



2.5.2023

## MISSION REPORT

**following the fact-finding visit to Germany on 3 and 4 November 2022 on the functioning of the ‘Jugendamt’ (Youth Welfare Office)**

Committee on Petitions

Members of the mission:

Dolors Montserrat	(PPE) (Leader of the mission)
Marc Angel	(S&D)
Kosma Złotowski	(ECR)
Tatjana Ždanoka	(NI)

Ex officio Member:

Peter Jahr	(PPE)
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## ***Introduction***

The German Youth Welfare Office ('Jugendamt') is a long-standing issue for the Committee on Petitions (PETI). Over the years, many PETI Members have worked intensively on this topic. As far back as 22 March 2007, the first delegation of the Committee on Petitions, accompanied by some petitioners, met representatives of the German authorities in Berlin. After that, a PETI working document on the Jugendamt was published in 2009 and included clear recommendations. A fact-finding visit (FFV) on the functioning of the Jugendamt took place in November 2011 and Members of the Committee drafted further recommendations. Furthermore, the European Parliament resolution of 28 April 2016 on safeguarding the best interests of the child across the EU was based on petitions addressed to the European Parliament. In June 2017, the PETI Committee established a working group on child welfare issues that included a point on the Jugendamt. Moreover, on 29 November 2018, the European Parliament published a resolution on the role of the German Jugendamt in cross-border family disputes.

In Germany, the Jugendamt offices are part of the municipal government. Each federal state decides which authority has the legal oversight of the individual Jugendamt offices. It is not possible for the federal government to influence specific decisions taken by the Jugendamt offices. When a Jugendamt office takes decisions, it has to take into account all legal positions (including the German Constitution) in a proportionate manner and reconcile them. It must also consider the legal guardians' wishes and fully involve primary carers, children and young people in the decision-making process and the provision of assistance.

The Jugendamt is informed about all family court proceedings and has the right to be consulted in order to help shed light on the circumstances of a case as part of the official investigation carried out by courts, as well as to present recommendations. The parents must be heard as part of the court proceedings and have the opportunity to comment on the opinion/recommendation of the Jugendamt. The Jugendamt must inform the family court of services that have already been offered and provided, support the child's development by incorporating educational and social considerations, and recommend other forms of (youth welfare) assistance. In child custody cases, the Jugendamt must inform the family court of the status of the consultation process, during which the Jugendamt offers (or tries to offer) advice and support to the parents before the court proceedings take place.

The Committee on Petitions still receives petitions criticising the role of the Jugendamt in cross-border family disputes. The role and actions of youth welfare offices are often seen as too far-reaching. According to their statements, foreign parents feel disadvantaged compared to German parents. Consequently, the Committee on Petitions decided to conduct another fact-finding visit to Germany.

At its meeting of 6 June 2022, the Bureau authorised a PETI mission to Germany to follow up on several petitions concerning the role of German youth welfare offices in cross-border family cases. This mission took place on 3 and 4 November 2022 and primarily focused on the way in which Jugendamt offices in Germany function. For practical reasons, the mission

took place in the State of Hesse.

### ***Petitions and petitioners***

The following petitions served as the basis for this fact-finding visit and the delegation met the petitioners on its first day, Thursday 3 November 2022, in Wiesbaden:

- Remotely: Petition No 1506/2016 by Gregory Chemin (French) on parental rights in Germany
- In presence: Petition No 0538/2021 by Erich-Eduard Mocanu Gollent (Romanian), on behalf of the association ‘Auch Engel brauchen Schutzengel e.V.’ [Even Angels Need Guardian Angels], on the alleged illegal taking into custody of children of Romanian nationals living in Germany by the German Youth Welfare Office (Jugendamt)

### ***Summary account of meetings***

#### ***Thursday 3 November 2022***

#### ***Meeting with the petitioners:***

- ***Gregory Chemin, Petition No 1506/2016***

The petition submitted by Gregory Chemin concerns his loss of contact with his children. The petitioner is divorced from his Czech wife. She and their two children live in Germany. The parents have shared custody of the children, but the petitioner has lost his right to be able to influence the education and health choices made for his children following a ruling by the Frankfurt High Court. The petitioner has not seen his children since December 2015 and currently lives in France. He is still required to pay his wife and children a maintenance allowance which exceeds his financial capacities since he lost his job in Germany. The petitioner believes that the German courts, the Jugendamt and the ‘Verfahrensbeistand’, a court-appointed special advocate for children, are taking his wife’s side in the case before the German courts. He claims that the German authorities are pursuing a deliberate policy that involves systematically refusing to grant custody to parents not resident in Germany and denying them the right to educate their offspring in a language other than German. The petitioner claims that German Jugendamt offices systematically prevent children residing in Germany from travelling abroad. According to him, as employees of German authorities speak no English or French, communication with the authorities is very difficult.

During the questioning phase, comments were made by the following official Members of the delegation:

***Kosma Złotowski*** asked the petitioner whether he is allowed to visit his children in Germany

and in which language he speaks to his children.

The petitioner responded that he would agree to have contact with his children in Germany once or twice, but that he then wants to see them in France. According to him, the German authorities are 'not keen' to let the children travel to France and, consequently, they are excluding him from having contact with them. Concerning his children's language, the petitioner responded that they have grown in a French-speaking environment. As he has neither seen nor spoken with them since 2015, he cannot say what language they currently speak.

**Marc Angel** asked whether it is correct that the petitioner could see his children in Germany but that he is insisting on acquiring authorisation from the German authorities to allow the children to visit him for the holidays in France. He asked what the specific reason is why he does not see his children. Moreover, he asked the petitioner whether he is married and if he is paying alimony for his children. He also asked whether he calls his children or uses other means of communication to maintain contact with them and whether he has tried to see them in Germany.

The petitioner replied that he has not seen his children since informing the authorities of his relocation to France. He wants to give his children the opportunity to live in France. He further stated that as he does not pay alimony for his children, the German authorities collected it from his bank account. Since he has been living in France, he has not paid any alimony. He claims that if his children were returned to him, there would be no more problems. He also stated that he has not called or spoken to his children since 2015 and informed the Members that he has received an 'Umgangsverbot' (denial of access/visitation rights). The Jugendamt has only offered him the possibility to meet his children at the Jugendamt, but not to go with them somewhere else.

**Tatjana Ždanoka** asked for more details concerning the petitioner's court procedures and wanted to know who is representing him at court.

The petitioner replied that for every family-related dispute in Germany, a so-called Verfahrensbeistand and a representative of the Jugendamt are present, in addition to the judge. Every parent needs a lawyer. The petitioner states that he has had over 14 meetings at the court but has never been provided with an interpreter. He also criticised the fact that the court decisions are published only in German.

- ***Erich-Eduard Mocanu Gollent, Petition No 0538/2021***

The petitioner stated that the association which he has founded and represents supports parents of different nationalities (Romanian, Austrian, Danish, German) living in Germany, because German youth welfare offices (Jugendamt) have apparently taken their children away from them without good reason. The Jugendamt offices are apparently working hand in hand with the police, the public prosecutor's office and the courts, which the petitioner believes are not acting independently, and which meant that families that cannot afford a lawyer struggle to defend themselves against actions brought by Jugendamt offices. The petitioner claims that parents from whom children have been taken away by Jugendamt offices are excluded from contacting their children until an interpreter has been found. He also claims that judges do not interfere with Jugendamt offices, even after confirming that children have been taken into

care illegally, and allow this to happen. Judges support illegal custody cases. He cites a case in which seven children were taken into care by Jugendamt employees against their parents' will. According to the petitioner, even a law firm which has been working on the entire procedure could not identify any reason for the Jugendamt's action. He believes that the Jugendamt offices are therefore in breach of German law and the European Convention on Human Rights. He asks the European Parliament to do something to stop this practice.

During the questioning phase, comments were made by the following official Members of the delegation:

**Dolors Montserrat** asked whether the parents concerned are going through a divorce procedure or similar, whether they are mixed couples or entirely Romanian and whether there are any reports from outside the family, such as schools or neighbours?

The petitioner responded that in one case, a German father has succeeded, with the help of the Jugendamt office, to have his daughter removed from her Romanian mother, even though the Higher Regional Court has ruled that the child must stay with the mother. The petitioner deduced that the Jugendamt office has more power than three judges of a Higher Regional Court. In another case, the seven children of a Romanian family have been taken into care by the Jugendamt office without any specific reason. This case was even brought to the attention of the German Federal Minister for Justice, but nothing has come of that, since in Germany, according to the petitioner, the Jugendamt office can make its own rules without respecting even European laws. The petitioner referred to a meeting with former German Chancellor Helmut Kohl, who told him that in Europe things should be at the same level. But the petitioner has doubts about the role of Europe if German Jugendamt offices can do what they want.

**Marc Angel** asked whether the parents are informed about who filed a lawsuit with a court. Moreover, he wanted to know whether parents have the right to legal protection/support and interpreters. He wanted to know whether the parents of the seven children have the right to see them and where they are currently living.

The petitioner responded that the seven children were separated when taken into care in order to break contact between the siblings. This is how the Jugendamt office in the State of Niedersachsen conducts proceedings. The petitioner claims that you can receive legal support only if you have the money, as a German lawyer costs at least EUR 300 per hour. As this is a matter of civil law, the parents concerned do not have the right to an interpreter from the state. The petitioner claims that this is a trick used by Jugendamt offices to take children away from families that are not capable of hiring a lawyer.

**Kosma Zlotowski** asked the petitioner whether the separation of siblings is a normal practice and what exactly happens if children are taken into care by the Jugendamt. He wanted to know whether the foster families are German.

The petitioner responded that the foster families are normally German and that they also accommodate other children. The foster families receive EUR 2 000 per child.

**Tatjana Ždanoka** asked about the specific work done and action taken by the petitioner's association.

The petitioner explained that he operates, among other things, a YouTube channel where he informs Romanian nationals in Germany and Austria about their rights and duties. He has also been contacted thanks to media coverage. Six lawyers support the association. The petition has been submitted to the EU as some specific legal actions are needed to ensure that the existing laws are respected.

***Ex-officio Member Peter Jahr*** called on his colleagues to ask the same questions to the Jugendamt in order to listen to their perspective. He further asked the petitioner if all Jugendamt offices in Germany act in the same way and what motivations are behind their actions.

The petitioner states that he would like to praise the Jugendamt office in Worms where he has experienced them doing a great job in supporting a young Romanian father raising his baby. However, the Jugendamt offices in the regions of Baden-Württemberg and North Rhine-Westphalia have problems. In the petitioner's view, not all Jugendamt offices in Germany are 'doing a bad job'.

***Dolors Montserrat*** asked the petitioner for further explanations concerning the alleged financial motivation of the Jugendamt offices and whether children living in Jugendamt facilities still go to their original schools. She also asked whether parents have the opportunity to visit their children once per week or whether they lose all contact.

The petitioner stated that the parents can see their children approximately once per month, but that situations differ and it depends on the judge. Moreover, the petitioner claims that the Jugendamt's activities are aimed at redistributing money among friends or relatives. Through children being taken into care in a non-transparent manner, money can disappear, which would be called corruption in Romania. In Romania, institutions that prosecute corruption exist, unlike in Germany and Austria. The petitioner claims that he knows of a case of a mother whose child has been in care for 13 months for whom the Jugendamt claims EUR 10 000 per month of care for psychological support and care provided by the foster family, among other things.

***Meeting with representatives of the Ministry of Social Affairs and Integration of the State of Hessen, including the state youth welfare department***

- ***Ms Cornelia Lange***, Director, Head of Family Department
- ***Ms Franziska Czeka***, Deputy Head of Unit for 'prevention and protection from violence, and youth welfare'
- ***Ms Katrin Hombach***, Deputy Head of Unit for 'foster child care, adoption, and family law'

Ms Lange began with an overview of the youth assistance system. In Germany, this operates on various levels. The main tasks are at municipal level in the form of municipal self-administration. Within this, the Jugendamt is bound by the law, the Constitution ('Sozialgesetzbuch 8') and the federal laws ('Jugendgesetzbuch'). The municipal level is the executive level. In Germany, there is also the Regional Youth Welfare Office, which in the State of Hesse is linked to the Hessian Ministry of Social Affairs.

There are many facets to the youth assistance system. The principle of subsidiarity is in place in Germany, meaning that voluntary help is provided before the state steps in. Moreover, there are several levels of support. Firstly, at the assistance level, there is youth work, social work, the educational protection of young people, assistance for parents through supporting them in their duty to bring up their children, day care centres, and help with integrating children with psychological difficulties. Secondly, at the executive level and in the context of the duty to protect children, children can be taken into care when they are in danger. No final measure can be taken without a court decision. Only in the case of imminent danger can the Jugendamt act, but it needs to obtain confirmation from a judge. The goal behind youth assistance measures is to get families functioning again. For example, if a child is placed outside the family, the family is still supported in becoming able to take the child back. If this does not succeed, children can be placed in foster families for the long term. This is an important principle where proportionality is concerned.

During the questioning phase, comments were made by the following official Members of the delegation:

***Dolors Montserrat*** referred to the various petitions that have reached the Committee on Petitions suggesting that problems arise when the children concerned have non-German parents. She explained that a petitioner had claimed that children cannot spend their holidays in other countries and that others have been taken away without a court decision. Especially inside the European Union, children must have the possibility to forge relationships with their family members living in other countries. The PETI Committee has also been informed that a Jugendamt office has allegedly prevented bilingual education, so that a child has been educated only in German. The concerns of petitioners have created the impression that a Jugendamt office can take decisions even if they contradict a court decision. She asked whether the Jugendamt also works with parents who do not have German nationality and about its approach towards bilingualism. She asked whether custody is automatically given to a German mother or whether shared custody exists, like in other European countries. Moreover, Ms Montserrat wanted to know when exactly a Jugendamt takes action.

Ms Langen replied that the Jugendamt is bound by the law and court decisions. She has no statistics about cases where custody is given to a specific parent. She said that she is not aware of any decisions where contact with non-German parents has been made difficult. It is possible that in specific cases, limited contact may occur, but it is always on the basis of a court decision. Concerning situations where children are taken into care, Ms Lange explained that she has observed the situation in the State of Hesse and cannot see any difference in the way in which children from bilingual families are treated compared to children from monolingual families. She claimed that it is always a question of the interests of the child. She further explained that the Jugendamt is asked to give an opinion on petitions submitted to a Landtag of a German state. The Ministry of Social Affairs and Integration legally verifies whether the law has been respected via the legal supervision authority called 'Rechtsaufsichtsbehörde'.

Ms Czeka explained that a Jugendamt office has no legal powers on matters related to bilingual schools or holidays abroad or with a parent abroad, and that only the family court can decide on that. Questions about schooling and holidays are only decided on by a family court if one parent does not agree and submits a request to the court to that effect. The Jugendamt can only give advice to parents. Ms Langen recalled that parents always have the



possibility to appeal.

**Marc Angel** asked whether a Jugendamt office always works with the family first before taking a child into care, whether parents are informed about the source of the Jugendamt's information and whether they can see the file. Moreover, Mr Angel asked whether children are entitled to a lawyer who represents their interests when their parents are in a dispute. Mr Angel also asked if politicians have control over the Jugendamt and whether legal protection exists against Jugendamt opinions.

Ms Langen explained that the Jugendamt intervenes, for example, if it is approached by a parent, in which case the Jugendamt can, for example, provide pedagogical advice. The Jugendamt can also be informed about the need for support for a child by a day care centre, neighbours, teachers, etc. It only becomes difficult if an affected family does not open the door and refuses to speak to Jugendamt employees. In the worst case, and if there is reasonable ground for suspicion, the Jugendamt can enter a property assisted by the police. However, children are not simply taken away from their families. First, an assistance plan is drawn up and other experts are consulted in order to find out how to best support a family. Taking a child into care is the last resort.

The family court listens to the Jugendamt's opinion on the basis of legal provisions. Usually, the Jugendamt only observes families and gives its expert opinion in contentious cases. In general, the Jugendamt does not participate in every court case, for example for consensual divorces. If a child is at risk, the Jugendamt always has to be involved.

She explained that the legal supervision of Jugendamt offices is overseen by regional boards that have to review compliance with the law. She refuted the idea of any political control. She concluded that the highest supervising authority is the Ministry for Family Affairs.

**Kosma Złotowski** referred to the two petitions on which the fact-finding visit is based and underlined that even if the cases are not in the mainstream news, they are alarming. He explained that he has already seen many petitions in the last parliamentary term on the actions of Jugendamt offices in Germany and, in particular, on cases where bilingual children had to speak German when they met a parent. In other situations, siblings have been separated, which is clearly not in the interests of the children. Mr Złotowski asked how 'child welfare' is defined and recalled the petitioner's claim that the courts should always have the final jurisdiction, but that they simply do not challenge the Jugendamt's position. Mr Złotowski asked to whom the Jugendamt is subordinated.

**Tatjana Ždanoka** referred to cases where children have been taken into care and asked about the budget for children's homes and foster families. She referred to petitions in which the petitioners have stated that financial reasons also play a role in the decision of whether to take a child into care, and not only the interests of child. She asked about figures on the number of children in children's homes and foster families.

**Ex-officio member Peter Jahr** stated that petitioners often claim that the Jugendamt in Germany is a state inside the state and can do whatever it wants. He asked whether the allegations that court decisions are not respected by Jugendamt offices are correct. Moreover, he wanted to know whether there is a right to interpretation in court procedures and how the Jugendamt proceeds when exchanges between children and their parents take place in the premises of a Jugendamt office, and if everybody is permitted to speak their mother tongue. Moreover, he asked whether it is realistic that a Jugendamt office takes children away without



any reason, as is often stated in petitions, and whether it is true that foster families can earn a lot of money taking in children.

Ms Langen explained that Jugendamt offices are part of the public administration and are bound to the law, as is the case for all public administrations. The claims that are being made today have to be verified on a case-by-case basis. The Jugendamt has to accept and implement any court decision. If an individual is convinced that a court decision has not been respected, he or she can go back to court. Concerning funds, Ms Langen reiterated that it is a matter of municipal funding in the context of municipal duties. If it is being claimed in petitions, on the one hand, that service provider contracts are being used to support only specific providers, it has to be said that municipal funding is limited and that funds are of course invested only in measures that are necessary for the social work within the principle of proportionality.

Ms Hombach further explained that in the State of Hesse, 4 000 children are currently placed in foster families. According to her, there are not enough foster families available and children live in facilities even when they would be better off in foster families. Foster families do not earn money – it is not a business for earning money – they only receive allowances for expenses to cover the costs of living. It is a service to society to accommodate children that need protection. As regards siblings, the Jugendamt offices ensures that siblings' relationships are maintained. Concerning the question about lawyers for children, Ms Hombach explained that under the law, this is called 'Verfahrensbeistand'. Children receive procedural assistance via a person who only represents the child's interests in court proceedings.

**Tatjana Ždanoka** asked about the ratio of children placed in foster families compared with children placed in municipal establishments.

Ms Hombach explained that this depends on the age of the children. Children aged between 0-6 years are mostly placed with foster families. Children of that age need a family environment. Older children, in particular teenagers, live more often in facilities such as living communities.

**Marc Angel** asked whether it is correct that the Jugendamt sends invoices for care provided to the parents.

Ms Langen explained that if parents dispose of a certain level of financial income, it can be expected that they participate in the costs for care.

#### ***Meeting with representatives of the Ministry of Justice of the State of Hesse***

- ***Ms Annell Zubrod, Deputy Director, Department of 'Administration of Justice'***
- ***Ms Schirin Bünsch, Head of Unit, Department of 'Administration of Justice'***
- ***Ms Dr Katja Schweppe, judge at the Higher Regional Court of Frankfurt am Main, 4th Senate for Family Matters***

Ms Zubrod explained that the Ministry of Justice is not involved in court cases and does not comment on court decisions handed down by independent judges. Dr. Schweppe suggested replying directly to questions.

**Dolors Montserrat** asked whether only the opinion of the Jugendamt is heard by the judges or whether other parties can also play a role. Moreover, she asked whether the courts always base their decisions on the proposals put forward by the Jugendamt.

**Marc Angel** asked about the exact role of the ‘Verfahrensbeistand’, the child’s lawyer, and whether he or she can appeal against a court decision. Referring to Mr Chemin’s statement (petition No 1506/2016), Mr Angel asked whether both parents have to agree to change a child’s nationality. He further asked about how little a parent should earn in order to be provided with a lawyer.

Dr Schweppe explained that the role of the Jugendamt depends on the procedure:

1. In cases without any suspicion that the interests of a child are at risk, the parents are simply offered advice. Courts can individually decide how much time a child will spend with one parent and the Jugendamt has an advisory function. The ‘Verfahrensbeistand’ is always provided by the court and does not have any links with the Jugendamt. He or she talks to the child as well as to the parents and prepares a report for the court. This happens when the parents request that the court decide.
2. The procedure is different when the Jugendamt perceives a risk for children (for example, after being notified by doctors or school staff) and requests a judicial procedure. In those situations, the Jugendamt’s report plays a bigger role, but the court always decides independently. The ‘Verfahrensbestand’ and other parties are also heard.
3. In situations where the Jugendamt decides to act quickly to prevent a child from being at risk, the child can be placed in care. The family court verifies if this action is justified.

Concerning the ‘Verfahrensbeistand’, Dr Schweppe explained that a court can choose the most appropriate procedural assistant from a pool, taking into account the professional qualification of that assistant, as well as her or his language skills, in particular in Arabic, Turkish and English.

**Kosma Zlotowski** referred to the various complaints that the Committee for Petitions has received, saying in particular that the courts always follow the opinion of the Jugendamt. He asked Dr Schweppe what would happen if she ever did not follow the Jugendamt’s proposal. Moreover, he asked about the role of foreign languages and the often-heard allegation that a bilingual child is not allowed to speak one of their languages.

**Tatjana Ždanoka** repeated that cases where parents are not allowed to speak in their native language with their children are often reported by petitioners. After hearing the statement by Mr Chemin (petition No 1506/2016), Ms Ždanoka asked whether it is true that children in Germany cannot leave the country to visit a parent abroad and whether a law on the use of languages exists.

**Ex-officio Member Peter Jahr** stated that petitions are only submitted by people who are not satisfied with judgments and asked who is controlling the Jugendamt. Moreover, he asked who advised mixed nationality European couples on divorce, what support for interpretation exists and whether important legal differences exist between the Member States.

Concerning the relation between the courts and the Jugendamt offices, Dr Schweppe explained that she cannot speak for her colleagues. It is also a question of the experience and qualifications (for example, via specialised training courses) of the judges. She has always been in a critical exchange with the Jugendamt knowing that its ultimate objective is the protection of children and having good working relationships with parents. The judges' perspective is different as they have to balance the basic rights of parents and children. Furthermore, Dr Schweppe explained that judges are not obliged to confirm the measures recommended by the Jugendamt. In her view, the Jugendamt depends on the courts, as it needs their legal support for its measures.

Concerning the issue of foreign languages, the courts do not decide in which language a child should be raised, but only with which of the parents the child is to reside. One parent can decide on the language of the school, for example, if she or he has been granted sole custody. If a court has decided that a child has to be protected and cannot be alone with one parent (in exceptional cases), it is mandatory for the overseer/supervisor to be able to understand conversations with the child in order to make sure that undue influence is not being exerted on the child. This is important, as both parents are obliged by law to speak in positive terms about each other.

Dr Schweppe reassured the Members that contact with parents can take place abroad. There are even cases where children change holiday location from one parent to another while abroad, for example in Turkey. All parents can spend time with their children where they want to, unless the court has said that the child would be at risk. After several years without contact, a court might decide that contact has to be carefully re-established. A parent has to show willingness. Nowadays, many options exist to maintain contact, such as video calls. There are cases where parents do not want contact for a certain time and it then becomes difficult to re-establish it later.

As regards legal advice in cases of divorce, lawyers offer advice and everybody can choose their lawyers freely. Jugendamt offices also offer multilingual support but might not be able to offer it in all languages.

In comparison with other EU countries, German law is probably one of the more conservative. Other countries are more progressive and might favour the mother, as might be the case in Poland, for example.

Family courts cannot decide on changes to a child's nationality.

Ms Zubrod replied to Mr Angel's question about legal aid, explaining that she does not know the exact numbers, but that legal aid is granted for the majority of family procedures. Ms Bänisch explained that many other solutions, such as deferred payment, are proposed when a parent has no right to legal aid. She also touched on the question of the qualifications and training of judges. She said, further, that shared custody is a relatively new phenomenon in Germany, introduced only 20 years ago. There has been a tendency to grant more rights to the parent who cares for the child.

**Dolors Montserrat** concluded the session by stating that the Committee on Petitions received many complaints that led to this fact-finding visit and noted that 'where there is smoke there is fire'. She asked whether the Jugendamt has less power theoretically 'on paper' than in

people's minds and opinions. She also shared her concerns on the Jugendamt's involvement in situations where a couple resolves its dispute amicably. Ms Montserrat sees the Jugendamt as a 'shadow body'. For her, it seems to be a simple suggestion to accept advice by the Jugendamt, but she asked about possible consequences if one parent does not want to be advised.

Dr Schweppe repeated that a Jugendamt's provision of advice is not a legal procedure and has been set up in order to help parents to find a joint solution. Particularly in the Scandinavian countries, as well as in the Netherlands and Belgium, the equivalents of the German Jugendamt hold a strong position, but they do not have the right to intervene. As concerns Germany, she does not have the impression that judges simply copy the Jugendamt's suggestions, but cannot say whether this is generally the case.

She further stated that a couple could get divorced without the Jugendamt playing any role in court proceedings. As courts were obliged to inform the Jugendamt about cases concerning parental care, the Jugendamt would verify and inform the court if any information concerning the family was known.

***Friday 4 November 2022***

***Meeting with representatives of Wiesbaden Family Court***

- ***Dr Doris von Werder***, judge for family affairs and criminal law
- ***Dr Kristina Brümmer-Pauly***, judge for family affairs
- ***Mr Erhard Meier***, judge for family affairs

***Dolors Montserrat*** asked whether it is always necessary to inform the Jugendamt in cases of divorce involving minors, and whether the Jugendamt's recommendations are always binding for judges. Moreover, she asked whether judicial independence exists for judges, after having heard all the parties, or whether the Jugendamt is above everybody else. In addition, she asked who is monitoring and controlling the Jugendamt, since it is an administrative body.

***Marc Angel*** asked about children's guardianship after being taken into care by the Jugendamt and about cases where the Jugendamt has acted too late or not at all. Moreover, he asked whether courts provide interpreters for parents who do not speak German. In addition, he asked for explanations concerning the allegation from a petitioner that the Jugendamt can send bills to parents whose children have been taken into care.

***Kosma Zlotowski*** asked whether the judges could comment on the two specific petitions chosen as the basis of this fact-finding visit.

***Tatjana Ždanoka*** asked whether claims made by petitioners are correct in that in all procedures involving a German and a non-German parent, the parental right is given to the German party. Moreover, she asked about the length of procedures and whether documents can be submitted in a foreign language. Furthermore, she asked the judges whether they could think of an example of a decision where they have decided in favour of a foreign parent.

Mr Meier started by explaining that in Germany a judge has to have experience as a judge in another field before choosing to become a family judge in order to ensure a certain level of professional experience.

Mr Meier explained that the law expressly authorises the Jugendamt to take a child into care if the child's life is in danger. Taking a child into care is an administrative act and as such it can be assessed by an administrative court. The administrative court can be called on to assess whether the Jugendamt has acted correctly. Concerning the child's future, if the parents do not agree with the Jugendamt, the family court intervenes immediately and makes a decision. In total, two courts, directly and indirectly, can be called on to assess the decision of a Jugendamt office to take a child into care. Therefore, in his view, there is control at various levels. The same applies for the responsibility of individual staff members towards their legal hierarchy in their administrative authority. Moreover, judges can request reports from external experts. The child's guardianship is dormant until a decision is taken by the court, but the Jugendamt can decide in urgent cases. Mr Meier clearly stated that he does not have the feeling that the Jugendamt is misusing its 'powers'. Ms von Werder added that taking a child into care is a measure that Jugendamt offices use as a last resort, as it is its duty to ensure, for example, that children do not die of hunger or freeze to death. Over the years, she had seen a growing number of children that have had to be taken into care and she is currently working on two extreme cases of sexual abuse where children had to be rescued. It is very rare for children to be able to return to their parents, as there are often no measures that would enable parents to take care of their children. Mr Meier added that it also happens quite often that children contact the Jugendamt and ask to be removed from their family, mainly girls with a migration background 'who wish to live freely'.

According to Mr Meier, in over 90 % of divorces, the custody of the children is not decided on in court. If a request is sent to a court and concerns a minor, the Jugendamt is automatically informed. The Jugendamt decides to what extent it will be involved in each case.

No Jugendamt report or recommendation is binding for judges. Mr Meier said that he cannot think of any way in which the Jugendamt could put pressure on a judge. He cannot think of a single case where someone has tried to put pressure on him personally. The Jugendamt is 'only one tessera'. If it or the Verfahrensbeistand does not agree with a decision, they can appeal. Ms Brümmer-Pauly added that the Jugendamt does not have more power than all the other parties to the procedure. Moreover, the Jugendamt cannot decide on the school of a child; that is a choice made by the parent granted custody of the child.

Mr Meier informed the Members that the law on the Verfahrensbeistand has changed since 1 January 2023, and now the qualifications of a person representing a child's interests are clearly laid down in order to ensure that they are highly experienced and regularly trained.

Ms Brümmer-Pauly informed those present that if it appears that parents might need an interpreter, one is provided by the court. If the need only comes to light during the court hearing, the hearing is rescheduled. The new law on the Verfahrensbeistand also states that an interpreter has to be paid by the court if a Verfahrensbeistand needs one in order to be able to talk to a child.

Without knowing the entire background of the two petitions of this FFV, Mr Meier said that he is unable to comment. Ms von Werder said that if a court decides that a child cannot see a parent in a foreign country for many years, as it seems to be the case with petition No 1506/2016, there must be a very serious reason for that. Ms Brümmer-Pauly added that under the law there are clear rules for cutting off contact with a parent and that this can only happen if the interests of a child are at risk. Ms von Werder added that she does not have the impression that foreigners are discriminated against and has never suspected any of the Jugendamt staff of treating parents differently. More and more Jugendamt staff themselves have an immigration background. Nowadays, more than half of all people involved in court procedures concerning child custody have an immigration background.

Mr Meier explained that a judge bases his or her decision only on the child's interests and not on the parents' nationalities. As the nationality of a parent is only of peripheral interest, Mr Meier cannot recall any judgment where he granted sole custody to a parent of a foreign nationality. He cannot support the insinuation that German parents are favoured over other parents. Ms von Werder explained that the right of contact of a parent to his or her children and access to them, including holidays abroad, might also be decided on by a court. Usually, a parent can travel with a child abroad, but there are cases where it would not be in the child's interests. Concerning the submission of documents in foreign languages, she explained that a short summary of a parents' request must be submitted in German to the court, but that one sentence is enough to schedule a court hearing with an interpreter provided by the court. Moreover, bilingual lawyers can help and financial support for procedural costs can be requested, so that a procedure can be entirely free of charge. Ms Brümmer-Pauly added that by law procedures concerning the right of contact must be scheduled within four weeks.

Mr Meier explained that the Jugendamt can help a parent to claim alimony.

#### ***Meeting with representatives of the Wiesbaden Jugendamt***

- ***Ms Daniela Leß, Director, Head of the Jugendamt***
- ***Ms Esther Wagner, Head of Social Services Department***

Ms Wagner started her presentation by explaining that Jugendamt offices are organised differently in the different Länder in Germany. The law obliges the Jugendamt offices to provide support for families. The offices also provide assistance in criminal law cases. The Jugendamt also has the legal duty to provide protection for children. The Jugendamt's work is regulated by the following principle under Article 6 of the Basic Law for the Federal Republic of Germany: '(2) The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty. (3) Children may be separated from their families against the will of their parents or guardians only pursuant to a law and only if the parents or guardians fail in their duties or the children are otherwise in danger of serious neglect.' Many other institutions have the obligation to protect children, such as day care centres, and various forms of support exist in order to avoid situations that may endanger children. The decision to monitor a family against its will or even to remove a child is a measure of last resort.

German jurisprudence has set three criteria that must be met for identifying a child whose welfare is in danger ('Kindeswohlgefährdung'): present danger, substantial/future danger and sufficient certainty. This shows that every single situation requires a proper assessment.



She further explained that Jugendamt staff always obtain a general impression of the child's environment through the very transparent involvement of parents or legal guardians by visiting the place where the child lives and through an intensive background investigation, among other things. The objective is to remove the danger posed to the child and to work consensually with the parents.

In 2013, the Jugendamt office in Wiesbaden assessed 500 reports of possible danger to a child's welfare. In 2021 there were around 1 200 cases. One reason for this increase is that public awareness has increased and that the Jugendamt receives more information from citizens. Children will have been taken into care in only a fraction of those cases because, for the vast majority, other measures can be adopted.

The law clearly states that several members of staff should always work together on a case and take decisions together. On major decisions such as taking a child into care, a supervisor has to be involved. The Jugendamt is entitled to take temporary protection measures such as taking a child into care, and if the parents do not agree, the family court immediately has to be involved at the request of the Jugendamt. All permanent decisions have to be taken by a family court.

During the questioning phase, comments were made by the following official Members of the delegation:

***Dolors Montserrat*** asked about the Jugendamt's powers in cases of divorce, whether it always writes reports and whether they are binding. Moreover, she asked whether the Jugendamt monitors the execution of a judgment. She informed the Jugendamt representatives that the Committee on Petitions is concerned by cases where bilingual children have allegedly been prevented from having contact with non-German family members. Moreover, she asked about democratic oversight of temporary protection measures and whether parents can speak in their mother tongue to a child under supervision. She asked, further, whether it is compulsory to go to the Jugendamt if a child's custody has to be agreed on.

***Kosma Zlotowski*** asked whether the Jugendamt representatives could comment on the two specific petitions chosen as the basis of this FFV.

***Marc Angel*** told the Jugendamt representatives about the allegations contained in petition No 0538/2021 and asked whether it is true that siblings are separated when removed from their families. Furthermore, he asked for more information about reporting obligations such as statistics. He also asked whether a time period is specified by law during which a judge has to take a final decision after a child has been taken into care by the Jugendamt. Finally, he asked whether an Ombudsman for children exists in Germany.

***Tatjana Ždanoka*** told the Jugendamt representatives about the allegations contained in several petitions that German parents are favoured by German institutions. Ms Ždanoka asked whether examples of a non-German parent who has been granted custody exist.

Ms Wagner highlighted that it is important for the Wiesbaden office to remain steadfast in its role of supporting and advising parents and trying to reach consensual agreements. By law, the Jugendamt is automatically informed by a court if the custody of a child is to be decided on. If the office has no information about the couple that is going to divorce, it will not

intervene or give its opinion. Moreover, the Jugendamt does not monitor the execution of a judgment unless expressly instructed to by a court. As the Jugendamt is obliged by law to protect children, it has the possibility to take children into care as a measure of last resort – as stated before – and can be controlled after the event by judges. Children up to 12 years old are preferably placed in foster families and older children in facilities. The Jugendamt tries to organise regular contact with parents, which is mostly supervised as the child is still in a high-risk situation, before a court takes a final decision. The Jugendamt in Wiesbaden works with a pool of interpreters in order to adapt to the various languages spoken by parents.

Concerning petition No 1506/2016, Ms Leß assumes that serious issues have led judges to decide to revoke the father's right to access his children.

Concerning siblings, the Jugendamt always tries to keep siblings together, but sometimes it is not possible to organise joint accommodation because of a lack of specialised staff and available spaces. Ms Leß informed those present that it might be necessary to make up to 100 calls in order to find a place that best suits a child's needs. She explained that children had even been taken 200km or further to northern Germany.

For all Jugendamt offices there is a legal basis for statistical data that have to be collected.

Concerning the allegations contained in petition No 0538/2021, Ms Wagner explained that there are cases where it might be too dangerous to speak to the parents before the children are taken into care. She is certain that the Jugendamt has acted properly and has used its expertise. Ms Leß clarified that Jugendamt staff are criminally liable if they abuse their powers. Concerning Romanian children, Ms Wagner stated that the Wiesbaden Jugendamt currently has three Romanian children in its care, as the mothers are minors (but the families live together) and one other Romanian child because of an evident risk to the child's welfare.

Ms Wagner explained that a recent legal reform obliges every German Land to set up Ombudsman offices for children. Ms Wagner welcomes this new obligation, as it is in the spirit of the Jugendamt's work to advise and support parents and take pressure off the system.

Ms Wagner highlighted the fact that the Wiesbaden Jugendamt staff neither favour nor discriminate against any parent. Any decision on custody has to be taken by a judge. As situations described by the petitioners are highly sensitive and as the Jugendamt is dealing with very personal situations, Ms Wagner is not surprised by the different interpretations. Ms Leß presented the case of a Romanian child under guardianship living with her minor mother and grandparents.

#### ***Meeting with representatives of Hanau Family Court***

- ***Mr Andreas Böinghoff***, judge for family law
- ***Ms Kamala Zimmermann***, judge for family law
- ***Mr Daniel Ortner***, judge for family law
- ***Ms Clementine Englert***, Court Director

Mr Böinghoff presented the procedure for guardianship issues. There are two areas:

1. The procedure is carried out officially by the court in cases involving the protection of

children because of possible risks to the interests of the child. These cases come to court through notification from doctors, day care centres or the Jugendamt, as the latter's role is guardian of children's interests. The Jugendamt is also a compulsory participant in those cases and gives opinions and recommendations. The timeframe is four weeks to hear all participants (parents, child depending on the age, Verfahrensbeistand, etc.).

2. Cases of conflict between parents only come to court if one parent applies for it. The Jugendamt is not a compulsory party but only has an advisory role.

Legally, cases with foreign parents are no different to cases involving only German citizens. Interpreters are provided for people who do not speak German. If a parent lives abroad, he or she receives a translated invitation and financial support is provided if needed for transport costs to Germany, so that the court hearing can take place. In urgent cases, informal hearings via telephone can be organised to give the parent living abroad the possibility to participate.

**Dolors Montserrat** asked about the timetable that applies when a child is placed into temporary care by a Jugendamt and its democratic control. She also asked whether the parents can go directly to court without involving the Jugendamt and whether they are required to have contact with the Jugendamt if they separate. Moreover, she asked about the importance of the cultural and family roots of a child. She informed those present about the alleged imbalance between the visiting rights of German and non-German parents.

**Marc Angel** asked whether neighbours or teachers can directly inform a court about alleged risks to a child's welfare (confirmed by judges) and from what age a child can be heard. He further quoted from a European Parliament resolution: 'whereas in family disputes involving children, the Jugendamt delivers a recommendation to the judges, the nature of which is practically binding, and can adopt temporary measures, such as the 'Beistandschaft' (legal advisership), which cannot be challenged'<sup>1</sup> and enquired about its correctness. Moreover, he asked about the existence of statistical data on cases where the Jugendamt's recommendations have or have not been followed by the judges.

**Kosma Zlotowski** asked about the definition of child welfare and whether the judges can comment on the two specific petitions chosen as the basis of this fact-finding visit.

**Tatjana Ždanoka** told the judges that the French petitioner (petition No 1506/2016) claims that German authorities systematically deny parents who do not live in Germany their custody rights. She asked about examples of decisions where parents not residing in Germany have been granted custody rights.

Ms Zimmermann explained that the Jugendamt is obliged to inform the court immediately when it takes a child into care. A hearing must then take place within a month.

Concerning guardianship in cases of divorce, a change can only be decided on by a court if a parent files an application. The same applies for visiting rights for parents. The Jugendamt does not act by itself and does not become involved. If an application is filed, the court asks the Jugendamt whether notifications concerning the family have been made in order to assess

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<sup>1</sup> European Parliament resolution of 29 November 2018 on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes (2018/2856(RSP)).

the family's situation. This is part of a court's investigative duty. This does not give a formal role to the Jugendamt during a procedure. If parents do not respond to the Jugendamt's offer for advice and support in the context of their separation, this is accepted by the court, and Mr Ortner repeated that there is no obligation for parents to go to a Jugendamt office if they separate. The visiting rights are decided irrespective of nationality and it is important for children to travel abroad to maintain contact with their family members living abroad. The court only acts on its own on guardianship if the child's welfare is at risk.

Concerning the age a child has to be invited to a hearing, Ms Zimmermann explained that the law obliges judges to obtain a personal impression in cases of child welfare protection. This is more of an informal exchange than a hearing with the children concerned, who are sometimes as young as three years old, without overstressing questions. Older children are asked about personal wishes or needs.

Concerning Mr Angel's quotation of the resolution, Ms Zimmermann cannot think of a decision that could not be challenged. Mr Böinghoff explained that the Jugendamt's recommendations are not binding for the court and that court decisions can go against the opinion of a Jugendamt office. The Verfahrensbeistand also delivers a recommendation without agreeing on it beforehand with the Jugendamt.

Mr Böinghoff explained that 'the best interests of the child' and child welfare are an undefined legal concept that has been substantiated through case law. Basically, the concept of child welfare has external factors ('roof over their head', health insurance etc.) and is associated with freedom from violence. Secondly, the mental well-being of the child is considered (inappropriate educational measures, psychological harm). Moreover, children have the right to a school education and duty to attend school. In Germany, there are compulsory medical examinations for children. If these do not take place, the Jugendamt receives a notification and if no action is taken, the court is informed. All of these aspects help to answer the question of whether a child's welfare is at risk. Judges undergo regular training sessions on recognising risks to child welfare.

Mr Böinghoff explained that nationality and languages do not play any role in decisions about guardianship. A parent living in Spain has the same rights as a parent living in Germany. Courts must decide only in cases where the parents do not come to an agreement.

Concerning the French petition (petition No 1506/2016) and the allegation contained therein that the French father has been forbidden from speaking French with his children, Mr Böinghoff is not aware of such cases and cannot understand the reasons that might have led to such a measure. Children have a right to contact with both parents.

Concerning Ms Ždanoka's questions on particular cases, Mr Böinghoff cited a case where a family had lived in Germany and, after the couple separated, the father moved to Ireland. The outcome of the procedure was that the child moved to Ireland as the family ties were closer on the father's side. He gave a second example of three children who have stayed with their father in Germany, but they spend all school holidays with their mother in Spain as the parents have agreed on shared custody.

### ***Meeting with representatives of the Jugendamt Frankfurt office***

- *Ms Nanine Delmas, Director of the Jugendamt Frankfurt office*
- *Mr Jens-Joel Offen, Deputy Director of the Jugendamt Frankfurt office*
- *Mr Michael Krause, Head of Youth Department*
- *Ms Ute Knorrek, Head of Child and Youth Welfare Unit*
- *Ms Nicole Klein, Deputy Head of Child and Youth Welfare Unit*
- *Ms Erika Dannhäuser, Officer in Child and Youth Welfare Unit, responsible for family court proceedings and international custody conflicts, data protection and authorisations to testify, administrative law*

**Tatjana Ždanoka** told the Jugendamt representatives that petitioners have been claiming for years that the Jugendamt mostly favours German citizens, as stated in petition No 1506/2016.

Ms Dannhäuser explained that she does not know of any statistical data that could refute the statements of the individual petitioners. She then gave a presentation on the structure of the Frankfurt Jugendamt office. She stated that it provides preventative work in various ways to create good living conditions for families and their children, as well as support to help integrate children into society. The Jugendamt also provides financial support, for example for mothers seeking acknowledgment of paternity or alimony payments.

The Jugendamt also protects children if their welfare is at risk and participates as a specialist social pedagogical authority in family law court proceedings, as provided for by law. The staff assess the children's exposure to danger and always talk to the families and those concerned on the basis of the four-eyes principle. A protection plan can be developed with the parents if the parents understand that their child is at risk in order to help them to deflect the risks themselves. The protection plan is evaluated regularly, but it can happen that parents cannot properly protect their children (for example, if the parents are addicted to drugs). If the danger is imminent, acute and sustained, then children can be taken into care. In this case, the staff members ask for the parents' agreement. If they do not agree, the Jugendamt makes a direct application to the court. The cycle of discussions with parents and offering support and advice is never-ending.

The Jugendamt offers specialised support and advice for binational cross-border couples in various languages. The Central Contact Point for Cross-border Family Conflicts and Mediation (ZAnK, Zentrale Anlaufstelle für grenzüberschreitende Kindschaftskonflikte und Mediation) also provides advice and information when conflicts in the family have a cross-border dimension.

Based on rulings of the European Court of Justice, the Jugendamt has developed written guidelines for all staff members on defining, for example, the usual place of residence of a child. There are specialised training courses as well as standardised procedures for informing consulates, if wished by parents.

The Jugendamt also provides contact persons to accompany children and their parents in various framework conditions depending on every individual case and the required level of protection. The Jugendamt works with many service providers in order to offer support in many different languages and enable children and parents to speak together in their languages.

**Dolors Montserrat** asked the Jugendamt representatives whether they have more background information on petition No 1506/2016 and the choice of school. Moreover, she asked about the importance the Jugendamt attaches to a child's cultural roots and democratic oversight.

**Marc Angel** explained that the Committee on Petitions has based its work on the subjective views of the petitioners. He asked whether courts can oblige parents to accept advisory services offered by the Jugendamt and also whether he could receive more information concerning cross-border family mediation via ZAnK.

Concerning petition No 1506/2022, Ms Dannhäuser explained that they have received too little information to identify the case. She supposed that the choice of the school has been decided on by a court. Furthermore, she explained that parents only lose their right of contact if they have physically or psychologically harmed the child. The risk has to be certified by an expert's report showing that the child had been harmed over a longer period and assumptions are not sufficient.

Ms Dannhäuser explained that preserving children's cultural roots is very important. Usually, courts do not decide on a child's school as parents mostly manage to decide together and maintain continuity in the child's life. The Jugendamt fully shares European values and would never recommend that a bilingual child at a bilingual school change to a German-language school.

Ms Dannhäuser explained that ZAnK has been funded by the Federal Ministry for Family Affairs and binational couples can receive advice from lawyers and social workers.

Mr Krause explained that under conditions imposed on parents by courts, support programmes can be set in motion. In Frankfurt, 180 languages are spoken and the Jugendamt is continuously increasing the languages it offers. 75 % of all people below the age of 21 living in Frankfurt have one parent who was not born in Germany.

He explained that the Jugendamt is subject to certain control instances. There is legal supervision via German government presidiums, but also enquiries from the state parliaments, for example from the petitions committees. The German family and administrative courts also review actions taken by a Jugendamt office.

### **Conclusions**

The fact-finding visit to Germany by the Committee on Petitions showed the delegation that the work of the Jugendamt offices is multifaceted. The Members of the delegation were aware that they had to rely on the subjective reports of petitioners. Moreover, it was not possible for the Members to base their work on an objective description of family situations, as they do not have access to the court decisions or to the testimonies of all the parties involved.

The complexity and sensitivity of individual family situations require highly trained people. During its fact-finding visit, the delegation of the Committee on Petitions observed an increased awareness of the need for linguistic assistance for non-German parties and learned about the constant and continuing efforts by German lawmakers, courts, as well as Jugendamt offices, to enable foreign parents to fully participate in proceedings. In this context, the Members of the delegation were informed of the recent legal reform obliging every German Land to set up Ombudsman offices for children, as well as the creation of a ZAnK, the



Central Contact Point for Cross-border Family Conflicts and Mediation. Nevertheless, not all recommendations that were mentioned in the European Parliament resolution on the role of the German Youth Welfare Office (Jugendamt) in cross-border family disputes adopted on 29 November 2018 have been implemented.

As Germany's child and youth policy is complex – due to the federal organisation of the State – and transfers a high level of responsibility and power to the Jugendamt offices, it might be difficult for non-German parties to fully understand it. In this context, it was particularly important for the Members of the delegation to obtain clarity on frequent accusations against the system. The German authorities cooperated well and came up with general information, but they could not provide detailed answers to questions related to the petitions that were the subject of the mission. The representatives of authorities whom the delegation Members met clearly stated that only a family court can decide on parental rights as well as on questions concerning matters of child custody. As mentioned by the authorities, the Jugendamt must be heard, but its recommendations have no binding character for judges. Moreover, the presence of a 'Verfahrensbeistand' and experts called by the court enables judges to base their judgments on a variety of input.

### ***Recommendations***

The European Parliament, in general, and the Committee on Petitions, in particular, has the utmost respect for the delimitation of competences in the Union, which, under the principle of conferral, means that the Union should act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein.

On the basis of this fact-finding visit, the following recommendations are made to the competent German regional and national authorities:

1. to note that further efforts and improvements must be made by all German competent authorities to adequately safeguard the right of the children of binational or non-German couples to preserve their identity, including family relations;
2. to insist on the need for appropriate training for all workers in social services as well as in the judicial environment about intercultural differences in relation to child care and child custody proceedings; to develop new training courses and focus on the most problematic issues;
3. to recall the utmost importance of providing linguistic and translation support to all parties involved at all stages of proceedings, taking into account any existing cultural differences;
4. to provide non-German parents with full and clear information at every stage of proceedings relating to children and on the possible consequences thereof, in a language that the non-German parents fully understand, in order to avoid cases where parents give their consent without fully understanding the implications of their commitments; calls on them to raise awareness of legal assistance and support, for example by providing them with a list of bilingual specialist lawyers or by referring them to the correct institution or contact person;
5. to highlight the need of improving the availability and the methodology of the collection of statistical data in order to increase transparency;
6. to stress the importance of close and effective cooperation and communication

- between the various national, regional (Länder) and local authorities involved in childcare proceedings, from social services to the courts;
7. to highlight that no EU citizen should be discriminated against on the basis of their nationality, race or language, as guaranteed in the Treaties and in the Charter of Fundamental Rights of the European Union;
  8. to stress the importance of respecting the European Charter of Fundamental Rights of the European Union and Article 24 thereof on the rights of the child, in particular on the right of every child to maintain, on a regular basis, a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests;
  9. to underline that children shall have the right to such protection and care as is necessary for their well-being, as stated in the Charter of Fundamental Rights of the European Union, and that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration, as well as that every child shall have the right to maintain, on a regular basis, a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests;
  10. to stress the importance of maintaining family ties, especially between siblings; whenever possible not to separate siblings, enable and facilitate their continued direct contact;
  11. to highlight the role of Ombudsman for Children in every Member State in order to safeguard the rights and well-being of every child;

In relation to petitions Nos 1506/2016 and 0538/2021, the Committee on Petitions makes the following recommendation:

Petitions Nos 1506/2016 and 0538/2021 should be closed.

## INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	26.04.2023
<b>Result of final vote</b>	+: 25 -: 1 0: 0
<b>Members present for the final vote</b>	Alex Agius Saliba, Marc Angel, Margrete Auken, Alexander Bernhuber, Jarosław Duda, Francesca Donato, Gheorghe Falcă, Ibán García Del Blanco, Peter Jahr, Radan Kanev, Dolors Montserrat, Elżbieta Rafalska, Frédérique Ries, Massimiliano Smeriglio, Yana Toom, Loránt Vincze, Michal Wiezik, Tatjana Ždanoka, Kosma Złotowski
<b>Substitutes present for the final vote</b>	Asim Ademov, Jordi Cañas, Cristian Terheş, Rainer Wieland
<b>Substitutes under Rule 200(2) present for the final vote</b>	Dietmar Köster, Bergur Løkke Rasmussen, Marcos Ros Sempere



Committee on Petitions

**Draft mission report following the fact-finding visit to Germany on 3 and 4 November 2022 on the functioning of the ‘Jugendamt’ (Youth Welfare Office)**

**Leader of the mission: Dolors Montserrat**

**AMENDMENT 2 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE**

4	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato

19	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Loránt Vincze, Rainer Wieland
Renew	Jordi Cañas, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

3	0
NI	Tatjana Ždanoka
Renew	Bergur Løkke Rasmussen
Verts/ALE	Margrete Auken

Key to symbols:

+ : in favour

- : against

0 : abstention

### AMENDMENT 3 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

10	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
PPE	Loránt Vincze
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik

14	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

2	0
NI	Tatjana Ždanoka
Verts/ALE	Margrete Auken

Key to symbols:

- + : in favour
- : against
- 0 : abstention

## AMENDMENT 4 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

10	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
PPE	Loránt Vincze
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik

14	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

2	0
NI	Tatjana Ždanoka
Verts/ALE	Margrete Auken

Key to symbols:

+ : in favour

- : against

0 : abstention



## AMENDMENT 5 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

10	+
PPE	Loránt Vincze
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Złotowski
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
NI	Francesca Donato

14	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

2	0
NI	Tatjana Ždanoka
Verts/ALE	Margrete Auken

Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 6 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

10	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
PPE	Loránt Vincze
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik

14	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

2	0
NI	Tatjana Ždanoka
Verts/ALE	Margrete Auken

**Key to symbols:**

+ : in favour

- : against

0 : abstention

## AMENDMENT 7 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

5	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
PPE	Loránt Vincze

18	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
Renew	Jordi Cañas, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

3	0
NI	Tatjana Ždanoka
Renew	Bergur Løkke Rasmussen
Verts/ALE	Margrete Auken

**Key to symbols:**

+ : in favour

- : against

0 : abstention

## AMENDMENT 8 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

5	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
PPE	Loránt Vincze
NI	Francesca Donato

19	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

2	0
NI	Tatjana Ždanoka
Verts/ALE	Margrete Auken

**Key to symbols:**

+ : in favour

- : against

0 : abstention

## AMENDMENT 12 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

13	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato, Tatjana Ždanoka
PPE	Jarosław Duda, Loránt Vincze
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
Verts/ALE	Margrete Auken

13	-
PPE	Asim Ademov, Alexander Bernhuber, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

0	0
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Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 10 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

5	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
PPE	Loránt Vincze

18	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
Renew	Jordi Cañas, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

3	0
NI	Tatjana Ždanoka
Renew	Bergur Løkke Rasmussen
Verts/ALE	Margrete Auken

Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 14 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

8	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato, Tatjana Ždanoka
PPE	Loránt Vincze
Renew	Bergur Løkke Rasmussen
Verts/ALE	Margrete Auken

17	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
Renew	Jordi Cañas, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

0	0
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Key to symbols:

+ : in favour

- : against

0 : abstention



## AMENDMENT 15 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

11	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato, Tatjana Ždanoka
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
Verts/ALE	Margrete Auken

14	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

1	0
PPE	Loránt Vincze

Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 16 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

12	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato, Tatjana Ždanoka
PPE	Loránt Vincze
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
Verts/ALE	Margrete Auken

14	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

0	0
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Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 19 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

13	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato, Tatjana Ždanoka
EPP	Jarosław Duda, Loránt Vincze
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
Verts/ALE	Margrete Auken

13	-
PPE	Asim Ademov, Alexander Bernhuber, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

0	0
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Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 20 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

10	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
EPP	Jarosław Duda
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik

13	-
PPE	Asim Ademov, Alexander Bernhuber, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

3	0
NI	Tatjana Ždanoka
PPE	Loránt Vincze
Verts/ALE	Margrete Auken

Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 23 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

8	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato, Tatjana Ždanoka
PPE	Loránt Vincze
Renew	Bergur Løkke Rasmussen
Verts/ALE	Margrete Auken

18	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
Renew	Jordi Cañas, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

0	0
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Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 25 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

11	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
PPE	Jarosław Duda, Loránt Vincze
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik

13	-
PPE	Asim Ademov, Alexander Bernhuber, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

2	0
NI	Tatjana Ždanoka
Verts/ALE	Margrete Auken

### Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 27 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

<b>26</b>	<b>+</b>
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato, Tatjana Ždanoka
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Loránt Vincze, Rainer Wieland
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio
Verts/ALE	Margrete Auken
<b>0</b>	<b>-</b>
<b>0</b>	<b>0</b>

Key to symbols:

+ : in favour

- : against

0 : abstention



## AMENDMENT 29 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

<b>26</b>	<b>+</b>
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato, Tatjana Ždanoka
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Loránt Vincze, Rainer Wieland
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio
Verts/ALE	Margrete Auken
<b>0</b>	<b>-</b>
<b>0</b>	<b>0</b>

Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 30 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

4	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato

18	-
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
Renew	Jordi Cañas, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

4	0
NI	Tatjana Ždanoka
Renew	Bergur Løkke Rasmussen
PPE	Loránt Vincze
Verts/ALE	Margrete Auken

Key to symbols:

+ : in favour

- : against

0 : abstention

## AMENDMENT 31 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

5	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
PPE	Loránt Vincze

18	-
PPE	Asim Ademov, Alexander Bernhuber, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Rainer Wieland
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

3	0
NI	Tatjana Ždanoka
PPE	Jarosław Duda
Verts/ALE	Margrete Auken

**Key to symbols:**

+ : in favour

- : against

0 : abstention

## AMENDMENT 33 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

9	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Francesca Donato
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik

14	-
PPE	Asim Ademov, Alexander Bernhuber, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Loránt Vincze, Rainer Wieland
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

3	0
NI	Tatjana Ždanoka
PPE	Jarosław Duda
Verts/ALE	Margrete Auken

**Key to symbols:**

- + : in favour
- : against
- 0 : abstention

## AMENDMENT 34 VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

4	+
ECR	Elzbieta Rafalska, Kosma Złotowski
NI	Francesca Donato
PPE	Jarosław Duda,

19	-
PPE	Asim Ademov, Alexander Bernhuber, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Loránt Vincze, Rainer Wieland
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio

2	0
NI	Tatjana Ždanoka
Verts/ALE	Margrete Auken

**Key to symbols:**

+ : in favour

- : against

0 : abstention

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

25	+
ECR	Elzbieta Rafalska, Cristian Terheş, Kosma Zlotowski
NI	Tatjana Ždanoka
PPE	Asim Ademov, Alexander Bernhuber, Jarosław Duda, Gheorghe Falcă, Peter Jahr, Radan Kanev, Dolors Montserrat, Loránt Vincze, Rainer Wieland
Renew	Jordi Cañas, Bergur Løkke Rasmussen, Frédérique Ries, Yana Toom, Michal Wiezik
S&D	Alex Agius Saliba, Marc Angel, Ibán García Del Blanco, Dietmar Köster, Marcos Ros Sempere, Massimiliano Smeriglio
Verts/ALE	Margrete Auken

1	-
NI	Francesca Donato

0	0
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Key to symbols:

+ : in favour

- : against

0 : abstention