

CHECKLIST

FACTORS THAT DETERMINE A CHILD'S BEST INTERESTS

All factors listed below are of relevance when determining which among the available options is in the child's best interests, including identifying the follow-up measures required. The weight of each factor inevitably varies according to the individual child. Advice on the difficult task of balancing these factors is provided in Chapter 5 of the Guidelines.

VIEWS OF THE CHILD

- Child's wishes and feelings and were these obtained from the child directly
- The weight to be given to them, in light of the child's age and maturity;
- Child's ability to comprehend and assess the implications of the various options.

SAFE ENVIRONMENT

- Safety is normally a priority. Exposure or likely exposure to severe harm usually outweighs other factors. Consider:
 - safety in the geographical location/household under consideration
 - availability of life-saving medical treatment for sick children
 - past harm (frequency, patterns, trends)
 - ability to monitor
 - whether root causes of past harm still persist.

FAMILY AND CLOSE RELATIONSHIPS

a) General factors:

- Quality and duration of the relationship and degree of attachment of the child to:
 - siblings
 - other family members
 - other adults or children in the cultural community any potential care-giver;
- Potential effect of separation from family or change in care-givers on the child;
- Capacity of current and potential future care-givers to care for the child;
- Views of persons close to the child, where relevant.

b) Factors specifically relevant to durable solutions for unaccompanied or separated children:

- Possibility of family reunification (normally presumed to be in the best interests). Consider whether:
 - tracing has been initiated and its results
 - the efforts made to contact the parents/family directly the family relationship to the child has been verified
 - the child and family member are willing to be reunited and, if not, reasons for any reluctance.

c) Factors specifically relevant to temporary care arrangements: Retention of family and sibling relationships;

- Prospects for care in a family setting;
- Prospects of using community care systems (provided they are safe and effective).

d) Factors specifically relevant to separation of a child from parents against their will (normally strongly discouraged):

- The views of both and the weight to be attached to them;

- Quality of the relationship between the child and parents and likely effect of separation;
- Capacity of parents to care for the child;
- Capacity of extended family members to care for the child;
- Considerations of proportionality in cases involving removal from family. Consider:
 - options for addressing problems in a less intrusive way
 - maintaining a minimal continuity of contact (e.g. under supervision)
 - separation for the shortest duration and early deadline for review;
- Access rights.

DEVELOPMENT AND IDENTITY NEEDS

- The child's cultural and community network;
- Continuity in the child's ethnic, religious, cultural and linguistic background;
- Specific considerations based on age, sex, ability, and other characteristics of the child;
- Particular physical or emotional needs;
- Physical and mental health considerations;
- Educational needs;
- Prospects for successful transition to adulthood (employment, marriage, own family).