

ASAA



Voogdijraad
Rijkdienst Caribisch Nederland

Alimentatie

) Voogdij

Beschermingsonderzoek

Jeugdstrafzaken

Halt

Annual figures 2023

Voogdijraad Caribisch Nederland

Alii

Omgeving & Omgang

onderzoeken

ASAA

(Tijdelijke) Voogdij

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Jeugdstrafzaken

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Halt

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This publication concerns the annual figures for 2023 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. Compared to the year 2022, there is an increase in total inflow of 12%. These are civil and criminal cases only, the inflow from the Central Authority and Child Maintenance are excluded. These figures partly give an impression of the work field of activity of the Guardianship Council and of the developments.

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, this edition mentions the task as guardian at litem in parentage cases and, for the first time, the Central Authority and Child Support.

Since 2021, the Guardianship Council has been forced to work with a waiting list for processing requests. Due to capacity problems, the waiting list in 2023 has increased significantly compared to 2022. Figures on the waiting list are not part of this publication.



Child protection investigations

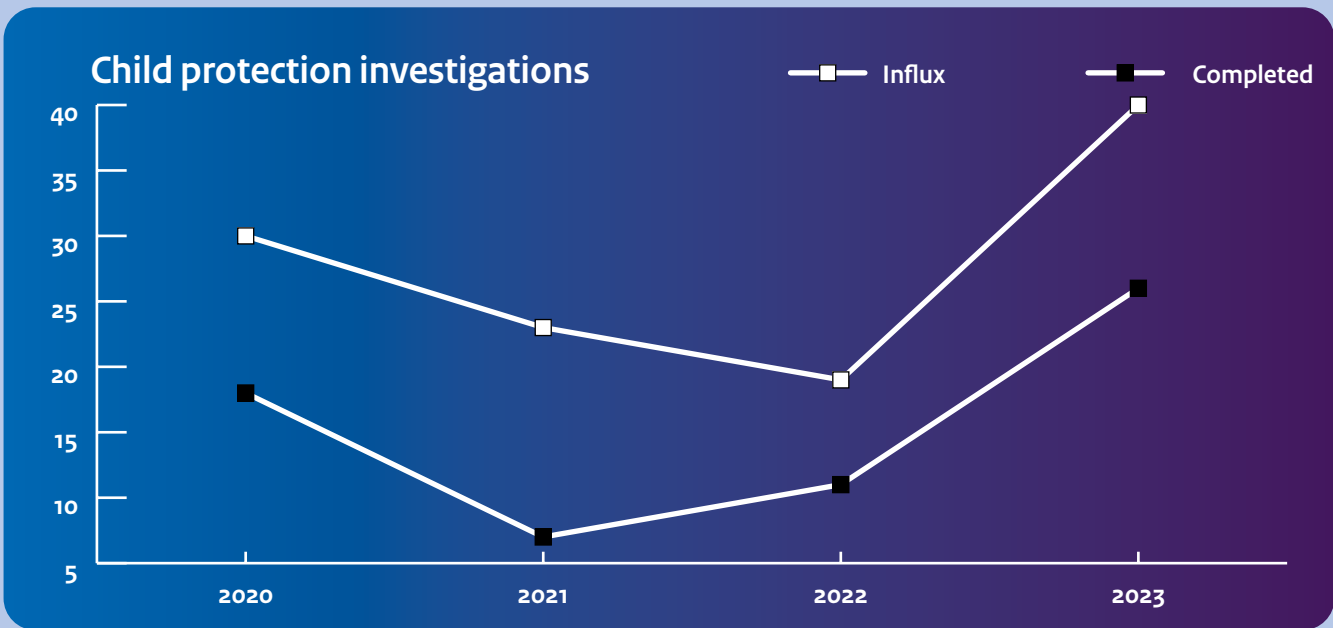
Parents have the primary responsibility for the education of their children. This does not always go smoothly. If there are problems within a family, parents can get help from family, friends or a professional provider such as Aksezo or Care and Youth Caribbean Netherlands (ZJCN). If voluntary assistance 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

Requests for investigations usually come from ZJCN, 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.



Advice and reports on domestic violence and child abuse

Citizens can initially turn to Akseso for care and social assistance, for example with problems at home, questions about parenting or budget guidance in case of debts. Akseso 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.

Figures

2023 shows a noticeable increase in the number of Child Protection Investigations. Not all incoming requests for investigations have been completed. Some of these are still on the waiting list. About 75% of the inflow are requests from ZJCN. More ex officio extensions were also made in 2023 compared to previous years. Of the inflow, 4 were emergency cases and 2 were custody terminations. Almost all inflow (93%) is in Bonaire.

Custody and parental access

Custody and parental access cases



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

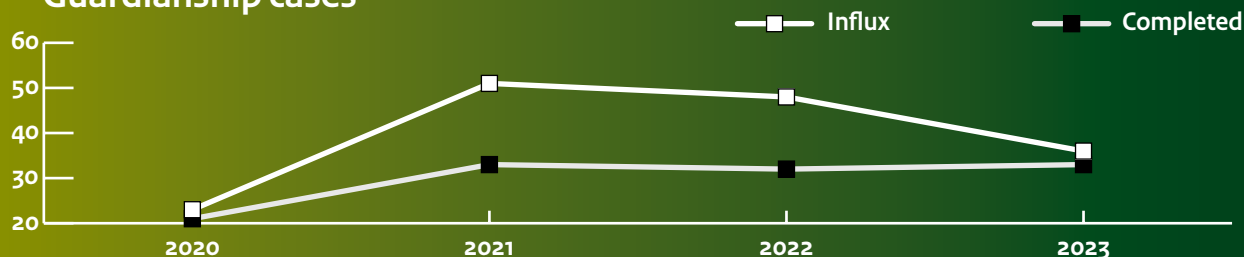
changes in parental authority. These are, for example, cases in which a parent has been temporarily suspended from parental authority because the child had a temporary guardian. A parent can then submit a request to be restored to parental authority.

Figures

The inflow of custody and parental access cases increased substantially in 2023 compared to the previous year. Of the inflow in 2023, 56% were requests for joint custody and 88% of cases were in Bonaire.

Guardianship

Guardianship cases



A minor must always be under the custody of an adult. If this cannot be the parent, for instance due to death, a guardian is needed. In principle, custody can also be exercised remotely. The person with custody and the child do not have to live together. Underaged mothers who are pregnant or have a child for whom they are not yet allowed to have custody themselves, do need a guardian for the (unborn) child until she herself becomes of age.

In such situations, custody is transferred from the parent(s) to someone else. Then it is called guardianship. A guardian is someone who takes over the responsibility, care and upbringing of the child from the parent(s). A guardian can also perform official acts on behalf of the minor, such as signing important documents and managing finances.

When assigning a guardian if the parent(s) are still alive, the parents are suspended from parental authority. To regain parental authority, parents must apply for 'restoration in authority'. To be restored in authority, an investigation is conducted and the guardian must agree.

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.

Figures

Within the 'guardianship' category, declarations of no objection that minors receive if they move to the European Netherlands for study purposes are also registered. In 2023, 11% of guardianship cases concerned minor mothers who could not yet have custody of their (unborn) child.



ASAA

ASAA stands for putting your child up for adoption, screening (of prospective foster parents), adoption applications and parentage investigations.

Screening foster parents

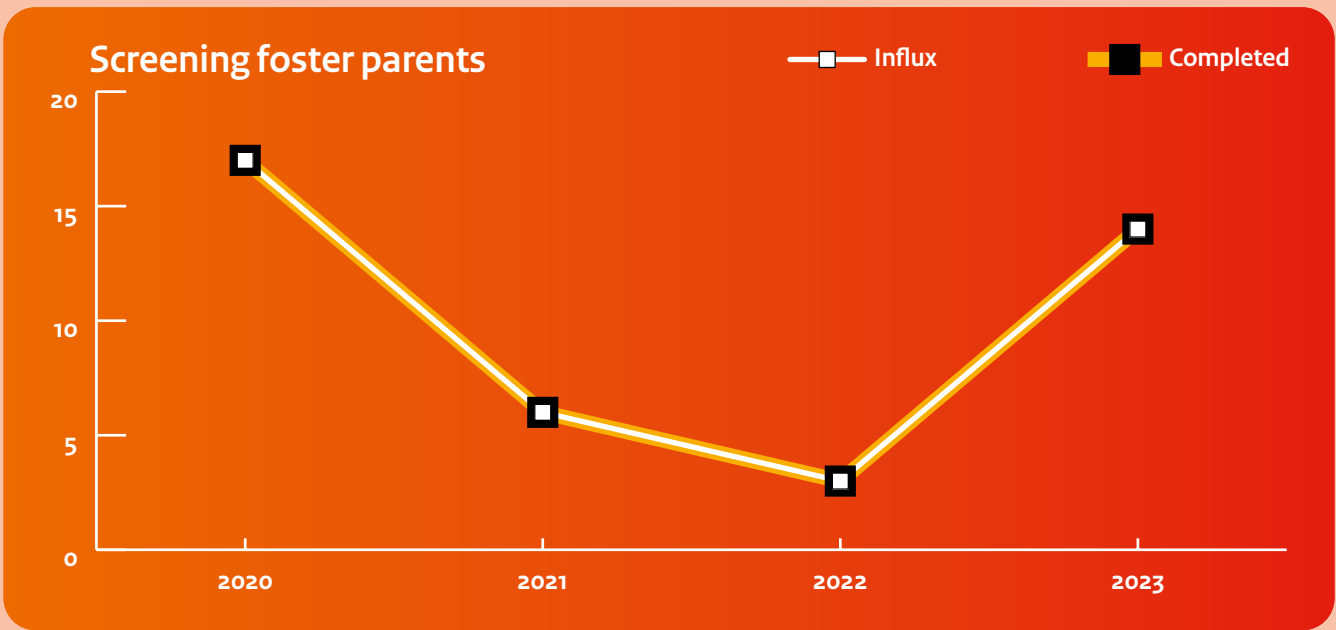
If prospective foster parents register with ZJCN, the Guardianship Council carries out part of the screening. This screening means that the Guardianship Council checks whether incriminating information is known about the prospective foster parents, their children or other residents at the same address. 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 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.

Domestic adoption

It may happen 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.

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.



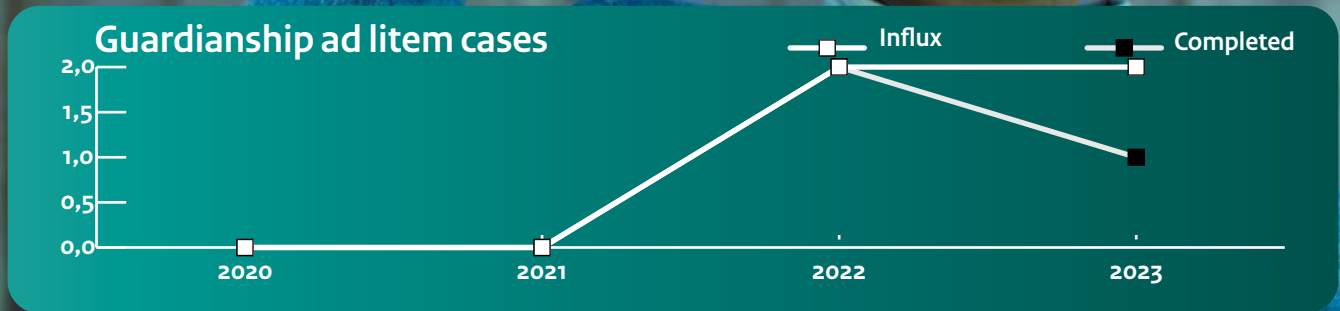
Put up children for adoption

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.

Figures

As previously expected, the number of requests for screening prospective foster parents has increased. It is unknown to the Guardianship Council how many network foster families are involved and what the final outcome of the overall screening is. Only 1 adoption screening took place in 2023 (not part of the chart).

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.

Figures

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



Central Authority

The Guardianship Council CN has several statutory duties. As such, the Guardianship Council is also the Central Authority for the Caribbean Netherlands (CA CN).

The subjects the Central Authority may have to deal with are:

- International child protection;
- International child abduction;
- Collection of international child maintenance;
- Inter-country adoption.

The Central Authority may receive requests or notifications on these topics to be handled. As the Central Authority in the Caribbean Netherlands, we also submit requests ourselves to other Central Authorities or to the embassy of a relevant country if no Central Authority is active there.

Reports and requests between the European Netherlands and the Caribbean Netherlands are interregional and therefore do not form part of the Central Authority. These cases are part of the regular cases of the Guardianship Council.

Central Authority

2023

Outgoing requests

3

Incoming requests

0

Figures

In 2023, there were formally 3 outgoing requests to other Central Authorities/ countries: Venezuela, Colombia and the United Kingdom. Incoming requests have not formally occurred. This is separate from the contacts that did occur on international cases/ issues where the Central Authority CN was consulted.



Juvenile criminal cases

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

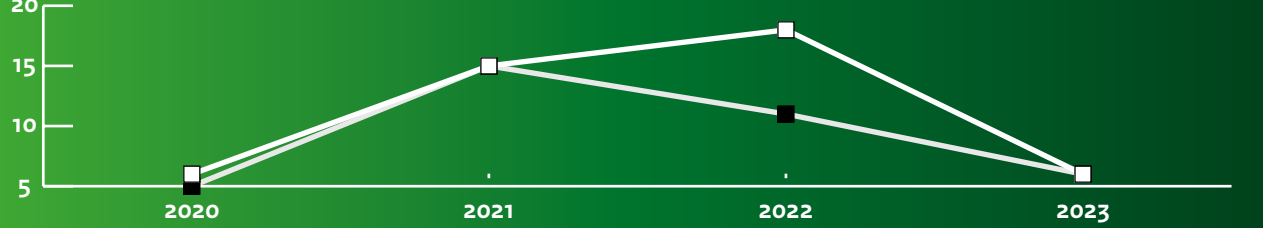
When a minor is taken into custody, the Guardianship Council will be notified. At that moment, the Guardianship Council starts an investigation that provides information for the Public Prosecution Office and the court about the minor and his situation. In the case of a custody, this investigation is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

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.

Early interventions



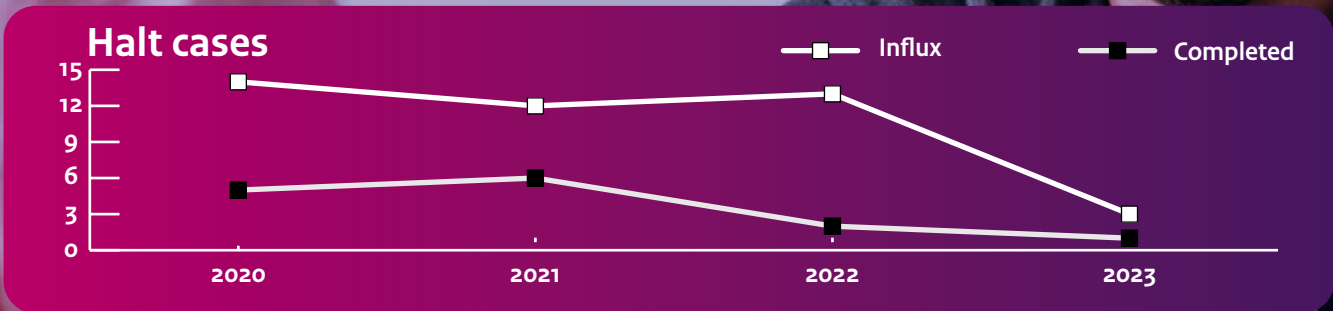
Punishment recommendations



Figures

The number of early interventions and the number of juvenile criminal cases decreased in 2023 compared to 2022. It is as yet unclear what caused this decline. Of the 7 criminal cases, 3 were as a result of a previous detention. Of the early interventions, 50% were on Bonaire and 50% on St. Eustatius.

Halt



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. In the Halt process, the emphasis is on the pedagogical character of the punishment.. With a positively completed Halt trajectory, the minor will avoid a criminal record.

If any victims are known, they will be contacted and seen if they are open to receiving an apology from the minor. 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.

Figures

In 2023, Halt's intake continues to lag behind and has even decreased compared to previous years. Extra attention will be paid to education in schools and awareness of Halt in the chain.

Halt.
one more chance



Child Support

When parents separate, financial arrangements must be made for the children. This is called Child Support. A request for Child Support can be submitted to the CN Guardianship Council. The Guardianship Council will then make a calculation (even if parents have mutually agreed on an amount) and submit a request to the court. The Guardianship Council also advises the judge in divorce cases on the amount of Child Support.

The judge records his ruling in an order. Parents are legally obliged to have payments made through the Guardianship Council. The Guardianship Council is responsible for the collection and disbursement of child support monies and works with the tax office for its implementation. The Guardianship Council is authorised to seize wages through the payer's employer and mediates the engagement of a bailiff for the payer.

If there are crucial changes, a recalculation may be requested. For example, in case of a change in the child's residence or if the income of the payer or obligor changes substantially.

The Guardianship Council uses a set methodology to calculate Child Support. This calculation model is reviewed and updated annually based on case law, policy changes and figures such as indexations.

Figures

The Guardianship Council collects and pays over \$58,000 per month in alimony funds, provided the payer actually pays. This means almost \$700,000 in monies to be collected and paid on an annual basis. In reality, this amount is lower because not all payers actually pay. Some of the payments are made because wage garnishments have been placed on the pay of duty payers.

The Guardianship Council currently collects and pays these monies monthly for some 345 children in the Caribbean Netherlands.

Bonaire
Kaya Italia 10
Kralendijk

St. Eustatius
H.M. Beatrixstraat 17
Oranjestad

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

