



VELFERÐARRÁÐUNEYTIÐ

Ministry of Welfare

**Child Protection Act, No. 80/2002,
as amended by Act No. 62/2006, No. 88/2008, No. 52/2009, No. 162/2010,
No. 80/2011, No. 85/2011, No. 126/2011, No. 138/2011, No. 58/2012, No. 134/2013,
No. 85/2015, No. 80/2016 and No. 117/2016.**

Where mention is made in this Act of ‘the minister’ or ‘the ministry’ without further definition, the reference intended is to the Minister of Social Affairs and Equality or to the Ministry of Welfare, which is responsible for the implementation of this Act. Information on the division of responsibilities between ministries according to a presidential decree may be found [here](#).

SECTION I

Objectives of the Child Protection Act etc.

Article 1

Rights of children and duties of parents.

Children have a right to protection and care. Their rights shall be maintained in accordance with their age and maturity.

[All those involved in the care and upbringing of children shall treat them with respect and consideration, and no child may ever be subjected to violence or any other degrading treatment. Parents shall treat their children with care and consideration and observe their duties of upbringing and custodianship as to best suit their child’s interests and needs. They shall create satisfactory conditions for their children to grow up in and ensure their welfare in all respects.]¹⁾

¹⁾ Act No. 52/2009, Article 1.

Article 2

Objectives and jurisdiction.

The objective of this Act is to ensure that children who are living in unacceptable circumstances or children who place their health and maturity at risk receive the necessary help. Efforts shall be made to achieve the objectives of the Act by strengthening families in their child-raising role, and applying measures to protect individual children when applicable.

The Act shall apply to all children within the territory of the Icelandic state.

Article 3

Definition of terms.

In this Act the word “children” applies to individuals under the age of 18. Child protection authorities may decide, with the consent of a young person, that arrangements made on the basis of this Act remain in force after the person reaches the age of 18 years, to a maximum age of 20 years.

“Child protection authorities” are [the Ministry],¹⁾ the Government Agency for Child Protection, [the Welfare Appeals Committee]²⁾ and child protection committees.

[“Parents” refers to parents as defined in Section I of the Act in Respect of Children. For the purposes of this Act, “parents” also generally refers to persons exercising custody of a child.]³⁾ With regard to the nature of guardianship, the provisions of the Children Act shall apply.

¹⁾ Act No. 126/2011, Article 346. ²⁾ Act No. 85/2015, Article 13. ³⁾ Act No. 80/2011, Article 1.

Article 4

Principles of child protection work.

In child protection work, those arrangements shall be made which may be expected to be best for the child. The interests of children shall always be paramount in the work of child protection authorities.

In their work, child protection authorities shall take account of children's views and wishes, in accordance with the age and maturity of the child.

Child protection work shall promote stability during childhood.

Child protection authorities shall seek to maintain good collaboration with children and parents with whom they have dealings, and always show them the utmost tact and respect.

Child protection authorities shall in their work seek to maintain good collaboration among themselves, and with other agencies concerned with children.

Child protection authorities shall in their work and in all decision-making maintain consistency and equity.

Child protection authorities shall as far as possible ensure that general measures to support the family are tried before other measures are taken. The aim shall also be to apply the minimum measures to achieve the desired results. Coercive measures shall only be applied if the legally-required objectives cannot be achieved by other, lesser measures.

All those who work in child protection shall maintain complete confidentiality on the circumstances of children, parents, and others with whom they have dealings.

SECTION II

Authorities in child protection.

Article 5

Role of [the Ministry].¹⁾

Child protection within the meaning of this Act is under the aegis of [the Ministry].²⁾ Division of responsibilities within the Ministry and agencies subject to the Ministry shall be as provided in this Act and in rules issued on the basis of the Act.

[The Ministry]¹⁾ is responsible for policy formation in child protection.

The Minister shall submit a four-year plan of action to the Althingi (parliament) following local government elections.

[The Ministry]¹⁾ shall monitor the work of the Government Agency for Child Protection. It may require information to be produced on individual cases on the basis of complaints, or other information.

¹⁾ Act No. 162/2010, Article 24. ²⁾ Act No. 126/2011, Article 346.

Article 6

[Welfare Appeals Committee.

Appeals against Rulings and administrative decisions taken by child protection committees may be lodged with the Welfare Appeals Committee, *cf.* the Welfare Appeals Committee Act, in accordance with further provisions made in this Act. Furthermore, appeals may be lodged with the committee against decisions taken by the Child Protection Agency under the third, fifth and sixth paragraph of Article 15, Article 66, the third paragraph of Article 84, the fourth paragraph of Article 89 c and the second paragraph of Article 91.]¹⁾

¹⁾ Act No. 85/2015, Article 13.

Article 7

Government Agency for Child Protection.

The Government Agency for Child Protection is an autonomous agency under the authority of [the Minister].¹⁾ The Government Agency for Child Protection is in charge of administration within the field covered by the Act. [The Minister]¹⁾ shall decide the location of the Government Agency for Child Protection and appoint its director.

The Government Agency for Child Protection shall promote co-ordination and strengthening of child protection work in Iceland, and shall provide advice to [the Minister]¹⁾ on policy-making in the field. It shall ensure that research and development work is carried out in the field of child protection.

The Government Agency for Child Protection shall provide guidance on the interpretation and implementation of the Child Protection Act and instruction and advice for child protection committees in Iceland. It shall also monitor the work of child protection committees as provided in this Act.

The Government Agency for Child Protection issues licences to foster parents, makes decisions and assists child protection committees in cases of foster care as provided in Section XII of this Act.

The Government Agency for Child Protection has authority over homes and institutions which the state is to ensure are available under Section XIII of this Act, and shall ensure that such homes and institutions be established. The Agency supervises the placement of children in such homes and institutions. The Government Agency for Child Protection shall also issue licences under the provisions of Sections XIII and XIV of this Act.

The Government Agency for Child Protection may run special service centres with the objective of promoting interdisciplinary collaboration, and strengthening and co-ordination of agencies in the handling of cases of child protection. [The Government Agency for Child Protection may also operate specialised measures for children suffering from complex problems in collaboration with other authorities, such as services for disabled people or the social and health services.]²⁾ The Government Agency for Child Protection may also offer child protection committees other specialist services, such as non-institutional measures in the field of treatment for children, with the objective of assisting the committees in fulfilling their mandated role. A fee may be charged for special projects undertaken by the Government Agency for Child Protection under this provision, as further stated in regulations. The fee shall never be higher than the cost of running the service centre or the cost of the specialised service in question, including cost of staff salary and training, and other costs provably incurred in connection with the service.

The Government Agency for Child Protection shall also undertake other tasks assigned to it by this Act or other legislation.

The Government Agency for Child Protection shall issue an annual report on its work.

[The Minister]¹⁾ shall stipulate more detailed provisions on the work of the Government Agency for Child Protection in regulations.

¹⁾ Act No. 162/2010, Article 24. ²⁾ Act No. 80/2011, Article 3.

Article 8

Monitoring of child protection committees by the Government Agency for Child Protection.

Child protection committees shall by 1 May each year submit to the Government Agency for Child Protection a report on their work over the previous calendar year. This shall include, among other things, information on the number of cases dealt with by committees over the period, their nature and how they were resolved.

The Government Agency for Child Protection may also require child protection committees to produce all information and reports it deems necessary, both documents of individual cases and reports to be especially prepared by the child protection committees.

The Government Agency for Child Protection may, on the basis of complaints or other information received on the handling of individual cases, and if deemed necessary, gather necessary data, information and explanations from the child protection committee in question.

Should the Government Agency for Child Protection be of the view, after having gathered information and explanations as provided in the second and third paragraphs, that a child protection committee is not complying with the law in carrying out its work, it shall, as applicable, provide guidance to the child protection committee on procedure, and make suggestions for improvements. If the child protection committee does not comply with the suggestions and guidance of the Government Agency for Child Protection, the Agency may enjoin upon the committee to fulfil its duties. The Government Agency for Child Protection shall inform the municipal council and [the Ministry]¹⁾ of such an enjoiner. Provisions of confidentiality shall be observed when giving such notice of enjoiner to the municipal council. [If a municipal council neglects the duties incumbent upon municipalities, the Ministry may take steps to remedy the situation in accordance with the provisions of the Local Government Act.]²⁾

¹⁾ Act No. 162/2010, Article 24. ²⁾ Act No. 80/2011, Article 4.

Article 9

Municipal action plans on child protection.

Municipal councils shall form a policy and draw up an action plan for each elective term in the field of child protection within the municipality. Municipal action plans on child protection shall be sent to [the Ministry]¹⁾ and the Government Agency for Child Protection.

If municipalities collaborate on child protection, *cf.* Article 10, they may produce a joint plan.

¹⁾ Act No. 162/2010, Article 24.

SECTION III

Child protection committees.

Article 10

Child protection committees, elections etc.

Municipalities shall operate child protection committees.

Municipal council shall elect the child protection committee, *cf.* however the third and fourth paragraphs. Municipalities of smaller population shall collaborate with other municipalities on election of a child protection committee. The total population of the municipalities represented by one child protection committee shall not be less than 1,500.

A municipal council may assign ...¹⁾ the board of a co-owned agency to elect a child protection committee that serves more than one municipality, or agree on regional collaboration in some other manner than stated here.

A municipal council may assign its social services committee to handle the tasks of a child protection committee, and in such cases the rules shall be observed stated in the first and second paragraphs of Article 11 on election of child protection committees, and on population figures, *cf.* the second paragraph of this Article.

¹⁾ Act No. 138/2011, Article 134.

Article 11

Appointment of child protection committee.

A child protection committee shall comprise five people and an equal number of alternates. A child protection committee serving more than one municipality may, however, comprise up to seven members and seven alternates. A child protection committee shall generally comprise both men and women. Members of the committee shall be of known probity, and have a good understanding of the matters dealt with by child protection committees. Efforts shall be made to elect a lawyer to the child protection committee, and also people who are specialised in matters regarding children. When a decision is made under Articles 26 and 27, a lawyer shall be called upon, should none be a member of the child protection committee.

Eligibility for election to a child protection committee is subject to the same rules as eligibility for election to a municipal council, as provided in the Local Government Elections Act.

Municipal councils shall notify the Government Agency for Child Protection of the appointment of the child protection committee not later than two months after local government elections have taken place.

Should a municipal council not have appointed a child protection committee as provided in this Act four months after local government elections, [the Minister]¹⁾ may admonish the municipality and allow a period of grace of one month for this to be rectified. Should the municipal council not comply before this time has elapsed, the Minister may decide that certain municipalities shall have a joint child protection committee, and appoint a child protection committee that fulfils the conditions stated above. The Minister may, among other things, decide to assign child protection work in the relevant municipality entirely to the child protection committee of another municipality which has already elected a child protection committee. All costs incurred by the appointment of such a committee shall be paid by the relevant municipalities, as further decided by the Minister. [The Minister]¹⁾ may also grant an exemption from item 3 of the second paragraph of Article 10 if the total population is close to 1,500, and if geographical and other factors make it impractical or difficult to achieve this population figure.

An existing child protection committee shall retain its mandate until a new committee has been appointed under the provisions of this Act.

¹⁾ Act No. 162/2010, Article 24.

Article 12

The role of child protection committees in general.

The role of child protection committees is as follows:

1. *Monitoring.* Child protection committees shall investigate the circumstances, behaviour and conditions of upbringing of children, and assess without delay the needs of those who are believed to be living in unacceptable conditions, to be mistreated, or to have serious social problems.
2. *Measures.* Child protection committees shall apply those child protection measures provided in this Act which are most applicable at any time, and which are deemed the most suitable to safeguard their interests and welfare.
3. *Other tasks.* Child protection committees shall undertake other tasks that are assigned to them under the terms of this Act and other legislation. A municipal council may assign a child protection committee other tasks relating to the circumstances of children and young persons in its jurisdiction.

The child protection committee must assist parents in fulfilling their duties of guardianship, and apply suitable measures as provided in this Act if necessary.

Article 13

Autonomy of child protection committees.

Municipal councils may not give child protection committees any instructions with regard to individual child-protection cases.

Municipal councils may not have access to documents and information on individual child-protection cases.

Decisions and rulings by a child protection committee cannot be appealed to the municipal council.

Article 14

Child protection committee staff.

A child protection committee shall engage specialised staff or ensure access to relevant expertise by other means. The committee should be able to provide parents, institutions and others involved in child-raising appropriate advice, education and guidance as provided in this Act. The possibility should also exist for carrying out professional tests of children's social and psychological conditions as necessary in connection with investigation and handling of individual child-protection cases.

A child protection committee may make arrangements with institutions, for instance in the fields of social services, schooling or health service, regarding shared personnel and specialist services.

A child protection committee may assign its staff to investigate and handle individual cases or categories of case, according to rules the committee itself lays down. A child protection committee may also by such rules delegate to individual members of staff the power to make individual decisions as provided in this Act. The Government Agency for Child Protection shall be informed of the content of the rules.

[The authority to deliver rulings under this Act, to take decisions on the institution of court proceedings under Articles 28 and 29, to demand that persons be declared personally incompetent under Article 30 or to take decisions regarding the demand that a member of a household be ordered to leave it or that a restraining order be issued under Article 37, may not be delegated to individual members of staff of the committees.]¹⁾

¹⁾ Act No. 80/2011, Article 5.

Article 15

Jurisdiction and collaboration of child protection committees.

The child protection committee in the district where the child is permanently resident is responsible for any case involving the child, but see the third and fourth paragraphs.

[If a child moves out of the jurisdiction of a committee during the process of his/her case, the committee shall immediately notify the child protection committee in the jurisdiction where the child is relocated, inform the recipient committee of all its involvement in the child's case and provide it with all necessary materials pertaining to the case. The child protection committee in the jurisdiction