

of the Minister of Labour, Health and Social Affairs of Georgia, the Minister of Internal Affairs of Georgia and the Minister of Education and Science of Georgia

31 May 2010

Tbilisi

On approval of child protection referral procedures

On the basis of Article 26(12) of the Law of Georgia on Social Assistance we hereby order as follows:

1. The following shall be approved:

- a) child protection referral procedures (Annex No 1);
- b) a template of the form of application to the LEPL Social Service Agency (Annex No 2);
- c) a template of the form of notification of children abandoned in medical institutions and specialised child care institutions (Annex No 3).

2. This order shall enter into force upon promulgation.

A. Kvitashvili

I. Merabishvili

D. Shashkini

Annex No 1

Child protection referral procedures

Article 1 - Purpose and scope of the procedures

1. These procedures are intended to facilitate protection of children from all forms of domestic or other violence through the development of a coordinated and effective system of child protection referral in Georgia.

2. These procedures establish the rule of coordinated work of the Ministry of Labour, Health and Social Affairs of Georgia, the Ministry of Education and Science of Georgia and the Ministry of Internal Affairs of Georgia for the protection of children from violence; they also determine effective and immediate response mechanisms in the cases of violence against children, rights and obligations of authorised bodies and matters related to child protection.

Article 2 - Legal grounds for child protection referral procedures

The legal grounds for child protection referral procedures are as follows: the Constitution of Georgia, treaties and international agreements of Georgia, including the United Nations Convention on Rights of the Child, the Civil Code of Georgia, the Law of Georgia on Social Assistance, the Law of Georgia on Police, the Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, the Decree №869 of 10 December 2008 of the Government of Georgia on Approval of the 2008-2011 State Action Plan on Child Welfare, this Order and other legal acts.

Article 3 - Definition of terms

For the purposes of these procedures, the terms used in this Order have the following meanings:

- a) child – a person under the age of 18
- b) violence – violation of constitutional rights and freedoms of a child by a person through physical, psychological, economic, sexual violence or coercion;



- c) physical violence – beating, torture, damage to health, unlawful deprivation of liberty or any other action that causes physical pain or suffering, failure to respond to health and developmental needs which leads to the damage to health or to the death of a child;
- d) psychological violence – abuse, blackmailing, humiliation, threats, or any other action that abuses a child's honour and dignity and that may put the child's health and life at risk;
- e) coercion – compelling a child to perform or to refrain from performing an action by using physical or psychological force, the performance or non-performance of which is the child's right, or to make the child suffer from an action that is against his/her will;
- f) sexual violence – sexual intercourse with a child using force, threat or the victim's helpless condition ; as well as other acts of a sexual nature, or any perverse action with the participation of a child;
- g) economic violence – an act that causes restriction of the right to be ensured with food, dwelling and other conditions necessary for normal development, the right of ownership, the right to use co-owned property and the right of disposal of one's own share in that property;
- h) case of emergency – a situation that puts a child's health or life in danger, or that may lead to a child's death or disability;
- i) family member of a child – a child's mother, father, grandfather, grandmother, spouse, child, (stepchild), stepmother/stepfather, sister, brother, parents of a spouse, brother-in-law, mother-in-law, former spouse, persons of an unregistered marriage and their family members, adopted children, a foster family (foster mother, foster father), a fosterer, a spouse of a fosterer , foster children, guardians/custodians;
- j) the Agency – a legal entity under public law (LEPL) Social Service Agency under the state control of the Ministry of Labour, Health and Social Affairs of Georgia.

Article 4 - Entities engaged in child protection referral procedures and their authorities

1. The following entities are engaged in child protection referral procedures: the Patrol Police Department ('the Patrol Police') and district offices of the territorial bodies of the Ministry of Internal Affairs of Georgia ('the district offices'); the Agency, schools, specialised child care institutions (pedagogical institutions, orphanages, day care centres, small home type orphanages) medical institutions and village doctors.
2. Under these procedures the Patrol Police and the district offices are authorised to identify and prevent the acts of violence against children, to initiate appropriate legal proceedings, to protect the victims of violence and to provide the Agency with information. Within their authority, district offices shall be engaged in the process of supervising children who have become victims of violence.
3. Under these procedures the Agency is authorised to provide assessment of the condition of a child who has or is likely to become a victim of violence, to manage the case of violence, to provide consultation, to place the child in appropriate service institutions and to supervise his/her condition.
4. Under these procedures schools and specialised child care institutions are authorised to analyse the situation on site, if any act of violence against children is suspected and, if necessary, to inform the police or the Agency of that fact; also to supervise, in coordination with the Agency, children who have become victims of violence.
5. Under these procedures medical institutions and village doctors are authorised to analyse the situation on site, if any act of violence against the children is suspected and, if necessary, to inform the police or the Agency of that fact.

Article 5 - Child protection referral system

Child protection referral system includes:

- a) identification of a child who is a victim of violence;
- b) assessment of the condition of a child;
- c) if necessary, placement of a child in a service institution or institutions that will contribute to his/her safety and rehabilitation;
- d) supervision of a case.

Article 6 - Identification of the cases of violence against children

1. All institutions that have any relations with children, including schools, medical institutions, village doctors, specialised child care institutions, the Agency, district offices and the Patrol Police shall identify cases of violence against children.
2. If there is a suspected case of violence against children, the administrations of schools, medical institutions and specialised child care institutions and the village doctors shall identify on site emergency cases related to violence against children and the reasonable doubt of violence conducted against children, and shall manage the cases within their authority as determined under the child protection referral procedures.
3. Cases of violence against children may be suspected on the basis of the following factors:
 - a) signs of injury on the body of a child (bruises, open wounds, scratches, sores, difficulty in walking, swellings, fractures);
 - b) suspicious behaviour of a child (a child is anxious, depressed, frightened, is reluctant to go to school, regularly misses classes, has no desire to study, lacks care, is reluctant to go home, is sexually attractive in a way that is unusual for his/her age, is too much aware about sex in a way that is unusual for



his/her age, his/her character has changed extremely, cannot explain the reasons of injuries).

4. If there is a suspected case of violence the institutions specified under paragraph 2 of this article shall carry out surveys to verify the reasonableness of the suspicion.

5. Suspicion is deemed reasonable in the following cases:

a) additional factors are identified during the survey of injuries on the body of a child, such as a statement of the child that he/she is experiencing or has experienced violence;

b) additional factors are identified during the survey of injuries on the body of a child, such as a statement of a person that he/she has witnessed an act of violence;

c) additional factors are identified during the survey of injuries on the body of a child, an inadequate behaviour of a parent such as:

c.a) severity of the injuries of a child does not conform to the parent's statement on the cause of the injuries;

c.b) the parent continually changes details of his/her statement;

c.c) the parent inadequately responds to the child's injuries - he/she assesses the injuries less seriously than they actually are;

c.d) the cause of the injuries is not explained.

d) additional factors are identified during the survey of suspicious behaviour of a child, such as a statement of the child that he/she is experiencing or has experienced violence;

e) additional factors are identified during the survey of suspicious behaviour of a child, such as a statement of a person that he/she has witnessed an act of violence;

f) a statement of the child that he/she is experiencing or has experienced violence;

g) a statement of a person that he/she has witnessed an act of violence.

6. In the case of emergency, the entities under paragraph 2 of this article shall immediately notify the police of any suspected act of violence against a child and if necessary call an ambulance, and if there is a reasonable suspicion of violence against a child, the above entities shall complete a form of application to the LEPL Social Service Agency (Annex No 2) that will be forwarded to the Agency through the post office of an appropriate territorial unit or by fax.

7. The institutions determined under paragraph 2 of this article shall develop internal regulations related to violence against children.

Article 7 - Obligation of administrations of medical institutions and specialised child care institutions to notify the Agency of children abandoned in these institutions

If a child is abandoned in medical institutions or specialised child care institutions the administrations of these institutions shall:

a) notify an appropriate territorial unit of the Agency and an appropriate office of the Ministry of Internal Affairs of Georgia within 24 hours after the child is abandoned;

b) complete a 'form of notification on children abandoned in medical institutions and specialised child care institutions ' (Annex No 3) and deliver it to a social worker of the Agency immediately upon his/her arrival at the medical institution/specialised child care institutions.

Article 8 - On-site assessment of cases of violence against children

1. Upon receiving information, the Patrol Police shall immediately arrive at the scene of incident. In the territorial units that do not fall within the areas of activity of structural units of the Patrol Police Department of the Ministry of Internal Affairs of Georgia, the above function shall be performed by the district offices.

2. Upon arriving at the scene of incident the Patrol Police/district office shall:

a) study and assess the situation, converse with an alleged victim, offender, family members, witnesses and, if necessary, with neighbours;

b) make a decision regarding a child. The Patrol Police shall carry out its actions as provided for by law. All these actions shall be taken for the safety of the child and for the protection of the health of the child and shall reflect the child's interests.

c) call an ambulance or, in extreme cases, take a child to a medical institution for providing emergency medical care (if the child's life and health is at risk);

d) move a child to safe environment with or without his/her parents or family members and prepare a restraining order as provided for by legislation;

e) notify the Agency regarding the above case by phone. The hotline number shall be provided and provided to the police by the Agency. Information notified by phone shall contain:

e.a) name, surname and position of the police officer;



- e.b) name and surname, age and address of the child and the scene of the incident, if it is different from the place of residence of the child;
- e.c) brief description of the act of violence or suspected act of violence;
- e.d) a list of actions taken by the police;
- f) prepare a protocol of the on-site interview regarding an act of violence against a child and of actions taken.

Article 9 - Moving a child to a safe place

1. Removing a child from the family to ensure his/her safety is a measure of last resort. A child's opinion regarding his/her placement shall be taken into consideration.
2. If the police decide to move a child, with or without his/her parents/family, to a safe environment the following alternatives may be considered:
 - a) placement of the child with his/her family member living at another address;
 - b) placement of the child in specialised child care institutions, the list of which shall be provided to the police by the Ministry of Labour, Health and Social Affairs of Georgia;
 - c) placement of the child at a shelter that is a structural unit of the LEPL State Fund for Protection and Assistance of (statutory) Victims of Human Trafficking (only in the cases of domestic violence), information of which shall be provided to the police by the LEPL State Fund for Protection and Assistance of (statutory) Victims of Human Trafficking under the state control of the Ministry of Labour, Health and Social Affairs of Georgia;
 - d) if violence has taken place outside the family of the child, and if it has been committed by a person who is not a family member of the child, the child shall be returned home with the attendance of a police officer.
3. Children who have become victims of violence shall have all necessary conditions to live, receive care and to rehabilitate at specialised child care institutions and shelters determined under paragraph 2 of this article.
4. In the case of domestic violence a child may be removed from the family on the basis of a restraining order prepared by a police officer.

Article 10 - Registration of children placed in specialised child care institutions, medical institutions and shelters, and provision of information to the Agency under the referral procedures

1. Upon the placement of a child in a specialised child care institution or in a shelter under the referral procedures, the institution shall register the child in the relevant log.
2. The institution, where the child has been placed, shall notify the territorial unit of the Agency by phone about the newly registered child on the business day that the child was placed in the institution, or the following business day if the child was placed during non-office hours.

Article 11 - Assessment of a child's condition and management of a case

1. The Agency shall start to review an act or suspected act of violence against a child on the basis of a written notification submitted to the Agency and/or on the basis of the notification of the police by phone. In the management of such cases the Agency shall act within its authority according to the established procedures.
2. The Agency may be involved in the referral system if:
 - a) an act of violence is verified and a child is placed in a temporary lodging outside his/her home;
 - b) information provided from various sources gives rise to a reasonable suspicion that a child has experienced or is experiencing violence.
3. If a situation reported during an incoming call to the Agency evidences a case of emergency, the Agency shall provide such information to the Patrol Police.

Article 12 - Actions to be taken by the Agency if acts of violence are verified and children are placed in a safe environment

1. A social worker of the Agency shall arrive at the temporary lodging of a child and carry out an initial assessment of the condition of a child in accordance with the legislation in force not later than 10 business days after receipt of notification by the Agency.
2. After the initial assessment, the social worker of the Agency shall prepare a plan of individual development for the child on the basis of the full assessment of the condition of a child carried out within a maximum of 15 days and by considering the services in place. The plan of individual development shall include a list of services that will facilitate future rehabilitation and social integration of the child.
3. The matter related to the placement of a child being at a temporary lodging into appropriate service institution shall be decided at the soonest meeting of the Regional Council of a guardianship and custodianship authority that shall be held after an individual development plan of the child is prepared.



4. A guardianship and custodianship authority may apply to a court with a request to restrict the rights of a parent of a child or to deprive him/her of parental rights if necessity therefor arises.

5. Upon the decision of the Regional Council, a social worker shall ensure availability of the determined services to the child and shall supervise the child's condition. In addition, if the location of a child is changed, a social worker shall ensure his/her engagement in the educational system and shall register him/her with a local polyclinic.

Article 13 - Actions to be taken by the Agency if information provided from various sources gives rise to a reasonable doubt that a child has experienced or is experiencing violence

1. A social worker shall pay a visit to the family as soon as notification on reasonable suspicion of violence against a child is submitted to the Agency.
2. If the family cooperates with a social worker, the latter shall assess the condition of a child, prepare his/her individual development plan, and provide consultation to the family and place the child in an appropriate service institution upon the decision of the Regional Council. These actions shall be taken within the same time frames as defined in Article 12.
3. If, as a result of an assessment conducted by the social worker during the visit the case of emergency is verified, the social worker shall immediately inform the police.
4. If a reasonable suspicion of violence against a child is verified during the family visit and the family refuses to cooperate with the Agency and/or if there is no case of emergency, the Agency may apply to a court with a request to issue a protection order. Based on a protection order issued and a decision made by a Regional Council, a social worker may take a child to place him/her in safe environment.
5. If in the process of management of the case, new evidence comes to light and a social worker deems it necessary to involve police in the process, he/she may apply to the police. The Agency and the police shall initiate actions within their authority to protect the child's interests.

Article 14 - Actions to be taken by the Agency upon the receipt of information from the administration of medical institutions and specialised child care institutions regarding a child abandoned in these institutions

Upon the receipt of information from the administration of a medical institution or specialised child care institution regarding a child that is abandoned in these institutions, the Agency shall take measures determined under legislation applicable in the cases of discovering an abandoned child.

Article 15 - Supervision of a child's condition

1. The Agency shall monitor the implementation of an individual development plan for a child and supervise the child's condition. A public school controlled by the Ministry of Education and Science of Georgia, a private school where a victim of violence studies, or a specialised child care institution shall also participate in the supervision process. The supervision function shall also be performed by a district office within its authority.
2. The Agency shall regularly (the frequency depends on each individual case) supervise rehabilitation process for a child who is a victim of violence. If during the supervision it turns out that the services determined under an individual development plan of a child need to be changed or cancelled, the Agency shall review the plan and suspend on-going services, and shall ensure placement of the child in a new service institution or return him/her home (if the child is separated from the family).
3. Schools and specialised child care institutions shall:
 - a) monitor the condition of a child in coordination with the Agency, and regularly provide a social worker of the Agency with a written report on the current condition of the child. In agreement with the social worker the report shall include following information: attendance of a child, behaviour of a child (especially unusual behaviour), academic performance, physical condition of a child, degree of engagement in school/educational activities;
 - b) notify the police about an attempt of a sexual assault by an offender if a restraining or protection order is issued for the protection of the child, and if a school or a childcare institution has witnessed the attempt of a sexual assault by an offender.
4. In accordance with information on violence submitted to a district police office, a district police officer shall, within his/her authority, monitor the child, who is a victim of violence, and the condition of the child in his/her family if the violence has taken place in the family.

Article 16 - Exchange of information within the child protection referral system

1. For the effective functioning of the child protection referral procedures, information on a child is exchanged among the entities involved in these procedures. If possible, information may be exchanged in written form.
2. The following information shall be described, collected and transferred within the scope of the child protection referral procedures:
 - a) a police officer shall notify the Agency by phone of an act or suspected act of violence against a child;
 - b) the police shall keep a registry of acts of violence against children that shall be available to the entities involved in child protection referral procedures;
 - c) schools, specialised child care institutions or medical institutions shall notify, in writing, a territorial unit of the Agency in case of reasonable suspicion of violence against children;



- d) schools and specialised child care institutions shall notify, in writing, a social worker of the condition of a child who is victim of violence, at the intervals agreed with the Agency;
- e) all service institutions, where a child, who is a victim or suspected victim of violence, is placed to ensure him/her a safe environment and/or for his/her rehabilitation, shall register the child in a log and keep records in the child's personal file;
- f) the Agency shall register information submitted in writing or reported by telephone conversations with the police, regarding violence or suspected violence against a child;
- g) a social worker shall assess the condition of a child who is a victim or suspected victim of violence, in accordance with the assessment form and shall prepare an individual development plan for the child;
- h) if a protection order is issued by a court upon the initiative of the Agency, the latter shall notify a school, specialised child care institution and a district office on the order issued in relation to the protection of the child;
- i) a social worker shall describe results of supervising the condition of the child in writing.

Article 17 - Confidentiality of information

Information on the identity, health status and mental condition of a child who is a victim of violence is confidential and may be disseminated only among authorised employees of the entities engaged in child protection referral procedures in order to perform their official duties. Information shall also be available to the parent/parents of a child, unless they are restricted from, or deprived of, parental rights, as well as to the guardian/custodian of a child.

Annex No 2

The Form of Application to the LEPL Social Service Agency

Applicant: ☐ Village doctor **Institution:** ☐ School ☐ Specialised child care institution ☐ Medical institution

Name and address of the institution: _____

Contact person: name _____ surname _____ position _____ phone number _____

Information on child: name _____ age _____ residential address _____

Parent / guardian / custodian: name _____ surname _____ phone number _____

Signs giving rise to suspicions of potential violence: (please mark the box from the list given below as relevant to the situation)

Signs of injuries on the body of a child:	Suspicious behaviour when a child:	Inadequate behaviour of a parent:
☐ bruises	☐ is anxious	☐ severity of the injury
☐ open wounds	☐ is reluctant to go to school	☐ statement of the cause
☐ sores	☐ regularly misses classes	☐ the parent continually
☐ scratches	☐ is reluctant to go home	☐ parent inadequately
☐ difficulty in walking	☐ is sexually attractive in a way that is unusual for his/her age	☐ the injuries are assessed
☐ swelling	☐ knows too much about sex in a way that is unusual for his/her age	☐ the cause of the injury
☐ fractures	☐ age	☐ other signs (please specify)
☐ other signs (please specify)	☐ his/her character has changed extremely	
	☐ cannot explain the injuries	

Other factors (please specify): _____

Sources of reasonable suspicion of violence: If after taking action a reasonable doubt arises, please mark the relevant box:

- Additional factors are identified during a survey of injuries on the body of a child, such as a statement of the child that he/she is experiencing or has experienced violence.
- Additional factors are identified during a survey of injuries on the body of a child, such as a statement of a person that he/she has witnessed an act of violence.
- Additional factors are identified during a survey of injuries on the body of a child, such as an inadequate behaviour of a parent.
- Additional factors are identified during a survey of suspicious behaviour of a child, such as the statement of a child that he/she is experiencing or has experienced violence.
- Additional factors are identified during a survey of suspicious behaviour of a child, such as a statement of a person that he/she has witnessed an act of violence.
- A direct statement of a child that he/she is experiencing or has experienced violence.
- A statement of a person that he/she has witnessed an act of violence.
- Other (please specify).



Signature of the contact person

Date

Signature of the Director of the institution

Seal of th

Annex No 3

LEPL Social Service Agency

Notification

Of children abandoned in a medical institution/specialised child care institution

Place _____

Date _____

1. Name of the medical institution/specialised child care institution

2. Address and contact information

3. Information on a child abandoned in a medical institution/specialised child care institution (if any)

Name _____

Surname _____

Date of birth _____

Registered residential address _____

Actual place of residence _____

Time of abandonment of a child in the medical institution/specialised child care institution _____



We hereby submit information on the child abandoned in a medical institution/specialised child care institution
(please specify the institution).

The identity and position of an authorised contact person of the institution

Signature _____

Seal:

