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ACT

*Opphevet*

*1992-07-17*

no. 14 of 17 July 1953

*- 100*

relating to

CHILD WELFARE 1)

with amendments last of 1 April 1981.

## CHAPTER 1 LOCAL ADMINISTRATION

### Section 1

The municipal child welfare duties specified by this Act shall be a part of the social welfare activity of the municipalities which, as provided for in section 8 of the Social Care Act, shall be co-ordinated by the Social Welfare Board.

2. There shall be a Municipal <sup>*Child*</sup>~~Juvenile~~ Welfare Board in every municipality unless otherwise provided for, cf. section 12 A, subsection 2.

The Board shall perform the duties incumbent upon it pursuant to law. It shall keep itself fully informed of the conditions under which children and young persons live and shall promote measures for the improvement of child welfare in the

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DEN JURIDISKE FAKULTETSTJENESTEN

municipality.

3. The Board should co-operate as far as possible with authorities, institutions, societies, and others whose activities relate to child welfare, and particularly with the board of health, the school authorities, and the police.

## Section 2

The Municipal Juvenile Welfare Board shall comprise five members - women and men - preferable selected from among persons having a special understanding of and interest in child welfare. At least one of its members shall simultaneously be a member of the Social Welfare Board.

4. The Municipal Council shall appoint the members, including a chairman and a deputy chairman, for the local government's term of office. As many alternates as are considered necessary shall be appointed at the same time.

A person who has served as a member during one term of office may claim exemption from serving for a period of equal length. A person who has attained the age of 60 may likewise claim exemption. Persons who have attained the age of 66 should not

be appointed.

5.

### Section 3

In the case of large municipalities, the Ministry on the recommendation of the Municipal Council, may allow the Board to have more than five members and to be divided into sub-committees to deal with certain geographical and/or specialist fields of work. The Ministry shall, on the recommendation of the Municipal Council, make regulations concerning the organization and the quorum requirements of the sub-committees. The sub-committees shall for the rest be subject to the same regulations as the Board unless the Ministry, on the recommendation of the Municipal Council, provides otherwise.

6.

### Section 4

A quorum shall be constituted when not less than three-fifths of the members of the committee, including the chairman or deputy chairman, are present. When matters specified in section 5, first paragraph, are dealt with, the judge shall also be present. In the event of a tie, the chairman shall have the casting vote. The measures specified in section 5, first paragraph, shall

require an affirmative vote of at least three-fifths of the members.

The Board shall meet whenever the chairman so decides or at the request of not less than one-half of its members.

7.

The decisions of the Municipal Juvenile Welfare Board shall be in writing, and grounds for the decisions shall be stated at the same time. Reference must be made to the legal provisions on which the decisions are based. In other respects, the Public Administration Act, section 24, third paragraph, and section 25 shall apply. Minutes of the proceedings shall be kept.

Rules concerning the order of business and the keeping of minutes shall be laid down in directives issued by the Ministry.

8.

#### Section 5

The appropriate city court or district court judge shall sit as a member of the Board in matters relating to:

- (a) the assumption of custody of a child in case the parents or the persons acting in their

stead have refused to consent, cf. section 19,

(b) the withdrawal or all parental responsibility,  
cf. section 20,

(c) a prohibition against the removal of a child,  
cf. section 37,

(d) a refusal to relinquish custody of a child,  
cf. section 48, last paragraph.

9. The judge shall conduct the proceedings and  
deliberations of the Board in the matters aforesaid.

Where the district court or city court includes  
more than one member, the Ministry shall determine  
who of them shall serve and who shall act as deputy.

If a Municipal Juvenile Welfare Board has a chairman  
or any member possessing the qualifications  
prescribed for district court and city court judges,  
the Ministry may exempt the Board from co-opting  
the judge. In such event the member concerned  
shall conduct the proceedings and deliberations  
in the matters specified in the first paragraph.

10.

## Section 6

The chairman shall ensure that matters submitted to the Board are carefully investigated beforehand.

As much information as possible shall be obtained concerning the child, its environment and its parents and concerning concition in the home, at school, etc.

In the examination of the child the Board shall so far as possible secure expert assistance, cf. section 23.

11.

## Section 7

The Municipal Juvenile Welfare Board may procure information from any person resident in the municipality from whom a statement is considered important. Statements from persons resident in another municipality shall, on request, be sought by the Municipal Juvenile Welfare Board of that municipality.

The Board may, if it thinks necessary, require evidence to be taken by the court, cf. Courts of Justice Act, section 43, second paragraph.

12.

## Section 8

The child's parents, superiors or guardian, as well as other persons directly involved in the case, shall be given an opportunity to be heard before the Board comes to a decision. They shall be entitled to be present during the Board's proceedings, but not during the deliberations and voting. They are entitled to be assisted by another person in watching over the child's interests, cf. the Public Administration Act, section 12. The Board may require the appointment of a guardian ad litem to watch over the child's interests during the proceedings, cf. the Guardianship Act of April 22, 1927, section 15.

The persons referred to in the first paragraph may be excluded in the cases enumerated in section 133 of the Courts of Justice Act and in section 278, second and third paragraphs, of the Act relating to judicial procedure in penal cases.

13.

The child shall be given an opportunity to be heard by the Board in session. Where a child is to be heard by the Board, steps shall be taken to ensure that he can speak freely and without constraint. If the child's interests so require, a statement

by it should be given before one single member of the Board.

14.

## Section 9

The person to whom a decision of the Municipal Juvenile Welfare Board applies shall forthwith be notified in writing by the Board of the decision taken. The notice shall contain a transcript of the decision and of the grounds on which it is based, as well as information about the right of appeal and the specific procedure when appealing, cf. sections 52 and 54. If the decision concerns the removal of a child from either of its parents or from other persons acting in the parents' stead, such notice, as described above shall be given by letter delivered either by a member of the Board personally or by registered mail. In urgent cases, notice may also be given orally or in other ways. In that event the decision must be confirmed in writing as soon as possible, cf. the first and second paragraphs of this section.

15.

Decisions which will result in the child having to leave home, shall be notified to the guardianship authorities in the place where the child will be resident, and these authorities will decide whether an auxiliary guardian for the child shall be



appointed according to section 16 of the Guardianship Act.

#### Section 10

The Municipal Juvenile Welfare Board shall ensure the implementation of its decisions.

16.

#### Section 11

Where there is risk of delay, or where it is necessary to secure the child's person, the Municipal Juvenile Welfare Board may have the child placed temporarily in a family, a school or any other suitable place. If it is not possible to await a decision by the Board, the said measures may be taken by the Board chairman, by the public prosecutor, or by the director of the Social Welfare Office if authorized to do so by the Municipal Council. The rules set out in section 4, fourth paragraph, and in section 9 apply correspondingly for such decisions by the Board chairman, by the public prosecutor or the director of the Social Welfare Office. Where such provisional measures have been taken, the Board shall take the matter up for final decision as soon as possible.

17.

## Section 12

Public (including municipal) authorities and public servants who in the course of their duties become aware of circumstances that may require protective measures by the Municipal Juvenile Welfare Board, cf. section 16, shall do their best to have the situation rectified. The pledge of secrecy shall not debar them from furnishing the necessary information to the Board.

Notwithstanding the pledge of secrecy, such information may also be furnished by medical practitioners, public health nurses, sick-nurses, midwives, home-helps and similar persons.

18.

## Section 12 A

1. If during the proceedings in a case under this Act, social problems come up which pertain to other fields covered by the Social Welfare Board, the case shall be dealt with and determined by the Social Welfare Board. This, notwithstanding decisions specified in section 5 of this Act, shall be implemented only by the Municipal Juvenile Welfare Board on the basis of proposals from the Social Welfare Board.

- 19.
2. Where special circumstances so require, the Municipal Council, with the consent of the Ministry of Social Affairs may decide that the municipality shall not nominate its own Municipal Juvenile Welfare Board.

Decisions to this effect shall in such cases be included in the plan specified in section 12 of the Social Care Act.

3. In processing and deciding in child welfare cases under the rules of paragraphs 1 and 2 the provisions laid down for the Municipal Juvenile Welfare Board shall apply accordingly.
4. Child welfare cases shall be reported to the Social Welfare Board (Social Welfare Office), cf. section 9, paragraph 2 of the Social Care Act.

20.

#### Section 12 B

At the proposal of the Social Welfare Board, the Municipal Council may decide that the director of the Social Welfare Office shall be authorized to take decisions pursuant to this Act. This shall not, however, apply to decisions

- in cases as mentioned in the first paragraph of section 5,
- in cases where the parents do not consent to preventive measures according to section 18,
- to reverse or alter decisions taken by the Child Welfare Board in accordance with the rules in the first paragraph of section 5,
- to terminate custody pursuant to the first sentence of the last paragraph of section 48 if the child has been in custody for more than 6 months,
- that a child who has been in custody for more than 6 months shall be moved to another place, cf. section 27.

21. Before the Social Welfare Board puts forward a proposal as mentioned in the first paragraph, the opinion of the Juvenile Welfare Board shall be obtained. The rules in the fourth paragraph of section 4 and section 9 apply correspondingly to decisions taken by the director of the Social Welfare Office, cf. also the third paragraph of section 19.

22.

## CHAPTER II SUPERVISION

## Section 13

The Ministry shall supervise that the implementation of public child welfare is in conformity with the laws and regulations in force. The Municipal and County Municipal Agencies and child welfare institutions shall furnish the Ministry with such information and reports as may be prescribed. Persons authorized by the Ministry shall have access to every child welfare institution subject by law to supervision.

23.

## Section 14

The National Child Welfare Council shall be the Ministry's advisory agency on child welfare matters. The Council may also give opinions on such matters to any state institution requesting the same.

The Council shall comprise not less than five members who with their alternates, shall be appointed by the King for terms of four years. The King shall at the same time decide who shall be the chairman of the Council.

Further provisions concerning the Council's work

and the remuneration of its members shall be issued by the King.

24.

## Section 15

The County Governor shall supervise child welfare activities in the county under regulations laid down by the Ministry.

There shall in each county be an official responsible for child welfare matters. He shall be approved by the Ministry, which shall draw up the directives as to his duties.

25.

## CHAPTER III SPECIAL PROTECTIVE MEASURES

## Section 16

Protective measures as dealt with in this chapter may be taken in respect of children under 18 years of age who:

- (a) are so treated or live under such conditions that their health (physical and mental) or development is liable to be impaired or is seriously endangered,
- (b) through breaking the law or other conduct exhibit such lack of adjustment to their environment or to society that special measures seem to be called for,

26.

- (c) have no one to support them, or whose parents are unable to support them properly, and who are not otherwise properly cared for,
- (d) are sick or physically, mentally or otherwise handicapped, and necessary steps have not been taken to provide the care or treatment which they need and which in the circumstances are available.

27.

## Section 17

If the Board becomes aware, either through information furnished under section 12 or otherwise, that the circumstances of a child are as described in section 16, it shall forthwith undertake a detailed investigation. It shall, through talks with the child and its parents, seek to elucidate the causes of the conditions which have necessitated the Board's intervention and endeavour to bring the child and its parents to realize what, if anything, is wrong and what can be done to rectify the situation. For this purpose the Board should avail itself so far as possible of the services of persons specially qualified for this work (social caseworkers and the like).

In determining the measures to be taken, the Board shall consider the child's interests. It shall also consider whether the child's continued presence in the home may be harmful to other children.

28.

## Section 18

According to the circumstances of each particular case, the Board may take one or more of the following preventive measures:



(a) place the home under supervision by appointing a supervisor for the child as provided in chapter VI;

(b) furnish economic assistance to the home, in the form of money, goods or services, out of funds appropriated by the Municipal Council for preventive measures, cf. section 61.

Before such assistance is furnished, the Board shall consult with the Social Welfare Board;

(c) ensure that the child is placed in a kindergarten, day nursery, recreation centre or similar institution;

29.

(d) ensure that a child over school age is sent to school for further education or is apprenticed or otherwise given work without being removed from home. Before such a measure is taken, the Board shall confer with a vocational consultant or other expert;

(e) ensure that a child referred to in section 16 (d), is given care or treatment and is reported to the appropriate authority if it comes under the provisions of a special Act.

Measures set forth in sub-paragraphs (c) to (e) may, if necessary, be given effect by injunction

to the parents.

30.

## Section 19

If the measures set forth in section 18 are considered by the Board to be useless or if such measures have proved unavailing, the Board may decide to assume custody of the child and to remove it from home and place it elsewhere to be brought up. Such decision shall specify the manner in which the child is to be placed, cf. chapter IV. Before a decision is taken, the Board shall endeavour to obtain the written consent of the child's parents or of persons acting in their stead. If such consent is withheld, or if it is given and later revoked, the matter shall be dealt with as provided in section 5.

31.

If the child is not in the care of anyone, the Board shall assume custody forthwith. If the director of the Social Welfare Office has decided that the Board shall take custody of the child, cf. section 12 B, the case shall, when custody has lasted 6 months, be submitted to the Board, which shall take its own decision on the case.

32.

## Section 20

If the Municipal Juvenile Welfare Board has decided to assume custody of a child, it may also decide that all parental responsibility shall be withdrawn from one or both of the parents, cf. section 5.

If both parents are deprived of all parental responsibility, or the one of them who might have custody alone is deprived of all parental responsibility, thus leaving the child without a guardian, the Municipal Juvenile Welfare Board shall see to it that another guardian is appointed at once. The same applies when the child is orphaned and a guardian has not earlier been appointed.

33.

## Section 21

If the reason for a situation as described in section 16 is that a person in the child's home is an alcoholic or is supposed to have been guilty of criminal conduct towards the child, or if a person in the home is suffering from a disease thus exposing the child to danger, the Municipal Juvenile Welfare Board shall notify the Temperance Committee, the Police, the Medical Officer or the Board of Health in order that the said authorities

may take such measures as are necessary and required of them by law.

34.

CHAPTER IV . SPECIFIC PROVISIONS ON THE PLACING OF  
CHILDREN WHOSE CUSTODY HAS BEEN ASSUMED  
BY THE MUNICIPAL JUVENILE WELFARE BOARD

Section 22

A child whose custody has been assumed by the Municipal Juvenile Welfare Board shall be placed in such manner as the Board considers best for the child in each particular case. The Board shall in particular ensure that the child is properly cared for, brought up and educated. Before the child is placed, the Board shall as far as possible consult with experts.

35.

Section 23

The child shall in every case be examined by a physician before being finally placed. If there is reason to believe that the child is mentally handicapped, or if the measures taken are due to the child's conduct, the child shall also, if possible, be examined by a medical specialist or some other expert. If necessary the child may be admitted by a hospital or temporarily placed in a home where it can be examined and observed.

The Ministry shall make specific rules relating

to the examinations referred to in the foregoing paragraph.

36.

## Section 24

A child shall preferably be placed in a good foster home if it is considered suited for such placement. Before so placing a child, the Board shall inspect the home and obtain a statement from the chairman of the Board of Health on hygienic conditions in that home and a statement from him or another physician on the state of health of the foster parent and his family. The foster parent's obligations towards the child and any other terms shall be set forth in a written agreement.

37.

If the child cannot be placed in a foster home, he shall, unless the provisions of the third of fourth paragraph apply, be placed in an approved children's home.

If the child is over 15 years of age, an attempt shall be made so to place it that the child may receive vocational training or further schooling. In such case the child may be placed in a suitable private home, in a home for apprentices or young persons or the like, or he may be given employment. Wherever possible, the choice of a vocation or

school shall be made after consultation with a vocational consultant.

38. A child needing special treatment, education or care may be placed in a special school, observation school or other institution for special care. Where a decision is made to place a child in a special school for children and young persons with adjustment difficulties, the matter shall be submitted through the appropriate County Governor to the Ministry for action.

39. Section 25

If a child cannot immediately be placed in the manner decided upon, the Board may place it temporarily in a reception home or find some other suitable accommodation until the child can be placed permanently.

Section 26

- (a) County municipalities are responsible for the establishment in each county of a placement bureau to assist the Municipal Juvenile Welfare Boards in placing children in foster and children's homes. The bureau should possess

an up-to-date record of vacancies in the children's homes in the county and should make special efforts to provide good foster homes. Plans for the establishment of the bureau shall require the approval of the Ministry, and the bureau's activities shall be supervised by the Ministry.

40.

(b) It shall be unlawful for private persons to engage in child placement activities irrespective of whether the children are placed for adoption. A contravention of this provision shall be punishable by fine or by imprisonment for a term not exceeding three months. Organizations shall likewise be prohibited from engaging in such activities except with the consent of the Ministry, which in such event shall supervise the said activities.

#### Section 27

Once a child has been placed, no changes in respect of its placement shall be made by a Municipal Juvenile Welfare Board except in the interests of the child or where the child exerts a harmful influence on other children.

41.

A decision to make changes in respect of a child's



placement shall be taken by the Board which placed the child, unless it was placed in a special school. The Board of the municipality in which the child is placed may, however, take such provisional measures as are necessary but shall in such case immediately notify the Board having custody of the child.

42.

## Section 28

A child in the custody of the Municipal Juvenile Welfare Board shall at all times be regarded as having the same municipality of residence as his parents or the parent with whom he most recently resided.

43.

## CHAPTER V FOSTER CHILDREN AND FOSTER HOMES

## Section 29

For the purpose of this Act a foster child is a child placed by a Municipal Juvenile Welfare Board or by private persons to be brought up, with or without remuneration, in a private home other than that of his parents or adoptive parents.

## Section 30

Anyone wishing to receive a foster child to be placed by the Municipal Juvenile Welfare Board of another municipality or by private persons, shall first be required to obtain the consent of the Municipal Juvenile Welfare Board of the municipality in which he resides.

44.

The application for such consent shall be accompanied by the child's birth certificate and a medical certificate containing particulars of the person desiring to place the child, the reasons therefore, the applicant's name, occupation and address, the conditions under which the child is to be brought up, and any other circumstances of importance for an appraisal of the foster home.

45.

No one may place a foster child until he has ascertained that the foster parent has, as provided in the first paragraph, consented to receive the child. The person placing a child shall within eight days notify the Municipal Juvenile Welfare Board of the municipality where the child is placed.

Any contravention of the provisions of this section shall be punishable by fine.

46.

#### Section 31

If a Municipal Juvenile Welfare Board through an application under section 30 or otherwise becomes aware that someone wishes to receive or has already received a foster child, the Board shall, unless it already has sufficient knowledge of the foster home, forthwith undertake a thorough inspection of the home and obtain a statement from the chairman of the Board of Health on hygienic conditions in the home and a statement from him or another physician on the state of health of the foster parent and his family.

47.

Consent to receive the child shall not be granted if the Board considers that there is a danger of the child not being properly cared for and brought up or that residence in the foster home may otherwise

be harmful to the child.

48.

## CHAPTER VI. SUPERVISION OF FOSTER CHILDREN. REMOVAL

## Section 32

A foster child shall remain under the supervision of the Municipal Juvenile Welfare Board until it attains the age of 18 years. A child placed pursuant to a decision of the Municipal Juvenile Welfare Board shall, however, remain under the Board's supervision for as long as the Board has custody, cf. section 48.

If in the Board's opinion, there is reason for doing so, supervision of a child placed by private persons may be continued by the Board after the child has attained the age of 18 years but not after it has attained the age of 21 years.

49.

A foster home may be exempted from supervision if the Board, from its knowledge of the circumstances, considers that there are special reasons for such exemption. The exemption may be subjected to certain conditions by the Board and may be revoked at any time. Even where an exemption is granted, the foster parent shall furnish the Board with such information as is prescribed by law or stipulated by the Board.

50.

## Section 33

Supervision over a foster child shall be exercised by the Municipal Juvenile Welfare Board of the municipality in which the foster parent resides.

In special cases, however, the Ministry may provide that a Municipal Juvenile Welfare Board shall exercise supervision over a child which the Board has placed in another municipality on condition that such supervision is adequate. In such event the Municipal Juvenile Welfare Board of the municipality in which the child is placed shall be exempt from exercising supervision. It shall nevertheless be bound to notify the Board exercising supervision of any undesirable circumstances in the foster home which may come to its knowledge and to take such provisional measures as it considers necessary.

51.

## Section 34

The Municipal Juvenile Welfare Board shall appoint a supervisor for each foster child subject to supervision.

The supervisors should be officials appointed by the Municipal Council or other specially qualified

persons who are willing to accept the assignment.

The foster parent shall in every case be notified of the appointment of a supervisor.

52.

Section 35

The supervisor shall ensure that the child is properly cared for, brought up and educated and receives necessary medical attention and treatment when ill. The supervisor shall closely observe the child's development and conduct. He shall, where it appears necessary to do so, give the foster parent advice and guidance in connection with the child's upbringing.

53.

In the case of a child placed by private persons, the supervisor shall in the exercise of his duties, consult wherever possible with the child's parents or guardian or with the person paying for the child.

In the case of a child placed by the Municipal Juvenile Welfare Board, the supervisor shall be informed of the circumstance underlying the Board's action and shall, in particular, ensure that the conditions stipulated for the upbringing of the child are complied with.

54.

The supervisor shall be entitled to access to the foster home, which shall be visited as often as may be required by the circumstances of the individual case. The foster parent shall give the supervisor such information as may be necessary for the purposes of supervision.

The Board may give the supervisor such instructions as are considered necessary in each case.

The supervisor shall report to the Board on his supervisory activities once a year and, in addition, whenever the Board requests him or he considers it necessary to do so.

55.

#### Section 36

If the supervisor considers that the child is not being properly cared for or brought up or that conditions in the foster home are otherwise unsatisfactory, or if the foster parent has not complied with the conditions stipulated, the supervisor shall, by suitable means, endeavour to induce the foster parent to rectify the situation or shall, if necessary, require him to do so. If these steps are unavailing, or if the situation is serious, he shall notify the Board without



delay. The same provisions shall apply where the child's health or conduct is such that special measures are considered necessary.

56.

If the Board becomes aware of circumstances as aforesaid, it shall forthwith institute an investigation and take the necessary measures.

If the Board considers it undesirable for the child to remain in the foster home, it may require the child's removal. In such event the Board shall ensure that the child is properly taken in charge by the person responsible for his care. If the child was placed by another Board, that Board shall be notified immediately. If the child was placed by private persons, the Board shall notify the child's parents or the other persons who placed him.

57.

#### Section 37

The Municipal Juvenile Welfare Board may provide (cf. section 5) that a child placed by private persons in a foster or children's home shall not be removed for a certain period of time, if there are no good reasons for removing the child and to do so would be harmful to him.

## Section 38

If the foster parent moves elsewhere, he shall give the Municipal Juvenile Welfare Board ample advance notice thereof. As soon as possible after such removal, the Board shall undertake a new inspection of the foster home and shall, if necessary, appoint a new supervisor. If the foster parent moves to another municipality the Municipal Juvenile Welfare Board shall notify the Board of that municipality and the latter Board shall then assume the supervision of the child unless it is exempted therefrom under section 33, second paragraph.

58.

If the foster child dies or if the foster relationship otherwise terminates for a reason not attributable to measures taken by the Municipal Juvenile Welfare Board, the foster parent shall forthwith notify the Board.

59.

CHAPTER VII CHILDRENS HOMES AND OTHER CHILD WELFARE  
INSTITUTIONS ETC.

Section 39

For the purposes of this Act child welfare  
institutions shall be:

(a) children's homes, including mothers' and  
infants' homes, reception homes, homes for  
young persons and apprentices, children's  
boarding homes and the like;

(b) recreation centres and the like;

(c) children's colonies, summer camps and the like.

60.

In cases of doubt the Ministry shall decide whether  
or not an institution comes under the Act.

The Ministry may provide that a child welfare  
institution or a group of such institutions shall  
be subject to the approval and supervision of an  
authority other than that specified in this chapter.

61.

## Section 40

Child welfare institutions shall require the approval of the Ministry or a person authorized by the Ministry. New child welfare institutions may not be opened until such approval has been given.

62.

Approval of a child welfare institution or the validity of an earlier approval shall be conditional upon a plan of the institution's activities being available and the institution being under a responsible board. Several institutions may have the same board. The board of a county-municipal institution is elected for the municipal election period by the County Council. The County Council also decides who is to be chairman and vice-chairman of the board. In the case of institutions which are not county municipal, but which enter into the plan mentioned in the second paragraph of section 45, the county municipality is entitled to appoint one representative to the board. The boards of government institutions are appointed by the Ministry. The Ministry may for special reasons make exceptions to this rule.

63.

If an institution moves to new premises, approval shall be applied for anew.

The prospective manager of a child welfare institution shall require the special approval of the Ministry or of a person authorized by the Ministry. If the manager moves to another institution, approval shall be applied for anew.

The opinion of the Municipal Juvenile Welfare Board shall be obtained before a question of approval under this section is decided.

Approval both of the institution and of the manager shall be in writing and may be revoked if the prevailing circumstances so require.

64.

The Ministry may issue regulations governing the planning, erection, alteration, furnishing and operation of these institutions and governing authority to appoint senior personnel, qualification requirements for the staffing of institutions and approval of accounting and auditing procedures.

#### Section 41

In the municipalities designated by the Ministry the obligation to seek approval under section 40 shall not apply to managers of child welfare institutions under a Municipal Council.

6 65.

## Section 42

Child welfare institutions shall be under the supervision of the Municipal Juvenile Welfare Board of the municipality in which the institution is situated. An institution under a Municipal Council shall, however, in every case be under the supervision of the Board of the municipality owning or operating the institution.

66.

The Board shall carefully ensure that the institution is operated in accordance with laws and regulations in force and so as to promote the childrens' well-being and happiness and their feeling of security. Corporal punishment shall not be resorted to.

The Board's members or a person authorized by the Board shall have access to the institution and may require the manager or the board of directors to furnish such information as is necessary for the purpose of supervision.

The Ministry may issue specific regulations governing supervision.

67.

## Section 43

If a Municipal Juvenile Welfare Board considers that the children at an institution are not properly treated or that conditions in the institution as regards premises, equipment, staff, etc. are unsatisfactory, it shall by approaching the manager or the board of directors seek to have the situation rectified. If this step is unavailing, the Board shall notify the Ministry.

68.

If the situation is so serious that the Board considers it inadvisable for the children to remain in the institution, the Board may order the institution to be closed pending action by the Ministry. In such event the Board shall ensure that the children are properly cared for as long as may be necessary.

If the Ministry decides that the approval granted to the institution is to be revoked, the Board shall ensure that the children are accommodated in some other suitable manner. If any of the children were placed in the institution by another Board, the latter shall be notified immediately. Where a child was placed by a private person, the person who placed the child shall be notified and, if possible, be consulted concerning the placing of the child.

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69.

## Section 44

The Municipal Juvenile Welfare Board may order a child to be removed from an institution if to do so is in the child's interest or the child exercises an unwholesome influence on other children in the institution. In such event the Board shall assist in placing the child in some other suitable manner.

70.

## Section 45

County municipalities are responsible - individually or in cooperation with other county municipalities - for establishing and running child welfare institutions as mentioned under litra a) in the first paragraph of section 39 to the extent that such institutions are needed in the county.

71.

The county municipality concerned shall prepare a plan for the establishment and operation of institutions mentioned in the first paragraph. The plan may include municipal and private institutions which have been approved in accordance with section 40. The plan shall be approved by the Ministry, which may also make changes in it. Where private institutions are concerned which were



established before 1 January 1980, and which have been approved in accordance with section 40, the King may decide on application by the institution concerned to include it in the above-mentioned plan on certain conditions.

72.

The completed plan shall be incorporated in the outline plan for the county according to section 5 of the provisional Act no. 82 of 11 June 1976 relating to Planning and Trial Projects in the Social Services and Health Services outside Institutions.

According to need, municipalities should either themselves establish or support the establishment of institutions to which *litra b)* and *c)* of the first paragraph of section 39 apply or of other activities which serve corresponding purposes.

73.

#### Section 46

(Repealed by Act No 30, section 14, of 6 June 1975.

## Section 47

6

The provisions of this chapter shall not in any way restrict the supervisory functions of the Board of Health under other statutory provisions.

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74.

CHAPTER VIII. TERMINATION OF THE BOARD'S CUSTODY.  
AFTER-CARE MEASURES

Section 48

Except as otherwise provided in the second or third paragraph, a child placed by a Municipal Juvenile Welfare Board shall remain in the custody of the Board until it has attained the age of 21 years.

75.

The Board shall not have custody of the child while it remains at a special school in which it was placed by a Board decision. On final discharge from such special school the child shall again be in the custody of the Board until it attains the age of 21 years. If the child is discharged conditionally, the Board may, by agreement with the authority concerned, assume custody during the period of conditional discharge.

The Board's custody shall terminate before the child attains the age of 21 years if there are no longer sufficient grounds for continuing the measures taken with regard to the child. The validity of a decision not to relinquish custody shall be conditional upon the matter being dealt with as provided in section 5.

76.

## Section 49

6

The Municipal Juvenile Welfare Board shall be notified not less than two months before a child placed in a special school or an institution for special care by a decision of the Municipal Juvenile Welfare Board is to be discharged, either finally or conditionally. After consultation with the principal of the school or the director of the institution, the Board shall decide whether the child, if under 21 years of age, should be returned to its parents or be placed in some other suitable manner.

77.

## Section 50

If custody is terminated by a decision of the Board or by the child's attaining the age of 21 years, the Board shall, if necessary, also help the child to obtain suitable employment. In addition, the Board shall, where necessary and if the child does not have funds of his own, provide essential clothing and a suitable amount of travel money. Before relinquishing custody, the Board shall make certain that the child, with the assistance of its parents or other persons or by its own efforts, will be ensured adequate maintenance and be given opportunities for development.

78.

## Section 51

The Board shall ensure that adequate after-care measures are taken in the case of a child discharged from a special school, an observation school or an institution for special care. Such measures shall be arranged in consultation with the director of the institution in which the child was placed and shall ordinarily consist in the appointment by the Municipal Juvenile Welfare Board of a supervisory guardian for the child. The supervisory guardian may be either a qualified person who is willing to accept to assignment or a specially appointed official. The supervisory guardian should be resident near the discharged person's place of residence, and shall exercise supervision over the said person's situation and, if necessary, assist him with advice and guidance.

79.

The Municipal Juvenile Welfare Board shall also, on the discharge of a child placed by the Board in a foster home, children's home, home for young persons and apprentices or the like, appoint a supervisory guardian for the child, if after consultation with the foster parent or the manager of the home, it considers such appointment necessary.

6      The Municipal Juvenile Welfare Board may provide that a person shall be subject to after-care measures until he has attained the age of 23 years. In conjunction with the said measures, the Board may also, from funds provided by the Municipal Council, furnish economic assistance in the form of money, goods or services.

Regulations concerning after-care measures and the duties of supervisory guardians shall be made by the Ministry.

80.      The Ministry may consent to after-care measures in a municipality being carried out otherwise than as herein before provided, for example by interested organizations or in some other manner considered satisfactory.

81.

CHAPTER IX. APPEALS. REVERSAL OF DECISIONS.  
RECONSIDERATION. CONTESTING OF DECISIONS  
IN THE COURTS.

Section 52

Decisions by the Municipal Juvenile Welfare Board pursuant to this Act may be appealed to the County Governor. This applies also to decisions by the Board's chairman, the director of the Social Welfare Office, or the public prosecutor, as set out in the second sentence of section 11.

82.

Section 53

The decisions of the County Governor in cases of appeal may be brought before a court of law according to the rules in the Act of 13 August 1915, Chapter 33, when they are to the effect that

- (a) the Municipal Juvenile Welfare Board shall assume custody of the child and remove it from its home and place it elsewhere to be brought up, cf. section 19;
- (b) all parental responsibility shall be withdrawn from one or both of the parents, cf. section 20;
- (c) a child in custody shall be moved to a different place of residence, cf. section 27;
- (d) a child placed by private persons shall not be removed, cf. section 37;

83.

6

(e) the custody of the Board shall not terminate,  
cf. section 48, third paragraph.

Other decisions by the County Governor in appeals pursuant to section 52, first sentence, may be appealed to the Ministry.

If the Ministry makes a decision as set out in the first paragraph (a)-(e), the first paragraph shall apply accordingly.

84.

#### Section 54

The person affected by the decision has the right to lodge an appeal and to institute legal action. Any member of the Board also has the right to appeal.

If the decision involves those rulings set out in section 53, first paragraph, the child itself may lodge an appeal or institute legal action, provided that he has attained the age of 15 years and is capable of comprehending what the case concerns.

Section 29 of the Public Administration Act concerning time limits for appeals shall not apply to appeals in cases under this Act.



85.

When notified of any decision of the kind covered by section 53, first paragraph, cf. third paragraph, the person lodging the appeal, or the person acting on his behalf, shall be informed that he may demand that the case be brought before a court of law.

When the person concerned seeks legal consideration of a case, he is entitled to guidance and aid.

If applications concerning a termination of custody have not succeeded in the courts, no further claims may be made in this connection until one year after the date from which the judgement has come into force.

86.

#### Section 55

Both the County Governor and the Ministry may consider both the legal and the discretionary aspects of the Board's decision. They may confirm or repeal the decision or refer the matter back to the Board for reconsideration. They may also so alter the decision as to substitute other measures for those adopted by the Board.

87.

CHAPTER X.(1) THE PUBLIC PROSECUTOR'S POLICY IN  
THE EVENT OF PUNISHABLE OFFENCES  
PERPETRATED BY CHILDREN

## Section 56(1)

If a child has not yet reached the age of 14 and has committed an otherwise punishable act, judicial as well as extrajudicial inquiries may be initiated.

88.

## Section 57

If a person over 14 years but under 18 years of age has committed a punishable act, the Public Prosecutor may refer the matter to the Municipal Juvenile Welfare Board instead of instituting criminal proceedings or waiving prosecution, by virtue of the Criminal Procedures Act, section 85, second, third and fourth paragraphs. The Municipal Juvenile Welfare Board shall decide whether any and, in the event, what measures shall be taken.

89.

The decision of the Municipal Juvenile Welfare Board shall without delay be communicated to the Public Prosecutor.

(1) Act no. 12 II of 4 April 1975.

The same procedure shall apply to persons over 14 years of age placed in or released on parole from a special school for socially maladjusted children or any other institution for the treatment of such children. In such cases, the Municipal Juvenile Welfare Board shall make its decision in consultation with the management of the institution concerned.

90.

## Section 58(1)

If a case has been referred to the Municipal Welfare Board in pursuance of section 57, the Public

Prosecutor may reopen proceedings, provided that

- 1) the person in question commits a new punishable act, or
- 2) the Municipal Juvenile Welfare Board expressly so requests, or
- 3) the Public Prosecutor finds that the measures taken by the Municipal Juvenile Welfare Board are inadequate.

91.

In such a case an indictment must have been issued or the case must have been referred to the Court of Examining and Summary Jurisdiction for adjudication not later than a year subsequent to the decision to refer the case to the Municipal Juvenile Welfare Board has been made.

92.

## Section 59(1)

When the Public Prosecutor has referred a case to the Municipal Juvenile Welfare Board pursuant to the rules in section 57 the victim of the punishable act may not proceed on the case.

93.

## Section 60(1)

When an investigation is initiated in respect of cases pursuant to sections 56 and 57, and the case in question is of more than a trifling nature, the Public Prosecutor shall forthwith inform the Municipal Juvenile Welfare Board. The latter may be represented at the examination proceedings of the young offender concerned, if this is feasible.

In cases as mentioned in sections 56 and 57 it is emphasized that investigation proceedings must be undertaken without undue delay.

(1) Act No. 12 II of 4 April 1975.

94.

## CHAPTER XI. EXPENSES

## Section 61

The members of the Municipal Juvenile Welfare Board are, in accordance with rules laid down by the Municipal Council, entitled to reimbursement for travel and board expenses incurred in connection with Board meetings. The city court judge or district court judge is, when he is called, entitled to such reimbursement from government funds in accordance with rules laid down for public servants.

95.

Travel expenses incurred by members in connection with inspection and supervision shall be defrayed by the municipality in accordance with rules laid down by the Municipal Council.

Expenses in connection with the work of the Municipal Juvenile Welfare Board shall be defrayed by the municipality. The Municipal Council shall, on the recommendation of the Social Welfare Board, provide the funds required by the Board for the proper execution of its duties according to this Act.

The Municipal Council may decide to recompense the chairman and members for their services.

96.

## Section 62

Persons required under section 7 to make a statement before a Municipal Juvenile Welfare Board or the court shall, in accordance with the rules concerning compensation for witnesses, be entitled to an allowance from municipal funds for travel and board.

97.

## Section 63

Reimbursement of the following expenses may be claimed at any time from the child's municipality of residence, cf. section 28:

- (a) costs of medical examinations, including psychiatric and psychological examinations, whether or not entailing committal to an observation or treatment centre, other than costs covered by National Insurance,
- (b) costs of caring for children placed by the Board in foster homes, children's homes, homes for young persons or similar institutions, and other necessary expenditures concerning such children for purposes as travel, clothing, footwear, dental care etc., and expenditures for education.

98. (c) expenses incurred by a Municipal Juvenile Welfare Board in respect of foster children under its supervision, such as expenses for necessary medical supervision or for moving of the child.
- (d) payments to be made to an appointed supervisory guardian.

The Treasury shall bear the entire expenditure if a child's parents are vagrants properly speaking. This also shall apply to a child whose parents are not Norwegian citizens.

99. Section 64

The cost of placing a child in and maintaining him at an observation school, special school or any other institution for special care shall be defrayed as provided in the relevant special Act.

100. Section 65

The owner of a child welfare institution is liable for expenses incurred in connection with the planning, building, extension, rebuilding and

furnishing of the institution. However, expenses incurred by municipal institutions mentioned in litra a) of the first paragraph of section 39 which are incorporated in the plan mentioned in the second paragraph of section 5 shall be met by the county municipality concerned.

101.

## Section 65 a

1. County municipalities shall meet expenses incurred in the running of child welfare institutions as mentioned in litra a) of the first paragraph of section 39, provided the institution is incorporated in the plan mentioned in the second paragraph of section 45 and adheres to the county municipality's rules for allocations and accounts. The liability of the county municipality to meet operating expenses also extends to expenses incurred by an owner for maintenance approved by the county municipality and to interest and repayments in connection with approved building projects. The same applies to repayments of and interest on loans for building work carried out or begun before 1 January 1980 provided the loan was taken up before that date.

102.

According to rates determined by the Ministry,



municipalities refund some of the cost to the county municipality for the maintenance of children placed by the Juvenile Welfare Board in institutions mentioned in the preceding paragraph and for mothers staying in homes for mothers in accordance with decisions taken by the Social Welfare Board.

The government refunds expenditure by county municipalities for the maintenance of children in the cases mentioned in the last paragraph of section 63 and on stays in homes for mothers when the mother is not a Norwegian national.

103.

If the child's place of residence is in another county, the expenses of the county municipality shall be met by the child's county of residence. No refund may be demanded in respect of stays in homes for mothers.

2. The municipality is liable for expenses incurred in connection with children placed by the Juvenile Welfare Board in a foster home or other home where food is provided, to the extent that the expenses are not the liability of the county municipality according to the first paragraph of subsection 1.

The county municipality refunds the municipality's

expenses in excess of what the municipality would have been obliged to refund according to the second paragraph of subsection 1.

104.

The government refunds municipal expenses insofar as this follows from litra a, c and d of section 16 of the Act relating to Social Care and the last paragraph of section 63 of this Act.

- (b) The government makes annual appropriations for partial defrayment of the county municipality's expenses according to section 65a.

The appropriations are paid over as total amounts according to specific rules issued by the Ministry.

105.

- (c) The provisions in this Act which apply to county municipalities apply correspondingly to the urban municipality Oslo.

#### Section 66

To meet maintenance expenses as mentioned in section 65 a in respect of children or young persons who are in the care of the Municipal Juvenile Welfare Board, the Board may for the period in question demand payment to it of

106. a) the maintenance allowance and other grants fixed for the child in pursuance of the statutory provisions regarding children born in and out of wedlock,

b) the children's pension to which the child is entitled according to the National Insurance Act, provided that the child retains a certain proportion of the pension according to specific rules issued by the King.

107. If the child possesses other means than those mentioned in the first paragraph, the County Governor may decide on the recommendation of the Municipal Juvenile Welfare Board that refunds shall be recovered out of these means as far as is thought reasonable. The Ministry issues specific regulations governing such refunds.

108. If maintenance allowances or other grants mentioned under litra a of the first paragraph have not been made payable by the child's parents or others responsible for its maintenance, the County Governor may decide on the recommendation of the Municipal Juvenile Welfare Board that the parents shall refund the expenses in whole or in part by paying a sum to be determined at the same time, provided their financial status is such that this appears

to be justified.

109. To meet maintenance expenses as mentioned in section 65 a in respect of mothers who are staying in homes for mothers on the decision of the Social Welfare Board, the Board may for the period in question demand payment to it of the benefit which the mother receives as a single supporter of a family and of the transitional benefit to which she is entitled as unmarried up to the time of delivery, provided that she retains a certain proportion of these benefits in accordance with regulations issued by the Ministry.
110. If the mother or the unmarried woman possesses other means than those mentioned in the preceding paragraph, the Social Welfare Board may decide that a refund shall be recovered out of these means as far as is thought reasonable. The Ministry issues specific regulations governing such refunds.
111. If the refund which may be claimed exceeds the expenses incurred by the municipality, the excess amount shall go towards meeting the maintenance expenses of the county municipality.
112. Refunds according to the second, third, and fifth paragraphs are claimed in accordance with the statutory provisions relating to the collection

of maintenance contributions. If the Municipal Juvenile Welfare Board has demanded that maintenance allowances be paid to the Board by virtue of litra a of the first paragraph, allowances subsequently paid shall first cover current allowances for the month in question, then any arrears of allowances to persons entitled to them, and then municipal claims. The same applies to contributions from the father of the child to an unmarried mother which the Social Welfare Board demands payment of to it according to the fifth paragraph.

113.

## Section 67

Any dispute between municipalities and/or county municipalities on the defraying of the expenses referred to in this chapter shall be settled in the same manner as similar disputes, as provided for in the Social Care Act.

114.

CHAPTER XII. SCHOOLS AND OTHER EDUCATIONAL  
ESTABLISHMENTS TRAINING CHILD WELFARE  
WORKERS

## Section 68

Schools and other educational establishments at which the welfare workers, including children's

nurses, are trained, shall require the approval in writing of the Ministry concerned, which shall supervise their activities. Such approval may be revoked at any time.

115.

## CHAPTER XIII. MISCELLANEOUS PROVISIONS

## Section 69

The Ministry shall make the regulations necessary for the implementation of this Act.

## Section 70

A Municipal Juvenile Welfare Board may, if necessary, call upon the police for assistance in conducting investigations and enforcing decisions.

16.

## Section 71

From the date of entry into force of this Act, children placed by the Child Welfare Board or the Public Assistance Board shall be in the custody and under the supervision of the Municipal Juvenile Welfare Board. The Ministry may, however, set a time limit for the transfer of such children.

The Act shall apply even where the circumstances determining its application arose before the Act came into force.

117.

## Section 72

This Act shall enter into force on the date terminated by the King.

The Ministry shall determine when the first election of Municipal Juvenile Welfare Boards shall be held. The Boards so elected shall serve from the date when the Act comes into force until the end of the term of office during which the election is held.

118.

## Section 73

As from the date on which this Act enters into force, the following enactments shall stand repealed:

.....

As from the same date, other Acts shall be amended as follows:

## Footnote:

- 1) for the purposes of this Act the following definitions are used in the English translation:



"Ministry": Ministry of Social Affairs  
("Sosialdepartementet");

"County": ("Fylke"), the largest administrative  
unit in Norway. There are 20 such counties.

"Municipality": the smaller administrative  
units ("Municipalities") within the  
counties.