



Voogdijraad
Rijkdienst Caribisch Nederland

Annual figures 2022

Voogdijraad Caribisch Nederland

Guardianship Council of the Caribbean Netherlands



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This publication concerns the annual figures for 2022 of the Guardianship Council of the Caribbean Netherlands. The influx of reports and the number of cases settled have been compared with the influx figures of previous years and split by category and island. These figures partly give an impression of the work field of activity of the Guardianship Council and of the developments. Since 2021, the Guardianship Council has been forced to work with a waiting list for processing requests. As the figures show, this is not directly due to an increase in the influx. Causes include the persistent capacity problems and the growing number and diversity of activities. The activities of the Guardianship Council can be divided into investigations in the field of civil law and criminal law. In the civil investigations, there are four categories: protection investigations, custody and parental access, (temporary) custody and ASAA [afstand, screening pleegouders,

adoptie en afstamming - put up children for adoption, foster parent screening, adoption and parentage]. There are two categories of criminal investigations: juvenile criminal cases and Halt. In addition, the task of guardian ad litem in parentage cases is mentioned for the first time in this publication.

This publication does not include the tasks of the Guardianship Council in the field of advice on the collection and payment of child support, the tasks as Central Authority and other advisory tasks. Child support figures are published in another document.



Protection investigations

Parents have the primary responsibility for the education of their children. This does not always go smoothly. If there are problems within a family, parents can get help from family, friends or a professional provider such as Aksezo or Youth Care. If voluntary assistance is not sufficient and/or the development or safety of a child is endangered, the Guardianship Council can be asked for assistance. The Guardianship Council investigates and decides whether a measure should be requested from the court.

Protection measures

The protective duties of the Guardianship Council relate to situations in which the (physical) safety and development of a child is at risk. Necessary measures can be taken on the basis of child protection investigations, such as supervision orders, out-of-home placement orders and measures to terminate custody. In case of emergency, a child can be placed under acute provisional supervision and removed from the home. Subsequently, thorough research is done into a long(er) term solution for the child. The starting point is that assistance and/or treatment should take place on the islands or in the region as much as possible. If this is not possible due to a lack of facilities on the islands, young people can be placed in an open or closed youth care institution in the European Netherlands (EU NL).

Request for investigation

In almost all cases, requests for investigation come from Youth Care, but can also come from the courts and some other chain partners. The Guardianship Council also receives reports from abroad, for example from Guardianship Councils in the region or from EU NL. If there are enough signals, the Guardianship Council can also ex officio extend an ongoing investigation to a protection investigation or to other children within a family. For example, in a divorce case or if there are signals in a criminal investigation.

Protection investigations

		2020	2021	<u>2022</u>			2020	2021	<u>2022</u>
Influx	Bonaire	19	19	17	Completed	Bonaire	14	6	10
	Saba	4	2	1		Saba	1	1	1
	Statia	7	2	1		Statia	3	0	0
Total		30	23	19	Total	18	7	11	

Advice and reports on Domestic Violence and Child Abuse

Citizens can initially turn to Aksezo for care and social assistance, for example with problems at home, questions about parenting or budget guidance in case of debts. Aksezo also houses the advice contact person and hotline for domestic violence and child abuse (Guiami) for primary advice. Here a citizen can report (suspected) unsafe situations or advice can be obtained about which steps can be taken. If necessary, Guiami can forward a report to Youth Care and/or the Guardianship Council.

Numbers

Over the past 3 years, it can be seen that the influx of Child Protection investigations on Bonaire has remained approximately the same, and the influx on the windward winds is falling. Not all requests for investigation received have been completed. Some of these are still on the waiting list. Of the completed investigations, 5 were regular Child Protection investigations, 5 custody termination measures and 1 closed youth care placement in EU NL.

Custody and parental access

		2020	2021	<u>2022</u>			2020	2021	<u>2022</u>
Influx	Bonaire	48	30	22	Completed	Bonaire	44	20	20
	Saba	2	3	2		Saba	3	1	2
	Statia	9	7	9		Statia	9	5	7
Total		59	40	33	Total		56	26	29

When parents get divorced, it is important that they make agreements about the care and upbringing of the child(ren). If they do not agree on this, it is necessary for the court to come to a decision. The court can request advice from the Guardianship Council in this regard.

The Guardianship Council then conducts a custody and parental access investigation and advises the court so that the most appropriate decision can be made for the benefit of the child. This advice may concern: custody of a child, the division of care and parenting duties, the child's main place of residence and/or parental access arrangements for the child and the parent with whom it does not live. Sometimes child support is also part of this advice.

Other custody and parental access matters

Parents can also apply for joint custody through the Guardianship Council. These matters also belong to the Custody and parental access category. These parents are not married, but

would like to have joint custody of the child(ren). The Guardianship Council facilitates citizens in this by drawing up an application. The court pronounces this joint custody. Other matters are changes in parental authority. These are, for example, cases in which a parent has been temporarily suspended from parental authority because the child had a temporary guardian. A parent can then submit a request to be restored to parental authority.

Numbers

The influx of the number of custody and parental access investigations has again decreased slightly on Bonaire. The influx on the windward winds has remained stable over the past 3 years. There is no clear explanation for this.

(Temporary) Guardianship

		2020	2021	2022			2020	2021	2022
Influx	Bonaire	13	38	33	Completed	Bonaire	14	23	23
	Saba	0	2	5		Saba	0	0	2
	Statia	10	11	10		Statia	7	10	7
Total		23	51	48	Total	21	33	32	

A minor must always be under the custody of an adult. Sometimes this custody cannot be exercised remotely or, for example, the parent dies, requiring a guardian. This also applies to underage mothers who are pregnant or have a child for whom they are not yet allowed to have custody themselves (until they are of age).

In such situations, custody is (temporarily) transferred from the parent(s) to someone else. A (temporary) guardian is someone who takes over the responsibility, care and upbringing 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 finances. When a (temporary) guardian is assigned, the parents are temporarily denied their parental authority. To regain parental authority, parents must apply for 'restoration of parental authority'. It also happens that minors come to the islands or leave to live with relatives (grandpa, grandma, uncle or aunt).

Teenage pregnancy

If a minor becomes pregnant, it is necessary to appoint a temporary guardian. Until the age of 16, a minor cannot yet have custody of a child. A teenage mother can apply to the court for a declaration of adulthood from the age of 16, so that she can still get custody. The Guardianship Council can submit such a request.

Numbers

The influx is comparable to the previous year, but much higher than in previous years. It is unclear why the influx has increased in recent years.



ASAA

ASAA stands for putting your child up for adoption, screening (for the purpose of taking in a foster child), adoption applications and parentage investigations.

Screening foster parents

If prospective foster parents register with Youth Care, the Guardianship Council carries out part of the screening. This screening means that the Guardianship Council checks whether incriminating information is known about the prospective foster parents, their children or other residents at the same address. It is specifically investigated whether these residents have been involved in a child protection measure. If the Guardianship Council finds no incriminating information, a declaration of no objection will be issued to Youth Care. Since the introduction of the new General Administrative Order for Foster Care BES (mid-2020), this also applies to network foster families. Network foster families are part of the minor's social circle, for example family or other acquaintances.

International adoption

At the beginning of 2021, Minister Dekker temporarily suspended international adoption. From that moment on it was no longer possible to adopt children from abroad. However, this has been possible again since mid-2022, but with

stricter measures. A new adoption system is being set up in EU NL. These developments also have to be worked out for the Caribbean Netherlands into a working adoption system.

Domestic adoption

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 court requests an adoption investigation from the Guardianship Council.

ASAA

		2020	2021	<u>2022</u>			2020	2021	<u>2022</u>
Influx	Bonaire	15	5	3	Completed	Bonaire	15	5	3
	Saba	0	0	0		Saba	0	0	0
	Statia	2	1	0		Statia	2	1	0
Total		17	6	3	Total	17	6	3	

Adoption - 0

Parentage - 0

Distance - 0

Parentage

Children who want information about their biological parents, and parents who want information about a child they have given up, can contact the Guardianship Council. The Guardianship Council checks whether the information is available and what information the child or parent is allowed to view. To date, no such requests have been made.

Put up children for adoption

These are mothers who put up their baby for adoption. To date, children are not put up for adoption in the Caribbean Netherlands. What may play a role in this is that women who have an unwanted pregnancy have an abortion. If women do not want to terminate a pregnancy, there is usually agreement within the family that the child will be raised by, for example, a grandmother, aunt or other relatives.

Numbers

The influx of screening requests has decreased in recent years. However, this influx is expected to increase now that network foster families must also be screened in accordance with the new general administrative order.



Guardianship ad litem

The Guardianship Council can be appointed guardian ad litem in parentage cases to represent the minor in the procedure. This appointment is made by the court.

Parentage cases may concern, for example: judicial determination of paternity, denial of paternity arising from the marriage, nullification of recognition and replacement consent of recognition. After the Guardianship Council has been appointed guardian ad litem, an investigation will be conducted into the factual and legal correctness of the grounds put forward by the parties. The findings of the investigation are shared with the court and interested parties.

Since mid-2022, the Guardianship Council has been appointed guardian ad litem for the first time in some parentage cases.

Numbers

The influx started in mid-2022. The influx of these types of cases is expected to increase.

Guardianship ad litem		
		<u>2022</u>
Influx	Bonaire	2
	Saba	0
	Statia	0
Total		2
<hr/>		
		<u>2022</u>
Completed	Bonaire	2
	Saba	0
	Statia	0
Total		2





Juvenile criminal cases

The introduction of juvenile criminal law in the Caribbean Netherlands happened simultaneously with the outbreak of the corona pandemic. This makes the picture of the juvenile criminal justice chain in 2020 and 2021 a special and exceptional picture. The introduction of juvenile criminal law, the corona pandemic and the population growth in the number of minors on the islands have an effect on the influx into the chain.

The Guardianship Council has an important task in juvenile criminal cases. Since the entry into force of juvenile criminal law on 1 August 2020, it has been possible to provide more appropriate (penal) advice. This is possible by expanding the options for specific youth sanctions and appropriate guidance, taking into account the development and situation of the minor.

Early intervention

When a minor is taken into custody, the Guardianship Council will be notified. At that moment, the Guardianship Council starts an investigation that provides information for the Public Prosecution Office and the court about the minor and his situation. In the case of a custody, this

investigation is carried out as quickly as possible (within 2 days) and an advice is issued on whether or not to suspend the minor and under what conditions. Such an examination is called an 'early intervention'. In principle, an attempt is always made to suspend a minor, with appropriate conditions. Reasons for not suspending may relate to the seriousness of the offence, the grounds for investigation or a multi-problem situation in which preconditions (e.g. help or accommodation) must first be organised before a minor can be suspended.

Advice taking into custody (suspension)

		2020	2021	<u>2022</u>			2020	2021	<u>2022</u>
Influx	Bonaire	4	12	18	Completed	Bonaire	3	12	11
	Saba	0	0	0		Saba	0	0	0
	Statia	2	3	0		Statia	2	3	0
Total		6	15	18	Total	5	15	11	

Regular punishment recommendation

		2020	2021	<u>2022</u>			2020	2021	<u>2022</u>
Influx	Bonaire	2	10	8	Completed	Bonaire	3	5	8
	Saba	0	1	0		Saba	0	0	0
	Statia	1	2	2		Statia	2	1	2
Total		3	13	10	Total	5	6	10	

Regular punishment recommendation

In addition, after an investigation, the Guardianship Council advises on an appropriate punishment. The punishment recommendation is based on a risk assessment and is aimed at preventing the re-commitment of a criminal offence and steering the development of the young person. In juvenile criminal cases, the Guardianship Council also pays attention to tackling any underlying problems.

The Guardianship Council always acts with the interest of the minor in mind and with the idea that a minor is still developing. The pedagogical character of juvenile criminal law is anchored in the International Convention on the Rights of the Child (CRC) and in BES juvenile criminal law. It has been clear for some time that the range of assistance and treatment on the islands is not sufficient to prevent young people from entering the justice system, or to provide the right support within the criminal justice framework.

Numbers

In a number of juvenile criminal cases, the Guardianship Council has been asked by the Public Prosecutor to advise on appropriate sentencing. The separate influences and the extent of the effect on the influx cannot be made transparent. It is clear, however, that the number of juvenile criminal cases continues to rise.



Halt

one more chance

With the entry into force of juvenile criminal law, Halt has also officially started as an extrajudicial settlement. Based on the legislation, minors who commit certain minor offences for the first time (such as vandalism and driving without a driver's license) can be sent to Halt. School absenteeism cases are also a (possible) influx for a Halt settlement.

If a minor is referred to Halt, a tailor-made punishment will be made. This punishment lasts a minimum of 6 and a maximum of 20 hours. The Halt trajectory always consists of the following components: conversations with parents and children, teaching assignment(s) and offering apologies. If a victim prefers not to participate in the 'apologies' section, a replacement person can be found. This is, for example, an involved police officer or another person. In addition, a work assignment is optional and depends on the number of hours imposed. In the Halt process, the emphasis is on the pedagogical character of the punishment. If the minor does not want to cooperate further, a maximum of 2 warnings will follow. If the minor still does not want to continue with the process, the case will be negatively closed and returned to the police. The case will then be settled by the Public Prosecution Office. With a positively completed Halt trajectory, the minor will avoid a criminal record.

Parent involvement

It is positive that so far all parents have been involved in the Halt programmes. They seem to accept the importance of a Halt process. If any victims are known, they will be contacted and it will be examined whether they are open to receiving an apology from the minor. There is some reticence in that. Some victims find an excuse less important and would rather have the damage paid.

The purpose of the settlement is that a minor becomes aware of his/her own behaviour and also learns to bear responsibility for it. In addition, the aim is to curb transgressive behaviour in a timely manner and to offer satisfaction to the victim and the community. The support and cooperation of parents in this process is very important.

Halt

		2020	2021	2022			2020	2021	2022	
Influx	Bonaire	11	8	8	Completed	Bonaire	4	6	2	
	Saba	0	3	3		Saba	0	0	0	
	Statia	3	1	1		Statia	1	0	0	
Total		14	12	12	Total	5	6	2		
							Positive	4	3	1
							Negative	1	3	1

Numbers

The figures show that half of the Halt processes were negatively completed in both 2021 and 2022. 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 participate in this part. While there has been an enormous increase in the

number of juvenile criminal cases over the past 2 years, the increase in the number of Halt cases has lagged behind. It is remarkable that the number of Halt cases has not risen at the same rate. Precisely because young people can receive a Halt settlement for minor offences.

Halt.
un chènes mas

Bonaire
Kaya Italia 10
Kralendijk

Sint Eustatius
H.M. Beatrixstraat 17
Oranjestad

Saba
Upper Road Z/N
The Bottom
(behind the police station)

