

Act relating to child welfare (Child Welfare Act)

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Abbreviated title	Child Welfare Act

Overview of chapters:

- [Chapter 1. Purpose, scope and basic provisions \(sections 1-1 – 1-10\)](#)
- [Chapter 2. Reports of concern and investigations \(sections 2-1 – 2-7\)](#)
- [Chapter 3. Assistive measures \(sections 3-1 – 3-8\)](#)
- [Chapter 4. Emergency measures \(sections 4-1 – 4-5\)](#)
- [Chapter 5. Taking a child into care, deprivation of parental responsibility and adoption \(sections 5-1 – 5-11\)](#)
- [Chapter 6. Measures relating to behaviour etc. \(sections 6-1 – 6-6\)](#)
- [Chapter 7. Access and contact after a child has been taken into care \(sections 7-1 – 7-6\)](#)
- [Chapter 8. Follow-up of children and parents \(sections 8-1 – 8-6\)](#)
- [Chapter 9. Foster homes \(sections 9-1 – 9-11\)](#)
- [Chapter 10. Child welfare institutions etc. \(sections 10-1 – 10-22\)](#)
- [Chapter 11. Care centres for unaccompanied asylum-seeking minors \(sections 11-1 – 11-8\)](#)
- [Chapter 12. Case processing rules \(sections 12-1 – 12-11\)](#)
- [Chapter 13. Duty of confidentiality, duty to provide information and right to disclose information \(sections 13-1 – 13-6\)](#)
- [Chapter 14. Processing of cases by the Child Welfare Tribunal \(sections 14-1 – 14-25\)](#)

- [Chapter 15. The responsibilities and tasks of the municipality and the Child Welfare Service \(sections 15-1 - 15-13\)](#)
 - [Chapter 16. Central child welfare authorities \(sections 16-1 – 16-7\)](#)
 - [Chapter 17. Central government supervision \(sections 17-1 – 17-6\)](#)
 - [Chapter 18. Final provisions \(sections 18-1 – 18-2\)](#)
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[Proposition no. 133 to the Storting \(2020–2021\)](#), [Recommendation no. 625 to the Storting \(2020–2021\)](#), [Legislative bill no. 173 \(2020–2021\)](#). The Storting’s first and second deliberations on 10 and 14 June 2021 respectively. Brought by the Ministry of Children and Families.

Chapter 1. Purpose, scope and basic provisions

Section 1-1. *Purpose of the Act*

The purpose of the Act is to ensure that children and young people who live in conditions that may be detrimental to their health and development receive the necessary assistance, care and protection at the right time. The Act is intended to help ensure that children and young people are met with security, love and understanding.

The Act is also intended to help ensure that children and young people grow up in a good, secure environment.

Entry into force: 1 January 2023.

Section 1-2. *Scope of the Act*

The Act applies to children under the age of 18. Measures pursuant to [section 3-6](#) may be implemented against young people until they have reached the age of 25.

This Act applies to children who have their habitual residence in Norway and are in Norway. The Act also applies to children who are in Norway if the child’s habitual residence cannot be determined. This Act also applies to children who are in Norway who are refugees or internationally displaced.

For children who are in another state and who have their habitual residence in Norway, a care order may be issued pursuant to [section 5-1](#) and an administrative decision regarding placement in a child welfare institution may be issued pursuant to [section 6-2](#). An administrative decision on assistive measures may also be issued pursuant to [section 3-1](#) and an order on mandatory assistive measures may be issued pursuant to [section 3-4](#) when the parents are in Norway.

For children who are in Norway, but who have their habitual residence in another state, an administrative decision may be issued regarding assistive measures pursuant to [chapter 3](#), emergency measures pursuant to [chapter 4](#) and a voluntary stay in a child welfare institution pursuant to [section 6-1](#), as well as an administrative decision regarding placement in an institution pursuant to [section 6-6](#) when there is a risk of human trafficking.

This Act applies with the limitations imposed by international law.

The King may issue regulations concerning application of the Act in Svalbard.

Entry into force: 1 January 2023.

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 1-3. *Best interests of the child*

The best interests of the child must be a fundamental consideration in connection with all actions and decisions that affect and concern children. Measures imposed by the Child Welfare Service must be in the best interests of the child. What is in the best interests of the child must be decided on the basis of a specific assessment of the individual case. The child's opinion is a key factor in the assessment of the child's best interests.

Entry into force: 1 January 2023.

Section 1-4. *The child's right to participation*

A child who is capable of forming their own opinions has the right to participate in all matters concerning the child pursuant to this Act. Children have the right to speak to the Child Welfare Service regardless of the parents' consent and without the parents being informed about the conversation in advance. The child must receive sufficient and suitable information and has the right to express their opinions freely. The child must be listened to, and due weight must be given to the child's opinions in line with the child's age and maturity.

Children must be informed about what information provided by the child can be used for and who can access this information. The child has the right to express their opinion before it is decided that the information is to be shared, and due weight must be given to the child's views in line with their age and maturity.

In meetings with the Child Welfare Service, a child may be given the opportunity to be accompanied by a person in whom the child has particular trust. This person of trust may be subject to a duty of confidentiality.

The Ministry may issue regulations concerning the child's right to participation and on the duties and functions of the person of trust.

Entry into force: 1 January 2023.

Section 1-5. *Children's right to care and right to family life*

Children are entitled to care and protection, preferably within their own family.

Measures imposed by the Child Welfare Service must not be more intrusive than necessary.

Entry into force: 1 January 2023.

Section 1-6. *Children's right to necessary child welfare measures*

Children are entitled to necessary child welfare measures when the conditions for measures are met.

Entry into force: 1 January 2023.

Section 1-7. *Requirement of justifiability*

The Child Welfare Service's case processing, services and measures must be justifiable.

Entry into force: 1 January 2023.

Section 1-8. *Children's cultural, linguistic and religious background*

The Child Welfare Service must give due consideration to the child's ethnic, cultural, linguistic and religious background in its work in all phases of the case. Sámi children's special rights must be safeguarded.

Entry into force: 1 January 2023.

Section 1-9. *Cooperation with children, families and networks*

The Child Welfare Service must, as far as possible, cooperate with both children and parents and must treat them with respect.

The Child Welfare Service must ensure that the child's family and network are involved.

Entry into force: 1 January 2023.

Section 1-10. *Early intervention*

The Child Welfare Service must implement measures at an early stage in order to prevent serious neglect and behavioural problems.

Entry into force: 1 January 2023.

Chapter 2. Reports of concern and investigations

Section 2-1. *The Child Welfare Service's review of reports of concern*

The Child Welfare Service must review reports of concern it receives at the first opportunity, and no later than one week after they have been received. The Child Welfare Service must assess whether a report of concern should be followed up with an investigation pursuant to [section 2-2](#). The Child Welfare Service must assess whether a report of concern requires immediate follow-up.

If the Child Welfare Service dismisses a report of concern without an investigation, it must provide a written explanation of the reasons for the dismissal. The explanation must include

professional assessments. An explanation is not necessary in connection with dismissal of obviously unfounded reports of concern.

Entry into force: 1 January 2023.

Section 2-2. The Child Welfare Service's right and duty to carry out investigations

If there are reasonable grounds to believe that there are circumstances that may provide grounds for implementing measures pursuant to the Act, the Child Welfare Service must investigate the matter.

The investigation must be carried out at the first opportunity and must be completed no later than three months after the expiry of the time limit of one week stipulated in [section 2-1](#), first paragraph. In special cases, the Child Welfare Service may extend the investigation period to up to six months in total.

The Child Welfare Service must investigate the child's overall care situation and needs. The investigation must be carried out systematically and thoroughly enough to enable determination of whether it is necessary to implement measures pursuant to the Act. The investigation must be carried out with as little intrusion as possible. The Child Welfare Service must draw up a plan for the investigation.

The Child Welfare Service may engage experts to assist them in the investigation (cf. [section 12-7](#)). The Child Welfare Service may also use offers of assessment of the care situation of children aged 0 to 6 years (cf. [section 16-3](#), fourth paragraph, (a)).

The parents or the person with whom the child lives may not oppose the Child Welfare Service conducting home visits as part of the investigation. The Child Welfare Service and any experts it has engaged may demand to speak with the child alone. If there is suspicion that the child is being mistreated or subjected to other serious abuse at home, the head of the Child Welfare Service may decide that the child shall be taken to a hospital or some other place for a brief medical examination.

The provisions of the fifth paragraph, first and second sentences, also apply to assessments pursuant [to section 16-3](#), fourth paragraph (a).

Entry into force: 1 January 2023.

Section 2-3. Assessment in a centre for parents and children

When it is necessary to determine whether the conditions for taking a child aged 0 to 6 years into care have been met, and consent has been granted, the Child Welfare Service may decide that an assessment of the child's care situation shall be undertaken in a centre for parents and children.

When it is necessary to determine whether the conditions for taking a child aged 0 to 6 years into care have been met, the Child Welfare Tribunal may decide that an assessment of the child's care situation shall be undertaken in a centre for parents and children without the consent of the parties involved. An order of this kind can be issued for up to three months.

Entry into force: 1 January 2023.

Section 2-4. Follow-up of a pregnant substance abuser after notification from the municipality

When the municipality reports that a pregnant substance abuser has been admitted to an institution without their consent and detained there (cf. [section 10-3, seventh paragraph, of the Health and Care Services Act](#)), the Child Welfare Service may open a child welfare case without the pregnant woman's consent. The Child Welfare Service may also offer voluntary assistive measures and assess the need to implement measures after birth.

Entry into force: 1 January 2023.

Section 2-5. Termination of an investigation

The Child Welfare Service's investigation is regarded as concluded once it has made an overall assessment of the case and reached one of the following decisions:

- a. to dismiss the case
- b. to dismiss the case with the possibility of initiating a new investigation pursuant to the third paragraph
- c. to implement measures
- d. to send an application for measures to the Child Welfare Tribunal.

The Child Welfare Service's decision to dismiss the case after an investigation shall be regarded as an individual administrative decision.

If the Child Welfare Service dismisses a case after an investigation because the parents do not consent to the recommended assistive measures, it may stipulate in an administrative decision that a new investigation will be undertaken up to six months after the case was dismissed, if the conditions defined in [section 2-2](#) are still met. The parents must be informed of the decision, and must be informed if a new investigation is initiated.

Entry into force: 1 January 2023.

Section 2-6. Interdisciplinary health assessment

Not in force.

⁰ Added by Act [no. 13 of 25 March 2022](#) as amended by Act [no. 45 of 17 June 2022](#) (in force from the time the King decides).

Section 2-7. Temporary access to exemptions from time limits

If, as a result of the arrival in Norway of a high number of displaced persons from Ukraine, it is necessary for the Child Welfare Service to be able to perform its tasks in an appropriate and proper manner, the Ministry may issue temporary regulations on exemptions from the time limits stipulated in [section 2-1](#), first paragraph, and [section 2-2](#), second paragraph.

Entry into force: 1 January 2023.

Added by Act [no. 35 of 10 June 2022](#) (entry into force 15 June 2022) pursuant to [decree 0 no. 994 of 10 June 2022](#)). **Revoked** by Act [no. 35 of 10 June 2022](#) (entry into force 1 July 2023).

Chapter 3. Assistive measures

Section 3-1. *Voluntary assistive measures*

When a child, because of their care situation or behaviour, is in particular need of assistance, the Child Welfare Service must offer and initiate measures to assist the child and the parents. The assistive measures must be suitable to meet the needs of the child and the parents and to contribute to positive change in the child or in the family.

The Ministry may in regulations stipulate quality requirements for assistive measures. The regulations may set supplementary requirements for follow-up (cf. [sections 8-1](#) and [8-5](#)) of children and young people who have accommodation as an assistance measure.

Entry into force: 1 January 2023.

Section 3-2. *Foster homes and child welfare institutions as a voluntary assistance measure*

The Child Welfare Service may offer a foster home or institution as an assistance measure when the conditions in [section 3-1](#), first paragraph, are met and the child's needs cannot be met in any other way. The Child Welfare Service may also offer a stay in a care centre (cf. [chapter 11](#)). If it must be assumed that the parents will not be able to provide the child with proper care for an extended period of time, the Child Welfare Service must assess whether care order proceedings should be initiated immediately (cf. [section 5-1](#)). The provision in [section 5-3](#), third paragraph, applies insofar as it is relevant.

Entry into force: 1 January 2023.

Section 3-3. *Voluntary stay in a foster home or child welfare institution in a state other than that where the child has their habitual residence*

The Child Welfare Service may offer a specific foster home or institution as an assistance measure in a state that has signed the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children if the following conditions are met:

- a. the conditions for voluntary assistive measures in a foster home or institution pursuant to [section 3-2](#) are met
- b. the stay is justifiable and in the best interests of the child, with particular weight given to the child's connection to the state in question

- c. the child's right to participation has been safeguarded and great weight has been given to the child's opinion
- d. the parent who has parental responsibility and children over the age of 12 consent to the stay
- e. the state in which it is desirable to offer a stay has an acceptable supervisory system
- f. the implementation of supervision, follow-up of the child and the distribution of expenses in connection with the stay have been agreed with the authorities in the relevant state
- g. the conditions set out in Article 33 of the Convention are met.

The Child Welfare Service may consent to a child who has their habitual residence in a state that has signed the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children being allowed to stay in a specific foster home or institution in Norway. Consent can only be given if the conditions in the first paragraph are met. The Child Welfare Service must apply to the Directorate of Immigration for a residence permit for the child where this is necessary. The Child Welfare Service cannot consent to the stay until the child has been granted a residence permit.

If, as a result of the war in Ukraine, it is necessary to evacuate children under the care of the Ukrainian authorities, the Child Welfare Service may consent to the placement of children in a foster home or institution in Norway at the request of the Ukrainian authorities, if

- a. the placement is appropriate and in the best interests of the child
- b. an agreement has been signed with the competent Ukrainian authorities
the conditions for placement pursuant to Article 33 of the Convention of 19 October 1996
- c. on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children are met.

The Child Welfare Service must ensure that the child is registered with an application for protection or an application for residence with the immigration authorities. If the child has their habitual residence in Norway when the extraordinary situation ends, the Child Welfare Service must assess whether the conditions for requesting a transfer of jurisdiction to the child's former state of residence are met.

Entry into force: 1 January 2023.

Amended by Act [no. 35 of 10 June 2022](#) (entry into force 15 June 2022) pursuant to [decree no. 994 of 10 June 2022](#)). Amended by Act [no. 35 of 10 June 2022](#) (entry into force 1 July 2023).

Section 3-4. Assistance order

When the conditions pursuant to [section 3-1](#), first paragraph, are met, and this is necessary to ensure the child receives satisfactory care or protection, the Child Welfare Tribunal may order that the following assistive measures be implemented without the private parties' consent:

- a. care-changing assistive measures in the home

- b. attendance at a kindergarten or other suitable day-care facility, a stay in a visit home or respite care, help with homework, participation in leisure activities, a personal support contact or other similar measures
- c. supervision, duty to report and intoxicant testing of biological material.

Assistive measures pursuant to (a) shall be based on a generally accepted knowledge base.

When it is necessary to ensure the child receives satisfactory care and there is an imminent risk that the child may end up in a situation where the conditions for taking the child into care are met, the Tribunal may issue an administrative decision regarding assistive measures in a centre for parents and children aged 0 to 6 years without the consent of the private parties. The conditions pursuant to [section 3-1](#), first paragraph, must be met.

Assistance orders can be directed at parents with whom the child lives permanently and parents to whom the child has access.

An order requiring that the child attend a kindergarten or other suitable day-care facility can be issued without a time limit. An order regarding mandatory assistive measures in a centre for parents and children may be issued for up to three months. In general, assistance orders may be issued for up to one year.

Entry into force: 1 January 2023.

Section 3-5. Assistive measures in the form of parental support without the child's consent

If a child has exhibited serious behavioural problems (cf. [section 6-2](#)) or is in the process of developing this kind of behaviour, the Child Welfare Tribunal may decide that assistance in the form of parental support aimed at preventing or minimising this behaviour may be implemented without the child's consent. Assistance in the form of parental support may also be implemented without the child's consent when the measures are implemented as part of the conclusion of a stay in an institution pursuant to [section 6-2](#). Assistance in the form of parental support without the child's consent cannot be continued for more than six months after the Tribunal's decision was made.

Entry into force: 1 January 2023.

Section 3-6. Assistive measures for young people over the age of 18

Measures implemented before a young person has reached the age of 18 must be continued or replaced by other forms of assistance if the young person consents to it and needs assistance or support from the Child Welfare Service to ensure a good transition to adulthood. Measures can be implemented even if the young person has been without assistance for a period of time.

Well before the young person reaches the age of 18, the Child Welfare Service must contact the young person to assess whether measures should be continued or replaced by other forms of assistance. A decision to continue, replace or stop measures is an individual administrative decision.

Measures can be implemented until the young person reaches the age of 25.

Entry into force: 1 January 2023.

Section 3-7. Decision regarding medical examination and treatment

If there is reason to believe that a child has a life-threatening or other serious illness or injury, and the parents do not ensure that the child is examined and/or treated, the Child Welfare Tribunal may decide that the child, with assistance from the Child Welfare Service, shall be examined by a doctor or taken to hospital to be examined. The Tribunal may also decide that a child with an illness or injury of this nature shall be treated in a hospital or at home in accordance with the instructions of a doctor.

Entry into force: 1 January 2023.

Section 3-8. Decision regarding the treatment of children who have special treatment and training needs

If the parents fail to ensure that a child who is ill, has a disability or has special assistance needs receives the necessary treatment and/or training, the Child Welfare Tribunal may decide that the child, with assistance from the Child Welfare Service, must be treated or receive training.

Entry into force: 1 January 2023.

Chapter 4. Emergency measures

Section 4-1. Emergency assistance order if a child is without care

If a child is without care, the Child Welfare Service must immediately adopt and implement the necessary assistive measures. The assistive measures cannot be continued if the parents or a child over the age of 15 object to the measure(s).

Entry into force: 1 January 2023.

Section 4-2. Emergency care order

The head of the Child Welfare Service, their deputy or the prosecuting authority may issue an emergency care order when there is a risk that the child will suffer significant harm if the order is not implemented immediately. When assessing whether an emergency care order should be issued in respect of a newborn child, particular weight must be given to the child's need for closeness to the parents immediately after birth.

The head of the Child Welfare Service or their deputy may also make an administrative decision regarding access arrangements pursuant to [section 7-2](#) or [section 7-3](#) when an emergency order has been issued pursuant to the first paragraph.

If there is a need for further measures, the Child Welfare Service must promptly follow up the emergency order with an application to the Child Welfare Tribunal for measures. If such an

application has not been made within six weeks of the date of the order, the emergency order lapses.

Administrative decisions concerning a child who has their habitual residence in another state (cf. [section 1-2](#), third paragraph) nevertheless lapse only six months after the date of the decision if the Norwegian authorities have done one of the following within the same time limit:

- a. submitted an application to the state of residence requesting appropriate protective measures be initiated
- b. ruled that jurisdiction be transferred pursuant to Article 5 of the Act implementing the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

The placement alternatives set out in [section 5-3](#) apply correspondingly to emergency care orders.

Entry into force: 1 January 2023.

Section 4-3. Decision regarding a temporary relocation ban

The head of the Child Welfare Service or their deputy may decide that a child living outside the home with the parents' consent must not be relocated if it is likely that the relocation will be detrimental to the child.

A decision of this nature can be made for up to three months. During this period, the Child Welfare Service must make arrangements so that the relocation can be carried out with the least possible inconvenience for the child.

If the Child Welfare Service considers that the child cannot be relocated, the Child Welfare Service must submit an application to the Child Welfare Tribunal within six weeks for a care order or other measure. The decision regarding a relocation ban will remain in force until the case has been decided by the Tribunal.

Entry into force: 1 January 2023.

Section 4-4. Emergency order for placement in a child welfare institution

The head of the Child Welfare Service, their deputy or the prosecuting authority may issue an emergency order for placement of a child in a child welfare institution if the child has exhibited serious behavioural problems as mentioned in [section 6-2](#). A decision of this nature may only be made if there is a risk that the child will otherwise suffer significant harm.

If there is a need for further measures, the Child Welfare Service must promptly follow up the emergency order with an application to the Child Welfare Tribunal for placement in an institution pursuant to [section 6-2](#). If such an application has not been made within two weeks of the date of the order, the emergency order lapses.

The provision in [section 4-2](#), fourth paragraph, applies correspondingly.

Entry into force: 1 January 2023.

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 4-5. Emergency order for placement of a child in an institution when there is a risk of human trafficking

The head of the Child Welfare Service, their deputy or the prosecuting authority may issue an emergency order to place a child in an institution if it is likely that the child is a victim of human trafficking, or there is an imminent and serious risk that the child may become a victim of human trafficking. An emergency order may only be issued when it is necessary to protect the child.

If there is a need for further measures, the Child Welfare Service must promptly follow up the emergency order with an application to the Child Welfare Tribunal for placement in an institution pursuant to [section 6-6](#). If such an application has not been made within two weeks of the date of the order, the emergency order lapses.

The provision in [section 6-6](#), second, fourth and sixth paragraphs, applies correspondingly.

Entry into force: 1 January 2023.

Chapter 5. Taking a child into care, deprivation of parental responsibility and adoption

Section 5-1. Care order

If less intrusive measures cannot create satisfactory conditions for the child and this is necessary based on the child's situation, the Child Welfare Tribunal may issue a care order for a child in one or more of the following cases:

- there are serious shortcomings in the care the child is receiving, including personal contact
- a. and a sense of security, in light of the child's needs based on their age and stage of development
- b. the parents fail to ensure that a child who is ill, has a disability or has special assistance needs receives the necessary treatment and/or training
- c. the child is being mistreated or subjected to other serious abuse at home
- d. it is highly probable that the child's health or development may be seriously harmed because the parents are unable to take adequate responsibility for the child
- e. it is highly probable that a child who was taken into care as a newborn following an emergency order pursuant to [section 4-2](#) will end up in a situation as mentioned in (a), (b), (c) or (d)
- f. it is highly probable that the relocation of a child who, with the parents' consent, lives outside the home will lead to a situation as mentioned in (a), (b), (c) or (d)

the child has lived outside the home for more than two years with the parents' consent, and
g. the child has become so attached to people and the environment where they are currently living that relocation may cause serious problems for the child.

Entry into force: 1 January 2023.

Section 5-2. Implementation of a care order

A care order must be implemented as soon as possible. The administrative decision will lapse if it is not implemented within six weeks from the date of the decision. The chair of the Child Welfare Tribunal may extend this time limit when special reasons so warrant.

If a child is abducted from the Child Welfare Service to another state after a care order has been issued, the order remains in force for one year if the Child Welfare Service has notified the police or sent an application to have the child returned to Norway to the central authority for the Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. The same applies when a request to have the order recognised or enforced has been submitted to the Central Authority for the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. The chair of the Child Welfare Tribunal may extend this time limit.

Entry into force: 1 January 2023.

Section 5-3. Choice of where to place a child following a care order

When the Child Welfare Tribunal issues a care order, the order must state whether the child is to live in a foster home or in a child welfare institution. The Tribunal may decide that the child should live in an educational or treatment institution if this is necessary because the child has a disability. In special cases, the Tribunal may also decide that the child shall live in a care centre (cf. chapter 11).

The Child Welfare Service must provide an account of its opinion regarding where the child should be placed when it submits an application for a care order to the Tribunal. In its decision, the Tribunal may set requirements for the placement. The case must be resubmitted to the Tribunal if the child cannot be placed as envisaged in the decision.

When choosing where to place the child, weight must be given to the child's opinion, the child's identity and need for care in a stable environment, the need for continuity in the child's upbringing and the child's ethnic, religious, cultural and linguistic background. Weight must also be given to how long it is assumed that the care order will last, and to the child's access to and contact with their parents, siblings and other people to whom the child is closely attached. If the child is to live in a foster home, the Child Welfare Service must consider whether a member of the child's family or close network can be chosen as a foster home (cf. [section 9-4](#)).

Entry into force: 1 January 2023.

Section 5-4. Responsibility for the child following a care order

After a care order has been issued, the Child Welfare Service has the responsibility for the care of the child. The Child Welfare Service must provide the child with proper care. The Child Welfare Service will have to make decisions that have an impact on the child's daily life, including whether the child should go to kindergarten, make use of after-school programmes or participate in leisure activities. The Child Welfare Service also has the authority to make decisions pursuant to other Acts of law.

The foster parents or the institution where the child lives exercise the duty of care for the child on behalf of the Child Welfare Service and within the frameworks established by the Child Welfare Service.

The parents' parental responsibility is limited to decisions about fundamental aspects of the child's private life, such as choice of type of school, change of name, consent to adoption, and religious or spiritual affiliation.

Entry into force: 1 January 2023.

Section 5-5. The Child Welfare Service's right to relocate a child following a care order

The Child Welfare Service may decide that the child should be relocated only if this is necessary due to changed circumstances or if it is in the best interests of the child. The Child Welfare Service's decision in a case concerning relocation can be appealed to the Child Welfare Tribunal.

Entry into force: 1 January 2023.

Section 5-6. Prohibition against taking a child out of Norway

It is illegal to take a child out of Norway without the consent of the Child Welfare Service when an administrative decision pursuant to [sections 4-2, 4-3, 4-4](#) or [4-5](#) has been implemented. It is also illegal to take a child out of Norway without the consent of the Child Welfare Service when an administrative decision pursuant to [sections 5-1, 6-2](#) or [6-3](#) has been made or when an application for such measures has been submitted to the Child Welfare Tribunal.

Entry into force: 1 January 2023.

Section 5-7. Revocation of a care order

The Child Welfare Tribunal must revoke a care order when it is highly probable that the parents will be able to provide the child with proper care. The order shall nonetheless not be revoked if the child has become so attached to people and the environment where they are currently living that relocation may cause serious problems for the child.

The parties to the case may not demand that the Tribunal consider a case for the revocation of a care order in the first twelve months after the Tribunal or a court of law has handed down a final or enforceable decision in the case. If an application for revocation of a care order has not been upheld pursuant to the first paragraph, second sentence, new proceedings may only

be demanded if there is information indicating that significant changes have taken place in the child's situation.

Entry into force: 1 January 2023.

Section 5-8. Decision on deprivation of parental responsibility

The Child Welfare Tribunal may decide that a child's parents shall be deprived of parental responsibility if a care order has been issued for the child and special reasons indicate that it is necessary to deprive the parents of their parental responsibility in order to safeguard the child.

If the child is left without a guardian after the parents have been deprived of parental responsibility, the Child Welfare Service must inform the County Governor at the first opportunity that the child needs a new guardian.

Entry into force: 1 January 2023.

Section 5-9. Revocation of a decision on deprivation of parental responsibility

The Child Welfare Tribunal must revoke a decision to deprive a child's parents of parental responsibility if there are no longer any special reasons indicating that the decision is necessary to safeguard the child.

The parties to the case may not demand that the Tribunal consider a case for the revocation of decision of deprivation of parental responsibility in the first twelve months after the Tribunal or a court of law has handed down a final or enforceable decision in the case.

Entry into force: 1 January 2023.

Section 5-10. Decision on adoption

The Child Welfare Tribunal may decide that a child is to be adopted without the consent of the parents if the Tribunal has passed an administrative decision depriving the child's parents of parental responsibility and the following conditions are met:

- it must be regarded as probable that the parents will be permanently unable to provide the
- a. child with proper care or the child has become so attached to people and the environment where they are currently living that relocation may lead to serious problems for the child
- b. the prospective adopters have been the child's foster parents, have proven that they are fit to bring up the child as their own, and have cared for the child in a good way
- c. the conditions for granting adoption pursuant to [the Adoption Act](#) are met
- d. there are particularly compelling reasons indicating that adoption will be in the best interests of the child.

The Child Welfare Tribunal may also issue an administrative decision on adoption of a child whom the Child Welfare Service has taken into care when the parents consent to this, provided that the conditions in the first paragraph, (a) to (d), are met.

The Ministry will issue an adoption order once the Tribunal has decided that a child is to be adopted.

Entry into force: 1 January 2023.

Section 5-11. *Contact visits after adoption*

When the Child Welfare Tribunal decides that a child is to be adopted pursuant to [section 5-10](#), it must assess whether there should be contact visits between the child and the parents after the adoption has gone through if either party has requested it and the prospective adopters consent to such contact. The Tribunal must issue an administrative decision on contact visits if it is in the best interests of the child. The Tribunal must at the same time determine the extent of the contact.

The Child Welfare Service in the municipality that has instituted proceedings shall assist in the execution of the contact visits. If the Child Welfare Services in the municipalities concerned agree to this, responsibility for conducting the contact visits can be transferred to another municipality with which the child has a connection.

An administrative decision regarding contact visits may only be reviewed if special reasons indicate that this is necessary. Special reasons may include that the child opposes such contact or that the parents do not follow up the administrative decision on contact.

The Child Welfare Service may, on its own initiative, bring an administrative decision regarding contact visits before the Tribunal for review pursuant to the third paragraph. The adoptive parents and the child, if the latter has legal rights as a party to the case, may demand that the Child Welfare Service bring the matter before the Tribunal again.

The Tribunal's decision regarding contact visits pursuant to the first paragraph may be brought before the district court pursuant to the provisions in [section 14-25](#) by the municipality, the parents or the child, if the latter has legal rights as a party to the case. A new decision pursuant to the third paragraph may be brought before the district court by the municipality, the parents, the adoptive parents or the child, if the latter has legal rights as a party to the case.

Entry into force: 1 January 2023.

Chapter 6. Measures relating to behaviour etc.

Section 6-1. *Decision on a stay in a child welfare institution after consent*

A child who has exhibited serious behavioural problems may, on the same conditions as pursuant to [section 6-2](#), be granted a stay in an institution if the child and the people who have parental responsibility consent to this. If the child has reached the age of 15, the child's consent is sufficient. The child's consent must be in writing and must be given to the management of the institution no later than at the start of the stay. Before consent is given, the child must be informed that they can withdraw their consent with the limitations set out in the second paragraph.

The institution may stipulate that the child can be detained in the institution for up to three weeks from the time the child has moved in. If the stay in the institution is intended to provide treatment or training for at least three months, it may also be stipulated as a condition that the child can be detained for up to three weeks after the consent has been withdrawn.

If the child runs away, but is brought back to the institution within three weeks, the child can be detained for three weeks from the time the child was brought back to the institution.

The child may only be offered a place in an institution that has been approved by the Office for Children, Youth and Family Affairs (Bufetat) to accept children on the basis of an administrative decision pursuant to this provision.

Entry into force: 1 January 2023.

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 6-2. Decision on placement in a child welfare institution without consent

The Child Welfare Tribunal may decide that a child shall be placed in an institution without the consent of the child or the people who have parental responsibility for the child, if the child has exhibited serious behavioural problems in one or more of the following ways:

- a. by committing serious or repeated offences
- b. through persistent problematic use of intoxicants
- c. through some other form of distinctly normless behaviour.

The child can be placed in the institution for up to four weeks for observation, examination and short-term treatment. If a new administrative decision is issued, the placement period can be extended by up to another four weeks.

If the child needs more long-term treatment, the Tribunal may decide that the child should be placed in the institution for up to twelve months. The Child Welfare Service must reassess the decision no later than when the child has been in the institution for six months. In special cases, the Tribunal may decide that the stay shall be extended by up to twelve months. The duration of placement following an emergency order pursuant to [section 4-4](#) shall be included in the total placement period that applies to decisions pursuant to [section 6-2](#), first and second paragraphs.

The Tribunal may make decisions pursuant to the first and second paragraphs only if the institution is capable, in terms of expertise and material resources, of offering the child proper assistance. The institution must be approved by the Office for Children, Youth and Family Affairs (Bufetat) to accept children on the basis of a decision pursuant to this provision. The provision in [section 5-3](#), second paragraph, applies correspondingly.

Before an administrative decision is issued pursuant to this provision, an assessment must have been made as to whether the child's needs can be met by assistive measures pursuant to [chapter 3](#).

The Child Welfare Service may refrain from implementing the administrative decision if the circumstances so warrant. In this case, the Child Welfare Service must notify the Child Welfare Tribunal. The administrative decision will lapse if it is not implemented within six weeks.

Entry into force: 1 January 2023.

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 6-3. Placement in a special care foster home or an institution with homes

Decisions pursuant to [sections 6-1](#) and [6-2](#) may also apply to placement in special care foster homes. The foster home must be approved by the Office for Children, Youth and Family Affairs (Bufetat).

Decisions pursuant to [sections 6-1](#) and [6-2](#) may also apply to placement in institutions with homes (cf. [section 10-22](#)).

Entry into force: 1 January 2023.

Section 6-4. Decision regarding information for victims and bereaved families in connection with a serious crime

When the Child Welfare Tribunal makes an administrative decision pursuant to [section 6-2](#), the Tribunal must decide that the victim or the bereaved family shall be informed of the placement if the following conditions are met:

- a. the reason for the placement order is that the child has committed a serious offence
- b. the child had not reached the age of 15 when the offence was committed
- c. it is held to be important for the victim or the bereaved family to receive information about the placement.

No information shall be given about the placement if it might endanger the child's safety.

The Tribunal may also make an administrative decision as mentioned in the first paragraph in cases where the child had already been placed pursuant to [section 6-2](#) when the offence was committed.

Entry into force: 1 January 2023.

Section 6-5. Information for victims and bereaved families

If an administrative decision has been made regarding information for the victim or the bereaved family pursuant to [section 6-4](#), the institution must provide information about where the perpetrator has been placed and duration of the placement, the location of the institution and other necessary information about the stay at the institution.

The institution must inform the victim or the bereaved family who have received information pursuant to the first paragraph about the child's absence from the institution if the following conditions are met:

- a. it is likely that the child and the victim or their bereaved family will be able to meet each other
- b. it is held to be important for the victim or the bereaved family to receive the information.

The child's absence from the institution in connection with going to school, leisure activities, etc. is not considered absence pursuant to the second paragraph.

On the same conditions as pursuant to the second paragraph, information must be provided to the victim or the bereaved family when the stay in the institution ends.

Decisions pursuant to this provision are made by the head of the institution or their deputy. Information for the victim or the bereaved family should be provided at the first opportunity so that they can take it into account. Information must not be provided if it might endanger the child's safety.

Both the child and the people who have parental responsibility for the child can appeal a decision pursuant to this provision to the County Governor. The appeal must be submitted directly to the County Governor within one week. The institution must assist children who so wish in formulating and submitting an appeal. An appeal does not prevent the institution from providing information to the victim or the bereaved family. If the child or the people who have parental responsibility for the child request deferred implementation of the decision, absence cannot be carried out until the appeal has been processed.

The statutory duty of confidentiality does not prevent the institution from providing information to the victim or the bereaved family pursuant to this provision. Victims and the bereaved family may only use information they have received as far as necessary to safeguard their own interests. The institution must make them aware of this and that violation of the duty of confidentiality can be punished pursuant to [section 209 of the Penal Code](#).

The statutory duty of confidentiality does not prevent the institution, the Child Welfare Service, the police and the prosecuting authority from exchanging necessary information of relevance for notification pursuant to this provision.

Entry into force: 1 January 2023.

Section 6-6. Order for placement of a child in an institution when there is a risk of human trafficking

If the police's assessment and other information indicate that there is an imminent and serious risk that the child is or may become a victim of human trafficking (cf. [section 257 of the Penal Code](#)), the Child Welfare Tribunal can issue an order that the child shall be placed in an institution. An order of this kind can only be made if it is necessary to meet the child's immediate need for protection and care. Furthermore, the institution must be capable, in terms of expertise and material resources, of meeting the child's needs for protection and care. The provision in [section 5-3](#), second paragraph, applies correspondingly.

The order may stipulate that protective measures shall be implemented if necessary to prevent the child from coming into contact with people who may exploit the child for human trafficking. The protective measures may restrict the child's right to receive visits, communicate by post, telephone or other communication devices and move around freely outside the institution's premises. The protective measures may also include restrictions on who is allowed to know the child's whereabouts by placing the child at a secret address. The protective measures must not be more extensive than necessary. The protective measures may not impose restrictions that prevent the child from having contact with their appointed guardian, lawyer, the Child Welfare Service, supervisory authorities, health personnel, consular representatives, members of the clergy or other religious leaders, etc.

An order may be made for up to six weeks. The stay can be extended by up to six weeks at a time through new administrative decisions. The total length of a stay in an institution, including the duration of a stay following an emergency order, may not exceed six months.

The Child Welfare Service is responsible for the care of the child following a decision to place the child in an institution. The institution exercises the duty of care for the child on behalf of the Child Welfare Service.

The Child Welfare Service may refrain from implementing the decision if the circumstances so warrant and with the consent of the police. In this case, the Child Welfare Service must notify the Child Welfare Tribunal. The administrative decision will lapse if it is not implemented within six weeks from the date of the decision.

If there is reason to believe that a person is under the age of 18, administrative decisions may be made regarding the person pursuant to this provision until their age has been determined.

The Ministry may issue regulations concerning special protective measures when there is a risk of human trafficking.

Entry into force: 1 January 2023.

Chapter 7. Access and contact after a child has been taken into care

Section 7-1. Right to access and contact

Children and parents are entitled to access to and contact with each other, unless otherwise has been decided.

Entry into force: 1 January 2023.

Section 7-2. Decision regarding access to and contact with parents

When a care order has been issued for a child, the Child Welfare Tribunal must stipulate the access arrangements between the child and the parents. The Tribunal may set conditions for the access, including deciding that access visits must be supervised.

The Tribunal's decision regarding access arrangements must be based on a specific assessment of the individual case. Among other things, consideration must be given to the child's needs for protection, the child's development, and the child's and parents' ability to maintain and strengthen the bonds between them. The access arrangements must be in the best interests of the child.

Only when strong and special reasons so warrant can the Tribunal decide that access visits must be severely restricted or disallowed altogether. On the same conditions, the Tribunal may, by issuing an order concerning a secret address, also decide that the parents shall not have the right to know where the child is.

Under the same conditions as for access, the Tribunal may impose restrictions on other contact between a child and the parents.

Anyone who is prohibited from contact with a child pursuant to [section 57 of the Penal Code](#) or [section 222 a of the Criminal Procedure Act](#) may not have access to or contact with the child pursuant to this Act, unless this is specifically permitted in the prohibition.

Entry into force: 1 January 2023.

Section 7-3. Decision regarding access to and contact with people other than the parents

Others who have looked after the child prior to the child being taken into care may demand that the Child Welfare Tribunal decide whether they should be entitled to have access to the child, and how extensive this access should be.

Others with whom the child has a close connection may demand that the Child Welfare Tribunal decide whether they should be entitled to have access to the child, and how extensive this access should be, if one of the following conditions is met:

- a. one or both parents are dead
- b. it has been stipulated that the child and parents shall not have access or only very limited access.

Entry into force: 1 January 2023.

Section 7-4. Application for reassessment from the Child Welfare Tribunal

The private parties to the case may not demand that the Child Welfare Tribunal consider a case concerning access in the first 18 months after the Tribunal or a court of law has handed down a final or enforceable decision in the case. The private parties may nevertheless demand that the Tribunal consider such a case at an earlier stage if there is information about significant changes in the child's or the parties' situation that may have a bearing on the issue of access.

Entry into force: 1 January 2023.

Section 7-5. Access to and contact with siblings and other close relatives

The Child Welfare Service must ensure that the child, through access arrangements and contact, can maintain and strengthen bonds with their siblings and others who have an established family life and close personal ties to the child. The access arrangements must be in the best interests of the child.

Entry into force: 1 January 2023.

Section 7-6. The Child Welfare Service's plan for conducting access visits and contact

When the Child Welfare Tribunal has made a decision regarding access, the Child Welfare Service must, based on a specific assessment of the child's individual needs, prepare a plan for access to and contact with the child's parents, siblings and other close relatives (cf. [sections 7-2](#), [7-3](#) and [7-5](#)). The plan is not an individual administrative decision that can be appealed.

The Child Welfare Service may grant more access than the Tribunal has stipulated pursuant to [section 7-2](#) or [section 7-3](#), if this is not in conflict with the conditions in the Tribunal's decision. The Child Welfare Service must regularly investigate whether the circumstances have changed and assess whether there is a need to change the access arrangements.

Entry into force: 1 January 2023.

Chapter 8. Follow-up of children and parents

Section 8-1. Follow-up of children and parents after an administrative decision on assistive measures

After an administrative decision on assistive measures has been implemented, the Child Welfare Service must monitor how the child and the parents are doing. The Child Welfare Service must systematically and regularly assess whether the assistance is functioning as intended, whether there is a need for new measures, or whether there is a basis for taking the child into care. If the parents so wish, the Child Welfare Service shall, as part of the follow-up, coordinate the contact with other support agencies.

When the Child Welfare Service makes an administrative decision on assistive measures, it must prepare a plan for the measures to be implemented and for the follow-up of the child(ren) and parents. The plan must describe the objective of the assistive measures, what they consist of, and how long they are intended to last. The plan must be modified if the child's needs so warrant.

Entry into force: 1 January 2023.

Section 8-2. Follow-up of children and parents after an emergency order

After an emergency order has been implemented, the Child Welfare Service must monitor the child's development and whether they are receiving proper care. The Child Welfare Service must assess whether it is necessary to modify the measure, or whether it is necessary to implement additional measures for the child.

The Child Welfare Service must also follow up the parents after an emergency order has been implemented. The Child Welfare Service must monitor the parents' situation and development, and must contact the parents shortly after the emergency order has been issued and offer them guidance and follow-up. If the parents so wish, the Child Welfare Service shall, as part of the follow-up, coordinate the contact with other support agencies.

When an emergency order has been issued, the Child Welfare Service must prepare a plan for further investigations, the child's care situation and the follow-up of the child and the parents. The plan must be modified if the child's needs so warrant.

Entry into force: 1 January 2023.

Section 8-3. Follow-up of children and parents after a care order

The Child Welfare Service must follow up a child that has been taken into care. The Child Welfare Service must monitor the child's development and whether they are receiving proper care.

The Child Welfare Service must also follow up the parents after a child has been taken into care. The Child Welfare Service must monitor the parents' situation and development, and must contact the parents shortly after the child has been taken into care and offer them guidance and follow-up. If the parents so wish, the Child Welfare Service shall, as part of the follow-up, coordinate the contact with other support agencies.

Unless consideration for the child warrants otherwise, the Child Welfare Service must take steps to help the parents regain responsibility for the care of the child (cf. [section 5-7](#)). The Child Welfare Service must systematically and regularly assess whether it is necessary to modify the measure, or whether the care order can be revoked.

As soon as possible after the Child Welfare Tribunal has issued a care order, the Child Welfare Service must prepare a plan for the child's care situation and the follow-up of the child and the parents. The plan must, among other things, describe the child's needs and any follow-up that might help the parents regain responsibility for the care of the child. The plan must be modified if the child's needs so warrant.

Entry into force: 1 January 2023.

Section 8-4. Follow-up of children and parents following decisions pursuant to sections 6-1 and 6-2 on stays in a child welfare institution

After an administrative decision has been made regarding a stay in a child welfare institution pursuant to [section 6-1](#) or placement in a child welfare institution pursuant to [section 6-2](#), the Child Welfare Service must monitor the child's development and whether they are receiving proper care and treatment. The Child Welfare Service must systematically and regularly assess whether it is necessary to modify the measure, or whether it is necessary to implement additional measures for the child.

Shortly after the decision has been made, the Child Welfare Service must contact the parents and offer them guidance and follow-up. If the parents so wish, the Child Welfare Service shall, as part of the follow-up, coordinate the contact with other support agencies.

In cases concerning a voluntary stay in an institution pursuant to [section 6-1](#), the Child Welfare Service must prepare a plan for the stay and the follow-up of the child. If possible, the plan must be available before the child is placed in the institution. The plan must be modified if the child's needs so warrant. The child and parents who have parental responsibility must consent to the plan and to any changes to the plan. If the child has reached the age of 15, it is sufficient that the child consents.

In cases concerning placement in an institution without consent pursuant to [section 6-2](#), the Child Welfare Service must prepare a draft plan for the stay and the follow-up of the child that must be available when the Child Welfare Tribunal considers the case. As soon as possible after the Tribunal has made a decision in the case, the Child Welfare Service must finalise the plan. The plan must be modified if the child's needs so warrant.

If requested by the Child Welfare Service, the Office for Children, Youth and Family Affairs (Bufetat) shall assist in the preparation of the plan.

Entry into force: 1 January 2023.

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 8-5. Follow-up after an administrative decision on assistive measures for young people over the age of 18

The Child Welfare Service must monitor how a young person who has received assistance after they have reached the age of 18 is doing. The Child Welfare Service must systematically and regularly assess whether the assistance is functioning as intended, whether there is a need for new measures, or whether the measures should be discontinued. If the young person so wishes, the Child Welfare Service shall, as part of the follow-up, coordinate the contact with other support agencies.

The Child Welfare Service must prepare a plan for the measures to be implemented and for the follow-up of the young person who has received assistance after they have reached the age of 18. The plan must describe the objective of the assistive measures, the content of the measures, and how long the measures are intended to last. The plan must be modified if the young person's needs so warrant.

Entry into force: 1 January 2023.

Section 8-6. Follow-up after an administrative decision on a stay in an institution when there is a risk of human trafficking

The Child Welfare Service must follow up the measure and, in cooperation with the police, assess whether the measure is still necessary to protect the child, or whether it can be lifted. The same applies to relocation of the child pursuant to [section 5-5](#).

Entry into force: 1 January 2023.

Chapter 9. Foster homes

Section 9-1. *Definition of foster home*

A foster home is a private home that provides care for children on the basis of an administrative decision pursuant to this Act.

Entry into force: 1 January 2023.

Section 9-2. *Children's rights during a stay in a foster home*

The child must receive proper care in the foster home and must be treated with consideration and respect for their integrity. The child must be able to decide personal matters to the greatest degree possible in view of the purpose of the placement and the foster parents' responsibility to provide the child with proper care. The child's age and maturity must be taken into due account.

Entry into force: 1 January 2023.

Section 9-3. *Requirements for foster parents*

Foster parents must have a special aptitude as well as the time and energy to give children a secure and good home.

Foster parents must take care of the child in accordance with the conditions laid down in the decision from the Child Welfare Service or the Child Welfare Tribunal.

Entry into force: 1 January 2023.

Section 9-4. *Foster homes in the child's family and close network*

The Child Welfare Service must consider whether a member of the child's family or close network can be chosen as a foster home. When assessing this, the Child Welfare Service must use tools and methods for network involvement, where appropriate.

Entry into force: 1 January 2023.

Section 9-5. *Selection and approval of foster homes*

The Child Welfare Service in the municipality of care is responsible for choosing a foster home that is suitable to meet the individual child's needs, and must approve the foster home. "Municipality of care" means the municipality that is responsible for the child pursuant to [section 15-4](#) or [section 15-5](#).

If the foster home is located in a municipality other than the municipality of care, the child welfare services in the two municipalities may enter into an agreement that it is the Child Welfare Service in the municipality where the foster home is located that shall approve the foster home.

Entry into force: 1 January 2023.

Section 9-6. Follow-up of children in foster homes and follow-up of the foster family

The Child Welfare Service in the municipality of care is responsible for following up the child in the foster home (cf. [chapter 8](#)).

The Child Welfare Service in the municipality of care is responsible for following up the foster family for as long as the child is in the foster home. The Office for Children, Youth and Family Affairs (Bufetat) is responsible for following up foster homes offered by the Office (cf. [section 16-3](#), second paragraph (a) and (c)).

Entry into force: 1 January 2023.

Section 9-7. Foster home agreement

The Child Welfare Service in the municipality of care and the foster parents must enter into a written agreement specifying the obligations of the Child Welfare Service and the foster parents.

Entry into force: 1 January 2023.

Section 9-8. Foster parents' right to express their opinion and right to appeal

Foster parents have the right to express an opinion before a decision is made regarding relocation of a child pursuant to [section 5-5](#) and before a care order is revoked pursuant to [section 5-7](#).

The Child Welfare Tribunal may give foster parents the right to appeal against decisions concerning relocation of a child pursuant [to section 5-5](#).

Entry into force: 1 January 2023.

Section 9-9. Mediation of foster homes

It is prohibited for private individuals to act as a mediator in the placement of children outside the home. Organisations are prohibited from mediating foster homes without a licence from the Ministry. The Ministry oversees the mediation activities of organisations that are granted a licence.

Anyone who violates the prohibition in the first paragraph is punishable by a fine or imprisonment for up to three months. Attempts are punished in the same way as completed violations.

Entry into force: 1 January 2023.

Section 9-10. Supervision of children in foster homes

The municipality in which the foster home is located is responsible for overseeing the child's situation in the foster home. The municipality has a duty to oversee each child in the foster

home from the time of placement until the child reaches the age of 18. The purpose of the supervision is to check that the child is receiving proper care in the foster home and that the conditions for the placement are being followed up. The municipality must ensure that people who are to perform the supervision receive the necessary training and guidance.

Entry into force: 1 January 2023.

Section 9-11. *Regulations relating to foster homes*

The Ministry may issue regulations concerning requirements to be imposed on foster homes, the supervision of children in foster homes, the rights and obligations of foster homes, and the Child Welfare Service's duty to follow up the child and the foster home.

Entry into force: 1 January 2023.

Chapter 10. Child welfare institutions etc.

Section 10-1. *The child welfare institution's responsibility for proper care and treatment*

The child welfare institution must provide children staying in the institution with proper care and treatment. The institution must treat children with consideration and respect for their personal integrity, and must safeguard the individual's legal rights.

The Ministry may issue regulations concerning the specific content of the institution's responsibilities to the individual child.

Entry into force: 1 January 2023.

Section 10-2. *Children's rights in child welfare institutions*

Children have the right to participate in all matters concerning them during their stay in a child welfare institution (cf. [section 1-4](#)). The child must receive sufficient and suitable information and has the right to express their opinions freely. The child must be listened to, and due weight must be given to the child's opinions in line with the child's age and maturity. The institution must ensure that the child's right to participation is safeguarded in connection with planning daily life in the institution and in other matters that concern the child.

Children must be able to decide on personal matters, move freely within and outside the institution's premises, communicate freely with others, including the use of electronic means of communication, and receive visits.

The institution may nevertheless restrict the child's rights pursuant to the second paragraph when this is necessary to provide the child with proper care in line with the child's age and maturity. The institution may also restrict the child's rights if this is necessary to ensure the safety and well-being of everyone at the institution.

The institution may not monitor the child's correspondence. The child is entitled to have contact with their appointed guardian, lawyer, the Child Welfare Service, supervisory

authorities, health personnel, consular representatives, members of the clergy or other religious leaders, etc.

The Ministry may issue regulations concerning the specific content of children's rights and concerning the implementation of restrictions pursuant to the third paragraph.

Entry into force: 1 January 2023.

Section 10-3. Use of mild forms of physical force based on the responsibility for the care of a child and safety and well-being

If it is clearly necessary in order to be able to provide the child with proper care, the institution may employ mild forms of physical force such as restraining the child briefly or leading the child by the hand. These kinds of measures may also be used if this is clearly necessary to ensure the safety and well-being of everyone at the institution.

The Ministry may issue regulations concerning the implementation of mild forms of physical force pursuant to this provision.

Entry into force: 1 January 2023.

Section 10-4. Prevention of use of coercion and other interference with personal integrity

The institution must work systematically to prevent the use of coercion and other interference with the personal integrity of a child.

The institution shall review its use of coercion and other interventions together with the child as soon as possible after discontinuation of the intervention.

The Ministry may issue regulations concerning more detailed rules on the systematic prevention of use of coercion and other interventions.

Entry into force: 1 January 2023.

Section 10-5. Prohibition against use of physical and mental coercion and force

It is not permitted to forcibly medicate, isolate, use mechanical means of coercion or other mental or physical coercion or force to punish children or to provide care or treatment to the child. Certain forms of physical coercion and force may nevertheless be used pursuant to [sections 10-3](#) and [10-7](#).

Entry into force: 1 January 2023.

Section 10-6. General conditions for use of coercion and other interference with the personal integrity of children

Children shall not be subjected to the use of coercion or other interference with their personal integrity unless an overall assessment indicates that this is necessary in the situation in hand.

Other less intrusive measures must have been tried or deemed inadequate. The measure must be suitable for achieving the purpose and be in reasonable proportion to the interests it is intended to safeguard.

The measure must be implemented with as little intrusion as possible and must not be continued for longer than is necessary.

Entry into force: 1 January 2023.

Section 10-7. Use of coercion in situations of acute danger

In the event of acute risk of harm to the life or health of the child or other people, or in the event of risk of material damage to property, the institution may, if strictly necessary, use coercion to prevent harm pursuant to [sections 17](#) and [18 of the Penal Code](#). The measures shall cease as soon as the harm or risk has been averted.

If it is strictly necessary to isolate the child (cf. the first paragraph), at least one member of staff must be present in the room or in a neighbouring room with an unlocked door. Isolation of a child is only allowed in rooms with a window and an area of at least 8m². Isolation can only be decided by the head of the institution or a person authorised by the head of the institution.

The Ministry may issue regulations concerning the use of coercion in situations of acute danger.

Entry into force: 1 January 2023.

Section 10-8. Body searches and searches of a child's room, belongings, letters and packages

In the event of justified suspicion that the child is in possession of stolen goods, dangerous objects, intoxicants or other harmful medicines and related user paraphernalia, the child may be subjected to a body search or the child's room and belongings may be searched. Under the same conditions, checks can be carried out of letters and parcels arriving at the institution. Measures pursuant to the first and second sentences may only be implemented if this is necessary to provide the child with proper care and treatment or to ensure the safety and well-being of everyone in the institution.

Body searches must only include the exterior surfaces of the body, the mouth, and searching through clothing.

Only the head of the institution or a person authorised by the head of the institution may decide that measures pursuant to the first paragraph shall be implemented.

The Ministry may issue regulations concerning the conduct of body searches and searches of belongings etc. pursuant to this provision.

Entry into force: 1 January 2023.

Section 10-9. *Extended power to impose restrictions on the freedom of movement etc. of children in child welfare institutions*

When a child is in a child welfare institution pursuant to [section 4-4](#), [6-1](#) or [6-2](#) and this is necessary in view of the purpose of the stay, the institution may

- a. restrict the child's right to move freely within and outside the institution's premises, including refusing to allow the child to leave the institution's premises
- b. lock the door of the institution for the child or require the child to be accompanied by a member of the institution's staff outside the institution in order to execute measures pursuant to (a)
- c. restrict the child's right to receive visits, including denying the child visits
- d. restrict the child's right to use electronic means of communication, including denying use
- e. confiscate electronic means of communication if the child does not comply with the institution's decision to deny use pursuant to (d).

Decisions to restrict the child's freedom of movement and visits pursuant to the first paragraph may be made for up to 14 days at a time. Decisions to restrict or confiscate an electronic means of communication may be made for up to four weeks from the child's arrival at the institution, and thereafter for a maximum of 14 days at a time. The institution must continuously assess whether the decision is to be upheld.

The Ministry may issue regulations concerning the implementation of decisions pursuant to this provision.

Entry into force: 1 January 2023.

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 10-10. *Intoxicant testing*

Children may consent to samples of biological material being taken during their stay to determine whether intoxicants have been used when this is necessary to provide the child with proper care and treatment. Children who have been ordered to stay in a child welfare institution (cf. [sections 6-1](#), [6-2](#) and [4-4](#)) may also consent to such intoxicant testing on admission to the institution.

For children under the age of 15, the persons who have parental responsibility for the child must also consent or the Child Welfare Service if it has taken over the care of the child. For children under the age of 15 in care centres for unaccompanied asylum-seeking minors, the Office for Children, Youth and Family Affairs (Bufetat) must consent in addition to the child.

When the Child Welfare Tribunal has issued a decision on intoxicant testing of a child who is in an institution pursuant to [section 6-2](#), the institution may require that samples of biological material be taken.

The Ministry may issue regulations concerning the implementation of intoxicant testing.

Entry into force: 1 January 2023.

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 10-11. *Confiscation of dangerous objects etc.*

If the institution finds stolen goods, dangerous objects, intoxicants, harmful medicines and related user paraphernalia, it must confiscate these items. Illegal objects, intoxicants or medicines must be handed over to the police, and stolen goods must be handed over to the police or returned to the owner. Other items can be destroyed, put in storage or handed over to the police.

The Ministry may issue regulations concerning the conduct of confiscation and handling of objects, including handover to the police.

Entry into force: 1 January 2023.

Section 10-12. *Return after escape*

If the child leaves the institution without permission or fails to return to the institution after an absence, the institution shall try to bring the child back to the institution voluntarily. The return shall, if possible, take place in collaboration with the parents and the Child Welfare Service.

If the decision regarding a stay in an institution so allows pursuant to [sections 4-2, 4-4, 4-5, 5-1, 6-2](#) and [6-6](#), the head of the Child Welfare Service can, if necessary, request the assistance of the police to bring the child back to the institution against their will (cf. [section 12-10](#)).

The Ministry may issue regulations concerning notifying the Child Welfare Service and the police, and concerning cooperation with other agencies in the event of a child running away from an institution and their return.

Entry into force: 1 January 2023.

Section 10-13. *Protective measures for children who are a victim of or at risk of human trafficking*

When a decision has been made pursuant to [section 6-6](#), the institution shall implement the protective measures established by the Child Welfare Tribunal pursuant to [section 6-6](#), second paragraph, to prevent the child from coming into contact with people who may exploit the child for human trafficking.

Entry into force: 1 January 2023.

Section 10-14. *Case processing and complaints*

Decisions concerning the use of coercion or interference with the child's personal integrity pursuant to [section 10-7](#), [10-8](#), [10-9](#) or [10-11](#) are individual administrative decisions. In

addition, the decisions must be placed on record, sent to the Child Welfare Service and presented to the County Governor.

Decisions concerning intoxicant testing pursuant to [section 10-10](#) must be placed on record, and an explanation of the grounds for the decision must be provided. The records must be sent to the Child Welfare Service and presented to the County Governor. Return of a child pursuant to [section 10-12](#), first paragraph, must be documented. Return against the child's will pursuant to [section 10-12](#), second paragraph, must also be placed on record, and an explanation of the grounds for the decision must be provided. The records must be sent to the Child Welfare Service and presented to the County Governor.

The child and the parents may complain directly to the County Governor about individual administrative decisions and violations of provisions in chapter 10 concerning rights and the use of coercion in institutions. The County Governor must also consider other oral and written inquiries from the child and the parents about other matters relating to the stay at the institution.

Complaints are dealt with in accordance with the rules laid down in the [Public Administration Act](#), and the County Governor may review all aspects of the case. The institution must inform the child and the parents about their right to complain. If the child so wishes, the institution must assist in formulating and submitting a complaint.

The Ministry may issue regulations concerning the processing of cases and complaints in connection with a stay in an institution.

Entry into force: 1 January 2023.

Section 10-15. *General requirements for child welfare institutions*

All child welfare institutions must be approved by the Office for Children, Youth and Family Affairs (Bufetat).

Each institution must have a defined target group and a formulated objective for its professional activities. Institutions must use methods that are professionally and ethically sound and adapted to the institution's target groups and the objectives for the institution's activities.

Each institution must have a written plan for its activities. Institutions must perform internal control activities to ensure sound operation.

The Ministry may issue regulations concerning internal control and more detailed requirements relating to quality, staffing and competencies in the institutions.

Entry into force: 1 January 2023.

Section 10-16. *Requirements regarding staffing and competence in child welfare institutions*

Child welfare institutions must at all times have adequate staffing and appropriate expertise. Institutions must have a staffing plan that ensures professionally sound operation. Institutions

must have employees with a sufficient level and breadth of expertise in light of the institution's target group and objectives.

Institutions must have working hours arrangements that ensure continuity and stability for the children. Specialised staff employed at an institution must as a minimum have a relevant bachelor's degree. In special cases, the Office for Children, Youth and Family Affairs (Bufetat) may grant exemptions from this requirement.

Institutions must have a manager and a deputy for the manager. From 1 January 2031, the manager and their deputy must have a master's degree in a child welfare discipline or some other relevant education at an equivalent level. The requirement relating to qualifications will be regarded as met for managers and their deputies who have a relevant bachelor's degree and who by 1 January 2031 have successfully completed relevant further education worth at least 30 ECTS credits.

The institution must ensure that its employees receive the necessary professional guidance and training.

Entry into force: 1 January 2023.

Section 10-17. *Approval of child welfare institutions*

The regional Office for Children, Youth and Family Affairs (Bufetat) must approve child welfare institutions.

A child welfare institution can only be approved if it is operated in accordance with this Act and appurtenant regulations and is operated properly in all other respects. The approval applies to specific target groups.

Child welfare institutions may comprise several different departments. If a department of an institution performs independent professional and administrative tasks, it must be approved separately.

If an institution no longer meets the conditions for approval, a formal decision must be made regarding loss of approval.

Decisions regarding approval can be appealed to the central level of the Office for Children, Youth and Family Affairs (Bufetat).

The Ministry may issue regulations concerning the approval scheme, accounting and the public authorities' access to the accounts.

Entry into force: 1 January 2023.

Section 10-18. *Assessment during a stay at a child welfare institution*

The child welfare institution may assess the child's needs during their stay. The purpose of the assessment must be to adapt the stay to the individual child.

Entry into force: 1 January 2023.

Section 10-19. The Child Welfare Service's duty to follow up children in child welfare institutions

The Child Welfare Service in the municipality of care must follow up the child at the child welfare institution (cf. [chapter 8](#)). The Ministry may issue regulations concerning the Child Welfare Service's duty to follow up the child.

Entry into force: 1 January 2023.

Section 10-20. Rights and obligations during a stay at a centre for parents and children

Centres for parents and children offering round-the-clock services must ensure that families receive professionally sound service. Centres must treat the families with consideration and such that the integrity of the individual is maintained.

The right of parents and children to private and family life and the parents' right to make decisions for the child shall be respected during the stay to the extent that this is compatible with the purpose of the stay and the centre's responsibility for the safety and well-being of everyone at the centre.

The Ministry may issue regulations concerning the rights and obligations of children and parents during stays in centres for parents and children.

Entry into force: 1 January 2023.

Section 10-21. Approval of and requirements relating to quality, staffing and competence at centres for parents and children

Centres for parents and children offering round-the-clock services must be quality assured and approved by the Office for Children, Youth and Family Affairs (Bufetat) pursuant to [sections 10-15](#) and [10-17](#).

Centres must at all times have adequate staffing and appropriate expertise. Centres must have a staffing plan that ensures professionally sound operation. Centres must have employed staff with appropriate expertise in light of the centre's target group and objectives.

Centres must have a manager and a deputy for the manager. The manager or their deputy must as a minimum have a three-year university college education in social studies or some other relevant education at an equivalent level, as well as additional education in administration and management.

The rules in [section 15-6](#) apply to staff at the centre who are to assist the Child Welfare Service with an assessment of the child's care situation.

The Ministry may issue regulations concerning internal control, requirements relating to quality, staffing, competence, approval, accounting and public authorities' access to the accounts at centres for parents and children.

Entry into force: 1 January 2023.

Section 10-22. *Institutions with homes*

Child welfare institutions that are to accept children pursuant to [section 6-1](#) or [section 6-2](#) may include institutions with homes.

The homes must be specially equipped to receive children with severe behavioural difficulties and must be linked to a follow-up unit.

The follow-up unit is responsible for the follow-up of the homes, including responsibility for training, treatment and guidance.

The Ministry may issue regulations concerning institutions with homes.

Entry into force: 1 January 2023.

Chapter 11. Care centres for unaccompanied asylum-seeking minors

Section 11-1. *Staying at a care centre for unaccompanied asylum-seeking minors*

The Office for Children, Youth and Family Affairs (Bufetat) must offer children who have come to Norway and apply for protection pursuant to the [Immigration Act](#), and who are not accompanied by their parents or others with parental responsibility, to stay at a care centre for unaccompanied asylum-seeking minors.

The offer shall apply from the time the child is transferred from the immigration authorities to the Office for Children, Youth and Family Affairs (Bufetat) until the child becomes resident in a municipality or leaves Norway.

Offers pursuant to the first and second paragraphs apply to children who are under the age of 15 when they apply for protection. For children over the age of 15, this provision applies from the time the King decides.

This provision also applies to children under the age of 15 who have refugee status or have been granted temporary collective protection.

If, as a result of the arrival in Norway of a high number of displaced persons from Ukraine, it is necessary for reasons of capacity and to meet the needs of the individual child, the offer pursuant to the first paragraph may also be a stay in family-based accommodation. This accommodation must meet the requirements set for foster parents pursuant to [section 9-3](#) and appurtenant regulations. When a child is staying in family-based accommodation, the Office for Children, Youth and Family Affairs (Bufetat) has the responsibility for the care of the child and the responsibility for assessment pursuant to [section 11-4](#). The accommodation exercises the duty of care for the child on behalf of the Office for Children, Youth and Family Affairs (Bufetat).

The Office for Children, Youth and Family Affairs (Bufetat) is responsible for the approval, training and follow-up of family-based accommodation and for the follow-up of the child. The responsibility for follow-up corresponds to the follow-up obligation pursuant to [section 9-6](#) and appurtenant regulations and the obligation to make follow-up decisions pursuant to [section 11-3](#). The Office for Children, Youth and Family Affairs (Bufetat) is also responsible for expenses associated with family-based accommodation.

Entry into force: 1 January 2023.

Amended by Act [no. 35 of 10 June 2022](#) (entry into force 15 June 2022) pursuant to [decree no. 994 of 10 June 2022](#)). Amended by Act [no. 35 of 10 June 2022](#) (entry into force 1 July 2023).

Section 11-2. Responsibility for the care of the child

When a child is staying in a care centre, the Office for Children, Youth and Family Affairs (Bufetat) has the responsibility for the care of the child. The care centre exercises the duty of care on behalf of the Office for Children, Youth and Family Affairs (Bufetat).

The care centre must provide the child with proper care and help ensure that the child receives the necessary follow-up and treatment.

Entry into force: 1 January 2023.

Section 11-3. Assessment and follow-up of the child

The care centre must assess the child's situation and needs and prepare a proposal for follow-up of the child while they are in the centre. The proposal must be submitted to the Office for Children, Youth and Family Affairs (Bufetat) no later than three weeks after the child has arrived at the centre. No later than six weeks after the child has arrived at the centre, the Office for Children, Youth and Family Affairs (Bufetat) must make a decision on how the child should be followed up in the centre.

The care centre and the Office for Children, Youth and Family Affairs (Bufetat) must closely monitor the child's development. If there is a significant change in the child's need for follow-up, a new follow-up decision must be made, if necessary.

If, as a result of the arrival in Norway of a high number of displaced persons from Ukraine, it is necessary for the Office for Children, Youth and Family Affairs (Bufetat) or the care centre to be able to perform and prioritise its tasks in an appropriate and proper manner, the time limits stipulated in the first paragraph, may be extended. The time limit for the care centre to submit a proposal for a follow-up decision can be extended to five weeks after the child's arrival at the centre. The time limit for the Office for Children, Youth and Family Affairs (Bufetat) to make a decision can be extended to ten weeks after the child's arrival at the centre. The Office for Children, Youth and Family Affairs (Bufetat) must inform the County Governor if this right to make an exception is used. An explanation of the grounds for the decision must be provided and the decision must be documented.

Entry into force: 1 January 2023.

Amended by Act [no. 35 of 10 June 2022](#) (entry into force 15 June 2022) pursuant to [decree no. 994 of 10 June 2022](#)). Amended by Act [no. 35 of 10 June 2022](#) (entry into force 1 July 2023).

Section 11-4. *Assessment as a basis for settlement*

The care centre must assess the child's situation and needs. The assessment will form the basis for subsequent settlement in a municipality. The assessment can be sent to the relevant authorities without the child's consent.

Entry into force: 1 January 2023.

Section 11-5. *Children's rights and requirements for care centres*

[Sections 10-1](#) to [10-8](#), [sections 10-10](#) to [10-12](#) and [section 10-14](#) of the Act apply correspondingly to care centres. The same applies to [sections 10-15](#) to [10-17](#).

Entry into force: 1 January 2023.

Section 11-6. *Responsibility for establishment, operation and expenses of stays*

The Office for Children, Youth and Family Affairs (Bufetat) is responsible for establishing and running care centres for unaccompanied asylum-seeking minors.

The Office for Children, Youth and Family Affairs (Bufetat) covers the costs of stays in a care centre pursuant to [section 11-1](#).

Entry into force: 1 January 2023.

Section 11-7. *Decision on placement in a care centre*

If a child is staying in a care centre as a result of an administrative decision pursuant to [section 3-2](#), [section 4-2](#) or [section 5-1](#), [section 16-5](#) applies to the distribution of expenses in the same way as for a stay in an institution.

Entry into force: 1 January 2023.

Section 11-8. *Accommodation for unaccompanied refugee minors and asylum-seeking minors*

In connection with the settlement of unaccompanied minors who have applied for protection or who have been granted residence in Norway on the basis of an application for protection, the municipality must assess the individual's needs and offer suitable accommodation based on this assessment.

Entry into force: 1 January 2023.

Chapter 12. Case processing rules

Section 12-1. *Application of the Public Administration Act*

The [Public Administration Act](#) applies with the special rules laid down in or pursuant to this Act. This also applies to client cases in private institutions, private centres for parents and children, and private care centres for unaccompanied asylum-seeking minors approved pursuant to [sections 10-17](#), [10-21](#) and [11-5](#).

The Ministry may issue regulations stipulating that the [Public Administration Act](#) shall apply to decisions made while the child is in an institution or while the child and parents are staying in a centre for parents and children.

Entry into force: 1 January 2023.

Section 12-2. *The parents' rights as a party to the case and the Child Welfare Service's obligation to provide information about decisions*

The Child Welfare Service must always assess whether the parents are a party to the case (cf. [section 2 \(e\) of the Public Administration Act](#)). This also applies when the parents do not live together.

The Child Welfare Service must inform parents who have parental responsibility about all decisions that are made. The statutory duty of confidentiality does not prevent the Child Welfare Service from providing such information. The Child Welfare Service may refrain from informing parents who have parental responsibility about a decision if this might expose the child or other people to danger or harm. Information about decisions may also be withheld in cases where the parent is not available.

Entry into force: 1 January 2023.

Section 12-3. *A child's rights as a party to the case*

A child who has reached the age of 15 is a party to the case. In cases involving measures for children with behavioural problems or measures for children who are victims of human trafficking, the child is always a party to the case. In order to assert their rights as a party to the case, the child must understand what the case is about.

The Child Welfare Tribunal may grant a child under the age of 15 legal rights as a party to the case if warranted by the child's interests.

Entry into force: 1 January 2023.

Section 12-4. *The Child Welfare Service's duty to keep records*

The Child Welfare Service must keep a record for each child. The record must contain all significant factual information and assessments relating to child welfare on which the Child Welfare Service bases its case processing and which may have an impact on the decisions and orders made.

The Ministry may issue regulations concerning more detailed requirements relating to the duty to keep records and the content of records.

Entry into force: 1 January 2023.

Section 12-5. Requirements for explanation of the grounds for decisions

All decisions made by the Child Welfare Service must state which factual information and child welfare professional assessments have been used as a basis for the decision. The decision must state the child's opinion and how much weight has been given to the child's opinion. The decision must also specify how the best interests of the child and respect for family ties have been assessed.

Entry into force: 1 January 2023.

Section 12-6. The parties' right to access documents and exemption from access to protect the child

The parties have the right to acquaint themselves with the documents in the case pursuant to the provisions of [sections 18 to 19 of the Public Administration Act](#). The parties have the right to be provided with information (cf. [section 17 of the Public Administration Act](#)).

The parties may be denied access to documents in the case if access might expose the child or other people to danger or harm. Information that has been withheld must, upon request, be made known to a representative of the party unless there are special reasons for not doing so.

The parties may also be denied access to case documents if access might prevent the Child Welfare Service from carrying out an investigation pursuant to [section 2-2](#). The restrictions on access only apply for the duration of the investigation.

Entry into force: 1 January 2023.

Section 12-7. Use of experts

The Child Welfare Service may engage experts to prepare an expert report in the case. All expert reports must be submitted to the Child Welfare Experts Commission for assessment. Reports must be reviewed by the Commission before they can be used as a basis for administrative decisions on measures pursuant to this Act. However, this does not apply to decisions regarding emergency measures pursuant to [chapter 4](#). Expert reports must also be assessed by the Commission before they are used as a basis for a decision by the Child Welfare Service to dismiss a case after an investigation (cf. [section 2-5](#)).

The Ministry may issue regulations specifying requirements regarding experts' mandates, reports and declarations.

Entry into force: 1 January 2023.

Section 12-8. Child Welfare Experts Commission

The Child Welfare Experts Commission shall assess the quality of the experts' reports in child welfare cases.

The Commission shall assess expert reports submitted to the Child Welfare Service, the Child Welfare Tribunal or a court of law. The Commission shall also assess reports from experts engaged by private parties. The Commission must inform the client and the expert of its assessment.

The members of the Commission are appointed by the King.

The Ministry may issue regulations concerning the Commission's tasks, organisation and case processing.

Entry into force: 1 January 2023.

Section 12-9. Appeal to the County Governor about administrative decisions made by the Child Welfare Service and the Office for Children, Youth and Family Affairs (Bufetat)

Administrative decisions made by the Child Welfare Service can be appealed to the County Governor. The same applies to administrative decisions on follow-up made by the Office for Children, Youth and Family Affairs (Bufetat) pursuant to [section 11-3](#). A decision regarding an individual plan pursuant to [section 15-10](#) can also be appealed to the County Governor.

The County Governor can review all aspects of the decision. When processing appeals against decisions made by the Child Welfare Service, the County Governor must give weight to the consideration of municipal autonomy when testing discretionary powers. If a decision in favour of the appellant cannot be implemented immediately, the County Governor may decide that temporary measures shall be implemented to meet the immediate need.

The first paragraph does not apply to cases that can be appealed to the Child Welfare Tribunal pursuant to [chapter 14](#).

Entry into force: 1 January 2023.

Section 12-10. Police assistance to carry out investigations and enforce administrative decisions

When necessary, the head of the Child Welfare Service can request the assistance of the police in connection with carrying out investigations pursuant to [section 2-2](#) and enforcement of orders and decisions pursuant to [sections 3-7](#), [3-8](#), [4-2](#), [4-3](#), [4-4](#), [4-5](#), [5-1](#), [5-5](#), [6-2](#) and [6-6](#).

Entry into force: 1 January 2023.

Section 12-11. Requirement for a police certificate of conduct

People who are to be employed in the Child Welfare Service or perform tasks on its behalf (cf. [section 15-3](#)) must provide a police certificate of conduct as mentioned in [section 39, first paragraph, of the Police Registers Act](#). The same applies to support contacts and others who

perform tasks for the Child Welfare Service as part of assistive measures pursuant to [chapter 3](#). Persons of trust pursuant to [section 1-4](#) and people who are going to monitor children in foster homes pursuant to [section 9-10](#) must also provide a police certificate of conduct.

People who are to be employed in or perform tasks on behalf of a child welfare institution pursuant to [chapter 10](#), a centre for parents and children pursuant to [chapter 10](#) or a care centre pursuant to [chapter 11](#) must provide a police certificate of conduct as referred to in [section 39, first paragraph, of the Police Registers Act](#). The same applies to people who perform other tasks for an institution, centre for parents and children or care centre and who have direct contact with children and young people or parents staying there.

Anyone who is to be employed in or perform tasks on behalf of the Office for Children, Youth and Family Affairs (Bufetat) and who is not covered by the second paragraph must provide a police certificate of conduct pursuant to [section 39, first paragraph, of the Police Registers Act](#). This only applies to people who are going to perform tasks that entail that they may have direct contact with children.

People who are to be appointed as a spokesperson pursuant to [section 14-13](#) must provide a police certificate of conduct as mentioned in [section 39, first paragraph, of the Police Registers Act](#). The same applies to people who are going to monitor children in child welfare institutions, centres for parents and children or care centres pursuant to [section 17-3](#) second paragraph.

People who are to be approved as foster parents (cf. [section 9-5](#)) must provide an exhaustive and extended police certificate of conduct in accordance with [section 41 of the Police Registers Act](#). The same applies to people who receive children in respite homes. A limited police certificate of conduct pursuant to [section 39, first paragraph, of the Police Registers Act](#) may also be required from others living in the foster home or respite home. The obligation to provide a police certificate of conduct in accordance with the first sentence also applies to anyone who is going to receive unaccompanied minors in family-based accommodation as mentioned in [section 11-1](#), fifth paragraph.

Anyone who is to be appointed as chair of the Child Welfare Tribunal must submit an exhaustive police certificate of conduct as mentioned in [section 41, first paragraph, of the Police Registers Act](#).

Anyone with a remark in their police certificate of conduct linked to the following sections from [Act no. 10 of 22 May 1902 – the General Civil Penal Code: sections 162, 192, 193, 194, 195, 196, 197, 199, 200](#), second paragraph, [201](#), first paragraph (c), [201 a](#), [203](#), [204 a](#), [219](#), [224](#), [229](#), second and third penalty alternatives, [231](#), [233](#) and [268](#) (cf. [267](#)) or the following sections of the [Penal Code: sections 231, 232, 257, 258, 274, 275, 282, 283, 291, 293, 294, 295, 296, 299, 301, 302, 303, 304, 305, 306, 309, 310, 311, 312, 314, 327](#) or [328](#) must not be allowed to engage in work relating to minors. Anyone with a remark in their police certificate of conduct linked to other penal provisions must not be approved as a foster parent or be allowed to accept children in a respite home if the remark may create doubt about their suitability for the role.

New or updated information may be obtained after a police certificate of conduct has been issued, in accordance with [section 43 of the Police Registers Act](#).

The Ministry may issue regulations concerning this provision.

Entry into force: 1 January 2023.

Amended by Acts [no. 35 of 10 June 2022](#) (entry into force 15 June 2022 pursuant to [decree no. 994 of 10 June 2022](#)) and [no. 45 of 17 June 2022](#). Amended by Act [no. 35 of 10 June 2022](#) (entry into force 1 July 2023).

Chapter 13. Duty of confidentiality, duty to provide information and right to disclose information

Section 13-1. Duty of confidentiality and right to disclose information

Anyone who performs service or work pursuant to this Act has a duty of confidentiality pursuant to [sections 13](#) to [13 e of the Public Administration Act](#).

The duty of confidentiality also encompasses information about place of birth, date of birth, national identity number, citizenship, marital status, occupation, place of residence and place of work. Information about a person's whereabouts may nevertheless be disclosed when it is clear that providing such information will not undermine trust in the Child Welfare Service.

Information can be provided to government agencies when this is necessary to perform tasks pursuant to this Act. Information can also be provided to professionals governed by the [Health Personnel Act](#) pursuant to this provision. The provision in [section 13 b no. 6 of the Public Administration Act](#) does not apply.

Entry into force: 1 January 2023.

Amended by Act [no. 13 of 25 March 2022](#) (entry into force 25 March 2022 pursuant to [decree no. 465 of 25 March 2022](#)).

Section 13-2. Obligation to notify the Child Welfare Service

Anyone who performs service or works for an administrative body must, irrespective of any duty of confidentiality, notify the Child Welfare Service without undue delay in the following cases:

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training
if a child exhibits serious behavioural problems in the form of serious or repeated
- d. criminality, problematic use of intoxicants or some other form of distinctly normless behaviour

- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Professionals whose actions are governed by the [Health Personnel Act](#), the [Mental Health Care Act](#), the [Health and Care Services Act](#), the [Family Counselling Service Act](#) and the [Independent Schools Act](#) are also obliged to provide information pursuant to this provision. The same applies to mediators in marriage cases and private individuals and enterprises that perform tasks for the central government, county authorities or municipal authorities, and people who perform such tasks on behalf of organisations.

Entry into force: 1 January 2023.

- 0 Amended by Act [no. 39 of 10 June 2022](#) (entry into force 15 June 2022 pursuant to [decree no. 997 of 10 June 2022](#)).

Section 13-3. *Response from the Child Welfare Service*

When the Child Welfare Service receives a report of concern, it must confirm within three weeks that the report of concern has been received. The Child Welfare Service may refrain from providing confirmation if the report of concern is clearly unfounded or if other special considerations so warrant.

When the Child Welfare Service receives a report of concern from a public body or professional pursuant to [section 13-2](#), it must also state in its response whether an investigation has been initiated. Within three weeks of completion of the investigation, the Child Welfare Service must report back to the person or body that submitted the report of concern on whether it is going to further follow up the child and the family. The Child Welfare Service must also provide information about how the child and the family are being followed up, if this is necessary for the further follow-up of the child by the person or body that submitted the report of concern.

Entry into force: 1 January 2023.

Section 13-4. *Order to provide information*

The bodies responsible for the implementation of provisions in this Act may order public authorities to provide confidential information when this is necessary to assess, prepare and process cases concerning

- a. an administrative decision regarding medical examination and treatment (cf. [section 3-7](#))
- b. an administrative decision regarding the treatment of children who have special treatment and training needs (cf. [section 3-8](#))
- c. an emergency care order (cf. [section 4-2](#))
- d. an administrative decision regarding a temporary relocation ban (cf. [section 4-3](#))
- e. an emergency order for placement in a child welfare institution (cf. [section 4-4](#))
- f. an emergency order for placement of a child in an institution when there is a risk of human trafficking (cf. [section 4-5](#))

- g. a care order (cf. [section 5-1](#))
- h. revocation of a care order (cf. [section 5-7](#))
- i. an administrative decision on deprivation of parental responsibility (cf. [section 5-8](#))
- j. an administrative decision to revoke an administrative decision on deprivation of parental responsibility (cf. [section 5-9](#))
- k. an administrative decision on adoption (cf. [section 5-10](#))
- l. an administrative decision on placement in a child welfare institution without consent (cf. [section 6-2](#))
- m. an administrative decision on placement of a child in an institution when there is a risk of human trafficking (cf. [section 6-6](#))
- n. an administrative decision regarding access (cf. [sections 7-2](#) and [7-3](#)).

Responsible bodies may also order the authorities to provide confidential information in cases pursuant to [section 3-4](#) concerning assistance orders when necessary to prevent a child from ending up in a serious situation as described in [section 5-1](#) on care orders.

The right to order the authorities to provide confidential information also applies when decisions made by the Child Welfare Tribunal are to undergo judicial review pursuant to [section 14-25](#).

As far as is possible, information shall be obtained in collaboration with the person the case concerns, or such that the person concerned is informed that the information is being obtained. The parties to the case must be informed about the order and what it entails, unless such information might prevent or impede the Child Welfare Service from providing the child with adequate assistance.

Professionals governed by the [Health Personnel Act](#), the [Mental Health Care Act](#), the [Health and Care Services Act](#), the [Family Counselling Service Act](#) and the [Independent Schools Act](#) are also obliged to provide information pursuant to this provision. The same applies to mediators in marriage cases and private individuals and enterprises that perform tasks for the central government, county authorities or municipal authorities, and people who perform such tasks on behalf of organisations.

Authorities with responsibilities pursuant to this Act may, irrespective of any duty of confidentiality, obtain information from the National Registry when this is necessary to perform tasks pursuant to this Act. The Central Authority for the [Hague Convention of 1996](#) may, irrespective of any duty of confidentiality, obtain information from the National Registry when it is necessary to obtain information in order to receive and communicate inquiries to and from foreign authorities in child welfare cases that are not regulated by [the Hague Convention of 1996](#).

Entry into force: 1 January 2023.

Amended by Acts [no. 39 of 10 June 2022](#) (entry into force 15 June 2022 pursuant to [decree no. 997 of 10 June 2022](#)), [no. 44 of 17 June 2022](#) (entry into force 17 June 2022 pursuant to [decree no. 1037 of 17 June 2022](#)) and [no. 45 of 17 June 2022](#).

Section 13-5. *The Child Welfare Service's duty to provide information*

The Child Welfare Service must, on its own initiative, provide information to the health and care services in the municipality when there are grounds to believe that a pregnant woman is abusing intoxicants such that it is highly probable that the child will be born with an injury (cf. [section 10-3 of the Health and Care Services Act](#)). The duty of confidentiality does not prevent such information from being provided. The Child Welfare Service is obliged to provide such information also when ordered to do so by the bodies responsible for the implementation of the [Health and Care Services Act](#).

The Child Welfare Service must, irrespective of any duty of confidentiality, inform the police that a decision has been made regarding a secret address in accordance with this Act. The Child Welfare Service must inform the police at the first opportunity.

If the prosecuting authority has decided to transfer a case to the Child Welfare Service pursuant to [section 71 b of the Criminal Procedure Act](#), the Child Welfare Service must inform the prosecuting authority as to whether it makes an administrative decision in the case or not.

If a child has been abducted from the Child Welfare Service and taken to another state, the Child Welfare Service must provide information to the authorities in the child's state of residence, if this is justifiable and in the best interests of the child.

The Child Welfare Service must provide information to other public authorities when this is prescribed in other Acts of law or regulations.

Entry into force: 1 January 2023.

Section 13-6. *Processing of personal data*

Bodies that perform tasks pursuant to this Act may process personal data, including data as referred to in [Articles 9](#) and [10 of the General Data Protection Regulation](#), when this is necessary to exercise authority or perform other tasks pursuant to the Act.

The provision also applies to private individuals and enterprises that perform tasks pursuant to this Act.

The Ministry may issue regulations concerning the processing of personal data, including the purpose of the processing, responsibility for processing, which personal data may be processed, access to further processing, disclosure, record-keeping and access to registers.

Entry into force: 1 January 2023.

Chapter 14. Processing of cases by the Child Welfare Tribunal

Section 14-1. *Substantive and geographical jurisdiction of the Child Welfare Tribunal*

The Child Welfare Tribunal is an independent and impartial decision-making body. The Tribunal decides specific cases concerning the use of coercion pursuant to the Child Welfare Act and certain cases pursuant to the [Health and Care Services Act](#) and the [Act relating to control of communicable diseases](#).

The Tribunal decides cases instituted by the municipalities within the Tribunal's geographical jurisdiction. The Ministry determines the geographical jurisdiction of the individual Tribunals.

The Ministry may, in the interests of expedient processing of cases or in special cases, decide that cases instituted in one municipality shall for a defined period be decided by a different Tribunal than stipulated pursuant to the second paragraph.

The Ministry may issue regulations concerning the Tribunals' geographical jurisdiction.

Entry into force: 1 January 2023.

Section 14-2. Composition of the Child Welfare Tribunal

Each Child Welfare Tribunal shall consist of a chair, a panel of experts and a panel of lay members. The chair of the Tribunal must meet the qualification requirements for appointment as a judge. The Ministry may decide that the panel of lay members shall be divided into sub-groups covering different parts of the Tribunals' geographical jurisdiction.

The Ministry appoints the panel of experts and the panel of lay members. Appointment is valid for a term of four years at a time. The panel of lay members is appointed from the panel of lay judges, who are selected pursuant to [section 66, first paragraph, of the Courts of Justice Act](#).

The Ministry may lay down regulations concerning the requirements to be imposed on the members of the panel of lay members and the panel of experts.

Entry into force: 1 January 2023.

Section 14-3. Composition of the Child Welfare Tribunal in individual cases

Cases as mentioned in [section 14-1](#), first paragraph, second sentence, shall be considered by an ordinary tribunal. An ordinary tribunal consists of the chair, one prequalified lay member and one prequalified expert.

The chair may decide that particularly difficult cases shall be considered by an extended tribunal. An extended tribunal consists of the chair, two prequalified lay members and two prequalified experts.

The chair of the Tribunal can decide a case alone if this is reasonable and the parties in the case consent to it.

The chair of the Tribunal can also decide a case alone if the case concerns a request for modification of a previous administrative decision, order or judgment, an order for assessment in a centre for parents and children pursuant to [section 2-3](#), or an assistance order pursuant to

[section 3-4](#), and the chair of the Tribunal finds it unobjectionable in view of the topic of the case, its complexity and the need for specialist expertise.

If a case concerns an extension of a Tribunal decision pursuant to [section 6-6](#) concerning placement in an institution when there is a risk that a child may become a victim of human trafficking, the chair shall decide the case alone.

Entry into force: 1 January 2023.

Section 14-4. *Qualification*

[Chapter 6 of the Courts of Justice Act](#) relating to disqualification applies to the chair of the Tribunal and all the members. The fact that a chair and members have participated in earlier hearings of cases with the same parties or in proceedings in the same case in the Tribunal does not in itself disqualify them.

Entry into force: 1 January 2023.

Section 14-5. *The main principles for the processing of cases by the Tribunal*

The processing of cases shall be fair, prudent, prompt, efficient and confidence-inspiring. The Tribunal must ensure that the parties to the case

- a. are allowed to argue their case and present evidence, normally by oral statements made directly to the Tribunal
- b. are given the opportunity to refute the opposing party's arguments and evidence
- c. are treated equitably and receive the necessary guidance.

The Tribunal must ensure that the presentation of evidence provides a sound basis for making a decision and must undertake an independent and genuine assessment of the evidence in the case. An explanation of the grounds for the Tribunal's decisions and other important decisions must be provided.

The chair of the Tribunal is responsible for ensuring that cases are dealt with in accordance with the first and second paragraphs. The chair of the Tribunal must plan and direct preparatory proceedings, negotiation meetings and deliberation meetings among the Tribunal members. The chair of the Tribunal must ensure that the case processing is adapted to the nature, scope and complexity of the case.

Entry into force: 1 January 2023.

Section 14-6. *The parties' right to access documents*

The parties have the right to access documents in the case and can demand to receive a copy of them. The restrictions on the parties' access to certain kinds of case documents pursuant to [section 19, first paragraph \(d\) and second paragraph, of the Public Administration Act](#) do not apply to these documents.

The parties do not have the right to access information about the identity of anonymous witnesses or other information that might help reveal the child's address in cases where the child lives at a secret address. The same applies to cases where a requirement has been made for the child to live at a secret address.

Entry into force: 1 January 2023.

Section 14-7. *Legal counsel for the parties*

The public party must normally be represented by a lawyer.

The Tribunal shall appoint a lawyer for the private parties. The lawyer must immediately be informed about the municipality's application for measures and attached documents, and be given a time limit for submission of a statement of defence pursuant to [section 14-10](#) of the Child Welfare Act.

The Ministry may issue regulations concerning the selection of a specific group of lawyers who can be appointed as legal counsel for private parties.

Entry into force: 1 January 2023.

Section 14-8. *Initiation of Tribunal proceedings*

Proceedings in a case to be heard by the Child Welfare Tribunal are initiated by the municipality sending an application for measures to the Tribunal.

An appeal pursuant to [section 5-5](#) shall be prepared by the municipality in accordance with the provisions of [section 33, first to fourth paragraphs, of the Public Administration Act](#).

When a case concerns a claim from the private party for changes to a previous administrative decision, the municipality must prepare the case and submit it to the Tribunal at the first opportunity and no later than three months after the municipality received the claim. In special cases, the time limit may be extended to six months.

If the County Governor becomes aware of circumstances that indicate that measures should be implemented that require an administrative decision by the Child Welfare Tribunal, the County Governor can submit an application as mentioned in the first paragraph.

Entry into force: 1 January 2023.

Section 14-9. *Application for measures*

The municipality's application for measures must as a minimum contain

- a. the name of the Child Welfare Tribunal
- b. the names and addresses of the parties, their deputies and legal counsel
- c. a brief description of what measures the municipality is requesting

- d. an account of the parents' legal and factual connection to the child and an explanation of the grounds for the proposal as to who the parties to the case are
- e. the municipality's presentation of the case
 - an overview of the evidence the municipality intends to present, including a list of
- f. witnesses and experts, with information about what the witnesses' testimonies and the experts' statements pertain to
 - a proposal for an administrative decision or order with a brief summary of the
- g. circumstances on which the proposal is based, and with reference to the relevant legal provisions
 - information about whether the child wants legal rights as a party to the case pursuant to
- h. [section 12-3](#), second paragraph, and the municipality's assessment of whether the child should be granted legal rights as a party to the case
- i. information about whether the child wants to be heard, and if so, how.

The application must provide a sound basis for proper conduct of the case. The application must be formulated such that the private parties can take a position on the municipality's demand for measures and prepare their case. The municipality's arguments must not go further than necessary. In the application, the municipality must provide an account of matters that may have a bearing on the chair of the Child Welfare Tribunal's assessment of the further processing of the case, the composition of the Tribunal and the form of decision.

If an application does not meet the conditions in the first and second paragraphs, the chair of the Tribunal will issue an order for correction of the application and set a short time limit for the correction. The chair of the Tribunal may reject the case if the application is not made within the time limit.

Entry into force: 1 January 2023.

Section 14-10. *Statement of defence from private parties*

The Tribunal must immediately notify private parties about the municipality's application for measures, and the Tribunal must set a short time limit for submission of a statement of defence, normally ten days. The statement of defence must contain

- a. an account of the parties' views on the application and the municipality's presentation of the case
 - an overview of the evidence the private parties intend to present, including a list of
- b. witnesses and experts, with information about what the witnesses' testimonies and the experts' statements pertain to
 - an account of matters that may have a bearing on the chair of the Child Welfare Tribunal's
- c. assessment of the further processing of the case, the composition of the Tribunal and the form of decision.

Entry into force: 1 January 2023.

Section 14-11. *Preparatory proceedings in the Child Welfare Tribunal*

The scope of the case to be heard by the Tribunal shall be determined through the preparatory proceedings in accordance with the main principles for the processing of cases pursuant to [section 14-5](#).

The chair of the Tribunal shall assess and, if necessary, make decisions on the further processing of the application, including

- a. the composition of the Tribunal
- b. whether the case might be suitable for a dialogue process
- c. the need for meetings, including preparatory meetings and a negotiation meeting
- d. the topic, time and place of meetings
- e. the need for presentation of additional evidence, including expert reports
- f. how evidence is to be presented
- g. how the child is to be heard (cf. [section 14-13](#))
- h. whether an interpreter will be needed in Tribunal meetings.

If the facts of a case are unclear, the chair of the Tribunal may order the municipality to provide a brief, systematised account of the facts or parts thereof. The chair of the Tribunal must set a time limit for the private parties to comment on which parts of the account of the facts of the case they accept and which parts they do not accept. If the private parties do not accept the account of the facts of the case, the chair of the Tribunal may request that they provide a brief account of their view of the case. The chair of the Tribunal may encourage the parties to collaborate on this account.

The chair of the Tribunal may demand that the parties provide a brief final account of their proposed decision, the circumstances that justify the proposal, the legal rules on which the proposal is based, and the evidence the parties will provide.

Cases concerning the private parties' common children may be dealt with and decided upon collectively without any statutory duty of confidentiality preventing it.

The Ministry may issue regulations specifying requirements regarding experts' mandates, reports and declarations.

Entry into force: 1 January 2023.

Section 14-12. *Decisions made during preparatory proceedings*

Decisions regarding procedure made during the preparatory proceedings are made by the chair of the Tribunal. If the chair of the Tribunal is unable to make a decision promptly, the chair of another Tribunal can make a decision in the case.

Decisions as mentioned in the first paragraph can be reversed if this is necessary to ensure proper processing of the case. Decisions made during the preparatory proceedings are not binding at the negotiation meeting.

The chair of the Tribunal may reject or dismiss a case during the preparatory proceedings.

Entry into force: 1 January 2023.

Section 14-13. *Hearing of children in cases in the Child Welfare Tribunal*

Based on a specific assessment of the individual case, the Tribunal must decide how the child should be heard during the Tribunal's processing of the case. The child can speak directly to the Tribunal, or the Tribunal can appoint a spokesperson for the child or appoint an expert to speak with the child.

The Ministry may issue regulations concerning children's participation in cases brought before the Child Welfare Tribunal.

Entry into force: 1 January 2023.

Section 14-14. *Dialogue process*

The chair of the Tribunal may offer the parties the opportunity to take part in a dialogue process as an alternative to ordinary proceedings, if the case is suitable for doing so. The purpose of the dialogue process is to improve the communication between the parties and provide them with an opportunity to agree on solutions that will be in the best interests of the child as a full or partial solution to the case.

The parties must consent to the dialogue process. Private parties must be represented by a lawyer. The chair of the Tribunal may appoint an expert to provide assistance in the dialogue process.

The chair of the Tribunal must ensure that the best interests of the child and the rights of the private parties are taken into account. The chair of the Tribunal may give the parties the opportunity to try out a temporary arrangement for a specified period of time. The chair of the Tribunal may halt the dialogue process at any time and refer the case for ordinary processing.

The Ministry may issue regulations on the implementation of dialogue processes, including exemptions from the time limit requirements in [chapters 4](#) and [14](#).

Entry into force: 1 January 2023.

Section 14-15. *Summoning the parties to a negotiation meeting*

The Child Welfare Tribunal must summon the parties to a negotiating meeting. Parties who have a lawyer as their legal counsel are summoned via the lawyer. Parties who do not have a lawyer are summoned directly. If necessary, the parties may be summoned by service of summons in accordance with [section 14-24](#). Service of summons may be omitted on the conditions laid down in [section 16, third paragraph, of the Public Administration Act](#).

The case can be processed even if a private party fails to appear, as long as the party has been summoned in accordance with the rules in the first paragraph.

Entry into force: 1 January 2023.

Section 14-16. *Negotiation meeting or written proceedings*

Cases brought before the Child Welfare Tribunal must be dealt with as promptly as possible while still ensuring proper processing of cases.

The chair of the Tribunal may make an administrative decision after written proceedings without having conducted a negotiation meeting if this is justifiable in the case in hand and the parties to the case consent to this.

The chair of the Tribunal may make an administrative decision after written proceedings without having conducted a negotiation meeting if the case concerns a request for modification of a previous decision or judgment, an order for assessment in a centre for parents and children pursuant to [section 2-3](#) or an assistance order pursuant to [section 3-4](#), and the chair of the Tribunal finds it unobjectionable. The assessment must include, among other things, the topic of the case, the complexity of the case, and the need for professional expertise.

If the conditions in the second paragraph or the third paragraph are met¹, a decision may be made on the basis of a combination of a negotiation meeting and written proceedings.

The chair of the Tribunal directs the negotiation meeting and ensures that it is conducted in accordance with the established rules. In all other respects, [section 9-15 of the Dispute Act](#) applies correspondingly insofar as it is relevant.

Entry into force: 1 January 2023.

1 Error: Spelling mistake in the Norwegian text.

Section 14-17. *In camera* proceedings

The meetings of the Child Welfare Tribunal are usually held in camera.

However, at the request or with the consent of the parties, and when the Tribunal finds it unobjectionable, the Tribunal may decide that the meeting shall be wholly or partly open to the public.

If the parties consent to it, and the Tribunal finds it unobjectionable, the Tribunal may decide that people with ties to one of the parties can be present during the proceedings. The same applies to people who wish to be present for training purposes. Under the same conditions, the Tribunal may allow individuals to be present during the proceedings and at the Tribunal's deliberation meeting for research purposes.

Persons who are allowed to be present pursuant to this provision have a duty of confidentiality and are prohibited from recording the proceedings unless the Tribunal decides otherwise.

Entry into force: 1 January 2023.

Section 14-18. *Presentation of evidence*

The following provisions of the [Dispute Act](#) relating to the presentation of evidence apply correspondingly to the Tribunal insofar as they are relevant:

- a. [Chapter 21](#) on general provisions on evidence, with the exception of [section 21-4](#)
- b. [Chapter 22](#) on the prohibited and exempted evidence
- c. [Chapter 24](#) on testimony
- d. [Chapter 25](#) on expert evidence
- e. [Chapter 26](#) on real evidence
- f. [Chapter 27](#) on taking of evidence during legal proceedings.

The Tribunal may only use expert evidence as a basis for its decisions if it has been assessed by the Child Welfare Experts Commission (cf. [section 12-8](#)). However, this does not apply to the processing of emergency orders.

Entry into force: 1 January 2023.

Section 14-19. *The Tribunal's basis for decision-making*

Decisions following a negotiation meeting shall be made on the basis of the proceedings in the meeting. The chair of the Tribunal may decide that written statements concerning the facts of the case pursuant to [section 14-11](#), third paragraph, shall be included in the basis for decision-making.

If the case is decided without a negotiation meeting, a decision is made on the basis of the case documents and any evidence presented at the preparatory meeting.

If the case is decided on the basis of a combination of a negotiation meeting and written proceedings, a decision shall be made on the basis of the proceedings in the negotiation meeting and the case documents.

When the Tribunal considers appeals against emergency orders and decisions regarding a temporary relocation ban, [section 14-23](#), third paragraph, applies.

Entry into force: 1 January 2023.

Section 14-20. *Administrative decisions made by the Tribunal*

The Tribunal shall make a decision in the case as soon as possible and no later than two weeks after the conclusion of the negotiation meeting. If the time limit is exceeded, the reason must be stated in the decision.

[Section 19-3 of the Dispute Act](#) applies correspondingly to deliberation meetings and voting insofar as it is relevant.

An explanation of the grounds for a decision must be provided as if it were a judgment. [Section 19-6 of the Dispute Act](#) applies correspondingly insofar as it is relevant. The decision must state the child's opinion and how much weight has been given to the child's opinion. The decision must also specify how the best interests of the child and respect for family ties have been assessed.

When serving the decision, the Tribunal must inform the parties that they have the right to demand a judicial review (cf. [section 14-25](#)).

The Tribunal's decision becomes binding when it has been signed by all the members of the Tribunal. The chair of the Tribunal is the last person to sign.

Entry into force: 1 January 2023.

Section 14-21. *Correcting errors in a Tribunal decision*

[Section 19-8 of the Dispute Act](#) applies correspondingly to the correction of errors in decisions made by the Tribunal insofar as it is relevant. The Tribunal is obliged to consider an application for correction of errors in a decision when the application has been submitted within the time limit for demanding a judicial review.

If, through error or oversight, the Tribunal has not made a decision on claims submitted by the parties during the proceedings, the Tribunal may make a supplementary decision. [Section 19-9 of the Dispute Act](#) applies correspondingly insofar as it is relevant.

Entry into force: 1 January 2023.

Section 14-22. *Assessment of emergency orders and decisions regarding a temporary relocation ban*

Emergency orders pursuant to [sections 4-2, 4-4 and 4-5](#) and decisions regarding a temporary ban on relocation pursuant to [section 4-3](#) must be submitted to the Tribunal immediately after they have been implemented. The chair of the Tribunal assesses whether the decision should be approved. The chair of the Tribunal must decide the case as quickly as possible, and if possible within 48 hours of the Tribunal receiving it.

The chair of the Tribunal may obtain further information when necessary to be able to make a decision on the issue for approval.

The chair of the Tribunal must give a brief explanation of the grounds for the decision.

Entry into force: 1 January 2023.

Section 14-23. *Appeal against emergency orders and decisions regarding a temporary relocation ban*

The private parties may appeal emergency orders pursuant to [section 4-2](#), first and second paragraph, [sections 4-4 and 4-5](#) and decisions regarding a temporary relocation ban pursuant to [section 4-3](#). The appeal is submitted directly to the Tribunal.

The appeal is processed by the chair of the Tribunal alone. In special cases, the Tribunal may be convened as an ordinary Tribunal (cf. [section 14-3](#)).

A meeting shall be held where the parties are given the opportunity to state their views of the case and to present such evidence as the chair of the Tribunal allows.

The Tribunal must make a decision in the appeal case within one week of the Tribunal receiving the case. If the appeal has been considered by an ordinary Tribunal, the time limit for making a decision is two weeks from the Tribunal receiving the case.

Entry into force: 1 January 2023.

Section 14-24. *Service of the Tribunal's decisions*

The Tribunal's decisions are served by post (cf. [section 163 a of the Courts of Justice Act](#)).

The Tribunal may decide that a decision is to be served by a process server pursuant to the provisions of the [Courts of Justice Act](#) if it deems it necessary.

The rules in the [Courts of Justice Act](#) on the service of administrative decisions apply correspondingly insofar as they are relevant.

Entry into force: 1 January 2023.

Section 14-25. *Judicial review of the Tribunal's decisions*

The private parties or the municipality may bring the Tribunal's decision before the district court for judicial review pursuant to the provisions of [chapter 36 of the Dispute Act](#). Children's right to demand a judicial review is governed by [section 12-3](#).

The time limit for instituting legal proceedings for judicial review is one month from the day on which the person entitled to institute such proceedings was notified of the decision. The court may grant permission to institute legal proceedings even if the time limit for instituting legal proceedings has been exceeded.

The court may only use expert evidence as a basis for its decisions if it has been assessed by the Child Welfare Experts Commission (cf. [section 12-8](#)). However, this does not apply to judicial review of emergency orders.

Entry into force: 1 January 2023.

Chapter 15. The responsibilities and tasks of the municipality and the Child Welfare Service

Section 15-1. *The municipality's responsibility for preventing neglect*

The municipality must promote good conditions for children and young people to grow up in through measures to prevent children and young people from experiencing neglect or developing behavioural problems. The municipality must ensure that its services for children and families are coordinated.

The municipal council must itself adopt a plan for the municipality's preventive work pursuant to the first paragraph. The plan must describe the objectives for the work, how the work will be organised and distributed among the agencies in the municipality, and how the agencies will collaborate and coordinate their work.

Entry into force: 1 January 2023.

Section 15-2. The municipality's overarching responsibility for the Child Welfare Service

The municipality is responsible for performing the tasks set out in this Act that have not been assigned to a central government body.

The municipality must provide the necessary training and guidance for the Child Welfare Service's personnel. Personnel are obliged to participate in the training and guidance that is prescribed. The Ministry may issue regulations concerning training.

The municipality must offer supervised practical training in the Child Welfare Service when this is requested by an educational institution. The municipality must collaborate with the educational institution on the conduct of supervised practical training.

The municipality must have internal control in accordance with the rules in [section 25-1 of the Local Government Act](#).

Entry into force: 1 January 2023.

Section 15-3. The organisation and tasks of the Child Welfare Service

Each municipality must have a Child Welfare Service that performs tasks pursuant to this Act. The Child Welfare Service must have a head.

The Child Welfare Service is responsible for providing assistance, care and protection when this is necessary due to the child's care situation or behaviour. This responsibility includes measures aimed at the child's care situation or behaviour.

Among other things, the Child Welfare Service must

- a. review and assess reports of concern
- b. conduct investigations of the child's care situation
- c. make administrative decisions regarding assistive measures
- d. prepare cases for consideration by the Child Welfare Tribunal
- e. implement and follow up measures.

The Child Welfare Service must be available at all times.

At least once a year, the municipal council must receive a report on the status of cases in the Child Welfare Service.

Entry into force: 1 January 2023.

Section 15-4. Geographical area of responsibility

The municipality where a child currently is is responsible for providing services and implementing measures pursuant to this Act.

The municipality where a child was last registered as resident is responsible for providing services and implementing measures pursuant to this Act if the child is in another state (cf. [section 1-2](#)).

The municipality can enter into an agreement whereby the responsibility for a child welfare case is transferred to another municipality with which the child has connections.

If a dispute arises between municipalities as to which municipality is responsible for the case, the municipalities can ask the County Governor to settle the dispute. The Ministry may issue regulations concerning the process for dealing with disputes.

Entry into force: 1 January 2023.

Section 15-5. *Responsibility for instituting proceedings*

The municipality where the child currently is is responsible for instituting proceedings in the Child Welfare Tribunal pursuant to [sections 3-7](#), [3-8](#), [5-1](#), [6-2](#) and [6-6](#). When an administrative decision has been made pursuant to [chapter 4](#) concerning emergency measures, the municipality where the child was when the decision was made is responsible for instituting proceedings pursuant to the first sentence. Proceedings have been instituted in a case when an application for measures has been submitted to the Tribunal.

The municipality that has submitted an application for measures to the Tribunal is responsible for the case, even if the child's connection to the municipality changes in the period from when an application for measures has been submitted to the Tribunal and until an administrative decision has been made. Responsibility for the case lapses if the Tribunal does not rule in favour of the municipality that instituted the proceedings.

The municipality that has submitted an application for measures to the Tribunal is responsible for the case even if the child is in another state.

The municipality that has instituted proceedings in the case is responsible for implementing and following up the administrative decision. The municipality is responsible for the case even if the child's connection to the municipality changes. This also applies when administrative decisions have been made pursuant to [sections 3-2](#) and [6-1](#).

The municipality may agree with another municipality with which the child has connections that the responsibility for instituting proceedings, implementing an administrative decision and following up the decision be transferred to that municipality.

Entry into force: 1 January 2023.

Section 15-6. *Competence requirements for child welfare service personnel etc.*

From 1 January 2031, personnel in the Child Welfare Service who are to perform tasks pursuant to [section 15-3](#), third paragraph, must meet one of the following conditions:

- a. a master's degree in a child welfare discipline or other relevant education at an equivalent level
- b. a relevant bachelor's degree provided that, by 1 January 2031, the employee can document at least four years' work experience in the Child Welfare Service, in addition to further education worth at least 30 ECTS credits in a child welfare discipline or other relevant subject.

The provision also applies to the head of the Child Welfare Service and their deputy, to experts engaged by the Child Welfare Service pursuant to [section 2-2](#), and to personnel who assist the Child Welfare Service with assessments offered by the Office for Children, Youth and Family Affairs (Bufetat) pursuant to [section 16-3](#), fourth paragraph (a).

The municipality may grant temporary exemption from the requirement for a master's degree in cases where the position for which an exemption is being sought has been publicly advertised and no qualified candidates have applied. The municipality must draw up a one-year plan for systematic supervision and guidance of new employees when they perform the tasks ensuing from [section 15-3](#), third paragraph. The municipality must inform the County Governor that temporary exemption has been granted.

Within three years of starting in the position, the employee must have successfully completed further education worth at least 30 ECTS credits in a child welfare discipline or other relevant subject. The municipality may grant permanent exemption from the requirement for a master's degree if the individual concerned can document successful completion of further education. The municipality must inform the County Governor that permanent exemption has been granted.

Entry into force: 1 January 2023.

Section 15-7. *Assistance from private service providers*

The municipality may enter into agreements with private service providers on assistance in performing tasks and services pursuant to this Act that entail the exercise of public authority. The private service provider may not transfer the agreement to others.

When the Child Welfare Service performs tasks pursuant to [section 15-3](#), third paragraph, it can only be assisted by private providers that meet the competence requirements pursuant to [section 15-6](#).

The municipality cannot enter into agreements with private service providers for assistance to

- a. act as the head and deputy head of the Child Welfare Service
- b. make decisions and administrative decisions
- c. represent the Child Welfare Service on a Child Welfare Tribunal
- d. select and approve foster homes
- e. prepare and evaluate plans pursuant to [chapters 7](#) and [8](#) of this Act.

The Child Welfare Service may not place children in a foster home that has entered into an agreement with a private service provider regarding remuneration for or the content of the

foster care. This does not apply to foster homes offered by the Office for Children, Youth and Family Affairs (Bufetat) pursuant to [section 16-3](#), second paragraph, (a) and (c).

Entry into force on 1 January 2023, with the exception of the fourth paragraph, which enters into force on 1 July 2023 (see section 18-1).

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 15-8. *Collaboration and coordination*

The Child Welfare Service must collaborate with public bodies and other service providers if collaboration is necessary to be able to provide the child with comprehensive and coordinated services.

The municipality must coordinate its service provision pursuant to the first paragraph. If necessary, the municipality must decide which municipal body is responsible for coordination. If a child coordinator has been appointed pursuant to [section 7-2 a of the Health and Care Services Act](#), the coordinator must ensure that the services offered are coordinated.

In addition to following up individual children, the Child Welfare Service must collaborate with public bodies and other service providers so that the Child Welfare Service and the other service providers can perform their duties in accordance with the legislation and regulations.

In this context, “service provider” means municipal, county and central government service providers, private service providers who perform tasks on behalf of such service providers, kindergartens that receive grants pursuant to [section 19 of the Kindergarten Act](#), and schools that receive state support pursuant to [section 6-1 of the Independent Schools Act](#).

The Child Welfare Service must also collaborate with voluntary organisations that work with children and young people.

Entry into force: 1 January 2023.

0 Amended by Act [no. 39 of 10 June 2022](#) (entry into force 15 June 2022 pursuant to [decree no. 997 of 10 June 2022](#)).

Section 15-9. *Right to an individual plan*

Children who require long-term, coordinated measures or services are entitled to have an individual plan prepared. The Child Welfare Service must collaborate with public bodies and other service providers on the plan to help ensure that the child receives comprehensive services.

The King may by regulations lay down more detailed provisions regarding which groups of children the obligation pursuant to the first paragraph covers, and on the content of individual plans.

Entry into force: 1 January 2023.

Section 15-10. *The Child Welfare Service's responsibility for following up children in prison*

When the Child Welfare Service has been notified of a remand hearing pursuant to [section 183, third paragraph, of the Criminal Procedure Act](#), it must attend every remand hearing, unless the court finds that it is clearly unnecessary for the Child Welfare Service to attend hearings beyond the first remand hearing. The Child Welfare Service must state its opinion regarding the need for measures pursuant to [chapters 3, 5 and 6](#) and provide information regarding the work that is being done to implement measures. The rules in [section 118 of the Criminal Procedure Act](#) apply correspondingly.

When a child under the age of 18 is being held in custody or serving a prison sentence, the Child Welfare Service must maintain regular contact with the Norwegian Correctional Service and the child. The Child Welfare Service must participate in the planning and adaptation of measures after the period of remand in custody or the prison sentence has ended. The Child Welfare Service's follow-up of a child incarcerated in prison shall be regarded as a measure that has been implemented before the child has reached the age of 18 pursuant to [section 3-6](#) first paragraph.

Entry into force: 1 January 2023.

Section 15-11. *The municipality's financial responsibilities*

The municipality must provide the appropriations necessary to provide services and implement measures for which it is responsible pursuant to this Act.

The municipality that is responsible for providing services or implementing measures pursuant to [section 15-4](#) or [section 15-5](#) must cover the costs of these services and measures. When the municipality makes use of services and measures provided by the Office for Children, Youth and Family Affairs (Bufetat), the municipality pays a user fee pursuant to [section 16-5](#), third paragraph.

The municipality covers its own expenses for cases brought before the Child Welfare Tribunal. In addition, the municipality covers the expenses of private parties' witnesses that are necessary to obtain information about a case brought before the Tribunal.

The municipality covers its own expenses related to a judicial review of an administrative decision made by the Tribunal pursuant to [section 14-25](#).

Entry into force: 1 January 2023.

0 Amended by Act [no. 45 of 17 June 2022](#).

Section 15-12. *The municipality's right to claim child support from parents*

When a child is placed outside the home as a result of an order pursuant to this Act, the municipality may demand that the parents pay child support from the month following implementation of the order until the month in which the order is terminated. The

municipality can only claim child support from the parents if this is considered reasonable in respect of the parents' financial situation.

Claims for child support or changes to child support determined pursuant to the first paragraph must be sent to the maintenance enforcement agency. The maintenance enforcement agency pursuant to this provision is the body designated by the Directorate of Labour and Welfare, and this body decides the claim and sets the amount. The party liable to pay the child support may submit a claim for amendment of the amount to be paid or for cancellation of the support debt. Child support may be set or amended with effect from up to three months before the claim was received. Child support set pursuant to the [Children Act](#) lapses from the time child support can be set pursuant to this provision. The Child Welfare Service must, irrespective of any duty of confidentiality, provide the maintenance enforcement agency with the information necessary in the individual case.

Administrative decisions made by the maintenance enforcement agency can be appealed to the immediately superior body or to the body designated by the Directorate of Labour and Welfare.

Child support pursuant to this provision is collected by the Norwegian Labour and Welfare Administration's Collection Agency pursuant to the [Maintenance Collection Act](#). The child support shall be paid to the municipality.

The Ministry may issue regulations concerning child support pursuant to this provision.

Entry into force: 1 January 2023.

Section 15-13. *Trial projects to develop forms of collaboration*

The King may consent to municipalities initiating trial projects for the purpose of developing forms of collaboration between the Child Welfare Service and relevant partners in the central government, county and municipal administration.

The King may consent to the trial project being carried out irrespective of any duty of confidentiality pursuant to this Act and pursuant to [section 6-1 of the Specialist Health Services Act](#), [chapter 5 of the Health Personnel Act](#), [sections 13 to 13 f of the Public Administration Act](#), [section 44 of the Kindergarten Act](#), [section 12-1 of the Health and Care Services Act](#) and [section 15-1 of the Education Act](#).

The King may also consent to the establishment of a common register at the trial site. This register must indicate whether the various administrative bodies have personal data pertaining to individuals and where such information may be found.

The municipal council must establish rules for each trial project. [Section 37 of the Public Administration Act](#) applies correspondingly to the preparation of such rules.

The rules must be approved by the King. In connection with the approval, the King may make minor amendments to the rules. The King may make minor amendments to rules that have already been approved.

The King may issue regulations on trial projects pursuant to this provision, including on the approval and implementation of trials.

Entry into force: 1 January 2023.

Chapter 16. Central child welfare authorities

Section 16-1. *Organisation of the central child welfare authorities*

The central child welfare authorities consist of the Ministry, the Office for Children, Youth and Family Affairs (Bufetat) and the county governors. The central child welfare authorities are headed by the Ministry.

The Office for Children, Youth and Family Affairs (Bufetat) is divided into central, regional and local levels. The Office's central level manages the agency's activities.

The child welfare institutions are central government child welfare authorities at the local level.

Entry into force: 1 January 2023.

Section 16-2. *The Ministry's responsibilities and tasks*

The Ministry must

- monitor that the Act and appurtenant regulations and other provisions that apply to
- a. services and measures pursuant to this Act are applied correctly and in a way that serves the purposes of the Act
- b. ensure that experiences with the Act are assessed and that the rules are amended as necessary
- c. provide the necessary guidelines and facilitate good case processing
- d. initiate research that may have an impact on the performance of tasks pursuant to the Act
- e. ensure the development of statistics and analyses on child welfare
- f. ensure that there is adequate provision for the training of personnel, and that the people who are to apply the Act receive proper guidance.

The Ministry may require bodies that fall within the scope of the Act, irrespective of any duty of confidentiality, to provide information that is necessary for the Ministry to carry out its duties pursuant to the first paragraph.

Entry into force: 1 January 2023.

Section 16-3. *Responsibilities and tasks of the Office for Children, Youth and Family Affairs (Bufetat)*

The Office for Children, Youth and Family Affairs (Bufetat) shall provide services and offer measures pursuant to this Act to children and young people in Norway.

At the request of the municipality, the Office for Children, Youth and Family Affairs (Bufetat) must

- a. assist the Child Welfare Service with the placement of a child outside the home when an emergency order is issued pursuant to [sections 4-1, 4-2, 4-4 or 4-5](#)
- b. assist the Child Welfare Service with the placement of children in foster homes
- c. assist the Child Welfare Service with the placement of children in child welfare institutions. In special cases, the Office may offer places in specialised foster homes.

In addition, the Office for Children, Youth and Family Affairs (Bufetat) must also

- a. recruit and provide basic training for foster homes
- b. establish and operate child welfare institutions pursuant to this Act, which may also have associated specialist services for the care and treatment of children
- c. approve child welfare institutions in accordance with [section 10-17](#), centres for parents and children in accordance with [section 10-21](#), and care centres for unaccompanied asylum-seeking minors in accordance with [section 11-5](#)
- d. offer supervised practical training at an institution when this is requested by an educational institution, and collaborate with the educational institution on the conduct of supervised practical training.

The Office for Children, Youth and Family Affairs (Bufetat) can offer the Child Welfare Service

- a. assessment of the care situation of children aged 0–6 years if there is a high level of uncertainty as to whether a child is being seriously neglected
- b. assistive measures following assessment pursuant to (a) when this is necessary for the child to receive appropriate assistance
- c. specialised assistive measures in the home where this might be able to prevent placement of the child outside the home
- d. interdisciplinary health assessment if the Child Welfare Service has decided to institute proceedings before the Child Welfare Tribunal or the Tribunal has issued an order regarding placement outside the home pursuant to [section 5-1](#) or [6-2](#), or if an administrative decision has been made regarding voluntary placement pursuant [to sections 3-2 or 6-1](#).

In order to fulfil the obligation to assist the municipalities pursuant to the second paragraph, the Office for Children, Youth and Family Affairs (Bufetat) must have a set of measures that are accessible and sufficiently differentiated.

The Office for Children, Youth and Family Affairs (Bufetat) must carry out internal control to ensure that the tasks are performed in accordance with the requirements laid down in the Act or pursuant to the Act. The internal control must be systematic and adapted to the distinctive nature, activities and risk factors of the activities. The Office must also be able to provide an account of how the requirements are being met. The Ministry may issue regulations concerning internal control.

The Ministry may issue regulations concerning the authority, tasks and organisation of the Office for Children, Youth and Family Affairs (Bufetat) at the central, regional and local levels.

Entry into force: 1 January 2023.

⁰ Amended by Acts [no. 13 of 25 March 2022](#) (entry into force 25 March 2022 pursuant to [decree no. 465 of 25 March 2022](#)) and [no. 45 of 17 June 2022](#).

Section 16-4. Collaboration with institutions that are regulated by other Acts

When the Child Welfare Service is considering placing a child in an institution that is regulated by another Act, the Office for Children, Youth and Family Affairs (Bufetat) must ensure that collaboration is established with the Child Welfare Service and these institutions. The King may issue rules on collaboration arrangements, including rules on the obligation to participate in such schemes.

Entry into force: 1 January 2023.

Section 16-5. The Office for Children, Youth and Family Affairs (Bufetat)'s financial responsibilities and right to charge municipalities a user fee

The Office for Children, Youth and Family Affairs (Bufetat) must cover that portion of the expenses incurred by child welfare institutions that exceeds the share of expenses that the municipality is obliged to pay pursuant to the third paragraph. The same applies to the expenses for foster homes pursuant to [section 16-3](#), second paragraph, (a) and (c), assessments of the care situation of children aged 0 to 6 years pursuant to [section 16-3](#), fourth paragraph (a), and assistive measures pursuant to [section 16-3](#), fourth paragraph, (b) and (c). The payment responsibility applies to measures and services offered by the Office for Children, Youth and Family Affairs (Bufetat). The Ministry may limit the duration of the Office's payment responsibility for emergency measures pursuant to [section 16-3](#), second paragraph (a).

The financial responsibilities of the Office for Children, Youth and Family Affairs (Bufetat) apply to people under the age of 20.

The Office for Children, Youth and Family Affairs (Bufetat) may claim a user fee from the municipality when the municipality makes use of services and measures covered by the first paragraph. The Ministry sets the rates for user fees. It is the municipality that has applied for services and measures for the child that must pay the user fee.

The Ministry may issue regulations concerning the Office for Children, Youth and Family Affairs (Bufetat)'s payment responsibility pursuant to the first paragraph and the municipality's user fee pursuant to the third paragraph, including regulations determining more detailed limits for the central government's payment responsibility.

Entry into force: 1 January 2023.

Section 16-6. Special provisions for the City of Oslo

The provisions of the Act relating to the tasks and authority of the Office for Children, Youth and Family Affairs (Bufetat) do not apply to the City of Oslo. In Oslo, the Office's tasks and authority are discharged by the City of Oslo. The City's administrative decisions regarding approval pursuant to [section 10-17](#) can be appealed to the central level of the Office for Children, Youth and Family Affairs (Bufetat).

The Ministry may issue regulations regarding the duties, tasks and competence of the City of Oslo and regarding central government supervision and control.

Entry into force: 1 January 2023.

Section 16-7. The responsibilities and tasks of the County Governor

The County Governor must

- a. perform monitoring and oversight tasks pursuant to [chapter 17](#)
- b. provide the municipalities with advice and guidance
- c. consider appeals against administrative decisions made by the Child Welfare Service and the Office for Children, Youth and Family Affairs (Bufetat) in accordance with [section 12-9](#) and child welfare institutions' administrative decisions on the use of coercion in accordance with [section 10-14](#).

Entry into force: 1 January 2023.

Chapter 17. Central government supervision

Section 17-1. The purpose of the supervision

The purpose of the central government supervision is to help improve the quality of child welfare services and help ensure that the child welfare authorities safeguard the legal rights of children and parents and provide appropriate services and measures.

Entry into force: 1 January 2023.

Section 17-2. The tasks and responsibilities of the Norwegian Board of Health Supervision

The Norwegian Board of Health Supervision has the overarching responsibility for supervision of the child welfare operations in the individual municipalities and of child welfare institutions, centres for parents and children, care centres for unaccompanied asylum-seeking minors, and other central government services and measures pursuant to this Act. The Norwegian Board of Health Supervision shall exercise authority in accordance with the provisions of this Act and appurtenant regulations.

The Norwegian Board of Health Supervision may monitor the legality of the way in which duties pursuant to this Act and appurtenant regulations are fulfilled.

Entry into force: 1 January 2023.

Section 17-3. *The County Governor's supervisory responsibilities*

The County Governor must monitor the legality of the municipality's fulfilment of its duties pursuant to [chapters 1 to 15](#) of this Act and its duties pursuant to [section 25-1 of the Local Government Act](#). The rules in [chapter 30 of the Local Government Act](#) apply to this supervision.

The County Governor must monitor that child welfare institutions, centres for parents and children and care centres for unaccompanied asylum-seeking minors are operated in accordance with this Act and appurtenant regulations. The supervisory responsibilities also apply to family-based accommodation pursuant to [section 11-1](#), fifth paragraph.

The County Governor must also monitor the legality of other central government services and measures pursuant to this Act. The responsibility also includes supervision of private individuals and enterprises that perform tasks pursuant to this Act.

The Ministry may issue regulations concerning the conduct of supervision.

Entry into force: 1 January 2023.

Amended by Act [no. 35 of 10 June 2022](#) (entry into force 15 June 2022) pursuant to [decree no. 994 of 10 June 2022](#)). Amended by Act [no. 35 of 10 June 2022](#) (entry into force 1 July 2023).

Section 17-4. *The supervisory authorities' access to information*

The Norwegian Board of Health Supervision and the County Governor may require municipal bodies covered by this Act, the Office for Children, Youth and Family Affairs (Bufetat), child welfare institutions, centres for parents and children and care centres for unaccompanied asylum-seeking minors to provide such information and reports as are necessary for the authorities to be able to perform their supervisory tasks. The duty of confidentiality does not prevent such information from being provided to the authorities. In addition to requiring information, the authorities may also require access to the sites.

Entry into force: 1 January 2023.

Section 17-5. *Orders and sanctions*

The County Governor may order the Office for Children, Youth and Family Affairs (Bufetat) to rectify circumstances that are contrary to provisions in this Act. Orders may also be issued to private parties that perform tasks pursuant to this Act.

If it is found that an institution or centre is being run improperly, the County Governor may order the manager or owner of the institution or centre to rectify the situation or to cease operating.

Anyone who receives notice of an order shall be given a reasonable period of time to rectify the circumstances before the County Governor issues an order. The County Governor's decisions concerning orders may be appealed to the Norwegian Board of Health Supervision.

Entry into force: 1 January 2023.

Section 17-6. Fines

If a municipality does not meet the time limit for reviewing reports pursuant to [section 2-1](#) and conducting an investigation pursuant to [section 2-2](#), the County Governor may impose a fine on the municipality. The Ministry may issue regulations concerning the right to impose fines and the size of fines.

Entry into force: 1 January 2023.

Chapter 18. Final provisions

Section 18-1. Entry into force

The Act enters into force from the time¹ determined by the King. The individual provisions may enter into force at different times.

From the time the Act enters into force, the following Act is repealed [Act no. 100 of 17 July 1992 relating to child welfare services](#).

The Ministry may issue transitional provisions.

From 1 January 2023, with the exception of sections 2-6 and 15-7, fourth paragraph.
1 Section 15-7, fourth paragraph, of the Act enters into force on 1 July 2023, pursuant to [decree no 1739 of 14 October 2022](#).

Section 18-2. Amendments to other Acts

From the time the Act enters into force, the following amendments are made to other Acts of law:

1. In the following provisions, the terms “[Child Welfare Act](#)” and “[Act no. 100 of 17 July 1992 relating to child welfare services](#)” are amended to read “the Child Welfare Act”:

1. [Act no. 41 of 26 June 1998 concerning cash benefit for parents with small children, section 6](#)
2. [Act no. 14 of 26 March 1999 relating to wealth and income taxation, section 5-43](#), first paragraph, (h)
3. [Act no. 58 of 19 June 2009 on value added tax, section 3-4](#), first paragraph, (a)
4. [Act no. 43 of 22 June 2012 relating to employers’ reporting of employment and income conditions, section 8](#), first and second paragraphs

2. In the following provisions, the term “the child welfare service” shall be changed to “the Child Welfare Service”:

1. [Act no. 16 of 28 May 2010 relating to the processing of information by the police and the prosecuting authority, section 40](#), no. 3 (f)
2. [Act no. 88 of 9 December 2016 relating to population registration, section 10-4](#), second and third paragraphs
3. [Act no. 35 of 13 June 1980 relating to free legal aid](#) is amended as follows:

[Section 11](#), first paragraph, no. 2 (a) and (b) shall read:

- to a person who is a party to a case in which the child welfare authorities have issued such an order as is mentioned in [section 4-2](#) first and second paragraph, and [section 4-4](#) first
- a. paragraph, of the Child Welfare Act, but in which the order has not been followed by the start of preparations by the child welfare authorities of a case to be heard by the Child Welfare Tribunal pursuant to [chapter 14 of the Child Welfare Act](#).
 - b. to a person who is a party to a case in which the child welfare authorities have started preparations of a case to be heard by the Child Welfare Tribunal pursuant to [chapter 14 of the Child Welfare Act](#), but in which the case has nonetheless not been submitted to the Tribunal.

[Section 17](#), third paragraph, nos. 1 and 2 shall read:

1. cases to be heard by the Child Welfare Tribunal pursuant to the [Health and Care Services Act](#).
2. cases to be heard by the Child Welfare Tribunal pursuant to [chapter 14 of the Child Welfare Act](#).

4. [Act no. 7 of 8 April 1981 relating to children and parents](#) is amended as follows:

[Section 55](#), first paragraph, third sentence, shall read:

If necessary, experts, the Child Welfare Service or social welfare services shall state their opinion before the County Governor decides the question.

[Section 61 a](#) shall read:

Section 61a. Exemption from the duty of confidentiality for the Child Welfare Service

Pursuant to [section 13-1 of the Child Welfare Act](#), the Child Welfare Service may, irrespective of any duty of confidentiality, provide information to the court in cases concerning parental responsibility, where the child is to live permanently and access.

[Section 64](#), fourth paragraph, shall read:

The court shall decide the question of parental responsibility by judgment. Where necessary, the court should obtain statements from the municipal child welfare service. The court should give the child's next of kin or the people with whom the child resides the opportunity to make a statement, unless this is unnecessary.

[Section 64](#), seventh paragraph, shall read:

The court shall notify the municipal child welfare service and the County Governor if no one has applied to the court pursuant to [section 64 a](#), or if, as a result of the judgment, no one has parental responsibility for the child. The Child Welfare Service shall place the child and monitor his or her progress pursuant to the provisions of the Child Welfare Act.

[Section 64 c](#), first paragraph, shall read:

The court shall on its own initiative and without undue delay decide who shall have parental responsibility when an interim decision has been made and no one has brought an action pursuant to [section 64](#). This shall not apply if a decision has been taken pursuant to [section 64 b](#) to the effect that no one shall have parental responsibility, and the municipal child welfare service and the County Governor have been notified.

[Section 69](#) shall read:

Section 69. Relationship between the provisions regarding the obligation of maintenance pursuant to the Children Act and the Child Welfare Act

Maintenance payments that are determined pursuant to this Act will cease to apply from the time maintenance can be determined pursuant to [section 15-13](#), first paragraph, of the Child Welfare Act.

5. [Act no. 25 of 22 May 1981 relating to legal procedure in criminal cases](#) is amended as follows:

[Section 71 b](#) shall read:

If any person who is under 15 years of age has committed an otherwise criminal act, the prosecuting authority may decide that the case shall be transferred to the Child Welfare Service. The Child Welfare Service shall inform the prosecuting authority as to whether it will make an administrative decision in the case or not.

[Section 183](#), third paragraph, shall read:

If the person charged is under 18 years of age, the prosecuting authority shall notify the Child Welfare Service of the remand in custody. The Child Welfare Service shall attend every remand hearing, unless the court finds that attendance beyond the first remand hearing is clearly unnecessary. The Child Welfare Services shall express an opinion on the need for measures pursuant to the Child Welfare Act and disclose information on ongoing efforts to implement measures. The rules in [section 118](#) shall apply correspondingly.

[Section 226](#), first paragraph, (e) shall read:

- e. to serve as preparation for the Child Welfare Service to deal with the issue of whether measures shall be instituted pursuant to the Child Welfare Act, and

[Section 232 a](#) shall read:

When a criminal investigation is instituted against a child under 18 years of age and the case is not of a trivial nature, the police shall immediately inform the Child Welfare Service. If the child is in an institution, the institution shall also be informed.

In cases referred to in the first paragraph, the Child Welfare Service shall be informed concerning any examination of the suspect if there is an opportunity to do so.

When the Child Welfare Service has so requested, it shall also be given an opportunity to express its views before the question of prosecution is decided.

6. [Act no. 47 of 4 July 1991 relating to marriage](#) is amended as follows: [section 26 a](#) shall read:

Section 26 a. *Duty to provide information to the Child Welfare Service*

Mediators whose work falls within the framework of this Act must in their work pay attention to matters that may lead to measures from the Child Welfare Service.

Mediators whose work falls within the framework of this Act must, irrespective of any duty of confidentiality, notify the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. if a child exhibits serious behavioural problems in the form of serious or repeated criminality, problematic use of intoxicants or some other form of distinctly normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Mediators whose work falls within the framework of this Act are also obliged to disclose information when so ordered pursuant to [section 13-4 of the Child Welfare Act](#).

7. [Act no. 55 of 5 August 1994 relating to control of communicable diseases](#) is amended as follows:

[Section 5-6](#), first paragraph, shall read:

The Commission on the Control of Communicable Diseases shall ensure that a lawyer is appointed for private parties. The lawyer must be promptly informed about the application for measures and attached documents, and be given a time limit for submission of a statement of defence pursuant to [section 14-10](#) of the Child Welfare Act.

[Section 7-5](#), first and second paragraphs, shall read:

Coercive implementation of measures pursuant to [sections 5-2](#) and [5-3](#) of this Act shall be decided by the Commission on the Control of Communicable Diseases. The Commission on the Control of Communicable Diseases shall be the Child Welfare Tribunal (cf. [section 14-1 of the Child Welfare Act](#)) that the Ministry appoints for this task. In the event of a serious outbreak of a communicable disease that is hazardous to public health (cf. [section 1-3](#) (4)), several tribunals may be appointed as commissions on the control of communicable diseases.

The rules of [Chapter 14 of the Child Welfare Act](#) shall apply unless otherwise provided by this Act.

[Section 7-6](#), first paragraph, shall read:

The Commission on the Control of Communicable Diseases shall be constituted pursuant to the rules of [section 14-2 of the Child Welfare Act](#).

8. [Act no. 19 of 28 February 1997 on National Insurance](#) is amended as follows:

[Section 2-17](#), first paragraph, first sentence, shall read:

The conditions for membership of the Norwegian National Insurance scheme pursuant to this chapter are not considered to be met during periods when a person is being held in custody, serving a sentence, undergoing compulsory mental health care or compulsory care pursuant to the [Penal Code](#) or has been placed in an institution as mentioned in [section 6-2 of the Child Welfare Act](#).

[Section 3-25](#), fourth paragraph, first sentence, shall read:

Child supplement for foster children (see [section 9-1 of the Child Welfare Act](#)) is granted if the pensioner has supported the child for the last two years before an application for child supplement was submitted.

[Section 6-4](#), first paragraph, third sentence, shall read:

In this context, the supervision and care of a child who has been placed in a foster home pursuant to [section 5-3](#) first paragraph, of the Child Welfare Act is regarded as equivalent to private care.

[Section 11-20](#), fourth paragraph, first sentence, shall read:

The term “children” includes own children and foster children (see [section 9-1](#) of the Child Welfare Act) if the member has supported the child for the last two years before an application for child supplement was submitted.

[Section 12-15](#), sixth paragraph, first sentence, shall read:

Child supplement for foster children (see [section 9-1 of the Child Welfare Act](#)) is granted if the recipient has supported the child for the last two years before an application for child supplement was submitted.

[Section 17-9](#), third paragraph, shall read:

For foster children (see [section 9-1 of the Child Welfare Act](#)), support may be provided for child supervision pursuant to [section 15-10](#) or [section 15-11](#), first paragraph, (d), if the survivor has supported the child for the last two years or the fostering began before their death.

[Section 18-5](#), fifth paragraph, shall read:

When calculating children's pension for families with two or more children, siblings who receive reduced children's pension due to a stay in a health institution or who are granted a children's pension pursuant to the Child Welfare Act must be disregarded.

[Section 22-3b](#), first sentence, shall read:

Basic benefit and auxiliary benefit for children who have been placed in a foster home pursuant to [section 5-3, first paragraph, of the Child Welfare Act](#) is paid to the foster parents.

[Section 25-11](#) shall read:

Section 25-11. *Duty to provide information to the Child Welfare Service*

Anyone who serves in a social security body must in their work pay attention to matters that might lead to measures from the Child Welfare Service.

Anyone who serves in a social security body must, irrespective of any duty of confidentiality, notify the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. if a child exhibits serious behavioural problems in the form of serious or repeated criminality, problematic use of intoxicants or some other form of distinctly normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Anyone who serves in a social security body is also obliged to provide information when ordered to do so in accordance with [section 13-4 of the Child Welfare Act](#).

9. [Act no. 62 of 19 June 1997 relating to the Family Counselling Service](#) is amended as follows: [section 10](#) shall read:

Section 10. *Duty to provide information to the Child Welfare Service*

Professionals in the Family Counselling Service must in their work pay attention to matters that might lead to measures from the Child Welfare Service.

Professionals must, irrespective of any duty of confidentiality, notify the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. if a child exhibits serious behavioural problems in the form of serious or repeated criminality, problematic use of intoxicants or some other form of distinctly normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Professionals are also obliged to provide information when ordered to do so in accordance with [section 13-4 of the Child Welfare Act](#).

10. [Act no. 82 of 19 June 1997 relating to passports](#) is amended as follows:

[Section 4](#), first paragraph, third sentence, shall read:

In cases covered by [section 5-6 of the Child Welfare Act](#), concerning prohibition against taking the child out of Norway, consent shall only be obtained from the Child Welfare Service.

[Section 7 a](#) shall read:

Section 7 a. *Duty to notify the municipality's child welfare service*

The passport authority shall immediately inform the municipal child welfare service of a decision to refuse or revoke a passport pursuant to [section 5](#), third paragraph (g) (cf. [section 7](#), first paragraph (b)).

11. [Act no. 61 of 17 July 1998 relating to primary and secondary education and training](#) is amended as follows:

[Section 13-2](#) shall read:

Section 13-2. *The duty of the county authority to provide primary, lower and upper secondary education in institutions pursuant to the Child Welfare Act*

When decisions are made concerning placement in institutions pursuant to the [Child Welfare Act](#), it is the county authority where the institution is located that is responsible for complying with the right to primary and lower secondary education and upper secondary education and training pursuant to this Act. The county authority where the institution is located has the right to remuneration of expenses for such education from the county where the child or

young person was resident at the time when a decision was made about the placement, according to rates determined by the Ministry.

This responsibility involves children and young people in institutions in the county for which the Office for Children, Youth and Family Affairs (Bufetat) is responsible pursuant to [section 16-3 \(3\) \(b\) of the Child Welfare Act](#) and children and young people in private and municipal institutions authorised pursuant to [section 16-3 \(3\) \(c\) of the Child Welfare Act](#). If the education takes place in the institution, the institution must provide the necessary premises for such education.

The Ministry issues regulations concerning remuneration of expenses incurred in the education of children and young people from other counties.

[Section 15-3](#) shall read:

Section 15-3. *Duty to provide information to the Child Welfare Service*

Personnel working in schools must in the course of their work pay attention to matters that might lead to measures from the Child Welfare Service.

Irrespective of any duty of confidentiality, school personnel must inform the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. if a child displays serious behavioural problems in the form of serious or repeated criminality, problematic use of intoxicants or some other form of distinctly normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Everyone performing services or work pursuant to this Act is also obliged to provide information when ordered to do so pursuant to [section 13-4 of the Child Welfare Act](#).

[Section 15-6](#), first paragraph, shall read:

If the Child Welfare Service has taken over care of a child pursuant to [section 5-1 of the Child Welfare Act](#), the Child Welfare Service is entitled to make decisions on behalf of the child. The same applies to decisions to ban relocation pursuant to [section 4-3 of the Child Welfare Act](#) and decisions on placement of a child pursuant to [section 4-2 of the Child Welfare Act](#).

12. [Act no. 63 of 2 July 1999 relating to patient and user rights](#) is amended as follows: [Section 3-4](#), sixth paragraph, shall read:

If the Child Welfare Service has taken a patient or user under the age of 18 into care pursuant to [sections 4-2](#) or [5-1 of the Child Welfare Act](#), the first to fifth paragraphs shall apply correspondingly to the Child Welfare Service.

[Section 4-4](#), fourth and fifth paragraphs, shall read:

If the Child Welfare Service has taken a child under the age of 16 into care pursuant to [section 4-2](#) or [5-1 of the Child Welfare Act](#), the Child Welfare Service has the right to consent to health care.

When a child has reached 7 years of age, and when a younger child is able to form their own views on the matter to which the consent pertains, the child's parents, others who have parental responsibility or the Child Welfare Service must provide the child with information and the opportunity to express their opinion before deciding whether to consent to health care. The weight given to the views of children must be appropriate based on their age and maturity. If the child has reached the age of 12, great weight must be given to the child's opinions.

[Section 4-5](#), second paragraph, shall read:

If the Child Welfare Service has taken a child between 16 and 18 years of age into care pursuant to [section 5-1 of the Child Welfare Act](#), the Child Welfare Service has the right to consent to health care.

[Section 6-2](#) shall read:

Section 6-2. Children's right to be accompanied by their parents while staying in a health institution

Children are entitled to be accompanied by at least one parent or other person with parental responsibility during their entire stay in a health institution, unless this is inadvisable out of consideration for the child, or the right of contact has ceased to apply pursuant to the provisions of the [Children Act](#) or the Child Welfare Act.

13. [Act no. 64 of 2 July 1999 relating to health personnel, etc.](#) is amended as follows: [section 33](#) shall read:

Section 33. Duty to provide information to the Child Welfare Service

Anyone who provides health care must in their work pay attention to matters that might lead to measures from the Child Welfare Service.

Health personnel must, irrespective of any duty of confidentiality pursuant to section 21, notify the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,

- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
if a child exhibits serious behavioural problems in the form of serious or repeated
- d. criminality, problematic use of intoxicants or some other form of distinctly normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Health personnel are also obliged to provide information when ordered to do so in accordance with [section 13-4 of the Child Welfare Act](#).

Health institutions shall appoint one person who is responsible for the release of information pursuant to the second and third paragraphs. This person must, without undue delay, report back to the person or body that submitted the report of concern on whether a report pursuant to the second paragraph has been released. If the information has not been released, an explanation must be provided. The person who submitted the report still has a responsibility to report a matter, if they believe that the conditions in the second paragraph are met. The person responsible for releasing the information must also ensure that the Child Welfare Service's responses pursuant to [section 13-3](#) of the Child Welfare Act are communicated to the person or body that submitted the report of concern without undue delay.

14. [Act no. 4 of 8 March 2002 relating to child benefit](#) is amended as follows: [section 2](#), second paragraph, shall read:

Other caregivers or child welfare institutions that have children under the age of 18 living permanently with them are entitled to child benefit if the child is resident in Norway pursuant to the provisions of [section 4](#).

15. [Act no. 84 of 4 July 2003 relating to independent schools \(The Independent Schools Act\)](#) is amended as follows:

0 Amended by Act [no. 39 of 10 June 2022](#) (entry into force 15 June 2022 pursuant to [decree no. 997 of 10 June 2022](#)).

[Section 7-4](#) shall read:

Section 7-4. *Duty to provide information to the Child Welfare Service*

School staff must in the course of their work pay attention to matters that might lead to measures from the Child Welfare Service.

Irrespective of any duty of confidentiality, school staff must inform the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. if a child displays serious behavioural problems in the form of serious or repeated criminality, problematic use of intoxicants or some other form of normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Everyone performing a service or work pursuant to this Act is also obliged to provide information when ordered to do so pursuant to [section 13-4 of the Child Welfare Act](#).

[Section 7-7](#), heading and first paragraph, shall read as follows:

Section 7-7. The right to make decisions on behalf of the child when a care order has been issued

If the Child Welfare Service has taken over the care of the child pursuant to [section 5-1 of the Child Welfare Act](#), the Child Welfare Service is entitled to make decisions on behalf of the child. The same applies to decisions to ban relocation pursuant to [section 4-3 of the Child Welfare Act](#) and decisions on placement of a child pursuant to [section 4-2 of the Child Welfare Act](#).

16. [Act no. 20 of 29 April 2005 on the collection of maintenance payments, etc.](#) is amended as follows:

[Section 1](#), first paragraph, first sentence, shall read:

In accordance with the provisions of this Act, maintenance payments are collected that are incumbent on a person pursuant to the [Children Act](#), the [Marriage Act](#) or the Child Welfare Act.

[Section 5](#), second paragraph, second sentence, shall read:

The collection agency shall also collect payments determined pursuant to [section 15-12](#) of the [Child Welfare Act](#) on the basis of a care order.

0 Amended by Act [no. 45 of 17 June 2022](#).

17. [Act no. 28 of 20 May 2005 – the Penal Code](#) is amended as follows: [section 261](#), first paragraph, shall read:

Any person who seriously or repeatedly removes or withholds a minor from someone with whom, pursuant to statute, agreement or court decision, the minor lives on a permanent basis, or who wrongfully removes the minor from someone who has responsibility of care pursuant

to the Child Welfare Act, shall be subject to a penalty of a fine or imprisonment for a term not exceeding two years. The same penalty shall be applied to any person who takes a minor out of the country or keeps a minor abroad and thereby illegally withholds the minor from someone who pursuant to statute, agreement or court decision has parental responsibility. The same applies where a care order, relocation ban or order for placement in an institution has been issued pursuant to [sections 5-1, 4-3, 6-2 or 6-6 of the Child Welfare Act](#), or where an application for such measures has been made to the Child Welfare Tribunal pursuant to [section 14-9 of the Child Welfare Act](#), or where an interim order has been issued in an emergency pursuant to [sections 4-2, 4-4 and 4-5 of the Child Welfare Act](#).

18. [Act no. 64 of 17 June 2005 relating to kindergartens](#) is amended as follows:

[Section 18](#), second paragraph, shall read:

Children who are the objects of an administrative decision pursuant to [sections 5-1](#), first paragraph, (a) to (d), [3-1](#) and [3-4](#), first paragraph, (b), second and fourth paragraphs, of the [Child Welfare Service Act](#) are entitled to priority for admission to a kindergarten.

[Section 31](#), fifth and sixth paragraphs, shall read:

The county authority must fulfil the right to special educational assistance pursuant to this Act for children in child welfare institutions and children who are patients in health institutions owned by the regional health authority or in private health institutions with an agreement with the regional health authority.

The Ministry may issue regulations concerning responsibility for expenses for special educational assistance, who is to be considered resident in the municipality, reimbursement of other municipalities' or county authorities' expenses for special educational assistance, the county authority's responsibility for the right to special educational assistance for children in child welfare institutions and the county authority's responsibility for the right to special educational assistance for children who are patients in health institutions owned by the regional health authority, or in a private health institution with an agreement with a regional health authority.

[Section 32](#), fourth paragraph, shall read:

If the Child Welfare Service has taken over the care of a child pursuant to [section 5-1 of the Child Welfare Act](#), the Child Welfare Service is entitled to make decisions pursuant to this chapter on behalf of the child. The same applies for decisions to ban relocation pursuant to [section 4-3 of the Child Welfare Act](#) and decisions on placement of a child pursuant to [section 4-2 of the Child Welfare Act](#).

[Section 46](#) shall read:

Section 46. *Duty to provide information to the Child Welfare Service*

Anyone who performs services or work pursuant to this Act must in their work pay attention to matters that might lead to measures from the Child Welfare Service.

Anyone who performs services or work pursuant to this Act must, irrespective of any duty of confidentiality, notify the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. when there are grounds to believe that a child is or will become a victim of human trafficking.

Anyone performing a service or work pursuant to this Act is also obliged to provide information when ordered to do so pursuant to [section 13-4 of the Child Welfare Act](#).

19. [Act no. 90 of 17 June 2005 relating to mediation and procedure in civil disputes](#) is amended as follows:

[Section 1-4 a](#), second paragraph, shall read:

Subsection (1) does not apply to administrative decisions handed down pursuant to the Child Welfare Act.

[Section 36-3](#), third paragraph, shall read:

The action shall be directed against the State, represented by the Ministry. If the case concerns a decision made by the Child Welfare Tribunal, the action shall be directed against the municipality. If the municipality is the claimant, the action shall be directed against the private party or parties to the challenged decision.

[Section 36-10](#), third paragraph, shall read:

An appeal against the judgment of the district court in cases concerning the Child Welfare Tribunal's decisions pursuant to the Child Welfare Act requires the leave of the court of appeal. Leave can only be granted if

- a. the appeal concerns issues which are of significance beyond the scope of the current case,
- b. there are grounds to rehear the case because new information has emerged,
- c. the ruling of the district court or the procedure in the district court are seriously flawed, or
- d. the judgment provides for coercion that has not been approved by the Tribunal.

20. [Act no. 35 of 15 May 2008 relating to the admission of foreign nationals into the realm and their stay here \(Immigration Act\)](#) is amended as follows:

[Section 84 b](#), second paragraph, shall read:

In the case of residents who are unaccompanied asylum-seeking minors, the immigration authorities may not ask employees as mentioned in the first paragraph and employees at care centres for unaccompanied asylum-seeking minors and child welfare institutions (cf. [chapters 10 and 11 of the Child Welfare Act](#)) for information under the first paragraph.

[Section 106 c](#), fourth paragraph, shall read:

The police must notify the Child Welfare Service about the arrest of a minor as soon as possible after it becomes likely that the police will request detention. Irrespective, notification must be given as soon as possible if other special reasons so warrant. The Child Welfare Service shall generally give a written statement in the case, unless the court or the Child Welfare Service finds it clearly unnecessary. The Child Welfare Service must attend a detention meeting if the court or the Child Welfare Service deems their attendance necessary. The rules in [section 118 of the Criminal Procedure Act](#) apply correspondingly.

21. [Act no. 44 of 19 June 2009 relating to municipal crisis centre provision](#) is amended as follows: [section 6](#) shall read:

Section 6. Duty to provide information to the Child Welfare Service

Everyone performing services or work pursuant to this Act must in their work pay attention to matters that might lead to measures from the Child Welfare Service.

Irrespective of any duty of confidentiality, the staff must inform the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. if a child displays serious behavioural problems in the form of serious or repeated criminality, problematic use of intoxicants or some other form of distinctly normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Everyone performing services or work pursuant to this Act is also obliged to provide information when ordered to do so pursuant to [section 13-4 of the Child Welfare Act](#).

22. [Act no. 131 of 18 December 2009 on social services in the Norwegian Labour and Welfare Administration \(NAV\)](#) is amended as follows: [section 45](#) shall read:

Section 45. Duty to provide information to the Child Welfare Service

Anyone who performs services or work pursuant to this Act must in their work pay attention to matters that might lead to measures from the Child Welfare Service.

Anyone who performs services or work pursuant to this Act must, irrespective of any duty of confidentiality, notify the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. if a child exhibits serious behavioural problems in the form of serious or repeated criminality, problematic use of intoxicants or some other form of normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Anyone performing a service or work pursuant to this Act is also obliged to provide information when ordered to do so pursuant to [section 13-4 of the Child Welfare Act](#).

23. [Act no. 30 of 24 June 2011 relating to municipal health and care services, etc.](#) is amended as follows:

[Section 3-9 a](#) shall read:

Section 3-9a. Health and care services for children placed outside the home pursuant to the Child Welfare Act

The municipality must ensure children who have been placed outside the home pursuant to the Child Welfare Act are offered the necessary health and care services.

[Section 9-7](#), fourth paragraph, fifth sentence, shall read:

If the decision has been appealed pursuant to [section 9-11](#), second paragraph, the decision may not be implemented before the Child Welfare Tribunal has approved the decision.

[Section 9-11](#) shall read:

Section 9-11. Appeals

A decision pursuant to [section 9-5](#), third paragraph, (a) may be appealed by the user or patient, guardian or next of kin to the County Governor. The County Governor must examine all aspects of the case.

Decisions pursuant to [section 9-5](#), third paragraph, (b) and (c) that have been reviewed by the County Governor pursuant to [section 9-8](#) may be appealed by the user or patient, guardian and next of kin, to the Child Welfare Tribunal. The right to appeal also applies if the County Governor has refused to approve the municipality's decision, provided that the municipality still wishes to implement the measure. The Child Welfare Tribunal must examine all aspects of the case.

A separate panel of experts may be appointed for cases that, pursuant to the rules in this chapter, must be heard by the Child Welfare Tribunal. A negotiation meeting for cases pursuant to this provision must be held as soon as possible and if possible within two weeks of the Child Welfare Tribunal receiving the case (cf. [section 14-16 of the Child Welfare Act](#)). The rules in [sections 14-1 to 14-7](#), [sections 14-9 to 14-12](#), [sections 14-15 to 14-21](#) and [section 14-24 of the Child Welfare Act](#) also apply. The King may issue regulations concerning whether these rules shall apply in part or in full.

The appeal case must be prepared by the County Governor pursuant to the provisions in [section 33, first to fourth paragraphs, of the Public Administration Act](#). The County Governor must provide an overview of the circumstances that formed the basis for the decision. The written statements and explanations that the decision is based on must be enclosed. The names of the people who shall provide statements to the Child Welfare Tribunal must be stated.

The appeal deadline is three weeks from when the decision or notice of the decision was received by the party who has the right to appeal pursuant to the first and second paragraphs.

[Section 9-12](#), first paragraph, shall read:

Decisions in appeal cases pursuant to [section 9-11](#), second paragraph, may be brought before the district court pursuant to the rules in [chapter 36 of the Dispute Act](#). The right to bring forth an action does not apply if the Child Welfare Tribunal has refused to approve the municipality's decision.

[Section 10-2](#), second to fifth paragraphs, shall read:

Decisions pursuant to the first paragraph must be made by the Child Welfare Tribunal.

A decision of the Child Welfare Tribunal pursuant to the first paragraph may only be initiated if the institution is professionally and materially equipped to offer the person adequate assistance in relation to the purpose of being admitted to the institution. The municipality may refrain from implementing a decision if the circumstances so dictate. If the decision is not implemented within six weeks, it will lapse.

An interim decision pursuant to the first paragraph may be made by the municipality if the interests the provision is supposed to safeguard can be significantly harmed if a decision is not made and implemented immediately. The rules in [sections 14-22](#) and [14-23 of the Child Welfare Act](#) also apply.

If an interim decision is made, a proposal for a final decision must be sent to the Child Welfare Tribunal within two weeks. If the case is not sent to the Child Welfare Tribunal by this deadline, the decision shall lapse.

[Section 10-3](#), fifth to seventh paragraphs, shall read:

An interim decision pursuant to the first paragraph may be made by the municipality if the interests the provision is supposed to safeguard can be significantly harmed if the decision is not made and implemented immediately. The rules in [sections 14-22](#) and [14-23 of the Child Welfare Act](#) also apply.

If an interim decision has been made, the proposal for a final decision must be sent to the Child Welfare Tribunal within two weeks. If the case is not sent to the Child Welfare Tribunal by this deadline, the decision shall lapse.

When the Tribunal has made a decision pursuant to the first paragraph and the woman has been admitted to an institution, the municipality must, irrespective of any duty of confidentiality, notify the Child Welfare Service about this. The notification must include information about the woman's identity, the assessment of her addiction and the risk of harm to the child that formed the basis for the decision, the expected due date, and which institution the woman has been admitted to. The same applies when the municipality has made an interim decision pursuant to the fifth paragraph, and the decision has been approved by the Child Welfare Tribunal pursuant to [section 14-22, first paragraph, of the Child Welfare Act](#).

[Section 10-5](#) shall read:

Section 10-5. Use of the Child Welfare Tribunal in cases pursuant to sections 10-2 and 10-3

[Sections 14-1](#) to [14-7](#), [sections 14-9](#) to [14-12](#) and [sections 14-15](#) to [14-24 of the Child Welfare Act](#) apply correspondingly for cases pursuant to [sections 10-2](#) and 10-3 unless otherwise specified in this Act.

Negotiations meeting for cases pursuant to sections 10-2 and 10-3 must be held as soon as possible and if possible within two weeks of the Child Welfare Tribunal receiving the case (cf. [section 14-16 of the Child Welfare Act](#)).

24. [Act no. 19 of 6 June 2014 relating to the stoppage of public benefits and child support when one parent has abducted a child to another country](#) is amended as follows: [section 3](#), second paragraph, shall read:

In this Act, "child support" means child support that has been collected by the collections agency for support payments and claims for reimbursement, with the exception of child support determined pursuant to [section 15-13](#) of the Child Welfare Act.

25. [Act no. 39 of 5 June 2015 relating to national identity cards](#) is amended as follows:

[Section 4](#), first paragraph, third sentence, shall read:

In cases covered by [section 5-6 of the Child Welfare Act](#), concerning prohibition against taking the child out of Norway, consent shall only be obtained from the Child Welfare Service.

[Section 8 a](#) shall read:

Section 8a. Duty to notify the municipality's child welfare service

The identity card authority shall immediately inform the municipal child welfare service of a decision to refuse or revoke a national identity card pursuant to [section 5](#), third paragraph, (e) (cf. [section 8](#), first paragraph, (a)).

26. [Act no. 85 of 4 September 2015 on the implementation of the Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children](#) is amended as follows: [section 5](#), third sentence, shall read:

If the case is transferred by the Child Welfare Tribunal, the district court may review the decision pursuant to the Child Welfare Act.

27. [Act no. 48 of 16 June 2017 no. relating to adoption](#) is amended as follows:

[Section 12](#), first paragraph, shall read:

If a child has been taken into care by the Child Welfare Service pursuant to [section 5-1 of the Child Welfare Act](#), the adoption case shall be decided by the Child Welfare Tribunal pursuant to [section 5-10 of the Child Welfare Act](#). When the adoption application is decided by the Tribunal, the adoption authority shall nevertheless issue the adoption order.

[Section 25](#) shall read:

Section 25. Contact visits between the adoptive child and his or her original parents

If an adoption is carried out pursuant to [section 5-10 of the Child Welfare Act](#) and the Child Welfare Tribunal has made a decision on contact visits between the child and the original parents pursuant to [section 5-11 of the Child Welfare Act](#), [section 24](#) shall apply with any limitations that follow from the decision.

[Section 53](#), third paragraph, shall read:

[Section 12](#), second paragraph, and [section 5-10 of the Child Welfare Act](#) shall apply to processing of cases concerning consent to adopt that are brought before the Child Welfare Tribunal following entry into force of this Act. If a matter is brought before the Tribunal prior to entry into force of this Act, these provisions shall nevertheless apply if the negotiation meeting of the Tribunal has not yet started. In connection with judicial review of the decision of the Tribunal, the provisions that were effective when the Tribunal considered the matter shall be applied.

28. [Act no. 3 of 1 March 2019 relating to grants for certain private enterprises with a public occupational pension scheme](#) is amended as follows: [section 2](#), first paragraph, shall read:

The Ministry may, on application, award grants to private enterprises that have provided specialist health services as mentioned in [section 2-1 a of the Specialist Health Services Act](#) or child welfare services for which the state has funding responsibility pursuant to [section 16-5 of the Child Welfare Act](#), to cover annual premiums to public occupational pension schemes as regulated in [chapter 4 of the Insurance Companies Act](#).

29. [Act no. 127 of 6 November 2020 relating to integration through training, education and work](#) is amended as follows: [section 49](#) shall read:

Section 49. Duty to provide information to the Child Welfare Service

Personnel whose work falls within the framework of this Act must in their work pay attention to matters that might lead to measures from the Child Welfare Service.

Personnel whose work falls within the framework of this Act shall, irrespective of any duty of confidentiality, notify the Child Welfare Service without undue delay

- a. when there are grounds to believe that a child is being or will be subjected to mistreatment, serious shortcomings in the daily care or other serious neglect,
- b. when there are grounds to believe that a child has a life-threatening or other serious illness or injury and is not being taken for examination or treatment,
- c. when there are grounds to believe that a child who has a disability or has special assistance needs is not receiving the necessary treatment and/or training,
- d. if a child exhibits serious behavioural problems in the form of serious or repeated criminality, problematic use of intoxicants or some other form of distinctly normless behaviour,
- e. when there are grounds to believe that a child is or will become a victim of human trafficking.

Personnel whose work falls within the framework of this Act are also obliged to provide information when so ordered pursuant to [section 13-4 of the Child Welfare Act](#).

30. [Act no. 146 of 18 December 2020 on financial contracts](#) is amended as follows: [section 4-52](#), fourth paragraph, shall read:

The King may by regulations lay down rules on the child welfare authority's competence to open an account for a minor for whom measures have been implemented pursuant to the Child Welfare Act, for funds that the minor is entitled to use pursuant to the provisions of the [Guardianship Act](#), including rules on competence to give the minor the right of disposal over this account even without the consent of the minor's guardian.

Entry into force: 1 January 2023.