



THE REPUBLIC OF LATVIA
MINISTRY OF CHILDREN, FAMILY AND INTEGRATION AFFAIRS

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By attached list

About covering of expenses

The Ministry of Children, Family and Integration Affairs (henceforth – the Ministry) has established that in several cases, if before the adoption the child was placed in a foster family, problems emerged, which are connected with covering of expenses for a period of time when the judgment about acknowledgment of adoption comes into legal force until the day when adopters arrive and take the adopted child under their charge. We assume that similar problems could be also in the cases if the child resides at the children care institution.

We would like to inform, that in accordance with the legislation of Latvia out-of-family care for the orphan and child left without parental care is ensured in the children care institutions, under guardianship or foster families. Such out-of-family care is ensured until the child can return to his biological family or he gets adopted. According to legal acts expenses for residing of a child in out-of-family care until the adoption are covered by state or local municipality.

In accordance with the first part of article 171 and the first part of article 172 of the Civil Law of the Republic of Latvia (henceforth – Civil Law) the adoption shall be considered as effected as soon as the court has approved such, and the adoptee shall become a member of his or her adoptive family and, the adopter shall acquire the right to implement custody.

Article 177 of the civil Law prescribes that custody is the rights and duties of parents to care for the child and his or her property and to represent the child in his or her personal and property relations. Care for a child means his or her care, supervision and the right to determine his or her place of residence. Care of the child shall mean his or her maintenance, i.e., ensuring food, clothes, dwelling and health care, tending of the child and his or her education and rearing (ensuring mental and physical development, as far as possible taking into account his or her

individuality, abilities and interests and preparing the child for socially useful work).

By taking into account the above mentioned, the Ministry wants to draw attention on the fact that after the judgment about adoption of a child has come into legal force, there are no legal base to ensure the child with service of out-of-family care and the adopters` (parents`) liability is to carry out a custody and to take care of a child. In case if adopters are held back to do so immediately after the judgment has come into legal force they have to cover expenses related to child care in this period of time to those persons under whose care the child is.

Therefore in cases if after the acknowledgment of adoption a child continues to reside under care of the previous out-of-family care service assister, foreign adopter have to cover expenses which have arisen to a foster family or institution of children care. In the meantime we would like to inform that these expenses could not be less than those provided by the state and local municipality ensuring the out-of-family care service in the institution of children care or in a foster family to the child.

To give an approximate idea about the amount of expenses, the Ministry wants to inform about the expenses which are covered to service providers by the state and local municipality in the period of out-of-family care:

- if the child is placed in the institution of children care, the state or local municipality covers all expenses which are connected with residing of a child in the institution. The amount is not fixed unitedly and depends on the institution of children care in which child resides and how much cost residing of a child there. By acquainting with the review of statistics of the Office of Social Services on work in the institutions of permanent social care and social rehabilitation for children in 2007 (review about the year 2008 is not aggregated) it is established that on average in the state for 1 child, who resides in the institution of children care, it is paid Ls 461.84 (~659.77 Euro) in a month;
- if the child resides in a foster family it receives reimbursement of Ls 80 (~140 Euro) in a month for realization of foster family's duties without reference of the number of children placed in a foster family. In its turn local municipality pays an allowance to a foster family for maintenance of a child, which cannot be less than Ls 27 (~38.6 Euro) in a month (in the year 2008 the amount of an allowance on average was Ls 105 (~150 Euro) in a month), and an allowance for purchase of clothes and soft stock (this allowance is paid by the situation, clothes, shoes and other necessary stuff for the child can be given by the local municipality instead of an allowance).

Therefore we ask you to inform adopters about that if the child continues to reside under care of a previous out-of-family care service provider after the judgment on acknowledgment of adoption has come into legal force, they or their authorized person have to get in contact with the director of the institution of children care or a foster family and to negotiate about the amount and order how adopters will cover the expenses which are connected with ensuring of child care by taking into account the fact that in accordance with Civil Law it is an obligation of adopters and the state or local municipality do not have to cover these expenses.

The Secretary of State

I.Zalpētere