

Policy & Legal review for children in alternative care & unaccompanied and separated children from Ukraine arriving in: SLOVAKIA

Contributors: The Slovakian Republic Ministry of Labor, Social Affairs and Family - The Department for the Implementation of Measures of Social and Legal Protection of Children and Social Guardianship | Family Section; Coalition for Children – Slovakia; Eurochild

1. What are the laws and/or policies covering care arrangements for children temporarily or permanently deprived of family care (with translation into English if available)?

- Act No. 305/2005 on the Social and legal protection of children and social guardianship (Predpis č. 305/2005 Z. z., Zákon o sociálnoprávnej ochrane detí a o sociálnej kuratele a o zmene a doplnení niektorých zákonov) - SK: <http://www.zakonypreludi.sk/zz/2005-305>
- Regulation No. 103/2018 that specifies the Act No. 305/2005 on the Social and legal protection of children and social guardianship
- The Family Act No. 36/2005 (Predpis č. 36/2005 Z. z., Zákon o rodine a o zmene a doplnení niektorých zákonov) - SK: <http://www.zakonypreludi.sk/zz/2005-36>

2. What are the laws and/or policies or bi-lateral agreements covering care arrangements for unaccompanied and separated children (UASC) from foreign countries (with translation into English if available)?

- Act No. 305/2005 on the Social and legal protection of children and social guardianship (Predpis č. 305/2005 Z. z., Zákon o sociálnoprávnej ochrane detí a o sociálnej kuratele a o zmene a doplnení niektorých zákonov) - SK: <http://www.zakonypreludi.sk/zz/2005-305>
- Regulation No. 103/2018 that specifies the Act No. 305/2005 on the Social and legal protection of children and social guardianship
- The Family Act No. 36/2005 (Predpis č. 36/2005 Z. z., Zákon o rodine a o zmene a doplnení niektorých zákonov) - SK: <http://www.zakonypreludi.sk/zz/2005-36>

3.

- a. What is the legal status of unaccompanied and separated children (UASC) [from Ukraine] in this country?

- b. Does this status guarantee that a child will be able to return to Ukraine once the situation normalises? Or if there is no such “guarantee”/clause please also indicate.
- c. Is there a difference in how the legal system treats the child classified as unaccompanied vs. separated?
- d. Does this status allow the adoption of the Ukrainian child who has entered this country without the consent or participation of parents and/or representatives of Ukrainian relevant state parties?

a.

In the case that the minor child came to the territory of the Slovak Republic unaccompanied by a legal representative or another relative or close person (Unaccompanied minor), the child is placed in the Center for Children and Families, which provides comprehensive care for the child. At the same time, the court appoints a guardian for the child, the relevant office of labour, social affairs and family, who represents the child in the acts, especially the legalization of the child's residence in the territory of the Slovak Republic through tolerated residence.

If the child is cared for by relatives or close relatives at the will of the legal guardian, the parents (Separated children) have no reason to place him or her in a center for children and families (CDR). In the case of other relatives and close persons, coming resp. located in the territory of the Slovak Republic and with children who are not legal representatives, the bodies of social legal protection of children and social guardianship provide these persons with social counseling and assistance in order to file a petition with the competent court in the matter of appointing a guardian. In order to ensure urgent actions in the interest of the minor child, which cannot currently be performed by the parents, the competent court shall appoint a guardian, in particular to represent the parents in practical matters concerning e.g. health care for a minor child, school visits, kindergarten, request for temporary refuge for a minor child. Custody is decided by the competent court on the basis of the submitted application.

In both cases, a guardian is appointed according to § 60 and 61 of The Family Act No. 36/2005

b.

This status does not prevent children from returning to Ukraine and to the care of parents or another person or institution established to provide care.

c.

There is no difference. Slovakia provides help and protection for every child who needs it.

The difference lies in the provision of care, as for unaccompanied children the Department of Social and Legal Protection for Children and the Social Guardianship must provide comprehensive care (including housing, health care, education, etc.) in the Center for Children and Family.

Comprehensive care for separated children provides relative or another close person who is also appointed by court order as a guardian.

Prior to the appointing them as a guardians, the Office of Labor, Social Affairs and Family will provide:

- counseling on the possibility of dealing with the representation of the child, including assistance in writing a petition to the court for the appointment of a guardian;
- provide information on other childcare options based on a court decision (e.g. entrusting the child to care by urgent action etc.);
- information on professional help (e.g. psychological for the child).

d. NO.

4.

- a. What is the legal status (especially the length of the status, benefits and restrictions) of the Ukrainian guardian accompanying a Ukrainian separated child arriving in this country (for example a member of staff from the evacuated institutions which has been appointed by the Ukrainian authorities as a guardian for a group of children during evacuation of an institution)?
- b. What safeguarding measures are in place to check and protect the best interests of the child if the child has a guardian from Ukraine (i.e., verifying who the guardian is, approve the guardian status in relation to the child, provide support and monitoring, etc.)?

- a. According to the Department for the Implementation of Measures of Social and Legal Protection of Children and Social Guardianship in Slovakia, the Slovakian government has not encountered such a situation.
- b. In matters of guardianship, the Ministry of Justice of the Slovak Republic issued guidelines for courts in connection with the conflict in Ukraine. If the guardian of a minor child is appointed by a court in the Slovak Republic, which takes into account the best interests of the child when making a decision. At the request of the court, the Department of Social and



Legal Protection for Children and the Social Guardianship will provide cooperation in finding out the situation of a minor child or other information about the person requesting guardianship. The Department of Social and Legal Protection for Children and the Social Guardianship will provide the child with professional help and support if needed.

5.

- a. What are the regulations and procedures in case a child arrives without parents and any legal guardian (or any papers authorizing the person to care for the child), e.g., a child which is looked after by an adult (e.g., a family friend, a neighbour, someone who found the child alone on the street and took it along to keep it safe...)?
- b. May the return of these children to Ukraine, after the normalisation of the situation, be questioned/hampered by the legal status they receive?

a.

Identification of the child and the person accompanying the child, as well as their relationship takes place directly at the border by verifying of documents, interview with the child and the accompanying person. In the case of the expressed will of the parent and the child, such a person may continue to travel with the child. The child's opinion is ascertained by interview. The parent's will is expressed in writing or by contact with the parent via telephone video call, as the most children are in constant contact with their parents through telephones and mobile applications.

If the child is in the care of a relative or close person and that person requests custody from the court, the court will deal with the petition and decide, as a rule, designate the person as a guardian. In the Slovak Republic, it is not possible to entrust a child without parental care to families without a court decision and prior review of childcare conditions.

The Aliens Police or the Border Police shall contact the Department of Social and Legal Protection for Children and the Social Guardianship only if they find that the minor is not accompanied by a legal representative or other close person and is therefore in a life-threatening situation and the consequent need for immediate intervention by the Department of Social and Legal Protection for Children and the Social Guardianship (placement in CDR and proposal for the appointment of a guardian / guardian).

- b. According to the Slovakian Ministry of Labour, Social Affairs and Family, the return of children will not be questioned/hampered.

6. Which government ministry/department is responsible for the:
- the care of children temporarily or permanently deprived of family care & would it be possible to provide immediate contacts?
 - the care of unaccompanied and separated children (UASC) [from Ukraine] & would it be possible to provide immediate contacts?

a.

Ministry of Labor, Social Affairs and Family – Renata Brennerová, email-
renata.brennerova@employment.gov.sk

Ministry of Labor, Social Affairs and Family/ Department for the Implementation of Measures of Social and Legal Protection of Children and Social Guardianship. Mgr. Martina Bošeľová - martina.boselova@upsvr.gov.sk; Mgr Pavel Bryndzak - pavel.bryndzak@upsvr.gov.sk; Tel: +421 2 2045 5908.

b.

Ministry of Labor, Social Affairs and Family/ Department for the Implementation of Measures of Social and Legal Protection of Children and Social Guardianship. Mgr. Martina Bošeľová - martina.boselova@upsvr.gov.sk; Mgr Pavel Bryndzak - pavel.bryndzak@upsvr.gov.sk; Tel: +421 2 2045 5908.

7. Has the government adopted specific legislation/policy or bi-lateral agreements on USAC from Ukraine? If not, would the government develop such legislation / regulations or bilateral agreements?

YES.

In an effort to ensure that Ukrainian children who have been entrusted to the temporary care of persons other than their parents have the best possible care, which also includes the provision of proper accommodation for these children, Government Regulation no. 93/2022 Coll. on certain measures in the field of social affairs, family and employment services in the event of an emergency, state of emergency or state of emergency declared in connection with the mass influx of aliens into the territory of the Slovak Republic caused by armed conflict in Ukraine, effective from 30 March 2022.

By a regulation, the Government of the Slovak Republic adjusted the conditions for providing contributions to support alternative care. On the basis of a court decision ordering an urgent measure (temporary court measure), if the entrusted child is a child who is a resident, he or she may be entitled to the following allowances:

- a one-off allowance when entrusting a child to alternative care, the purpose of which is to provide for the basic needs of the child, such as a bed, wardrobe, clothing, etc.
- repeated child allowance, the purpose of which is to meet the child's needs, in particular to cover the costs of maintenance, upbringing, education and housing.
- repeated allowance to a foster parent, the purpose of which is to support the performance of personal care for the child - only surrogate parents who have a permanent or temporary residence in the territory of the Slovak Republic are entitled to this allowance.

8.

- a. Has the government in this country put in place a system/process to track children from Ukraine, especially UASC?
- b. Who is responsible for identification and registration of these children, as well as accommodation and care?

a. **YES.**

- b. The Office of the Border and Alien Police are responsible for the identification of unaccompanied minors. In the case of unaccompanied minors, accommodation for such children shall be provided in a center for children and families. Relevant contact details from the Ministry of Interior are: Mr Branislav Cervenka - branislav.cervenka@minv.sk and Mr Ludovit Biro - ludovit.biro@minv.sk).

9. Which authorities have responsibility for family tracing and reunification? Contact information provided where available.

The matter falls within the competence of the Ministry of the Interior. Relevant contacts are: Mr Branislav Cervenka - branislav.cervenka@minv.sk and Mr Ludovit Biro - ludovit.biro@minv.sk).

Additional relevant information & resources:

- Dedicated website: <https://ua.gov.sk/en.html>;
- Ministry of the Interior helplines for Ukrainian speakers: +421 513 816 111, +421 259 765 111; Permanent service of the Ministry of the Interior: +421 2 4859 3312;



Eurochild
Putting children at
the heart of Europe

unicef 
for every child

Košice region helpline for refugees from Ukraine: 0800 222 550, e-mail:
pomocukrajine@vucke.sk

- The Slovak government has also created a website: <https://pomocpreukrajinu.sk/> where UA nationals can find information on accommodation.