

National Child Protection WG

09 February 2022



Special Act amendment from 13th January 2023 r. (promulgated in: Dz.U.2023.185)

- **Evacuated children should not be placed in the Polish foster care unless the best interest of the child is at stake** (art. 27)
- **New provisions concerning temporary guardians** (art. 25):
 - a) In case a person who came to Poland with evacuated child could not take care of the child for any reason, the court appoints someone else as a temporary guardian.
 - b) Supervision of social support centers (OPS) and powiat centers for family support (PCPR) over rights and obligations of TG should focus on appropriate care & upbringing conditions for children
 - c) Entities providing accommodation and meals for evacuated children and their caregivers can apply for co-financing to the powiat. PCPR or OPS's control is a prerequisite for granting financial support.
- **Any placement of Ukrainian child in a foster care needs to be approved** by the voivod or municipality authority (depending on the type of alternative care)

Protection sector/CPWG recommendations

- The Protection Sector wishes to emphasize that unaccompanied and separated children displaced from Ukraine should be allowed entry into the territory, swiftly appointed a temporary guardian, and have access to suitable and safe accommodation, education as well as other services.
- National procedures on best interest determination shall be developed in coordination with all relevant actors; and shall guide all decisions made on behalf of the child, particularly when/if they have family members residing in Poland or other Member States with whom they could be reunified.
- The Protection Sector calls the government of Poland to prioritize efforts to reunify children with parents and/or family unless it is not in the child's best interests to do so as articulated in the UN Guidelines on Alternative Care. Where family members, particularly parents or previous legal or customary caregivers, siblings, and other close family members of refugee children without parental care remain in Ukraine, they should be provided with the possibility to apply for family reunification with the child in the country of asylum, and efforts should be made to facilitate their travel and entry into the country of asylum.

Protection sector/CPWG recommendations

- The Protection Sector notes that children in need of alternative care should ideally be in an individualized family-based care situation which is in the best interest of the child per international guidance. The Protection Sector would like to recall DG Home Unaccompanied and Separated Children fleeing from war in Ukraine – FAQs on Registration, Reception and Care⁴, which states that creating parallel systems when establishing care arrangements for children from institutions transferred from the Ukraine should be avoided.
- The Protection Sector wishes to underscore that given the volatile security situation in Ukraine, return of refugees from Ukraine shall not be encouraged. Should that be possible in the future, strict procedural safeguards should be put in place by national child protection system, including considerations of informed decision, participation of the child, individual best interest determination, safety and dignity of the return and best interest of the child should that option arise.