

RESPONDING TO CHILD ABUSE AND NEGLECT

Description

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The Alternative Child Care and Support Directive Number 976/2023 by Ministry of Women and Social Affairs, October 2023, incorporates a section namely Responding to Child Abuse and Neglect. The State is given the responsibility to respond to child abuse and neglect. The procedure of reporting, assessment, court approval, emergency removal and placement of children abused or neglected is briefly discussed here below.

Reporting

In principle children must be protected from abuse, neglect and all forms of exploitation in all care settings. If there is a serious, current threat to the child's physical, sexual, emotional, or psychological safety, the child should be directed to the police or to the relevant bureau or One-Stop Center. Medical care shall be provided in cases of suspected or actual sexual abuse or other forms of physical harm.

Any person, including the child himself, can make a report to the relevant bureau or one stop center, police or a child protection expert at the woreda level, who has concerns about a child's welfare, safety or wellbeing. An unfounded report that was made in good faith will not result in liability. This aims not to discourage reporting entities with the fear of penalty. The official to whom the report is made should note the details of the time, place, and address at which the alleged abuse or neglect occurred, and details such as name of the child or children and estimated age or ages of the children concerned.

Assessment

The next task is assessment. The caseworker in the Community Care Coalition or the Child Protection Expert carries out an all rounded risk assessment. If the assessment reveals that the child is in imminent danger or the victim of an alleged crime, the case worker or Community Care Coalition shall immediately inform the Child Protection Expert or the relevant bureau. Consequently the officer shall take immediate steps to secure the safety of the child, including by protecting the child from further contact with the perpetrator in cases of abuse, exploitation, or sexual abuse. If the results of the assessment indicate that the child cannot remain in the care of the person in whose care he is, an application for removal of the child to alternative care may be made to a **court**. If the child is to be placed in alternative care, all efforts shall be made to place a child in a form of alternative family based care for a defined period. The relevant bureau or Child Protection Expert shall arrange for the placement of such child for a period of no more than 6 months for the purposes of the provision of such services.

Emergency Removal

An emergency removal of a child could be implemented without a court order. This happens when there is reason to believe that the child is in need of protection. Removal is necessary, in a child's best

interest, when any delay in getting a court order to remove the child and place the child in temporary safe alternative care would jeopardize the child's safety and wellbeing. The relevant bureau together with a police officer implementing such an emergency removal may without a warrant enter any premises for the purposes of removing a child in respect of whom a report of abuse and neglect has been received. If there is an immediate threat to the child, the police shall take steps to secure the safety of the child and to place the child in alternative care, with preference being given to family-based alternative care.

In case of any emergency removal of a child due to the imminent risk of harm, notice must be given to the parent or caregiver within 24 hours by the person who effected the emergency removal. The location of the child shall not be disclosed where it is not in his best interests. The relevant bureau shall confirm the emergency removal within 48 hours and placement of the child in alternative care with detailed documentation before **the court**. Where removal has been ordered by the Court, caseworkers assigned to the case shall undertake case management procedures in accordance with this Directive with the ultimate goal of reunification of a child with his family or placement in another form of alternative family or community-based care.

In conclusion, the fact that the Directive introduced a procedure for responding to child abuse and neglect as well as suggest placement options is a commendable act. State intervention to remove children from the family setting should only be undertaken where necessary for the safety and welfare of the child. Removal should be seen as a last resort and should be temporary and carefully monitored and regularly reviewed. The reporting to court as a prerequisite for before-removal or post removal is essential in making sure the procedure is not abused. The child's best interest and safety shall be the determining principle in any decision taken.

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