

Annex 2

Swedish Code of Statutes SFS 1990:52.

Care of Young Persons Act (1990:52)

Ministry: Ministry of Health and Social Affairs

Issued: 8 March 1990

Amendments entered up to and including: Swedish Code of Statutes 2019:472

Entry into force: 1 July 1990 transitional provisions

Introductory provision

Section 1

Interventions in the social services for children and young people shall be carried out in agreement with the young person concerned and their custodian under the provisions of the Social Services Act (2001:453). The interventions shall be characterised by respect for the human dignity and integrity of the young person.

However, a person who is under 18 years of age shall be provided with care under this Act if any of the situations referred to in Section 2 or 3 obtains and it can be assumed that necessary care cannot be given to the young person with the consent of the person or persons having custody of the young person and, when the young person has turned 15 years, with their own consent.

Care pursuant to Section 3 may also be provided for a person who has turned 18 but not 20 years, if, in view of the young person's needs and general personal circumstances, such care is more appropriate than any other care and it can be assumed that necessary care cannot be given with the young person's consent.

Certain other measures may be taken without consent under Sections 22 and 24.

The best interests of the young person shall be the decisive consideration in decisions under this Act. Act 2012:777.

Provision of care

Section 2

Care shall be ordered if, due to physical or mental abuse, improper exploitation, deficiencies in care or some other circumstance in the home, there is a substantial risk that the young person's health or development will be harmed. Act 2003:406.

Section 3

Care shall also be ordered if the young person exposes their health or development to a substantial risk of harm through the misuse of addictive substances, criminal activity or some other socially destructive behaviour.

Care shall also be ordered if a person who has been sentenced to institutional youth care under Chapter 32, Section 5 of the Criminal Code is deemed, at the end of the enforcement of this

sentence, to be in obvious need of continued care so as to not run a risk referred to in the first paragraph. Act 2006:896.

Section 4

A care order pursuant to this Act is issued by the administrative court following an application by the municipal social welfare committee.

The application shall contain an account of:

- the young person's situation;
- the circumstances that are grounds for the young person being in need of care;
- measures taken previously;
- the care that the social welfare committee intends to arrange;
- how relevant information has been given to the young person;
- what kind of relevant information has been given; and
- the young person's position. Act 2009:804.

Section 5

The order of the court ceases to apply if the care has not begun within four weeks from the date on which the order became legally binding.

Immediate taking into care

Section 6

The social welfare committee may decide that a young person who is under 20 years of age shall be taken into care immediately if:

1. it is probable that the young person needs to be provided with care under this Act; and
2. the care order of the court cannot be awaited in view of the risk to the young person's health or development, or because the continuation of the investigation may be seriously obstructed or further measures may be impeded.

If the social welfare committee's decision to take the young person into care cannot be awaited, the chair of the committee or some other member appointed by the committee may decide to take the young person into care. The decision shall be reported at the next meeting of the committee.

When the social welfare committee has applied for care under this Act, the court may also order that the young person shall be taken into care immediately.

Section 6a

If a Swedish Court does not have jurisdiction to order the provision of care under this Act, the social welfare committee may order that a person who is under 18 years of age shall be taken into care immediately if:

1. interventions by the competent foreign authority cannot be awaited because of the risk to the young person's health and development, or because the continuation of the investigation may be seriously obstructed or further measures impeded; and
2. it is probable that the young person needs to be temporarily provided with care referred to in this Act.

Section 6, second paragraph and, if the social welfare committee has applied for care pursuant to this Act, Section 6, third paragraph, apply to orders under the first paragraph.

Sections 9a and 9b contain provisions about the continued taking into care of the young person for temporary care.

This Section is linked, along with Sections 7–9b, to Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (the Brussels II Regulation) and the Act on the 1996 Hague Convention (2012:318). Act 2019:472.

Section 7

If the social welfare committee has decided to take the young person into care immediately, its decision shall be submitted to the administrative court to be affirmed within one week from the date on which the decision was made. Both the decision and the documents in the matter shall then be transmitted to the court.

The administrative court shall examine the decision as quickly as possible. If there is no exceptional impediment, the examination shall take place within one week from the date on which the decision and the documents were received by the court.

If the decision has not been submitted to the administrative court to be affirmed within the prescribed period, the taking into care terminates.

If the social welfare committee has decided to take a young person into care immediately after the committee has made an application for care under this Act, its decision shall be submitted to the court examining the question of care to be affirmed. The provisions of the first–third paragraphs apply here. Act 2009:804.

Section 8

If the administrative court affirms a decision to take a young person into care immediately, the social welfare committee shall, no later than four weeks from the date on which the taking into care was enforced, make an application to the administrative court for the young person to be

1. given care pursuant this Act, or
2. continue to be taken into care for temporary care under Section 9a.

The administrative court may permit an extension of this period if necessitated by further investigation or some other special circumstance. Act 2019:472.

Section 9

A decision to take a young person into care immediately terminates:

1. if an application for care or an application for continued taking into temporary care under Section 9a has not been made within the period stated in Section 8 and no extension of the period has been requested; either
2. when the court determines the question of care or the question of continued taking into care.

A decision to take a young person into care immediately may not be enforced if the young person is being remanded in custody by order of a court.

If there are no longer any reasons to take the young person into care, the social welfare committee shall decide that the taking into care shall terminate right away. Such a decision may also be issued by the court that examines a question of care pursuant to this Act or a question of continued taking into care under Section 9a. Act 2019:472.

Section 9a

The administrative court may permit a taking into care under Section 6a to continue if the young person still needs temporary care and the social welfare committee has applied for continued taking into care within the period stated in Section 8, first paragraph, the period of an order extending the deadline under Section 8, second paragraph has not expired or the period of an applicable taking into care order has not expired.

In its application the social welfare committee shall state how long the young person needs to be taken into care and what circumstances are grounds for continued taking into care. The social welfare committee shall forward the documents in the matter to the administrative court along with its application.

If the application has been received by the administrative court within the prescribed period, the taking into care may continue pending the order of the administrative court.

Consent to continued taking into care may be given for at most two months at a time, counted from the date on which the court issues its order in the question. Continued taking into care may last for at most a continuous period of one year, unless continued temporary care is necessary. Act 2019:472.

Section 9b

Continued taking into care for temporary care under Section 9a terminates if the social welfare committee has not applied for the young person to continue to be taken into care before the period of an applicable order on continued taking into care has expired.

If there are no longer any reasons for the young person to be taken into care, the social welfare committee or, where applicable, the court shall order that the taking into care shall terminate right away. Act 2019:472.

The care

Section 10

The care shall be deemed to have begun when the young person has been placed away from their own home on account of a decision to take the young person into care immediately or of a care order.

The provisions in the Social Services Act (2001:453) and the provisions of Sections 11–20 of this Act apply to the content and organisation of care. Act 2001:466.

Section 11

The social welfare committee decides how the care of the young person shall be arranged and where they shall reside during the period of care. However, with respect to a person being cared for in a home referred to in Section 12, first paragraph the National Board of Institutional Care may decide when the young person is being transported that they shall reside temporarily in another such home.

The committee may consent to the young person residing in their own home if this can be assumed to be the way most likely to promote their care. However, care pursuant to this Act shall always commence away from the young person's own home.

If a decision by the committee under the first or second paragraph cannot be awaited, the chair or some other member appointed by the committee may decide the question. The decision shall be reported at the next meeting of the committee.

The committee or the person charged by the committee with the care of the young person shall keep the young person under supervision and make the decisions on their personal circumstances that are necessary to carry out the care.

For the duration of care, the committee has the same responsibility as the custodian for ensuring that the young person's fundamental rights under Chap. 6, Section 1 of the Children and Parents Code are satisfied. Act 2007:1312.

Section 12

There shall be special residential homes for young people for the care of young persons who need to be monitored particularly closely on any of the grounds stated in Section 3.

If the social welfare committee has decided that a young person shall reside in a home referred to in the first paragraph, the National Board of Institutional Care shall allocate a place in such a home. In acute situations, the National Board of Institutional Care shall immediately allocate such a place. Act 2018:652.

Section 12a

If the young person has been placed at a special residential home for young people or is being or has been cared for at hospital, the manager of the health care unit shall notify the National Board of Institutional Care right away that the young person wishes to leave or has already left the health care unit.

If a health care professional working at a special residential home for young people becomes aware that the young person has a communicable disease that is a disease dangerous to public health under Chapter 1, Section 3, second paragraph of the Communicable Diseases Act (2004:168), the National Board of Institutional Care shall be informed unless it is clear that there is no risk of the disease being transmitted. Act 2018:652.

Section 13

If care has been provided for the young person pursuant to Section 2, the social welfare committee shall consider, at least once every six months, whether care under the Act is still needed and what focus and design the care should be given.

If the young person has been provided with care pursuant to Section 3, the social welfare committee shall examine, within six months of the date of enforcement of the care order, whether to terminate care pursuant to the Act. Subsequently this question shall be examined continuously within six months of the most recent examination.

When the young person has been placed in the same foster home for a period of three years after the enforcement of the placement, the social welfare committee shall give special consideration to whether there is reason to apply for a transfer of custody under Chapter 6, Section 8 of the Children and Parents Code. Act 2012:777.

Section 13a

The social welfare committee shall closely follow the care of a person receiving care pursuant to this Act.

The social welfare committee shall primarily follow the care through:

1. regular visits in person to the home where the young person is living;
2. private conversations with the young person;
3. conversations with the person or persons who have received the young person in their home, and
4. conversations with the custodians of the young person.

The social welfare committee shall pay particular attention to the young person's health, development, social behaviour, schooling and relationships with relatives and other people close to them. Act 2012:777.

Section 14

The social welfare committee has a responsibility for satisfying the young person's need of access with parents and custodians as far as possible.

If necessary in view of the purpose of care under this Act, the social welfare committee may:

1. decide how the young person's access with a custodian and with parents who have a right of access regulated in a judgment or court order or in an agreement is to be exercised: or
2. order that the young person's place of residence shall not be disclosed to parents or custodians.

The social welfare committee shall consider, at least once every third month, whether an order of the kind referred to in the second paragraph is still needed.

Section 30, third paragraph of the Population Registration Act (1991:481) sets out when the social welfare committee may apply for protected population registration for children being cared for under Section 2 of this Act. Act 2018:686.

Section 14a

The National Board of Institutional Care shall follow up services under this Act. This follow-up shall cover the period both during and after the completion of the care.

The social welfare committee shall provide the National Board of Institutional Care with the information about private individuals that the Board needs to fulfil the obligation that follows from the first paragraph. Act 2005:468.

Special powers

Section 15

If the young person is receiving care on grounds stated in Section 3 and is living in a home for particularly close monitoring, they may be prevented from leaving the home and their freedom of movement may be subjected to the other restrictions necessary to enable the care to be carried out. The young person's freedom of movement may also be restricted when the safety of other persons admitted to the home or the staff so requires. Act 2003:420.

Section 15a

A person covered by the provisions of Section 15 has the right to use electronic communication services, receive visits and spend time outside the home to the extent this is

appropriate. For a person covered by the provisions of Section 15, the right to use electronic communication services and receive visits may be refused or limited if this right may jeopardise the care or good order in the home. Such a decision may apply for at most fourteen days. When conditions for the decision no longer obtain, it shall be cancelled.

A person referred to in the first paragraph may stay away from the home for a predetermined period, but for at most four weeks.

Decisions to restrict the right to use electronic communication services or receive visits and decisions on stays away from the home are made by the National Board of Institutional Care. Decisions on stays away from the home shall be taken after consulting the social welfare committee.

The Act on Restrictions concerning visits in certain forms of compulsory care (1996:981) contains provisions concerning visits to care institutions under this Act. Act 2018:652.

Section 15b

A person covered by the provisions of Section 15 may be provided with care at a unit within the home that can be locked or is otherwise set up for particularly close monitoring (care at a lockable unit);

1. if this is necessary with regard to the safety of the young person or other persons; or
2. if this is necessary in order to prevent the young person from absconding or so as to otherwise carry out the care.

A person being cared for at a lockable unit shall be given the possibility of being outdoors every day and be given the possibility of engaging in physical activity or some other recreational activity.

Care at a lockable unit may continue for a maximum of two consecutive months. If required for special treatment reasons, however, care at the unit may continue for a longer period, provided that any of the circumstances referred to in the first paragraph still applies and that the young person is, at the same time, given the opportunity to spend time in more open forms of care or away from the home. Act 2018:652.

Section 15c

A person covered by the provisions of Section 15 may be singly separated if this is specially called for because the young person is acting in a violent manner or is under the influence of an intoxicant to such an extent that they cannot be kept in order. In that case, the young person shall be kept under constant supervision by the staff and be able to summon staff. The young person must not be singly separated for longer than is absolutely necessary and never for a continuous period of more than four hours.

A doctor or nurse shall promptly give an opinion on any measure taken under the first paragraph. The measure shall be discontinued immediately, if so requested by the doctor or nurse. Act 2018:652.

Section 15d

A person covered by the provisions of Section 15 may, if required in view of their special need of care or safety or of safety at the home, be prevented from meeting other persons in care (solitary care).

Solitary care shall be adapted to the young person's individual need of care.

A question of solitary care shall be subject to continuous examination and shall always be re-examined within seven days of the latest examination. Act 2018:652.

Section 16

A person who is covered by the provisions of Section 15 may not be in possession of drugs, alcoholic beverages, other intoxicants, substances covered by the Act Prohibiting Certain Doping Substances (1991:1969) or goods covered by the Act Prohibiting Certain Goods Hazardous to Health (1999:42) or syringes, injection needles and other articles that are particularly liable to be used in drug misuse or for some other handling of drugs. Nor may the young person have anything else in their possession that may be detrimental to the care or good order in the home. If such property is found, it shall be taken charge of. Act 2005:468.

Section 17

If necessary, a person covered by the provisions of Section 15 may be subjected to a body search or an external physical examination on arrival at the home to check that they are not carrying anything that they may not be in possession of under Section 16. This also applies if suspicion arises during their stay at the home that such property will be found in their possession.

A body search or an external physical examination shall be carried out in the presence of a witness if the young person does not refrain from that right.

The young person shall be asked whether they wish a particular person from the staff to carry out or be present at the body search or the external physical examination. The young person's wishes shall be satisfied as far as possible.

All the consideration permitted by the circumstances shall be observed in a body search or an external physical examination. Act 2018:652.

Section 17a

A person covered by the provisions of Section 15 is required on arrival at the home, unless otherwise justified by medical or similar reasons, to provide blood, urine, breath, saliva or sweat samples to check whether they are under the influence of narcotics, alcoholic beverages, other intoxicants or substances referred to in Section 1 of the Act Prohibiting Certain Doping Substances (1991:1969) or goods covered by the Act Prohibiting Certain Goods Hazardous to Health (1999:42). The young person may only be called on to provide samples of there is a reason to do so.

The first sentence also applies if it can be suspected, during their stay at the home, that the young person is under the influence of any drink, product or substance referred to it the first paragraph. Act 2018:652.

Section 17b

If needed to carry out care or maintain good order at the home, accommodation rooms and other closed repositories used by someone covered by the provisions of Section 15 may be examined (room search). A room search may only be performed to look for articles that the young person may not be in possession of under Section 16.

A room search shall be carried out in the presence of a witness. All the consideration permitted by the circumstances shall be observed. Act 2018:652.

Section 17c

If needed to carry out care or maintain order at the home, a security check may be carried out using a metal detector or another similar device at the special residential homes for young people decided by the National Board of Institutional Care. *There shall be a statement for each special residential home for young people of the situations in which checks may be carried out. Such checks may only be carried out on young persons covered by the provisions of Section 15 to look for articles that the young person must not be in possession of under Section 16. Act 2018:652.

Section 18

The provisions of Sections 16, 17, 17b and 17c shall apply to everyone being cared for in a home for particularly close monitoring if this is necessary to carrying of the care and maintain good order at the home and the Government or, following authorisation by the Government, the National Board of Institutional Care consents to it. Act 2018:652.

Section 19

Letters and other items of mail sent to or by a person covered by the provisions of Section 15 may be monitored if this is needed considering good order in the home or the particular circumstances of the young person. The National Board of Institutional Care may open and examine mail arriving for or sent by the young person for this purpose. If an incoming item of mail contains any property that the young person is not allowed to be in possession of under Section 16, that property shall be taken charge of.

Letters between the young person and a Swedish authority or a lawyer who is a member of the Swedish Bar Association or their public counsel shall be forwarded without prior examination. Act 2005:468.

Section 20

If drugs, alcoholic beverages, other intoxicants, substances covered by the Act Prohibiting Certain Doping Substances (1991:1969) or goods covered by the Act Prohibiting Certain Goods Hazardous to Health (1999:42) have been taken charge of under Section 16 or 19 or if such property has been found in a home for particularly close monitoring without there being any known owner of the property, the National Board of Institutional Care shall have the property destroyed or sold under the provisions on seized property in Section 2, point 1, first paragraph of the Act on the Confiscation of Alcoholic Beverages etc. (1958:205). The proceeds of the sale shall go to the State.

The first paragraph shall also apply to syringes, injection needles and other articles that are particularly liable to be used in drug misuse or for some other handling of drugs. Act 2019:358.

Section 20a

Coercive measures under Sections 15–15d and Sections 17–19 may only be used if they are reasonably proportionate to the purpose of the measure. If less intrusive measures are sufficient, they shall be used. Act 2018:652.

Section 20b

Sections 15a, 17c and 18–20 contain provisions that decisions are made by the National

Board of Institutional Care. In addition, decisions under Sections 15 and 15b–17b are made by the National Board of Institutional Care. Act 2018:652.

Section 20c

The young person shall be offered a follow up conversation after execution of a decision on:

1. single separation under Section 15c;
2. a body search or an external physical examination under Section 17; or
3. a room search under Section 17b.

During the conversation the young person shall be given information about the reason why the coercive measure needed to be resorted to and be given the possibility of presenting their view about the measure taken. Act 2018:652.

Termination of care

Section 21

When care under this Act is no longer needed, the social welfare committee shall order the termination of care. The committee shall make careful preparations for the young person to be reunited with the person or persons having custody of them.

Care ordered pursuant to Section 2 shall terminate no later than when the young person reaches the age of 18.

Care ordered pursuant to Section 3 shall terminate no later than when the young person reaches the age of 21. Act 2003:406.

Section 21a

A care order pursuant to this Act is not an impediment to an order on:

1. refusal of entry or expulsion under the Aliens Act (2005:716);
2. expulsion under the Act concerning Special Controls in respect of Aliens (1991:572);
3. extradition under the Extradition for Criminal Offences Act (1957:668);
4. surrender under the Act on Surrender from Sweden according to a Nordic Arrest Warrant (2011:1165);
5. extradition under the Act on Extradition to Denmark, Finland, Iceland or Norway for the Enforcement of Decisions on Care or Treatment (1970:375);
6. extradition under the Act on Cooperation between Sweden and the International Tribunals for Violations of International Humanitarian Law (1994:569);
7. surrender under the Cooperation with the International Criminal Court Act (2002:329);
8. surrender under the Act on Surrender from Sweden according to the European Arrest Warrant (2003:1156); or
9. extradition under the Act on Cooperation with the Special Court for Sierra Leone (2006:615).

Care pursuant to this Act terminates when an order under the first paragraph, points 1–9 has been enforced. Act 2011:1170.

Other measures

Preventive measures

Section 22

If, as a result of behaviour referred to in Section 3, it can be assumed that a young person

under the age of 20 will need to be given care under this Act if such behaviour continues and the support or treatment which the young person needs cannot be provided with their consent, if they have attained 15 years, and with the consent of the young person's custodians, the social welfare committee may decide:

1. that the young person is to maintain regular contact with a specially qualified contact person, or
2. that the young person is to take part in non-institutional treatment in the social services.

When a decision of this kind is made, there must be a special treatment plan.

Relevant parts of the provisions of Section 13, second paragraph, Section 13a, first paragraph and Section 21, first and third paragraphs also apply concerning decisions under the first paragraph. An examination under Section 13, second paragraph of whether such a decision shall cease to apply shall take place for the first time within six months of the date of the social welfare committee's decision.

The first paragraph is also applicable if a person who is under 20 years of age and has been sentenced to secure youth care under Chapter 32, Section 5 of the Criminal Code is assessed at the end of the enforcement of that sentence as being in evident need of continued interventions to prevent behaviour referred to in the first paragraph. Act 2016:518.

Section 23

A decision under Section 22 ceases to apply if:

1. a decision to take the young person into care immediately is made, or
2. an application for care is granted.

Removal prohibition etc.

Section 24

The administrative court may, on application by the social welfare committee, prohibit, for a specified period or until further notice, the removal of a minor from a home referred to in Chapter 6, Section 6, first paragraph of the Social Services Act (2001:453) by the person who has custody of the minor, if there is a substantial risk that the young person's health or development will be harmed if they are separated from the home (removal prohibition). Act 2009:804.

Section 25

An application for a removal prohibition is made by the social welfare committee that has granted consent, under Chapter 6, Section 6 of the Social Services Act (2001:453), for the young person to be received in a private home. The same committee decides on a temporary removal prohibition under Section 27. Act 2001:466.

Section 26

The social welfare committee shall consider at least once every third month whether a removal prohibition is still needed.

When a removal prohibition is no longer needed, the social welfare committee shall decide to terminate the prohibition.

Section 27

The social welfare committee may decide on a temporary removal prohibition if:

1. it is probable that a removal prohibition is needed; and

2. the court order imposing a removal prohibition cannot be awaited in view of the risk to the young person's health or development.

If the decision by the social welfare committee imposing a temporary removal prohibition cannot be awaited, the chair of the committee or some other member appointed by the committee may decide on such a prohibition. The decision shall be reported at the next meeting of the committee.

When the social welfare committee has applied for a removal prohibition, the court may also impose a temporary removal prohibition.

Section 28

If the social welfare committee has imposed a temporary removal prohibition, the decision shall be submitted to the administrative court to be affirmed. The provisions in Section 7, first–third paragraphs apply here. Act 2009:804.

Section 29

If the administrative court affirms a decision imposing a temporary removal prohibition, the social welfare committee shall apply for a removal prohibition within two weeks from the date of the administrative court's order Act 2009:804.

Section 30

A temporary removal prohibition terminates:

1. if an application for a removal prohibition has not been made within the period stated in Section 29, or
2. when the court determines the question of a removal prohibition.

If there are no longer any reasons for a temporary removal prohibition, the social welfare committee shall decide to terminate it right away. Such an order may also be issued by the court examining the question of a removal prohibition.

Section 31

If it is necessary in view of the purpose of a removal prohibition or a temporary removal prohibition, the social welfare committee may decide how the young person's access with custodians and with parents who have a right of access regulated in a judgment or court order or in an agreement is to be exercised. Act 2003:406.

Medical examination

Section 32

In a matter under this Act the social welfare committee may decide on a medical examination of the young person and appoint a doctor for the examination. If it is not appropriate to perform the examination in the young person's home, the committee may decide on some other location for the examination. In a case under this Act the court has the same power.

Unless it is not necessary for particular reasons, the medical examination shall take place before the committee makes an application under Section 4.

Provisions on processing cases and matters

Section 33

Cases and matters under this Act shall be processed promptly.

Section 34

If the young person has been taken into care or if a temporary removal prohibition has been issued, the administrative court shall examine the case to rule on it within two weeks from the date on which the application for care, continued taking into care for temporary care or a removal prohibition was received. The administrative court may extend this period if this is necessitated by further investigation or some other special circumstance. Act 2019:472.

Section 35

In cases concerning the provision or termination of care, a removal prohibition or continued taking into care for temporary care under this Act, the administrative court and the administrative court of appeal shall hold oral proceedings unless this is manifestly unnecessary. Oral proceedings shall always be held if requested by a party. The parties shall be informed of their right to request oral proceedings.

If a private party summonsed under a conditional financial penalty to appear in person at a hearing fails to do so, the court may order that they shall be brought before the court either immediately or at a later date. Act 2019:472.

Section 36

The young person shall be given relevant information. The young person shall be given the opportunity to express their opinions in matters that concern them. If the young person does not express their opinions, their position must, as far as possible, be established in some other way. The opinions and position of the young person shall be being given due weight in relation to their age and maturity.

If the young person has attained 15 years, they are entitled to speak on their own behalf in cases and matters under this Act. A person who is younger may be heard in court, if it can be assumed that they will not be harmed by this.

A person appointed as public counsel under Section 39 for a person aged under 15 years, and who is not at the same time counsel for the custodian, is, without any special appointment, the young person's representative in the case or matter to which the appointment refers. Act 2012:777.

Section 37

In the processing in the administrative court of appeal of cases under this Act other than cases concerning taking into care immediately and a temporary removal prohibition the court shall include lay judges.

Section 38

When serving documents on individuals in cases and matters under this Act, Sections 34–38 and 47–51 of the Service of Process Act (2010:1932) must not be applied. Act 2010:1955.

Section 39

In cases and matters concerning the provision of care under Sections 2 and 3, immediate taking into care under Section 6 or 6a, continued taking into care under Section 9a, the termination of continued taking into care under Section 9b, the termination of care under Section 21, a removal prohibition under Section 24, the termination of a removal prohibition under Section 26 or in an appeal under Section 41, first paragraph, point 1, a public counsel shall be appointed for the person the measure refers to and for their custodian unless it must be assumed that there is no need for counsel.

If a public counsel is needed for both the young person and their custodian, a joint counsel is appointed unless they have conflicting interests.

In an appeal under Section 42, a public counsel shall be appointed for the person under 15 years of age who the intervention refers to unless it must be assumed that there is no need for counsel.

A public counsel is appointed by the court processing the case. In matters dealt with by a social welfare committee or district social welfare committee a public counsel is appointed by the administrative court. Act 2019:472.

Section 40

Decisions and orders concerning taking into care immediately, preventive interventions or temporary removal prohibitions take effect immediately.

Other decisions by the social welfare committee under this Act take effect immediately, unless otherwise directed by the committee.

The Court may direct that other orders made by the court shall take effect immediately.

Provisions concerning appeals

Section 41

Decisions by the social welfare committee may be appealed to a general administrative court when the committee has:

1. decided where the care of the young person shall begin or has decided to transfer the young person from the home where they are residing;
2. decided a question relating to continued care pursuant to this Act;
3. pursuant to Section 14 made a decision concerning access or a decision concerning non-disclosure of the young person's place of residence;
4. made a decision under Section 22 or examined whether such a decision shall cease to apply;
5. pursuant to Section 31 made a decision concerning access;
6. made a decision concerning the continuation of a removal prohibition; or
7. made a decision concerning the termination of continued taking into care for temporary care.

Other decisions by the committee under this Act may not be appealed.

Court orders under Section 8 concerning an extension of an application period and under Section 32 concerning a medical examination may not be appealed. Act 2019:472.

Section 42

A decision by the National Board of Institutional Care under this Act may be appealed to a general administrative court if the decision concerns:

1. restrictions on the right to use electronic communication services or receive visits according to Section 15a;
2. care at a lockable unit under Section 15b, solitary care under Section 15c or care in single separation under Section 15d;
3. a body search or an external physical examination under Section 17;
4. the obligation to provide blood, urine, breath, saliva or sweat samples under Section 17a;

5. a room search under Section 17b;
6. monitoring of letters and other items of mail under Section 19; or
7. the destruction or sale of property under Section 20.

An appeal is examined by the administrative court that issued the care order.

Leave to appeal is required for an appeal to the administrative court of appeal. Act 2018:652.

Enforcement assistance by the Swedish Police Authority and the Swedish Prison and Probation Service

Section 43

The Swedish Police Authority or, in the case of a transport of someone being cared for at a special home referred to in Section 12, the Swedish Prison and Probation Service shall provide help in order, at the request of:

1. the social welfare committee or its chair or the court, to provide access to the young person's home for a doctor referred to in Section 32 or to convey the young person to a medical examination;
2. the social welfare committee or a member or official appointed by the committee, to enforce a care or immediate custody order pursuant to this Act; and
3. the National Board of Institutional Care, to trace and retrieve a person being cared for at a home for particularly close monitoring on any ground referred to in Section 3, if the young person has absconded from the home, or in order to arrange some other move of them.

A request under the first paragraph may only be made if:

1. on account of special circumstances it can be feared that the measure cannot be performed without needing to resort to the special powers stated in Sections 10 and 10a of the Police Act (1984:387) or, in the case of a transport performed by the Swedish Prison and Probation Service, Chapter 4, Section 4 and Section 10, first paragraph of the Remand Act (2010:611).
2. there are other exceptional reasons.

The second paragraph does not apply to a request by the court or to a request for tracing by the National Board of Institutional Care either. Act 2017:135.

Section 43a

In a transport under Section 43 the Swedish Prison and Probation Service shall apply the following provisions of the Remand Act (2010:611):

- Chapter 4, Section 4 on body searches;
- Chapter 4, Section 10, first paragraph on the use of restraints; and
- Chapter 8, Section 2a on the possibility of requesting help from the Swedish Police Authority in certain cases. Act 2017:135.

Section 43b

A party requesting help under Section 43 shall, notwithstanding secrecy, provide the enforcing authority with the information about the young person or their close relatives that is needed to plan and implement the measure. Act 2017:135.

Section 43c

The young person may be taken into custody if this is necessary to enable a transport under

Section 43 to be carried out. However, a person who is under fifteen years must not be taken into custody. Act 2017:135.

Fines

Section 44

A person who breaches a removal prohibition or a temporary removal prohibition shall be sentenced to a fine.

A public prosecution may only be brought following consent from the social welfare committee or the National Board of Health and Welfare. Act 2009:598.

Transitional provisions

1990:52

1. This Act (the new Act) enters into force on 1 July 1990, when the Care of Young Persons Act (1980:621) (the old Act) shall cease to apply.
2. A care order under Section 6 of the old Act shall be deemed to be an order under Section 6 of the new Act.
3. The provisions of Section 1 and Section 2, second paragraph of the old Act still apply when an application for care pursuant to that Act has been received by the county administrative court before 1 July 1990.
4. A care order on any of the grounds stated in Section 1, second paragraph, point 1 of the old Act shall be deemed to be a care order pursuant to Section 2 of the new Act. A care order on any of the grounds stated in Section 1, second paragraph, point 2 or third paragraph of the old Act shall be deemed to be a care order pursuant to Section 3 of the new Act.
5. A decision under Section 8a or 16 of the old Act shall be deemed to be a decision under Section 22 and 14 respectively of the new Act.
6. If a removal prohibition has been decided pursuant to the Social Services Act (1980:620), the provisions of the Social Services Act also apply to the removal prohibition after 1 July 1990. In addition the provisions on consideration in Section 26 and on access in Section 31 of the new Act are applied.
7. If a temporary removal prohibition has been ordered pursuant to the Social Services Act (1980:620), the provisions of the Social Services Act on such a removal prohibition also apply after 1 July 1990. In addition the provisions on access in Section 31 of the new Act are applied.
8. If an act of law or a statute adopted by the Government refers to the old Act, the reference shall be to this Act instead. If it refers to a provision that has been replaced by a provision in this Act, the new provision shall be applied.

1993:2

This Act enters into force on 1 July 1993.

Older provisions are applied concerning care given in the period 1 July 1993–1 July 1994. However, if the State has taken over a home referred to in Section 12 before 1 July 1994 pursuant to Section 23a of the Social Services Act (1980:620), the new provisions concerning care are applied as of the date on which the take-over took place

2001:466

1. This Act enters into force on 1 July 2001.
2. References in this Act to the Social Services Act (2001:453) shall until the end of 2001 refer to the corresponding provisions of the Social Services Act (1980:620) instead.

2005:468

1. This Act enters into force on 1 July 2005.
2. Decisions taken before the entry into force of this Act by the director of a special residential home for young people shall be considered to have been taken by the National Board of Institutional Care when applying this Act.

2010:1955

1. This Act enters into force on 1 April 2011.
2. Older provisions apply if a document was sent or delivered before 1 April 2011.