



Youth care in the Netherlands

The Youth Care Act

International Publication Series Health, Welfare and Sport no. 21

Ministry of Health, Welfare and Sport

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This series provides information on Netherlands policy specifically relating to the Health, Welfare and Sport sectors. In addition, the series reproduces the full text of relevant Acts. The target groups are the counterparts of the Ministry of Health, Welfare and Sport in other countries, international organizations, embassies of the Kingdom of the Netherlands abroad, foreign embassies in the Netherlands, researchers and other experts.

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Part I Introduction

1 Why has the Youth Care Act been introduced?

Background to the new law

The Youth Care Act is an important step towards a more client-centred, coherent approach to youth care. The foundations of the new law date back to 1994, when the government passed a policy document entitled *The Management of Youth Care (Regie in de jeugdzorg)*. In this document, the government said that in each province there should be a single point of access to the youth care system: the youth care agency. Organising things this way would mean that parents and young people would know where to go in the event of serious development or parenting problems.

Between 1994 and 1998, the authorities accordingly began setting up youth care agency throughout the Netherlands. In 1998, the decision was taken to provide the system with a formal basis in law by passing a new act of parliament to replace the Youth Assistance Act. In close consultation with the relevant stakeholders, a policy framework was drawn up for the new law. The new law – the Youth Care Act – came into force on 1 January 2005.

What is youth care?

The youth care system covers all forms of care available to parents and children to help with serious development and parenting problems. Youth care may take the form of support within the family or in another setting, such as a youth care institute. The provision of care may involve a few hours a week for a few months, or it may be better for the young person to spend a brief or prolonged period living away from the family home, in the care of an institute or a foster family. Funding for these very different forms of care comes from various sources; not all the money is provided in the context of the Youth Care Act. Youth care includes:

- Care funded by the provincial authorities in the context Youth Care Act (previously known as ‘youth assistance’)
- Mental healthcare for young people, paid for through the Exceptional Medical Expenses Act
- Specific care for young people with minor mental handicaps, also provided under the Exceptional Medical Expenses Act
- Civil detention in special centres, funded in the context of the Youth Detention Centres Act

Who is youth care for?

It is important to be clear about whom the youth care provided under the new

law is aimed at. Youth care is for young people up to the age of eighteen who are going through serious development and parenting problems and who cannot be helped through the *general* systems that provide education, healthcare and social support. Care can also be provided for young people up to the age of twenty-three if a youth care agency believes it is necessary to continue supporting a young person who has had development and parenting problems. Support is made available not only to young people, but also to the parents or guardians of youngsters who go through development and parenting problems. Such help is not made available as a matter of course: the authorities also look at what the family and those around the young person can do to help sort out his or her problems. A relatively minor problem can be very disturbing within a family that is not in a position to cope. On the other hand, a resilient family can deal with quite serious problems provided that appropriate support is given by others. So, when considering whether help should be provided under the Act, a youth care agency takes account of what the family and those around it are able to do.

Basic principles

The Youth Care Act has two aims: to ensure that better care is made available to young people and their parents (the clients of the youth care process) and to strengthen their position. The client is at the centre of a more transparent, simpler system for youth care. This principle is reflected in five policy objectives. These are:

1 The needs of the client come first

In the past, youth care was organised around what was available from individual institutes and organisations. However, the Youth Care Act takes the needs of the client as its starting point. So young people are more likely to receive appropriate care.

2 Entitlement to youth care

The Youth Care Act has introduced an important new principle: a young person is now entitled to the care that a youth care agency says is necessary. Furthermore, the care that is provided has to satisfy certain conditions. For example, it has to be provided in good time and it has to be appropriate for the client.

3 A single, recognisable access point to the youth care system

Before the new law was passed, various bodies were involved in assessing requests for assistance. As a result, parents and young people with problems were often unsure where to go for help. Also, in many cases, the individual bodies involved in assessment referred people on only to other parties within the

same sector. Consequently, young people did not always receive the most appropriate support. It was to overcome these problems that the government decided to create the independent youth care agencies. Each agency now acts as the single access point in its area for all youth care and has sole responsibility for independently assessing the needs of people who present themselves with problems.

4 Integration of child abuse and neglect reporting and consultancy, (family) guardianship and the youth resettlement within the youth care agency

The youth care agency is not only there to respond when parents and young people ask for help; it also has the job of protecting young people who do not or cannot ask for help. Guardianship, family guardianship and youth resettlement are now responsibilities of the youth care agency. The Advice and Reporting Centre for Child Abuse and Neglect (AMK) is also part of the agency.

5 Introduction of family coaching

The Youth Care Act regulates the provision of family coaching. A family with a number of problems (e.g. debt, addiction and parenting problems) is often surrounded by care providers. In such circumstances, people can sometimes lose an overview of their own situation. There is also a danger that the organisations providing care may be unaware of each other's roles and uncertain who is responsible for what, leading to a lack of coordination. The family coach has the job of ensuring that the various forms of care are harmonised and supporting the family as necessary. The youth care agency assigns family coaches to families with serious development and parenting problems. In other situations, coaches are assigned by the municipalities.

2 Responsibilities

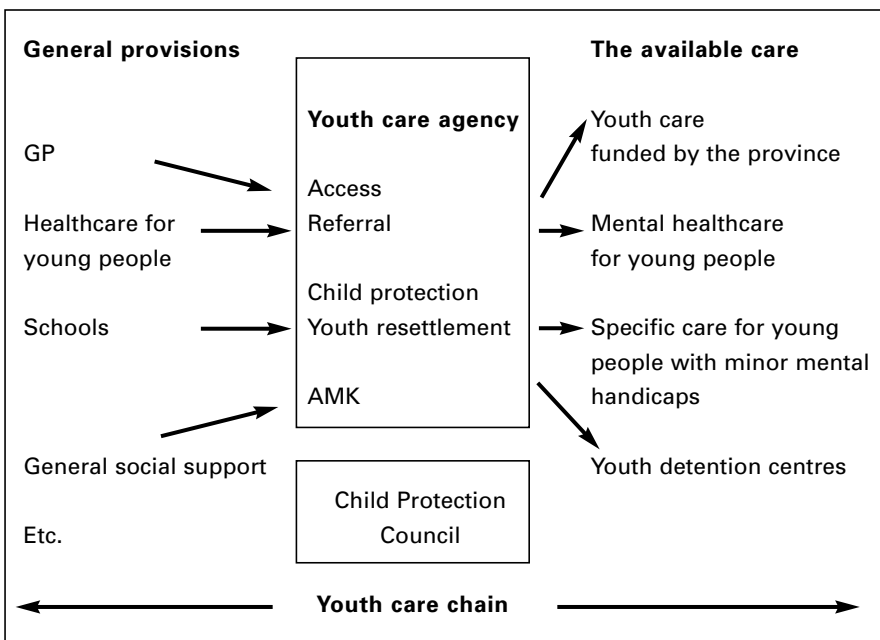
Role of the youth care agencies in the care chain

The care that a young person receives is provided via a chain with various links. Primary responsibility for a child's upbringing lies with the parents. They are supported by general organisations, such as schools and clinics, whose staff seek to help the parents create a suitable environment for their children to grow up in. If serious problems nevertheless arise, the parents can turn to a youth care agency for help. The agency assesses a request for help and decides whether care is required (or 'indicated'). The youth care agency refers clients for:

- Care funded by the provincial authorities (previously 'youth assistance')
- Mental healthcare for young people
- Civil detention
- Long-term care for young people with minor disabilities

The care is then provided by a care provider.

The youth care chain



The following parties are responsible for the links in the chain:

Municipalities

The municipalities' tasks are prevention and problem identification. They work with the general support organisations to try and stop serious development and

parenting problems arising and to pick up those that do occur as early as possible. The municipalities direct local youth policy, although they are not responsible for the general service providers in all cases. More information about the role of the municipalities is given in section 3.

The provinces and major urban regions

The twelve provinces and three major urban regions (Amsterdam, Rotterdam and The Hague) are responsible for the youth care agencies and for ensuring the availability of the care that people are entitled to under the Youth Care Act. To enable them to perform this role, the national government provides them with funds in the form of two special-purpose grants: one for the provision of care and one for maintenance of the youth care agency. The special-purpose grant for the youth care agency is supplemented by funds from the Ministry of Justice to cover youth protection and youth resettlement activities. In addition, the provinces receive money from health insurers to cover the cost of providing mental healthcare to young people for whom it is indicated.

The health insurers

Mental healthcare for young people and specific care for young people with minor mental handicaps is paid for through the framework of the Exceptional Medical Expenses Act. Under this Act, it is not the provinces but the health insurers who are responsible. (This series of publications includes an English-language booklet explaining the Exceptional Medical Expenses Act.)

The national government

The national government (in the form of the Ministry of Health, Welfare and Sport and the Ministry of Justice) is ultimately responsible for the youth care system as a whole. The government passes laws and regulations, defines the basic policy principles and makes funds available. The state also provides supervision (see section 4). Finally, youth detention centres are under the direct control of the Minister of Justice. The Youth Detention Centres (Principles) Act defines the duties and responsibilities of such establishments.

Coordination in the care chain

One of the main aims of the Youth Care Act is to ensure coordination within the care chain. The provincial authorities are responsible for coordination. As such, every four years they are required to produce a provincial policy framework; they do so in close consultation with the other actors in the chain, using the national policy framework as the starting point. The provincial policy framework has to be approved by the central government before it can be formally adopted by the provincial authorities. However, the province does

supply the central government with the information on which its national policy framework is based.

The provincial policy framework outlines the policy that the province's youth care agency is to follow in the years ahead. It also describes in broad lines the care that is available and the anticipated pattern of demand. The document is compiled on the basis of data from the youth care agency, the municipalities, the health insurers, the Ministry of Justice, the care providers in the province and the Child Protection Council.

Each province has to maintain regular contact with the health insurers and the municipalities in order to ensure proper coordination across the sector. Hence, the provincial policy framework also describes the activities of the municipalities, the youth detention centres and mental healthcare providers catering for young people. In addition, the province has to produce an annual implementation programme. When the provincial policy framework and the implementation programme are being drawn up, clients' organisations are given the opportunity to provide input.

3 What does the new law mean for ...?

The position of the client

The client's position has been strengthened by the creation of a legal entitlement to care. If a youth care agency concludes that a client is in need of care, this fact is formally recorded in a referral document. Once a client has been formally referred for care in this way, he or she has a right to the relevant form of care. The province therefore has to make sure that such care is actually available. If the youth care agency concludes that a client needs a form of care covered by the Exceptional Medical Expenses Act, the client's health insurer is obliged to arrange the care at the client's request.

Like care providers, youth care agencies are required to provide every client with access to an independent confidant. The confidant's role is to give the client advice and support. Furthermore, each youth care agency and each care provider needs to have a complaints procedure and a complaints committee with the power to investigate the grievances of clients who feel they have been unfairly treated or who are unhappy with the outcome of the assessment process. In addition, clients have more say in framing youth care policy: the new law requires both the national government and the provinces to consult clients' organisations when developing their policies.

The youth care agencies and care providers are required to have clients' councils. One for each institute is sufficient, however: it is not necessary to have a separate council for each discipline or field of activity. The clients' councils are there to look after clients' interests in general. They are able to advise on current affairs involving care providers and youth care agencies.

Referral

An application for care has to be made to a youth care agency before the young person in question is eighteen years old. The agencies cannot proceed with requests relating to anyone older. Under the new system, an agency that has received a request has to carefully assess whatever problems the applicant may have; where appropriate the agency can then refer a client for care. When assessing a case, the agency has to consult the young person and his or her parents. The agency and the client family discuss the situation and the client's care needs. Account has to be taken of the religious or moral convictions of the individuals concerned, and of their cultural background. Once an appropriate course of action has been decided upon, the youth care agency has to help the client to obtain the care he or she needs.

The provision of assistance

If a client is referred for care, the care provider produces an assistance plan. This plan helps to define the relationship between the provider and the client. Both the young person in question and his or her parents have to be involved in the plan's development. So they know what to expect, and what is expected of them. A client has the right to see his or her care records. The care described in an assistance plan cannot be provided without the consent of the client or – if he or she is under twelve or not competent to consent to treatment – the consent of a parent or guardian. If the client is at least twelve years old, but not yet sixteen, both the client and a parent or guardian have to give their consent. The only exception to this rule is where action is called for by a child protection agency. In such cases, consent is desirable but not a requirement.

The municipalities

The municipalities' approach to parenting, development and family support has improved considerably in recent years. They now have strategies for discouraging premature dropout from education, as well as the provision of healthcare and general social support for young people. The aim of municipal youth policy is to prevent parenting and development problems wherever possible. Where problems nevertheless occur, the municipalities are required to identify them and either provide assistance (in less serious cases) or refer the client to a youth care agency (in more serious cases).

Municipalities exercise administrative control over the general social support infrastructure. The general support agencies are best placed to provide prompt assistance or to detect the existence of problems in a child's environment. Children are in daily contact with general support agencies. People working for such organisations nevertheless sometimes need information or advice and can in some cases benefit from expertise enhancement. To this end, the youth care agency provides support by, for example, participating in schools networks.

Municipalities have a great deal of freedom to shape local youth policy, so that the particular situation in the area can be taken into account. With the arrival of the new Youth Care Act, the central government, the Association of Dutch Municipalities (VNG) and the Association of Provincial Authorities (IPO) have taken a good look at the duties of the municipalities in this field. So where do the boundaries lie? The following parenting, development and family support activities lie within in the municipal domain:

- Providing information about parenting and development to parents, children and young people

- Identifying problems involving institutes such as young people's healthcare and educational establishments
- Providing access to municipal and other facilities, making assessments and guiding clients to facilities by means of 'social maps' for parents, children, young people and people that make referrals
- Providing pedagogical assistance (advice and more straightforward forms of assistance), such as social support and coaching
- Coordinating local family coaching

From 2006, the government wants to regulate such activities through a new Social Support Act (WMO). In the meantime, the municipalities' responsibilities in this field derive from the Welfare Act.

The people that make referrals

Many people working in general social support agencies already refer cases to the youth care agencies if they think that intervention is required. However, the picture is inconsistent. In some cases, referrals are made directly to care providers. This situation should change under the new Youth Care Act. Forms of care covered by the Act can no longer be provided without a referral from the youth care agency.

The only exception is where a GP suspects that a young person has a serious psychological disorder requiring assistance from a specialist mental healthcare provider.

The youth care agencies as access points to the care system

Young people and their parents can approach a youth care agency of their own accord, if local agencies are unable to help them with their problems. The agency will then decide whether assistance is indicated.

The new law gives the youth care agencies a legal status. Each of the Netherlands' provinces and major urban regions will have an agency. To ensure easy access to the agencies, there will also be a number of field offices around each province. These dependencies will be able to undertake some or all of the tasks of the main provincial agencies.

Primary function of the youth care agency: referral

A youth care agency's most important job is assessing requests for assistance and deciding what kind of care or support (if any) is required. The client's needs are considered in their own right, rather than in the context of the available forms of youth care. In other words, the agency makes an independent decision about what is needed.

If the youth care agency concludes that the client is in need of care, a referral document is drawn up. This is a formal statement to the effect that a particular type of care is required. When assessing a case, a youth care agency will always consider whether family coaching is appropriate (chapter 1). As a rule, the agencies do not themselves provide assistance, except in cases where it is felt to be easier for the client if an agency provides necessary support that would normally be given by a local body. Under such circumstances, the agency may work with the client for up to six months, undertaking an average of five interviews. These interviews are conducted on the basis of Section 10 of the Act: *'the provision of youth care to which there is no entitlement'* (subsection 3, clause b).

The youth care agency has the power to decide that various forms of youth care are indicated (see chapter 2). The agencies therefore need to have expertise in several disciplines in order to make appropriate referrals.

Not all parents or young people with problems will approach a youth care agency of their own accord. Nevertheless, if a teacher or a local police officer alerts an agency to the fact that a young person is at risk of getting into serious problems, the agency will encourage the parents to accept help. If the parents or the young person decline help or prove uncooperative, the agency may consider seeking a child protection order. This involves referring the case to the Child Protection Council, which carries out a review and, if it agrees that an order would be appropriate, applies to a judge to issue the order.

The Advice and Reporting Centre for Child Abuse and Neglect (AMK)

The AMK is part of the youth care agency because, if suspected child abuse or neglect is reported, some form of care is normally required.

The AMK can be contacted seven days a week, twenty-four hours a day. The AMK can initiate contact with a family to establish whether abuse or neglect is occurring, whether assistance is required and whether the Child Protection Council should investigate the case. The AMK does not itself have the authority to assess the need for a child protection order; that is the Child Protection Council's responsibility. However, it is ultimately up to the courts to decide whether a child protection order should be issued.

The implementation of youth protection orders

If, in response to an application from the Child Protection Council, a family court issues a child protection order, it is then up to the youth care agency concerned to carry out the order. The new law passes all the powers and responsibilities

previously held by family guardianship institutes to the youth care agencies. Under the new system, independent guardianship and family guardianship institutes cease to exist, except for one whose job is to take care of child asylum-seekers.

The most common kind of child protection order is a supervision order. Under a supervision order, a guardian is appointed to supervise the young person and to aid and support the parents in bringing up the young person. This may involve the parents and the young person being given instructions that they have to follow. In some cases, however, it can be necessary to remove a child (temporarily or indefinitely) from the family home. If the parents are not prepared to cooperate with the removal of the child, a special additional order has to be issued by a family court.

When a supervision order has been issued, every effort is made to enable the parents to continue bringing up their child themselves. This is not always possible, however. Where circumstances require, a family court judge may – at the request of the Child Protection Council or occasionally in urgent cases of the Public Prosecutor’s Office – suspend or terminate parental custody of a child. The youth care agency is then normally made the child’s guardian. As such, the agency has full legal responsibility for bringing up the child.

Resettlement arrangements

Under the new Youth Care Act, the youth resettlement authorities have also been integrated into the youth care agencies. The role of the youth resettlement authorities is to help young people reintegrate into mainstream society; this sometimes involves a degree of legal compulsion.

The youth resettlement authority provides guidance and supervision in the context of juvenile criminal law.

The responsibilities of a resettlement officer at a youth care agency may include:

- Providing guidance and supervision as required by the Public Prosecutor’s Office or by a court when a young person has committed a criminal offence; this guidance and supervision may involve intensive structured supervision, with the resettlement officer working more closely with a smaller number of young people
- Providing supervision that a client voluntarily accepts following referral by the Child Protection Council in connection with a court case
- Ensuring that a young person receives social skills training where such training forms part of a sentence imposed by a court
- Supervising educational and training programmes

- Reporting to and advising the Child Protection Council, the courts and the Public Prosecutor's Office
- Providing follow-up care after a period of detention

The care providers

In the past, care providers were themselves responsible for deciding whether youth care was indicated, and what form of care was indicated. This is now the responsibility of the youth care agencies. Referrals made by the agencies are expressed in terms of 'functions'. In order to ensure that the care they make available is consistent with the agencies' referrals, care providers presently have to define their care provisions on a similar basis. Such an approach offers greater flexibility. Functions provide a better basis for the transition to more demand-led care attuned to clients' needs.

A care provider contracted by a province is now obliged to accept any client referred to it, unless the establishment is physically unable to accommodate the client. If an establishment has room for a client, it has a legal duty to provide the care that the client needs. If an establishment cannot accommodate a client, it is up to the province or the youth care agency to find a place for the individual elsewhere.

Assistance plan

The referral is the basis for the care provider's assistance plan. This plan identifies the problems and disorders for which the care provider is to provide help. An assistance plan has to describe the proposed assistance process and its aims and identify the evaluation points. Where a client is to receive care from more than one provider, the plan also has to state who has responsibility for coordination. Each client has only one assistance plan, even if several providers are involved in the provision of care. Once the client has agreed to the assistance plan, the care programme can begin.

The care provider liaises closely with the youth care agency regarding the start of the care programme, its progress and its completion. In addition, the provider supplies the agency with information for evaluation purposes. The youth care agency checks that an assistance plan is drawn up and makes sure that, if several care providers are involved, the various types of care are properly harmonised. The agency also monitors progress, deals with any questions the client may have and evaluates the outcome.

The youth detention centres

When referring a young person for care, a youth care agency may recommend that the individual concerned should be placed in a youth detention centre in the

context of a supervision or guardianship order. The main difference between a youth detention centre and any other kind of establishment caring for young people is that in a detention centre a young person's liberty is restricted. A detention centre is required to protect its inmates for their own good. A young person may be detained only by a court order. The Judicial Institutions Department at the Ministry of Justice decides which centre a young person will be sent to.

A young person can also be placed in a detention centre as punishment for a criminal offence. This is a separate procedure, that does not require any involvement by the youth care agency.

4 Supervision and enforcement

Under the new Youth Care Act, the youth care agencies and the care providers have a duty to maintain acceptable professional standards in their work. In this context, they have to produce annual reports containing information about the quality of their activities, the evaluation those activities and the improvements than can be made. The agencies also have to describe how they involve their clients in their quality policies. Each agency has to send copies of its annual report to the relevant provincial executive, the Youth Care Inspectorate and to the clients' organisations.

The Youth Care Inspectorate has the task of checking on the quality of the work done by the care providers and youth care agencies. The Inspectorate can perform checks of its own volition, at the request of a province or, if national information is required, at the request of the Ministry of Health, Welfare and Sport or the Ministry of Justice, or both. The Healthcare Inspectorate has traditionally supervised the provision of mental healthcare for young people and specific care for young people with minor mental handicaps.

The main change introduced by the new law is that the Youth Care Inspectorate will in future also be responsible for supervising the Child Protection Council. The Inspectorate is also being given the power to issue a written order if prompt official intervention is required in order to correct the way an organisation is operating.

Part II Text of the Youth Care Act, as of 1 January 2005

Act of 22 April 2004, regulating entitlement to, access to and funding of youth care (Youth Care Act)

We Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that it is desirable to create a legal entitlement to youth care (insofar as such entitlement does not already exist under the Exceptional Medical Expenses Act or the Youth Detention Centres Act), to establish a coherent system of youth care aligned with client needs, and to revise the arrangements for accessing and funding the forms of youth care to which entitlement exists under this Act;

We, therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

CHAPTER I GENERAL PROVISIONS

Section 1

In the context of this Act and the associated provisions, the following definitions apply:

- a. Our Ministers: Our Minister of Health, Welfare and Sport and Our Minister of Justice, together;
- b. young person: a person resident in the Netherlands, who:
 1. has yet to reach the age of majority,
 2. has reached the age of majority and who, as provided for in Article 77c of the Penal Code, has been sentenced in accordance with Articles 77g to 77gg, inclusive, of the Penal Code, or
 3. has reached the age of majority but has yet to reach the age of twenty-three years, and for whom it is necessary to continue a programme of youth care started before he or she reached the age of majority, or to begin a programme of youth care applied for pursuant to Section 7, subsection 1, before he or she reached the age of majority, or to resume a programme of youth care started before he or she reached the age of majority and ended within the last six months;
- c. youth care: support of and assistance for young people, their parents, step-parents or others who care for and bring up a young person as a family member, who encounter or are at risk of encountering development and parenting problems;

- d. client: a young person, his parent or stepparent or other person who cares for and brings up the young person as a member of his family;
- e. youth care agency: an agency as referred to in Section 4;
- f. foundation: a foundation that maintains a youth care agency;
- g. care provider: a natural person or the legal person that provides youth care to which entitlement exists under this Act;
- h. provider of care: a natural person or the legal person that provides care of a kind to which no entitlement exists under this Act;
- i. care unit: an organisational unit within which a care provider provides a distinct body of youth care;
- j. support function: the supply of activities in support of a foundation and of youth care to which entitlement exists under this Act;
- k. experiment: the development and practical testing of new and the refinement of existing methods, work forms or resources with a view to enhancing the functioning of youth care agencies and of the provision of youth care to which entitlement exists under this Act;
- l. inspectorate: the inspectorate referred to in Section 47;
- m. child abuse: any form of interaction that is violent or threatening towards a minor, whether physical, psychological or sexual in nature, which may be actively or passively imposed upon the minor by a parent or other person with whom the minor has a dependent or constraining relationship, and which causes or is liable to cause serious physical or psychological harm to the minor;
- n. provincial policy framework: the provincial youth care policy framework referred to in Section 31, subsection 1;
- o. implementation programme: the provincial programme referred to in Section 32, subsection 1;
- p. national policy framework: the national youth care policy framework referred to in Section 34, subsection 1;
- q. progress report: the youth care progress report referred to in Section 36, subsection 1;
- r. health insurer: a legal person as referred to in Section 1, subsection 1, clause b or c, of the Exceptional Medical Expenses Act, or any executive body as referred to in Section 1, subsection 1, clause e, of the said Act;
- s. parental contribution: the contribution referred to in Section 69;
- t. personal contribution: the contribution referred to in Section 70;
- u. foster parent: a person who, in the context of youth care provision, cares for and brings up a young person who is not his own child or step-child, as if that young person were a member of his family;
- v. personal data processing: the processing of personal data, as referred to in Section 1, clause b, of the Personal Data Protection Act;

- w. confidant: a person working for a legal person as referred to in Section 41, subsection 4, who, independent of the management and of persons in the service of a foundation or care provider, provides support at their request to clients of the youth care agency maintained by the foundation or of the care provider, in relation to matters associated with the duties performed by the foundation or matters associated with the youth care made available;
- x. National Parental Contribution Collection Office: the office referred to in Section 2, subsection 1, of the National Parental Contribution Collection Office Act.

Section 2

If a provincial executive has transferred its powers in relation to the performance of its duties in the field of youth care, as provided for in Section 20 of the Framework Act on Governmental Change, to the executive of a regional public body administering the cooperative region of which the municipality of Amsterdam, Rotterdam or The Hague forms a part, the cooperative region in question shall be deemed the equivalent of a province for the purposes of this Act.

CHAPTER II ENTITLEMENT TO YOUTH CARE

Section 3

1. Clients, other than aliens illegally resident in the Netherlands, are entitled to youth care. The nature, composition and extent of the youth care to which clients are entitled shall be defined by or pursuant to Order in Council. No entitlement exists under this Act to the youth care provided for in the Youth Detention Centres Act. In this section, the term 'alien' is used in the sense of the Aliens Act 2000.
2. The executive of the province in which a young person was permanently resident immediately before the provision of youth care began shall ensure that a client is able to exercise his entitlement to youth care as referred to in subsection 1.
3. A client is entitled to youth care pursuant to this Act only if the foundation active in the young person's province of permanent residence has formally referred the individual client for the care in question. Such a formal referral shall be deemed the equivalent of a court order made pursuant to Article 77s, clause 1, of the Penal Code providing for the detention of a convict elsewhere, a ruling made by the selection officer referred to in Section 16, subsection 3, of the Youth Detention Centres Act and a ruling made by the director, as referred to in Section 31 of the latter Act, imposing youth care to which

entitlement exists under this Act or making submission to such care a condition of the ruling.

4. If the foundation formally refers a young person for a form of care that involves removal from home for supervision, as referred to in Article 261 of Book 1 of the Civil Code, the referral shall not take effect until a family court has issued a supervision order, as referred to in the said article. If the application for such an order is denied, the foundation's referral shall be null and void. If the term of the supervision order is shorter than the period referred to in Section 6, subsection 1, clause c, the latter period shall be deemed equal to the term of the order.
5. Rules shall be laid down by Order in Council to regulate urgent situations, in which it is impractical to defer action pending the referral referred to in subsection 3. In such situations, the provisions of subsection 3 shall not apply.
6. A client may obtain youth care to which he is entitled under this Act only from a care provider subsidised to provide such care by the province.
7. Contrary to the provisions of subsection 6, a client may obtain youth care to which he is entitled under this Act from a care provider subsidised to provide such care by a province other than that which is responsible for ensuring that the client can make good his entitlement, if the client is referred for a form of youth care, which is available only from a care provider whose activities are sufficiently specialised that, or which needs to be provided in a ideological context such that, the target client group is too small for every province to be reasonably expected to subsidise the form of care in question. The executive of a province that does not subsidise a care provider of the kind referred to in the first sentence of this subsection shall be deemed to have fulfilled the duty described in subsection 2, if it enters into a written agreement with the province that does subsidise such a care provider. This contract shall at least regulate financial settlement between the provinces concerned.
8. Contrary to the provisions of subsection 1, first sentence, entitlements under this Act may be curtailed by or pursuant to Order in Council, if necessary contrary to the provisions of Section 11 of the Aliens Act 2000, for categories of alien legally resident in the Netherlands, as defined by or pursuant to the same Order in Council, in consideration of the nature, place or anticipated duration of their stay.
9. Contrary to the provisions of subsection 1, entitlements under this Act may be generally or selectively extended by or pursuant to Order in Council, if necessary contrary to the provisions of Section 10 of the Aliens Act 2000, to categories of alien illegally resident in the Netherlands, as defined by or pursuant to the same Order in Council. The extension of an entitlement in this way shall not imply any entitlement to legal residence.

Part 1. General

Section 4

1. A provincial executive shall ensure that one youth care agency is active in the province, being maintained by a foundation, as referred to in Article 285 of Book 2 of the Civil Code, which is subsidised by the province.
2. The aim of the said foundation shall be the maintenance of a youth care agency to undertake the activities for which the foundation is responsible under this Act. The foundation may have no aim beyond the maintenance of a youth care agency, other than the provision of youth care (other than care as referred to in Section 5, subsection 2), the provision of information and advice on development and parenting, and the answering of young people's questions regarding their legal position, if and insofar as the provincial executive approves of these aims. The provincial executive shall not approve of any such additional aim without first consulting the relevant municipal executive.
3. If the foundation is managed by the same persons who comprise the management of the youth care agency, the foundation's constitution shall provide for a supervisory board, whose members shall be charged with scrutinising the policies pursued by the management and supervising the foundation's general activities. The supervisory board shall have the power to appoint, suspend or dismiss members of the foundation's management board.
4. Members of the foundation's management board and supervisory board and managers of the agency shall be precluded from working for any natural or legal person that provides care, as referred to in Section 5, subsection 2, or holding any position concerned with the provision of such care with the relevant province, with a municipality within that province or with a health insurer. The foundation shall put in place safeguards to ensure the independence of the persons that perform the duties referred to in Section 5.
5. The provincial executive shall have the power to suspend or dismiss members of the foundation's management board or supervisory board, or to temporarily assume responsibility for the management of the youth care agency, if the foundation's proper fulfilment of its duties under this Act is threatened by the actions or omissions of the management board or supervisory board.

Part 2. Duties

Section 5

1. The foundation shall have a duty to assess whether a client requires care in connection with development, parenting or psychiatric problems, or in

connection with problems being experienced by someone who is not a young person, which potentially compromise a young person's unthreatened development.

2. The duty referred to in subsection 1 shall encompass determining whether the following are indicated for a client:
 - a. youth care to which entitlement exists under this Act,
 - b. care consisting of forms of mental healthcare for young people, as specified by Order in Council, to which entitlement exists under the Exceptional Medical Expenses Act,
 - c. care consisting of forms of care for young people with mental disabilities, as specified by Order in Council, to which entitlement exists under the Exceptional Medical Expenses Act, and
 - d. youth care to which entitlement exists under Section 11a of the Youth Detention Centres Act.
3. The foundation may perform its duty under subsection 1 either in response to a request from a client or on its own initiative.
4. Performance of the duty referred to in subsection 1 shall be guided by the principle that any care provided should be in the interest of a young person's unthreatened development and consistent with the client's needs. Hence, the level of intervention involved in such care shall not be greater than is necessary, the care shall be made available as close as practicable to the client's permanent place of residence and the duration of the care programme shall be as short as possible.
5. Contrary to the provisions of Section 8:7 of the General Administrative Law Act, the family court within whose jurisdiction the foundation is based shall be competent to hear appeals, as provided for in the latter act, against decisions made pursuant to Section 5, subsection 2, or Section 6, subsection 4.

Section 6

1. If the foundation decides that care, as referred to in Section 5, subsection 2, is indicated for a client, the foundation shall document its decision, in which context it shall at least:
 - a. describe the problems or potential problems relevant to the client's case, indicating their seriousness and possible causes;
 - b. specify the care required in connection with the problems described and state the aim of that care;
 - c. state the term of entitlement to the specified care;
 - d. state the period within which entitlement to the specified care must be exercised;
 - e. recommend one or more providers able to provide the specified care.

2. The document recording the foundation's decision shall state whether the coordination of different forms of care is necessary and, if so, who is best placed to provide such coordination.
3. On expiry of the term referred to in subsection 1, clause c, or if entitlement is not exercised within the term referred to in subsection 1, clause d, entitlement shall lapse.
4. Entitlement shall also cease if the foundation decides that the care referred to in Section 5, subsection 2, is no longer indicated for a client.
5. Detailed rules shall be laid down by or pursuant to Order in Council governing the content of the decision document referred to in subsection 1 and, if appropriate, the procedure for its generation and that of the document recording a decision as referred to in subsection 4.

Section 7

1. A decision as to whether care, as referred to in Section 5, subsection 2, is indicated for a client shall be made in response to a request from a client.
2. If the care in question is to be given to someone other than the person making the request, the request shall require the approval of the client to whom it relates.
3. If the request relates to a minor who is not yet twelve years old or who is at least twelve years old but not deemed capable of reasonably assessing his interests in relation to the matters at hand, the request shall require the approval not of the client to whom it relates, but of his legal representative.
4. If the request relates to a minor who is at least twelve years old but not yet sixteen years old, the request shall require the approval of the minor and his legal representative. If the legal representative declines to approve the request, the foundation may, contrary to the provisions of the first sentence, make a decision concerning the provision of care if the minor is deemed to be in need of care and continues to express an informed wish to receive such care.
5. Contrary to the provisions of subsection 2, the foundation may make a decision concerning the provision of care if requested to do so by the legal representative of a minor who is at least twelve years old but not yet sixteen years old, even though the minor declines to approve the request, if the minor is deemed to be in need of care.
6. Contrary to the provisions of subsection 1, the foundation may make a decision concerning the provision of care, without being requested to do so, if:
 - a. the provision of care is necessary for performance of the duties referred to in Section 10, subsection 1, clauses a to d, inclusive;
 - b. the decision relates to the subject's removal from home in the context of a

supervision order, as referred to in Article 261 of Book 1 of the Civil Code, requested by the Public Prosecutor's Office or the Child Protection Council.

Section 8

1. If the foundation is of the opinion that care, other than care of the kind referred to in Section 5, subsection 2, is necessary in order to protect a young person from potential harm, the foundation shall provide the client with written information describing the care considered to be necessary. This information shall at least include:
 - a. a description of the problems or potential problems relevant to the client's case and their possible causes;
 - b. information regarding the capacity which the said problems or potential problems have for creating a situation that could be harmful to the young person;
 - c. a description of the care therefore deemed necessary;
 - d. information regarding one or more providers able to provide the specified care.
2. The document providing the said information shall state whether the coordination of different forms of care is necessary and, if so, who is best placed to provide such coordination.

Section 9

1. In the performance of its duties, the foundation shall give ongoing consideration to the merit of a custody order.
2. If at any time the foundation concludes that an order concerning the custody of a minor would be appropriate, the foundation shall without undue delay notify the Child Protection Council.

Section 10

1. The foundation shall also have the following duties:
 - a. to act as guardian or interim guardian, as provided for in Book 1 of the Civil Code, or as interim guardian, as provided for in other legislation, to the exclusion of other legal persons and without prejudice to Article 302, clause 2, of Book 1 of the Civil Code;
 - b. to perform the role referred to in Article 257 of Book 1 of the Civil Code, to the exclusion of other legal persons;
 - c. to give the instructions referred to in Article 77f, clause 1, under a, of the Penal Code, or to perform the tasks referred to in Article 77j, clauses 4 and 5, Article 77o, clause 1, Article 77s, clause 8, Article 77aa, clauses 2 and 3, of the Penal Code or in Article 493, clause 1, of the Code of Criminal Procedure, and to provide the associated follow-up care, as well as to

provide the guidance referred to in Article 77hh, clause 2, of the Penal Code;

- d. acting to the exclusion of others, to provide guidance to and supervision of young people taking part in education and training programmes, as referred to in Section 3 of the Youth Detention Centres Act, or to whom probationary release, as referred to in Section 31 of the latter Act, has been granted, and to perform the other tasks assigned to the foundation by or pursuant to that Act;
 - e. to function as the Advice and Reporting Centre for Child Abuse and Neglect (AMK);
 - f. to actively support clients and, where necessary, to encourage clients to exercise their entitlement to care, as referred to in Section 5, subsection 2;
 - g. acting to the exclusion of others, to promote the formulation of a coherent assistance plan, based upon the decision referred to in Section 6, subsection 1, for any client who exercises his entitlement to care, as referred to in Section 5, subsection 2;
 - h. to monitor the provision of care, as referred to in Section 5, subsection 2, to support the client in connection with any questions that he may have regarding the composition of the care provided, and to evaluate the care provided;
 - i. to advise the client regarding any care that may be required once provision of the care referred to in Section 5, subsection 2, has ceased and to support the client in obtaining such care;
 - j. in circumstances such as those referred to in Section 8, subsection 1, to support the client in obtaining care, encouraging the client (where necessary) to make use of the available care, and to monitor the provision of care.
2. When performing the duties referred to in subsection 1, under c, the foundation shall follow the instructions of the Child Protection Council. When performing the duties referred to in subsection 1, under d, the foundation shall follow the instructions of Our Minister of Justice, of the selection officer referred to in Section 1, under aa, of the Youth Detention Centres Act, or of the director referred to in Section 1, under h, of the latter Act.
 3. Within the boundaries set by the province in the context of its subsidisation of the foundation's activities, the foundation shall additionally have the following duties:
 - a. to advise, to help increase the expertise of and to maintain contacts with the providers of general support to young people, including but not limited to educational organisations, with a view to strengthening such general support and improving the early identification of problems affecting young people, which could give rise to a need for care, as referred to in Section 5, subsection 2;

- b. the provision of peripatetic youth care, other than the youth care as referred to in Section 5, subsection 2, in cases where the foundation has established that care of the kind referred to in Section 5, subsection 2, is not indicated for the client;
- c. to organise a telephonic help service, involving the provision of advice to young people by volunteers in response to calls from young people with questions and problems.

Section 11

1. In its role as Advice and Reporting Centre for Child Abuse and Neglect, the foundation shall have the following duties, which shall be performed without prejudice to the role of the Child Protection Council:
 - a. to investigate whether child abuse is taking or has taken place in cases or suspected cases reported to the foundation;
 - b. to consider whether and, if so, what action is appropriate in response to a report of child abuse or suspected child abuse;
 - c. to transfer cases as appropriate to the youth care agency, for performance of the duty referred to in Section 5, subsection 1;
 - d. to inform other judicial authorities of cases of child abuse or suspected child abuse, if warranted by the interests of the minor concerned or by the seriousness of the situation involved;
 - e. to notify the party that reports a case of child abuse or suspected child abuse of the action to be taken in response to his report.
2. In its role as Advice and Reporting Centre for Child Abuse and Neglect, the foundation shall also advise any person who suspects child abuse as to the courses of action open to him and, if necessary, support him in his chosen course of action.

Section 12

The foundation shall also have a duty to inform the National Parental Contribution Collection Office in writing and without undue delay of the commencement and termination of a programme of youth care in respect of which a parental contribution is payable. When informing the said office, the foundation shall also provide the details necessary for determination of the size of contribution payable. To this end, the foundation shall make use of a form defined by Our Ministers.

Part 3. Quality

Section 13

1. The foundation shall document the manner in which the youth care agency performs duties laid upon the foundation by this Act. In this context, it shall

certainly indicate the means by which demarcation is effected between the activities associated with the said duties and the activities referred to in Section 4, subsection 2, second sentence. It shall also describe the measures in place to ensure that personal data processed by the agency, including the particular items of personal data referred to in Section 16 of the Personal Data Protection Act, are processed only for the purpose for which they have been collected or for purposes compatible with that purpose, and the supervision arrangements in place.

2. The foundation shall ensure that the youth care agency performs the duties laid upon the foundation by this Act in an appropriate manner. In this context, 'appropriate' shall at least imply 'effective', 'efficient' and 'client-centred'.
3. Performance of the duties referred to in Section 10, subsection 1, under a, b, c and d, in an appropriate manner shall additionally imply at least the performance of the duties on the basis of a plan tailored to the needs of the client. Such a plan shall not be adopted without first consulting the client.
4. The foundation's organisation of activities undertaken in performance of the said duties, the quality and quantity of the human and other resources that the foundation provides to the youth care agency, and the allocation of responsibilities by the foundation shall all be conducive to performance of the duties in an appropriate manner, or shall be such that they may reasonably be expected to be so conducive.
5. Compliance with subsection 4 shall include the systematic monitoring, control and improvement of the quality of the agency's performance.
6. In compliance with subsection 5, the foundation shall ensure:
 - a. the systematic collection and registration of data regarding the quality of the agency's performance;
 - b. the systematic analysis of the data referred to under a to determine the extent to which attention to the matters referred to in subsection 4 is indeed conducive to performance of the duties in an appropriate manner;
 - c. the revision where appropriate, in line with the findings of the analysis referred to under b, of the manner in which the matters referred to in subsection 4 are attended to.
7. By or pursuant to Order in Council, rules shall be laid down governing the expertise that the foundation must have at its disposal, and rules may be laid down governing the expertise that persons working for the foundation must possess, in order that the duties may be performed in an appropriate manner. By or pursuant to Order in Council, rules shall also be laid down governing cooperation between the foundation and the Child Protection Council and the manner in which the foundation performs the duties referred to in section 5, subsection 1, and section 10, subsection 1. Furthermore, by or pursuant to Order in Council, rules shall be laid down defining the circumstances under

which it shall not be necessary to disclose the identity of a person who reports a case of child abuse or suspected child abuse, or of a person who provides information in the context of the associated investigation. By or pursuant to Order in Council, rules may be laid down governing the other matters referred to in subsection 4 and subsection 1. The rules laid down may differ according to the duties to which they relate.

8. For each client, the foundation shall nominate a person to act as the point of contact for that client throughout the period in which the foundation is discharging its statutory duties in connection with the client. This contact person shall promote continuity in the performance of the youth care agency's activities in connection with the client and, if the client requires youth care as referred to in Section 10, subsection 3, under b, the contact person shall personally provide that care. In the event of renewed contact between the foundation and the client, the foundation shall where possible appoint the same contact person to handle the client's case.

Section 14

1. Each year, no later than 31 May, the foundation shall place in the public domain a report, in which it gives account of the policies that it has followed in the preceding calendar year, pursuant to Section 13, subsections 2, 4 and 5, and in compliance with the rules laid down pursuant to Section 13, subsection 7, and of the quality of its performance.
2. The said report shall indicate, amongst other things:
 - a. the way in which the foundation has involved clients in its quality policy;
 - b. the frequency with which and the way in which quality has been assessed within the foundation and the findings of the quality assessments performed;
 - c. what action the foundation has taken in response to complaints and feedback regarding the quality of its performance.
3. The foundation shall send copies of the report to the executive of the relevant province, to the Child Protection Council and to the inspectorate, as well as to the clients' organisations referred to in Section 30, subsection 3.

Section 15

In the performance of its duties, the foundation shall take due account of the religious beliefs, moral convictions and cultural background of the client.

Section 16

1. If the provincial executive judges that the foundation is failing to comply, fully comply or appropriately comply with this Act or any associated legal provision, it may issue written instructions to the foundation.

2. In these instructions, the provincial executive shall identify the respects in which the foundation is judged to be failing to comply, fully comply or appropriately comply with this Act or any associated legal provision, shall set out the basis for this judgement and shall state the action to be taken in consequence.
3. The instructions shall state the period within which they are to be carried out by the foundation.
4. The provincial executive shall inform the inspectorate of any such instructions issued.
5. If the need to prevent serious harm being done to clients' interests is such that action cannot reasonably be delayed, the public servant charged with supervision in accordance with Section 47 may issue a written order, a copy of which shall be sent to the executive of the relevant province. The order shall be valid for a period of seven days, which period may be extended by the provincial executive.
6. The foundation shall be obliged to comply with the instructions within the specified period, or to comply with the order immediately.
7. A provincial executive shall have the power to issue a binding administrative order requiring the fulfilment of an obligation arising out of instructions issued pursuant to subsection 1 or an order issued pursuant to subsection 5.

Section 17

Our Ministers may instruct a provincial executive regarding the exercise of the powers referred to in Section 16, subsection 1 or 7, if the provincial executive is negligent in this regard.

CHAPTER IV THE AVAILABLE CARE FACILITIES

Part 1. General

Section 18

1. A care provider is a legal person based within the European Economic Area and possessing full legal authority, whose constitution or articles of association state(s) that its aims include the provision of one or more forms of youth care to which entitlement exists under this Act.
2. Contrary to the provisions of subsection 1, a care provider may be a natural person, if and insofar as that person is a professional practitioner registered in the manner described in Section 3 of the Individual Health Care Professions Act.

Section 19

A care provider from whom a client may obtain youth care to which he is entitled shall provide the client with such care, unless the care provider can demonstrate

to the client that the provision of that care is not possible within the constraints of the subsidy made available to the care provider.

Section 20

A care provider or a provider of youth care, as referred to in Section 5, subsection 2, under b and c, shall inform the foundation that has referred a client for care of the commencement and the termination of care provision to that client. The care provider or provider of care shall keep the foundation informed regarding of the progress of care provision, shall provide the foundation with the data it needs for evaluation of the care and shall cooperate with such evaluation.

Section 21

1. If it becomes known to a care provider that a person in his employment may be guilty or may have been guilty of child abuse, the care provider shall without undue delay inform the foundation in connection with the performance of the duty referred to in Section 10, subsection 1, under e.
2. If it comes to the attention of a person working for a care provider that someone else working for that care provider may be guilty or may have been guilty of child abuse, the first person shall inform the care provider without undue delay.

Part 2. Foster care

Section 22

1. A care provider that makes foster care available shall ensure that the care and upbringing of a young person by a foster parent is in all cases based upon a foster contract between the provider and the foster parent, which contract shall satisfy the requirements made by Our Ministers.
2. Ministerial regulations shall be published, laying down requirements regarding foster parents.

Section 23

1. A care provider that makes foster care available shall pay a foster parent with whom he has a foster contract an allowance for bringing up and caring for a young person as a member of the family. This allowance shall consist of a basic sum specified by Our Ministers, which may vary according to age group.
2. Our Ministers may lay down rules regarding the payment of supplements to or the application of deductions from the basic sum.
3. The rules referred to in subsection 2 shall regulate:
 - a. the basic sum, the size of the supplements and deductions and the circumstances under which they are payable or applicable;

- b. the days in respect of which the basic sum, supplements and deductions are payable or applicable.

Part 3. Quality

Section 24

1. A care provider, other than an independently practising care provider, as referred to in Section 18, subsection 2, shall provide appropriate care. Appropriate care shall be deemed to be care of good standard, which is at least effective, efficient, client-centred and tailored to the client's actual needs.
2. To be deemed appropriate, care shall furthermore be based upon an assistance plan formulated on the basis of the decision referred to in Section 6, subsection 1.
3. A care provider, or a provider of care as referred to in Section 5, subsection 2, under b, c or d, shall, in connection with the provisions of subsection 2, consult with the foundation regarding the content of the assistance plan. If a client is in receipt of care from more than one care provider or provider of care as referred to in Section 5, subsection 2, under b, c or d, the providers in question shall cooperate so as to ensure that the client receives coherent care and shall jointly consult with the foundation regarding the assistance plan. In the context of these consultations, it shall be decided which care provider or provider of care as referred to in Section 5, subsection 2, under b, c or d, is responsible for coordinating the formulation of the assistance plan and its implementation. The assistance plan shall state which provider is responsible for coordinating the care.
4. In the case of a client in respect of whom the foundation performs one of the duties referred to in Section 10, subsection 1, under a, b, c or d, the consultations shall have the additional object of aligning the assistance plan and the plan referred to in Section 13, subsection 3.
5. An assistance plan shall not be adopted without first consulting the client. The plan shall also require the client's approval, unless it relates to care imposed by child protection order. A care provider that makes foster care available shall additionally consult the relevant foster parent regarding the assistance plan. The assistance plan shall be formulated before care provision commences, and not later than six after agreement is reached as to which provider or providers is or are to provide the care that is indicated for the client.
6. If the client is a minor, the assistance plan shall require the approval not of the client, but of his legal representative, if the client:
 - a. is less than twelve years old, or
 - b. is at least twelve years old but not deemed capable of reasonably assessing his interests in relation to the matters at hand.

7. If the client is a minor who is at least twelve years old but not yet sixteen years old, the assistance plan shall require the approval of both the client and his legal representative.

Section 25

1. The care provider's organisation of care provision, the quality and quantity of the human and other resources provided by the care provider to the care unit, and the care provider's allocation of responsibilities shall be, by reasonable expectation, conducive to appropriate care.
2. Rules may be laid down by or pursuant to Order in Council regarding the training required by personnel working for a care provider.
3. A care provider who makes available youth care that involves the accommodation of clients for periods of twenty-four hours or more shall ensure that psychological support is available in the unit providing such care, and that such support is sympathetic to clients' religious or moral convictions.

Section 26

1. Compliance with Section 25 shall require the systematic monitoring, control and improvement of the quality of the care.
2. Pursuant to subsection 1, the care provider shall, in a manner appropriate to the nature and size of the care unit, ensure:
 - a. the systematic collection and registration of data concerning the quality of the care;
 - b. the use of the data referred to under a for systematic analysis of the extent to which the care provided may be considered appropriate, as required under Section 25;
 - c. the revision, where necessary in consideration of the findings of the analysis referred to under b, of the manner in which care is provided, pursuant to Section 25.

Section 27

1. No later than 31 May each year, the care provider shall place in the public domain a report concerning each care unit, giving account of the policies followed during the previous calendar year pursuant to Sections 24 to 26, inclusive, and describing the quality of the care provided.
2. In the said report, the care provider shall indicate, amongst other things:
 - a. how the provider has involved clients in his quality policy;
 - b. the frequency with which and the way in which quality has been assessed within the care unit and the findings of the quality assessments performed;

- c. what action the provider has taken in response to complaints and feedback regarding the quality of its performance;
3. The care provider shall send copies of the report to the executive of the relevant province, to the inspectorate and to the clients' organisations referred to in Section 30, subsection 3.

Section 28

1. Rules relating to compliance with Sections 25 and 26 may be laid down by Order in Council if necessitated by the standard of the care provided in a particular category of care facility specified in the order in question.
2. If compliance with Sections 25 and 26 in accordance with the rules laid down pursuant to subsection 1 does not lead to the provision of appropriate care, further rules relating to compliance with Section 24 may be laid down by Order in Council.

Section 29

Sections 16 and 17 shall apply equally to compliance with this Act and associated provisions by a care provider.

CHAPTER V PLANNING

Part 1. Planning by the provinces

Section 30

1. A provincial executive shall place before the provincial parliament a draft of the provincial youth care policy framework no later than 30 September of the year preceding the first year to which the framework relates. At the same time, copies of the draft shall be submitted to Our Ministers.
2. In drafting the provincial policy framework, the provincial executive shall consult with:
 - a. the foundation, the care providers active in the province and the Child Protection Council, with a view to determining the level of the demand for the activities that the foundation has a duty to undertake, and to aligning the youth care to be provided by the province with the demand, and to obtaining the data necessary for conclusion of the agreements referred to under b to d, inclusive;
 - b. the municipal executives, with a view to concluding agreements regarding the foundation's activities in connection with the duties referred to in Section 10, subsection 3, and regarding the activities of bodies providing general support for young people in connection with the early identification of problems and the provision of youth care other than that referred to in Section 5, subsection 2;

- c. the health insurers active in the province, with a view to concluding agreements regarding the respective care provision responsibilities of the province and the health insurers;
 - d. Our Minister of Justice, with a view to concluding agreements regarding the capacity of establishments as referred to in Section 1, under b, of the Youth Detention Centres Act to accommodate minors entrusted to them pursuant to Article 261 or Article 305, clause 3, of Book 1 of the Civil Code.
3. The provincial executive shall give clients' organisations the opportunity to respond to the draft provincial policy framework.

Section 31

1. Once every four years, a provincial parliament shall adopt a provincial youth care policy framework for the four calendar years ahead. The provincial policy framework shall be adopted no later than 30 November of the year preceding the first year to which the framework relates.
2. The provincial policy framework shall be based upon the national policy framework and, where necessary, the instructions referred to in Section 33.
3. The provincial policy framework shall outline the province's policies with regard to the foundation and the youth care to which entitlement exists under this Act, and shall set out the financial parameters for those policies.
4. The provincial policy framework shall be guided by the principle that the provision of youth care to which entitlement exists under this Act should be consistent with the needs of clients and by the principle that youth care is generally most efficient and effective when provided in the least interventionist form, as close as possible to the client's permanent place of residence and for as short a period as possible.
5. In the interests of coherent youth care, the provincial policy framework shall also summarise the intentions of the health insurers, the municipalities and Our Minister of Justice with regard to the provision of youth care, other than youth care to which entitlement exists under this Act.
6. The provincial parliament shall review the provincial policy framework annually to establish whether it requires revision.
7. As soon as possible following its adoption, copies of the provincial policy framework shall be submitted to Our Ministers.
8. The provincial policy framework shall require the approval of Our Ministers. Approval shall be granted if the provincial youth care policy framework is consistent with the Act, the national policy framework and any instructions, as referred to in Section 33, given by Our Ministers.
9. Our Ministers may lay down rules regarding the structure of the provincial policy framework.

Section 32

1. Each year, no later than 30 November, a provincial executive shall draw up a youth care implementation programme. The provincial executive shall send a draft of this programme to Our Ministers no later than 30 September each year.
2. The implementation programme shall summarise the following:
 - a. the activities of the foundation and of the subsidised care providers in the calendar year preceding the calendar year of the programme's formulation, and the subsidies provided in connection with performance of the said activities;
 - b. the activities to be undertaken in line with the provincial policy framework by the foundation and the care providers in the calendar year of the programme's formulation and the subsidies granted in connection with performance of the said activities;
 - c. the activities to be undertaken in line with the provincial policy framework by the foundation and the care providers in the calendar year following the calendar year of the programme's formulation and the subsidies available in connection with performance of the said activities.
3. The implementation programme shall also summarise the youth care funded or to be funded by the bodies referred to in Section 30, subsection 2, under b to d, in the years to which the programme relates.
4. The provisions of Section 30, subsections 2 and 3, apply equally to the formulation of the part of the implementation programme referred to in subsection 3, under c.
5. Any interim revisions necessary to the provincial policy framework shall be included in the implementation programme. The provisions of Section 30 shall apply equally in the context of any interim modification.
6. Copies of the implementation programme shall be submitted to Our Ministers.
7. Our Ministers may lay down rules regarding the structure of the implementation programme.

Section 33

Our Ministers may issue instructions to provincial administrators regarding the provincial policy framework or the implementation programme, insofar as either is inconsistent with this Act or with the national policy framework, or, where necessary, regarding the implementation of the provincial policy framework or the implementation programme.

Part 2. Central government planning

Section 34

1. Once every four years, before the presentation of the central government budget, Our Ministers shall formulate a national youth care policy framework

for the following four calendar years.

2. The national policy framework shall set out the basic principles that should guide the policies to be pursued by the provincial administrations, and shall contain an estimate of the sums that the central government intends to make available to the individual provinces to fund the foundation and the provision of the youth care to which entitlement exists under this Act.
3. In the interests of coherent youth care, the national policy framework shall summarise:
 - a. the intentions of the municipalities with regard to the provision of youth care, other than youth care to which entitlement exists under this Act;
 - b. the intentions of the health insurers with regard to the provision of the care as referred to in Section 5, subsection 2, under b and c;
 - c. the intentions of Our Minister of Justice with regard to the provision of the youth care referred to in Section 5, subsection 2, under d.
4. The national policy framework shall be formulated with consideration for the policy pursued in the preceding years by the provincial administrations, as described in the implementation programmes.
5. Copies of the national policy framework shall be sent to the provincial administrations and to both houses of the national parliament.
6. Our Ministers shall review the national policy framework annually to establish whether it requires revision.

Section 35

1. Before finalising the national policy framework, Our Ministers shall consult with the provincial executives and with representatives of the municipal executives and of the health insurers.
2. Our Ministers shall give interested clients' organisations the opportunity to respond to a draft of the national policy framework.

Section 36

1. Each year, before the presentation of the central government budget, Our Ministers shall draw up a youth care progress report.
2. Each calendar year's progress report shall summarise:
 - a. the grants, as referred to in Section 37, made to provincial executives in the second calendar year prior to the calendar year of the report's formulation, and the purposes to which those grants were applied by the provinces in that year;
 - b. the grants, as referred to in Section 37, made to provincial executives in the calendar year prior to the calendar year of the report's formulation, and the purposes to which, according to the relevant parts of the

implementation programmes, those grants were applied by the provincial executives in that year;

- c. the grants, as referred to in Section 37, made in line with the national policy framework to provincial executives in the calendar year of the report's formulation, and the purposes to which, according to the relevant parts of the implementation programmes, those grants were to be applied by the provincial executives in that year;
 - d. the grants, as referred to in Section 37, to be made available on the basis of the national policy framework to the provinces for the calendar year following the calendar year of the report's formulation.
3. The progress report shall also summarise the forms of youth care other than those to which entitlement exists under this Act, and the care as referred to in Section 5, subsection 2, under b, c and d, to be provided in the calendar year of the report's formulation.
 4. Any interim revisions necessary to the national policy framework shall be included in the progress report. The provisions of Section 35 shall apply equally in the context of any interim modification.
 5. Copies of the progress report shall be sent to the provincial administrations and to both houses of the national parliament.
 6. The provisions of Section 35 shall apply equally to the formulation of the part of the progress report referred to in subsection 2, under c.

CHAPTER VI GRANTS AND SUBSIDIES

Part 1. Grants and subsidies from the central government

Section 37

1. Each year, Our Ministers shall provide the provinces with:
 - a. a grant in respect of the performance by the foundation of its duties under this Act, in respect of the provision of confidants for the clients of the foundation, and in respect of the conduct of experiments or support activities relating to the foundation, and
 - b. a grant in respect of the provision by care providers of the youth care to which entitlement exists under this Act, in respect of the provision of confidants for the clients of the care providers, in respect of the conduct of experiments or support activities relating to the said youth care, in respect of clients' organisations, in respect of the processing of data, as referred to in Section 43, and in respect of the provision of data, as referred to in Section 44, subsection 1.
2. Activities in the field of youth care, other than those referred to in subsection 1, under b, may be designated by or pursuant to Order in Council as eligible for funding through the grant referred to in subsection 1, under b.

Section 38

1. Our Ministers may make a subsidy available to a province or to a legal person recognised under private law in respect of the conduct of an experiment or a support activity, or in respect of the promotion of new policy.
2. The subsidy shall be made available for a period to be stipulated at the time it is granted, which period shall not exceed four years.
3. Our Ministers may set a ceiling on the size of the subsidy, in which case an allocation method shall be specified.
4. Our Minister of Justice may make a subsidy available to a legal person, as referred to in Article 302, clause 2, of Book 1 of the Civil Code, in respect of the cost of carrying out the task referred to in the said passage, including any special costs stipulated by Our Minister of Justice. Rules shall be laid down by or pursuant to Order in Council regarding the granting of this subsidy. These rules may relate to the matters referred to in Section 39, subsection 1.
5. The provisions of Sections 13 to 16, inclusive, and chapters VII, VIII, IX, X and XII shall apply equally to a legal person, as referred to in subsection 4, except in that, where the said provisions refer to the provincial executive, they shall be read as referring to Our Minister of Justice.

Section 39

1. Rules shall be laid down by or pursuant to Order in Council regarding the grants referred to in Section 37. These rules may relate to:
 - a. the size of the grants, or the method by which their size is to be determined;
 - b. the manner in which grants are to be applied for and the assessment of grant applications;
 - c. the conditions attaching to the award of grants;
 - d. the obligations of the provinces;
 - e. the determination of the grants;
 - f. the withdrawal or revision of the award or determination of grants;
 - g. the payment or the recovery of grants and the payment of advances.
2. Our Ministers shall lay down regulations regarding the subsidies referred to in Section 38, subsection 1. These rules may relate to the matters referred to in subsection 1.

Section 40

1. A subsidy, as referred to in Section 38, to be charged to a budget that has yet to be fixed, shall be awarded on the condition referred to in Section 4:34, subsection 1, of the General Administrative Law Act.
2. The award of a grant, as referred to in Section 37, or a subsidy, as referred to in Section 38, shall certainly be denied in the circumstances referred to in

Section 4:35 of the General Administrative Law Act, or if the provisions of or made pursuant to the Act are not complied with.

Part 2. Subsidisation by the provinces

Section 41

1. A provincial executive shall provide the province's foundation with a subsidy in respect of the foundation's performance of its duties under this Act, and may also provide the foundation with a subsidy in respect of experiments.
2. The provincial executive shall provide care providers with a subsidy in respect of the provision of the youth care and the processing of the data referred to in Sections 43 and 44. The provincial executive may also provide a care provider with a subsidy in respect of experiments.
3. The provincial executive may provide a fully competent legal person with a subsidy in respect of the performance of activities in support of the foundation or care providers.
4. The provincial executive shall provide a fully competent legal person of its choosing with a subsidy in respect of the provision of confidants made available to the clients of the foundation and care providers.
5. The provincial parliament shall introduce by-laws governing the provision of subsidies. These by-laws shall at least address the matters referred to in Section 39.
6. Our Ministers may lay down rules regarding the provisions of the by-laws referred to in subsection 5, with regard to:
 - a. the size of the subsidies, or the method by which their size is to be determined;
 - b. the award and determination of subsidies;
 - c. the structure of the budget and financial report;
 - d. supervision to ascertain that subsidies are used in a lawful and efficient manner.

CHAPTER VII POLICY INFORMATION

Section 42

1. Our Ministers shall process data for the purpose of facilitating the formulation of a coherent policy regarding the care referred to in Section 5, subsection 2.
2. A provincial executive shall process data for the purpose of facilitating the formulation of a coherent policy regarding the care referred to in Section 5, subsection 2, and for the purpose of supporting the data processing referred to in subsection 1.
3. The health insurers shall process data for the purpose of facilitating harmonisation of the care referred to in Section 5, subsection 2, under b and

c, with other forms of youth care, and for the purpose of supporting the data processing referred to in subsections 1 and 2.

Section 43

Rules may be laid down by Order in Council requiring the foundations, care providers and providers of care, as referred to in Section 5, subsection 2, under b, c and d, to process the data referred to in Section 44, subsection 6, under a, for the purpose of supporting the data processing referred to in Section 42, and stipulating how this requirement is to be fulfilled. Our Ministers may also lay down detailed rules regarding the manner of processing.

Section 44

1. For the purpose of supporting the data processing referred to in Section 42, subsections 1 and 2, the foundations shall provide data to the executive of the relevant province and to the relevant health insurers.
2. Rules may be laid down by Order in Council requiring the Child Protection Council and the youth detention centres referred to in Section 1, under b, of the Youth Detention Centres Act, to provide data to Our Minister of Justice or the provinces for the purpose of supporting the data processing referred to in Section 42, subsections 1 and 2. Such rules may also require that care providers provide data to the executives of the relevant provinces for the purpose of supporting the data processing referred to in Section 42, subsection 2, and that providers of care, as referred to in Section 5, subsection 2, under b, c and d, provide data to the relevant health insurers for the purpose of supporting the data processing referred to in Section 42, subsection 3.
3. A provincial executive shall provide data to Our Ministers for the purpose of supporting the data processing referred to in Section 42, subsection 1.
4. Rules may be laid down by Order in Council requiring that health insurers provide data to Our Ministers or to the executives of the relevant provinces for the purpose of supporting the data processing referred to in Section 42, subsection 1 or 2.
5. Our Ministers shall provide data to the provinces and to the relevant health insurers for the purpose of supporting the data processing referred to in Section 42, subsection 1.
6. With a view to facilitating the data processing referred to in Section 42, rules shall be laid down by or pursuant to Order in Council governing:
 - a. the data to be provided;
 - b. the manner of data provision;
 - c. the time periods to which the data provided are to relate;
 - d. the terms within which the data are to be provided.

7. Insofar as the data referred to in Section 42 are personal data, the rules referred to in subsection 6 shall be laid down by Order in Council.

Section 45

1. The data referred to in Sections 42, 43 and 44 may be personal data, if and insofar as such data are required for:
 - a. the efficient and effective provision of access to the youth care referred to in Section 5, subsection 2;
 - b. the efficient and effective performance of care providers, of the providers of youth care as referred to in Section 5, subsection 2, under b and c, and of the Child Protection Council;
 - c. the efficiency and the effectiveness of the supply of youth care, as referred to in Section 5, subsection 2.
2. The said personal data may include data concerning an individual's ethnic or cultural background, health status or criminal record.
3. The data referred to in subsection 1 shall not be processed for any purpose other than that referred to in the said subsection or a purpose consistent with that referred to in the said subsection; furthermore, such data shall be processed in a manner that minimises the degree of personal traceability.

Section 46

1. Our Ministers may lay down ministerial regulations specifying which of the persons or bodies involved in the provision of youth care may receive information derived from the data referred to in Section 42.
2. The said information shall not include data that may reasonably be deemed traceable to an individual.

CHAPTER VIII SUPERVISION

Section 47

1. There shall be a Youth Care Inspectorate under the control of Our Minister of Health, Welfare and Sport, which shall have the following duties:
 - a. to assess the general quality of the youth care agencies, of the youth care to which entitlement exists under this Act, of the establishments referred to in Section 1, under b, of the Youth Detention Centres Act, and of the Child Protection Council, as well as, where necessary, to indicate where improvements may be made and to provide resources to facilitate such improvements;
 - b. to supervise compliance with the Act and other provisions made pursuant to the Act with regard to the foundations and care providers, with the

- exception of Section 70 and the supervision in connection with the lawful and efficient use of subsidies;
- c. to supervise compliance with the provisions of or made pursuant to the Youth Detention Centres Act regarding the quality of the youth detention centres;
 - d. to supervise compliance with Section 7 of the Asylum Seekers (Central Reception Organisation) Act in cases involving minors under guardianship of the legal person referred to in Article 302, clause 2, of Book 1 of the Civil Code.
2. The officers of the inspectorate shall be responsible for performance of the duties referred to in subsection 1.
 3. The supervisors shall not possess the powers referred to in Sections 5:18 and 5:19 of the General Administrative Law Act. Sections 5:12, 5:13, 5:15, 5:16, 5:17 and 5:20 of the General Administrative Law Act shall apply equally with regard to the officers charged with performance of the duties referred to in subsection 1, under a.
 4. The officers of the inspectorate shall perform the duties referred to in subsection 1, under a, in accordance with the instructions of Our Ministers and shall perform the duties referred to in subsection 1, under b, in accordance with the instructions of the executive of the relevant province. Furthermore, the officers shall perform the duties referred to in subsection 1, under c, in accordance with the instructions of Our Minister of Justice and shall perform the duties referred to in subsection 1, under d, in accordance with the instructions of Our Minister of Immigration and Integration.
 5. The inspectorate shall undertake the assessments referred to in subsection 1, under a, on its own initiative or, where the youth care agencies or the youth care to which entitlement exists under this Act are concerned, at the request of Our Ministers, or, where the establishments referred to in Section 1, under b, of the Youth Detention Centres Act or the Child Protection Council are concerned, at the request of Our Minister of Justice. The inspectorate shall undertake investigations in the context of the supervision referred to in subsection 1, under d, on its own initiative or at the request of Our Minister of Immigration and Integration.
 6. The inspectorate shall undertake investigations in the context of the supervision referred to in subsection 1, under b and e, on its own initiative or at the request of the executive of the relevant province.
 7. The inspectorate shall undertake investigations in the context of the supervision referred to in subsection 1, under c, on its own initiative or at the request of Our Minister of Justice.
 8. The inspectorate shall report its findings to the subject of the assessment or investigation and may at the same time make recommendations regarding the

improvement of quality. The inspectorate shall also report its findings in writing to the relevant governmental body.

9. The inspectorate shall inform Our Ministers of its findings regarding youth care agencies and care providers if it is of the opinion that Section 17 should be applied.
10. The inspectorate shall produce an annual report of its activities. In this report, the inspectorate shall make recommendations in the interest of youth care. Copies of the report shall be sent to the provincial administrations, Our Ministers and the lower house of the national parliament.
11. Our Ministers may lay down rules regarding the organisation of the inspectorate.

Section 48

1. The foundations and the care providers shall make available to the officers appointed by the provincial executive to check on the lawful and efficient use of subsidies granted by the provincial executive all the information and documentation reasonably requested of them in the context of those checks.
2. If requested to do so, the foundations and the care providers shall allow the officers referred to in subsection 1 access to the premises at which the foundations and care providers undertake their activities.
3. A party who has a duty of confidentiality arising out of his status, profession or public office may decline to comply with a request for information or access to documentation insofar as compliance would be inconsistent with the said duty of confidentiality.
4. Subsections 1 to 3 shall apply equally in relation to the subsidies referred to in Section 38.

CHAPTER IX ACCESS TO AND THE RETENTION AND DESTRUCTION OF DOCUMENTATION

Section 49

If requested to do so, the foundations and the care providers shall without undue delay allow a client access to and copies of any documentation they hold concerning the client in question.

Section 50

1. Access to or copies of such documentation shall be denied to the client if the client:
 - a. is less than twelve years old, or
 - b. is at least twelve years old but not deemed capable of reasonably assessing his interests in relation to the matters at hand.

2. If the client is less than sixteen years old, or is at least sixteen years old but not deemed capable of reasonably assessing his interests in relation to the matters at hand, a client's legal representative shall on request be allowed access to and copies of any documentation held concerning the client in question, unless this would be contrary to the young person's interests.
3. A request for access to or a copy of documentation may be denied if and insofar as compliance with the request would infringe the privacy of someone other than the client.
4. A charge may be made for the provision of a copy of a document, subject to the rules laid down pursuant to Section 39 of the Personal Data Protection Act.

Section 51

1. Notwithstanding the provisions of the Act or provisions made or pursuant to the Act, the foundation and the care providers shall not provide information concerning a client, or provide access to or copies of documentation concerning a client, to anyone other than that client, except with the client's consent.
2. In cases where the client is a minor, the provision to a third party of information or access to or copies of documentation shall require the approval not of the client, but of his legal representative, if the client:
 - a. is less than twelve years old, or
 - b. is at least twelve years old but not deemed capable of reasonably assessing his interests in relation to the matters at hand.
3. The phrase 'anyone other than that client' shall not be deemed to include persons whose professional cooperation is required in order that youth care may be accessed or provided; nor shall it include parties involved in performance of the duties referred to in Section 10, subsection 1, under a to d (inclusive), or in preparations to that end. The information, access and copies provided to such a person shall nevertheless be limited to that which is necessary for his professional cooperation in connection with access to or the provision of youth care or in connection with the preparation or implementation of an order.

Section 52

1. The foundations and the care providers shall enter into a written agreement covering entitlement to access and obtain copies of documentation, including the limitations on such entitlement, in accordance with Sections 49 to 51, inclusive.
2. The said agreement shall be made available to the stakeholders for perusal.

Section 53

1. Notwithstanding the provisions of the Personal Data Protection Act, a foundation may in the circumstances described in Section 7, subsection 6, or

in circumstances where it is necessary for the performance of the duties referred to in Section 11, subsection 1, process personal data without the consent of the subject.

2. Without the consent of the subject, the foundation may process only special data, as referred to in Section 16 of the Personal Data Protection Act, in circumstances where information reported to the foundation gives reasonable grounds for suspecting child abuse, or in circumstances such as those described in Section 7, subsection 6.
3. A person who has a duty of confidentiality under a legal provision or arising out of his office or profession may, without the consent of the subject, provide a foundation with information, if this may reasonably be deemed necessary to stop child abuse or to investigate a case where child abuse is reasonably suspected.
4. The municipal executive shall immediately provide a foundation with the general data referred to in Section 34, subsection 1, under a, items 1 to 6, inclusive, of the Municipal Database (Personal Records) Act, insofar as such data are necessary for performance of the duties referred to in Section 11, subsection 1.
5. Contrary to the provisions of Section 103, subsections 1 and 2, of the Municipal Database (Personal Records) Act, the municipal executive shall not inform the subject or a party enquiring on the subject's behalf of the provision to the foundation of data held on the municipal database concerning the subject, insofar as the provision of such data may reasonably be deemed necessary to stop child abuse or to investigate a case where child abuse is reasonably suspected. Where the application of Section 110 of the Municipal Database (Personal Records) Act is concerned, non-notification, as referred to here, shall have the same implications as non-notification, as referred to in Section 103, subsection 3, of the Municipal Database (Personal Records) Act.

Section 54

1. If in the context of performing the duties referred to in Section 11, subsection 1, a foundation receives personal data from a party other than the subject, the foundation shall inform the subject without undue delay, and certainly within four weeks of recording the data in question.
2. The period referred to in subsection 1 may be extended repeatedly, for no more than two weeks on each occasion, insofar as this is necessary for performance of the duties referred to in Section 11, subsection 1, and may reasonably be deemed necessary to stop child abuse or to investigate a case where child abuse is reasonably suspected.
3. Contrary to the provisions of Section 35 of the Personal Data Protection Act, a

foundation may choose not to inform the subject that personal data concerning him has been processed, insofar as this may reasonably be deemed necessary to stop child abuse or to investigate a case where child abuse is reasonably suspected.

Section 55

1. Without prejudice to the provisions of subsection 2 and of Section 56, a foundation and a care provider shall retain any documentation that it may have in its possession concerning a client for ten years from the date of generation, or for any longer period that may reasonably be deemed necessary for the provision of appropriate assistance.
2. In the context of performing the duties referred to in Section 10, subsection 1, under a, b, and e, a foundation shall retain any documentation concerning the family to which the young person belongs and with which the agency has been involved until the youngest child in that family reaches the age of majority, if and insofar as it may reasonably be assumed that such retention may contribute to ending a possibly abusive situation or may be important in relation to a case in which an order concerning the custody of a minor should be considered.

Section 56

1. The foundations and care providers shall destroy retained documentation within three months of being requested to do so by the subject.
2. Subsection 1 shall not apply where a destruction request relates to documentation whose retention may reasonably be assumed to be important to someone other than the author of the request, or where destruction would be inconsistent with the provisions of the act or provisions made pursuant to the Act.
3. A destruction request from a client shall not be acted upon if the client:
 - a. is less than twelve years old, or
 - b. is at least twelve years old but not deemed capable of reasonably assessing his interests in relation to the matters at hand.
4. In the circumstances referred to in subsection 3, a valid destruction request may be made by the client's legal representative.

CHAPTER X THE CONFIDANT

Section 57

1. A provincial executive shall ensure that a client of the youth care agency maintained by the province's foundation, or of a care provider, has access to a confidant.

2. A foundation or a care provider shall afford a confidant working for the legal person referred to in Section 41, subsection 4, the opportunity to perform his duties.
3. Rules shall be laid down by Order in Council governing the duties and powers of a confidant and the obligations of the foundation and the care providers.

CHAPTER XI PARTICIPATION IN THE DECISION-MAKING PROCESS

Section 58

1. A foundation or care provider, other than a care provider as referred to in Section 18, subsection 2, shall establish a clients' council, whose role shall be to protect and promote the common interests of clients within the foundation's or provider's sphere of activity. A care provider shall ensure that every care unit maintained by the care provider is covered by a clients' council. However, it shall not be inconsistent with the provisions of this subsection for a clients' council to cover more than one care unit maintained by a given care provider.
2. The foundations or care providers shall lay down written rules governing:
 - a. the number of members that the clients' council is to have, how members are to be appointed, who is eligible for membership and what a member's term of office is to be;
 - b. the material resources to be made available to the clients' council to facilitate its activities.
3. The rules referred to in subsection 2 shall be such that the clients' council:
 - a. may reasonably be deemed representative of the client population and
 - b. may reasonably be deemed capable of defending and promoting clients' common interests.
4. At least two members of the clients' council shall be young people, unless such representation is demonstrably inappropriate.
5. The clients' council shall adopt written procedural rules, which shall regulate, amongst other things, judicial and extrajudicial representation.
6. The costs of any legal proceedings brought by the clients' council pursuant to Section 66, subsection 4, shall be recoverable from the foundation or care provider only if the latter has been informed in advance that such costs were to be incurred.
7. Once the rules referred to in subsection 2 have been laid down, the foundation or care provider shall take the steps necessary under the rules for the appointment of members of the clients' council. The foundation or care provider shall repeat this procedure if at any subsequent time the clients' council has been inactive for two years or more because it lacks the number of members required under the rules.

Section 59

1. A foundation or care provider shall seek the advice of its clients' council at least regarding any plan concerning the foundation or one or more of the care units maintained by the care provider, which involves:
 - a. the amendment of the object or constitution;
 - b. the transfer of control, or a merger, or the inception or cessation of collaboration with another care provider;
 - c. the full or partial closure, relocation or extensive modification of the premises at which care is provided;
 - d. significant organisational change;
 - e. significant reduction or expansion of or change to the activities undertaken;
 - f. the appointment of any person who will have direct overall control over the activities undertaken;
 - g. the budget and annual accounts;
 - h. the general policy regarding the acceptance of clients and the termination of assistance to clients;
 - i. dietary matters of a general nature, or the general policy on safety, health or hygiene, or the psychological or social assistance given to clients;
 - j. the systematic monitoring, control or improvement of quality with regard to methodology, organisation, professionalism or physical facilities;
 - k. the adoption or amendment of procedural rules governing the processing of clients' complaints or the appointment of persons with responsibility for processing complaints;
 - l. the amendment of the rules referred to in Section 58, subsection 2, or the adoption or amendment of other rules that apply to clients;
 - m. recreational and entertainment opportunities and activities for young people;
 - n. the amendment of a work plan relating to a matter or matters not referred to under a to k, inclusive, or under m or o;
 - o. the assignment of management responsibility for care facilities, at which, over a twenty-four-hour period, care is provided to young people who are normally resident at the care unit.
2. The timing of the consultation shall be such that the advice given by the clients' council may genuinely influence the course of action ultimately adopted.
3. A clients' council shall be entitled to proffer advice to a care provider regarding the matters referred to in subsection 1, or regarding any other matter of significance to clients, without being invited to do so.
4. In a situation where a care provider has established more than one clients' council, or where a care provider has established a single clients' council

covering all the care units maintained by that care provider, the rules referred to in Section 58, subsection 2, shall make provision to the effect that the obligations and rights referred to in this chapter must be met in respect of or may be exercised by a single clients' council.

Section 60

1. So far as reasonably possible, a foundation or care provider shall not adopt a course of action that is contrary to the written advice of its clients' council, without first consulting the clients' council at least once.
2. If and insofar as a foundation or care provider adopts a course of action that is contrary to the written advice of its clients' council, the foundation or care provider shall inform the clients' council in writing of its decision, explaining the reasons.

Section 61

1. A foundation or care provider shall promptly provide its clients' council in writing with any information or data requested by the council, insofar as the information or data requested may reasonably be deemed necessary for the performance of the council's duties.
2. At least once a year, a foundation or care provider shall additionally provide its clients' council with oral or written general information regarding the policy pursued in the preceding period and to be pursued in the year ahead.

Section 62

1. A foundation or care provider may make written provision affording its clients' council rights over and above those provided for in this chapter.
2. A foundation or care provider shall seek the advice of its clients' council regarding any proposal to afford additional rights, as referred to in subsection 1, or to modify such rights. The provisions of Section 60 shall apply equally.

Section 63

1. A care provider that is a legal person, as referred to in Article 3 of book 2 of the Civil Code, shall make provision in its constitution or articles of association ensuring that clients have a degree of influence over the makeup of the care provider's management board. The said provision shall at least require that one member of the management board be the non-vetoable appointee of the clients' council or councils, unless the council or councils fail(s) to exercise the right of appointment.
2. The provisions of subsection 1 shall not apply to the composition of a management board consisting of one or more persons who perform(s) his/their function(s) on the basis of a contract of employment involving

financial remuneration. Under such circumstances, the provisions of subsection 1 shall apply to the composition of the body charged with supervision of the management board or the approval of its decisions.

Section 64

A foundation or care provider shall produce a written annual report detailing how it has complied with the provisions of this chapter.

Section 65

1. A foundation or care provider shall place the following in the public domain within ten days of their adoption:
 - a. the annual report;
 - b. written principles underpinning the organisation's policy, including the general criteria applied in the context of the fulfilment of the organisation's duties or the provision of care;
 - c. the minutes of or decisions list from meetings of the management board or, in the circumstances referred to in Section 63, subsection 2, meetings of the body referred to in that passage, insofar as general policy matters are concerned;
 - d. the rules governing the processing of complaints and any other rules applicable to clients, as well as the rules referred to in Section 58, subsection 2;
 - e. the report referred to in Section 64.
2. Placement in the public domain shall involve making available for clients' perusal and providing copies at clients' request.
3. Making available for clients' perusal shall involve informing clients of the availability for perusal via the channels normally used by the foundation or care provider for communicating information to clients.
4. A charge not exceeding the cost may be made for the provision of a copy of a document at a client's request, except in cases where the Open Government Act applies.

Section 66

1. A foundation or care provider shall in consultation with its clients' council or councils establish a three-member advisory committee, with one member appointed unilaterally by the foundation or care provider, one member appointed unilaterally by the clients' council or councils and one member appointed jointly by both sides.
2. The advisory committee shall have the task of mediating and, if necessary, making binding recommendations at the request of the clients' council(s), if the foundation or care provider wishes to adopt a course of action involving

one of the matters referred to in Section 59, subsection 1, under k and l, that is inconsistent with the written advice given by the clients' council.

3. Contrary to the provisions of subsection 1, a foundation or care provider may appoint an advisory committee established by one or more clients' organisations, one or more foundations or one or more organisations of care providers to perform the duties referred to in subsection 2.
4. The clients' council and any client of the foundation or care provider may petition a justice of the district court within whose jurisdiction the foundation or care provider is based in writing to order the foundation or care provider to comply with Section 58, Section 61, subsection 2, Section 63, Section 65 and subsection 1. Such a petition shall be inadmissible if the petitioner has not previously asked the foundation or care provider in writing to comply with the relevant provision and given the foundation or care provider sufficient time to act upon the latter request.
5. The justice of the district court may in his ruling require the foundation or care provider to undertake or desist from a certain course of action.
6. The third title of Book I of the Code of Civil Procedure shall apply under the circumstances described here.

CHAPTER XII RIGHT OF COMPLAINT

Section 67

1. In the context of this chapter, the following definitions shall apply:
 - a. complainant: a client conforming to the definition of a complainant given in the procedure referred to in Section 68;
 - b. conduct: any act, omission or decision with implications for a complainant.
2. Chapter 9 of the General Administrative Law Act shall not apply to complaints, as referred to in Section 68, subsection 1.

Section 68

1. A foundation or care provider shall lay down a procedure for dealing with complaints regarding the conduct of that foundation or care provider or of anyone working for that foundation or care provider towards a young person or his parent, guardian or step-parent, or another person who cares for and brings up a young person as a member of the family, or another person who in a non-parental capacity shares custody of a young person with his parent. The foundation or care provider shall take appropriate steps to bring this procedure to the attention of at least all potential complainants.
2. The procedure referred to in subsection 1 shall provide for:
 - a. complaints to be reviewed by a complaints review panel with at least three members, none of whom work for or at the foundation or the care provider;

- b. the complaints review panel to notify the complainant, the party to whose conduct the complaint relates and, if different from the latter, the foundation or care provider in writing of its opinion regarding the validity of the complaint, stating its reasons and making any recommendations it sees fit;
 - c. the complaints review panel to inform the complainant, the party to whose conduct the complaint relates and, if different from the latter, the foundation or care provider in writing if it is unable to give an opinion within the period referred to under b, stating its reasons and indicating the period within which it will arrive at an opinion;
 - d. the complaints review panel to afford the complainant and the party to whose conduct the complaint relates the opportunity to make an oral or written statement regarding the conduct to which the complaint relates;
 - e. the option of procedural representation to be made available to the complainant and to the party to whose conduct the complaint relates.
3. A foundation or a care provider shall ensure that the complaints review panel referred to in subsection 2, under a, operates in accordance with procedural rules formulated by the said panel.
 4. A complainant or his representative may make a complaint to the complaints review panel referred to in subsection 2, under a, regarding the conduct towards the complainant of a foundation or care provider or of a person or persons working for a foundation or care provider.
 5. Within four weeks of receiving the opinion referred to in subsection 2, under b, the foundation or care provider shall inform the complainant and the complaints review panel referred to in subsection 2, under a, in writing, whether it shares the panel's opinion regarding the validity of the complaint, whether it accordingly intends to take action and, if so, what action it intends to take. If it is unable to respond within the period referred to in the first sentence, the foundation or care provider shall inform the complainant and the complaints review panel, stating its reasons and indicating the period within which it will make its response known, subject to the understanding that the delay shall not exceed four weeks.
 6. Contrary to the provisions of subsection 4, a complaint may be made to the complaints review panel referred to in subsection 2, under a, regarding the conduct towards a person, as referred to in Section 67, subsection 1, under a, who has since died of a foundation or a care provider or of a person or persons working for a foundation or care provider.
 7. The foundation or care provider shall publish an annual report containing:
 - a. a summary of the procedure referred to in subsection 1;
 - b. a description of the manner by which the foundation or care provider has brought the procedure to the attention of its clients;

- c. details of the membership of the complaints review panel referred to in subsection 2, under a;
 - d. information regarding the extent to which, during the year under review, the complaints review panel was able to perform its duties in accordance with the criteria set out in subsection 2;
 - e. details of the number and nature of the complaints reviewed by the complaints review panel;
 - f. summaries of the opinions reached and recommendations made by the complaints review panel;
 - g. information regarding the nature of action undertaken in response to valid complaints, as referred to in subsection 5.
8. Our Ministers may lay down further rules regarding the report.
 9. No later than 31 May of the calendar year following that to which it relates, the foundation or care provider shall submit copies of the report to the provincial executive, to the inspectorate and to the relevant clients' organisations.

CHAPTER XIII CONTRIBUTION TOWARDS THE COST OF YOUTH CARE

Section 69

1. A parent with a duty of maintenance towards a young person, including one to whom a request has been made on the basis of Section 394 of Book 1 of the Civil Code, a step-parent with a duty of maintenance towards a young person and any other person who in a non-parental capacity shares custody of a young person with his parent shall be liable to pay the central government a contribution towards the cost of providing a young person with youth care of a form specified by Order in Council, which entails supportive care and accommodation and to which he is entitled under this Act.
2. Rules shall be laid down by or pursuant to Order in Council regarding the size of the contribution payable, which shall vary according to the age of the young person and the nature of the care provided.
3. If more than one person is liable for the parental contribution payable in respect of a young person, each shall be liable for the full amount, subject to the understanding that, if one has paid, the other is discharged from his liability.

Section 70

1. A young person to whom youth care, as referred to in Section 69, subsection 1, is provided shall be liable to pay the care provider a contribution towards the cost of the care.
2. The size of the personal contribution payable shall be determined in line with the income of the young person. Rules shall be laid down by or pursuant to

Order in Council defining the income that shall be taken into account when determining the size of the contribution payable and regarding the size of the liability linked to various incomes.

Section 71

1. No parental contribution shall be payable if:
 - a. pending adoption, the young person is no longer being cared for or brought up by his parents;
 - b. parental custody has been suspended or terminated;
 - c. the accommodation and the supportive care are made available in an emergency situation, for a period not exceeding six weeks;
 - d. if youth care, as referred to in Section 69, continues to be provided to a minor after the custodial parental or guardian has submitted a written objection to the National Parental Contribution Collection Office, except where the young person in question is the subject of a child protection order requiring or necessitating provision of the care in question;
 - e. the young person's income, as calculated by the method specified by Order in Council, is \geq 226.89 or more per month.
2. No parental contribution shall be payable by a parent or step-parent whom a court, acting in accordance with Articles 406 and 407 of Book 1 of the Civil Code, or with Article 822, clause 1, under c, of the Code of Civil Procedure, has ordered to periodically pay maintenance in respect of the care and upbringing of his child or step-child.

Section 72

If parents or step-parents who are liable to pay contribution are separated and no maintenance liability has been fixed in accordance with Articles 406 and 407 of Book 1 of the Civil Code, or with Article 822, clause 1, under c, of the Code of Civil Procedure, the parent or step-parent who, under the General Child Benefit Act, was entitled to child benefit immediately prior to commencement of the provision of care shall be liable to pay the parental contribution.

Section 73

1. Parental contributions shall be calculated and collected by the National Parental Contribution Collection Office.
2. Personal contributions shall be calculated and collected by the care provider in question.

Section 74

1. If requested to do so, a person who, under the provisions of Section 69, subsection 1, is liable to pay a contribution shall provide the foundation

concerned with any information reasonably required for calculation and collection of the parental contribution.

2. A young person who, under the provisions of Section 70, subsection 1, is liable to pay a contribution shall provide the care provider concerned with any information reasonably required for calculation and collection of the personal contribution.
3. If the party responsible for calculation and collection makes a request to this effect, the information shall be provided in writing within a period of time reasonably specified by the latter party.
4. In the circumstances described in Section 71, subsection 2, under e, the care provider concerned shall inform the party responsible for calculation and collection of the parental contribution.

Section 75

The party responsible for calculation and collection of the contribution shall inform the party liable for the contribution in writing of the size of the contribution payable and the payment interval.

Section 76

1. If the contribution or part of the contribution is not paid by the due date, the party that is responsible for collection may add collection costs, including demand, service and execution costs, to the amount due.
2. Legal recovery of overdue sums shall not proceed until the party liable for the contribution has been served with a written final demand giving him a further fourteen days from the date of the demand in which to pay and informing him that otherwise his liability shall be recovered by legal means.
3. If the party liable for the contribution fails to pay within the specified fourteen-day period, the contribution may be recovered by means of a writ of execution issued by the National Parental Contribution Collection Office, under which personal property and real estate of the party liable for the contribution may be seized by court order.
4. The writ of execution shall be served in accordance with the provisions of the Code of Civil Procedure regarding the service of writs.
5. The writ of execution shall be enforced in accordance with the provisions of the Code of Civil Procedure regarding the enforcement of writs and authentic deeds.
6. The party liable for the contribution may appeal to the judiciary against the enforcement of a writ of execution. Such an appeal shall commence with a writ issued by the party liable for the contribution, as plaintiff, against the party who has issued the writ of execution, as defendant. Pending the court's ruling on the appeal, enforcement of the writ of execution shall be suspended, insofar as it is contested. An appeal may not be based on the argument that

the notice referred to in Section 75 or the final demand has not been received. Nor may an appeal be based on the argument that the contribution has been improperly determined or set at an excessive figure.

7. In pursuance of this Act, the party responsible for collection may seize the property of a third party by issuing a copy of the writ of execution to the third-party defendant debtor. Under such circumstances, Article 479 g of the Code of Civil Procedure shall apply.

CHAPTER XIV AMENDMENTS TO OTHER LEGISLATION

Sections 77-101 (text omitted)

CHAPTER XV TRANSFER AND CONCLUDING PROVISIONS

Section 102

1. A guardianship or provisional guardianship awarded to a guardianship institute before the date that this Act comes into force, with the exception of a guardianship as referred to in Article 302, clause 2, of Book 1 of the Civil Code, shall with effect from that date be legally transferred to the foundation in the minor's province of residence.
2. The transfer provisions of subsection 1 shall apply equally to the duties of family guardianship institutes, as referred to in Article 257 of Book 1 of the Civil Code, the exercise of provisional supervision, as referred to in Article 255 of Book 1 of the Civil Code, and the powers and duties of family guardianship institutes, as referred to in Article 77f, clause 1, under a, Article 77j, clause 5, Article 77aa, clauses 2 and 3, of the Penal Code, and in the order issued pursuant to Article 77ff, clause 2, of the Penal Code or in Article 493, clause 1, of the Code of Criminal Procedure, in all cases as the provisions in question read at the time that this Act comes into force.
3. Contrary to the provisions of subsections 1 and 2, the family court may, if requested to do so by a blood relative or relative by marriage of the minor, by the Child Protection Council, or by a government officer with an interest in the case, transfer the guardianship to the foundation referred to in Section 1, under f, active in the province where the minor is living at the time that this Act comes into force, and may place the minor under the supervision of the said foundation.
4. A request, as referred to in subsection 3 may be made up to six months after this Act comes into force.

Section 103

1. A young person who, at the time that this Act comes into force, is receiving youth care to which he is entitled under this Act from a youth assistance

establishment in the sense of the Youth Assistance Act, shall, until such time as the competent foundation has arrived at a decision, as referred to in Section 5, subsection 4, and contrary to the provisions of Section 3, subsection 3, be entitled to receive youth care from the youth assistance establishment in question.

2. A young person who, at the time that this Act comes into force, is entitled under the Exceptional Medical Expenses Act to youth care, as referred to in Section 5, subsection 2, under b, shall retain his entitlement until such time as a decision of the competent foundation, as referred to in Section 5, subsection 4, or Section 9b, subsection 5, of the Exceptional Medical Expenses Act, takes effect.
3. The competent foundation shall arrive at a decision, as referred to in subsection 1 or 2, within six months of this Act coming into force.

Section 104

1. Until a date specified by royal decree, Our Ministers may include in the grant referred to in Section 37, subsection 1, under a, the amount payable by the province as subsidy to the youth care agency for the implementation of a guardianship or supervision order, under which the responsibilities are to be discharged by a person in the service of an institute, as referred to in Section 1, subsection 1, under k, of the Youth Assistance Act, which provides national coverage, which is nominated by Our Ministers and which, in the year prior to this Act coming into force, was in receipt of subsidy as an institute with national coverage, insofar as this is necessary to ensure the continuity of the activities of that institute for its target group.
2. Until a date specified by royal decree, Our Ministers may include in the grant referred to in Section 37, subsection 1, under b, the amount payable by the province as subsidy to the operator of a national facility, as referred to in Section 3, subsection 1, of the Youth Assistance Act, which is nominated by Our Ministers and which, in the year prior to this Act coming into force, was in receipt of subsidy as a national facility, insofar as this is necessary to ensure the continuity of the care provided by the facility in question.

Section 105

A decision made by a foundation or care provider in response to a request, as referred to in Section 30, subsection 3, Section 35, Section 36 and Section 38, subsection 2, of the Personal Data Protection Act, or a decision made in response to a formal objection, as referred to in Section 40 or 41 of the latter Act shall, in the context of Chapter 8 of the latter Act, be treated as a decision made by a party other than a government body, even if and insofar as the foundation or the care provider has in fact made the decision as a government body.

Section 106

1. A foundation shall lay down the rules referred to in Section 58, subsection 2, no later than six months after the provisions of that passage come into force.
2. A foundation shall make the arrangements necessary under the rules referred to in subsection 1 for the appointment of the members of the clients' council no later than three months after laying down the said rules.
3. Sections 59 and 60 shall not apply in relation to decisions taken before the date of the appointment of the members of the clients' council.
4. A foundation's constitution shall be brought into line with Section 63 no later than six months after that section comes into force.
5. A foundation shall lay down the procedure referred to in Section 68 no later than six months after the provisions of that passage come into force.

Section 107

1. Provincial policy frameworks, implementation programmes, the national policy framework and the progress report shall be drawn up for the first time no later than two months after Chapter V comes into force.
2. Contrary to the provisions of Section 32, subsection 1, the content of the implementation programme referred to in subsection 1 and of the second implementation programme shall be decided by Our Ministers.
3. Contrary to the provisions of Section 36, subsection 2, the content of the progress report referred to in subsection 1 and of the second progress report shall be decided by Our Ministers.

Section 108

If accreditation of the legal person referred to in Article 302, clause 2, of Book 1 of the Civil Code is terminated, any guardianship awarded to that legal person shall from the time of termination be legally transferred to the foundation in the relevant minor's province of permanent residence.

Section 109

An Order in Council drawn up pursuant to this Act shall not be issued without a draft having first been published in the Government Gazette and a further four weeks allowed for any party to proffer his views on its content to Our Ministers. The draft referred to in the first sentence shall be submitted to both houses of the national parliament at the time of its publication in the Government Gazette.

Section 110

1. Within five years of this Act coming into force, Our Ministers shall submit to the national parliament a report on the effectiveness and practical effects of this Act.

2. The report referred to in subsection 1 shall at least include:
 - a. an evaluation of the performance of the provinces as the competent tier of government;
 - b. information about the alignment of the national, provincial and local youth care;
 - c. an evaluation of the continuity of care in the family;
 - d. information about waiting lists, and
 - e. an evaluation of the performance of the funding system.

Section 111

1. The Youth Assistance Act²⁶ shall be repealed, subject to the understanding that those of its provisions shall remain in force, which relate to financial accounting for and determination and payment of the subsidies and grants that it provides for.
2. In the context of any legal procedure or action against a decision taken pursuant to the Youth Assistance Act, or any appeal made or to be made against such a decision, the provisions of the latter Act shall remain effective, both in the first instance and in any subsequent instance.

Section 112

1. This Act shall come into force on a date or dates specified by royal decree; different dates may be specified for the various sections or subsections.
2. Section 78, part D, shall come into force on 1 January 2006, unless a later date is specified by royal decree, which may be the case if necessitated by the availability of capacity at the youth detention centres concerned.
3. Until the date on which Section 78, part D, comes into force, the placement of a young person, as referred to in Section 11a, subsection 1, in a youth detention centre, as referred to in Section 1, under b, of the Youth Detention Centres Act, shall be possible only if the foundation has made a decision to the effect that such placement is indicated for the young person in question.
4. Until the date referred to in subsection 3, Section 5, subsection 2, under d, shall read as follows:
 - d. youth care to be provided by a youth detention centre, as referred to in subsection 3.
5. In the context of Section 10, and of Article 261 of Book 1 of the Civil Code, until the date referred to in subsection 3, a decision as referred to in subsection 3 shall be treated as a decision as referred to in Section 6, subsection 1.
6. Until the date referred to in subsection 1, Section 10, subsection 1, under g, shall apply equally in relation to placement in a youth detention centre, as referred to in subsection 3.

Section 113

This Act shall be cited as the Youth Care Act. We order and command that this Act be entered in the Bulletin of Acts, Orders and Decrees and that all relevant ministries, authorities, colleges and civil servants ensure its precise implementation.

Granted at The Hague, 22 April 2004, by

Beatrix

The State Secretary for Health, Welfare and Sport,
C.I.J.M. Ross-van Dorp

The Minister of Justice,
J.P.H. Donner

Issued this sixth day of July 2004

The Minister of Justice,
J.P.H. Donner

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June 2005

The Youth Care Act came into force on 1 January 2005. This Act applies to all young people under the age of eighteen resident in the Netherlands who are affected by serious development and parenting problems.

The main changes introduced by the Youth Care Act are as follows:

- The type of assistance for which a client is referred is dictated primarily by the client's needs; the nature of the care that happens to be available is of secondary importance.
- The Act creates an entitlement to youth care. The care to which a client is entitled must be made available in good time and in accordance with the client's needs.
- Each province will have a single, readily recognisable point of access to all forms of youth care: the youth care agency.

This booklet also explains what youth care is. It also describes the position of the client under the Youth Care Act, and how the various agencies responsible for implementation of the Act have to work together. Finally, the booklet includes the full text of the Act (with the exception of Chapter 14), as it was published on 22 April 2004 in the Bulletin of Acts Orders and Decrees (no. 306). More information about youth care in the Netherlands is available on www.youthpolicy.nl.