Beat: Politics

FAMILY 1st, MORE CONTROLS, SAME BUDGET FROM JUDICIAL PLACEMENTS TO FAMILY CARE

NEW CHILD PROTECTION BILL REALLY CHANGES

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USPA NEWS - A NEW CHILD PROTECTION BILL AFTER YEARS OF CRISIS
France is preparing to debate a new Child Protection Bill, jointly presented by the justice ministry and the health, families and disability ministry, after years of reports describing a “deep structural crisis” in the system. With more than 380,000 children and young adults under the care of child protection services and around 12 billion euros spent each year by departments (there are 101 Departments, in France included in 13 regions as fro the whole homeland in Metropole and the overseas territories in west Indies and Pacific) the government now frames this text as part of a broader “refoundation” strategy rather than yet another marginal adjustment. Officially, the bill aims to stabilise children’s lives, reduce reliance on institutional care, strengthen safety checks on adults and make protection more coherent across the territory without, however, opening a new dedicated funding envelope.

WHAT CHILD PROTECTION IS SUPPOSED TO DO IN FRANCE
Under French law, child protection is a shared responsibility between the State and départements, meant to prevent, detect and address situations where a child’s safety, health or development are at risk. It combines social care measures, administrative support to families and judicial interventions by youth courts, with the ambition of guaranteeing children’s basic needs, supporting their physical, emotional, intellectual and social development and preserving their rights. Over the past two decades, major reforms in 2007, 2016 and 2022 have tried to recentre the system on the child’s best interests, improve legal security and end practices such as hotel placements and “cold exits” from care at 18. Yet official evaluations and parliamentary work continue to point to ruptured care pathways, over judicialisation, shortages of foster carers and strong territorial inequalities.

FOUR PRINCIPLES THE FRENCH GOVERNMENT PUTS FORWARD
The official explanatory memorandum sets out four principles behind the new bill.
1- First, the primacy of family and trusted third parties: intervene earlier with preventive and educational support, use administrative measures more, and systematically search for “tiers dignes de confiance”, relatives or close adults willing and able to care for the child, before resorting to institutional placement.

2- Second, the stability and continuity of children’s life paths: judicial placement should remain temporary; when a durable return to the parents is impossible, authorities must define a stable life project within reasonable timeframes, favouring family environments, including adoption when appropriate.

3-Third, the right of children in care to live “like other children”, without being paralysed by administrative complexity: rules around parental authority should no longer delay essential health decisions, and children placed for their own safety should not be exposed to new risks because background checks were incomplete.

4-Fourth, a more coherent system across the territory: the bill seeks to reduce territorial disparities by improving coordination between departments and State services, generalizing departmental child protection committees and making information systems interoperable under common standards. Sources: onpe.france-enfance-protegee, justice.gouv

MORE CONTROLS, NEW “ORDONNANCE DE SÛRETÉ” AND IT INTEROPERABILITY
Article 5 significantly extends criminal record checks. These will not only concern foster carers and residential staff but also people living with them, trusted third parties and, on an optional basis, the other parent when a child is placed with them. Checks will also apply to candidates for adoption, people taking in a child through kafala, and professionals and volunteers in schools, after school and leisure settings, as well as health professionals in hospitals and other care structures with clarified rules for ending activities in case of incapacity.

Article 6 turns the current provisional placement order into a “child safety order”, giving prosecutors and youth judges stronger tools to order the immediate placement of a child in danger, particularly when one parent alleges a serious risk coming from the other parent. It allows urgent decisions on the child’s main residence, contact bans, exclusion of a violent parent from the family home and the allocation of housing, and adjusts how youth court and family court jurisdictions interact so that protective measures can be taken without procedural deadlocks. SOURCE: vie publique

Articles 7 and 8 tackle service organisation and quality control. They secure the framework for exceptional care arrangements and the declaration regime, integrate small residential care homes and life sharing settings into departmental child protection plans subject to quality controls, and make child protection reference frameworks binding on software providers to enable genuine interoperability of information systems. They also loosen parental consent requirements for administrative educational support, allow more modular open environment support measures and authorise youth judges to entrust these directly to child protection services for better coordination. SOURCE: onpe.france enfance protegee, vie publique

SIMPLIFYING PARENTAL AUTHORITY AND EXTENDING THE SCOPE BEYOND ASE
Article 9 simplifies parental authority for children in care by allowing the “Guardian service” the service effectively in charge to take certain necessary health decisions when parents are silent or negligent, through amendments to the Public Health Code.

Article 10 provides for the application of the law in overseas territories, with adaptations reflecting the specific situation of departments and collectivities where child protection failures have been particularly visible SOURCE: justice.gouv

A notable choice is that this bill is not limited to children under the authority of child protection services (ASE) but extends some safeguards, especially criminal record checks, to all environments where children grow, learn and receive care: schools, extracurricular structures, leisure centres and health institutions. In that sense, the text positions itself at the intersection of child protection and a broader culture of vigilance against violence and abuse in every space frequented by minors. SOURCE: solidarites

WHAT IS AT STAKE IN THE FRENCH PARLIAMENTARY DEBATE
Seen from the field, the bill is less a revolution than a pragmatic attempt to make existing principles operational: more family based solutions, fewer long term judicial limbos, more thorough controls, better IT and clearer lines of responsibility. For departments and professionals, the key questions will be whether they receive the resources needed to recruit and train foster carers, implement extended background checks and manage interoperable information systems all in a context where no new dedicated budget line has been announced. SOURCE : Mutualite

For children and families, the debate will test how far Parliament is willing to go in making stability and safety enforceable rights rather than aspirational goals. Issues such as the speed of adoption procedures, the real capacity to identify and support trusted third parties, and the balance of power between youth courts and family courts will determine whether the promises of this bill materialise in daily life. As parallel work on incest, sexual violence and disability shows, the real challenge is not only to design a more coherent generic system but also to ensure that those children who are statistically the most exposed to violence including disabled minors do not remain hidden behind the phrase “for all children”. SOURCE: solidarites

This analysis is based on the official Child Protection Bill (explanatory memorandum and articles), government communications, recent laws on child protection and intra-familial violence, parliamentary work in the National Assembly and the Senate, and long term reporting on how the French child protection system operates in practice, and on the briefing notes prepared in advance of the bill’s submission to Parliament by the Ministry of Justice, the Ministry of National Education, and the Ministry of Health, Families, Autonomy and Persons with Disabilities.
It is written by Rahma Sophia Rachdi, our in house handyjournalist and wheelchair using political correspondent, assisted by Jedie Foster, who has been covering justice, education, disability and social policy for more than two decades from within an inclusive newsroom that treats accessibility, critical independence and fact checking as non negotiable standards. SOURCE: justice.gouv

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