

Spain opens new laws on protection of minors

Especially fighting against child abuse

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USPA NEWS - Spain Tuesday released new laws on child protection, trying to strengthen the fight against child abuse and poverty, and government actions make subject to the interests of minors. The innovations that are incorporated into Spanish law were the result of a long and careful process of dialogue.

Dialogue with social organizations, with the regions and with the parliamentary groups, to the extent that they have accepted several amendments to various parliamentary groups to consolidate a project that, for the Minister of Health, Social Services and Equality, Alfonso Alonso, is most important in social terms they have been conducted in recent years. The minister, in the House of Representatives, following approval project by the Lower House, recognized the value of shared work.

Thanks to the new legislation, the prevalence of interests of the child will tour the Spanish legal system, so it will be a guiding principle of public authorities, and further impact studies will be established in childhood and the families of the rules which are approved. Strengthening the protection of children in situations of domestic violence and sexual abuse and ill-treatment also highlights and underlines the attention and assistance to minors more vulnerable groups such as migrant children or children with disabilities.

In fact, the first is they recognize the same rights and access to social benefits in the same conditions as Spanish children, as if attends the need to determine the age, guarantees settle for rights and integrity of these children are not injured. As for children with disabilities, access to the necessary materials and services is defined and environments, with appropriate adjustments to be carried out. The specialized schools or centers for minors with behavioral support is one aspect that stands out in the new legislation.

34,300 foster care children

In Spain there are more than 34,300 children in foster care or saved by the administrations. Since the new legislation committed family solutions, processes of refuge, so that the intervention of the judge is not required they are streamlined; a new classification of foster care, including emergency foster care for children under 6 years concrete; it will be improved if there are several brothers who are in a position of being welcomed, stay together; and the Statute Cosy is created, with its rights and duties. Within the residential care, the first legislation regulating centers for children with behavioral problems, while he will provide each child an individual protection plan revised every 3 or 6 months.

The adoption process is also faster and new figures are incorporated in the child adopted, including the right to know their origins (which is extrapolated the child in foster care), custody for adoption (the child and the family declared ideal to start living together before the judge intends to adopt, and thus can prevent the child or the child passes a center) or open adoption, which is that the child maintain contact with their biological family always and when there is agreement about the adoptive family. In addition, factors suitability of the adopters are regulated and the process to be followed by mothers who give their children up for adoption, reducing delays and paperwork easier.

The international adoption procedures, moreover, depend on the general administration of the State in which it relates to authorizations, while the brokerage will be provided by prior accredited bodies approval of the reports of the Regional and the General Administration. Moreover, the performance of public authorities to prevent situations of abuse and violence in all areas becomes, with this new law, general principle and priority of its scope.

So, against gender violence, minors are considered direct victims because of their inclusion as such in Article 1 of the Law on Domestic Violence in 2004. It is one of the most important tournaments of the Ministry of Health Services Social Affairs and Equal sight data orphaned and children killed every year. Another transcendental aspects of the new law is to promote that minors are always with their mothers.

In this line, the obligation is checked by the judges to order preventive measures to protect the child, whereas before it was done at the

request of the Prosecutor or the representation of the mother. It also urges judges to rule on the ban on approach or termination of parental rights, custody or visitation suspension, stay or communication of the accused parent with the lowest homeland. If you do not opt for such suspension, the judge will have to determine precisely how it develops, and be set up an evaluation mechanism in order to ensure that communication does not cause harmful effects on the child. Is extended, moreover, the orphan's pension they receive children, because from now on they will have access to the full board.

The new legislation protecting children and adolescents envisages the creation of a Sex Offender Registry, in which the Government is preparing to implement the Lanzarote Convention (Council of Europe) signed in 2010. Unlike other countries such as France and UK, which already have it, Spain for finalization in the near future. The information contained in the Register will be shared with other signatory states of the Convention to strengthen prevention and action against such crimes. Similarly, the obligation to inform the prosecution of any situation of child abuse, because to do so could lead to the raid a crime of omission noted.

An essential element of the legislation passes that poverty will not be factor to take into account in establishing the helplessness, which is especially gird to child abuse situations. Amending the Law of Large Families stresses to avoid losing the title until the last child reaches the age of 21, or 26 if they are studying. Moreover, the new law establishes common criteria for coverage, quality and accessibility of the application of that rule in Spain, and happen so, for example, in the homogeneous definition of the criteria for assessing foster families or elements making up the adoption procedure. The residence reception centers have a common quality standards.

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