

PROJECT FACT FOR MINORS

Fostering Alternative Care for Troubled Minors

JUST/2015/RCHI/AG/PROF/9578

Portugal

1st SGM Meeting
Rome, 2nd 3rd December 2016



Public Prosecution Service

- The Public Prosecution Service (PPS) is a constitutional body entrusted with powers to prosecute, to participate in the implementation of the criminal policy defined by the sovereignty entities, to represent the State and to defend the democratic legality and the interests laid down by the law [Article 219(1) of the [Constitution of the Portuguese Republic/CPR](#)].

- Although PPS is generally identified with criminal field, there are several other tasks related to other intervention areas, namely, in Family and Children cases:
 - The Public Prosecution Service intervenes in cases where a minor's motherhood and/or fatherhood has not been established
 - As regards the civil intervention, the PPS represents the minors and proposes actions for settlement of parental responsibilities and for alterations to previous settlements

Public Prosecution Service

- Other areas of intervention are (i) minors alimonies, (ii) interdiction of or restriction to the exercise of parental responsibilities; (iii) guardianship; (iv) civil support.
- Furthermore, the PPS is entrusted with powers to request judicially the parents' prior consent to adoption, the minor judicial trust in view of a future adoption. During the adoption process, the PPS must issue an opinion prior to the judgement.
- The current protection system for children and young people in danger grants the PPS powers to follow-up and to control the protection commissions' activities, to assess legality and adequacy of their decisions and to request the implementation of the proper judicial procedures.

Public Prosecution Service

- It is also incumbent on the PPS to request to opening of the judicial procedures for promotion and protection, the evolution of which is followed up closely along all stages - in particular the stage of enforcement of the measures ordered to the children's benefit.
- As regards the educational sphere, should an act statutorily deemed a criminal offence be committed by a minor aged between 12 and 16, the PPS opens and directs the inquiry stage.
- At the very end of this stage, and if justifiable, it requests the opening of the jurisdictional stage, where the PPS points out the minor's educational needs and purposes the guardianship measure believed to be appropriate. The PPS intervenes in trial session and follows up the enforcement of any ordered educational guardianship measure.

Why PPS Supports FACT for Minors Project?

- **PPS strongly recognize the relevance of the project**
- Considering the central role of the Public Prosecution Service in the whole system of promotion and protection and in the Law on Educational Guardianship, this service is a “true pivot” in affirming the rights of children and young people;
- Considering also the absence of adequate therapeutic responses for children with significant mental health problems under the Child Protection System and under the Juvenile Justice System
- Due the necessary interconnection between justice, health and social science professionals - the overwhelming majority of judicial decisions in this area of children's rights are based on reports and expertise done by Psychologists and Psychiatrist – PPS is very interested to cooperate with this project, believing that it can benefit Portuguese children and young people (more than 1,500,000 At 15 years).