



IA CHILD



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LAW INSTITUTE
OF LITHUANIA

Implementation of Individual assessment in accordance with Directive 2016/800: Legal and practical issues

**PROCEDURAL SAFEGUARDS OF ACCUSED OR SUSPECTED CHILDREN:
IMPROVING THE IMPLEMENTATION OF THE RIGHT TO INDIVIDUAL
ASSESSMENT**

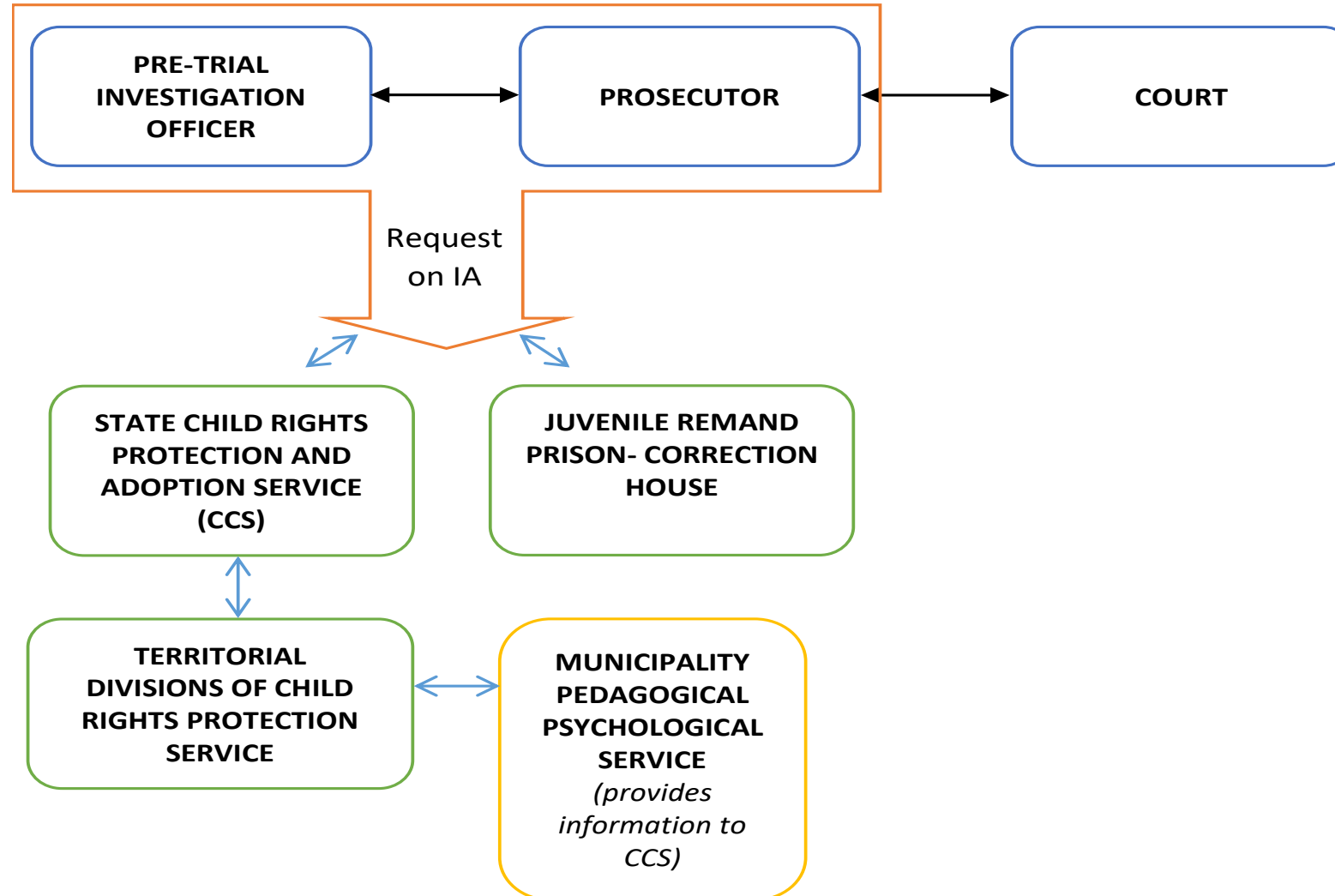
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Objectives:

- Process of individual assessment (scheme);
- Strengths and challenges of IA process (identified during the interviews);
- Final form (results) of IA used by practitioners.

Process of IA



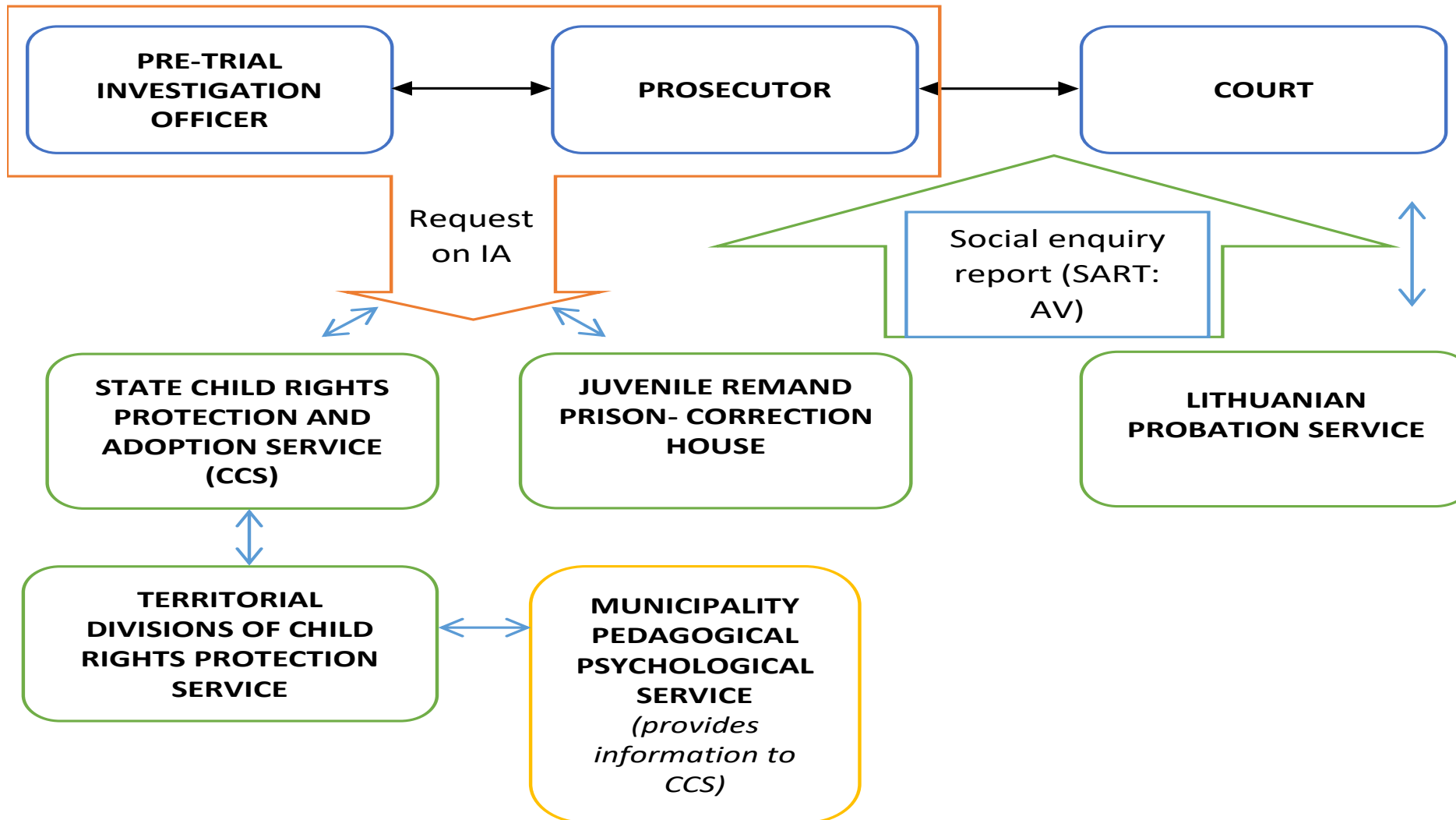
Advantages

- Unified and explicitly regulated, systematized form of data collection in criminal proceedings;
- The obligation to provide data in particular form in every case of suspected or accused minor will be executed by the State Child Rights Protection and Adoption Service;
- The obligation to include data from Municipal Pedagogical Psychological Service (only in cases when the assessment of minor provided by Municipal Pedagogical Psychological Service is already done) is also seen as an improvement of minor assessment procedure.

Disadvantages

- IA would reflect only one objective, which aim is to assess economic, social and family circumstances;
- Based on their functions and competences, specialists of Child Rights Protection and Adoption Service will be able to provide data that is mostly related to the actual information of a minor;
- Personality and maturity of a child will not be assessed or will be assessed only in part after the Pedagogical-Psychological Service provides a conclusion about peculiarities of personal development of a child, exclusively related to participation in the educational process;
- Data collected by various institutions should be summarised by providing an expert conclusion. An IA of suspected or accused minor without the submitted conclusion will be equal to the descriptive data, which was collected until now.





Opportunities/ recommendations

- The experts emphasised the need for more intensive involvement of psychologists and significance of the involvement of probation officers;
- Lithuanian Probation Service involvement in the procedure of individual assessment is essential because they, having the instrument assessing dangers and strengths of a minor, could significantly contribute to the determination of objectives, set out in the Directive, the scope of criminal liability and proper selection of a relevant sanction or educational measure.
- Teamwork of different institutions, as well as collection, provision and final generalisation of versatile information, is crucial ensuring the quality of individual assessment.

FORM OF INDIVIDUAL ASSESMENT	SOCIAL ENQUIRY REPORT
I PART: INFORMATION ABOUT THE CHILD	I PART: GENERAL INFORMATION
1.1. Name, Surname	1. The author of the social enquiry report:
1.2. Data of birth	1.1. Name and surname:
1.3. The actual place of residence (address to be provided);	1.2. Education, specialty and qualification:
1.4. Information on who the child lives with;	2. Object of assessment (accused / convicted person):
1.5. Information relevant to the child's physical / mental health relevant to the pre-trial investigation (eg physical or mental disability diagnosed; diagnosed behavioral and/or emotional disorders, etc.) (to be completed if it is available to the Territorial Unit).	2.1. Name and surname:
1.6. Assistance measures applied to the child (psychologist, social services, complex services, etc.).	2.2. Personal identification code or date of birth:
	3. The enquiry techniques and tools:
II PART: DATA ON THE CHILD'S PARENTS AND FAMILY	II PART: DATA OF ENQUIRY
2.1. parents of the child (names);	4. An accused person (offender) and his social environment:
2.2. data on parents (information known by the Territorial Unit or obtained during the family visit: place of work, profession, interpersonal relations, parenting and ability to care);	4.1. Offences:
2.3. whether the child's biological family was / is known for the violation of the rights of the child (if yes, briefly state the nature of the violation, whether the need for child and /or family assistance or child protection was identified;).	4.2. Accommodation:
2.4. whether and when preventive sanctions were applied to the family (warnings of the territorial, penalties under the Code of Administrative Offenses of the Republic of Lithuania, etc.);	4.3. Education, training and employability:
2.5. living conditions of the child and persons connected with the child emotionally: home environment, household conditions, economic, social and family circumstances, meeting the needs of the child, hobbies, relations with parents, other relatives, relations with friends, classmates, teachers. Information from family visits conducted by representative of the Territorial Unit (separate information from child and parents)	4.4. Financial management and income:
	4.5. Relationships:
III PART: DATA ON CUSTODY OF THE CHILD (TO BE FILLED IN IF THE CHILD HAS CUSTODY)	4.6. Lifestyle and associates:
3.1. information on child custody: date, type and form of custody determination, basis for custody determination;	4.7. Substance abuse:
3.2. information about the guardian (guardian) if the child is under guardianship (curatorship):	4.8. Emotional well-being:
3.2.1. in the family: name and surname of the guardian (caregiver), kinship with the child being cared for, experience of caring (caring) (from when the child is cared for);	4.9. Thinking and behaviour:
3.2.2. in the family: the name of the family, the number of members in the family, the number of children raised in the family, the custody experience (since when has the child (s) been cared for);	4.10. Attitudes:

3.2.3. in a child care institution or community orphanage: name of the institution, number of children under guardianship (curatorship), experience of guardianship (curatorship) (since when has the child (s) been cared for);	5. (in a case of parole- release consideration) The behavior of an offender during his imprisonment, the implementation of measures provided in the individualized social rehabilitation plan, participation in the correctional programs, the performance of the parents' duties, foreseen in the Civil Code of the Republic of Lithuania:
3.2.4. care center: name and surname of the guardian on duty, experience of guardianship (from when the child (ren) is cared for, how many children live in the family of the guardian;	5.1. The behavior of an offender during his imprisonment:
3.3. the relationship of the guardian (caregiver) with the child under guardianship, the ability to ensure the child's needs are met, the relationship of the foster child with other children growing up in the family, family or child care institution and professionals working;	5.2. The measures provided in the individualized social rehabilitation plan and their implementation, participation in the correctional programs, the outcomes of those measures and programs:
3.4. information about the living conditions of the child under custody and persons related to the child's emotional relationship: home environment, living conditions, economic, social and family circumstances of the guardian (caregiver), meeting the child's needs, hobbies, relationship with biological parents, close relatives, relationships with friends, classmates, teachers (information provided by a representative of the Territorial Unit when visiting a foster family, family, or child care institution (separate information provided by the foster child and the guardian);	5.3. The performance of the parents' duties, foreseen in the Civil Code of the Republic of Lithuania:
3.5. ability of the guardian (caregiver) to cooperate with the territorial unit, the child's education institution, social workers, etc.	6. Other significant data:
IV PART OTHER IMPORTANT INFORMATION OBTAINED DURING THE VISIT TO THE CHILD'S ACTUAL PLACE OF RESIDENCE OR IN THE CHILD'S FILE, ADDITIONAL DOCUMENTS.	III PART CONCLUSION
	7. The results of risk of offending assessment and criminogenic needs:
	7.1. The results of risk of offending (low (0-40 score), medium (41-99 score), high (100-168 score)):
	7.2. Criminogenic needs:
	8. The reasoned opinion on the individualization of probation conditions:
	8.1. Recommended conditions of probation:
	8.2. The motives of recommendations:
(Position name) (Signature) (Name and surname)	(Position name) (Signature) (Name and surname)

