

The interaction of procedural rules and fundamental rights in child protection cases

For the past years I have been researching the interaction of procedural rules and fundamental rights in child protection cases, focusing on out of home placements and estimate to hand in my thesis in the fall of 2018. I have been examining both which rules apply in those cases and more importantly if the implementation is in accordance with the law. I therefore conducted an empirical study where I examined out of home placements in the years 2010 – 2012, both with and without consent. The data consists of court judgements as well as documents from child protection committees. My thesis seeks to answer the following questions:

What is the importance of procedural rules in administrative law in child protection cases and what impact do the fundamental rules of a child's right to protection and care and the right to respect for private and family life have on their importance?

- a. Are child protection cases conducted in accordance with the procedural rules?
- b. If deviations from procedural rules are made is it done with the purpose to protect other fundamental rights that are deemed more important?
- c. Do infringements of procedural rules lead to infringements of fundamental rights and if so which rights and against which individuals (parents and/or children)?

In my presentation I will present preliminary findings of research and my conclusions.

Heiða Björg Pálmadóttir
PhD student Reykjavík University School of Law.