

ASAA



Voogdijraad  
Rijkdienst Caribisch Nederland

Alimentatie

Voogdij

Summary Re

Jeugdstrafzaken

Plaschermingsonderzoek

Halt

Product 6  
13%

Product 5  
12%

# Annual Figures 2021

Voogdijraad Caribisch Nederland



200

250

300

350

ASAA

(Tijdelijke) Voogdij

Jeugdstrafzaken

& Omgang

Halt

Gezag & Omgang ASAA  
(Tijdelijke) Voogdij  
Halt  
Jeugdstrafzaken  
ASAA  
Gezag & Omgang  
Jeugdstrafzaken Halt  
Beschermingsonderzoeken  
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ASAA Jeugdstra  
Gezag & Omgang  
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mingsonderzoeken

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# Introduction

This publication is about the annual figures of the Guardianship Council Caribbean Netherlands for 2021. The inflow of notifications and the number of handled cases are divided per category and per island and compared with the inflow figures of the previous year. These figures give an impression of (a part of) the field of work of the Guardianship Council and the developments. Since 2021 the Guardianship Council has been forced to work with a waiting list for the processing of requests. Urgent cases are always prioritized and reducing the waiting list is being worked on intensively. As the figures show, this is not directly caused by an increase in the inflow, but is mainly caused by capacity problems experienced by the Guardianship Council at the end of 2020 and the beginning of 2021. The increase in the number of juvenile criminal cases, on the other hand, is remarkable.

The work of the Guardianship Council can be divided into investigations in the field of civil and criminal law. The civil investigations are divided into four categories: child protection investigations, custody and access, (temporary) guardianship, and ASAA (abandonment, screening foster parents, adoption and parentage). Within the criminal law investigations, we have two categories: juvenile criminal cases and Halt.

The tasks of the Guardianship Council in the field of advice on collection and payment of child support, its tasks as Central Authority, and other advisory tasks fall outside the scope of these annual figures. The figures on child support are published in another document.

## Demographic developments

Because the demographic developments in the Caribbean Netherlands can influence the inflow to the Guardianship Council, brief insight into this is provided here.

The figures from Statistics Netherlands (Centraal Bureau voor de Statistiek, CBS) show that the number of children between the ages of 0 and 5 in the Dutch Caribbean has increased by about 100.. It is remarkable that this increase took place almost entirely in 2021 and mainly on Bonaire. In 2021, the largest increase in the past 10 years took place.

The number of children of primary school age (4 to 12 years) increased by 352 over the past 5 years. In this age group, too, the largest increase took place in 2021. Between 2017 and 2020, the number of children aged 12 to 18 years still showed an annual decrease. In 2021, the number of young people in this age group increased to such an extent that the decrease in previous years was compensated and even exceeded.

The population of the Caribbean Netherlands is expected to increase from 27 thousand at present to 31 thousand in 2030. The largest number will be on Bonaire.



# Protection investigations

Protection investigations							
		2020	2021			2020	2021
Inflow	Bonaire	19	19	Concluded	Bonaire	14	6
	Saba	4	2		Saba	1	1
	Statia	7	2		Statia	3	0
Total		30	23	Total		18	7

Parents have the primary responsibility for the upbringing of their children. This does not always go smoothly. When there are problems within a family, parents can get help from family, friends or a professional caregiver such as Youth Care. When voluntary assistance is not enough and the development or safety of a child is at risk, the Guardianship Council can be called in.

The inflow of investigations in 2021 has decreased slightly compared to the previous year. It is not clear how this came about and whether it is representative of developments in society. There is also a decrease in the number of completed investigations compared to the inflow. This is related to capacity problems in the past year.

### Protection measures

The protection tasks of the Guardianship Council concern situations where the (physical) safety and development of a child are at risk. Based on child protection investigations, necessary measures can be taken such as supervisions and removals. In case of an emergency, a child can be placed under supervision and removed from the home temporarily, after which a thorough investigation is conducted to find a long(er) term solution for the child.

### Assistance close by

The starting point is that assistance and/or treatment takes place as much as possible on the islands or in the region. If this is not possible due to a lack of facilities on the islands, young people can be placed in closed youth care in the European Netherlands.

### Request for investigation

In almost all cases requests for investigation come from Youth Care but can also come from the judge or other chain partners. If there are enough signals, the Guardianship Council can extend an ongoing investigation to a protection investigation ex officio. For example in a divorce case or if there are signals in a criminal investigation.

### Notification centre on Bonaire

Since 2021 the advice and notification centre for domestic violence and child abuse has been in operation on Bonaire. Citizens can report (suspicions of) unsafe situations or get advice on which steps they can best take. The opening of this notification centre is an important step in the chain and society. It is possible that we will notice the effects of this in the future influx.

The notification centre is part of Sentro Akseso. An organisation that is currently being set up and of which the current centre for youth and family, social work of the Public Entity and the safety house will be a part. In addition, an Order in Council is currently being developed in which the organisation of the Advice and Support Centre will be regulated and a HGKM (domestic violence and child abuse) protection code. There is a lot of attention on the islands for the improvement of assistance and especially for the problems surrounding domestic violence and child abuse. The Guardianship Council cooperates with other chain partners in this.





# Custody & Access

Custody & Access							
		2020	2021			2020	2021
Inflow	Bonaire	48	30	Concluded	Bonaire	44	20
	Saba	2	3		Saba	3	1
	Statia	9	7		Statia	9	5
Total		59	40	Total		56	26

**When parents divorce, it is important that they make agreements about the care and upbringing of the child(ren). If they cannot reach an agreement it is necessary for a judge to reach a decision. The judge can ask advice from the Guardianship Council on this matter.**

The Guardianship Council then performs an investigation on custody and access and issues a recommendation to the judge so that the most appropriate decision can be made for the child. This opinion can be about: the custody of a child, the division of care and parenting tasks, the main residence of the child and/or a visitation arrangement for the child and the parent with whom they do not live. Sometimes child support is also part of this opinion.

## Inflow

The inflow of custody and access investigations has decreased. There is no clear explanation for this. There are, however, several factors that may influence this inflow. In the Windward Islands, the availability of lawyers is a challenge (this is only possible from St Maarten). Nevertheless, parents seem to reach an agreement through mediation more often, which means that investigations by the Guardianship Council are not always necessary. The Guardianship Council seems to be called in more often in the most problematic divorce cases.

The fact that the Guardianship Council currently works with a waiting list is detrimental to the processing time of these cases. It is possible that this is taken into account and that this has an influence on the inflow of requests. Also, the way of registration has changed, which may cause a decrease in the figures.

## Other matters

Parents can also apply directly to the Guardianship Council for joint custody. These cases also belong to the Custody and Access category. These parents are not married but would like to have joint custody of their child(ren). The judge pronounces this joint custody.

Other matters are changes in the parental authority. These are, for example, cases where a parent has been temporarily suspended from parental authority because the child had a temporary guardian. A parent can then request to be reinstated in the parental authority.



# (Temporary) Guardianship

**Sometimes a minor needs a temporary guardian. For example, if they are going to study in the Netherlands or if a minor mother is pregnant or has a child.**

In that case the guardianship is temporarily transferred from the parent(s) to someone else. A (temporary) guardian is someone who takes over the responsibility, care and education of the child from the parent(s). A temporary guardian can also perform official acts on behalf of the minor, such as signing important documents and managing the finances.

When a temporary guardian is appointed, the parents are temporarily relieved of their parental authority. It also happens that minors come to or leave the islands to live with relatives (grandfather, grandmother, uncle or aunt). In the region it is common for minors to live with relatives other than the minor's parents.

Guardianship							
		2020	2021			2020	2021
Inflow	Bonaire	13	38	Concluded	Bonaire	14	23
	Saba	0	2		Saba	0	0
	Statia	10	11		Statia	7	10
Total		23	51	Total		21	33

## Studies

When minors start studying in the Netherlands it is necessary to arrange this (in time). There is cooperation with all Guardianship Councils in the region (Curacao, Aruba, St. Maarten, and the Caribbean Netherlands) and the Child Care and Protection Board in the Netherlands for these kinds of cases. We try to strengthen the cooperation in order for cases to be finalised in time, before the students actually arrive in the Netherlands. In addition, we try to draw the attention of parents to the necessity of submitting this kind of request in a timely fashion, so that the young person does not get into trouble when they are in the Netherlands. In practice, we see that applications still regularly arrive (too) late.

## Teenage pregnancy

If a minor falls pregnant, it is also necessary to appoint a temporary guardian. A minor cannot yet have authority over a child. An exception is that a teenage mother from the age of 16 can request a declaration of majority from the judge so she can still have authority. The Guardianship Council can submit this request. In 2021 a significant increase can be seen in the number of guardianship requests of minors who were pregnant.



# ASAA



**ASAA stands for investigations in the areas of abandonment, screening (for the purpose of accepting a foster child), adoption requests and parentage.**

## Screening

When prospective foster parents apply to Youth Care, the Guardianship Council does part of the screening. This screening means that the Guardianship Council checks if there is any incriminating information known about the prospective foster parents, their children or other residents at the same address. It is specifically checked if these residents have been involved in a child protection measure. If the Guardianship Council does not find any incriminating information, a Certificate of No Objection is issued to Youth Care. Since the introduction of the new Order in Council for Foster Care BES (mid-2020) this has also become applicable to network foster families. Network foster families are located in the social circle of the minor, for example family or other acquaintances.

## Adoption

Since the beginning of 2021, Minister Dekker has temporarily suspended inter-country adoptions. Since then, it has no longer been possible to adopt children outside the Caribbean Netherlands. Before that time, the possibilities with regard to inter-country adoption were not well known within the Caribbean Netherlands. The suspension of this has therefore not had any effect on the inflow. Domestic adoption is still possible, but hardly occurs on the islands. Up until now, there has neither been any attention for the adoption system (both domestic and inter-country).

It sometimes happens that a child has been living in a foster family for years and the foster parents want to officially adopt the child. This request is submitted to the court, after which the judge requests the Guardianship Council to conduct an adoption investigation. If there are prospective adoptive parents who would like to adopt a child, it is currently impossible to provide for this other than through foster care.

## ASAA (Screening)

		2020	2021			2020	2021
Inflow	Bonaire	15	5	Concluded	Bonaire	15	5
	Saba	0	0		Saba	0	0
	Statia	2	1		Statia	2	1
Total		17	6	Total		17	6

## Parentage

Children who want information about their biological parents and parents who want information about a child they have abandoned can contact the Guardianship Council. The Guardianship Council examines if the information is available and which information the child or parent can view. To date such requests have not been made.

## Abandonment

These are mothers who abandon their babies. To date, this has not happened. What may play a role here is that women who have an unwanted pregnancy get an abortion. When women do not want to terminate a pregnancy, there is usually an agreement within the family that the child will be brought up by, for instance, a grandmother, an aunt or other relatives.



# Juvenile criminal cases

**The introduction of the juvenile justice system in the Caribbean Netherlands took place simultaneously with the outbreak of the Covid-19 pandemic. This makes the picture of the juvenile justice chain in 2020 and 2021 a special and exceptional one. Both the introduction of the juvenile justice system, the Covid-19 pandemic, and the population growth in the number of minors on the islands, have an effect on the inflow into the chain.**

## Increase inflow

The individual influences and the extent of the effect cannot be clarified. What is clear is that the number of juvenile cases has increased. Both the chain partners that take care of the inflow into the Guardianship Council (Police and Public Prosecutor) and the Guardianship Council itself show an increase in the number of juvenile cases. At the Guardianship Council the number of juvenile cases even doubled. Possible influences are the lack of extracurricular activities and an apparent increase in youth crime on the islands.

The Guardianship Council has an important task in juvenile criminal cases. Since the entry into force of the juvenile justice system, as of August 1, 2020, it has been possible to provide more appropriate (punishment) recommendations. This is possible through an expansion of the possibilities of specific juvenile sanctions and appropriate guidance, taking the development and situation of the minor into account.

## Early intervention

When a minor is taken into custody the Guardianship Council is notified. At that moment the Guardianship Council starts an investigation that provides information to the Public Prosecutor and the Court about the minor and their situation. In case of remand in custody this investigation is conducted as soon as possible (within 2 days) and a recommendation is issued on whether or not to suspend the case against the minor and under what conditions. This kind of investigation is called an 'early intervention'. In principle, an attempt is always made to suspend a minor, with appropriate conditions. Reasons for not suspending can be related to the gravity of the crime, the grounds for investigation or a multi-problem situation. In those situations, preconditions (for example, assistance or housing) must first be organised before a minor can be suspended.

## Early intervention recommendation

		2020	2021			2020	2021
Inflow	Bonaire	4	12	Concluded	Bonaire	3	12
	Saba	0	0		Saba	0	0
	Statia	2	3		Statia	2	3
Total		6	15	Total		5	15

## Punishment recommendation

		2020	2021			2020	2021
Inflow	Bonaire	2	10	Concluded	Bonaire	3	5
	Saba	0	1		Saba	0	0
	Statia	1	2		Statia	2	1
Total		3	13	Total		5	6

## Punishment recommendation

Furthermore, the Guardianship Council, after an investigation, issues a recommendation on an appropriate punishment. The punishment recommendation is based on a risk assessment and is aimed at preventing reoffending and steering the development of the young person. The Guardianship Council in juvenile cases always pays attention to the approach of possible underlying problems. In a number of juvenile criminal cases the Guardianship Council is asked to issue a recommendation to the Public Prosecutor on punishment.

The Guardianship Council always acts in the interest of the minor and with the idea that a minor is still developing. The pedagogical nature of juvenile justice is anchored in the International Convention on the Rights of the Child (CRC) and in the BES juvenile criminal law. Last year, we saw

that the offer of assistance and treatment on the islands is not sufficient to prevent young people from entering the judicial chain, or to offer the right support within the criminal framework.

For example, there is now the possibility to impose a PIJ measure (i.e. measure regarding placement in an institution for young offenders). This means that a young person is placed in an institution in the European Netherlands, but the relevant implementation has not been elaborated sufficiently yet. The aim is, together with justice and care partners, to improve the offer.





# Halt

## One more chance

Halt								
		2020	2021			2020	2021	
Inflow	Bonaire	11	8	Concluded	Bonaire	4	6	
	Saba	0	3		Saba	0	0	
	Statia	3	1		Statia	1	0	
Total		14	12	Total		5	6	
						Positive	4	3
						Negative	1	3

Where we see a substantial increase in the number of juvenile criminal cases, the increase in the number of Halt cases lags behind. It is remarkable that the number of Halt cases does not have the same increase. Precisely because a lot of things have happened (e.g. the violation of Covid-19 measures) for which young people could receive a Halt sanction.

With the entry into force of the juvenile justice system, Halt was also officially launched as an extrajudicial settlement. Based on the legislation, minors who commit certain minor offences for the first time (e.g. vandalism and driving without a licence) can be sent to Halt. Here, a tailor-made punishment is imposed that lasts between 6 and 20 hours. The Halt process always consists of the following components: discussions with parents and young person, learning task(s), and offering apologies. In addition, a work assignment is optional and depends on the number of hours imposed. In the Halt process, the emphasis lies on the educational character of the punishment. A successfully completed Halt route prevents the minor from getting a criminal record.

### Parent involvement

It is positive that so far all parents have been involved in the Halt projects. They seem to understand the importance of the Halt process. If any victims are known, they are contacted to see if they are open to receiving an apology from the minor. There is some reluctance to do so. Some victims find an apology less important and would rather have the damage paid for.

The aim of the settlement is that a minor becomes aware of their own behaviour and learns to take responsibility for it. In addition, the aim is to put a stop to transgressive behaviour in good time and to provide redress for the victim and the community. The support and cooperation of parents in this process is very important.

### Inflow

Halt cases are referred from the police to the Guardianship Council, so that a quick and consistent response can be given (tit-for-tat policy). A quick reaction to punishable behaviour has the most effect and is also one of the starting points of the juvenile justice system. To date, however, Halt processes are not completed very quickly. This is partly due to a delayed inflow and partly because there has been a waiting list for cases (incl. Halt) since 2021. In addition, the inflow of Halt cases in the Windward Islands is still minimal because the implementation at the Dutch Caribbean Police Force (KPCN) has not fully taken place yet.

### Negative conclusion

The figures show that in 2021, 50% of the Halt processes were concluded in a negative fashion. The minors usually complete the assignments successfully, but have difficulty with the part in which they have to apologise (a compulsory part). Most victims prefer not to cooperate in this part. A replacement is then sought, such as the police officer involved. In most cases, however, the minor does not show up for the interview. After two warnings, the case is closed with a negative conclusion and sent back to the police. Then the case is still dealt with by the Office of the Public Prosecutor.

**Halt.**  
un chènes mas

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