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Child Participation in Dutch Family Law and Child Protection Proceedings

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CHILD PARTICIPATION IN DUTCH FAMILY LAW AND CHILD PROTECTION PROCEEDINGS

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1. INTRODUCTION

According to Article 12 of the Convention on the Rights of the Child (CRC) children have a right to participate in legal proceedings and the child must be given the opportunity to be heard in any legal proceedings affecting them. Age limits can be used, but according to the Committee on the Rights of the Child, they cannot be absolute and they should leave space for younger children to have the opportunity to be heard by the judge.¹

¹ Committee on the Rights of the Child, General Comment No. 12 (2009): The right of the child to be heard, [20.07.2009], CRC/C/GC/12, pp. 70-74, paras. 20-21, 52 and Committee on the Rights of the Child [2006], *Day of General Discussion on the Right of the Child to be Heard* (Forty-third session, 11-29.09.2006), para. 51.

It also follows from international standards that children should be heard directly (by a judge) or indirectly (by an expert outside the courtroom), and they should be able to choose this themselves.² The CRC remains silent about the child's right to (independently) initiate proceedings. But from other international standards it can be deduced that children who are confronted with legal proceedings are entitled to child-friendly proceedings and also have the right of access to justice and the possibility to challenge court decisions that are relevant to them.³ Furthermore, according to international standards children must be provided with a legal representative or a guardian *ad litem* (GAL) when there is a potential conflict between children and their parents.⁴

In Dutch civil law, other than in exceptional cases, children are not competent to participate autonomously as litigants. Even though children lack competence to participate autonomously in civil law proceedings, they do have the right to be involved in family and child protection proceedings. For children from the age of 12 years or older, this is embodied in the right to be heard in court. In 2016 the Government Committee of the Reassessment of Parenthood recommended to the Dutch government that special attention should be paid to the procedural position of children in family law and the question whether improvements were necessary from an international children's rights and a psychological and pedagogical perspective.⁵

This contribution discusses the legal position of children and forms of child participation in Dutch family and child protection proceedings. In family and child protection proceedings, in particular, children are confronted with court proceedings in which decision-making takes place

² For example: above n. 1, General Comment No. 12, para. 35. According to Mol, States cannot simply decide to provide children with only one manner in which to be heard; children should be provided with a choice between forms of participation; C. Mol, 'Children's Representation in Family Law Proceedings' (2019) 27(1) *The International Journal of Children's Rights*, p. 70.

³ *Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice*, 17.11.2010, IV, paras. 34–35; Article 5 of the European Convention on the Exercise of Children's Rights, <<http://www.worldlii.org/int/other/treaties/COETSER/1996/1.html>>.

⁴ Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (Art. 3, para. 1), CRC/C/GC/14 (2013), para. 90. See also above n. 3, *Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice*, para. 3.3.1.

⁵ Government Committee on the Reassessment of Parenthood, *Child and Parents in the 21st Century*, Den Haag: Government Committee on the Reassessment of Parenthood 2016, recommendation 14.

that can have an enormous impact on their lives. In this contribution, implementation of the child's right to participate is analyzed from both a legal and pedagogical perspective to show how legislation and policy are implemented in the daily practice of Dutch family and child protection proceedings.

This contribution discusses two aspects of the right to participation in legal proceedings: children's right to be heard and the procedural position of children. First, the current legal position of minors in Dutch family and child law proceedings is discussed. Thereafter, the contribution discusses how children's procedural position and their right to be heard is implemented in policy and current practice.⁶ Finally, the contribution analyzes whether in Dutch family and child law proceedings the child's right to participation in legal proceedings as enshrined in Article 12 of the CRC is effectively implemented in Dutch legislation, policy, and daily practice, and whether any changes are necessary.

2. THE CURRENT POSITION OF MINORS IN DUTCH FAMILY LAW AND CHILD PROTECTION PROCEEDINGS

2.1. THE CHILD'S RIGHT TO BE HEARD

The Dutch Code of Civil Procedure provides that the judge will give children aged 12 years and older the opportunity to present their views in family and child protection proceedings regarding them.⁷ Children aged 12 years and older have the right to choose whether to be heard in court or not: the court invitation to be heard is an option, not a duty. There are a few exceptions to invite every child aged 12 years and older for a child hearing, for example, when the case is of minimal relevance to the child.⁸

⁶ This chapter is based on our research commissioned by the Dutch Ministry of Justice in response to the Government Committee's recommendations, conducted by a multidisciplinary research team (the Child Law Department of Leiden Law School and the Departments of Forensic Family and Youth Care Studies and Developmental and Educational Psychology of the Faculty of Social and Behavioural Sciences); M.R. BRUNING, et al., *Children in proceedings: from communication towards effective participation* ('Kind in proces: van communicatie naar effectieve participatie'), Meijersreeks nr. 335, Wolf Legal Publishers, Nijmegen 2020.

⁷ Article 809 of the Dutch Code of Civil Procedure.

⁸ Article 809 section 1 of the Dutch Code of Civil Procedure. Other exceptions are: when it is plausible that the child does not want to be heard, when a child is unable to

Children younger than 12 years may also be given the opportunity to be heard; they are not invited by default by the court, but the judge has a discretionary power to decide on hearing the child on his or her request when the child is sufficiently mature. In other words, this group of children does not have the *right* to be heard.⁹ There is no guidance from statutory provisions on the modalities and methods on the child hearing. In 2015, the Courts of Appeal developed a professional standard of how the child should be heard in appeal.¹⁰

In current practice, initiatives have been taken in recent years, opting for a lower age limit to hear children. The District Court of The Hague, competent in all Dutch child abduction cases, invites all children six years of age and older for a child hearing. The Amsterdam District Court invites all children eight years of age and older in family law and child protection cases for a child hearing.

2.2. CHILDREN AS INDEPENDENT PARTIES

Children are in principle incapable of autonomously participating in legal proceedings and lack *locus standi*. Children are represented by their parents or guardians. In the event of a conflict of interests between parents as the legal representatives and a child about matters relating to the upbringing of the child or the child's property, a GAL can be appointed to act on behalf of the child instead of the child's parents or guardians.¹¹ Courts have a discretionary power to appoint a GAL in such situations; a request can be rejected by the court. In proceedings on legal parentage, courts are obliged to always appoint a GAL.¹² In some situations, children have the right to initiate legal proceedings and be a party to them. Such exceptions are fragmented in the Dutch Civil Code and have 12 years, and sometimes 16 years, as the lower age limit. In child protection proceedings, children aged 12 or older who are confronted with a child protection order have several opportunities to file requests to the court.

be heard due to physical or mental health problems, or when the judge fears that the child hearing will negatively influence the child's health and development.

⁹ M.R. BRUNING and J. PEPPER, 'Giving Children a Voice in Court?' [2020] *Erasmus Law Review*, online (in English) at <[http://www.erasmuslawreview.nl/tijdschrift/ELR/2020/1%20\(incomplete\)/ELR-D-19-00030.pdf](http://www.erasmuslawreview.nl/tijdschrift/ELR/2020/1%20(incomplete)/ELR-D-19-00030.pdf)>.

¹⁰ *Professionele standaard kindgesprekken* 09.12.2016, <<http://www.rechtspraak.nl>>.

¹¹ Article 1:250 of the Dutch Civil Code.

¹² Article 1:212 of the Dutch Civil Code. See also, W. SCHRAMA, et al., *International Handbook on Child Participation in Family Law*, Intersentia, Cambridge 2021.

Children have no legal representation in child protection proceedings. Only those who are confronted with a (request to) out-of-home placement in a secure treatment setting – constituting a deprivation of liberty – are represented by a lawyer. Children's parents or care givers usually have no legal representation in child protection proceedings. In family law proceedings, parents are usually represented by a lawyer, but the child has no independent legal representation.

In some family law matters Dutch law provides children aged 12 or older with the possibility of approaching the court informally and asking for a specific decision. Informal access to court is available in matters related to parental responsibilities after divorce, separation, care, and contact arrangements between a child and a parent.¹³ This option can also be used when the child has not yet reached the age of 12 years but may be regarded as capable of making a reasonable evaluation of their interests in the matter.

3. CHILDREN'S PROCEDURAL RIGHTS IN PRACTICE

To investigate current practices regarding children's procedural rights in Dutch civil law, we carried out an empirical study to examine the experiences and opinions of professionals in legal practice, children, and parents. A total of 272 professionals filled out an online questionnaire and 21 of these participated in an additional interview. First, questionnaires were sent to judges, family and child lawyers, social workers, GALs, and employees of the Child Protection Board and of Children and Youth Law Advice Centres. Further, questionnaires were sent to 136 young adults aged 16 to 24 years old, of whom 43 had experienced family law or child protection proceedings as a child. Finally, we collected data from 131 parents of children who had experienced family law or child protection proceedings. Research questions of this study included the extent to which children use their right to participate in family and child protection proceedings, current practices regarding the right to be heard and the procedural position of children, and aspects that could be improved.

¹³ Article 1:251a section 4, Article 1:253a section 4, Article 1:377g of the Dutch Civil Code.

3.1. CHILDREN'S ACCESS TO JUSTICE

All children have the right to express their opinion on matters concerning them, but the age limit used in the Netherlands narrows down the group provided with this opportunity. Our study showed judges rarely invite children younger than 12 years old for a child hearing, which confirms previous research regarding the strict interpretation of the Dutch age limit of 12 years old.¹⁴ In our study, the majority of judges who have interviewed children under the age of 12 state children requested this themselves, which means children's rights are taken seriously. But why are judges so hesitant to initiate a child hearing with children younger than 12 years old?

Extensive research has been conducted on barriers regarding child participation. Professionals seem to have a general image that participation is stressful for children and that children should be protected against it.¹⁵ For young children in particular, the degree to which children may be influenced by their parents also plays an important role. Due to loyalty conflicts, children could be scared to express a contradicting opinion. Consequently, professionals fear that this may restrict children from providing their own authentic opinion.¹⁶ In our study, we asked all professionals for reasons not to invite children under the age of 12 for a child hearing. Results confirmed the previously mentioned findings: loyalty conflicts and parental influence. The assumption that participation would

- ¹⁴ K.A.M. VAN DER ZON and M.P. DE JONG-DE KRUIJF, 'Hoger beroep tegen een uithuisplaatsingsbeslissing en de rol van de minderjarige' (2015) *Trema* afl. 3, pp. 298–307; H.C.M. AALDERS, 'De rechtspraktijk inzake gezagsbeëindiging vanuit kinderrechtelijk perspectief', *FJR* 2018/63, afl. 11, pp. 61–66; A. VAN TRIEST, 'Het kinderverhoor in het ressort Den Bosch onder de loep', *FJR* 2004, afl. 26, pp. 16–26.
- ¹⁵ B. ARAD-DAVIDZON and R. BENBENISHTY, 'The role of workers' attitudes and parent and child wishes in child protection workers' assessments and recommendation regarding removal and reunification' (2008) 30(1) *Children and Youth Services Review*, pp. 107–21; M.D. TEN BRUMMELAAR, et al., 'Participation of youth in decision-making procedures during residential care: A narrative review' (2018) 23(1) *Child & Family Social Work*, pp. 33–44; G.G. VAN BIJLEVELD, C.W.M. DEDDING and J.G.F. BUNDERS-AELEN, 'Children's and young people's participation within child welfare and child protection services: a state-of-the-art review' (2015) 20(2) *Child and Family Social Work*, pp. 129–38.
- ¹⁶ S.A. VIS, A. HOLTAN and N. THOMAS, 'Obstacles for child participation in care and protection cases – why Norwegian social workers find it difficult' (2012) 21 *Child Abuse Review*, afl. 1, pp. 7–23; J. CASHMORE, 'Children's participation in family law decision-making: Theoretical approaches to understanding children's views' (2011) 33(4) *Children and Youth Services Review*, pp. 515–20; F. BELL, 'Barriers to empowering children in private family law proceedings' (2016) 30(3) *International Journal of Law, Policy and the Family*, pp. 225–47.

be stressful for children was mentioned most often by over half of the participants. Participants were hesitant about the cognitive development of children under the age of 12, as they worried these children may not be able to verbalize their opinion and oversee the consequences of their wishes. However, research on child development shows children are capable of having a meaningful conversation with an adult when they are in kindergarten (age four to six).¹⁷ Talking to a judge might be too far-fetched at this age because complex instructions or questions can be difficult for these children. At the age of eight, though, children's communication¹⁸ and reasoning skills have developed so much¹⁹ that a child hearing should be possible from that age.

In contrast to children under the age of 12, older children in principle are invited for a child hearing. Although our study showed that most of these children accept this invitation to talk with the judge, it also shows not all children seem to make use of this opportunity. Almost half of the judges who participated in our study mentioned children often do not respond to this invitation letter. Also, about a third of children indicated they did not respond to the court's invitation letter. These findings were surprising in light of other studies demonstrating that children want to participate in these cases.²⁰ In line with this assumption, children confirmed they experience stress in anticipation of a child hearing, mainly caused by a lack of information and not knowing what to expect. However, this was mentioned by children who had participated in a child hearing, so this factor was no reason *not* to participate. According to literature, loyalty conflicts could also form a barrier to participate.²¹ In line with this, some children in our study felt as if they had to choose between parents or feared giving a response that contradicted one of the parents' views. Given that children who did not participate in child hearings were more

- ¹⁷ N.E. HALL, S.A. WAGOVICH, and N. BERNSTEIN RATNER, 'Language considerations in developmental stuttering', in E. CONTURE and R. CURLEE (Eds.), *Stuttering and related disorders of fluency*, 3, Thieme, New York 2007, pp. 153–67.
- ¹⁸ D.A. BROWN, et al., 'Developmental differences in children's learning and use of forensic ground rules during an interview about an experienced event' (2019) 8 *Developmental Psychology*, pp. 1626–39.
- ¹⁹ A. DIAMOND, 'Biological and social influences on cognitive control processes dependent on pre-frontal cortex' (2011) 189 *Progression in Brain Research*, pp. 319–39.
- ²⁰ J. CASHMORE, 'Promoting the participation of children and young people in care' (2002) 26 *Child Abuse & Neglect*, afl.8, pp. 837–47; J. CASHMORE and P. PARKINSON, 'Children's participation in family law disputes: The views of children, parents, lawyers and counsellors' (2009) 82 *Family Matters*, pp. 15–21.
- ²¹ F. BELL, 'Barriers to empowering children in private family law proceedings' (2016) 30(3) *International Journal of Law, Policy and the Family*, pp. 225–47.

often involved in a divorce or custody rather than a child protection case, this factor could have been a barrier to participate. However, some of the young people in our study also mentioned that they simply did not feel the need to talk to the judge. In previous research this has been reported by children who are satisfied with post-divorce arrangements.²² Thus, it is also possible that cases in which there is no child hearing involve low levels of conflict. Finally, the professionals in our study stressed that children might not have responded to the court's invitation due to practical reasons, such as travelling or requesting the day off at school. Also, the procedure of receiving a letter from the court which children must answer and send back may not be very encouraging and is outdated: children nowadays are not used to sending letters in an envelope through a mailbox.

Regarding children's access to justice, we examined the extent to which children initiate proceedings. Our study showed this rarely happens, which confirms previous research.²³ When it occurred, it concerned the possibility to write an informal letter to the court in custody and divorce cases; however, judges rarely experienced children initiating formal proceedings. In line with previous studies,²⁴ our study showed children and parents had little knowledge of such possibilities.

3.2. CURRENT PRACTICES

In the Netherlands, children are directly heard via a child hearing with a judge talking to a child, which differs from countries in which other professionals may speak to children and report the child's voice to the judge, in other words: an indirect mode of child participation.²⁵ In our

²² V.M. SMITS, *Participatie van het kind bij het ouderschapsplan*, Maklu Uitgevers, Apeldoorn/Antwerpen 2015.

²³ M.H.L. VAN DEN HOOGEN and P.J. MONTANUS, 'Hoe staat het anno 2017 met de informele rechtsingang?', *FJR* 2017/62, afl. 11, pp. 286–89.

²⁴ S.D. BLOCK, et al., 'Abused and neglected children in court: Knowledge and Attitudes' (2010) 34 *Child Abuse and Neglect*, No. 9, pp. 659–70; H. BOUMA, et al., 'Meaningful participation for children in the Dutch child protection system: A critical analysis of relevant provisions in policy documents' (2018) 79 *Child Abuse & Neglect*, pp. 279–92; U. KILKELLY, *Listening to children about justice: Report of the Council of Europe consultation with children on child-friendly justice*, Council of Europe, Strasbourg (2010); K. VAN HOORDE, et al., *Bouncing Back. The wellbeing of children in international child abduction cases*, European Union-funded research project Enhancing the Well-being of Children in Cases of International Child Abduction (eWELL) 2018.

²⁵ Indirect modes of participation are used for example in Australia, Canada, Scotland, England and Wales: C. MOL, Comparative analysis, above n. 12.

study, almost all professionals preferred judges talking to the children directly. Similarly, children want to see the judge who makes the decision with a great impact on their lives. In our study, only GALs felt judges could be more equipped to talk to children. This is not because they have doubts regarding judges' communication skills, which are positively evaluated by both professionals and children. For instance, almost all children felt taken seriously and agreed that judges made them feel comfortable and asked clear questions. Rather, the reason why GALs would prefer to talk with children themselves and report the child's voice to the judge concerns contextual factors. These professionals can schedule multiple appointments with children and take more time to talk with them than a judge, which can be beneficial in cases where children struggle with loyalty conflicts, for instance.

Children indeed confirmed child hearings are rather short. According to the judges in our study, the conversations last about 15 minutes, which is consistent with other studies,²⁶ just as the finding that the location can differ between cases.²⁷ About 40% of the judges in our study stated the conversation usually takes place in the courtroom. Although this is a very formal environment and therefore not the best choice to talk to children, judges explained there is not enough time to visit a separate room in between court proceedings. To save time, judges stay in the courtroom and often keep on their robe as well. This is especially true for child protection cases in which the child hearing immediately precedes the court hearing, which also decreases the available time for interviewing a child (sometimes not even more than five minutes as opposed to 15 minutes in family law proceedings).

It has been shown before that a formal setting can make children feel uncomfortable and cause stress.²⁸ About 60% of the judges in our study mentioned they *do* use a separate room to talk to children. This could be the council chamber, or an office reserved for child hearings. The latter is often considered a child-friendly location; however it must be noted children found the room 'boring'. Because the definition of a 'child-friendly location' can be quite subjective, we asked judges to describe the room reserved for child hearings. Of the judges who reported that the child hearing took place in a separate room, 70% indicated this room

²⁶ Above n. 14.

²⁷ Ibid.; A. VAN TRIEST, 'Het kinderverhoor in het ressort Den Bosch onder de loep' (2004) *FJR*, afl. 26, pp. 16–26.

²⁸ A. VAN TEIJLINGEN-POVER, 'De gerechtelijke procedure in jeugd- en familiezaken door de ogen van de kinderen' (2019) 2 *Trema*.

had colourful walls and posters, or other pictures. Only 30% indicated the room also included child-oriented attributes such as games, pencils, or stuffed animals. These judges were all from one specific court in the Netherlands, which also experimented with talking to children under the age of 12 and reported that this room made children feel at ease.²⁹ Not only do the participants in our study confirm such a child-friendly room makes it easier to talk to children, but so does the relevant literature on talking to children.³⁰ Children who feel safe are more inclined to speak their mind. Participants in our study mentioned that being able to bring a trusted third person to the hearing could also help children feel comfortable; however, their influence may have negative effects. In current practice, children are not supported by any third person during a child hearing.

3.3. ASPECTS FOR IMPROVEMENT

Both the duration and location of the child hearing are mentioned as aspects that could be improved, and the lack of information was also mentioned repeatedly. As reported before, some children experienced stress because they did not know what to expect. Proper age-related information seems to be lacking, and most of the parents mentioned children need help understanding the invitation letter for a child hearing. Furthermore, children rarely receive information about the judge's decision. In some cases, it is possible for judges to talk directly to children and explain the decision. However, in family law cases the court's ruling does not immediately follow the child hearing. In these cases, judges rely on parents to inform children, yet children would prefer to receive information directly from the court. In this light, some courts in the Netherlands have experimented with child-friendly judgments and with writing a separate recital in the judgment specifically addressed to the child.³¹ However it has been suggested that 'simplifying' a court judgment could be challenging for the precision of the decision and that it could also be wise to inform children through a third party who 'translates' the decision.³² Our study

²⁹ These judges were all from the Amsterdam District Court.

³⁰ M.F. DELFOS, *Luister je wel naar mij? Gespreksvoering met kinderen tussen vier en twaalf jaar oud*, SWP Uitgeverij, Amsterdam 2009; above n. 28.

³¹ Above n. 23; T. LIEFAARD and S.E. RAP, 'Hoezo kindvriendelijk? Over "child-friendly justice" ter bevordering van effectieve participatie van kinderen in juridische procedures en besluitvorming' (2018) 41(6) *FJR*, pp. 180–86.

³² J.H. LIEBER, 'De rechter en de taal van het kind' (2018) 41(6) *FJR*, pp. 172–79.

showed such an alternative finds support among judges. Also, other research has demonstrated children support this as well.³³

Importantly, participants in our study also suggested to lower the age limit regarding child hearings. About half of the professionals in our study favoured such a change because they felt children under the age of 12 should also be given the opportunity to express their opinion on the matter. As a new age limit, the age of eight was preferred by a majority of professionals and children. Thus, children between eight and 12 years of age would then be given the opportunity to be heard.

4. CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

The findings of our study lead to the conclusion that the right to be heard, the formal procedural position, and context factors for effective participation in Dutch family and child protection proceedings need adjustment.³⁴ Young people should be taken more seriously in family and child protection proceedings and their possibilities to effectively participate need to be improved, and age limits should leave space for younger children to have the opportunity to be heard.

4.1. THE RIGHT TO BE HEARD

In the Netherlands, an age limit of 12 years is used in legislation for children to be invited to be heard in court. Still, according to the Dutch Code of Civil Procedure, children younger than 12 years could be invited for a child hearing by the discretionary power of the judge. In practice, the age limit of 12 years is not very flexible and younger children are hardly heard in court. This conclusion does not align with the child's right to be

³³ R. FITZGERALD and A. GRAHAM, 'Something Amazing I Guess: Children's Views on Having a Say About Supervised Contact' (2011) 64 *Australian Social Work*, pp. 487–501.

³⁴ This contribution presents some findings of our research report in which we also analyzed relevant international human rights standards. A literature study was conducted with insights from pedagogical sciences and neuropsychology in order to answer to what extent children are able to participate in family and child protection proceedings. The recommendations that are presented here stem partly from this research report (above n. 6).

heard and the interpretative statements of the Committee on the Rights of the Child. Furthermore, this conclusion does not match with current pedagogical and psychological insights underscoring younger children's communication and reasoning skills and ability to talk to a judge.

Based on our research findings, we recommend the age limit is lowered and that children from the age of eight are invited for a child hearing. In addition, the possibility for children between four to eight years to talk to a judge in family and child protection proceedings is worth exploring. This young group of children should be given the opportunity to be heard both indirectly and directly with the support of a GAL who is responsible for the provision of information before and during the child hearing. After the hearing the GAL should explain the court decision to the child.

Furthermore, the importance of a supporter for the child before, during, and after the child hearing has become clear. The possibility for a child of taking a GAL or other third party to the child hearing should become standard practice, or at least this possibility should be offered in advance.

4.2. LOCUS STANDI

With regard to the formal procedural position, we recommend Dutch children from the age of 12 should receive party status and should have independent legal access in issues related to parentage, adoption, divorce, custody, access rights, and child protection. This recommendation implies that they should be able to initiate such proceedings independently and should also be authorized to autonomously appeal a judgment. Children from 12 to 18 years of age should be competent in litigation with regard to the aforementioned subjects and should have locus standi. Children aged 12 years and older competent to express their views and who want to initiate proceedings should be represented by a lawyer. This lawyer represents the child's wishes and opinions, and also has the task of carefully informing the child about the legal proceedings.

4.3. CONTEXT FACTORS FOR EFFECTIVE PARTICIPATION

Over the last decade, important steps have been made in the Netherlands to improve children's participation in family and child protection proceedings. Child hearings have been developed and children appreciate how judges

talk to them and take them seriously. In order to guarantee effective participation of children in family and child protection proceedings it is not only important that children younger than 12 years of age be taken more seriously, but it is also necessary to further improve context factors.

First, we recommend further research into what exactly is meant by 'child-friendly', partly from the point of view of different stages of development of children and youngsters with corresponding different needs with regard to child-friendly proceedings. A 'child-friendly' environment for a 16-year-old, for example, can differ from a 'child-friendly' environment for four-year-olds or for eight-year-olds. Continuous attention should also be paid to effectively inform children of their rights with regard to family and child protection proceedings. Children must also be better informed prior to the hearing about the content of the proceedings and the general course of affairs at the court.

We propose the court summons children in a child-friendly manner; further investigation would be desirable for more modern alternatives to the invitation letter from the court. We suggest introducing child-friendly waiting rooms and meeting rooms in court. More attention should be paid in this context to avoid unwelcome encounters between children and other involved parties in court proceedings.

Furthermore, sufficient time should be available for a conversation between a child and a judge; this means that investments are necessary to further improve child hearings. Continuous attention is also needed for permanent professional training for judges who hear children in court. In every court ruling concerning family or child protection decisions, it must be made transparent how the opinion of the child has influenced the court decision. Finally, child-friendly case-law – for example, by way of writing a separate recital in the judgment or the writing of an entire judgment in child-friendly language – should be encouraged.