



Your child needs protection : what happens now ?



DJES Département de la jeunesse, de
l'environnement et de la sécurité
DGEJ Direction générale de
l'enfance et de la jeunesse

It's our duty to protect children



An intervention by the **Direction générale de l'enfance et de la jeunesse (DGEJ – Department of Children and Young People)** involving your family is a new experience for you. It is only natural for you to have questions or concerns.

This brochure explains what the **DGEJ** and the **Autorité de protection de l'enfant (APE – Child Protection Authority)** do. It also explains your rights and duties as parents.

What is the **Direction générale de l'enfance et de la jeunesse (DGEJ – Department of Children and Young People)** ?

The **DGEJ** is a department of Vaud canton. It is responsible for working with parents, or acting in response to a decision by the **Autorité de protection de l'enfant (APE – Child Protection Authority)**, to ensure that children whose development is at risk are properly protected. The **DGEJ** also has a number of other responsibilities, such as promoting young people's participation, and prevention work in schools.

It can step in to work with your family following:

- > a request for support from you or your child
- > a report by someone else, such as a headteacher or paediatrician
- > a protection order issued by a judge, either the **Autorité de protection de l'enfant (APE – Child Protection Authority)** or the district court.

Within the **DGEJ**, the **Offices régionaux de protection des mineurs (ORPM – Regional Child Protection Offices)** support families when a child's well-being is at risk. The **DGEJ**'s social workers work in conjunction with professionals specialising in psychology, pedagogy and health. There are five Child protection regional offices in the canton of Vaud (see contact details on page 14).

As parents, you have primary responsibility for protecting your child

Children are more vulnerable than adults, which is why the law provides special protection for them. A child is a person aged 0-18 years. There is even a dedicated convention for them, the United Nations Convention on the Rights of the Child (UNCRC). This convention states that all children have the right to grow up in safety and develop properly.

What you must do as parents

Parents can and must raise their child themselves as well as possible. They must do what is needed for their child to thrive.

As parents, you must, for example:

- > protect your child
- > do what is necessary to ensure they develop properly, both physically and psychologically
- > ask your child what they think when you are making important decisions about them
- > give your child an appropriate level of freedom for their age

What does child well-being mean?

Child well-being includes everything the child needs to grow up well.

For example:

- > enough to eat and drink
- > appropriate clothing for the weather
- > a bed and space for themselves
- > someone to take care of them and show them affection
- > no physical violence (you do not have the right to hit your child)
- > no psychological violence (for example, no insults)
- > no repeated arguments or violence between their parents

Sometimes, the child's well-being is at risk and their parents cannot or will not protect them.

In this case, the state must take action to protect the child.

If a child is at risk in their family, the state must step in to protect them



When does the DGEJ have to take action?

The DGEJ steps in when the child's well-being is at risk and their parents are unable to change the situation themselves.

The child's well-being is at risk if they are threatened by a physical or psychological danger. There are many reasons why a child's well-being may be at risk, for example, when the parents:

- > hit their child or shout at them regularly
- > argue regularly or are violent towards each other
- > are separated and argue over which of them the child should live with
- > when the father or mother is ill and unable to look after the child properly

The situation causes the child to suffer. They may then become aggressive or turn in on themselves.

The DGEJ steps in when the parents ask for help.

It can also step in when someone is worried about the child's well-being and reports their concerns.



What is a request for help?

You can ask the DGEJ for help if you are having difficulties looking after your child and their well-being is at risk. You should contact the **Offices régionaux de protection des mineurs (ORPM – Regional Child Protection Offices)** for the area where you live. **You child can also ask the DGEJ for help.**

The person asking for help makes contact with the ORPM for their region. They will then be able to speak to a social worker, who will offer advice or guide the family to other organisations.

If the child needs protection, the social worker will offer to help you take care of your child better.

What is a report?

If the parents do not ask for help, and the child's well-being is at risk, the state has a duty to intervene. The law says that it is the responsibility of the **Autorité de protection de l'enfant (APE – Child Protection Authority)** to protect the child. The APE acts as a judge in Vaud canton. If the parents are in the process of divorcing, the district court can pronounce measures to protect the child.

The APE is aware that the child may be at risk because it receives a report. A report is a written communication indicating that a child may be at risk and that their parents have not organised sufficient help to support them.

Anyone can submit a report. Some professionals are even under a legal obligation to do so (for example, paediatricians, psychologists and headteachers).

A report triggers the opening of a procedure by the APE.



What does the DGEJ do if it receives a report?

If your child is at risk, a social worker from the ORPM in your region will discuss the situation reported with you, your child, the professionals who know your child (such as their teacher and paediatrician) and possibly other relatives.

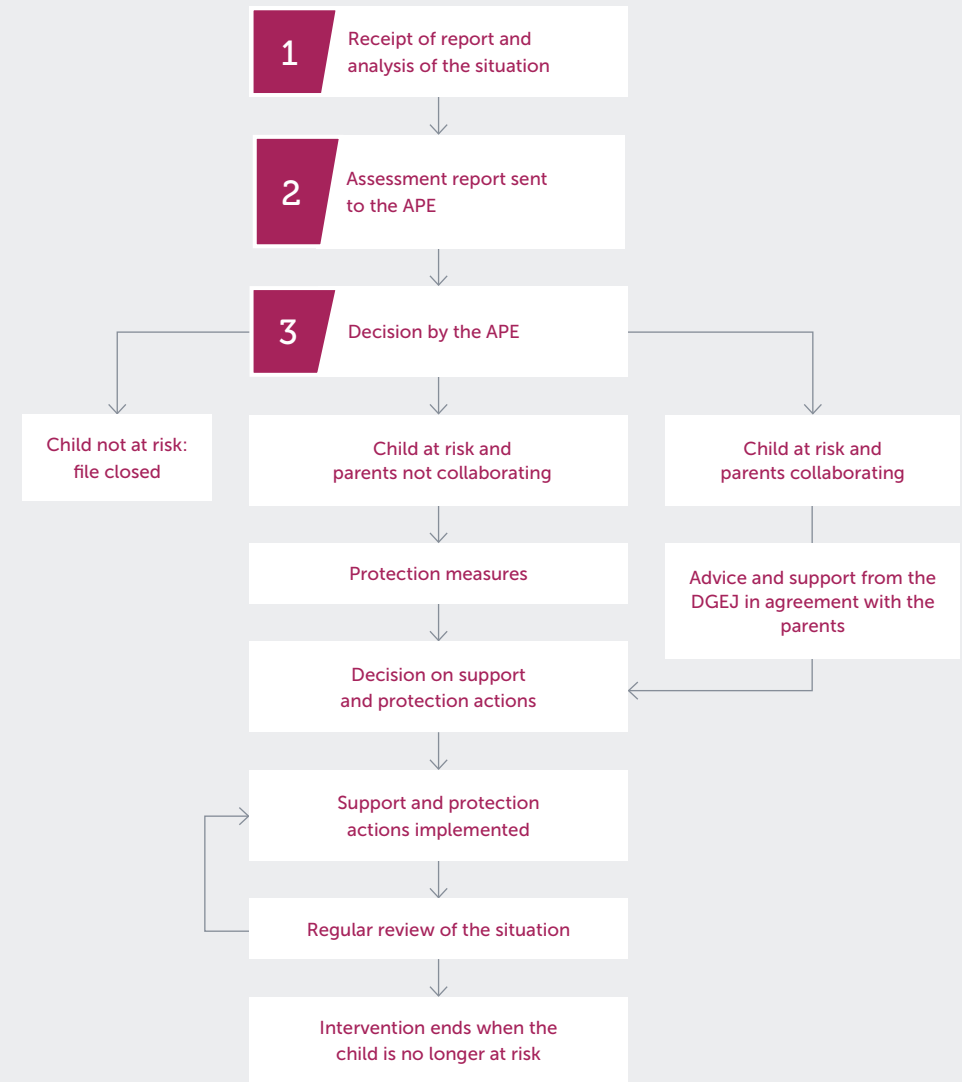
The DGEJ will examine whether the child is at risk and whether they need protection, and issue an opinion. This information is passed to the APE, which will decide what happens next:

- > either the child is not at risk and the file is closed
- > or the child is at risk and requires protection

During the procedure:

- > you and your child have the right to express your views before a decision is taken
- > you, your lawyer or your child are entitled to view the file at any time
- > you are obliged to cooperate with the DGEJ
- > the person who made the report is told what happened next

Reporting process



What is a child protection measure?

The Autorité de protection de l'enfant (APE–Child Protection Authority) decides how best to protect the child's well-being. It "hands down a decision". It may decide to implement a child protection measure to:

- > protect and help the child
- > help educate the parents

The APE is not there to punish parents. It looks very closely at what the parents know how to do well and where they need help.

The APE will not do things instead of the parents: it is there to guide, help and support them.

It will ask the DGEJ to implement and monitor the protection measure it has ordered.



The law provides for several protection measures. The relevant law in Switzerland is the Code Civil (CC - Swiss Civil Code). These measures can have a greater or lesser impact on the family's day-to-day life.

Remind the parents of their duties – art. 307 para. 3 CC

The APE considers that a reminder of your duties as parents should avert the risk. It may, for example, require you to cooperate with the school, see a therapist or take part in mediation.

Educational supervision – art. 307 CC

The APE considers that simply reminding you of your duties as parents is not sufficient. It therefore gives the DGEJ a right of oversight and information to monitor the care, education and training provided to your child and report to the APE.

Deputyship – educational assistance – art. 308 para. 1 CC

The APE considers a more significant measure is needed to protect your child. A social worker from the DGEJ will offer you advice and support. They may also give you instructions.

Deputyship – supervision of personal relationships – art. 308 para. 2 CC

If, in the context of a separation, you are unable to reach an agreement on the organisation of visiting rights, the APE may appoint a social worker from the DGEJ who will help you to establish a calendar of visits for a year.

Withdrawal of the right to determine the place of residence – art. 310 CC

This measure is pronounced when it is impossible to protect your child using the previous measures. The APE authorises the DGEJ to remove your child from the family home in their best interests and place them elsewhere (for example, in a children's home or foster family).

Withdrawal of parental authority – art. 311 and 312 CC

This is the most stringent and least common measure. It is pronounced when all other protection measures have proved inadequate or failed to produce a result. The APE appoints a guardian for the child. It is then the Service des curatelles et tutelles professionnelles (SCTP– Department of Professional Deputyships and Guardianships) that will monitor your child, rather than the DGEJ.

What are your rights and those of your child if a protection measure is implemented?

- ✓ Right to be heard (to express your opinion)
- ✓ Right to access your child's file (at the DGEJ and the APE)
- ✓ Right to take part in the procedure and state your view about the information gathered by the APE (witness statement or expert appraisal)
- ✓ Right to be informed of decisions taken
- ✓ Right to challenge the decision taken (by the DGEJ and the APE) if you do not agree with it
- ✓ Right to legal aid if you wish to be assisted by a legal adviser (lawyer) but do not have sufficient financial resources
- ✓ Right to complain about the treatment of your case by the APE to the cantonal court
- ✓ Right to request a re-evaluation of your situation by the APE at any time

The focus must always be on the well-being of the child



Resources to help you

Direction générale de l'enfance et de la jeunesse (DGEJ – Department of Children and Young People)

Regional Child Protection Office for the area where you live

Lausanne

Av. des Casernes 2
Bâtiment administratif de la Pontaise
1014 Lausanne
Tél. 021 316 53 10

Est vaudois

Grand'Rue 90
Case postale 1447
1820 Montreux
Tél. 021 557 94 69

Couronne et Gros-de-Vaud

Av. du Grey 113
1018 Lausanne
Tél. 021 388 88 77

Nord vaudois

Av. Haldimand 39
1400 Yverdon-les-Bains
Tél. 024 557 66 00

Ouest vaudois

Rue de l'Hôpital 5
Case postale 1046
1180 Rolle
Tél. 021 557 53 17

Listening Space

The DGEJ has a Listening Space to maintain or re-establish a relationship of trust between parents and the DGEJ. The Listening Space is designed to continue the cooperation under the best possible conditions.

You can submit your contact request via the website

www.vd.ch/dgej

Legal aid

If you do not have adequate financial resources, you can apply for legal aid from the authority with responsibility for child protection procedures (the judge or district court). Online form available on the Vaud canton website: www.vd.ch. Legal aid includes exemption from paying costs in advance and appointing legal counsel. It is not, however, free of charge and must be repaid.

Administrative Mediation Office

This office helps users in their relationship with the authorities and the administration, and acts as an intermediary in the event of a dispute. Address: Rue Saint-Martin 6, 1002 Lausanne, [021 557 08 99](tel:0215570899).

Swiss Bar Association on-call service

The on-call service allows you to have a 20-minute consultation with a lawyer for CHF 50.–. Four locations are available, depending on the region concerned. Details of times and addresses can be viewed directly on the website www.oav.ch.

KESCHA

KESCHA is a listening and support centre for children and adults that offers information and advice to people affected by a child or adult protection measure. Website: www.kescha.ch.





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