Protection of Children's Rights, and also the representatives of the professional association of employees of an Orphan’s and Custody Court. If an Orphan’s and Custody Court of the particular local government is not represented in the professional association of employees of an Orphan’s and Custody Court, a representative of the relevant local government shall be delegated to participate in the Qualification Commission when the professional activity of an official of an Orphan’s and Custody Court of the particular local government is being assessed.

(5) The procedures for the establishment and operation of the Qualification Commission shall be determined by the Cabinet.

[*16 June 2021 /* *Section shall be applicable from 1 January 2025.* *See Paragraph 26 of Transitional Provisions*]

**Section 10.2 Certification of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court**

(1) An official of an Orphan’s and Custody Court may fulfil the duties of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of the Orphan’s and Custody Court, if a positive opinion of the Qualification Commission has been received in the certification.

(2) The certification of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court shall be performed every seven years.

(3) The certification of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court shall be performed for the first time within 12 months after the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court has taken up the fulfilment of his or her duties of office.

(4) If necessary, upon request of the State Inspectorate for Protection of Children’s Rights or the entity referred to in Section 9, Paragraph one of this Law which has hired the relevant Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of the Orphan’s and Custody Court extraordinary certification of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court shall be performed. The Cabinet shall determine in which cases extraordinary certification shall be performed upon request from the State Inspectorate for Protection of Children’s Rights or the local government.

(5) If the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court has received a negative opinion from the Qualification Commission, a re-certification shall be performed within six months after receipt of the negative opinion.

(6) The following shall be taken into account in the certification process:

1) the education of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or the Member of an Orphan’s and Custody Court to be certified;

2) information on the work experience of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or the Member of an Orphan’s and Custody Court to be certified;

3) information on further education of the Chairperson of an Orphan's and Custody Court, the Vice-Chairperson of an Orphan's and Custody Court, or the Member of an Orphan’s and Custody Court to be certified;

4) the self-assessment of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or the Member of an Orphan’s and Custody Court to be certified;

5) information on the opinions of the Qualification Commission on the work of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of the Orphan’s and Custody Court in the composition of an Orphan’s and Custody Court;

6) other information that is relevant for the assessment of the impeccable reputation of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or the Member of an Orphan’s and Custody Court in the process of certification.

(7) The Cabinet shall determine the certification procedures and the certification criteria, and also the cases when the Qualification Commission shall issue a negative opinion.

[*16 June 2021 /* *Section shall be applicable from 1 January 2025.* *See Paragraph 26 of Transitional Provisions*]

**Section 11. Persons who may not be Part of the Composition of an Orphan’s and Custody Court**

The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court may not be a person:

1) whose child custody rights have been terminated or removed;

2) who has been convicted of an intentional criminal offence (irrespectively of whether the criminal record has been extinguished or set aside), except for the case where the Qualification Commission has assessed whether it is not detrimental to the protection of the rights and interests of children and persons under trusteeship and has authorised the person to perform work in the position of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court;

3) who has been released from criminal liability, sentence or serving the sentence for committing an intentional criminal offence;

4) who has been held criminally liable for committing an intentional criminal offence, but the criminal proceedings have been terminated due to the limitation period, settlement, clemency or amnesty;

5) who is the convicted, the accused or a suspect in criminal proceedings for committing an intentional criminal offence;

6) who has violated the laws and regulations governing the protection of children’s rights;

7) who is under trusteeship;

8) who is addicted to alcohol, narcotic, psychotropic or toxic substances;

9) who has received a repeated negative opinion of the Qualification Commission in the current assessment of professional activities – certification.

[*8 May 2014; 16 June 2021 /* *Clause 9 which provides for the certification of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court shall be applicable from 1 January 2025.* *See Paragraph 26 of Transitional Provisions*]

**Section 12. Removal from the Office**

[16 June 2021]

**Section 13. Suspension from Office**

(1) If the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court has committed illegal or negligent acts, the relevant local government may suspend him or her from the office until the facts of the matter have been established.

(2) If the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court has the status of the suspect or the accused person, the person directing the proceeding may prohibit him or her to fulfil the duties of office.

(3) The relevant local government has an obligation to suspend the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court from the office if the relevant official, in fulfilling his or her duties, harms the security and health of the third persons, and also the substantiated interests of the employer or third persons, or if it is requested by the State Inspectorate for the Protection of Children’s Rights in relation to a violation of the rights and interests of a child or a person under trusteeship.

(31) The entity referred to in Section 9, Paragraph one of this Law which has hired the relevant Chairperson of an Orphan's and Custody Court, the Vice-Chairperson of an Orphan's and Custody Court, or the Member of an Orphan's and Custody Court, has an obligation to suspend the official from the office if a negative opinion of the Qualification Commission on the evaluation of his or her professional activity – certification – has been received. The relevant official shall be dismissed for a time period until he or she receives a positive opinion on the assessment – certification, but the period of dismissal shall not be longer than 6 months.

(4) The relevant local government has an obligation to dismiss the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court from the office if the relevant official does not complete the study programme referred to in Section 10, Paragraph three of this Law or has received an unsatisfactory evaluation regarding the completion of that programme. The relevant official shall be suspended for a time period until he or she acquires the referred to study programme, but the period of suspension shall not be longer than 6 months.

(5) The Vice-Chairperson of an Orphan’s and Custody Court shall fulfil the duties of the Chairperson of an Orphan’s and Custody Court for the time of the dismissal of the Chairperson of an Orphan’s and Custody Court, or the relevant local government shall appoint another person as the performer of the duties of the Chairperson of an Orphan’s and Custody Court from the Members of an Orphan’s and Custody Court.

(6) Work remuneration shall not be paid to the official for the time period of suspension.

(7) A decision to suspend the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or the Member of the Orphan’s and Custody Court from office may be appealed to the court in accordance with the procedures of the Administrative Procedure Law. The appeal of the decision shall not suspend the operation thereof.

[*10 December 2009; 16 June 2021 / Paragraph 3.1 of Section regarding dismissal of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court shall be applicable from 1 January 2025. See Paragraph 26 of Transitional Provisions*]

**Section 14. Other Grounds for the Termination of Employment Relationship**

(1) Employment relationship with the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court shall be terminated if:

1) any case of termination of employment relationship as specified in the Labour Law has set in;

2) any of the conditions referred to in Section 11 of this Law has been detected;

3) the relevant official has not completed the study programme specified in Section 10, Paragraph three of this Law within six months after dismissal in accordance with Section 13, Paragraph four of this Law;

4) a repeated negative opinion of the Qualification Commission on the current assessment – certification – of professional activities has been received.

(2) In the cases referred to in Paragraph one, Clauses 3 and 4 of this Section, employment relationship shall be terminated in accordance with the procedures laid down in Section 115, Paragraph five of the Labour Law. The relevant Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court may, with his or her consent, be employed to do other work for the Orphan’s and Custody Court if the work is not related to taking of a decision or actual activity in ensuring the protection of the rights and interests of a child or of a person under trusteeship.

[*16 June 2021 /* *Paragraph one, Clause 4 regarding termination of employment relationship with the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court in case of a repeatedly negative assessment shall be applicable from 1 January 2025.* *See Paragraph 26 of Transitional Provisions*]

**Section 15. Multiple Office Holding Restrictions**

The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court, in addition to restrictions on combining offices laid down in the law On Prevention of Conflict of Interest in Activities of Public Officials, also shall not concurrently fulfil the duties of the Chairperson of the Council, his or her Vice-Chairperson or deputy, the head of a social service office or a specialist of social work of such local government in the administrative territory of which the relevant Orphan’s and Custody Court is situated.

[*21 May 2009; 29 October 2015 / See Paragraph 15 of Transitional Provisions*]

**Section 15.1 Assistant to the Chairperson of an Orphan’s and Custody Court and Assistant to a Member of an Orphan’s and Custody Court**

(1) An assistant to the Chairperson of an Orphan’s and Custody Court and an assistant to a Member of an Orphan’s and Custody Court may be a person:

1) who is a citizen or a non-citizen of the Republic of Latvia;

2) who has at least first level vocational higher education;

3) who has acquired special knowledge in the field of protection of the rights of children;

4) who is fluent in the official language at the highest level;

5) who has an impeccable reputation.

(2) An assistant to the Chairperson of an Orphan’s and Custody Court and an assistant to a Member of an Orphan’s and Custody Court may not be a person to whom any of the restrictions referred to in Section 11, Clauses 1, 2, 3, 4, 5, 6, 7, and 8 of this Law apply.

[*16 June 2021 /* *Amendments to Paragraph one, Clause 2 of which define the education requirements for an assistant to the Chairperson of an Orphan’s and Custody Court and an assistant to a Member of an Orphan’s and Custody Court shall be applicable from 1 October 2024.* *See Paragraph 30 of Transitional Provisions*]

**Chapter IV**

**Competence of an Orphan’s and Custody Court**

**Section 16. Rights of an Orphan’s and Custody Court**

An Orphan’s and Custody Court has the following rights:

1) to request and receive free of charge the information, which is necessary in order to evaluate the lawfulness of the compliance with the rights of a child or a person under trusteeship or to take decisions on the issues that are within the competence of the Orphan’s and Custody Court, from the State and local government institutions, commercial companies and organisations;

2) to request and receive free of charge the information from credit institutions regarding the balance on the accounts of a natural person – an estate-leaver – in order to draw up a list of properties (a list of estate inventory), as well as the information on the entirety of property of an estate, transactions performed on behalf of a child or a person under trusteeship and the balance of accounts, if a parent, guardian or trustee does not provide the Orphan’s and Custody Court with the information requested regarding the administration of the property of the child or a person under trusteeship or if there are justified suspicions that false information has been provided;

3) to conduct a survey of officials and residents in order to obtain the information, which is necessary for taking decisions on the issues related to guardianship, trusteeship, adoption or custody;

4) to invite persons to an interview and to request explanations from such persons regarding protection of personal and property rights of a child or a person under trusteeship;

5) to bring a statement of claim to a court and applications within the interests of a child or a person under trusteeship, except applications on restricting and reviewing the capacity to act and establishing a temporary trusteeship, as well as statements of claim on contesting the assumption of paternity;

6) to conduct an interview with a child and a person under trusteeship without the presence of other persons;

7) to request a psychologist to conduct a psychological research of a person or a family and to receive an opinion of the psychologist regarding the results of the research;

8) to inspect the living conditions of a child or a person under trusteeship;

9) to photograph, film, and record audio recordings if it is discovered during inspection of the living conditions of the child that the child is in conditions dangerous to the life and health.

[*29 November 2012; 8 May 2014; 29 October 2015 / Paragraph 9 shall come into force on 1 January 2016. See Paragraph 16 of Transitional Provisions*]

**Section 17. General Duties of an Orphan’s and Custody Court**

An Orphan’s and Custody Court shall:

1) defend the personal and property interests and rights of a child or a person under trusteeship;

11) carry out the necessary activities in order to ensure upbringing of and appropriate care for the child in a family environment;

2) examine submissions and complaints, including the submissions and complaints regarding the actions of a parent, guardian, trustee or foster family;

3) participate in a court hearing and provide a finding if the Law determines or a court acknowledges that the participation of an Orphan’s and Custody Court in the hearing is necessary;

31) provide information to a court, which is of significance in a case regarding restricting the capacity to act of a person, establishing a temporary trusteeship and reviewing the restriction of capacity to act (for example, documents regarding an opinion of a person in relation to restriction of the capacity to act, regarding inspection of the living conditions, regarding an opinion of other persons, regarding information from the social service office, attending physician, medical, social care and rehabilitation institution, regarding transactions performed in a credit institution and balances of accounts;

4) cooperate with other Orphan’s and Custody Courts, the State Inspectorate for Protection of Children’s Rights, long-term social care and social rehabilitation institutions and health care and educational institutions, social service offices, police institutions, the State Probation Service, and bailiffs in order to ensure the protection of the rights and interests of a child or a person under trusteeship;

5) inform a social service office of the local government or other responsible institutions regarding the families, in which the development and upbringing of a child is not ensured sufficiently and which need assistance;

51) [*Clause shall come into force on 1 January 2023 and shall be included in the wording of the Law as of 1 January 2023.* *See Paragraph 31 of Transitional Provisions*]

6) not disclose information, which might be against the interests of a child or a person under trusteeship in any way;

7) provide assistance to a child or a person under trusteeship, which has requested assistance from an Orphan’s and Custody Court;

71) hear the person under trusteeship on any issue which concerns the interests of such person;

8) act on behalf of a child or a person under trusteeship in criminal procedure in the cases determined in the Criminal Procedure Law;

9) inform a parent, guardian, foster family or host family regarding the possible threat to a child and regarding the fact of the criminal record of a person in the cases laid down in Section 44.1 of this Law, as well as inform the social service office of a local government regarding the parents, guardians, foster families or host families who are informed in accordance with the procedures laid down by Section 44.1 of this Law;

10) represent the personal and property interests and rights of a child placed in a foster family;

101) represent the personal and property interests and rights of a child during the period of operation of a unilateral decision;

11) evaluate whether the parent is abusing his or her rights, as well as inform the bailiff regarding the assessment results or the decisions taken if a document has been received from the bailiff that the child was not met at the time and place specified by the bailiff in a case arising from the custody rights or also an act regarding non-execution of a ruling in a case arising from the access rights has been received.

[*21 May 2009; 4 August 2011; 1 July 2011; 29 November 2012; 8 May 2014; 29 October 2015; 16 June 2021*]

**Section 18. Protection of the Personal Interests of a Child**

An Orphan’s and Custody Court, in defending the personal interests of a child in relationship with the parents, guardians and other persons, shall:

1) take a decision to give a permission for entering into marriage before reaching 18 years of age, if such permission has not been granted by any of the parents or the guardian;

2) take a decision to grant legal age before reaching 18 years of age;

3) send to a family doctor, psychologist, or another specialist for receipt of a consultation:

a) the child if parents or guardian of the child do not agree to receipt of the consultation;

b) the person with whom the child has the right to maintain personal relationship and direct contact, or the person with whom the child is living in an undivided household;

31) take a decision to transfer a child into care of another person in the cases determined in laws and regulations;

4) take a decision to discontinue disbursement of the State social benefits, survivor’s pension and support to children having celiac disease to a person who does not bring up the child, and to disburse them to a person who actually brings up the child;

5) take a decision to discontinue disbursement of the State social benefits, survivor’s pension and support to children having celiac disease to a person who does not actually bring up the child, and to disburse them to the child if he or she has reached 15 years of age;

6) perform other measures for the protection of the personal rights of a child determined in laws and regulations.

[*8 May 2014; 29 October 2015; 16 June 2021*]

**Section 19. Settlement of Disagreements**

(1) An Orphan’s and Custody Court shall take a decision to enter the surname, given name or nationality of a child, if parents cannot agree about it.

(2) An Orphan’s and Custody Court shall settle disagreements of parents in the issues related to the custody of a child (except disagreements regarding the determination of the place of residence of a child) and, where necessary, shall take a decision.

(3) An Orphan’s and Custody Court shall settle disagreements between a child and parents.

(4) An Orphan’s and Custody Court shall settle disagreements between a child and the guardian, as well as between the guardian and the parents of a child.

[*8 May 2014*]

**Section 19.1 Claim Regarding Temporary Protection against Violence**

(1) If a parent or guardian of a child, due to objective reasons, has not submitted a claim to the court regarding temporary protection against violence in the interests of the child, an Orphan’s and Custody Court shall submit such a claim to the court in the interests of the child if:

1) any physical, sexual or psychological violence or violent control is directed against the child;

2) information on potential physical, sexual or psychological violence or violent control directed against the child has been received;

3) any physical, sexual, psychological or economic violence is directed against the person who is permanently residing with the child;

4) information on potential physical, sexual, psychological or economic violence is directed against the person who is permanently residing with the child has been received.

(2) The claim referred to in Paragraph one of this Section shall be submitted by such Orphan’s and Custody Court in the territory of operation of which any of the circumstances referred to in Paragraph one of this Section have been established or in the territory of operation of which the child is living.

(3) If a claim has not been brought within the time period determined in the court decision on temporary protection against violence or the direct or indirect violence referred to in Section has not been eliminated using other means, an Orphan’s and Custody Court may evaluate the conformity of action of the parent or guardian of the child with the interests of the child.

[*13 February 2014; 8 May 2014*]

**Section 20. Consent to the Recognition of Paternity**

If a child is of minor age and guardianship has not been established for him or her, an Orphan’s and Custody Court shall take a decision on the consent to the recognition of paternity if:

1) the mother of the child is deceased;

2) [29 November 2012];

3) the location of the mother of the child is not known.

[*29 November 2012*]

**Section 21. Protection of the Property Interests of a Child**

In protecting the property interests of a child in the cases provided for in the Civil Law an Orphan’s and Custody Court shall:

1) take a decision to permit to accept or reject the inheritance accruing to a child on his or her behalf;

2) take a decision to sell the property belonging to a child for the market value or at auction;

3) take a decision to divide the inheritance, alienating, pledging or encumbrance of the property of a child (if the value thereof does not exceed EUR 14 000) with other property rights;

4) take a decision on usefulness of the alienating, pledging or encumbrance of the immovable property belonging to a child (if the value thereof exceeds EUR 14 000) with other property rights;

5) take a decision to acquire property for a child;

6) appoint a guardian for entering into legal transactions between a child and parents;

7) take a decision to remove the rights of administration and use of an inheritance if the survived spouse administers or uses the inheritance accruing to the child negligently;

8) take a decision to deprive a parent of the administration of the child’s property if the parent’s administration of the property of the child does not correspond to the interests of the child;

9) perform other measures for the protection of the property rights of a child.

[*21 December 2006; 12 September 2013*]

**Section 22. Termination, Removal and Renewal of Child Custody Rights**

(1) An Orphan’s and Custody Court shall take a decision to terminate the child custody right of a parent if:

1) there are factual impediments which deny the possibility for a parent to take care of a child;

2) a child lives in conditions which are dangerous to health or life due to the fault of the parent (due to intentional action or negligence of the parent);

3) the parent misuses his or her rights or does not ensure care and supervision of the child;

4) the parent has agreed to the adoption of the child, except the case when he or she as a spouse has agreed that the child is adopted by the other spouse;

5) child abuse on the part of the parent has been detected or there are justified suspicions regarding child abuse on the part of the parent.

(11) An Orphan’s and Custody Court, upon initiating a case regarding termination of the child custody rights of a parent, shall perform risk assessment (co-dependence of the parent, non-acknowledgement of the problem, etc.), inform the parent regarding the consequences, and assign him or her to eliminate the circumstances unfavourable to the development of the child in co-operation with the social service office within a specific period of time. If the parent is late in eliminating the circumstances unfavourable to the development of the child within such period of time and the stay of the child in the family may cause threats to the life and health of the child, the Orphan’s and Custody Court shall decide on termination of the custody rights of the parent and separation of the child from the family.

(2) An Orphan’s and Custody Court, upon taking a decision to terminate the child custody rights of a parent, shall inform him or her in writing:

1) on the duty to co-operate with the social service office of his or her place of residence and other institutions and persons in order to facilitate the return of the child to the family;

2) on the duty to pay for the out-of-family care service provided to the child;

3) on the rights to receive State ensured legal aid, if the parent complies with the conditions for receipt of such aid laid down in laws and regulations.

(3) If the reasons for termination of the child custody rights no longer apply, an Orphan’s and Custody Court shall take a decision to renew the terminated child custody rights, taking into account the interests of the child.

(4) An Orphan’s and Custody Court shall take a decision to bring an action regarding the removal of custody rights for a parent in a court if:

1) the health or life of the child is endangered due to the fault of the parent (due to intentional action or negligence of the parent);

2) the parent misuses his or her rights or does not ensure the care and supervision of the child and it may endanger the physical, mental or moral development of the child.

(5) In preparing a case regarding renewal of terminated child custody rights or regarding bringing of an action regarding removal of custody rights of a parent in a court, an Orphan’s and Custody Court shall:

1) ascertain whether the reasons, due to which the child custody rights were terminated for the parents, no longer apply;

2) request an opinion from the social service office of the place of residence of the parent regarding the possibilities for the child to return in custody of the parent;

3) request information from the foster family, the guardian or the institution of long-term social care and social rehabilitation regarding the communication between the child and the parent, mental and material support in upbringing of the child during out-of-family care;

4) request other information, which is necessary in order to take a justified decision.

(6) An Orphan’s and Custody Court shall decide on submitting a claim to a court for removal of the custody rights prior to the time period of one year provided for in Section 203, Paragraph four of the Civil Law if it is in the interests of the child, particularly if the custody rights of another child have been previously removed for the parent.

[*8 May 2014; 29 October 2015; 1 November 2018*]

**Section 23. Taking of a Unilateral Decision**

(1) If during an inspection of the living conditions of a child or otherwise it is detected that the child lives in conditions that are dangerous to health or life, as well as if further living of the child in the family may endanger his or her health or life, the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court shall take a unilateral decision to:

1) terminate the child custody rights of the parents;

2) take off the child from the family of the guardian and suspend the guardian from fulfilment of duties;

3) take off the child from the foster family;

4) terminate pre-adoption care.

(11) If during the forced execution procedure of an adjudication regarding the returning of a child to the country of his or her place of residence (Chapter 74.3 of the Civil Procedure Law) the child is transferred to a representative of an Orphan’s and Custody Court for the performance of subsequent activities and if it is not possible to deliver the child without delay to the country of his or her place of residence, the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court shall take an individual decision to:

1) separate the child from the family and deliver to a crisis centre or other safe conditions and prohibit the parent of the child or other person who has illegally transferred or held the child, or to the close relatives of the child to remove the child from the crisis centre or other safe conditions;

2) to refuse to notify the parent of a child or other person who has illegally transferred or held the child, or to the close relatives of the child regarding the location of the child or a prohibition to these persons to meet with the child while he or she remains in the crisis centre or other safe conditions, if these persons may threaten the subsequent forced execution of the ruling and the preparation of the child for his or her return back to the country of his or her place of residence.

(12) If a child or his or her legal representative does not consent to mandatory medical treatment or social rehabilitation of the child who is suffering from mental or behavioural disorders due to abuse of alcoholic beverages, narcotic, psychotropic, toxic, or other intoxicating substances or who has suffered from violence or wishes to discontinue such treatment without any substantiation, the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court, if it is necessary for the protection of the interests of the child, shall take a unilateral decision on mandatory medical treatment of the child or receipt of social rehabilitation.

(2) In the cases referred to in Paragraph one of this Section the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court shall take the child to a foster family, an institution of long-term social care and social rehabilitation, a hospital or other safe conditions. In the case referred to in Paragraph 1.1, Clause 1 of this Section the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court shall deliver the child to the crisis centre or other safe conditions and only the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court as well as a person requesting the returning of the child or the representative thereof has the right to remove the child from the abovementioned places, in the presence of a representative of an Orphan’s and Custody Court or bailiff.

(21) Prior to taking of a unilateral decision to separate a child from the family, an Orphan’s and Custody Court shall primarily evaluate the possibilities for eliminating the threat to the life and health of the child upon his or her staying in the family and, if it is not possible to eliminate it with means (temporary protection against violence, transfer of the child into short-term care of another person with whom the child has an emotional connection in safe circumstances, etc.) which are less restrictive on the rights of the child to grow up in a family, it shall decide to separate the child from the family.

(3) A unilateral decision shall be taken in oral form and shall be drawn up in writing within 24 hours, and the parents, guardian, adopter or foster family of a child shall be notified of such decision as well.

(4) A unilateral decision shall be taken by such Chairperson of an Orphan’s and Custody Court, Vice-Chairperson of an Orphan’s and Custody Court or Member of an Orphan’s and Custody Court in the territory of operation of which the conditions referred to in Paragraph one of this Section have been detected or in the territory of operation of which the child is located, if a unilateral decision is taken in accordance with Paragraph 1.1 of this Section. The Orphan’s and Custody Court of the place of residence of the child’s parents or adopter in whose care and supervision the child has been transferred, as well as the Orphan’s and Custody Court which has taken the decision on the relevant case of guardianship or foster family or which supervises such case shall be informed regarding such decision without delay, except for the cases referred to in Paragraph 1.1 of this Section.

(5) A unilateral decision shall be executed without delay. Submission of an application to a court regarding the cancellation, declaration of repeal or invalidity of such decision shall not suspend the operation of the decision.

(6) If the conditions referred to in Paragraph one of this Section are detected and at the relevant moment there is no information on the parents, guardian or foster family of a child, an Orphan’s and Custody Court shall act in accordance with Paragraph two of this Section.

[*4 August 2011; 8 May 2014; 29 October 2015; 1 November 2018; 16 June 2021*]

**Section 24. Duration of the Operation of a Unilateral Decision**

(1) An Orphan’s and Custody Court shall convene a meeting within not more than 15 days after taking of a unilateral decision in order to take a decision:

1) to renew the terminated child custody rights for parents;

2) to return a child to the family of the guardian or revoke the guardian, or dismiss the guardian from the fulfilment of duties;

3) to return a child to the foster family or to terminate the residence in such family;

4) on mandatory medical treatment of the child or receipt of social rehabilitation service;

5) to return a child under care of the adopter or to terminate pre-adoption care for a child.

(2) If it is not possible to renew the terminated child custody rights of parents, and the return of the child to the family of the guardian or foster family is not possible as well, an Orphan’s and Custody Court shall take a decision to provide out-of-family care to the child in another family or at an institution of long-term social care and social rehabilitation.

(3) If a unilateral decision is taken in accordance with Section 23, Paragraph 1.1 of this Law, it shall be in effect until the moment that the child is taken back to the country of his or her place of residence, but not longer than 15 days. If during this time the child is not taken back to the country of his or her place of residence, the child shall be returned to the parent of the child or another person who has illegally transferred or held the child and the bailiff shall be notified thereof. If in the interests of the child it is necessary to continue preparing him or her for being taken back to the country of his or her place of residence, or if due to the health or psychological state of the child or for another reason connected to the child he or she is not taken back to the country of his or her place of residence, the Orphan’s and Custody Court shall convene a meeting in order to decide on the need to extend the duration of the operation of the decision referred to in Section 23, Paragraph 1.1, Clauses 1 or 2 of this Law, but not more than 15 days.

[*4 August 2011; 8 May 2014; 1 November 2018*]

**Section 25. Foster Family**

(1) An Orphan’s and Custody Court shall take a decision:

1) on the suitability of a family or a person for the performance of the duties of a foster family;

2) to grant the status of a foster family;

3) to place a child into a foster family or terminate the residence in such family.

(2) An Orphan’s and Custody Court shall take a decision to remove the status of a foster family if the Orphan’s and Custody Court detects that the foster family does not fulfil the duties of a foster family in accordance with the best interests of the child.

(21) An Orphan’s and Custody Court shall decide to terminate the status of a foster family, if the foster family itself has expressed such a wish or if legal circumstances have changed, which were the basis for granting the status of a foster family and affect the ability of the foster family to continue the performance of the duties of a foster family.

(3) The Cabinet shall determine the procedures for granting and removal of the status of a foster family, the personal and property mutual relations of a child and a foster family, the procedures for the financing of a foster family, as well as the procedures by which a child is resigned to a foster family or his or her residence in such family is discontinued.

(4) A foster family has the right to appeal the decisions of an Orphan’s and Custody Court in accordance with the procedures laid down in the Administrative Procedure Law, which concern the interests and rights of the child placed in a foster family. In case a decision of an Orphan’s and Custody Court is appealed, the interested person may exercise the temporary legal protection means laid down in the Administrative Procedure Law.

[*8 May 2014*]

**Section 25.1 Information System of Foster Families**

(1) Orphan’s and Custody Courts shall register information regarding children placed in a foster family and regarding foster families in the Information System of Foster Families which is a component of the State information system “Integrated Information System of the Interior”.

(2) The objective of the Information System of Foster Families shall be to ensure the record-keeping of foster families and children placed in foster families in order to promote the protection of the personal and property interests of the children placed in a foster family.

(3) Also the following institutions and persons have the right to receive and use the information included in the Information System of Foster Families, including personal data, for the fulfilment of the functions specified in laws and regulations:

1) the State Inspectorate for the Protection of Children’s Rights in order to ensure the supervision of the work of Orphan’s and Custody Courts in the field of protecting the rights of the children placed in foster families;

2) the Office of Citizenship and Migration Affairs in order to ensure updating of the information characterising the status of foster families in the Population Register;

3) the State Social Insurance Agency in order to ensure granting of the State social benefits to foster families, notification and execution of the decisions taken;

4) the social service office of the local government in order to ensure granting of the local government social benefits, notification and execution of the decisions taken;

5) the police in order to ensure the fulfilment of the task specified in the Law on the Protection of the Children’s Rights regarding delivering of the child to a safe environment;

6) to the out-of-family care support centre in order to ensure the necessary support in provision of out-of-family care services.

(4) The Cabinet shall determine the amount of data to be included in the Information System of Foster Families, as well as the procedures for the inclusion, receipt, and processing thereof.

(5) The Information Centre of the Ministry of the Interior is the administrator of the Information System of Foster Families.

(6) The data to be included in the Information System of Foster Families regarding foster families and the children placed therein shall be stored for 10 years after terminating or removing the status of a foster family.

[*22 November 2017; 1 June 2021*]

**Section 26. Establishment of Guardianship and Appointment of a Guardian**

(1) An Orphan’s and Custody Court shall take a decision to establish guardianship and appoint a guardian to a child if:

1) the parents of the child have deceased or declared to be deceased;

2) the custody rights have been terminated or removed from the child’s parents;

3) [29 November 2012];

4) the parents of the child are missing and declared in search;

5) the parents of the child are not able to provide sufficient care and supervision of the child due to illness;

6) both parents of the child are of minor age;

7) there are substantial disagreements in the relationship between the child and parents;

8) other emergency cases have occurred (ensuring the compliance with the requirements laid down in laws and regulations).

(2) In particularly difficult and complicated cases of guardianship an Orphan’s and Custody Court may appoint several guardians, but not more than three.

(3) An Orphan’s and Custody Court shall appoint a guardian for a time period if:

1) a guardian is being hindered to undertake guardianship;

2) a guardian has been suspended from the fulfilment of the duties of a guardian.

(4) An Orphan’s and Custody Court shall take a decision to appoint another guardian if:

1) violations are detected, which a guardian has allowed in the administration of the guardianship;

2) the previous guardian has been dismissed or released from the fulfilment of the duties of a guardian;

3) a guardian is deceased;

4) [15 June 2017].

(5) An Orphan’s and Custody Court shall appoint a specific guardian to a ward if there is a conflict between the interests of the child and the guardian.

(6) An Orphan’s and Custody Court shall arrange a guardianship file of the child to a guardian appointed by a will.

[*29 November 2012; 8 May 2014; 15 June 2017*]

**Section 27. Establishment of Guardianship or Trusteeship to a Foreigner**

(1) If an Orphan’s and Custody Court detects that an orphan or a child who is left without parental care, or a person under trusteeship who is not a citizen of Latvia or a non-citizen of Latvia, lives or resides in the territory of the operation thereof, such Orphan’s and Custody Court shall inform a competent guardianship or trusteeship authority of the State, in which the child or a person under trusteeship is a citizen, or a guardianship or trusteeship authority of the previous country of domicile without delay and shall request to evaluate the necessity to establish guardianship or trusteeship and to appoint a guardian or a trustee.

(2) An Orphan’s and Custody Court shall take a decision to take over a foreign guardianship or trusteeship case, if a competent foreign guardianship or trusteeship authority has appointed a guardian or a trustee and has requested to take over the guardianship or trusteeship case.

(3) An Orphan’s and Custody Court shall inform the guardianship or trusteeship authority of the citizenship state or the previous country of domicile of a child or a person under trusteeship regarding the taking over of a guardianship or trusteeship case.

(4) If an Orphan’s and Custody Court detects faults, deficiencies, abuse in the behaviour of a guardian or threats to life or health of a child, it shall take a decision to suspend the guardian from the fulfilment of the duties of a guardian and to appoint a guardian for a time period or place the child into a foster family or an institution of long-term social care and social rehabilitation and inform the foreign guardianship authority thereof without delay.

(5) If an Orphan’s and Custody Court detects faults, deficiencies, abuse or actions that harm the interests of a person under trusteeship, it shall take a decision to suspend the trustee from the fulfilment of the duties of a trustee and to appoint an interim trustee and inform the foreign trusteeship authority thereof without delay.

[*29 November 2012; 15 June 2017; 1 November 2018*]

**Section 28. Remuneration for the Fulfilment of a Guardian’s Duties**

(1) An Orphan’s and Custody Court shall take a decision to disburse a remuneration to a particular person for the fulfilment of a guardian’s duties and to disburse the allowance for a dependent child if the child has been appointed joint guardians.

(2) When an Orphan’s and Custody Court has evaluated the duties of guardians, it shall determine a definite remuneration for the fulfilment of a guardian’s duties to each joint guardian, ensuring that the total amount received by the joint guardians does not exceed the remuneration which is provided for in laws and regulations regarding the State social benefits to one guardian for the fulfilment of a guardian’s duties.

**Section 29. Compliance of a Person with the Fulfilment of a Guardian’s Duties**

(1) An Orphan’s and Custody Court shall ensure that a person to be appointed as a guardian has the abilities and qualities which are necessary for the fulfilment of the duties of a guardian, and shall evaluate the person’s:

1) motivation to become a guardian;

2) mutual relations with the members of the family;

3) employment;

4) living conditions;

5) ability to act on behalf of a child in personal and property relations.

(2) In evaluating the compliance of a person with the fulfilment of the duties of a guardian, an Orphan’s and Custody Court shall take into account the opinions regarding the person’s health condition which are provided by a family doctor in whose care the person has been for at least six months, as well as by a psychiatrist and narcologist.

(3) If a person wants to take a child under guardianship and an Orphan’s and Custody Court does not know any child who is left without parental care, to whom it would be necessary to establish guardianship and to appoint a guardian, the Orphan’s and Custody Court shall take a decision only on the compliance of the person with the fulfilment of the duties of a guardian.

(4) If a person who wants to become a guardian does not live in the administrative territory of such local government, which takes a decision to establish guardianship, the Orphan’s and Custody Court shall request a finding by the Orphan’s and Custody Court of the place of residence of the relevant person regarding whether the relevant person possesses the abilities and qualities that are necessary for the fulfilment of the duties of a guardian.

**Section 30. Certificate of a Guardian**

[10 December 2009]

**Section 31. Duties of an Orphan’s and Custody Court in the Supervision of Guardianship**

(1) An Orphan’s and Custody Court shall permanently supervise the actions of a guardian in ensuring of the personal and property rights and interests of a child:

1) by requesting that a guardian accepts the property of the child according to the inventory and submits one copy of the inventory to the Orphan’s and Custody Court;

2) by supervising whether a guardian provides for the upbringing of his or her ward with the same care as conscientious parents would provide for the upbringing of their child;

3) by supervising that a guardian does not dispose of the property belonging to the child without the permission of an Orphan’s and Custody Court, if such permission is necessary in accordance with the Law;

4) by inspecting whether a guardian administers the property of the ward in accordance with the interests of the child and the requirements of laws and regulations;

5) by ascertaining whether a guardian, in accordance with the procedures laid down in laws and regulations regarding assistance in solving apartment matters, has informed the local government regarding the necessity to ensure the child with residential space after such child’s reaching the legal age;

6) by inspecting the living conditions of a ward in the family of the guardian each year.

(2) An Orphan’s and Custody Court shall request that a guardian who has been released or dismissed from guardianship provides the final accounting.

(3) An Orphan’s and Custody Court shall receive and verify the accounting submitted by a guardian each year by 1 February, as well as upon the termination of guardianship. The Chairperson of the Orphan’s and Custody Court shall approve the accounting.

[*29 November 2012*]

**Section 32. Duties of an Orphan’s and Custody Court if Violations in the Actions of a Guardian Have Been Detected**

(1) If mistakes in the accounting submitted by a guardian or actions unfavourable to the interests of a child have been detected, an Orphan’s and Custody Court shall:

1) provide the guardian with the relevant directions;

2) take a decision to suspend the guardian;

3) take a decision to dismiss the guardian.

(2) If the actions of a guardian have caused losses to the ward, for which the guardian is responsible, an Orphan’s and Custody Court shall bring the relevant action in a court.

(3) If an Orphan’s and Custody Court detects administratively or criminally punishable misuse of the rights of a ward, which has harmed the interests of the ward, the Orphan’s and Custody Court shall notify the law enforcement authorities regarding it.

**Section 33. Release of a Guardian from the Fulfilment of a Guardian’s Duties**

(1) An Orphan’s and Custody Court shall take a decision to release a guardian from the fulfilment of the duties of a guardian in the cases provided for in the Civil Law, as well as if the reasons for the establishment of guardianship referred to in Section 26, Paragraph one, Clauses 2, 4, 5, 6 or 7 of this Law no longer apply.

(2) In releasing a guardian from the fulfilment of the duties of a guardian if a ward has reached legal age, an Orphan’s and Custody Court shall request that the guardian:

1) submit to the Orphan’s and Custody Court the accounting provided to the ward;

2) provide the final accounting regarding the administration of the property of the ward;

3) hand over to the ward the property of the child administered by guardian according to the inventory.

(3) When an Orphan’s and Custody Court has received a request of a guardian regarding the release thereof, as well as a signature of the former ward has been received that he or she has received all the property, which is due to him or her, and that the former ward does not have any claims towards the guardian, the Orphan’s and Custody Court shall release the guardian.

(4) An Orphan’s and Custody Court shall inform a ward and the social service office of the local government regarding the receipt of social guarantees 6 months prior to the child’s reaching the legal age.

(5) In other cases, in releasing a guardian from the fulfilment of the duties of a guardian, an Orphan’s and Custody Court shall request that the guardian:

1) submit to the Orphan’s and Custody Court the accounting provided to the parents, adopter or newly-appointed guardian of the ward;

2) provide the final accounting regarding the administration of the property of the ward;

3) hand over the property of the child administered by the guardian to the parents, adopter or newly-appointed guardian according to the inventory.

(6) A guardian shall be released and, where necessary, another guardian shall be appointed by such Orphan’s and Custody Court, which has appointed the guardian.

[*29 November 2012; 15 June 2017*]

**Section 34. Adoption**

(1) An Orphan’s and Custody Court shall take a decision:

1) to recognise a person as an adopter;

11) [15 June 2017];

2) to separate brothers and sisters, half-brothers and half-sisters in the cases laid down in the Civil Law;

3) whether it is possible to ensure the upbringing of a child in a family or appropriate care for the child in Latvia;

4) the transfer of the child to the care and supervision of the adopter up to the approval of the adoption;

5) the termination of pre-adoption care of the child;

6) the conformity of the adoption to the interests of the child.

(2) The personal presence of an adopter in the meeting of the Orphan’s and Custody Court is obligatory. Other participants of adoption shall express the consent to the adoption of the child in person in the Orphan’s and Custody Court of the place of residence of such participants or submit the consent publicly certified by a notary or the Orphan’s and Custody Court.

(21) [15 June 2017]

(22) Prior to taking a decision to separate brothers and sisters, half-brothers and half-sisters, an Orphan’s and Custody Court shall ascertain the opinion of the person to be adopted and of brothers and sisters, half-brothers and half-sisters. The opinion shall be ascertained, if persons have close relationship between them or such persons have lived in an undivided household.

(3) The Orphan’s and Custody Court of the place of residence of an adopter shall supervise the care for the child in the family during two years after the approval of adoption.

[*8 May 2014; 15 June 2017*]

**Section 35. Placement of a Child in an Institution of Long-Term Social Care and Social Rehabilitation**

(1) An Orphan’s and Custody Court shall take a decision to place an orphan or a child left without parental care in an institution of long-term social care and social rehabilitation if care by a guardian or in a foster family is not suitable for a 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.

(2) The duties of the guardian of a child placed in an institution of long-term social care and social rehabilitation shall be performed by the head of such institution.

[*8 May 2014; 22 November 2017*]

**Section 36. Supervision of Compliance with the Rights and Interests of a Child Placed in an Institution of Long-Term Social Care and Social Rehabilitation**

(1) Each year an Orphan’s and Custody Court shall:

1) verify the care for a child placed in an institution of long-term social care and social rehabilitation;

2) if a specific guardian has not been appointed for the administration of the property of a child, the accountings regarding the administration of the property of the child shall be requested from the head of the institution of long-term social care and social rehabilitation.

(2) An Orphan’s and Custody Court shall take a decision to terminate care for an orphan or a child left without parental care in an institution of long-term social care and social rehabilitation if:

1) the custody rights have been renewed to the parents of the child;

2) guardianship has been established for the child;

3) the child is resigned to a foster family;

4) a judgement of a court regarding the approval of adoption of the child has entered into legal force.

(3) In taking a decision to terminate care for a child in an institution of long-term social care and social rehabilitation, the Orphan’s and Custody Court shall request an accounting regarding the administration of the property of the child from the head of the institution.

(4) If care for a child in an institution of long-term social care and social rehabilitation terminates because the child has reached the legal age, an Orphan’s and Custody Court shall not take a decision to terminate care for the orphan and the child left without parental care in the institution of long-term social care and social rehabilitation, but it shall request the final accounting regarding the administration of the property of the child from the head of such institution.

(5) An Orphan’s and Custody Court shall ascertain whether the head of an institution of long-term social care and social rehabilitation, in accordance with the procedures laid down in the laws and regulations regarding assistance in solving apartment matters, has informed the local government regarding the necessity to ensure the child with residential space after such child’s reaching the legal age.

[*10 December 2009; 29 November 2012; 8 May 2014*]

**Section 37. Out-of-family Care of a Child at the Instance of the Parents**

An Orphan’s and Custody Court shall take a decision on out-of-family care of a child at the instance of the parents if they are not able to take care of the child due to illness.

**Section 38. Certificate for the Receipt of Social Guarantees**

(1) An Orphan’s and Custody Court shall issue the certificate for the receipt of social guarantees to an orphan or a child left without parental care.

(2) The sample of the certificate and the procedures for the issuance thereof shall be determined by the Cabinet.

**Section 39. Duties of an Orphan’s and Custody Court during Out-of-family Care for a Child**

(1) When a decision on out-of-family care for a child has been taken, the Orphan’s and Custody Court shall inform the social service office of the place of residence of the parents of the child without delay and shall request such social service to provide the necessary assistance to the parents of the child.

(2) An Orphan’s and Custody Court shall follow that a guardian, a foster family or an institution of long-term social care and social rehabilitation promotes the communication of the child and the parents.

(3) An Orphan’s and Custody Court shall decide on restricting the right to maintain personal relationship and direct contact for a child under out-of-family care with parents, as well as with brothers, sisters, grandparents and persons with whom the child has lived in an undivided household for a long time, if it harms the health and development of the child or causes threats to the guardian, foster family, employees of a long-term social care and social rehabilitation institution or other children.

(4) When an orphan or a child left without parental care has acquired the general secondary education, the Orphan’s and Custody Court in co-operation with the guardian, the foster family or the head of the institution of long-term social care and social rehabilitation shall evaluate the possibilities of the further education of the orphan or the child left without parental care.

[*1 November 2018*]

**Section 40. Appointment of a Trustee**

(1) An Orphan’s and Custody Court, in accordance with a court ruling on establishment of trusteeship, shall appoint a trustee:

1) to a person with mental or other health disorders, whose capacity to act has been restricted by the court;

11) to a person upon whom the court has established temporary trusteeship;

2) to a person whose capacity to act has been restricted by the court due to dissolute or spendthrift lifestyle, as well as due to the excessive use of alcohol or other intoxicating substances;

3) to the property of an absent or missing person;

4) [8 May 2014];

5) for the execution of a will.

(11) An Orphan’s and Custody Court shall appoint a trustee for an inheritance according to a notarial deed prepared by a notary on establishment of trusteeship for an inheritance.

(2) An Orphan’s and Custody Court shall select trustees in accordance with Sections 355 and 661 of the Civil Law and ascertain whether the selected person has the necessary abilities and qualities. An Orphan’s and Custody Court shall enquire the opinion of the person under trusteeship on the trustee to be appointed.

(21) Upon appointing a trustee for a person, an Orphan’s and Custody Court shall indicate in its decision according to a court adjudication, to what extent the trustee acts together with the person under trusteeship and to what extent independently instead of such person, as well as the term of operation of the decision, if such has been determined in the court adjudication.

(3) An Orphan’s and Custody Court shall send a true copy of a decision to appoint a trustee to the court, which has established the trusteeship.

(4) An Orphan’s and Custody Court shall appoint an interim trustee if the trustee is:

1) hindered to undertake the trusteeship;

2) suspended;

3) personally interested in acting instead of the person under trusteeship or together with such person.

(41) An Orphan’s and Custody Court shall appoint a temporary trustee, if it is determined by a court decision on establishment of temporary trusteeship. In such cases the Orphan’s and Custody Court shall appoint a trustee without delay.

(5) An Orphan’s and Custody Court shall take a decision to appoint another trustee if:

1) violations have been detected in the actions of the trustee;

2) the trustee is dismissed from the fulfilment of the duties of a trustee;

3) the trustee is deceased.

[*29 November 2012; 8 May 2014*]

**Section 41. Duties of an Orphan’s and Custody Court in the Supervision of Trusteeship**

(1) An Orphan’s and Custody Court shall supervise the actions of a trustee in the fulfilment of the duties of a trustee and shall allow the trustee to perform transactions in the cases provided for in the Civil Law, according to that determined in a court judgment.

(2) An Orphan’s and Custody Court, in protecting the property interests of a person under trusteeship, in the cases provided for in the Civil Law, according to that determined in a court judgment, shall:

1) take a decision to permit to accept or reject the inheritance accruing to a person under trusteeship;

2) take a decision to sell the property belonging to a person under trusteeship for the market value or at auction;

3) take a decision to alienate, pledge or encumber the immovable property (if the value thereof does not exceed EUR 14 000) of a person under trusteeship with other property rights;

4) take a decision on usefulness of alienating, pledging or encumbrance of the immovable property belonging to a person under trusteeship (if the value thereof exceeds EUR 14 000) with other property rights;

5) take a decision to acquire property for a person lacking the capacity to act;

6) follow that the trustee does not dispose the property belonging to a person under trusteeship without the permission of the Orphan’s and Custody Court, if such permission is necessary in accordance with the Law;

7) examine whether the trustee enquires the opinion and will of the person under trusteeship and administers the property according to the interests of such person and the requirements of laws and regulations.

(3) An Orphan’s and Custody Court shall request that a trustee who has been suspended, released or removed from the trusteeship prior to the termination thereof provides an accounting.

(4) An Orphan’s and Custody Court shall receive and verify the accounting submitted by a trustee each year by 1 February, as well as upon releasing or suspending a trustee. The Chairperson of the Orphan’s and Custody Court shall approve the accounting.

(5) An Orphan’s and Custody Court may impose a trustee with a duty to provide an accounting regarding the administration of the trusteeship at any time.

(6) Upon defending the interests of a person under trusteeship, an Orphan’s and Custody Court shall:

1) decide on entering into a marriage contract in accordance with Section 114 of the Civil Law;

2) supervise that the trustee submits an application to the court within the time period laid down in Section 270.2, Paragraph two of the Civil Procedure Law regarding mandatory reviewing of the restriction of the capacity to act for a person, as well as submits information to the court which is of significance in a case regarding reviewing the restriction of the capacity to act;

3) inform the Office of the Prosecutor, if due to delay caused by the trustee reviewing of the restriction of the capacity to act is necessary in the interests of the person under trusteeship;

4) settle disputes between a person under trusteeship and his or her trustee and, if necessary, take a decision. If a person under trusteeship or his or her trustee recognises the decision taken as wrong, a claim may be brought to the court in accordance with the procedures laid down in the Civil Procedure Law.

(7) An Orphan’s and Custody Court shall decide on amending the extent of the rights and duties of the guardian or on dismissing the guardian according to that specified in a court judgment regarding reviewing the restriction of capacity to act of a person.

[*29 November 2012; 12 September 2013; 1 November 2018*]

**Section 42. Duties of an Orphan’s and Custody Court if Violations in the Actions of a Trustee Have Been Detected**

(1) If mistakes in the accounting submitted by a trustee or the actions of a trustee, which are unfavourable to the interests of the trusteeship administration, have been detected, an Orphan’s and Custody Court shall:

1) provide the trustee with the relevant directions;

2) take a decision to suspend the trustee;

3) take a decision to dismiss the trustee.

(2) If a trustee has been suspended or dismissed from the trusteeship, an Orphan’s and Custody Court shall appoint another trustee.

(3) If the actions of a trustee have caused losses, for which the trustee is responsible, an Orphan’s and Custody Court shall bring a relevant action in a court.

(4) If an Orphan’s and Custody Court detects administratively or criminally punishable misuse of the rights of a trustee, the Orphan’s and Custody Court shall notify the law enforcement authorities regarding it.

**Section 43. Removal of a Trustee from the Fulfilment of Duties**

(1) An Orphan’s and Custody Court shall take a decision to remove a trustee from the fulfilment of duties if:

1) the court has removed the restriction of the capacity to act for a person under trusteeship and has terminated the trusteeship due to mental or other health disorders, the trustee has submitted the final accounting to the Orphan’s and Custody Court and has handed over the property, which had been in the administration thereof, to the relevant person;

11) the court has terminated temporary trusteeship to a person under trusteeship due to mental or other health disorders or the term of validity of a court adjudication regarding establishment of temporary trusteeship has expired, the trustee has submitted the final accounting to the Orphan’s and Custody Court and has handed over the property, which had been in the administration thereof, to the relevant person;

2) the circumstances, which were the basis for the restriction of the capacity to act and the establishment of trusteeship to a person due to dissolute or spendthrift lifestyle, no longer exist, the court has removed the restriction of the capacity to act and terminated the trusteeship;

3) the court has terminated the trusteeship over the property of an absent or missing person;

4) the court ruling has entered into legal effect or a notary has issued the certificate regarding the rights of the requester of the inheritance and the trustee has handed over the inheritance together with the final accounting to the heirs approved by the court or notary and has submitted the final accounting to the Orphan’s and Custody Court.

(2) If heirs do not sign regarding the receipt of the property without an important reason, but the Orphan’s and Custody Court has not detected malicious action of the trustee, the Orphan’s and Custody Court shall take a decision to remove the trustee from the fulfilment of duties.

[*29 November 2012*]

**Section 43.1 Trusteeship Information System**

[*Section shall come into force on 1 July 2025 and shall be included in the wording of the Law as of 1 July 2025.* *See Paragraph 19 of Transitional Provisions*]

**Section 44. Application for the Recognition of a Person as Capable to Act**

[29 November 2012]

**Section 44.1 Informing a Parent, Guardian, Foster Family or Host Family Regarding the Possible Threat to a Child and the Fact of the Criminal Record of a Person**

(1) An Orphan’s and Custody Court shall immediately inform the parent, guardian, foster family or host family of a child regarding the criminal record of a person with whom he or she is in a single household, if the person returns from a deprivation of liberty institution after serving a punishment for a criminal offence referred to in Sections 159, 160, 161, 162, 162.1, 164, 165 and 166 of the Criminal Law, in which the victim has been a minor.

(2) An Orphan’s and Custody Court, based on the information acquired regarding the possible threat to the health, life or wholesome development of a child shall immediately invite the parent, guardian, foster family or host family of the child to attend the Orphan’s and Custody Court or visit them in person and inform the parent, guardian, foster family or host family of the child about the possible threat to the child and regarding the criminal record of the person who is posing this threat, as well as provide information on the recommended action and the opportunities for receiving support services.

(3) A communication protocol shall be drawn up regarding the informing of the parent, guardian, foster family or host family. A parent, guardian, foster family or host family shall be warned of the liability in connection with the disclosure of the information referred to in this Section to third persons.

(4) The person regarding whose fact of criminal record a parent, guardian, foster family or host family is informed shall not be notified thereof.

[*1 July 2011*]

**Section 44.2 Activities of an Orphan’s and Custody Court for Ensuring the Interests of a Child During the Execution Procedure of a Ruling Regarding the Return of a Child to the Country of His or Her Place of Residence**

(1) During the voluntary execution procedure of a ruling regarding the returning of a child to the country of his or her place of residence or during the period indicated by the bailiff in accordance with Section 620.11 of the Civil Procedure Law, persons to whom the ruling applies have the right to request the help of the Orphan’s and Custody Court in order to prepare the returning of a child to the country of his or her place of residence.

(2) During the forced execution procedure of a ruling regarding the returning of a child to the country of his or her origin, an Orphan’s and Custody Court shall perform the duties determined in Chapter 74.3 of the Civil Procedure Law and according to its preference invite a psychologist to the forced execution of the ruling. During the forced execution procedure of a ruling regarding the returning of a child to the country of his or her place of residence, the person who is requesting the returning of the child has the right to request the help of the Orphan’s and Custody Court in order to prepare the child for being taken back to the country of his or her place of residence.

(3) If the person who is requesting the returning of the child is not participating in the forced execution of the ruling, the child shall be transferred to a representative of the Orphan’s and Custody Court for the performance of subsequent activities.

(4) An Orphan’s and Custody Court, following the transfer of a child to a representative thereof for the performance of subsequent activities, in co-operation with the Ministry of Justice and the person requesting the returning of the child, shall without delay ensure the transfer of the child back to the country of his or her place of residence. If it is not possible to perform this without delay, the Orphan’s and Custody Court shall take the decisions referred to in Section 23, Paragraph 1.1 of this Law, during the period of operation of which the activities referred to in Section 23 of this Law are performed and in co-operation with the Ministry of Justice and the person requesting the returning of the child, shall ensure the transfer of the child back to the country of his or her place of residence as soon as possible, while the maximum duration of the operation of the decisions referred to in Section 23, Paragraph 1.1 of this Law has not terminated.

(5) If, since the decision to return a child back to the country of his or her place of residence (Section 644.20 of the Civil Procedure Law) more than a year has passed, upon request of the parent of the child or other person who has illegally transferred or held the child an Orphan’s and Custody Court shall appoint a psychologist to provide an opinion, in order to determine the viewpoint of the child regarding his or her taking back to the country of his or her place of residence.

[*4 August 2011*]

**Section 44.3 Informing of the Office of the Prosecutor Regarding Establishment of Trusteeship**

An Orphan’s and Custody Court shall inform the Office of the Prosecutor regarding establishment of trusteeship for a person with mental or other health disorders, if it is necessary for the protection of the interests of such person. An Orphan’s and Custody Court shall inform the Office of the Prosecutor regarding establishment of trusteeship for persons who due to dissolute or spendthrift lifestyle, as well as abuse of alcohol or other intoxicating substances may lead themselves or their family into privation or poverty.

[*29 November 2012*]

**Chapter V**

**Organisation of Work of an Orphan’s and Custody Court**

**Section 45. Management of Work of an Orphan’s and Custody Court**

The Chairperson of an Orphan’s and Custody Court shall manage the work of the Orphan’s and Custody Court. During the absence of the Chairperson of an Orphan’s and Custody Court the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court appointed by the Chairperson of the Orphan’s and Custody Court shall perform the duties of the Chairperson of the Orphan’s and Custody Court.

**Section 46. Duties of the Chairperson of an Orphan’s and Custody Court**

The Chairperson of an Orphan’s and Custody Court shall:

1) manage, organise and control the work of the Orphan’s and Custody Court and represent the Orphan’s and Custody Court;

2) determine the duties of the Vice-Chairperson of the Orphan’s and Custody Court, the Members and employees of the Orphan’s and Custody Court;

3) appoint the Vice-Chairperson of the Orphan’s and Custody Court and Members of the Orphan’s and Custody Court as the Chairpersons of the meetings of the Orphan’s and Custody Court, as well as delegate other responsibilities to the employees of the Orphan’s and Custody Court;

4) organise the improvement of the professional skills of the employees of the Orphan’s and Custody Court;

5) organise the work of the Orphan’s and Custody Court in the reception of visitors and examination of submissions;

6) ensure the provision of data for the preparation of the State statistical report on the work of the Orphan’s and Custody Court;

7) in the cases specified in Sections 13 and 14 of this Law, cases of an Orphan’s and Custody Court shall be transferred to the newly appointed Chairperson of an Orphan’s and Custody Court or an authorised official of the local government council.

[*21 May 2009; 16 June 2021*]

**Section 47. Tasks of the Chairperson of an Orphan’s and Custody Court**

The Chairperson of an Orphan’s and Custody Court shall:

1) manage the financial, personnel and other resources of the Orphan’s and Custody Court;

2) hire and release from office the employees referred to in Section 8 of this Law;

3) authorise the Members and other employees of the Orphan’s and Custody Court for the representation in the administrative authorities and court;

4) participate in a case hearing in the meetings of the Orphan’s and Custody Court;

5) implement other authorities determined in laws and regulations;

6) not less than once a year re-examine the information referred to in Section 11 of this Law regarding the Vice-Chairperson of the Orphan’s and Custody Court and a Member of the Orphan’s and Custody Court.

[*29 October 2015*]

**Section 48. Case Hearing**

(1) An Orphan’s and Custody Court shall hear cases and take decisions collegially in a meeting of the Orphan’s and Custody Court. Meetings of an Orphan’s and Custody Court are recorded in minutes. It is authorised to use a sound recording in meetings of an Orphan’s and Custody Court.

(2) A meeting of an Orphan’s and Custody Court shall be chaired by the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court appointed by the Chairperson of the Orphan’s and Custody Court. The Chairperson of the meeting and at least two Members of the Orphan’s and Custody Court shall participate in the meeting of an Orphan’s and Custody Court. Cases concerning the protection of the personal and property interests and rights of children and persons under trusteeship shall be heard in a closed meeting of the Orphan’s and Custody Court.

(3) The local government council shall, as required, provide legal assistance in the fulfilment of the tasks specified in Chapters VII and VIII of this Law.

(4) The Orphan’s and Custody Court shall issue a warning to a person who interferes with good order while a case is reviewed. If the person repeatedly disrupts the order, the person shall be expelled from the courtroom. The Orphan’s and Custody Court shall record the warning issued to the person and his or her expulsion from the courtroom in the minutes of the hearing of the Orphan’s and Custody Court.

[*29 October 2015; 1 November 2018; 16 June 2021*]

**Section 48.1 Disrespect for an Orphan’s and Custody Court**

(1) For gross disrespect towards an Orphan’s and Custody Court, the relevant Orphan’s and Custody may impose a fine of up toEUR 500 on a participant in the case.

(2) An Orphan’s and Custody Court shall impose the fine referred to in Paragraph one of this Section by taking a relevant decision at the hearing of the Orphan’s and Custody Court and noting it down in the minutes of the hearing of the Orphan’s and Custody Court.

(3) A copy of the decision of an Orphan’s and Custody Court (an extract from the minutes of the hearing) on the imposition of the fine shall be sent to the person on whom the fine has been imposed. The money shall be transferred into the budget of the relevant local government.

(4) If the fine is not paid within the time period specified in the decision, an Orphan’s and Custody Court shall send a warning of compulsory enforcement of indebtedness to the person on whom the fine has been imposed. If the fine is not paid within the time period specified in the warning, the Orphan’s and Custody Court shall issue an executive order and submit it for enforcement to the bailiff.

[*16 June 2021*]

**Section 49. Coming into Effect of Decisions and Appeal Thereof**

(1) Decisions of an Orphan’s and Custody Court shall come into effect and shall be executed without delay. Decisions of an Orphan’s and Custody Court are obligatory to all natural persons and legal persons, except the decisions referred to in Section 51 of this Law.

(2) An interested person may appeal against a decision of an Orphan’s and Custody Court, including in the cases referred to in Section 5, Paragraph 1.1 of this Law, in accordance with the procedures laid down in the Administrative Procedure Law. Submission of an application to a court shall not suspend the operation of the decision.

(21) An interested person may not contest a decision of an Orphan’s and Custody Court or actual action thereof in the cases referred to in Section 5, Paragraph 1.1 of this Law before the State Inspectorate for Protection of Children’s Rights. The turning of the interested person to the State Inspectorate for Protection of Children’s Rights in relation to decisions of an Orphan’s and Custody Court or actual action thereof in the cases referred to in Section 5, Paragraph 1.1 of this Law shall be considered in accordance with the procedures laid down in the Law on Submissions.

(3) The decisions which have been taken in accordance with Section 22, Paragraph four, Section 29, Paragraph four, Sections 50, 51, and 52 of this Law, and also the decisions by which disputes of a person under trusteeship and the trustee are resolved shall not be regarded as administrative acts and shall not be subject to appeal before a court or subject to contesting to a higher institution.

(4) If an Orphan’s and Custody Court has taken a new decision on the cases referred to in Section 5, Paragraph 1.1 of this Law and it has also been appealed to a court regarding the same legal dispute in relation to the same child, the judge of the court of first instance, when deciding on the acceptance of the application and on the initiation of a case, if it is detected that an appeal has been filed against the judgement of the court of first instance and proceedings have been initiated in the appellate instance, shall send the new decision taken by the Orphan’s and Custody Court for appending it to the case and examining it in the Regional Administrative Court. The Regional Administrative Court shall examine the case as a court of first instance.

[*8 May 2014; 29 October 2015; 16 June 2021*]

**Section 49.1 Ensuring of Execution of a Decision by which a Child is Separated from a Parent, Guardian or Foster Family, Except for a Unilateral Decision of an Orphan’s and Custody Court**

(1) Execution of a decision by which a child is separated from a parent, guardian, or foster family shall be ensured at the place of residence of the child.

(2) An Orphan’s and Custody Court shall agree with the person indicated in the operative part of the decision on the way in which the decision shall be carried out voluntarily, in conformity with the best interests of the child.

(3) If the agreement referred to in Paragraph two of this Section is not reached, a representative of an Orphan’s and Custody Court in co-operation with a psychologist shall conduct negotiations with the person indicated in the operative part of the decision regarding voluntary execution of the decision, in conformity with the best interests of the child, and inform such person that forced execution of the decision will be performed if it is not executed voluntarily.

(4) An Orphan’s and Custody Court shall notify the police according to the place of residence of the child regarding the place and time when forced execution of the decision referred to in this Section will take place, and invite its representatives to participate in the forced execution of such decision.

(5) The person indicated in the operative part of the decision is not informed regarding the time of the forced execution of the decision.

(6) A psychologist, representatives of an Orphan’s and Custody Court and the police shall participate in the forced execution of the decision referred to in this Section at the place of residence of the child. A Member of an Orphan’s and Custody Court in co-operation with a psychologist shall conduct negotiations with the person indicated in the operative part of the decision and with other persons who are present at the place of residence of the child, inviting them to voluntary execution of the decision.

(7) Representatives of the police shall ensure public order and conformity with the orders of an Orphan’s and Custody Court in forced execution of the decision by which a child is separated from a parent, guardian, or foster family.

(8) If a representative of an Orphan’s and Custody Court is not let in the place of residence of the child regarding which there is information that the child is present therein, the premises are opened by force in presence of a representative of the police.

[*29 October 2015*]

**Section 49.2 Rights of the State Inspectorate for Protection of Children’s Rights Regarding the Implementation of the Functional Supervision of an Orphan’s and Custody Court**

(1) If the State Inspectorate for the Protection of Children’s Rights detects a significant threat or violation of the rights and interests of a child in the areas referred to in Section 5, Paragraph 1.1 ofthis Law, the State Inspectorate for the Protection of Children’s Rights shall, upon its own initiative andby providing a written substantiation, instruct an Orphan’s and Custody Court to:

1) re-examine the case and take a new decision in the relevant case;

2) take specific actions to discontinue failure of an Orphan’s and Custody Court to act.

(2) An official who has completed the study programme referred to in Section 10, Paragraph four of this Law is entitled to perform the activities referred to in Paragraph one of this Section within the scope of the functional supervision of Orphan’s and Custody Courts.

(3) The interested person is not entitled to request the State Inspectorate for Protection of Children’s Rights to instruct an Orphan’s and Custody Court to perform the activities referred to in Paragraph one of this Section. The request of the interested person shall be examined in accordance with the procedures laid down in the Law on Submissions.

(4) If a significant threat or violation of the rights and interests of children and persons under trusteeship has been detected in action of an Orphan’s and Custody Court, the State Inspectorate for Protection of Children’s Rights has an obligation to inform the local government of the relevant Orphan’s and Custody Court in writing.

[*16 June 2021 /* *See Paragraphs 24 and 25 of Transitional Provisions*]

**Section 50. Decisions Taken upon Request of a Court**

Upon request of a court an Orphan’s and Custody Court shall provide findings, which are necessary in the following cases:

1) for the determination of the procedures for the exercise of access rights and the rights to maintain personal relationship and direct contact with a child;

2) for the determination of the separate custody of one parent;

3) for the removal and renewal of custody rights;

4) for the recognition or contest of paternity;

5) in other cases provided for in the Civil Procedure Law.

[*8 May 2014*]

**Section 50.1 Information Provided upon Request of a Court and Other Evidence**

For a court to be able to take a temporary decision, until making of a judgment, on the place of residence of the child, the care procedures of the child, the procedures for exercising the access rights, and the prohibition to bring the child out of the state, an Orphan’s and Custody Court shall, upon request of the court, provide the information at its disposal and other evidence regarding:

1) living conditions of the person;

2) opinion of the child, if the child is able to formulate it, taking into account his or her age and level of maturity;

3) communication of the child with parents and other persons who live in one household with the child or it is known that they will live in one household with the child;

4) health care and education of the child;

5) co-operation of the person with the social service office;

6) persons who live in one household with the child or it is known that they will live in one household with the child;

7) violence of the person against the child or the parent of the child.

[*29 October 2015*]

**Section 51. Decisions to be Approved in a Court**

An Orphan’s and Custody Court shall submit to a court for approval the decisions on:

1) the granting of legal age prior to the reaching 18 years of age;

2) the remuneration to a guardian (trustee) if it exceeds EUR 426;

3) the informal division of inheritance if a share of the person under trusteeship or trusteeship exceeds EUR 14 000.

[*12 September 2013*]

**Section 52. Cases to be Settled in a Court**

An Orphan’s and Custody Court, upon taking a decision to alienate, pledge or encumber the immovable property (if the value thereof exceeds EUR 14 000) belonging to a child or a person under trusteeship with other property rights, shall submit the case to a court for the settlement.

[*29 November 2012; 12 September 2013*]

**Section 53. Co-operation of Orphan’s and Custody Courts**

(1) Orphan’s and Custody Courts shall co-operate in order to perform the tasks thereof.

(11) If it is not possible for an Orphan’s and Custody Court to ensure sufficient number of persons who may ensure the composition of an Orphan’s and Custody Court that is able to take decisions, the Orphan’s and Custody Court shall co-operate with another Orphan’s and Custody Court in fulfilment of the tasks specified in this Law.

(2) An Orphan’s and Custody Court may request another Orphan’s and Custody Court to provide a finding regarding an issue that is in the competence of the Orphan’s and Custody Court, which is the provider of the finding.

(3) If a person whose child custody rights have been terminated or renewed changes the place of residence within one year after taking of the decision, the Orphan’s and Custody Court which took the decision to terminate or renew the child custody rights shall send without delay the copies of the materials of the case regarding termination or renewal of the child custody rights to the Orphan’s and Custody Court to the territory of operation of which the relevant person has moved and in the territory of operation of which the relevant person is declared, or to the territory of operation of which he or she has moved to live, if the person has not changed the declared place of residence.

(4) If the place of residence of the parents of a child is declared in the administrative territories of different local governments, an Orphan’s and Custody Court, after taking of the decision to bring an action in a court as regards the removal of custody rights, shall inform the Orphan’s and Custody Court of the place of residence of the second parent regarding the bringing of an action in a court.

(5) If a family, in which the conditions for the wholesome growing and development of a child are not ensured, changes the place of residence, the Orphan’s and Custody Court shall inform the Orphan’s and Custody Court of the relevant administrative territory regarding such family.

(6) If a guardian or a trustee lives in the administrative territory of another local government, the Orphan’s and Custody Court, which has established the guardianship or has appointed a trustee, shall send to the Orphan’s and Custody Court of the place of residence of the guardian or the trustee the copies of the materials of the case regarding guardianship or trusteeship for the supervision of guardianship or trusteeship.

[*8 May 2014; 29 October 2015; 1 November 2018*]

**Chapter VI**

**Jurisdiction over Cases**

**Section 53.1 Transfer of a Child into Care of Another Person**

(1) A decision to transfer a child being in parental care into care of another person in Latvia for a time period exceeding three months shall be taken by the Orphan’s and Custody Court of the declared place of residence of the parents.

(2) The Orphan’s and Custody Court of the declared place of residence of the children transferred into care of another person shall inform the Orphan’s and Custody Court of the declared place of residence of such person who ensures regular supervision of care for the child transferred into care of the relevant person and inspection of compliance with his or her rights and interests.

(3) A decision to transfer a child being in the family of a trustee or a foster family into care of another person in Latvia for a time period from one month up to three months shall be taken by the Orphan’s and Custody Court which took the decision on out-of-family care of the child.

(4) The Orphan’s and Custody Court of the declared place of residence of the parents shall take a decision to give the parents an opportunity to transfer the child into care of another person in a foreign state for a time period exceeding three months.

(5) The Orphan’s and Custody Court of the declared place of residence of the parents of the children transferred into care of another person in a foreign state shall inform the competent authority of the relevant state, which ensures regular supervision of care for the child transferred into care of the relevant person and inspection of compliance with his or her rights and interests, as well as provision of information to the Orphan’s and Custody Court.

(6) The Orphan’s and Custody Court which took the decision on out-of-family care of the child shall take a decision to temporarily transfer the child being in out-of-family care into care of another person in a foreign state.

[*8 May 2014*]

**Section 54. Out-of-family Care**

(1) The Orphan’s and Custody Court of such local government, in the territory of operation of which the place of residence of the parents of a child is declared, shall take a decision on out-of-family care.

(2) If the separate custody of one parent has been established to a child, the Orphan’s and Custody Court, in the territory of operation of which the place of residence of such parent, under whose separate custody the child is, is declared, shall take a decision on out-of-family care of the child.

(3) If the place of residence of the parents of a child is declared in the administrative territories of different local governments, the Orphan’s and Custody Court, in the territory of operation of which the place of residence of such parent, with whom the child lives, is declared, shall take a decision on out-of-family care of the child.

(4) If the parents of a child do not have a declared place of residence, the Orphan’s and Custody Court of such local government, in the territory of operation of which the parents of the child actually live, shall take a decision on out-of-family care of the child.

(5) If the parents of a child are not known or a child is a foundling, the Orphan’s and Custody Court, in the territory of operation of which the child has been found, shall take a decision on out-of-family care of the child.

(51) If the jurisdiction of the case regarding a child who is a national of Latvia and who has been separated from a family abroad is transferred to the competent authority of Latvia, a decision on out-of-family care shall be taken by the Orphan’s and Custody Court of the local government in the territory of operation of which the place of residence of the parent of the child was declared prior to going abroad.

(6) The Orphan’s and Custody Court, which has taken the decision on out-of-family care of a child, shall take a decision:

1) on the restriction of the right to maintain personal relationship and direct contact for the child with parents, as well as with brothers, sisters, grandparents, and persons with whom the child has lived in an undivided household for a long period of time;

2) on the stay of the child with the parents or in another family;

3) on the stay of the child in another family abroad;

4) on the permission to dispose the property of the child;

5) [21 December 2006];

6) [21 December 2006];

7) to separate brothers and sisters, half-brothers and half-sisters in case of adoption;

8) to adopt a child to foreign countries;

9) [21 December 2006].

[*21 December 2006; 1 November 2018*]

**Section 55. Jurisdiction in Issues Related to Termination and Renewal of Child Custody Rights**

(1) The Orphan’s and Custody Court, in the territory of operation of which the place of residence of the parents of a child is declared, shall take a decision to terminate or renew child custody rights to the parents.

(2) If the parents of a child do not have a declared place of residence, the Orphan’s and Custody Court, in the territory of operation of which the parents of the child actually live, shall take a decision to terminate or renew the child custody rights to the parents.

(3) If the declared place of residence of the person changes during reviewing a case regarding termination or renewal of the custody rights, the Orphan’s and Custody Court which initiated the case shall take a decision to terminate or renew the custody rights.

[*8 May 2014; 1 November 2018*]

**Section 56. Bringing of an Action in a Court Regarding the Removal of Custody Rights**

An Orphan’s and Custody Court shall take a decision to bring an action in a court regarding the removal of custody rights from the parents of a child in accordance with the jurisdiction over cases determined in Section 55 of this Law.

**Section 57. Adoption**

(1) If a child is adopted by a Latvian citizen, non-citizen or a third-country national who has a permanent residence permit in Latvia, the Orphan’s and Custody Court, in the territory of operation of which the place of residence of an adopter is declared, shall take a decision:

1) to recognise a person as an adopter;

2) to transfer the child to the care and supervision of the adopter up to the approval of the adoption;

3) to terminate the pre-adoption care of the child;

4) on the conformity of the adoption to the interests of the child.

(2) If a child is adopted by a third-country national who does not have a permanent residence permit in Latvia, or a person who resides abroad, the Orphan’s and Custody Court which has taken a decision on out-of-family care of the child shall decide on:

1) the transfer of the child to the care and supervision of the adopter up to the approval of the adoption;

2) the termination of pre-adoption care of the child;

3) the conformity of the adoption to the interests of the child.

(3) If a child of the spouse is being adopted, a decision on conformity of adoption with the interests of the child shall be taken by the Orphan’s and Custody Court of the place of residence of such parent with whom the child lives.

[*21 December 2006*]

**Section 58. Provision of an Opinion, Information and Other Evidence to a Court**

(1) An opinion shall be provided to a court in the cases referred to in Section 50 of this Law, as well as information and other evidence shall be provided to a court in the cases referred to in Section 50.1 of this Law by the Orphan’s and Custody Court in the territory of operation of which the place of residence of parents of the child is declared.

(2) If the place of residence of parents of the child is declared in the administrative territories of different local governments, the opinion to a court regarding the procedures for exercising the access rights and determination of separate custody or the information and other evidence referred to in Section 50.1 of this Law shall be provided by the Orphan’s and Custody Court in the territory of operation of which the place of residence of such parent of the child is declared with whom the child lives.

(3) An opinion to a court regarding the procedures by which the access rights of a child with brothers, sisters, grandparents, as well as other persons with whom the child has lived in an undivided household for a long period of time, or the information and other evidence referred to in Section 50.1 of this Law, if they are necessary in relation to the rights referred to in this Paragraph, shall be provided by the Orphan’s and Custody Court in the territory of operation of which the child and parents live. The abovementioned Orphan’s and Custody Court shall request the information and other evidence necessary for reviewing the case from the Orphan’s and Custody Court in the territory of operation of which the place of residence of such person is declared who turned to a court with the relevant claim.

[*29 October 2015*]

**Section 59. Protection of the Property Interests**

(1) The Orphan’s and Custody Court, in the territory of operation of which the place of residence of the parents of a child or a person under trusteeship is declared, shall take a decision to permit to dispose the property of the child or the person with restricted capacity to act.

(2) If separate custody of one parent has been established for a child, the Orphan’s and Custody Court, in the territory of operation of which the place of residence for such parent, under whose separate custody the child is, is declared, shall take a decision to permit to dispose the property of the child.

(3) If the place of residence of the parents of a child is declared in the administrative territories of different local governments, the Orphan’s and Custody Court, in the territory of operation of which the place of residence of such parent, with whom the child lives, is declared, shall take a decision to permit to dispose the property of the child.

[*29 November 2012*]

**Section 59.1 Execution of the Ruling Regarding the Returning of a Child to the Country of His or Her Place of Residence**

The duties referred to in Section 44.2 of this Law shall be performed by the Orphan’s and Custody Court in whose territory of operation the child is located.

[*4 August 2011*]

**Section 59.2 Appointing of a Trustee of Inheritance**

A decision to appoint a trustee of inheritance in accordance with Section 40, Paragraph 1.1 of this Law shall be taken by the Orphan’s and Custody Court, in the territory of operation of which was the last declared place of residence of the estate-leaver, but, if it is not known – by the Orphan’s and Custody Court in the territory of operation of which the property to be inherited or its main part is located.

[*8 May 2014*]

**Section 59.3 Support for Raising a Child**

(1) A decision to discontinue the payments referred to in Section 18, Clause 4 of this Law to a person who does not raise the child, and to disburse them to a person who is actually raising the child shall be taken by the Orphan’s and Custody Court, in the territory of operation of which the place of residence of such person who is actually raising the child is declared.

(2) A decision to discontinue the payments referred to in Section 18, Clause 5 of this Law to a person who does not raise the child, and to disburse them to the child himself or herself if he or she has reached the age of 15, shall be taken by the Orphan’s and Custody Court, in the territory of operation of which the place of residence of the parent with the child is living is declared or which took the decision on out-of-family care.

[*8 May 2014*]

**Section 59.4 Implementation of the Access Rights in Presence of a Representative of an Orphan’s and Custody Court**

If, according to a court ruling in a case which arises from the access rights, the abovementioned rights must be implemented in presence of a representative of an Orphan’s and Custody Court or an authorised person of an Orphan’s and Custody Court, the access rights shall be implemented in presence of such representative of an Orphan’s and Custody Court or such authorised person of an Orphan’s and Custody Court in the territory of operation of which the access rights must be implemented.

[*29 October 2015*]

**Section 59.5 Appointing of a Trustee to a Person**

The Orphan’s and Custody Court in the territory of operation of which the place of residence of a person for whom trusteeship has been established by a court rouling is declared, but in case of absence of the declared place of residence – the Orphan’s and Custody Court in the territory of operation of which such person is residing shall appoint a trustee to this person. If the person has been placed in a medical treatment institution, the trustee shall be appointed by the Orphan’s and Custody Court in the territory of operation of which the medical treatment institution is located.

[*1 November 2018*]

**Chapter VII**

**Making of Certification and Performance of Other Tasks**

**Section 60. Officials Responsible for Making of Certification**

(1) The Chairperson of an Orphan’s and Custody Court shall make certifications and perform other tasks referred to in this Chapter.

(2) The Chairperson of an Orphan’s and Custody Court may assign by an order the Vice-Chairperson of the Orphan’s and Custody Court or Members of the Orphan’s and Custody Court to make certifications and perform other tasks referred to in Section 61 of this Law.

[*21 May 2009*]

**Section 61. Duties of an Orphan’s and Custody Court**

(1) An Orphan’s and Custody Court shall perform the following duties in the territory of operation thereof in the cases referred to in Section 2, Paragraph two of this Law:

1) certify a transaction if it is entered into by and between the residents who have declared their place of residence in the territory of operation of the relevant Orphan’s and Custody Court and other persons and the amount of a transaction does not exceed EUR 8537;

2) certify an agreement between the co-heirs and joint owners regarding the division of the inheritance or joint property (regardless of the value of the property), if the property to be divided or a part thereof is located in the territory of operation of the relevant Orphan’s and Custody Court;

3) enter the wills of such residents whose declared place of residence is in the territory of operation of the relevant Orphan’s and Custody Court into the register of wills, accept for storage the private wills of such residents (regardless of the value of the property bequeathed), as well as accept revocations of the wills deposited in the Orphan’s and Custody Court (regardless of the place of residence of a testator);

4) certify powers of attorney (except universal powers of attorney) of such residents whose declared place of residence is in the territory of operation of the relevant Orphan’s and Custody Court and accept revocations of the powers of attorney;

5) certify the authenticity of a signature of such residents whose declared place of residence is in the territory of operation of the relevant Orphan’s and Custody Court on documents;

6) certify the authenticity of a true copy, a copy or an extract of such document, which applies to the definite person;

7) after receipt of a submission of contracting parties issue a notification regarding the amendments to the contract or giving a notice to opposing parties of the contracting parties, if their declared place of residence is in the territory of operation of the relevant Orphan’s and Custody Court;

8) certify a signature on a request for the corroboration in the Land Register (Section 60 of the Land Register Law) if one of the contracting parties has declared his or her place of residence in the territory of operation of the relevant Orphan’s and Custody Court;

9) prepare drafts of documents.

(2) The certification of an Orphan’s and Custody Court shall be equal to the notarial certification within the meaning of the legal force.

(3) All certifications and other activities shall be entered into the relevant register of the Orphan’s and Custody Court. The Orphan’s and Custody Court shall establish separate certification registers and registers of other activities in rural territories of municipalities and towns indicating the name of the Orphan’s and Custody Court and the name of rural territory of the relevant municipality or the name of the relevant town in the name thereof. Information to be entered into the register and the procedures for the maintenance of the register shall be determined by the Cabinet.

[*21 May 2009; 23 May 2013; 12 September 2013*]

**Section 62. Persons Whose Transactions are Certified by an Orphan’s and Custody Court**

(1) An Orphan’s and Custody Court shall certify a transaction if it definitely knows that the participants of the transaction are of legal age and capable to act.

(2) If an Orphan’s and Custody Court does not know the person to whom the certification is to be made or who is to be identified due to another reason, the Orphan’s and Custody Court shall ascertain the identity of such person according to the passport of such person. It shall be indicated in the certification in what way the identity of the person has been ascertained.

(3) Upon making certifications according to which the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court has a duty to verify the identity of persons, the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court shall, on the day of making a certification, verify personal data in the Population Register and the Register of Invalid Documents and make a note thereon in the certification.

[*1 November 2018*]

**Section 63. Preparation of the Draft of a Transaction Deed**

The participants of a transaction shall submit to an Orphan’s and Custody Court a prepared draft of the transaction deed or address the Orphan’s and Custody Court with a request to prepare the draft of the transaction deed according to their words.

**Section 64. Certification of a Transaction**

(1) Prior to the certification of a transaction the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall read the draft of the transaction deed to the participants of the transaction and ask whether the participants of the transaction agree with the provisions thereof and whether they know and comprehend the content thereof. If the answer is affirmative, the participants of the transaction shall sign the draft of the transaction deed or recognise it as signed with their own signature.

(11) Upon certifying a transaction the subject-matter of which is rights that are entered or are to be entered in a Land Register, Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court, or a Member of the Orphan’s and Custody Court shall, at the time of certifying the transaction, check the data in the Land Register division.

(2) A certification inscription shall be made on a draft of a transaction deed, in which the following shall be indicated:

1) the year, month and day of the certification;

2) the name of the Orphan’s and Custody Court;

3) the number, according to which the transaction deed has been entered into the register;

4) the given name, surname, personal identity number, declared place of residence of each participant of the transaction, as well as the time and place of birth of such persons or a note shall be made that the participants of the transaction know each other;

5) that the participants of the transaction are capable to act.

(3) The Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall sign the certification inscription. The seal of the Orphan’s and Custody Court shall be applied below the inscription.

(4) One copy of the certified transaction deed shall be stored in the folder of the Orphan’s and Custody Court. The transaction deed shall be entered into the register.

(5) The Orphan’s and Custody Court which has a transaction deed at the disposal thereof containing an order in case of death, shall issue a copy thereof upon request to such sworn notary who is conducting the relevant inheritance matter.

[*23 May 2013; 1 November 2018*]

**Section 65. Certification of a Will**

In preparing a will, the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall read the draft of the drawn-up document to the testator and ask whether he or she agrees with all provisions of the deed and whether such actually is his or her last will. If the answer is affirmative, the testator shall sign the will and the certification shall be made.

[*8 May 2014*]

**Section 66. Issuance of an Extract from a Document Entered into the Register of Wills**

(1) An Orphan’s and Custody Court shall issue to a testator an extract of the document entered into the register of wills.

(2) After the decease of a testator the Orphan’s and Custody Court shall issue an extract of the document entered into the register of wills together with the will to the heir appointed according to the will, executor of the will, sworn notary or court upon the request thereof.

(3) The name of the Orphan’s and Custody Court and the number according to which the will has been entered into the register, shall be indicated in the certification of the extract of the document entered into the register of wills. The Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall sign the certification and apply the seal.

(4) A note shall be made in the register of wills regarding the issuance of the extract of a will.

(5) The register of wills shall consist of the originals of the wills, which are compiled in a volume according to the sequence of the numbers of the register. The Orphan’s and Custody Court shall keep separate registers of wills in rural territories of municipalities and towns indicating the name of the Orphan’s and Custody Court and the name of rural territory of the relevant municipality or the name of the relevant town in the name thereof.

[*21 May 2009*]

**Section 67. Acceptance of a Will for Storage**

(1) An Orphan’s and Custody Court shall accept private wills for storage and enter a document into the register of wills regarding the acceptance of a will for storage.

(2) In accepting a will for storage, the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall ascertain the identity and capacity to act of the testator.

(3) A private will deposited in an Orphan’s and Custody Court shall have the force of a public will, if the provisions of Section 439 of the Civil Law are conformed to.

**Section 68. Revocation of a Document Entered into the Register of Wills**

(1) A testator in person may revoke a document entered into the register of wills.

(2) If a request regarding the revocation of a document entered into the register of wills has been received, the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall prepare a document of the revocation of the will after verification of the identity and capacity to act of the testator. The testator shall sign a document of the revocation of the will.

(3) After the certification of a document of the revocation of a will a note shall be made on the original of the will regarding the revocation thereof.

[*8 May 2014*]

**Section 69. Revocation of a Deposited Will**

(1) A testator in person or his or her authorised representative authorised by specific authorisation may revoke a will deposited in the Orphan’s and Custody Court.

(2) If a request has been received regarding revocation of a deposited will, the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall prepare a document of the revocation of the will.

(3) After the certification of a document regarding the revocation of a will the certified copy thereof shall be placed instead of the deposited will.

**Section 69.1 Submitting of Information to the Register of Public Wills**

An Orphan’s and Custody Court, in accordance with the laws and regulations governing operation of the Register of Public Wills, shall submit information to the Register of Public Wills on certification of wills and acceptance for storage, revocation, amending and supplementation of such wills, as well as certification, amending and revocation of such transactions that contain orders in case of death.

[*23 May 2013 / Section shall come into force on 1 May 2014. See Paragraphs 8 and 9 of Transitional Provisions*]

**Section 70. Certification and Revocation of a Power of Attorney**

(1) Prior to the certification of a power of attorney the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall verify the identity and capacity to act of an authorising person.

(2) The certification on a power of attorney shall be made in accordance with the procedures laid down in Section 64 of this Law and shall be entered into the register.

(3) One copy of the certified power of attorney shall be stored in the folder of the Orphan’s and Custody Court.

(4) If a submission regarding the revocation of a power of attorney has been received, the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall verify the identity, capacity to act of the submitter, make an entry in the register and publish the relevant notification in the official gazette *Latvijas Vēstnesis*.

(5) An authorised person shall be notified regarding the revocation of the power of attorney if his or her declared place of residence is known.

(6) Expenditure for the publication of a notification regarding the revocation of a power of attorney in the official gazette *Latvijas Vēstnesis* shall be covered by the authorising person.

[*29 November 2012; 23 May 2013*]

**Section 71. Certification of the Authenticity of a Signature**

(1) Prior to the certification of the authenticity of a signature the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall verify the identity of the signatory, as well as make an entry in the register. In confirming the authenticity of a signature on a request for corroboration, the Orphan’s and Custody Court, in the cases determined in the Land Register Law, shall also verify the capacity to act of the signatory and make a note on the inscription of the certification regarding it.

(2) The Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court, or a Member of the Orphan’s and Custody Court shall not confirm the authenticity of the signature and capacity to act of the person on documents the content of which is in obvious contradiction with laws that protect the administration procedures, public morality, or personal dignity.

[*1 November 2018*]

**Section 72. Certification of a True Copy or a Copy of a Document**

(1) In order to certify a true copy or a copy of a document, the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall compare it with the presented document.

(2) The bearer of the document, year, month, day of the certification thereof, the name of the Orphan’s and Custody Court and the number according to which the certification has been entered into the register, shall be indicated in the inscription of the certification, as well as it shall be indicated what corrections, deletions and other special features are present in the presented document.

(3) The Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall not verify the lawfulness of the issuance of the presented document, but shall only verify the compliance of the true copy or copy to be certified with the presented document and it shall be noted in the certification.

(4) It is prohibited to the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court to confirm a true copy or a copy of such document, the content of which is in obvious contradiction to the legislation that protects the administration procedures, public morality or personal dignity.

(5) An entry regarding the certification shall be made in the register.

**Section 73. Issuance of Notifications**

(1) A request regarding the issuance of a notification shall be submitted in writing and it shall be entered into the register. The true copy of a notification shall be stored in the folder of the Orphan’s and Custody Court.

(2) The Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court shall verify the identity of a submitter and write the certification on the request submitted.

(3) A certified true copy or a certified copy of a submitted notification shall be issued to the addressee. A notification shall be issued to the addressee in person or it shall be sent by post as a registered letter (the certification of the post office regarding the issuance of letter must be received).

(4) An Orphan’s and Custody Court shall issue a certificate regarding the issuance of a notification. The given name, surname, personal identity number and declared place of residence of the submitter and the addressee, the content of a notification and the time when the notification was issued shall be indicated in the certificate.

(5) An entry regarding the issuance of a certificate shall be made in the register.

[*23 May 2013*]

**Section 74. Certification of a Transaction if a Person is Illiterate or is Not Able to Write**

If a person is illiterate or is not able to write, another person shall sign in the presence of two witnesses, to whom such person consigns it, and a note shall be made in the inscription of the certification regarding it.

**Section 75. Making of Certification in the Place of Residence of a Resident or in Another Place**

An Orphan’s and Custody Court may draw up a will, as well as make certification in the place of residence of a resident of the relevant local government or in another place if the resident cannot arrive at the Orphan’s and Custody Court due to illness or other reasons.

**Section 76. Refusal to Fulfil the Duties of Office**

(1) The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court is not allowed to refuse to perform the activities provided for in this Chapter, except the cases determined in the Law.

(2) In respect of a refusal to fulfil the duties of office the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court shall issue the refusal in writing within three days. The basis for the refusal and appeal procedures shall be indicated in the refusal.

(3) The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court shall refuse to make certifications if he or she is asked to take part in activities, which obviously serve illegal or immoral purposes.

**Section 77. Restriction to Make a Certification**

The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court is prohibited from making certifications in his or her own matters, the matters of his or her spouse (also a former spouse), his or her or his or her spouse’s kin in a direct line to all degrees, the collateral line – to the fourth degree, and affines – to the third level, as well as in the matters of the persons under the guardianship or trusteeship of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court or his or her spouse or of his or her or his or her spouse’s adopter or adoptee.

**Section 78. Non-disclosure of Entrusted Information**

(1) The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, a Member and a secretary of an Orphan’s and Custody Court shall not disclose the information entrusted to them, which have become known to them when fulfilling the duties of office, to the third persons.

(2) The provision of Paragraph one of this Section shall also be in force after the abovementioned persons have left their office.

(3) The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, a Member and the secretary of an Orphan’s and Custody Court shall keep secret all the entrusted matters, deeds and documents.

(4) Exceptions of the provisions of Paragraph one of this Section are allowed in relation to:

1) officials of courts, Office of the Prosecutor and pre-trial investigation institutions during the fulfilment of the duties of office thereof;

2) other persons if the consent of a participant of the certification has been received.

**Section 79. State Fees**

(1) The State fees for the services of an Orphan’s and Custody Court shall be transferred into the budget of a local government. An Orphan’s and Custody Court shall collect the following State fees:

1) for the preparation of a draft transaction deed – EUR 11.38;

2) for the certification of a transaction – EUR 7.11;

3) for the drawing up or revocation of a will – EUR 18.50;

4) for the acceptance of a will for storage – EUR 34.15;

5) for the preparation of a power of attorney – EUR 4.27;

6) for the certification of a power of attorney – EUR 2.85;

7) for the certification of a signature – EUR 2.85;

8) for the drawing up and issuance of certifications and an extract from the register of other activities – EUR 1.42 (per each page);

9) for the drawing up of a true copy or an extract – EUR 1.42 (per each page);

10) for the certification of a true copy, extract or copy – EUR 0.43 (per each page);

11) for the issuance of a notification – EUR 4.27;

12) for the issuance of a certificate regarding the issued notification – EUR 4.27;

13) for the drawing up of the request for corroboration – EUR 7.11;

14) for the certification of a signature on the request for corroboration – EUR 4.27;

15) for the drawing up of a list of inheritance – EUR 48.38;

16) for the drawing up of other types of documents – EUR 4.27 (per each page).

(2) The council of a local government has the rights to apply the relief from the State fees.

(3) A relief from the State fee in the amount of not less than 50 per cent from the amount of the fee shall be applicable for the drawing-up of the list of inheritance provided for in Paragraph one, Clause 15 of this Section, if inheritance is being accepted on behalf of a minor.

[*12 September 2013; 8 May 2014*]

**Section 80. Submission of Complaint**

(1) Complaints regarding incorrect action of an Orphan’s and Custody Court when making a certification or carrying out another activity referred to in this Chapter, as well as complaints regarding unjustified refusal to fulfil such duties shall be submitted to the district court in the territory of operation of which the Orphan’s and Custody Court is situated, within one month from the day when the Orphan’s and Custody Court has carried out the activity regarding which a complaint has been submitted, or when it has refused to carry out such activity.

(2) The court shall examine the complaint in written procedure.

(3) The court may request additional written explanations from the persons involved in the case in order to clarify the circumstances referred to in the complaint.

(4) A decision of the district court may be appealed to the Supreme Court by submitting an ancillary claim thereon within the time period and in accordance with the procedures laid down in the Civil Procedure Law.

[*1 November 2018*]

**Chapter VIII**

**Assistance in the Settlement of Inheritance Matters and Protection of Inheritance**

**Section 81. Inventory of Inheritance**

An Orphan’s and Custody Court shall provide assistance to a heir, if the heir intends to make use of the inventory right (to draw up an inventory of inheritance) and a court or a notary has assigned the Orphan’s and Custody Court the drawing up of the inventory of inheritance (Section 709 of the Civil Law).

**Section 82. Persons to be Invited for the Drawing up of an Inventory of Inheritance**

An Orphan’s and Custody Court shall invite the heir who has requested to draw up an inventory of inheritance and other heirs, if such are known, for the drawing up of the inventory.

[*1 November 2018*]

**Section 83. Drawing-up of an Inventory of Inheritance**

(1) Upon drawing up an inventory of inheritance, a document shall be written. Time and place of the drawing-up of a document, the persons who participate in the drawing-up of the inventory of inheritance, the name and features of each property item, as well as the value thereof shall be indicated in the document.

(2) If heirs do not agree with the appraisal of the property, an Orphan’s and Custody Court is entitled to invite an expert. Expenditure related to the services of an expert shall be covered by heirs.

(3) Notifications of such persons who participate in the drawing up of an inventory shall be entered into the document if such notifications have been expressed.

(4) A document shall be signed by the Chairperson of the Orphan’s and Custody Court, the Vice-Chairperson of the Orphan’s and Custody Court or a Member of the Orphan’s and Custody Court and the persons who have participated in the drawing-up of the inventory. The document shall be stamped with the seal of the Orphan’s and Custody Court.

[*29 October 2015*]

**Section 84. Charge for Travel Expenditure and Other Actual Expenditure**

(1) An Orphan’s and Custody Court is entitled to collect a charge for travel expenditure that is related to the drawing up of an inventory of inheritance, the drawing up of a will or making of a certification outside the premises of the Orphan’s and Custody Court.

(2) An Orphan’s and Custody Court is entitled to collect a charge for postal and other actual expenditure that is related to the making of certifications and performance of other functions.

**Section 85. Protection of Inheritance**

If an estate-leaver dies and the heirs of the deceased person are not present, an Orphan’s and Custody Court shall ensure the protection of the inheritance, not waiting for the decision of the notary (notarial deed) regarding the establishment of trusteeship for the entirety of property of the estate.

[*8 May 2014*]

**Section 86. Means for Protection of Inheritance**

The means for protection of inheritance shall be:

1) the sealing thereof;

2) the inventorying and valuation thereof;

3) the depositing thereof.

**Section 87. Inventorying of Property**

An Orphan’s and Custody Court shall perform the inventorying of property in accordance with the procedures laid down in Section 83 of this Law.

**Section 88. Sealing**

(1) If immediately after receipt of the relevant information it is not possible to inventory property, an Orphan’s and Custody Court shall perform sealing in presence of witnesses, sealing the depositories of items, packagings in which the items have been packed, or in case, if the property to be inherited is immovable property, sealing the property itself. Any activities related to sealing shall be entered in a document which shall be drawn up in accordance with Section 83, Paragraphs one, three, and four of this Law.

(2) Sealing shall be also performed if it is not possible to end the inventory on the first day.

[*29 October 2015*]

**Section 89. Trustee of Inheritance**

(1) After the inventorying of property an Orphan’s and Custody Court shall transfer the property for safekeeping to a trustee for a signature.

(2) A trustee shall receive a reimbursement from the heirs or from the property in the amount stipulated by the Orphan’s and Custody Court.

**Section 90. Document Regarding the Inventorying of Property**

A document regarding the inventorying of property shall be stored in an Orphan’s and Custody Court. A true copy of the document shall be issued to the trustee, as well as shall be sent to the notary, in whose jurisdiction the inheritance matter is in order to announce the opening of a succession.

**Chapter IX**

**Remuneration for Work and Benefits**

[*3 December 2009*]

**Transitional Provisions**

1. With the coming into force of this Law, the Law on Orphan’s and Custody Courts and Parish Courts (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1996, No. 1; 1997, 3, No. 23; 2001, No. 13; 2002, No. 22; 2003, No. 17; 2004, No. 12; 2005, No. 9; 2006, No. 1), is repealed.

2. The Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court or a Member of an Orphan’s and Custody Court who does not have the education determined in Section 10, Paragraphs one and two on the day when this Law comes into force has the right to continue the fulfilment of duties until the end of the time period of election.

3. The restrictions on combining offices referred to in Section 15 of this Law shall not apply to such Chairpersons of an Orphan’s and Custody Court, Vice-Chairpersons of an Orphan’s and Custody Court or Members of an Orphan’s and Custody Court who have been elected until coming into force of this Law.

4. Orphan’s and Custody Courts may use the present seals until 31 January 2007.

5. Until 31 January 2007 parish courts shall be renamed Orphan’s and Custody Courts. Until 31 January 2007 the provisions of this Law and other laws and regulations that are applicable to Orphan’s and Custody Courts shall be binding to parish courts, which have not been renamed Orphan’s and Custody Courts.

6. Remuneration (salary, allowances, etc.) provided for in accordance with this Law for the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court and Member of an Orphan’s and Custody Court shall be determined in conformity with the Law on Remuneration of Officials and Employees of State and Local Government Authorities in 2009.

[*12 December 2008*]

7. Until the establishment of one or several Orphan’s and Custody Courts in a municipality, but not longer than until 30 September 2009, the Orphan’s and Custody Courts of rural territories and towns shall continue the operation in conformity with the competence and territory of operation thereof.

[*21 May 2009*]

8. Section 69.1 of this Law shall apply to such acts of last will instruction, which were drawn up after 30 April 2014.

[*23 May 2013*]

9. Section 64, Paragraph five and Section 69.1 of this Law shall come into force on 1 May 2014.

[*23 May 2013*]

10. In cases in which an Orphan’s and Custody Court until 31 December 2012 has taken a decision to remove the child custody rights from the parent, from 1 January 2013 until the time when an Orphan’s and Custody Court decides on renewal of the custody rights or bringing a claim to a court on removal of the custody rights, it shall be deemed that the custody rights of the parent are terminated.

[*8 May 2014*]

11. Amendments to Section 10, Paragraph one, Clause 2 and Paragraph two, Clause 2 of this Law shall not be applied to such Chairpersons of Orphan’s and Custody Courts, Vice-Chairpersons of Orphan’s and Custody Courts, and Members of Orphan’s and Custody Courts who have been elected in the composition of Orphan’s and Custody Courts until the day of coming into force of such amendments.

[*29 October 2015*]

12. Amendments to Section 10, Paragraph one, Clause 3 and Paragraph two, Clause 3 of this Law which determine increased qualification requirements and length of service in the relevant speciality for election of Chairpersons of Orphan’s and Custody Court, Vice-Chairpersons of Orphan’s and Custody Courts, and Members of Orphan’s and Custody Courts shall come into force on 1 January 2021.

[*29 October 2015*]

13. A Chairperson of an Orphan’s and Custody Court, a Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court who does not comply with the requirement referred to in Section 10, Paragraph one, Clause 4 and Paragraph two, Clause 4 of this Law has the right to continue the fulfilment of duties of office for one year after the day of coming into force of these amendments.

[*29 October 2015*]

14. Section 10, Paragraph five of this Law shall not be applicable to such Chairpersons of Orphan’s and Custody Courts, Vice-Chairpersons of Orphan’s and Custody Courts, and Members of Orphan’s and Custody Courts who have commenced the acquisition of the study programme referred to in Section 10, Paragraph four of this Law until the day of coming into force of the relevant amendments.

[*29 October 2015*]

15. Such Chairpersons of Orphan’s and Custody Courts, Vice-Chairpersons of Orphan’s and Custody Courts, or Members of Orphan’s and Custody Courts who have been elected in the composition of Orphan’s and Custody Courts until the day of coming into force of the restrictions on combining offices specified in amendments to Section 15 of this Law and fulfil offices which cannot be combined with the restrictions on combining offices specified in Section 15 of this Law, shall, within a month from the day of coming into force of this Law, discontinue the fulfilment of the relevant duties of office. Chairpersons of Orphan’s and Custody Courts, Vice-Chairpersons of Orphan’s and Custody Courts, or Members of Orphan’s and Custody Courts are not entitled to review cases during such period of time which cause justified doubts regarding their impartiality in relation to the offices held to which the restrictions specified in amendments to Section 15 of this Law apply. If the abovementioned circumstances exist, Chairpersons of Orphan’s and Custody Courts, Vice-Chairpersons of Orphan’s and Custody Courts, or Members of Orphan’s and Custody Courts have a duty to remove themselves from examination of the relevant case.

[*29 October 2015*]

16. Amendment regarding supplementation of Sections 16 and 48 of this Law shall come into force on 1 January 2016.

[*29 October 2015*]

17. Section 5, Paragraph six of this Law shall come into force on 1 April 2016.

[*29 October 2015*]

18. Amendments to Section 4, Paragraph three of this Law regarding conformity with the general ethics principles and behavioural standards of employees of an Orphan’s and Custody Court shall come into force on 1 September 2017.

[*15 June 2017*]

19. Section 43.1 of this Law shall come into force on 1 July 2025.

[*15 June 2017; 1 November 2018; 13 November 2019 /* *Section shall be included in the wording of the Law as of 1 July 202*5]

20. Amendment to Section 7 of this Law regarding its supplementation with Paragraph four which provides for the requirements regarding the necessary education for at least one person in the composition of an Orphan’s and Custody Court and amendment to Section 48, Paragraph three of this Law regarding attribution of the legal support ensured by the local government council to the fulfilment of the tasks specified in Chapters VII and VIII of this Law shall come into force on 1 January 2021.

[*1 November 2018*]

21. If there is a person in the composition of an Orphan’s and Custody Court who is acquiring the education specified in Section 7, Paragraph four of this Law, however, has not acquired it yet by 1 January 2021, such person has the right to continue the fulfilment of the duties of a Member of an Orphan’s and Custody Court until the end of the term of office.

[*1 November 2018*]

22. If as a result of the reform implemented in accordance with the Law on Administrative Territories and Populated Areas which has come into force on 23 June 2020:

1) due to the amalgamation of local governments and administrative territories, a new Orphan’s and Custody Court is established as several municipalities amalgamate, the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court who has been elected to the Orphan’s and Custody Court until 30 June 2021 and whose term of office has not expired until the new Orphan’s and Custody Court has been established in the context of the administrative territorial reform, has the right to apply for a position in the newly established Orphan’s and Custody Court on the basis of the competition procedure. Applicants who have been elected in the composition of an Orphan’s and Custody Court until 30 June 2021 and whose terms of office have not expired before the establishment of the new Orphan’s and Custody Court in the relation to the administrative territorial reform shall be given priority in this competition for office. The competition for the positions of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and Members of an Orphan’s and Custody Court in the new Orphan’s and Custody Court shall be simultaneously organised by the local government;

2) the local government is not affected, the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, or a Member of an Orphan’s and Custody Court who has been elected in the composition of the Orphan’s and Custody Court until 30 June 2021 has the right to continue the fulfilment of his or her duties of office for a definite period of time until the end of the term of election by concluding an employment contract and without an open competition organised by the local government. The local government has an obligation to offer continuation of such employment relationship to the official.

[*16 June 2021*]

23. If, as a result of the reform implemented in accordance with the Law on Administrative Territories and Populated Areas which has come into force on 23 June 2020, a new Orphan’s and Custody Court will be established, the Orphan’s and Custody Courts of the former local governments which were part of the local government created within the scope of the administrative territorial reform shall continue operation according to the their competence and territory of operation until establishment of a new Orphan’s and Custody Court, but no longer than 31 December 2021. Until establishment of a new Orphan’s and Custody Court, the Chairpersons of the Orphan’s and Custody Courts, the Vice-Chairpersons of the Orphan’s and Custody Courts, and the Members of the Orphan’s and Custody Courts of the former local governments shall continue to fulfil their duties of office by concluding an employment contract without an open competition organised by the local government.

[*16 June 2021*]

24. Amendments to Section 5, Paragraph 1.1 and Section 49.2 of this Law regarding the implementation of the functional supervision in cases of an Orphan’s and Custody Court on termination, removal of a custody right, and renewal of a terminated custody right shall be applicable from 1 January 2022.

[*16 June 2021*]

25. Amendments to Section 5, Paragraph 1.1 and Section 49.2 of this Law regarding the implementation of the functional supervision in cases of an Orphan’s and Custody Court on out-of-family care of a child shall be applicable from 1 January 2023.

[*16 June 2021*]

26. Amendments to Section 5 of this Law regarding its supplementation with Paragraph 1.2 on the institutional supervision framework of the State Inspectorate for Protection of Children’s Rights, Section 10.1 determining the formation and functioning of the Qualification Commission, Section 10.2 and Section 11, Clause 9 determining the certification of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court, Section 13, Paragraph 3.1 on the dismissal of the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court and Section 14, Paragraph one, Clause 4 of on termination of employment relationship with the Chairperson of an Orphan’s and Custody Court, the Vice-Chairperson of an Orphan’s and Custody Court, and a Member of an Orphan’s and Custody Court in case of repeatedly negative evaluation shall be applicable from 1 January 2025.

[*16 June 2021*]

27. The Cabinet shall, by 1 January 2025, issue the regulations provided for in Section 10.1, Paragraph five and Section 10.2, Paragraph seven of this Law.

[*16 June 2021*]

28. Until the Qualification Commission is established, the opinion on the activities of the Chairperson of an Orphan’s Court specified in Section 9, Paragraph four of this Law shall be provided by the State Inspectorate for Protection of Children’s Rights.

[*16 June 2021*]

29. Until the Qualification Commission is established, the assessment referred to in Section 11, Clause 2 of this Law shall be carried out and the authorisation shall be given by a commission established by the State Inspectorate for the Protection of Children’s Rights.

[*16 June 2021*]

30. Amendments to Section 15.1, Paragraph one, Clause 2 of this Law which determine the education requirements for an assistant to the Chairperson of an Orphan’s and Custody Court and an assistant to a Member of an Orphan’s and Custody Court shall be applicable from 1 October 2024.

[*16 June 2021*]

31. Amendment to Section 17, Clause 5.1of this Law regarding the obligation of an Orphan’s and Custody Court to inform the State Inspectorate for Protection of Children’s Rights of repeated termination of parent’s custody rights shall be applicable from 1 January 2023.

[*16 June 2021 /* *Paragraph shall be included in the wording of the Law as of 1 January 2023*]

The Law shall come into force on 1 January 2007.

The Law has been adopted by the *Saeima* on 22 June 2006.

Acting for the President, the Chairperson of the *Saeima*, I. Ūdre

Rīga, 7 July 2006