**Intervention in private life**

But the new law allows foster families or the residential placement to make NECESSARY INTERVENTIONS in the child's or the youth's self-determination for the child interests including ensuring that the child or young person’s physical and psychological needs are fulfilled and that the child or youth build skills to form social relationships wellbeing and receive learning.

**Method**

- Theoretical methodological basis is legal dogmatic method.
- As the act is new the preparatory work is relevant.
- Case-law on the topic is sparse therefore statements from the children’s office at the Ombudsman and from the National Appeals Board are important sources.
- This poster takes a rights and care perspective.

**Fundamental Rights**

- ECHR art. 3, 5 and 8.
- The convention of the child’s rights, art. 3, 5, 9, 12.
- Danish Constitution, § 71, 72.

**EUROPEAN COURT OF HUMAN RIGHTS**

**COUR EUROPEENNE DES DROITS DE L'HOMME**

**Fudamental Rights Adult Responsibilities**

- The convention of the child’s rights, art. 3, 5, 9, 12.
- Danish Constitution, § 71, 72.

**NECESSARY INTERVENTIONS**

- Actions for protection are permitted.
- Actions regard to raising are permitted.
- Disciplinary actions are very restricted.
  - This means that the act to blame must be related to the reaction to give. It is never allowed to deprive food, drink, sleep, clothes or other basic goods to punish a child. It isn’t allowed to withdraw the mobile phone as punishment for something that does have with the phone to do. Adjustments can be made. It may be rules that the phone must not be turned on during school hours, during meals, or after a certain time in the evening. It is usually not proportional to exclude a young person from the community and order him to be in his room throughout the hole day.
- Drug-tests can only be carried out voluntarily.

**Care perspective**

- The best interest of the child is not only a rights perspective, but also a care perspective must be taken into account.
- The care perspective is a social professional standard based on balancing the child’s age, maturity and need.

**Conclusion & Perspectives**

- Children in foster care have the same rights as other children.
- The new law ensures that foster families and employees have the power to raise the children during placement.
- Humilating and degrading treatment is prohibited.
- Using force is only allowed when it is directly stated in the law.
- General principles of intensity and proportionality apply.