

A CHILD'S BEST INTEREST AS AN ARGUMENT FOR THE ASSESSMENT OF SOCIOPATHOLOGICAL PHENOMENA IN THE FAMILY ENVIRONMENT

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Abstract

Introduction: This paper focuses on assessing a child's best interests in evaluating sociopathological phenomena in the family environment, primarily when determining the necessity of removing the child from his/her family or minimizing contact with one of the parents.

Goal: To compare the amended Czech Act No. 359/1999 Coll. on the Social and Legal Protection of Children with the Act on the Support of Children, Youth and Families from Ontario, Canada, and the Norwegian Act on Child Welfare. Specifically, describe the strengths and weaknesses of the assessed laws concerning the upcoming and completely new Czech Act on the Social-Legal Protection of Children (SPOD).

Methods: Analysis and comparison of primary documents.

Results: A comparison of laws on the social-legal protection of children from three different countries led to the discovery of fundamental differences in the powers of social workers, assessment of social pathologies, and respect for the child's right to be heard.

Conclusion: Each case should be assessed separately because the term 'best interests of the child' is relatively vague, and its perception changes over time. Therefore, courts and social workers should always discuss details to ensure legal certainty and the principle of reviewability. Taking inspiration from the Norwegian Child Protection Act is not advisable.

Keywords: *Barnevernet; Child's best interests; Child protection; Social work; Socially pathological phenomena; The social-legal child protection authority (OSPOD)*

INTRODUCTION

In November 1989, the Convention on the Rights of the Child was adopted in New York, which the former Czech and Slovak Federal Republic signed in New York on September 30, 1990 (Convention on the Rights of the Child and related documents, 2016). This international Convention, establishing the civil, political, economic, social and cultural rights of children, can be found in Czech legal regulations under No. 41/2010 Coll. m. s., and is a crucial regulation in child pro-

tection (Dušková, 2021). Article 3 of this Convention is fundamental as it anchors decision-making based on the 'best interests of the child'.

However, the authors of the book 'Tools for Solving Parental Conflicts' (Westphalová et al., 2021) point out that 'best interests of the child' is a vague legal term. Legal practice shows that it is a dynamic concept leading to different conclusions because the notion of a child's interests is interpersonal. In most cases, the interests of not only a child but also other persons are included in the proceedings.

Thus, the child's interests may clash with that of the parent and the public.

Moreover, even that is assessed differently in various countries. However, it is always necessary to consider Article 32 of the Charter of Fundamental Rights and Freedoms, which states that the law protects parenthood and the family. Special protection of children and minors, *i.e.*, children born in and out of wedlock, is guaranteed. Both groups have equal rights. Paragraph 4 states: *"The care of children and their education is the right of parents; children have the right to parental education and care. Parents' rights can be limited, and minor children can be separated from their parents against their will only by a law-based court decision"* (Resolution No. 2/1993 Coll., 2010–2022).

In the Czech Republic, the most significant documents regarding child protection are the amendment to Act No. 359/1999 Coll. on the Social and Legal Protection of Children (SPOD) and Act No. 108/2006 Coll. on Social Services. The section "Social Activation Services for Families with Children" deals with family rehabilitation (Vítková Rulíková, 2014).

The Ministry of Labour and Social Affairs (MLSA) is, however, currently preparing another amendment to Act No. 359/1999 Coll. and a new law entitled the Act on Family Support and the Care of Children at Risk. It should be on the government's agenda by the end of 2023 and anticipated to take effect on 1 January 2025 (MLSA is preparing a new Act on Family Support and the Care of Children at Risk, 2023).

MATERIALS AND METHODS

The following section presents the first amended Czech Act No. 359/1999 Coll. on the Social and Legal Protection of Children (Family Law..., 2022), as there is still little information on the newly prepared Act on Family Support and the Care of Children at Risk, which raises many questions (Act on Family Support and the Care of Children at Risk, 2023), the Supporting Children, Youth and Families Act from Canada (Supporting Children, Youth and Families Act, 2017), and also the Norwegian Child Welfare Act (Ministry of Children, Equality and Social Inclusion,

2001). These laws are mentioned in sections primarily related to evaluating sociopathological phenomena, which, according to the Sociological Dictionary, is a general term for unhealthy, abnormal, generally undesirable social phenomena that are socially dangerous and negatively sanctioned deviant behaviour (Nešpor, 2018).

The authors are primarily interested in developments in their home country, *i.e.*, the Czech Republic. The reason for the comparison with Norway and Canada is that the Norwegian system is used as a model in the Czech environment. For example, the Ministry of Labour and Social Affairs launched the CZO4 programme "Children and Youth at Risk" (CZO4 programme) within the financial mechanisms of the European Economic Area and Norway, *i.e.*, the so-called Norwegian funds. The project was approved in April 2013 and implemented to increase the quality and efficiency of the childcare system, ensuring their protection while considering the opinions of relevant key actors and society (Final report on the implementation of the Action Plan to fulfil the national strategy for the protection of children's rights for the period 2012–2015, 2016). Another part of the CZO4 project was the "Codification of the Legal Regulation of Family Support, Substitute Family Care and the System of Care for Children at Risk", which was also approved in 2013. It contained six essential activities, including sub-programme KAO3 on the paragraphed wording of the Act on the Protection of Children's Rights, Family Support and Substitute Family Care (In the matter of information on Norwegian funds and social legal protection of children, 2015), where the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) was a partner, *i.e.* the Norwegian Directorate for Children, Youth and Family Affairs (Legislation Codification of Family Support, Substitute Family Care and the System of Care for Children at Risk, 2014).

Given that the preparation of the new law on Family Support and the Care of Children at Risk was once again entrusted to the same person who was preparing the previous amendment and also strongly criticizes the current state of SPOD in the Czech Republic (Macela, 2023), the enhanced interest in the Norwegian law is justified. The Ontario law was chosen due to its controversial reputa-

tion, primarily in the conservative media (see below).

Socio-legal protection of children in selected countries

The Czech Republic

The Civil Code can be used to evaluate social pathology in the family, *i.e.*, Act No. 89/2012 Coll., where the second part is devoted to family law (Family Law..., 2022). Here, for example, we find several relevant paragraphs:

- § 865 – parental responsibility belongs equally to both parents; every parent has it unless they have been deprived of it;
- § 869 – if a serious circumstance prevents a parent from exercising their parental responsibility and if it can be assumed that it is necessary in accordance with the interests of the child, the court may decide to suspend it;
- § 871 – the court relieves the parent of their parental responsibility if they seriously neglect to exercise it, or if the parent has committed an intentional crime against their child, or if they used a minor to commit a crime (the court assesses it separately);
- § 872 – before the court decides on limiting parental responsibility, the court always assesses whether the restriction of contact is in the child's best interests.

A more specific meaning of “serious neglect of parental responsibility” can be found in Act No. 359/1999 Coll. on the Social and Legal Protection of Children, where § 6 lists eight situations (a–h) when children are covered by social-legal protection. Interestingly, it describes even undesirable situations or the child's negative manifestations.

Thus, according to Act No. 359/1999 Coll., socio-legal protection applies to minors:

- 1) whose parents have died, do not fulfil parental responsibilities, abuse, or do not exercise the rights arising from said responsibilities;
- 2) who have been entrusted with another person responsible for the upbringing of the child (*i.e.*, an adoptive parent, *etc.*) not fulfilling their obligations to the child;
- 3) who lead an idle or immoral life consisting of neglecting school, not working even

if they do not have a sufficient source of livelihood, consuming alcohol or addictive substances are at risk of addiction,

- 4) who repeatedly run away from their parents or other natural or legal persons responsible for the upbringing of the child;
- 5) who have experienced life-threatening situations, health, freedom, human dignity, moral development or property or are suspected of having committed such an act;
- 6) who, based on the requests of parents or other persons responsible for education, are repeatedly placed in facilities providing continued care for more than six months;
- 7) who are threatened by violence among parents or other persons responsible for their upbringing, or other natural persons;
- 8) who are applicants for international protection, asylum seekers or persons enjoying supplementary protection and unaccompanied on the territory of the Czech Republic.

All listed situations must last long enough and be of such intensity that they adversely affect a child's development or are/may be the causes of their adverse development. The law also stipulates which children are covered by the protection; exceptions include children of tourists, *etc.*

In § 13, we can find a list of educational measures that can be taken by the municipality with extended jurisdiction (reprimand, supervision, imposition of obligations, the need to seek professional help, *etc.*) and which are only possible with a court decision (this usually only happens after the previous measures did not lead to a correction).

When the law was amended in 2021, paragraph 10 was added to § 27a, which reads: “*A person in the register can also provide urgent care for a child at the request of the municipal office of the municipality with extended jurisdiction in cases according to § 15, paragraph 1, § 16, paragraph 1 and § 37, paragraph 1, until the court decides on the proposal of the municipal office of the municipality with extended jurisdiction to order a preliminary measure*” (Act No. 359/1999 Coll.). The person in the register is a temporary foster carer, to whom the child should only be transferred from the parents based on an assessment by a social worker.

Norway

In Norway, the Norwegian Child Protection Service (Norwegian: Barnevernet, literally “child protection”) has a crucial say in assessing socio-pathological phenomena in the family. It is a public agency responsible for protecting children in Norway, governed by the Norwegian Child Welfare Act. The measures apply to all children under 18 years in the territory of the Kingdom of Norway, *i.e.*, also to foreigners or children of tourists (Ministry of Children, Equality and Social Inclusion, 2001, pp. 1.2 and 1.3).

Barnevernet is made up of branches in each municipality (there are more than 440), whose activities are supported and supervised by various government bodies at the state and district levels where Barnevernet must ensure that children and young people who live in conditions that can be harmful to their health and development are provided necessary help and care at the right time (The Norwegian Directorate for Children, Youth and Family Affairs, 2023). In addition, the use of the services of a large number of different non-profit organizations is typical for the Norwegian system. This is primarily because individual municipalities do not always have sufficient financial resources for all support and protection measures (these include the evaluation of the situation in the family and the justification of possible removal of the child and their placement with a suitable foster carer). If they outsource services to a private party, they are paid from the state budget, not the municipality (Zdechovský, 2016).

Norwegian law relies heavily on ensuring the child’s best interests (see section 4.1). Removal from the family is explicitly dealt with in section 4.12, which exhaustively defines four situations where Barnevernet can remove a child from the family (Ministry of Children, Equality and Social Inclusion, 2001):

- a) if there are severe deficiencies in the day-to-day care or the personal contact and security that a child of their age and development needs, If the parents do not ensure that an ill, disabled or special-needs child receives the necessary care and training;
- b) if the child is abused or subjected to other severe domestic abuse;
- c) if it is highly likely that the child’s health or development may be seriously damaged

because the parents are unable to take adequate responsibility for the child.

Section 4.13 states that Barnevernet must intervene as soon as possible. A special regional commission (the county social welfare board) subsequently confirms or revokes their decision within six weeks, with a possible justified extension. A regular trial occurs afterwards. Ghiletschi (2018) reported to the Parliamentary Assembly of the Council of Europe (PACE) that confirmation occurs in approximately 90% of cases. Various international bodies have repeatedly criticised this procedure (Zdechovský et al., 2021), including the European Court of Human Rights in Strasbourg (Case of Strand Lobben and others v. Norway, 2019).

Interestingly, the law repeatedly emphasizes the necessity of ascertaining the child’s opinion. However, section 4.4 allows an exception in cases where parents are supported by placing the child in the care of state institutions: *“These measures to support parents can be carried out even without the child’s consent if they are carried out within the final phase of the stay in the facility according to § 4–24. Parental support measures implemented without the child’s consent must not be maintained for more than six months from the decision of the district social security administration”* (Ministry of Children, Equality and Social Inclusion, 2001).

Canada – Ontario

Promoting the best interests, protection, and well-being of children is also the primary purpose of the Ontario law. Service providers must address, *e.g.*, systemic racism and the obstacles created for children because all children should have the opportunity to fulfil their potential: “Awareness of systemic prejudice and racism and the need to address these barriers should underpin the provision of all services for children and families” (Supporting Children, Youth and Families Act, 2017). As paragraph 2 further clarifies, this means considering the child’s physical, emotional, spiritual, mental, and developmental needs, race, origin, place of birth, colour, ethnicity, citizenship, family diversity, disability in assessing the best interests of the child, religion, gender, sexual orientation, gender identity and gender expression of a child or young per-

son (Supporting Children, Youth and Families Act, 2017).

The reasons for removing a child are described in paragraph 74, part 2, in points a) to o). A child needs protection if:

- a) the child has suffered physical harm caused by the person who has custody of the child, or its consequence is that they:
 - did not properly care for, supervise, or protect the child,
 - neglected the care, supervision, or protection of the child;
- b) the child is at risk of physical harm caused by, or resulting from, the actions of the person who has custody of the child;
- c) the child has been sexually abused or exploited by the person in charge of the child or by another person, and if the person in charge of the child knows or should know of the possibility of sexual abuse or exploitation and does not protect the child;
- d) there is a risk that the child may be sexually abused or exploited, as described in paragraph c);
- e) the child needs treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide treatment or access to treatment, or the child is unable to consent to treatment under the Health Care Consent Act of 1996 and the parent is a substitute decision-maker for the child, the parent refuses or is unavailable or unable to consent to treatment on behalf of the child;
- f) the child has suffered emotional harm that is manifested primarily by anxiety, depression, withdrawal, self-destructive or aggressive behaviour or delayed development, or there is a reasonable suspicion that the child's emotional damage is the result of actions, inaction, or a pattern of neglect on the part of the child's parent or person in custody of the child. [...].

For example, a child over 12 may appeal a decision to place them in care. In that case, the Canadian courts must follow paragraph 64 and arrange for a review by an advisory committee to reassess the situation on the 15th day of the child's placement in care (Supporting Children, Youth and Families Act, 2017):

This Act raised the question of whether parents' opinions will be less acknowledged

than the child's rights, primarily regarding the gender self-expression of the child (which this Act specifies) (Raymer, 2017). Based on the amended Act, many articles appeared stating that if the parents did not agree to the transition of the child, the child would be taken away from them because not allowing the transition can be interpreted as a refusal of treatment, which can cause psychological harm to the child. According to some conservative sources, both are reasons for taking away the child (Ontario passes 'totalitarian' bill allowing gov't to take kids from Christian homes, 2017). Official sources commented that while Ontario Act No. 89 added this protection, it should not ensure unlimited authority to take children away from parents and described the parents' specific stories as misleading (Daro, 2017).

As part of this study, a search was carried out via google.com to see if any similar child removals were reported in the media after adopting the Act in 2017. The outcome was negative. However, in January 2022, the Ontario government issued a supplementary document on the rights of LGBT2SQ children and adolescents, with a summary of what services exist and what authorized agencies use – which is quite progressive. The development may, therefore, be interesting to follow (Child Welfare in Ontario, 2022).

RESULTS

The three presented Acts can be assessed in several categories:

1) *Respecting the child's right to express themselves*

This is the most substantial Act in Ontario law, where judges must hear a child over 12 years old. Norway also works with this principle but sets exceptions, *e.g.*, regarding the circumstances of acute removal of a child, or in the case of a child's requests to return to their parents. In the Czech Republic, this right is allowed, but the primary assessment of what is in the child's best interest remains with the court.

2) *Powers of social workers*

These are the most extensive in Norway, where a social worker can immediately/preventively remove a child from the family and place them with temporary foster

parents. The court decision comes a few months later. Ontario does not have a similar option; the court must decide, but there is a more significant and more specified number of situations where removal can occur. There were also concerns that children could be removed if parents, *e.g.*, did not agree to young children transitioning to the opposite sex, as this could be interpreted as a refusal of necessary treatment. However, no records have been found to confirm these cases as far as Ontario is concerned.

In the Czech Republic, placement in care – whether institutional or of vetted other persons (*e.g.*, temporary foster parents) until the amendment in 2021 – was also under the exclusive jurisdiction of the courts. According to provisions strikingly similar to the Norwegian ones, social workers can also place a child into care.

3) *Definition of sociopathological phenomena*

As mentioned above, the Ontario law lists them most precisely. Norway lists only four basic and expansive situations. It is not legally clear which type of behaviour and actions could be characterized as “insufficient parental competence” and would justify removing a child from the family. The Czech law describes undesirable situations. Social workers are constantly forced to find out the cause of problems. They do not automatically look for such issues in the parenting style, which is what the Norwegian law promotes.

DISCUSSION

Regarding other amendments to Czech Act No. 359/1999 Coll. on the Social and Legal Protection of Children, we can consider the conclusions of the independent Group of Experts in Social and Legal Protection of Children (SPOD), Substitute Family Care (SFC) and Institutional Education (IE) as stimulating. Under the auspices of Senator Jitka Chalánková (*ind.*), they sent their standpoint “Desatero / Ten Commandments” to the members of the Social Committee in March 2022. It was a set of proposals for necessary systemic changes that would benefit vulnerable children. In recent years, they followed the

adverse effects of the SFC system and the reform of care for vulnerable children (Vildová *et al.*, 2022).

The authors of this study propose a complete revision of the amendment due to the questionable interpretation mentioned in Section 27a of the Act on the Social-Legal Protection of Children. This deals with transferring children to temporary foster parents without a prior court decision – when only a social worker should evaluate the situation. This puts disproportionate responsibility on the workers in the social and legal protection of children. Close cooperation with guardianship judges and their education in this field is necessary. If crisis intervention is needed (if a child is in a life-threatening situation or at health risk) in a situation where specialized temporary foster parents are unavailable (and the network of temporary foster parents is insufficient in general), or without establishing the obligation on foster parents to take any child at any time, when placing children in a residential facility is not allowed, the law goes against the child’s interests.

A similar setup is reminiscent of the Norwegian child-care system. Only social workers decide on the removal, even retrospectively, which can lead to disproportionate and sometimes unnecessary traumatization of the child. The question is whether the potential prevention of the child’s exposure to a sociopathological phenomenon (*e.g.*, one-time light violence in the form of a slap in a tense situation) will trigger other sociopathological phenomena, such as various addictions due to the trauma of taking the child away from the parents (because the child will not be able to cope with the situation).

The planned provision of social-legal protection by authorised persons is also increasingly beginning to resemble the Norwegian childcare system. This year’s amendment to Act No. 359/1999 Coll. on the Social-Legal Child Protection is supposed to deal with this, specifically in the added § 48, paragraph f (Office of the Government of the Czech Republic, 2023b). Credentials should be issued to non-profit organisations at points established by law. Until 2013, non-profit organisations were mainly entrusted with consulting. After 2013, thanks to the amendment, they could also be authorised to accompany foster children. The Good Family organisation was

supposed to become an overarching central organisation. Now, they are also to be authorised to provide services to children at risk of violence, according to § 41.

Protection and assistance to children at risk of violence is enshrined in § 41. According to paragraph 1, non-profit organizations entrusted with social and legal protection of children will be able to protect children at risk of violence in the form of an outpatient service consisting of protection and assistance. The purpose of the service is to prevent violence against children. Protection and help are also provided to the parent if they have not committed violence against the child. Among other things, the protection will consist of assisting in exercising legitimate interests and arranging personal affairs. Act No. 359/1999 Coll. has 45 amendments at the moment (the most significant is the amendment from 2012, which introduces the institute of temporary foster parents). Orientation in all the changes is quite demanding (Regulation 359/1999 Coll., 2023).

The expert group mentioned above (Vildová et al., 2022) also indicate that the current setting does not emphasize a stable and suitable environment for the child. It would be in the child's interest to remain in the environment where they were placed (and emotionally bonded) for as long as their situation requires, not to change temporary foster parents after a year and end up in an institutional facility because there are not enough long-term foster parents. The SFC system should support long-term foster parents and simplify the paths to adoption. Based on § 971 of the new Civil Code, even older children are often placed in unsuitable facilities according to the currently available capacities (*e.g.*, an aggressive, psychiatrically treated child placed in a regular children's centre).

They also lack a balanced approach to children's and biological parents' rights. On the one hand, the SPOD amendment allows intervention in the family without a court decision; on the other hand, children often become hostages of their parents, for whom no limits are set when rehabilitating the biological family. They also request unifying methodical management of the socio-legal child protection by the Ministry of the Interior and the expertise and experience when filling positions at the Ministry of Interior regarding child protec-

tion. The SPOD Professional Chamber criticises the amendment and the newly prepared Act on Family Support and the Care of Children at Risk (Kubičková, 2023).

All these suggestions would help strengthen decision-making based on the children's best interest principle and a professional evaluation of whether it is essential to take a child from the family or where to place the child. Regarding the alleged prevention of removing children from families, an amendment to Act No. 247/2014 Coll. on the Provision of Child Care Services in Children's Groups and the amendment of related Acts are being considered. A new family assistant service should be introduced and provided to families with children with low parental competence, specific needs, or an extraordinary crisis (Office of the Government of the Czech Republic, 2023). According to the published draft of the law, the municipal office with extended powers should decide on providing an authorised family assistant service (*i.e.*, the family assistant is registered at the Ministry of Labour and Social Affairs). The decision should be based on a written contract with the client. This creates another service outside the established system, similar to what non-profit organisations in Norway provide. Nevertheless, the audit report of the Vista Analyse company in Norway, commissioned by the Norwegian Ministry for Children (Ministry of Children and Families in Norway, 2016), demonstrated a huge amount of corruption in the system. The head of the local Barnevernet commissioned services to a private company owned by their relative, so this company authorised itself to provide the service.

Regarding Norway, it is essential to mention the number of lost complaints lodged by parents against the state at the European Court of Human Rights. All decisions regarding Article 8 (according to the European Convention on Human Rights, this is the right to private and family life) were analysed and processed in Norway (Zdechovský et al., 2021). When this analysis was updated on 1 October 2023, 125 unique cases were identified. 64 were related to various custody case complaints. Of these, 23 were marked as a violation of rights. No violation was established in 7 cases, 33 complaints were not admissible for various reasons, and 1 is still in "communicated to the government" status and awaiting a final

decision. Of the mentioned 64, only 8 related to various parental disputes and 56 to social service procedures. However, Norway reflects this fact minimally. In the annual reports on the child protection levels in various European countries, Norway only briefly mentions that public criticism motivated parents to file many complaints (Abela et al., 2021).

For comparison, the results of a similar analysis for the Czech Republic, which the authors are about to publish in detail, can be briefly mentioned. Here, 128 unique judgments were identified (*i.e.*, a similar number, even though the Czech Republic has twice the population of Norway). 67 were related to the social and legal protection of children. However, only eight dealt with child removal or insufficient visitation rights. The rest were primarily various parental disputes initiated mainly by fathers. Violation of Article 8 was found in only three cases, namely Havelka and others v. The Czech Republic, T. v. v. The Czech Republic, and Wallová and Walla v. The Czech Republic. In the latter case, the children were primarily taken due to extremely poor financial conditions in the family (the state should have provided support, social housing, *etc.*, and not placed the children in institutional care). This case served as a fundamental argument for the amendment of Act No. 359/1999 of 2012. On the other hand, the nine rights violations found in lawsuits filed by Czech fathers did not lead to any law amendment.

The Ontario law is described as very progressive due to the emphasis on gender and identity issues. The authors do not find agreement with the Czech laws on the subject of SPOD. However, this does not mean that the topics do not appear in the legislation at all, *e.g.*, the Ministry of Justice has already announced its intention to allow official sex changes without necessary castration, starting from the age of 15 (Košlerová, 2023).

As mentioned in the introduction, an amendment to Act No. 359/1999 on the Social and Legal Child Protection, a new Act on Family Support and Care for Children at Risk, and an amendment to Act No. 247/2014 Coll. on the Provision of a Childcare Service in a Children's Group are being prepared. They

are presented regarding the child's best interest and the prevention of child removal from their families. However, the changes may attempt to copy foreign childcare systems rather than put the child protection system into a functional form where social workers could look for the best solution for a given child.

CONCLUSION

Article 3, paragraph 1 of the Convention on the Rights of the Child states that the child's best interest must be considered. The child's interest must be the primary consideration in any activity concerning children, whether carried out by public or private social care institutions or administrative or legislative bodies. The parents' right to family life must be respected according to Article 10, paragraph 2 of the Charter of Fundamental Rights and Freedoms, as well as their right to the care and education of the child by Article 32, paragraph 4 of the Charter of Fundamental Rights and Freedoms. Each case must be assessed on a case-by-case basis because, despite best efforts, the meaning of "best interest" shifts and is relatively vague, so courts must always reason in great detail to ensure legal certainty and the principle of reviewability.

A comparison of Acts on Social and Legal Child Protection from three countries led to the discovery of fundamental differences in powers, assessment of social pathologies, and respect for the child's right to be heard. This study identified the inspiration in the Norwegian childcare system while the amendment to Act No. 359/1999 on the Socio-Legal Child Protection and the new Act on Family Support and the Care of Children at Risk was being drafted. They are facing criticism, and the authors would like to express their wish for the needs of each child to be assessed individually, rather than for the system to be changed by the model of other countries so that individual assessment is made difficult.

Ethical aspects and conflict of interest

The authors have no conflict of interest to declare.

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