



## **Ministry for the Family and Social Solidarity**

### **DEPARTMENT FOR SOCIAL WELFARE STANDARDS**

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# **Application for Cross Border Placement of Children in Malta under Article 56 of Brussels II BIS Regulations**

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## **Glossary**

**Child** – Any person under the age of 18.

**Competent Maltese Authority** – Any Maltese entity which is competent to decide on the placement of children in Malta. The Maltese Central Authority shall consult with the competent authority for a cross border placement as deemed necessary.

**Court** - the term 'court' shall cover all the authorities in the Member States with jurisdiction in the matters falling within the scope of this Regulation pursuant to Article 1 of Council Regulation (EC) No 2201/2003.

**Foster Carer** - means one or more persons approved by the Fostering Board to foster a child in terms of the Foster Care Act.



## **Part A: Procedure**

This section deals with the procedure that the Maltese Central Authority follows when it receives applications for cross border placement of children in Malta from EU requesting countries under article 56 of Brussels II BIS Regulations.

### **Phase 1: Receiving Application Forms**

The Maltese Central Authority is to receive an application form duly filled in together with the documentation requested (copy of which is found in Part B of this Document), from the foreign court having jurisdiction under Articles 8 to 15 of EC Regulation 2201/2003. Such application is to be sent by the Central Authority of the requesting state. All the requested documentation is to be sent in typewritten form in Maltese or English language only.

### **Phase 2: Reviewing Application Forms**

Once the application form is received, the Maltese Central Authority will review the application form to establish the nature of the placement that is being considered.

### **Phase 3: Referral to Competent Maltese Authorities**

The Maltese Central Authority will forward the application together with the documents received to the relevant Competent Maltese Authorities depending on the case. In all cases, the Competent Maltese Authorities will assess applications through their expertise, and due consideration is given on the following areas of the placement:

- Educational/Pedagogic
- Legal
- Psychosocial/ Psychiatric Support
- Child Safety/Protection

### **Phase 4 – Decision on Cross Border Placement**

The Maltese Central Authority will then be in a position to communicate the decision of the Competent Maltese Authorities on the cross border placement of the child, to the Central



Authority of the requesting State.

No placement can commence prior to the consent communicated by the Maltese Central Authority

### **Phase 5 – Commencement Date of Cross Border Placement**

The Central Authority of the requesting state will then forward the commencement date of the cross border placement in writing to the Maltese Central Authority if the competent has consented to such placement.

Should the Maltese Central Authority be aware that any local law or regulation is being breached by any of the persons involved in the placement; the Maltese Central Authority shall report these facts to the Competent Maltese Authorities for their necessary action.

### **Phase 6 – Review of Cross Border Placement**

Where necessary, after the child arrives in Malta, the Competent Maltese Authorities may carry out any inspections or request any documentation as deemed necessary.



## **Part B: - Application**

### **PART I – PERSONAL DETAILS OF THE CHILD**

SURNAME:		NAME:	
DATE OF BIRTH:		GENDER:	
PLACE OF BIRTH:		NATIONALITY:	
NAME & SURNAME OF MOTHER:			
DATE OF BIRTH OF MOTHER:		PLACE OF BIRTH OF MOTHER:	
NAME & SURNAME OF FATHER:			
DATE OF BIRTH OF FATHER:		PLACE OF BIRTH OF FATHER:	
NATIONALITY OF PARENTS:			
HOME ADDRESS (MOTHER):			
HOME ADDRESS (FATHER):			
PLACEMENT:	VOLUNTARY: PARENTS' REQUEST	<input type="checkbox"/>	INVOLUNTARY: COURT ORDER
PERSON/S /ENTITY HOLDING LEGAL CUSTODY:			

#### **Documentation Requested for Part I of the application:**

*(All documentation should be translated in Maltese or English. It should be authenticated)*

- 1) Copy of Identity Cards / Passport of Mother, Father and Child.
- 2) Birth Certificate of Child.
- 3) A declaration of Care and Custody.
- 4) Any other documentation as deemed necessary.



**PART II – DETAILS OF COURT PLACING THE CHILD IN MALTA**

NAME OF COURT PLACING THE CHILD :	
CONTACT PERSON:	
CONTACT DETAILS:	TELEPHONE NUMBER:
	EMAIL ADDRESS:
WEBSITE:	

**Documentation Requested for Part II of the application:**

*(All documentation should be translated in Maltese or English and authenticated)*

- 1) Laws being applied by Court making placement.
- 2) Any other documentation as deemed necessary.

**PART III – DETAILS OF ENTITY RESPONSIBLE FOR AND SUPERVISING THE CHILD IN MALTA  
(IF DIFFERENT FROM SECTION II)**

NAME OF ENTITY :	
CONTACT PERSON:	
CONTACT DETAILS:	TELEPHONE NUMBER:
	EMAIL ADDRESS:
WEBSITE:	

**Documentation Requested for Part III of the application:**

*(All documentation should be translated in Maltese or English and authenticated)*

- 1) Copy of registration/accreditation of such entities
- 2) Any other documentation as deemed necessary.



PART IV – CARE OF THE CHILD	
REASON FOR CROSS BORDER PLACEMENT:	
REASONS WHY MALTA IS BEING CONSIDERED FOR CROSS BORDER PLACEMENT:	
DURATION OF CROSS BORDER PLACEMENT:	
PROPOSED LEGALLY RESPONSIBLE PERSON IN MALTA:	
INFORMATION ON PLACEMENT OF CHILD	
ANY RECORD OF DELINQUENT BEHAVIOUR OR PROBLEMS OF MENTAL HEALTH :	







**PART V – DETAILS OF FOSTER PLACEMENT IN THE MALTESE ISLANDS**

NAME OF FOSTER CARER IN THE MALTESE ISLANDS:	
CONTACT PERSON	
CONTACT DETAILS:	TELEPHONE NUMBER:
	EMAIL ADDRESS:
ADDRESS:	

**Documentation Requested for Part V of the application:**

*(All documentation should be translated in Maltese or English)*

- 1) Statement of Approval of Foster Carer in the Maltese Islands.
- 2) Copy of Qualification of the person/s in charge of the placement and of the carer/s involved in the cross border placement.
- 3) Police Conduct of the person/s in charge of the placement and of the carer/s involved in the cross border placement. Verification documentation issued by the authority responsible for the maintenance of the child sexual offenders register or equivalent.
- 4) Any other documentation as deemed necessary.



**PART VI – BUDGETING**

SOURCE OF FINANCE OF  
FOSTER FAMILY IN THE  
MALTESE ISLANDS:

WHAT AREAS WILL BE  
FINANCED BY THE ABOVE  
MENTIONED SOURCE OF  
FINANCE

**Documentation Requested for Part VI of the application:**

*(All documentation should be translated in Maltese or English)*

- 1) Any other documentation as deemed necessary.



## **Declaration by Applicant**

1. I will comply with the obligations of Council Regulation (EC) No 2201/2003
2. I understand that the placement hereby requested may be subject to inspections and assessment by the Competent Maltese Authorities.
3. I authorize the DSWS to release such information as may pertain to the purpose of this application, including verification of the information supplied.
4. I declare that the information I have given on this application form and on all the attached documentation is true, correct and complete.
5. I agree to report to the Central Authority on any ongoing changes concerning the placement.
6. The foster carer is to abide by the Maltese law.
7. The applicants understand that the original decision to place the child in Malta was not taken by the competent authority for Malta under EC Regulation 2201/2003 but by the authorities in the requesting state and that the responsibility for placing the minor in Malta vests on the person, organisation or authority which made such decision and the persons who carry out such a placement.
8. The applicants understand that any consent, no objection or approval (even if tacit) given the competent authorities in Malta, whether subject to any obligation or otherwise, shall only mean that the Competent Authorities in Malta are not aware of any legal impediments for the placement to take place in Malta, albeit the ultimate responsibility of placing the child in Malta shall vest on the person or authority who made such a decision in the requesting state and those who carry out such a decision.
9. The applicant undertakes to ensure that relevant parties keep abreast with all legislative development in Malta applicable to the placement and should immediately terminate the placement and re-apply if any of the persons involved suspects that any law or policy is enacted or comes into force making such placement unlawful or incompatible with Maltese regulations. Furthermore the applicant understands that neither the Central Authority nor any authorities in Malta are responsible to inform the applicant or persons involved in the placement with legislative changes applicable to placements.

COURT OF THE REQUESTING STATE

SIGNATURE:

DATE:



Ministry for the Family and Social Solidarity

***This application, duly filled, is to be submitted to the Department for Social Welfare Standards, either at, 469, Bugeia Institute, St. Joseph High Road, Santa Venera SVR 1012 or through generic email on [welfare.standards@gov.mt](mailto:welfare.standards@gov.mt) . All applications will be duly acknowledged.***

For Maltese Central Authority Use Only	
Application Received By: _____ Title: _____	Date: _____