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| Study on children's involvement in judicial proceedings – contextual overview for civil justice – Slovenia  July 2014 (Research carried out between March 2013 and October 2013) |



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Abbreviations

CoE Council of Europe

EC European Commission

EU European Union

# Introduction

Introduction and context

The promotion and protection of the rights of the child is one of the objectives of the EU on which the Treaty of Lisbon has put further emphasis. This report is part of a study ‘to collect data on children’s involvement in judicial proceedings in the EU’ which supports the implementation of the Commission Communication of 15 February 2011 ‘[An EU Agenda for the rights of the child’](http://ec.europa.eu/justice/fundamental-rights/rights-child/eu-agenda/index_en.htm), which identified the lack of reliable, comparable and official data on the situation of children in the Member States (MS). This deficiency is a serious obstacle to the development and implementation of evidence-based poli­cies and is particularly evident in the context of child-friendly justice and the protection of children in vulnerable situations. Making the justice system more child-friendly in Europe is a key action of the EU Agenda. It is an area of high practical relevance where the EU has, under the Treaties, competences to turn the rights of the child into reality by means of EU legislation. Improved data is crucial to the framing of such legislation.

The objective of this study is:

to establish statistics and collect data based on structural, process and outcome indicators on children involved in civil judicial proceedings for the years 2008-2010 (and 2011 if available) for all 28 EU Member States;

to provide a narrative overview of children's involvement in civil judicial proceedings in the EU. The report describes the situation in each Member State as at 1 June 2012.

* This report examines the safeguards in place for children involved in **civil judicial proceedings**. The [Council of Europe Guidelines on child-friendly justice](http://www.coe.int/t/dghl/standardsetting/childjustice/publicationsavailable_en.asp) serve as a basis for the analysis of the provisions affecting children in civil judicial proceedings in each Member State.

Structure and scope

This report describes the national **civil justice system** insofar as children’s involvement is concerned. If, in addition to general rules in civil judicial proceedings, there are specific rules in the fields of **family and employment law**, the safeguards in place for children involved in judicial proceedings in those two specific sectors will also be described.

**Chapter 2** of this report provides an overview of the Member State’s approach to children’s involvement in civil judicial proceedings. It includes a description of the competent authorities and services.

**Chapter 3** of this report is divided in sections (3.1, 3.2, etc.) according to the different safeguards examined (e.g. the right to be heard, the right to information, etc.). Each of these sections is divided into subsections describing the different rules applying to children according to the different role they may have in a civil judicial proceeding (plaintiff; defendant; witness; other roles).

The table below summarises the type of judicial proceedings applicable to the fields of family and employment law and the competent courts. For the sake of completeness, the table also indicates which sectors are examined in the [overview for administrative justice](http://bookshop.europa.eu/children-in-administrative-judicial-proceedings), i.e. asylum, migration, education, health, placement into care, administrative sanctions, and offences committed by children below the minimum age of criminal responsibility (MACR). In fact, in some countries, civil procedural rules also apply to judicial proceedings in some of these sectors, but in order to ensure a degree of consistency among the overviews on the 29 jurisdictions covered by this study, the breakdown set out in the table below has been applied for each and every country overview.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of judicial proceedings and court competence per sector[[1]](#footnote-1)** | | | | | | | | | |
|  | **Contextual overview for civil justice** | **Contextual overview for civil justice** | **Contextual overview for administrative justice[[2]](#footnote-2)** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** | **Contextual overview for administrative justice** |
| **Sectors:** | **Family** | **Employment** | **Asylum** | **Migration** | **Education** | **Health** | **Placement in care** | **Administrative sanctions** | **Offences < MACR[[3]](#footnote-3)** |
| **Type of proceeding applying in the sector** | Civil judicial proceedings | Civil judicial proceedings | Administrative judicial proceedings | Administrative judicial proceedings | Administrative judicial proceedings | Civil judicial proceedings | Administrative judicial proceedings | Administrative judicial proceedings | Decisions in this sector are not reviewed in judicial proceedings |
| **Court(s) competent to decide in the sector** | District courts | Labour and social courts | Administrative courts | Administrative courts | Administrative courts | Labour and social courts | Administrative courts | Administrative courts | Decision are taken by the Centre for Social Work and are not reviewed by any court |

# Overview of Member State’s approach to children in civil judicial proceedings and specialised services dealing with such children

## Brief description of judicial system and institutions

The main procedural act in the field of civil law is the[**Civil Procedure Act**](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html)[[4]](#footnote-4). This act contains general provisions applicable to all civil judicial proceedings. Additionally, it contains specific sections which govern the procedures in specific fields of law. One of these specific sections is related to marital and family disputes where there are a number of aspects that are regulated differently to ordinary civil judicial proceedings. For example, as further explained in [Section 3.1](#_The_child_as), children are given a more independent role in these types of proceedings.

Labour law disputes are regulated in another procedural law called **Labour and Social Courts Act**[[5]](#footnote-5), which contains no child-specific provisions. This law regulates the way labour law disputes are adjudicated by the courts. However, for any issue not regulated under this specific act, the general Civil Procedure Act is applicable. Another important procedural act is the [**Enforcement and Securing of Civil Claims Act**](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1008.html)[[6]](#footnote-6) governing the enforcement of judicial decisions. Family law is regulated with the[**Marriage and Family Relations Act**](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html)[[7]](#footnote-7). Torts are regulated in the [**Obligations Code**](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html)[[8]](#footnote-8), which is not a procedural law. There is no specific legislation which refers exclusively to children involved in civil judicial proceedings.

Proceedings concerning the **placement of children into child care institutions** are administrative proceedings and thus do not fall within the realm of civil law. The decision to place a child in an institution is adopted by social services[[9]](#footnote-9), in accordance with the administrative procedure.

Specialist institutions and cooperation of professionals working with children

In Slovenia, there are no specialist institutions dealing exclusively with children in civil judicial proceedings. Taking care of the best interests of the child is entrusted to social services[[10]](#footnote-10) (Centres for Social Work) which are in charge of social services in general. Social services have an important role in family law matters involving children as: they provide opinions to the court; they take care of the best interests of the child[[11]](#footnote-11); they cooperate with the court in the course of the proceedings[[12]](#footnote-12); they appoint temporary representatives or guardians to children in cases of conflict between the parents’ and children’s interests[[13]](#footnote-13); and they file claims for removal of parental rights[[14]](#footnote-14). The role of social services with regard to children in civil judicial proceedings depends on the type of the procedure. They may be asked or required to perform a specific task in the judicial procedure (e.g. appoint a temporary representative), while in other cases they may be fully involved throughout the whole procedure (e.g. in marriage and family disputes involving children)[[15]](#footnote-15).

A special body advocating on behalf of children and making sure that their voice is heard in all proceedings concerning them, i.e. an ‘Advocate of Children’s Rights’, has not been established yet. To address this gap, a pilot project called ‘The Advocate – The Voice of a Child’ has been set up by the Human Rights Ombudsman in cooperation with the Faculty for Social Work at the University of Ljubljana. The advocates who participate in and are trained within this project are psychologists, pedagogues and social workers who need to pass a special exam. Their main task is to make sure that the child is heard and his/her views are considered during the proceedings. This is particularly needed in cases where there is a conflict between the interests of children and their parents. In order to work as advocates they must participate in sessions (supervisions) with supervising psychologists where they have the possibility to discuss any issues, feelings, attitudes and actions in relation to the child they work with. These advocates can be appointed by the Human Rights Ombudsman not only for the duration of the proceedings, but also for the period after the proceedings are completed, taking into account all the circumstances of the child’s case[[16]](#footnote-16). The advocate’s activities after the completion of the civil judicial proceedings will depend on the child’s needs. Since the institute of the advocate of a child is not yet regulated by the law, the advocate’s involvement is not yet automatic or institutionalised[[17]](#footnote-17).

In civil judicial proceedings, participation of professionals other than judges and lawyers depends on the circumstances of the case. In cases where there is a conflict between parents’ and children’s interests, children are appointed a guardian by social services or a temporary representative by the court. A guardian can be appointed from amongst social workers or other professionals working at social services (see [Section 2(b)](#_Overview_of_Member)). Such cases are for example inheritance disputes between children and the surviving parent[[18]](#footnote-18). In marital and family disputes, the involvement of social services in the civil judicial proceedings is foreseen by law[[19]](#footnote-19). One of the most important roles of social services is to obtain the opinion of the child concerning the case. If the child does not need to be supported by a psychologist, social workers are well-trained to discuss with the child. If the child is in need of psychological support, a psychologist is involved, if he or she is part of the social services team that participates in the proceedings (as not all social services have all types of professionals employed and available)[[20]](#footnote-20).

No further rules on the cooperation of different professionals who work with children in civil judicial proceedings have been identified.

Competent courts

There are no courts specialised in civil judicial proceedings involving children. Any matter involving a child is handled by the court which is competent for the type of dispute, regardless of the fact that a child might be involved. According to the Civil Procedure Act, disputes concerning marriage, child support, custody, contacts between parents and children and matters concerning motherhood and fatherhood (hereinafter: ‘marital and family disputes’) are handled by district courts (*okrožno sodišče*)[[21]](#footnote-21). In bigger cities, family law departments are organised within some district courts (e.g. Ljubljana, Kranj, Krško, Novo mesto, Maribor, Celje, Murska Sobota). Other district courts have specialised judges dealing with marital and family disputes which often involve children (e.g. Nova gorica, Koper, Slovenj Gradec, Ptuj)[[22]](#footnote-22). In addition to marital and family disputes, district courts are also competent for all disputes (including torts) whose value exceed EUR 20,000, copyright disputes as well as commercial and insolvency disputes[[23]](#footnote-23), regardless of whether the parties to the procedure are children or adults. County courts (*okrajno sodišče*) are competent for disputes whose value is below EUR 20,000, trespass disputes, as well as easement and rental disputes[[24]](#footnote-24), regardless of whether the parties to the procedure are adults or children.

Labour and social disputes, regardless of whether the parties are adults or children, are dealt with by labour and social courts. Labour and social courts adjudicate two types of cases: labour law cases (which are part of the civil law) and cases concerning social rights related to the social security system (which is part of the administrative law).

Relationship between civil, criminal and administrative proceedings

If the criminal court has already decided on the case which is the subject of the civil judicial proceedings, the civil court is bound by the decision of the criminal court in relation to the existence of the crime and the criminal responsibility of the perpetrator[[25]](#footnote-25). If civil and criminal judicial proceedings are carried out in parallel, there is no obligation for the civil court to wait for the criminal court to issue a final judgement.

Moreover, the law states that if the decision of the civil court depends on a preliminary question whether a certain right or legal relationship exists, and another court or state administrative body has not yet decided upon that issue, the civil court may resolve this question by itself. In these cases, the decision of the civil court on this issue only affects the matter that was decided before the civil court[[26]](#footnote-26).

Training and vetting of professionals

All social workers working in social services have to pass the professional State exam in the field of social protection, but there are no specific exams on how to deal with children only. All social workers have at their disposal 12 days per year to attend training courses of their choice, but attending such courses is not mandatory. Many training courses are provided by the Association of Centres for Social Work. The topics are selected by taking into account new issues relevant to the profession and the social workers’ interests. Centres for Social Work carry out supervision of all social workers, which also enhances the quality of their work[[27]](#footnote-27).

There is no mandatory training in order to become a family law judge and there are no mandatory training courses that judges have to attend after their appointment. Regular training for judges is offered once to twice a year by the Centre for Judicial Training at the Ministry of Justice. These courses also focus on topics related to the respect and sensitivity needed when interacting with children who are being interviewed or heard in the proceedings[[28]](#footnote-28). In 2013 the training focused on how to carry out an interview with a child. It included practical workshops and role-play methods. Each year the civil law school for judges takes place and topics concerning children are often covered (for example family violence, case-law of the European Court of Human Rights concerning family law and children, interim measures in the field of family law, etc.). Attending the training is not mandatory for a judge; however, judges do attend them as continuous education is a condition for promotion[[29]](#footnote-29).

Lawyers (attorneys) are not specialised and many of those who deal with cases involving children hardly ever see those children. The continuous training of attorneys is provided by the Bar Association which is independent from the State and cannot be ordered as to what training to provide for its members[[30]](#footnote-30). Topics concerning the rights of children are not often included in the training programmes of the Bar Association. However, since 2009, one lecture within the annual 'School for Attorneys' (a one-day training programme organised by the Bar Association) focuses on matters involving children[[31]](#footnote-31).

There are no official or regular vetting procedures for social workers, judges, lawyers and other professionals working with children in order to ensure that they are competent to do so.[[32]](#footnote-32)

Advocates (within the Human Rights Ombudsman project) are appointed persons with many years of experience with children, e.g. pedagogues, psychologists. However, there is no vetting procedure assessing the suitability of a person to become an advocate[[33]](#footnote-33). This is the reason why judges rarely decide to appoint an advocate to children because they would then be personally responsible for his/her activities[[34]](#footnote-34). Due to the lack of vetting procedures, judges face similar problems when it comes to appointing temporary representatives in cases of conflict of interests between children and their parents or guardians[[35]](#footnote-35). If the advocates are appointed by the Ambudsman, they are recognised by the court as a person supporting the child in the proceedings.

## General approach towards children under civil law: definition of a child, principle of evolving capacities, best interests of the child, principle of non-discrimination

Slovenian law (particularly the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html) and the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html)) uses the terms minor and child interchangeably. A child is considered to be any person below the age of 18. When a child reaches the age of 18, parental rights cease[[36]](#footnote-36).

Where there is a **conflict of interests** between children and their parents/legal representatives, the child is appointed a temporary representative by the court. The same is also true in cases where both parties have the same legal representative (e.g. in cases where two children are opposing parties in a civil judicial proceeding); in that case the court appoints a temporary representative to the defendant. The court informs social services about this as well as the parties, if possible. The claim for the appointment of the temporary representative can be submitted by either party, the plaintiff or the defendant. Persons who can be appointed as temporary representatives of the child are notaries, attorneys or other professionals. The costs for this appointment must be advanced by the plaintiff; so if both parties are children, the relevant costs have to be advanced by the child plaintiff’s legal representative. If the plaintiff fails to do so, the court rejects the claim[[37]](#footnote-37). Temporary representatives have all the rights and duties of a legal representative[[38]](#footnote-38).

The best interests of the child

Several pieces of legislation in Slovenia, including the Constitution, refer to the best interests of the child. The Constitution states first that parents have the right and duty to maintain, educate and raise their children, and that this right and duty may be revoked or restricted only for such reasons as are provided by law in order to protect the child’s interests[[39]](#footnote-39). The best interests of the child are also mentioned in the Civil Procedure Act, the main act governing civil judicial proceedings in Slovenia[[40]](#footnote-40). According to it, in marital and family disputes, the court has to appoint a special representative to the child if the interests of the child and his/her legal representatives are in conflict. The court also has to abide by the same rules in any other case where it considers that a special representative is needed to protect the best interests of the child[[41]](#footnote-41).

The principle of the child’s best interests is also included in two other acts relevant for civil judicial proceedings involving children, namely in the field of family law and in the field of family violence. Under the law, parents, other persons, State bodies and private bodies which have acquired the right to carry out public services, e.g. in the form of concessions, are obliged to take into consideration the best interests of the child in all their activities and procedures[[42]](#footnote-42). In cases of family violence, State bodies and organisations are further obliged to carry out all procedures and measures needed for the protection of the victim (child or adult) taking into account the level of threat to his/her interests, and to ensure respect for the victim’s integrity. If the victim of violence is a child, the child’s rights and best interests have priority over the interests and rights of other parties to the procedure[[43]](#footnote-43). Social services are explicitly obliged to protect children’s best interests[[44]](#footnote-44).

In civil judicial proceedings related to marital and family relations disputes, the child takes part in the assessment of what is in his/her best interests if he/she is capable of understanding the meaning of the procedure and of the decision. In such cases, the judge or social services inform the child that he/she has the right (but not the duty) to express his/her opinion. Children who are not mature enough and are not capable of understanding the meaning of the procedure and the decision do not have to be informed about their right to express their opinion. In such cases, their best interests are assessed by the court in cooperation with social services. There are no explicit provisions on how this decision is taken. The legislation does not define this concept, as such, nor does it provide any parameters for determining the concept of the best interests of the child. It is up to the court to determine the content of the best interests of the child in each individual case. In more demanding cases the court uses the assistance of expert witnesses who provide such assessment. On the basis of this assessment and on the basis of the opinion of social services, the court adopts a decision[[45]](#footnote-45).

In general, the procedures in which children are involved in or are parties to could be divided into civil judicial proceedings dealing with matters unrelated to marital and family disputes (such as property matters), and civil judicial proceedings related to marital and family disputes. Property matters are usually so demanding that children are not capable of assessing what is in their best interests and parents take care of these disputes in the child’s name. These cases include inheritance matters, claims for compensation, or claims based on concluded agreements[[46]](#footnote-46). If parents intend to handle the property written in the child’s name, they are required to obtain the consent of social services[[47]](#footnote-47). If in such cases the interests of parents are in conflict with the interests of children, there is a need to appoint a guardian to the child. The guardian can be appointed either by social services[[48]](#footnote-48) or by the court[[49]](#footnote-49).

The already mentioned project ‘The Advocate of the Rights of the Child’, carried out by the Human Rights Ombudsman, is also aimed at protecting the best interests of the child[[50]](#footnote-50).

In marital and family disputes, the court has a duty to do everything necessary to protect the rights and interests of the children involved. Also, in disputes concerning child custody, child maintenance and contact between parents and children, the court is not bound by the claims filed by the parties to the dispute, which means that it can decide differently from what the parties requested, or can decide even without a claim set forth by the parties. Due to its duty to protect children, the court can also establish facts not set forth by the parties and collect all the necessary information to adopt a decision. For these cases, the law also requires all persons and organisations that have information of relevance to the case to share it with the court, even against the will of the person whom this information concerns[[51]](#footnote-51).

In marital and family cases, the parties to the dispute can reach a settlement. However, the court does not allow the settlement if it finds that it does not correspond to the best interests of the child[[52]](#footnote-52). Similarly, when the parents agree to file for mutual divorce and their agreement includes an agreement on their children’s custody and maintenance, the court approves the divorce only if the provisions of the agreement concerning custody and maintenance are in accordance with the best interests of the child[[53]](#footnote-53).

The principle of evolving capacities and the requirement that children are treated with dignity and respect

When the court decides about the up-bringing and custody of children and about their contacts with their parents and other persons, it has to involve them in the decision-making process. Thus, the law foresees different ways for the court to take into account the child’s **evolving capacities**. If the child is capable of understanding the meaning of the procedure and the consequences of the decision, it must be informed in an appropriate manner about the fact that the procedure has been initiated and that he/she has the right to express his/her opinion. For further details on how the child is heard, please see [Section 3.4](#_Protection_from_harm), [Section 3.5](#_Protecting_the_child) and [Section 3.6](#_Right_to_be). Analysis of the applicable rules in these sections reveals that in Slovenia there are mechanisms to ensure that a child is involved in assessing what is in his/her best interest in disputes concerning marital and family disputes. These provisions also indicate how the child’s evolving capacities are taken into account in civil judicial proceedings on family law disputes. There are no similar provisions for civil judicial proceedings involving the child in cases that are not related to marriage and family related disputes.

There are no child-specific provisions in the law stating that the child has to be treated with **dignity and respect**. The general duty of ensuring that persons are treated with dignity and that their personality is protected in all judicial proceedings is stipulated at the constitutional level[[54]](#footnote-54).

Non-discrimination

**Protection from discrimination** is regulated in detail, however, not in the Civil Procedure Act but in specific laws. Protection from discrimination is guaranteed in the Constitution which prohibits discrimination on the grounds of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance[[55]](#footnote-55). Furthermore, discrimination on the grounds of gender, ethnicity, race or ethnic origin, religion or belief, disability, age, sexual orientation, or any other personal circumstance is prohibited by virtue of the umbrella act in the field of non-discrimination[[56]](#footnote-56). If a child is discriminated against, he/she may use the measures which are generally in place in cases of discrimination: submit a criminal complaint for violation of the principle of equality[[57]](#footnote-57), a claim for damages under the Code of Obligations[[58]](#footnote-58), a complaint to the Human Rights Ombudsman[[59]](#footnote-59) and a complaint to the Advocate of the Principle of Equality[[60]](#footnote-60). There are no specific measures or legal remedies in place for more vulnerable groups of persons. No explicit provisions protecting children from discrimination during civil judicial proceedings have been identified.

# Child-friendly justice in civil judicial proceedings

## The child as an actor in civil judicial proceedings

The child as a plaintiff

All natural and legal persons can be plaintiffs in civil judicial proceedings, including children. Under the general provisions governing civil judicial proceedings, a natural person can carry out official acts before civil courts only if he/she has full legal capacity. In principle, the law does not allow children of any age to bring a claim to the court. Before turning 18, children have to be represented by their parents who are considered their legal representatives (if they have full legal capacity)[[61]](#footnote-61). At the age of 18 a child obtains full legal capacity. If this happens during the civil judicial proceedings, the child has the right to continue the procedure autonomously, without a legal representative.

There are exceptions to the rule that persons obtain full legal capacity at the age of 18. Namely, a child obtains full legal capacity if he/she is married before turning the age of 18. The law does not set a minimum age for children to get married, but in such cases, the social services have to give their permission for the child to get married. If a child becomes a parent before the age of 18, the court may decide that awarding her with full legal capacity is necessary[[62]](#footnote-62). This means that recognition of full legal capacity does not take place automatically. A child that obtains full legal capacity before the age of 18 is entitled to bring the case to the court on his/her own, as bringing a case to the court is conditioned upon full legal capacity and not age as such.

Another exception to the rule that only adults can bring cases to court in their own right concerns children who reached the age of 15 and have concluded contracts on their own, in which case they can bring cases to court in their own name. If these contracts are so important that they have a significant influence on the child’s life or if they influence the child’s life even after he/she reaches the age of majority (18), they have to be validated by the child’s parents[[63]](#footnote-63). This means that a child who has not yet obtained full legal capacity may carry out official acts before courts within boundaries of his/her recognised procedural capacity to participate in civil judicial proceedings[[64]](#footnote-64) (*pravdna sposobnost*). This rule has different practical implications. For example, in the field of labour law, children of 15 years of age and above have the right to start working and conclude an employment contract. If the employment relationship leads to a employment dispute, the child would have the right to participate in the civil judicial proceedings in his/her own right[[65]](#footnote-65).

As a general rule, every person who lacks full procedural capacity, including children, has to be represented by a legal representative[[66]](#footnote-66). In case of children, their parents or legal guardians act as legal representatives. There are no special measures in place to facilitate a child in bringing a claim to court. However, as social services have a general duty to take care of the best interests of the child, they would have to assist children in filing a claim if this was in their best interests. However, no such specific duty is stipulated in the law. This would only happen if the child has capacity to act. If a legal representative is required to file a claim, it is the legal representative who assesses whether or not the claim is in the interests of the child.

Children as interveners in civil judicial proceedings

The possibility to intervene in civil judicial proceedings is provided, however, there are no child-specific provisions. Anyone with a legal interest in the outcome of the case can join one of the parties[[67]](#footnote-67). The other party may oppose the intervention of the third person. The court can reject the motion to intervene if it finds that the person who wishes to intervene has no legal interest[[68]](#footnote-68). Since there are no specific rules, the child can intervene in civil judicial proceedings in his/her own right only in cases where he/she is allowed to bring a case in his/her own right, otherwise he/she is represented by his/her parents/legal guardians.

The child as a plaintiff in marital and family disputes

Certain child-specific provisions have been identified in the section of the Civil Procedure Act which concerns marital and family disputes, including child-parents relations. The law states that the court has to allow a child who has reached the age of 15 and is capable of understanding the meaning and consequences of his/her actions to carry out litigation acts independently, without being represented by his/her legal representatives. This is a general provision that a court can apply on a case-by-case basis. In such cases, the legal representatives may carry out litigation acts during the civil judicial proceedings only until the child states that he/she is taking over the litigation. In this case, the child is also heard as a party to the procedure[[69]](#footnote-69); otherwise, if as a party the child is represented by his/her parents, it is not mandatory for him/her to be heard by the court. In practice this means that as soon as the child, who is a party in the family law dispute and is represented by a legal representative, reaches the age of 15 the court sends him/her a child-friendly letter informing him/her about his/her right to take over the dispute[[70]](#footnote-70). However, an extremely small number of children decide to do that[[71]](#footnote-71). Children who have not yet reached the age of 15 have to be represented by a legal representative[[72]](#footnote-72).

The child as a defendant

For child defendants the same rules apply as for child plaintiffs. All natural and legal persons may be defendants to civil judicial proceedings, including children who can be sued regardless of their age. Before the age of 18, child defendants have to be represented by their parents who are considered as their legal representatives (if they have full legal capacity)[[73]](#footnote-73).

The child as a witness

There are no specific provisions prohibiting a child to be a witness in a civil judicial proceeding. Under the general rules, a witness is a person able to provide information about the facts that need to be proven at trial, including children if they meet these conditions[[74]](#footnote-74). It is at the court’s discretion to decide whether this is the case. In practice, children almost never appear as witnesses in civil judicial proceedings. Even if the parties propose that children be interviewed as witnesses, the court rarely approves this proposal; it only does so in cases where this is absolutely necessary, i.e. if there are no other possibilities to establish the facts of the case, and if this does not interfere with the best interests of the child. The law does not provide the possibility for a child to submit a written statement instead of providing an oral testimony. In most cases where children are put forward as witnesses by the parties the court makes an assessment of whether protection of the child’s best interests is more important than the testimony that he/she would provide. Note that the agreement of the proposed child witness’s parents is not necessary for the child to participate in a civil judicial proceeding.

Under certain circumstances, child witnesses can refuse to provide testimony; the relevant rules are discussed in [Section 3.3](#_Protection_of_the).

The child in any other role

In disputes concerning marriage and family relations, children are often involved in the matter in other roles than that of the plaintiff, defendant or witness. If the decision affects them (e.g. in matters concerning custody, child support or contacts) the court examines whether they are capable to participate in the assessment of their best interests, as already described in [Section 2](#_Overview_of_Member). If the court establishes that children are capable of participating in the assessment of their best interests, they have to be heard within the procedure.

Initiation of proceedings in child protection cases

Child protection cases which fall in the realm of civil law include cases for the removal of parental care rights[[75]](#footnote-75) and the limitation of parents’ rights to administer their child’s property[[76]](#footnote-76).

Claims for removal of parental care rights are dealt with in the non-contentious civil proceedings under the [Non-Contentious Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO492.html). The procedure can be initiated on the proposal of one of the parents who has parental care rights, social services, a child of 15 years of age and above who is capable of understanding the meaning of the claim and its consequences, or the State prosecutor. The procedure can also be initiated on the court’s own initiative if the court finds any reason that would require removal of parental care rights[[77]](#footnote-77).

Parents’ right to administer their children’s property is limited as in this respect parents have the same rights as guardians[[78]](#footnote-78). Accordingly, social services have to approve significant changes with regard to the child’s property which exceed actions necessary for its regular maintenance[[79]](#footnote-79) (e.g. sale of the property, use of the property as insurance for loans etc.). The persons who can initiate the procedure are the same as in cases of removal of parental care rights. These matters are also handled in non-contentious civil proceedings.

Placement of children in institutions is not handled within a civil judicial proceeding but within an administrative procedure.

Interim and precautionary measures

Interim and precautionary measures are regulated in the Enforcement and Securing of Civil Claims Act, however, the law does not include any child-specific measures. In these cases the child’s parents are the ones asking for the adoption of interim measures, not the children themselves. Some provisions on interim measures are also included in the part of the Civil Procedure Act which regulates marital and family relations disputes. In these disputes, the court can decide on interim measures either upon the parties’ request or on its own initiative. These interim measures can refer to custody and maintenance of children and withdrawal or restriction of the parents’ right to contact their children. The procedure for issuing interim measures is defined in the Enforcement and Securing of Civil Claims Act[[80]](#footnote-80). The rules for filing for interim and precautionary measures are the same as for bringing a case to court, i.e. in principle it is the children’s parents who file for these measures.

## Provision of information

### General procedural rules applicable to children involved in civil judicial proceedings regardless of their role

In civil judicial proceedings (except marital and family disputes which are discussed [later](#_Marital_and_family) in this section) there are no specific rules in place to ensure that children involved in the proceedings are promptly and adequately informed of their rights and obligations. There are only general rules that apply to all persons, children or adults, involved in civil judicial proceedings. Thus:

* The court must inform the parties and other people taking part in the proceedings that they have the right to participate in the oral hearing with the assistance of an interpreter if they do not understand the language of the procedure[[81]](#footnote-81).
* The court informs the parties about the consequences of the failure to attend the hearing in the subpoena inviting them to the hearing[[82]](#footnote-82).
* Before the public hearing takes place, the court has to invite the parties to state all facts and evidence before the hearing. At the first hearing new facts and evidence may be provided only if the party was not able to state them before for reasons beyond his/her responsibility[[83]](#footnote-83).
* In the judgement the court has to include the information about the right to appeal, the deadline and the elements that the appeal has to contain[[84]](#footnote-84).
* Children involved in civil judicial proceedings cannot be served with official documents. It is rather their parents who are served on their behalf. If the parents do not live together, the document has to be served to the parent with whom the child lives. If both parents have custody of the child, they have to agree who is going to accept the official documents on the child’s behalf[[85]](#footnote-85).

The duty to provide information during the civil judicial proceedings, regardless of the age of the party, lies upon the courts, except in marital and family disputes, as discussed [later](#_Marital_and_family) in this section, where courts can also use the assistance of social services and school counselling services to inform children that judicial proceedings have been initiated and that they have the right to express their opinion.

There are no provisions regulating whether a child can request to be informed in his/her own right.

In general there are also no rules differentiating between the information provided to children’s parents, guardians and legal representatives and children themselves. Furthermore, there are no specific rules in place on the duty to provide information to children on the remedies available in case their rights are violated. In practice children are informed about their right to seek remedies by a lawyer, if they have one, by social services or youth counseling centres, if they turn to them for assistance.

The measures in place to ensure that children receive information on the availability of support services are very general. Social services have a duty to take care of the best interests of the child[[86]](#footnote-86), which includes provision of information and psychological and social support to children who turn to them or whose cases are brought to their attention. Similarly, there are school counselling services which provide information to children, even though this is not specifically required in the law[[87]](#footnote-87). There are also youth counselling centres established in various cities in Slovenia providing such assistance[[88]](#footnote-88).

No measures have been identified regulating the provision of information for children resident in another Member State. Information to them is provided as to all other children. The possible language barriers are not addressed by law, except in the field of court hearings where children have the same right as all other parties to civil judicial proceedings to an interpreter[[89]](#footnote-89).

Child-friendly legal information is not widely available and depends mostly on ad hoc projects carried out by NGOs or State institutions. Brochures published by the Supreme Court for children as court witnesses are available only for criminal judicial proceedings[[90]](#footnote-90) but are to some extent also useful for civil judicial proceedings. There are only a few child-friendly websites containing legal information. One such page is hosted by the Human Rights Ombudsman[[91]](#footnote-91), which also carries out the pilot project already mentioned in [Section 2](#_Overview_of_Member), ‘The Advocate – the Voice of a Child’..

Marital and family disputes (the child as a plaintiff/defendant/the child in any other role)

Some specific provisions on how children need to be informed about their rights and duties are included in the special section of the Civil Procedure Act which refers to marital and family disputes. If a child is 15 years of age and above and is capable of understanding the meaning of the procedure and the consequences of the court’s decision, the court must inform the child **in an appropriate manner** about the fact that the procedure has been initiated and that he/she has the right to express his/her opinion. Taking into account the age of the child, the court invites him/her to an informal discussion either at the court or outside the court in cooperation with social services or a school counsellor[[92]](#footnote-92). The law does not clarify what an ‘appropriate manner’ is for informing the child.

The child as a plaintiff

There are no specific provisions in the law on the provision of information to child plaintiffs. Only general provisions are in place that apply equally to child and adult defendants, as analysed above. In addition, as claims are dealt with by the court only if the party, child or adult has paid a judicial tax, the court has to inform him/her about the consequences of the failure to pay the judicial tax[[93]](#footnote-93).

The general rules apply with respect to the service of documents to child plaintiffs.

With respect to child plaintiffs in marital and family disputes, the specific rules described [above](#_Marital_and_family) apply.

The child as a defendant

There are no specific provisions in the law on the provision of information to child defendants. Only general provisions are in place that apply equally to children and adults, as analysed above. In addition, when a claim is lodged, the defendant has the right to respond to the claim within 30 days since the claim has been served to him/her. The court informs the defendant that if he/she does not respond to the claim or if the response is not reasoned, the court will find in favour of the plaintiff and the defendant will have to bear all costs of the procedure[[94]](#footnote-94).

The general rules apply with respect to the service of documents to child defendants.

With respect to child defendants in marital and family relations disputes, the specific rules described [above](#_Marital_and_family) apply.

The child as a witness

No specific provisions were identified in relation to provision of information of witnesses who are children. All information is provided by courts. With respect to the service of documents to child witnesses, the general rules as indicated above apply, i.e. child witnesses are served through their parents.

The child in any other role

In marital and family disputes where children essentially constitute the ‘subject’ of the civil judicial proceeding, specific rules, as described [above](#_Marital_and_family), apply with respect to the provision of information to them.

## Protection of the child’s private and family life

### General procedural rules applicable to children involved in civil judicial proceedings regardless of their role

Publicity of trials

Court hearings are usually held in public[[95]](#footnote-95), however, the court may exclude the public from the hearing if this is required by professional or personal interests or for the protection of public order or public morals[[96]](#footnote-96). Even though the interests of children are not mentioned in this provision, it can be interpreted in a way that the public is excluded in cases where children participate in the proceedings[[97]](#footnote-97). The judgement is always delivered in public but the court decides to what extent the public should be excluded when reading the reasoning of the judgement[[98]](#footnote-98). These rules also affect the publication of the judgement: if the public is excluded, the publication of the judgement with the child's name is not allowed.

In marital and family disputes (where the child can be the plaintiff/defendant or the ‘subject’ of the proceeding), the public is always excluded from the court hearings[[99]](#footnote-99).

Protection of personal data

There are no child-specific provisions in the law concerning **protection of personal data**. Protection of personal data is regulated under the Protection of Personal Data Act, which transposes Directive 95/46/EC into the Slovenian legal order. According to this act, controllers of personal databases are obliged to ensure that the personal data contained therein is protected. Thus, they have to establish procedures and appoint persons responsible for the protection of the databases and persons authorised to handle the information contained therein[[100]](#footnote-100). This is a general requirement applicable also to State bodies, such as courts and social services, who are in possession of the personal data of children involved in civil judicial proceedings.

Everyone has the right to access their personal data included in relevant databases[[101]](#footnote-101) and to request the amendment, correction, blockage or deletion of that personal data if he/she proves that it is incomplete, inaccurate or not updated[[102]](#footnote-102). There are no limitations in this law with respect to children, however, all these procedures would be regarded as administrative procedures if the relevant databases are kept by State bodies, in which case the General Administrative Procedure Act applies. According to this act, only persons who have full legal capacity may conduct the procedure in their own name. Children who have not yet obtained full legal capacity may conduct acts within the limits of their legal capacity[[103]](#footnote-103) (see [Section 3.1](#_The_child_as)), otherwise they have to be represented by their parents/legal representatives[[104]](#footnote-104). Consequently, children in principle would have to be represented by their parents in these procedures.

A child, whose personal data has been violated, has the right to judicial protection from the administrative courts[[105]](#footnote-105). The rules for representation are the same as in the case of civil judicial proceedings (see [Section 3.1](#_The_child_as)).

There are no specific measures in place with regard to conflict of interest in the field of data protection. In such cases, general measures would apply, such as the possibility of social services to appoint a temporary representative for the child which is already described under Section 2(b).

Parents are not legally required to protect the personal data of their children. The law only stipulates more general duties such as the duty of parents to care for their children, to ensure their successful physical and mental development[[106]](#footnote-106) and to protect their best interests[[107]](#footnote-107).

State bodies, local government bodies and other persons who possess data important for a judicial proceeding have the duty to provide this data to the court free of charge, regardless of the Personal Data Protection Act[[108]](#footnote-108). No distinction is made with regard to whether the person whom the data concerns is an adult or a child. Similarly, in marital and family relations disputes (where the child can be the plaintiff, defendant or the ‘subject’ of the proceeding) all persons who possess information which is important for the case have to reveal it to the court, even against the will of the person who the data concerns[[109]](#footnote-109). This could include personal data of children as there is no relevant exception in the law.

Obligation of confidentiality

Lawyers are obliged to keep confidential everything that the child confides in them[[110]](#footnote-110). Social services are obliged to carry out their activities in such way that the personal data of individuals and their integrity is protected. Social services are allowed to provide access to personal data only when requested by the adult concerned, courts and, in the case of children, by their parents or legal guardians[[111]](#footnote-111). The law does not state whether children can relieve social services of the duty to protect their personal data.

Disclosure of the child’s identity in the media

The Association of Journalists of Slovenia has established its own Code of Ethics under which journalists are obliged to be particularly cautious when collecting information, reporting and publishing photos of children in general[[112]](#footnote-112), thus including children involved in judicial proceedings.

The child as a plaintiff

The general rules as described above apply.

The child as a defendant

Few exceptions to the general rules described above exist for child defendants. State bodies which handle the register of permanent and temporary residents have to provide the name and permanent residence of a person against whom another person wishes to start a procedure before State bodies, if he/she proves that he/she has a legitimate interest[[113]](#footnote-113). A similar provision is included in the Civil Procedure Act[[114]](#footnote-114). There are no exceptions to this rule with regard to children.

The child as a witness

There are no specific provisions as to the protection of personal data of child witnesses, therefore the general rules apply.

As far as protection against harm to family relations is concerned, witnesses, child and adults, may refuse to answer a specific question if testimony would cause serious harm to the reputation of the witness or one of his/her close relatives; would result in the witness or a close relative facing criminal prosecution; or would cause serious material damage to the witness or a close relative[[115]](#footnote-115). The provision is general and does not differentiate between adults and children.

The child in any other role

The general rules as indicated above apply.

## Protection from harm and ensuring a child-friendly process

### General procedural rules applicable to children involved in civil judicial proceedings regardless of their role

Avoiding undue delays

In general the length of civil judicial proceedings is not affected by the fact that children are involved in them (with the exception of [marital and family disputes](#_Marital_and_family_1)). Courts are not encouraged to deliver preliminary judgements just because children are involved in the procedure. They decide about this on a case-by-case basis.

Provision of support

Children involved in civil judicial proceedings receive support from various actors. Social services, when they are involved in civil judicial proceedings, provide such support (either during the judicial procedure or when court decisions are enforced). If an advocate is appointed by the Human Rights Ombudsman he/she also provides children with support (see [Section 2](#_Provision_of_information)).

Child-friendly environment

When judges consider that certain information or photographs may be harmful to the child’s welfare, they can decide that the child be removed from the courtroom. The procedural rights of the child would not be violated in this case because his/her legal representative would still be present in the courtroom[[116]](#footnote-116).

No requirements for ensuring a child-friendly environment for children involved in ordinary civil judicial proceedings (i.e. except for proceedings on [marital and family disputes](#_Marital_and_family_1)) have been identified. Similarly, there are no rules in place to protect children involved in ordinary civil judicial proceedings from participating in person in the relevant proceedings except for proceedings on [marital and family disputes](#_Marital_and_family_1).

There are no laws/policies in place to ensure that court sessions and other actions during the civil judicial proceedings are adapted to the child’s pace and attention span. In practice children are not present in the courtroom at the public hearing even if the case concerns them.

General rules on marital and family disputes

As an exception to the general rule that there are no specific rules on the commencement and length of civil judicial proceedings when children are involved, in marital and family disputes (where children can be involved as plaintiffs/defendants or as the ‘subject’ of the proceeding) the law states that the relevant cases are given priority by the courts[[117]](#footnote-117).

In civil judicial proceedings concerning marital and family disputes, when the court tries to obtain the opinion of the child a person that the child trusts can be present at the discussion with the child. For more information see [Section 2](#_Overview_of_Member)[[118]](#footnote-118).

Parts of the civil judicial proceedings (for example examination of the child) may be carried out in child-friendly rooms, which are described under [Section 3.5](#_Protecting_the_child). When the court decides on marital and family disputes where the child can be the plaintiff, defendant or the ‘subject’ of the proceedings (as is the case in disputes over the up-bringing and custody of children and about contacts with their parents and other persons), the court has to involve the child in the decision-making process and inform him/her about the right to express his/her opinion[[119]](#footnote-119). The judge takes minutes of the discussion, or can arrange for the discussion to be audio-recorded[[120]](#footnote-120). The discussion can also be carried out in the chamber of the judge (at the court but not in the courtroom), and some judges adapt their chambers to make them more child-friendly[[121]](#footnote-121).

By law, trained professionals other than lawyers only have to be involved in the civil judicial proceedings in marriage and family disputes. Social services have an important role in family law matters involving children as they provide their opinion to the court, take care of the best interests of the child[[122]](#footnote-122), cooperate with the court in the course of the proceedings[[123]](#footnote-123), appoint temporary representatives to children in cases of conflict of interests between parents and children[[124]](#footnote-124), and file claims for removal of parental rights[[125]](#footnote-125).

The child as a plaintiff/defendant

The general rules as described above apply. In particular with respect to marital and family disputes, children of 15 years of age and above who decide to take over the proceedings[[126]](#footnote-126) may be present in the courtroom, which is an exception to the general rule that children are never present in the courtroom.

When parents fail to pay child support to their children, support can be provided from a State fund, called Public Guarantee, Alimony and Disability Fund (*Javni jamstveni, preživninski in invalidski sklad*). This fund is also available when the court orders, as an interim measure, parents to pay child support but parents do not do so[[127]](#footnote-127). The claim for child support from the State fund has to be made by the child’s legal representatives. These claims are lodged to the fund which makes its decision in accordance with the administrative procedure rules.

With respect to the adoption of interim measures in ordinary civil judicial proceedings, please see [Section 3.1](#_The_child_as).

The child as a witness

The general rules as analysed above apply.

The child in any other role

The general rules as described above apply.

In marriage and family disputes the child is not a party to the civil judicial proceedings and is rarely present in the courtroom, therefore the need to protect the child from damaging images or information does not arise.

It is worth noting that the court is not provided with the power to classify parts of the court file (e.g. the statement provided by the child) and make it inaccessible to parents who are parties to the civil judicial proceedings[[128]](#footnote-128).

Interim measures

In marital and family dispute courts have the possibility to issue interim measures on custody and maintenance of children and non-contact and limited contact interim measures. Interim measures are issued under the provisions of the law which defines enforcement and interim measures[[129]](#footnote-129). These interim measures are specific for marriage and family disputes. The court can order them either upon the parties’ request or on its own initiative.

The rules for representation of children in interim measures proceedings are the same as in all civil proceedings in general.

## Protecting the child during interviews and when giving testimony

### General procedural rules applicable to children involved in civil judicial proceedings regardless of their role

The Supreme Court of the Republic of Slovenia has issued child-friendly booklets for children of two age groups (5 to 8, inclusive, and 9 to 13, inclusive) which can assist them to prepare for the hearing[[130]](#footnote-130).

In 2011 the Ministry of Justice of the Republic of Slovenia issued *Recommendations on Interviewing a Child Via Videoconference and Other Technical Means* which are addressed to courts, social services and other institutions that are carrying out interviews with children during a judicial proceeding, regardless of their role. These recommendations were issued primarily for the purposes of criminal judicial proceedings (particularly when a child is a victim of family or sexual violence) but they are also useful for civil judicial procedures[[131]](#footnote-131). According to them, a child should be interviewed in a child-friendly room that is arranged in such a way that the child feels comfortable. It has to be bright with sufficient daylight and well aired. The room must have appropriate furniture in bright colours, made of natural materials. It must be equipped with small chairs and small tables as well as age-appropriate toys which have to be within reach of children (e.g. in baskets). The walls have to be painted in warm and bright colours which facilitate the child to concentrate. It must be heated and the floors have to be covered with a carpet. The room is audio- and video-connected to a separate room next to the child-friendly room or to the court where the judge can follow the procedure. At the interview, a social worker is present, as well as a person whom the child trusts. In the other room connected to the child-friendly room, other persons can be present. The interview may take place in sessions which can last more than one day if the child’s condition so requires. In such cases the same person has to carry out all parts of the interview. The interview is recorded so that it can be used for further purposes if necessary[[132]](#footnote-132).

So far there are only a few child-friendly rooms in Slovenia (e.g. in Ljubljana, Maribor, Celje, Krško, Trbovlje, Radovljica, Murska Sobota),[[133]](#footnote-133) at least one in each of the 11 district courts in Slovenia. Two are available in Ljubljana and there are two mobile units that can be used anywhere in Slovenia. Some of them are situated in private premises and some in the premises of social services; new rooms are opened every year. This means however that they are still not part of the standard civil judicial proceedings. It is at the court’s discretion whether a child-friendly room is used for the interview[[134]](#footnote-134).

There are no specific provisions about the admissibility of evidence and on how the special needs of children and their age and maturity are taken into account while gathering information. There is only a general rule which states that only persons who are able to provide information about the facts that need to be proven in the proceedings can testify as witnesses, plaintiffs or defendants[[135]](#footnote-135). It is up to the court to assess whether a certain child is capable of providing such information.

The presence of parents or other legal guardians (including temporary guardians, if appointed) is mandatory for child parties or witnesses if they do not have full procedural capacity. The presence of an attorney is not necessary.

Child and adult participants in civil judicial proceedings have the right to an interpreter, as noted in Section [3.2.](#_Provision_of_information)

There are no specific provisions in the law and no specific measures in place for the preparation of the child for the hearing in civil judicial proceedings (except in the case of civil judicial proceedings on marital and family disputes, discussed [below](#_General_rules_for)) or for allowing a child not to testify in order to protect him/her from harm.

Additionally, there are no rules according to which the number of interviews of children in civil judicial proceedings should be limited. However, this does not mean that the court could carry out so many interviews that the best interests of the child would be jeopardised. This principle is to be observed by all State bodies dealing with children, including courts.

### General rules for marital and family disputes (the child as a plaintiff/defendant and the child in any other role)

In civil judicial proceedings concerning marital and family relations disputes, the court cooperates closely with social services, as has been already described in [Section 3.4](#_General_rules_on), which also prepares the child for giving a statement and providing his/her opinion on the matter.

Some child-specific rules on interviews are in place for civil judicial proceedings in marital and family disputes. Namely, if the child is capable of understanding the meaning of the procedure and the consequences of the decision, the court has to inform him/her in an appropriate way about the fact that a procedure has been initiated and that he/she has the right to express his/her opinion. Taking into account the age of the child, the court invites him/her to an informal discussion either at the court or outside the court in cooperation with social services or a school counsellor. The discussion can also be attended by any person whom the child trusts[[136]](#footnote-136). In practice, courts often ask social services to talk to the child instead of the court. If the judge decides to talk to the child he/she does so in his/her chambers, not in the courtroom[[137]](#footnote-137).

The child as a plaintiff/defendant

In certain cases, such as with respect to compensation claims filed by child victims who suffered damages or claims against children, the child is heard so that the court can establish the non-pecuniary damages that occurred in the case. In these instances, the court cannot protect the child since, similarly to all other civil law cases, the opposing party has the right to be present when all persons, even if they are children, testify[[138]](#footnote-138). However, as already mentioned, the court can decide to close the hearing to the public.

If the public is excluded from the hearing, a party to the civil judicial proceedings, adult or child, may request from the court that two persons of his/her choice are present during the hearing, and the court may approve this request[[139]](#footnote-139).

The child as a witness

No child-specific rules have been identified on how the examination of a child during civil judicial proceedings should be conducted. In practice, if a child is heard in the courtroom, which happens very rarely, the judge uses a child-friendly and less official approach when conducting the interview[[140]](#footnote-140).

In Slovenia witnesses are not asked to take an oath before giving testimony.

The child in any other role

The general rules as indicated above (especially with respect to civil judicial proceedings in [marital and family disputes](#_General_rules_for)) apply. Particularly in proceedings where the child constitutes the 'subject' of the dispute, the court, taking into account the child’s age, invites the child to an informal discussion (not a hearing) either at the court (in such cases the discussion is held in the judge’s chambers and not in the courtroom) or outside the court in cooperation with social services or a school counsellor. The discussion can also be attended by any person that the child trusts and selects on his or her own[[141]](#footnote-141). This cannot be the parent because of the potential conflict of interests, and cannot be a person chosen by a parent for the child. This is a person that the child spontaneously chooses, such as a brother or a sister, another relative, a teacher, a doctor, or an expert from social services if a relationship of trust develops between them[[142]](#footnote-142). This person can help the child to express his or her opinion. The judge takes minutes of the discussion, or can arrange for the discussion to be audio-recorded. The judge can also decide that parents may not have access to the minutes or to the audio recording if protection of the child’s best interest so requires[[143]](#footnote-143).

## Right to be heard and to participate in civil judicial proceedings

### General procedural rules applicable to children involved in civil judicial proceedings regardless of their role

In all marital and family disputes involving children, regardless of their role in the civil judicial proceedings, social services try to obtain the opinion of the child and they also have to make sure that the opinion obtained is real and not imposed on the child by one of the parents[[144]](#footnote-144).

Children can also participate in the proceedings by expressing their opinion if they are capable of understanding the meaning of the proceedings. This means that for each child the court first has to assess whether he/she is mature enough. Since the judges do not have the necessary expertise, this assessment is entrusted to competent experts from social services. If they assess that the child is mature enough, social workers inform the child, upon the request of the court, about the fact that the civil judicial proceedings were initiated and that it is his/her right (not duty) to express his/her opinion. When a child wishes to express his/her opinion, he/she can already express it to the expert at social services or to the judge at an informal discussion and not at the main hearing attended by both parents. In more challenging situations, a court usually nominates an expert witness who talks to the child and makes an assessment. In these instances parents often object that the opinion expressed by the child is not genuine and that the child expressed this opinion under the pressure of one of the parents; thus, the expert has to ascertain whether the child’s opinion is genuine. Only after the assessment is completed does the court take the opinion of the child into account[[145]](#footnote-145).

The child as a plaintiff/defendant

In general, the law does not allow children of any age to participate in civil proceedings in their own right. Before the age of 18, a child is represented by his/her parents who are considered his/her legal representatives (if they have full legal capacity)[[146]](#footnote-146). There are some exceptions to this rule as already described under [Section 3.1](#_Child-friendly_justice_in). Regarding children’s right to intervene in civil judicial proceedings, please also see [Section 3.1](#_The_child_as).

There are no special measures in place facilitating a child to bring a claim to court. However, social services are obliged to take care of the child’s best interests which means that they would have to assist the child in filing a claim if this was in his/her best interests, even though this is not specifically mentioned in the legislation.

There are no provisions in place stating how judicial decisions are to be communicated to children. They are communicated to their legal representatives in the same way as in cases that do not involve children.

It is also not regulated who has to provide the child with information on the proceedings. Usually, it is the child’s parents, attorney or legal guardians who do that (see [Section 3.2](#_Provision_of_information)). Regarding the way child parties are examined in civil judicial proceedings, please see [Section 3.4](#_Protection_from_harm) and [Section 3.5](#_Protecting_the_child). With respect to child parties’ right to a lawyer, please see [Section 3.7](#_Right_to_legal). Furthermore, no particular steps have been taken to remove the obstacles children may face when trying to access civil judicial proceedings with regard to the relevant costs. Regarding the legal aid available to children, please see [Section 3.7](#_Right_to_legal).

Marital and family relations disputes

Exceptionally in martial and family disputes, children of 15 years of age and above can take over the litigation and conduct all relevant procedural acts (see [Section 3.1](#_The_child_as)). In this case, the judgement is communicated to the child in the same way as to the adults. Concerning the support provided to children who participate in marital and family relations disputes please see [Section 3.4](#_Marital_and_family_1).

Limitation periods

As regards child plaintiffs, limitation periods are the same regardless of the age of the person whom these limitations concern. However, there are a few exceptions. The first one concerns cases where children have been sexually abused and wish to claim compensation for the abuse. In such cases, limitation periods expire 15 years after the child reaches the age of majority[[147]](#footnote-147) (while general limitations are five years since the event that caused damages)[[148]](#footnote-148). The second exception is the rule that limitation periods do not run for claims children may have against their parents who still have parental rights over them[[149]](#footnote-149).

As far as child defendants are concerned, the law states that limitation periods also run for child defendants. However, limitation periods against children who do not have a legal representative expire only two years after the child obtained full legal capacity or was appointed a legal representative[[150]](#footnote-150). In addition, if in such cases the limitation period is shorter than in two years’ time, and the creditor is a child who does not have a legal representative, the limitation period starts running only when the creditor obtains full legal capacity or obtains a legal representative[[151]](#footnote-151).

The child as a witness

As discussed in [Section 3.1](#_The_child_as), children have the right to participate as witnesses in civil judicial proceedings. Witnesses are those persons who are able to provide information about the facts that need to be proven at trial, including children.

The child in any other role

Concerning children’s right to be heard in cases where they are the ‘subject’ of the dispute, please see [Section 3.1](#_The_child_as). Concerning the support provided by social services to children who participate in marital and family disputes, please see [Section 3.4](#_Marital_and_family_1). Regarding children’s right to act as interveners, please see [Section 3.1](#_The_child_as).

## Right to legal counsel, legal assistance and representation

The child as a plaintiff and the child as a defendant

Child and adult parties to civil judicial proceedings have the right to a legal counsel. However, representation by a lawyer is not mandatory in all civil judicial proceedings. Parties (including a child and his/her legal representatives) must be represented by a lawyer only when exercising extraordinary legal remedies after the judgement becomes final[[152]](#footnote-152). This means that in civil judicial proceedings before county, district, higher and supreme courts, where the party exercises regular legal remedies (i.e. before the judgement becomes final), parties may participate in the procedure without a legal counsel. If a legal counsel is involved, it is his/her duty to provide advice and information to the party[[153]](#footnote-153).

In none of the civil judicial proceedings do parties automatically have the right to a free legal counsel. The right to free legal aid is regulated in the Free Legal Aid Act[[154]](#footnote-154) which sets forth certain conditions which must be met in order to be granted free legal aid at the expense of the State. In order to be eligible for free legal aid children have to be:

* citizens of the Republic of Slovenia with permanent residence in the Republic of Slovenia;
* aliens holding a permit for permanent or temporary residence in the Republic of Slovenia and stateless persons residing legally in the Republic of Slovenia;
* other aliens subject to the condition of reciprocity or under the conditions and in cases laid down in international treaties binding upon the Republic of Slovenia;
* other persons determined by law or an international treaty binding upon the Republic of Slovenia[[155]](#footnote-155).

Free legal aid is only granted if the child or adult applicant’s financial situation justifies it. The financial position of the applicant is determined by taking into account his/her income and the income of his/her family. Property owned by the child or adult applicant and the applicant's family is also taken into account. However, if the applicant (and in the case of children, their parents) already receives social support from the State, the financial situation is not assessed anew as it has already been assessed by social services before granting social support[[156]](#footnote-156).

Free legal aid is granted to children and adults who, given their financial position and the financial position of their families, are not able to meet the costs of the judicial proceeding without jeopardising their social situation and the social situation of their families. It is deemed that the applicant and his/her family is put at risk if the adult or child applicant’s monthly income (personal income) or the average monthly income per family member (family’s own income) does not exceed twice the minimum income laid down in legislation governing social aid services[[157]](#footnote-157) (the minimum income is currently set at EUR 260/month)[[158]](#footnote-158). There are no provisions in the law specifying whether the child has the right to access free legal aid in his/her name. In this case, the rules on legal capacity to act would apply (see [Section 3.1](#_The_child_as)), i.e. the child would apply for free legal aid through his/her parents until he/she turned 18. If a child asked for free legal aid, without being represented by his/her parents or other legal guardians, it is assumed that such an application would be considered as inadmissible (except in cases when the child has legal capacity to act in his/her own right).

There are no specific measures in place for the provision of legal information to children. However, apart from the attorneys, children can obtain at least some legal information through youth counselling centres, social services and the Human Rights Ombudsman.

There are no provisions in the law specifying whether the child has the right to choose his/her legal counsel in his or her name. In this case the rules on legal capacity to act would apply and the parents would be the ones to choose the legal counsel. If a child authorised an attorney without being represented by his/her parents or other legal guardians, it is assumed that such authorisation would not be sufficient (except in cases when the child has legal capacity to act in his/her own right).

If the parents authorise the legal counsel to represent them and the child in the case, the child cannot waive his/her right to legal counsel.

In cases of conflict of interests between parents and children, the court must appoint a temporary representative to the child for the purpose of carrying out the civil proceedings, as already explained under [Section 2](#_Overview_of_Member). In cases of inheritance disputes (e.g. when a child is an heir alongside the surviving partner) if there is a conflict of interests, social services have to appoint a special guardian (*skrbnik za poseben primer*)[[159]](#footnote-159) whose role is to represent the child in the procedure and take care of his/her best interests concerning property and inheritance rights. Special guardians are usually appointed workers at social services, but they can also be someone else from the child’s social network[[160]](#footnote-160).

Special provisions concerning conflicts between a child’s and his/her legal representative’s interests are also included in the section on marital and family disputes. If the interests of the child and his/her legal representative conflict, the court appoints a special representative to the child. The court also does that in other cases when it considers it necessary to protect the child’s best interests[[161]](#footnote-161).

There are no other provisions identified that would ensure that children are considered as fully-fledged clients with their own rights. The only exception to this rule are cases of family disputes in which the child above the age of 15 declared that he/she is taking over the dispute. Such child is acting as a fully-fledged party to the dispute.

The child as a witness/the child in any other role

Child witnesses and children who are essentially the ‘subject' of the relevant proceedings do not have the right to a legal counsel.

## Alternatives to judicial proceedings

The child as a plaintiff/defendant

There are no child-specific measures in Slovenia with respect to alternative resolution of disputes. Children, through their parents or legal representatives, have access to mediation. There are two types of mediation: court annexed mediation is available for all parties whose dispute is already being deliberated by the court, and out-of-court mediation is available for disputes that are not yet being dealt with by courts. Mediation in general is governed by the Mediation in Civil and Commercial Matters Act[[162]](#footnote-162), which transposes Directive 2008/52/EC and covers civil, commercial, family and labour disputes. Court-annexed mediation is additionally regulated by the Act on Alternative Dispute Resolution in Judicial Matters[[163]](#footnote-163). Under this act, mediation for commercial disputes has to be paid by the parties (in this case the child’s parents). In family law disputes and labour disputes related to dismissal from employment, mediation is free of charge. In all other disputes mediation is free of charge for the first three hours, meaning that there is no mediator’s fee. If the parties to mediation have lawyers, they have to pay for their costs, unless they were appointed to them through the free legal aid system.

Court annexed mediation is carried out before courts, while out-of-court mediation is offered by a number of commercial providers, such as the Mediation Institute Concordia[[164]](#footnote-164), Institute Rakmo[[165]](#footnote-165), and Serafin – Institute for Education, Conflict Management and Mediation[[166]](#footnote-166). Mediation is not mandatory in any type of case but is offered as a possibility. Since the mediation process is less regulated compared to judicial proceedings, the law does not state whether a child can participate in out-of-court mediation in his/her own right. However, in cases of court-annexed mediation, a child can participate in the mediation process only if he/she had the right to participate in his own right in the relevant judicial proceedings (see [Section 3.1](#_The_child_as)).

The use of mediation does not prevent any party, including a child, from going to court. There is no provision in the national law that precludes the parties to a mediation procedure to access judicial proceedings in case their dispute was or is subject to mediation. The only case in which the court would dismiss the lawsuit is when the parties have agreed in advance (e.g. in a contract signed by the child’s parents) to use mediation before going to court. More specifically, if the parties agreed to mediation and explicitly took the obligation that they would not resort to judicial proceedings until the expiration of a certain period of time or the occurrence of a certain event (for example, non-fulfillment of certain provision of a contract concluded between the parties), the court has to respect the objection of the respondent/defendant and dismiss the lawsuit, unless the plaintiff proves that dismissal of the lawsuit would lead to irreparable consequences. The respondent’s/defendant’s objection has to be submitted in response to the lawsuit lodged by the plaintiff, i.e. it cannot be raised in response to any subsequent submissions. The court has to dismiss the lawsuit also when the law prescribes mandatory mediation before the lawsuit is lodged[[167]](#footnote-167). So far however, no law prescribes mandatory mediation.

There are no child-specific provisions in the law on how children are informed about the mediation. In general, systematic information about mediation is provided only for court-annexed mediation. The information is provided in writing by the court to the parties of the case, which means that in principle it is the child’s parents who are informed about this option[[168]](#footnote-168). There are no specific provisions for cases involving children.

Mediation is by definition not regulated to the same extent as civil judicial proceedings. There are no child-specific provisions on safeguards to protect the child during the mediation process. In this case, the general principle of family law according to which all State bodies and other actors dealing with children have to make sure that the best interests of the child are taken into account in all civil judicial proceedings applies[[169]](#footnote-169). In practice, children are involved in the mediation process if the mediator and all parties involved agree that this is beneficial for the mediation procedure and if this is in the best interests of the child[[170]](#footnote-170). There are no rules in place on how the child has to be represented in mediation and how his/her views are taken into account.

During the proceedings, the parties may always settle the case which is pending. In case they settle, their agreement is written down by a judge in a form of court-settlement agreement[[171]](#footnote-171) which replaces the judgement. There are no specific rules for cases when one or more parties to the procedure are children; thus, according to the general rules described in [Section 3.1](#_The_child_as) children would be represented by their parents.

The child as a witness/the child in any other role

No rules have been identified concerning the participation of child witnesses and children who are the ‘subject’ of the dispute to alternative dispute resolution mechanisms.

## Remedies or compensation exist for violation of rights and failure to act

The child as a plaintiff/defendant

The remedies available to children who participate in civil judicial proceedings are the same as the remedies available to parties in civil judicial proceedings in general. As in the case of initiation of civil procedures, only persons with full legal capacity have the procedural capacity to exercise legal remedies in their own right (see [Section 3.1](#_The_child_as)), i.e. children are in principle represented by their parents/legal representatives.

After the judgement is delivered to the child’s parents, they have the right to bring an appeal to the High Court. The appeal has to be filed within 15 days from the service of the judgement[[172]](#footnote-172). Against the judgement issued by High Court only extraordinary legal remedies are possible for the parties. These are:

* revision (*revizija*) which has to be filed to the Supreme Court within 30 days from the service of the judgement or within 15 days since the Supreme Court allowed the revision[[173]](#footnote-173). However, revision is not allowed in marital and family relations disputes[[174]](#footnote-174);
* a lawsuit for the annulment of a court settlement agreement, which has to be filed within three months from the day the party learned about the reason for annulment and no later than three years from the day the court settlement agreement was concluded. The lawsuit has to be lodged at the court where the agreement was concluded[[175]](#footnote-175);
* a claim for renewal (*obnova*) of the procedure, which has to be lodged to the Court of First Instance within 30 days from the day the party became aware of the reason for the renewal and no later than five years from the day the judgement became final[[176]](#footnote-176).

After all regular and extraordinary legal remedies have been used, the party can also file a constitutional complaint with the Constitutional Court. This has to be lodged within 60 days from the last judicial decision against which the constitutional complaint is lodged was served to the party[[177]](#footnote-177).

The child may use these mechanisms only through his/her parents or legal guardians. The same rules as to who may be a party to the civil judicial proceedings apply in cases of legal remedies such as initiating civil judicial procedures, as described in [Section 3.1](#_The_child_as). There are no specific provisions in place requiring the child’s consent before lodging any legal remedies, which means that they can also be submitted against the child’s will. However, in case of a conflict between the interests of the child and the parents, the child can be appointed a temporary representative by either the court or social services, as already described in [Section 2](#_Overview_of_Member).

The support provided to the child in relation to legal remedies is the same as already described under [Section 3.4](#_Protection_of_the) and is provided mostly by the advocate and social services.

Marital and family disputes

The only exception to these general rules on the exercise of legal remedies concerns **marital and family disputes** (i.e. child support cases, paternity and maternity disputes). As has already been described in [Section 3.1](#_The_child_as), children who are 15 years of age and above and can understand the meaning of the procedure have the right to express their opinion and take over the procedure without being represented by their parents/guardians, thus becoming parties to the relevant civil judicial proceeding. In that case, the court has to also serve the judgement to the child and the child has the right to file an appeal in his/her own right[[178]](#footnote-178).

Compensation for violation of rights

The child can claim (through his/her legal representatives) compensation from anyone who caused him damages or violated his/her rights, including the State. The rules for claiming compensation against the state are the same as in the case of any other plaintiff.

Limitation periods

Regarding child plaintiffs, limitation periods are the same regardless of the age of the person to whom these limitations concern. However, there are a few exceptions. The first one concerns cases where children have been sexually abused and wish to claim compensation for the abuse. In such cases, the limitation periods expires 15 years after the child reaches the age of majority[[179]](#footnote-179) – while general limitations are five years from the event that caused damages[[180]](#footnote-180). The second exception is the rule that limitation periods do not run for claims children may have against their parents who still have parental rights over them[[181]](#footnote-181).

As far as child defendants are concerned, the law states that limitation periods also run for child defendants. However, limitation periods against children who do not have a legal representative expire only two years after the child obtained full legal capacity or was appointed a legal representative[[182]](#footnote-182). In addition, if in such cases the limitation period is shorter than two years, and the creditor is a child who does not have a legal representative, the limitation period starts running only when the creditor obtains full legal capacity or obtains a legal representative[[183]](#footnote-183).

The child as a witness

Child witnesses cannot file legal remedies, thus no relevant rules have been identified.

The child in any other role

Child care authorities (i.e. social services) may not appeal the decisions involving children, if such decisions are taken in contentious procedures. If the decision is issued in non-contentious procedures (e.g. in cases of removal of parental care rights or approval of significant changes made by parents in relation to the child's property) social services, if they are party to the procedure, can file an appeal[[184]](#footnote-184). Children who participate in civil judicial proceedings as the ‘subject’ of the dispute do not have the right to file legal remedies.

## Legal costs

The child as a plaintiff/defendant

There are no child-specific provisions concerning the payment of legal costs, i.e. the opposing party’s legal costs and the costs of the civil judicial proceedings. The defeated party has to reimburse the costs of his/her opponent. If the party partly succeeds in the procedure, the court may decide that each party covers their own costs, or that one party reimburses only a portion of the other party’s costs[[185]](#footnote-185). There are no exceptions to this rule with regard to children.

If it is the child who is requested to pay the legal costs, it is the parents (due to their parental care rights), or the legal guardians, who are responsible for the payment. This is also assumed to happen in cases when the child has full or partial legal capacity to act in his/her own right.

In addition to the possibility of free legal aid provided by lawyers (see [Section 3.7](#_Right_to_legal)), each party to the dispute may apply for exemption from paying the costs of procedure (i.e. court fees), if paying the court fees would endanger the subsistance of him/herself or his/her family (see [Section 3.7](#_Right_to_legal))[[186]](#footnote-186). However, if the party who is exempted from paying his/her legal fees is defeated before court, he/she is not exempt from paying the costs of the opposing winning party.

There are no specific rules for stamp duties under Slovenian law. Therefore the same rules would apply as in the case of the costs of judicial proceedings.

Marital and family disputes

As an exception to the general rules examined above, in marital and family disputes where children are parties to it, it is at the court’s discretion to decide how the legal costs will be allocated[[187]](#footnote-187). This means that the court is not strictly bound by the rules that are generally in place for the reimbursement of the costs of the opposing party.

The child as a witness/in any other role

Child witnesses and children who constitute the ‘subject’ of the dispute are not required to pay legal costs.

## Enforcement of civil court judgements

The child as a plaintiff

Enforcement procedures in Slovenia are regulated by the Enforcement and Securing of Civil Claims Act. In general, this law does not include any child-specific provisions aimed at the protection of children from harm in cases where the plaintiffs or defendants are children.

No legal or policy requirements are in place concerning the communication of court judgements to children. When the child is represented in civil judicial proceedings by his/her parents or legal representatives (see [Section 3.1](#_The_child_as)), the court and the enforcement body do not inform the child about the decision and the fact that it is going to be enforced. In this case all official court documents and the documents of the enforcement body (executor, *izvršitelj*) are served to the child’s parents or legal representatives.

The law provides that in certain cases, enforcement of a decision may be suspended, even though none of them is specific to cases where children are involved. For example, enforcement of a court judgement may be suspended upon the proposal of the debtor if the debtor shows that immediate enforcement would cause him/her an irreparable damage and that this damage is bigger than the damage that suspension would cause to the creditor. This would be the case if the debtor lodged an extraordinary legal remedy against a final judicial decision, if the debtor lodged an appeal against the enforcement of the decision etc. The court may also suspend a decision’s enforcement in other cases when this is justified, however only once and only for three months[[188]](#footnote-188).

Decisions that involve children are not automatically or directly enforceable. Only in cases where the decision is reached through court settlement may the parties ask the court to include a provision in the court settlement agreement that the agreement is directly enforceable. In all other cases, the enforceability has to be declared by the court.

With regard to the ability of the child to seek enforcement in his/her own right, the same rules concerning his legal capacity to act are in place as in the case of the right to initiate the civil proceedings on his/her own, as described under [Section 3.1](#_The_child_as).

The interim measures that were already described under [Section 3.1](#_The_child_as) are also available after the court judgement becomes final, until it is enforced. Interim measures are regulated in the Enforcement and Securing of Civil Claims Act, however the law does not include any child-specific rules.

Marital and family disputes

When children of 15 years of age and above express their opinion in marital and family disputes, the court is obliged to inform them about the judgement[[189]](#footnote-189). If the child was appointed an advocate (within the Human Rights Ombudsman project) the advocate makes sure that the child is informed about the decision and the fact that it is going to be enforced.

The child as a defendant

If a court judgement has been issued against a child defendant, the decision is enforced against his/her property. If the child does not have his/her own property, enforcement cannot take place. Parents are responsible for the damages caused by their child (only if the child is below seven years of age) regardless of the supervision they exercised over him/her. If the child is seven years of age and above the parents will be held liable, unless they prove that the damage was caused despite the fact that they exercised adequate supervision over their child[[190]](#footnote-190). Furthermore, if both parents and children are responsible for the damage caused they have joint and several liability[[191]](#footnote-191), meaning that enforcement can be carried out against the property of either the child or the parents. The joint and several liability of children and parents would not make sense if enforcement of decisions issued against children could always be carried out against parents.

Personal detention as a means of enforcing civil law judgements is not possible in Slovenia.

The child in any other role

The Enforcement and Securing of Civil Claims Act includes a special section on enforcement of judicial decisions in marriage and family disputes where the child constitutes the ‘subject’ of the dispute. There are three types of decisions that require enforcement in such cases: removal of a child from a certain person and handing the child over to the person who is awarded custody; enforcement of the right of a parent to have contact with his/her child; or enforcement of the prohibition against a person to have contact with a child.

In these cases, the court which decides upon the enforcement of the decision is not bound by the proposals made by the parties. The court’s primary consideration is the protection of the child’s best interests, thus if necessary, it can change the means of enforcement as defined in the decision on enforcement[[192]](#footnote-192). The means of enforcement are fines or removal of a child from the person who does not have his/her custody[[193]](#footnote-193). In order to minimise the harm caused to the child, enforcement of the relevant decision is ‘indirect’, i.e. a decision is first issued against the person (usually the parent) who is obliged to perform a certain act (e.g. hand the child to the person who is awarded custody) within a certain timeframe. If the person required to comply with this decision fails to do so, he/she is subject to a monetary fine. If he/she does not respect that either, the court issues a new decision with a new limit for the fulfilment of the obligation and a new, higher monetary fine. In issuing these decisions, the court has to take into account all circumstances of the case[[194]](#footnote-194).

When the person required to perform a certain activity fails to comply with the court’s decision, the court initiates ‘direct enforcement’. If the circumstances of the case so require, direct enforcement can be initiated immediately (without undergoing indirect enforcement first). Direct enforcement is carried out in such a way that the child is removed from the person who has the child, and is delivered to the person who should have custody of him/her. Enforcement is carried out by the executor in the presence of a professional appointed by the court. If the case so requires, the person who seeks enforcement of the court’s decision may ask the police for assistance. The time and place of the enforcement is communicated to the person who seeks enforcement so that he/she attends the enforcement proceedings but not to the person against whom enforcement is sought as he/she might hide the child[[195]](#footnote-195).

There are no further provisions in place to protect children from harm. However, numerous policies and practices have been developed for this purpose. Executors approach these types of enforcement proceedings with special responsibility, care and sensitivity towards the child. The executor includes all necessary stakeholders into the procedure and may also invite social services to take part if he/she thinks that their presence would be needed[[196]](#footnote-196). When the child needs to be removed and his/her whereabouts are not at the time known, the executor in cooperation with social services and the police search the places where the child was present before and where it would be appropriate to take the child. All acts need to be carried out quickly to ensure that enforcement of the decision is successful. Then the executor makes an assessment of the place and time that would be most appropriate to carry out the enforcement. When the debtor is, according to the data of the court and social services, prone to violence, the executor may ask the police and social services to be present at the enforcement. The role of the social worker who is present is to try to get the attention of the child and occupy him or her with a certain activity. The police can be away from the child’s sight so that the child does not even see them. To secure successful enforcement in such sensitive cases, it is necessary to ensure the cooperation of the executor with social services. They are capable of calming down the situation and dealing with the child so that the executor can focus on the parents and the procedure[[197]](#footnote-197).

Regarding the adoption of interim measures during the enforcement of judgements in marital and family disputes, the court can impose them either at the parties’ request or on the court’s own initiative. These interim measures can refer to children’s custody and maintenance or the removal of the child from one parent’s custody or the limitation of contacts between the child and his/her parents. The procedure for issuing interim measures is also defined in the Enforcement and Securing of Civil Claims Act[[198]](#footnote-198).

# Conclusions

Legal framework and institutions

The main procedural act in the field of civil law is the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). This act contains general provisions applicable to all civil judicial proceedings and specific sections governing the judicial process in specific fields of law, one of which is marital and family disputes. In proceedings in marital and family disputes, children of 15 years of age and above may be given a more autonomous role in the proceedings. Labour law disputes are generally regulated in [the Labour and Social Courts Act](http://zakonodaja.gov.si/rpsi/r07/predpis_ZAKO3657.html), which contains no child-specific provisions. An important procedural act is also the [Enforcement and Securing of Civil Claims Act](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1008.html) governing the enforcement of judicial decisions. Family law is regulated in the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). Tort law is regulated in the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html), which is not a procedural law. There is no specific legislation dealing only with children in civil judicial proceedings.

There are no courts specialised to deal with civil judicial proceedings involving children. Cases are handled by the court competent for the type of the matter of the dispute, regardless of the fact that a child might be involved. According to the Civil Procedure Act, marriage and family disputes are handled by district courts. In some district courts in bigger cities, family law departments are organised. Other district courts have specialised judges dealing with marriage and family disputes which often involve children.

General approach towards children under civil law

Slovenian law (particularly the Marriage and Family Relations Act and the Civil Procedure Act) uses the terms minor and child interchangeably. A child is considered to be any person below the age of 18. When a child reaches the age of 18, parental care rights cease to exist.

The best interests of the childare referred to in the Constitution, the Civil Procedure Act, and the Marriage and Family Relations Act. Under the law, parents, other persons, State bodies and private bodies exercising public functions are obliged to take into consideration the best interests of the child in all activities and procedures. An explicit competence and duty to take care of the child’s best interests is imposed upon social services.

A child as an actor in civil judicial proceedings

The law does not allow children of any age to bring a claim to court in their own right. Children under 18 years of age have to be represented by their parents who are considered their legal representatives.

Certain exceptions to the above general rule have been identified. Namely, a child can obtain full legal capacity if he/she is married before turning 18, or if he/she becomes a parent before the age of 18, if the court decides that awarding him/her with full legal capacity is necessary. This means that recognition of full legal capacity does not take place automatically. A child that obtains full legal capacity before the age of 18 is entitled to bring a case to court on his/her own, as bringing a case to court is conditional upon full legal capacity and not age as such. Another exception to the rule that only adults can bring case to the court in their own right concerns children who have reached the age of 15 and have concluded contracts on their own, in which case they can bring cases to the court in their own name.

The section of the Civil Procedure Act on marriage and family disputes states that a court has to allow children of 15 years of age and above, who are capable of understanding the meaning and consequences of their actions, to carry out litigation acts independently, without being represented by their legal representatives. In such cases, the legal representatives may carry out litigation acts only until the child states that he/she is taking over the litigation (in such case he/she is also heard as a party to the procedure). On the contrary, children below 15 years of age have to be represented by a legal representative in all cases.

For child defendants the same rules as in the case of child plaintiffs apply, i.e. children are represented by their parents/legal representatives.

There are no provisions prohibiting a child to be a witness in the civil judicial proceedings. The agreement of the child witness’s parents is not required in order for the child to testify in court.

Children can also participate in civil judicial proceedings where they are the ‘subject of the dispute’ (‘the child in any other role’), i.e. in cases where they do not have the status of the plaintiff or defendant but still their rights are affected by the relevant court decisions. This is particularly the case in family law related cases. Child protection cases which fall in the realm of civil law include cases of removal of parental rights and limitation of the rights of parents with regard to the property of the child. Claims for removal of parental rights are dealt with in non-contentious civil proceedings under the Non-Contentious Civil Procedure Act.

Provision of information to children

In ordinary civil judicial proceedings, there are no specific rules in place to ensure that a child involved in the proceedings is promptly and adequately informed of his/her rights and obligations. Thus, in these cases the general rules apply to children and adults alike. Children who are represented in civil judicial proceedings by their parents cannot be served with procedural documents (including subpoenas) and do not have the right to be informed in their own right. Child-friendly legal information is not widely available and depends mostly on ad hoc projects carried out by NGOs and State institutions.

Exceptionally, in marital and family disputes if the child is 15 years of age and above and is capable of understanding the meaning of the procedure and the consequences of the decision, the court has to inform him/her in an appropriate manner about the fact that civil judicial proceedings have been initiated and that he/she has the right to express his/her opinion. Taking into account the age of the child, the court invites the child to an informal discussion either at the court or outside the court in cooperation with social services or a school counsellor. These general rules apply with respect to child plaintiffs, defendants, witnesses or children who participate in the proceedings as the subject of the dispute.

Protection of the child’s personal and family life

Court hearings are usually public, however the court may exclude the public from the hearing if this is required in the interests of official, business or personal secrecy, the interest of public order or morality. Even though the interests of children are not mentioned in this provision, it can be interpreted in a way that the public is excluded in cases where children participate in the proceedings. If the hearing takes place behind closed doors, publication of the judgement with the child’s name is not allowed. In marital and family disputes, the public is always excluded from court hearings.

There are no child-specific provisions in the law concerning the duty to protect the personal data of children involved in civil judicial proceedings.

Protection from harm and ensuring a child-friendly process

In general, the length of civil judicial proceedings is not dependent on whether children are involved in them. judgement

In the proceedings, children receive support from various actors.

No requirements ensuring a child-friendly environment for children involved in ordinary civil judicial proceedings have been identified. Similarly, there are no rules to protect children involved in ordinary civil judicial proceedings from participating in person in the hearing.

Protecting the child during interviews

In ordinary civil judicial proceedings, there are no child-specific rules in place concerning assistance during interviews. There are no specific provisions on: the admissibility of evidence gathered by children; how the special needs of children and their age and maturity are taken into account while gathering information; and the preparation of the child for the hearing. Additionally, there are no rules according to which the number of interviews of children in civil judicial proceedings should be limited.

Right to be heard and participate in the proceedings

In general, the law does not allow for children of any age to be parties to civil proceedings in their own right. Children under 18 years of age are represented by their parents who are considered their legal representatives. In cases of marital and family disputes however, the law states that children who are 15 years of age and above and are capable of understanding the meaning and consequences of their actions can carry out litigation acts independently, without being represented by his legal representatives.

There are no specific provisions in place stating how judicial decisions are to be communicated to children or who has to provide information on the proceedings to the child.

Right to legal counsel, legal assistance and representation

As any other party in civil proceedings, children have the right to a legal counsel. However, representation by a lawyer is not mandatory in all civil judicial proceedings. Parties (including children and their legal representatives) must be represented by a lawyer only when exercising extraordinary legal remedies after the judgement becomes final.

Alternatives to judicial proceedings

There are no child-specific measures concerning alternative dispute resolution mechanisms in Slovenia. Children have access to mediation through their parents or legal representatives. There are two types of mediation: court annexed mediation is available to parties whose dispute is already being deliberated by the court, while out-of-court mediation is available for disputes that are not yet being dealt with by courts.

Remedies and compensation exist for violation of rights and failure to act

Remedies available to child parties to civil judicial proceedings are the same as the remedies available to adult parties. As in the case of initiating civil procedures, only persons with full legal capacity have the procedural capacity to exercise legal remedies in their own right, i.e. children are in principle represented by their parents/legal representatives.

Legal costs

There are no child-specific provisions on paying the other party’s legal costs and the costs of the civil judicial proceedings. The law states that the defeated party has to reimburse the legal costs of the opposing party. If the party partly succeeds in the proceedings, the court may decide that each party covers their own costs, or that one party reimburses the other a portion of his/her costs.

Enforcement in civil court judgements

Enforcement proceedings are regulated under the Enforcement and Securing of Civil Claims Act. In general, this law does not include any child-specific provisions aimed at the protection of child plaintiffs/defendants judgement.

Strenghts and gaps

Consideration of the child’s opinion in marital and family disputes if the child can understand the meaning of the procedure, the existence of child-friendly rooms for the examination of children involved in marital and family disputes as well as the support provided by social services to children in order to minimise the harm inflicted upon them are considered as positive developments concerning children’s involvement in civil judicial proceedings.

For marital and family disputes there are specific provisions in place allowing a child to take a more autonomous role in the proceedings. Thus, children of 15 years of age and above can take over the proceedings in family relations disputes they are a party to. In disputes concerning child custody, child maintenance and contact between parents and children, the court is not bound by the claims filed by the parties to the dispute, which means that it can decide differently from what the parties requested, or can even decide without a claim set forth by the parties. Due to its duty to protect children, the court can also establish facts not set forth by the parties and collect all the necessary information to adopt a decision.

Courts can close the hearing to the public, which also prohibits the publication of the child's name. There is also an obligation in the Code of Ethics for Journalists to be particularly cautious when gathering information, reporting and publishing photos of children.

The main gap in the regulation of civil judicial proceedings is that there are not many child-specific provisions or requirements for a child-friendly process for matters unrelated to marital and family disputes. Children are rarely asked about their opinion, there are very few instances where they can access the court in their own right and there are no obligations to communicate with the child in a child-friendly manner or to make sure that the child receives the necessary information concerning the procedure in a way he/she understands it. There are no requirements ensuring a child-friendly environment for children involved in ordinary civil judicial proceedings (i.e. proceedings not related to marital and family disputes). No particular steps have been taken to remove obstacles children may face when accessing the courts with regard to the costs of the proceedings. Apart from marital and family disputes, other civil judicial proceedings involving children are not examined as a matter of priority.

In ordinary civil judicial proceedings (unrelated to marital and family disputes), there are no child-specific rules in place concerning assistance during interviews. There are no specific provisions on: the admissibility of evidence gathered by children; how the special needs of children and their age and maturity are taken into account while gathering information; and the preparation of the child for the hearing. Additionally, there are no rules according to which the number of interviews of children in civil judicial proceedings should be limited.

There are no provisions in the law specifying whether the child has the right to choose his/her legal counsel in his/her name. If the parents authorise the legal counsel to represent them and the child in the case, the child cannot waive his/her right to a legal counsel.

Also, judges and lawyers are not sufficiently trained in child-specific matters. There is no mandatory training to become a family law judge. There are also no vetting procedures. The absence of a specialised body (e.g. an Advocate of Child’s Rights) to ensure that the child has a say in the proceedings is also of importance.

Finally, even though the principle of the best interests of the child is included in a number of laws, there are no guidelines or checklists to assess what is in the child's best interests.

1. List of legislation

Penal Code – Official consolidated text (*Kazenski zakonik – Uradno prečiščeno besedil)*, Official Journal of the Republic of Slovenia, No. 50/2012, 29 June 2012.

Act on Alternative Dispute Resolution in Judicial Matters (*Zakon o alternativnem reševanju sodnih sporov)*, Official Journal of the Republic of Slovenia, No. 97/2009, 30 November 2009

Mediation in Civil and Commercial Matters Act (*Zakon o mediaciji v civilnih in gospodarskih zadevah)*, Official Journal of the Republic of Slovenia, No. 56/2008, 6 June 2008.

Family and Violence Prevention Act *(Zakon o preprečevanju nasilja v družini)*, Official Journal of the Republic of Slovenia, No. 16/2008, 15 February 2008.

Code of Obligations – Οfficial consolidated version (*Obligacijski zakonik – uradno prečiščeno besedilo)*, Official Journal of the Republic of Slovenia, No. 97/2007, 24 October 2007

Personal Data Protection Act – Official consolidated version (*Zakon o varstvu osebnih podatkov – uradno prečiščeno besedilo)*, Official Journal of the Republic of Slovenia, No. 94/2007, 16 October 2007

Act Implementing the Principle of Equal Treatment – Official Consolidated Version (*Zakon o uresničevanju načela enakega obravnavanja – Uradno prečiščeno besedilo)*, Official Journal of the Republic of Slovenia, No. 93/2007, 12 October 2007

Civil Procedure Act – Official Consolidated Version (*Zakon o pravdnem postopku – Uradno prečiščeno besedilo)*, Official Journal of the Republic of Slovenia, No. 73/2007, 13 August 2007

Marriage and Family Relations Act – Official consolidated text (*Zakon o zakonski zvezi in družinskih razmerjih – Uradno prečiščeno besedilo*), Official Journal of the Republic of Slovenia, No. 69/2004, 24 June 2004

Labour and Social Courts Act (*Zakon o delovnih in socialnih sodiščih*), Official Journal of the Republic of Slovenia, No. 2/2004, 15 January 2004, as amended

Ethics Code of the Association of Journalists of Slovenia (*Kodeks novinarjev Slovenije*), 10 October 2002.

Free Legal Aid Act (*Zakon o brezplačni pravni pomoči)*, Official Journal of the Republic of Slovenia, No. 66/2001, 13 June 2001, as amended.

General Administrative Procedure Act (*Zakon o splošnem upravnem postopku*), Official Journal of the Republic of Slovenia, No. 80/1999, 1 October 1999, as amended.

Enforcement and Securing of Civil Claims Act (*Zakon o izvršbi in zavarovanju)*, Official Journal of the Republic of Slovenia, No. 51/1998, 17 July 1998, as amended.

Public Guarantee, Maintenance and Disability Fund of the Republic of Slovenia Act(*Zakon o Javnem jamstvenem, preživninskem in invalidskem skladu Republike Slovenije)*, Official Journal of the Republic of Slovenia, No. 25/1997, 9 May 1997, as amended

Constitutional Court Act (*Zakon o ustavnem sodišču)*, Official Journal of the Republic of Slovenia, No. 15/1994, 18 March 1994, as amended

Human Rights Ombudsman Act (*Zakon o varuhu človekovih pravic*), Official Journal of the Republic of Slovenia, No. 71/1993, 30 December 1993, as amended

Attorneys Act (*Zakon o odvetništvu)*, Official Journal of the Republic of Slovenia, No. 18/1993, 9 April 1993, as amended

Social Care Act (*Zakon o socialnem varstvu)*, Official Journal of the Republic of Slovenia, No. 54/1992, 13 November 1992, as amended

Constitution of the Republic of Slovenia (*Ustava Republike Slovenije)*, Official Journal of the Republic of Slovenia, No. 33I/1991, 28 December 1991, as amended

Non-Litigious Civil Procedure Act (*Zakon o nepravdnem postopku)*, Official Journal of the Republic of Slovenia, No. 30/1986, 28 July 1986

1. This table provides an indicative summary of competent courts and relevant proceedings. However, please check [Section 2](#Section2) for a complete overview of the competent courts or sections/divisions within the competent courts. [↑](#footnote-ref-1)
2. This study on Children’s involvement in judicial proceedings is composed of three contextual overviews i.e. contextual overview for criminal justice, contextual overview for civil justice, contextual overview for administrative justice. The rules applying to judicial proceedings in the sectors of asylum, migration, education, health, placement into care, administrative sanction and offences committed by children below MACR are described in the contextual overview for administrative justice. [↑](#footnote-ref-2)
3. (MACR) Minimum Age of Criminal Responsibility – see [Table 3.1 of the EU Summary of contextual overviews on children's involvement in criminal judicial proceedings](http://bookshop.europa.eu/en/summary-of-contextual-overviews-on-children-s-involvement-in-criminal-judicial-proceedings-in-the-28-member-states-of-the-european-union-pbDS0313659/related/?PublicationKey=DS0313659&CatalogCategoryID=WTQKABsteF0AAAEjKpEY4e5L) on MACR in EU28 as at 1 June 2012. [↑](#footnote-ref-3)
4. Civil Procedure Act([*Zakon o pravdnem postopku – Uradno prečiščeno besedilo*](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html)), Official consolidated version, Official Journal of the Republic of Slovenia, No. 73/2007. [↑](#footnote-ref-4)
5. The Labour and Social Courts Act([*Zakon o delovnih in socialnih sodiščih*](http://zakonodaja.gov.si/rpsi/r07/predpis_ZAKO3657.html)), Official Journal of the Republic of Slovenia, No. 19/1994, 20/1998, 42/2002, 2/2004. [↑](#footnote-ref-5)
6. Enforcement and Securing of Civil Claims Act ([*Zakon o izvršbi in zavarovanju*](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1008.html)), Official Journal of the Republic of Slovenia, No. 51/1998 as amended. [↑](#footnote-ref-6)
7. Marriage and Family Relations Act([*Zakon o zakonski zvezi in družinskih razmerjih – Uradno prečiščeno besedilo*](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html)), Official consolidated version, Official Journal of the Republic of Slovenia, No. 69/2004. [↑](#footnote-ref-7)
8. Code of Obligations([*Obligacijski zakonik*](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html)), Official Journal of the Republic of Slovenia, No. 83/2001, 32/2004. [↑](#footnote-ref-8)
9. Article 121 of the Social Care Act (*[Zakon o socialnem varstvu](http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5111.html))*, Official Journal of the Republic of Slovenia, No. 3/2007, as amended. [↑](#footnote-ref-9)
10. Article 119 of the [Social Care Act](http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5111.html). [↑](#footnote-ref-10)
11. Article 119 of the [Social Care Act](http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5111.html). [↑](#footnote-ref-11)
12. Articles 408, 410, 416 and 421 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-12)
13. Article 82 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html) and Article 215 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-13)
14. Article 64 of the Non-Contentious Civil Procedure Act (*[Zakon o nepravdnem postopku](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO492.html)*), Official Journal of the Republic of Slovenia No. 30/1986. [↑](#footnote-ref-14)
15. Interview, Social services, 4 April 2013. [↑](#footnote-ref-15)
16. Interview, Social services, 4 April 2013. [↑](#footnote-ref-16)
17. More information about the project is provided for on the [website of Human Rights Ombudsman](http://www.varuh-rs.si/projekti-in-promocija/projekti/zagovornik-glas-otroka/). [↑](#footnote-ref-17)
18. Interview, Social Services, 4 April 2013. [↑](#footnote-ref-18)
19. Article 410 of [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-19)
20. Interview, Social services, 4 April 2013. [↑](#footnote-ref-20)
21. Article 32 of [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-21)
22. [Letter of the Communications Office of the Government of the Republic of Slovenia, 15 April 2011](http://predlagam.vladi.si/webroot/files/1478_PVS1478_Predlagam%20ureditev%20dru%C5%BEinskega%20sodi%C5%A1%C4%8Da.pdf). [↑](#footnote-ref-22)
23. Article 32 of [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-23)
24. Article 30 of [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-24)
25. Article 14 of [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-25)
26. Article 13 of [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-26)
27. Interview, Social Services, 4 April 2013. [↑](#footnote-ref-27)
28. Interview, District court judge, 8 April 2013. [↑](#footnote-ref-28)
29. Interview, High court justice, 3 April 2013 [↑](#footnote-ref-29)
30. Interview, Ministry of Labour, Family and Social Affairs, 28 March 2013. [↑](#footnote-ref-30)
31. [Official Website of the Bar Association](file:///C:\Users\mv\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\AppData\Local\Temp\available%20at%20http:\www.odv-zb.si\dogodki\odvetniska-sola). [↑](#footnote-ref-31)
32. Interview, Ministry of Labour, Family and Social Affairs, 28 March 2013, interview, High court justice, 3 April 2013, interview, Social Services, 4 April 2013. [↑](#footnote-ref-32)
33. Interview, Ministry of Labour, Family and Social Affairs, 28 March 2013. [↑](#footnote-ref-33)
34. Interview, High court justice, 3 April 2013. [↑](#footnote-ref-34)
35. ibid. [↑](#footnote-ref-35)
36. Article 117(1) of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-36)
37. Article 82 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-37)
38. Article 83(1) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-38)
39. Article 54 of the [Constitution](http://zakonodaja.gov.si/rpsi/r01/predpis_USTA1.html). [↑](#footnote-ref-39)
40. Articles 409, 410 and 421 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-40)
41. Article 409/4 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-41)
42. Article 5.a(1) of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-42)
43. Article 5 of the Family and Violence Prevention Act (*[Zakon o preprečevanju nasilja v družini](http://zakonodaja.gov.si/rpsi/r04/predpis_ZAKO5084.html)*), Official Journal of the Republic of Slovenia, No. 16/2008. [↑](#footnote-ref-43)
44. Article 119 of the [Social Care Act](http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5111.html). [↑](#footnote-ref-44)
45. Mateja Končina Peternel (High Court Justice), Advocacy of children and minors, a discussion paper available at the [website of the Human Rights Ombudsman](http://www.varuh-rs.si/projekti-in-promocija/projekti/konferenca-o-zagovornistvu-otrok-in-mladostnikov/pisni-prispevki/mateja-koncina-peternel/). [↑](#footnote-ref-45)
46. Mateja Končina Peternel (High Court Justice), Advocacy of children and minors, a discussion paper available at the [website of the Human Rights Ombudsman](http://www.varuh-rs.si/projekti-in-promocija/projekti/konferenca-o-zagovornistvu-otrok-in-mladostnikov/pisni-prispevki/mateja-koncina-peternel/). [↑](#footnote-ref-46)
47. Article 111 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-47)
48. Article 213 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-48)
49. Article 82 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-49)
50. For more information see the website of the Human Rights Ombudsman [Advocate – a child's voice](http://www.varuh-rs.si/index.php?id=1251&L=6) ([*Zagovornik - glas otroka*](http://www.varuh-rs.si/projekti-in-promocija/projekti/zagovornik-glas-otroka-2007-do-2009/)). [↑](#footnote-ref-50)
51. Article 408 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-51)
52. Article 412(2) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-52)
53. Article 421(4) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-53)
54. Article 21(1) of the [Constitution](http://zakonodaja.gov.si/rpsi/r01/predpis_USTA1.html). [↑](#footnote-ref-54)
55. Article 14 of the [Constitution](http://zakonodaja.gov.si/rpsi/r01/predpis_USTA1.html). [↑](#footnote-ref-55)
56. Act Implementing the Principle of Equal Treatment *(*[*Zakon o uresničevanju načela enakega obravnavanja – Uradno prečiščeno besedilo*](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO3908.html)), Official consolidated version, Official Journal of the Republic of Slovenia, No. 93/2007. [↑](#footnote-ref-56)
57. Article 131 of the Penal Code, ([*Kazenski zakonik – Uradno prečiščeno besedilo*](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO6458.html)), Official consolidated version, Official Journal of the Republic of Slovenia, No. 50/2012. [↑](#footnote-ref-57)
58. Code of Obligations – official consolidated version ([*Obligacijski zakonik – uradno prečiščeno besedilo*](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html)), Official Journal of the Republic of Slovenia, No. 97/2007. [↑](#footnote-ref-58)
59. Human Rights Ombudsman Act (*[Zakon o varuhu človekovih pravic](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO300.html)*), Official Journal of the Republic of Slovenia, No. 71/1993. [↑](#footnote-ref-59)
60. [Act Implementing the Principle of Equal Treatment](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO3908.html). [↑](#footnote-ref-60)
61. Article 107 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-61)
62. Article 117(2) and (3) of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-62)
63. Article 108 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-63)
64. Article 77(1) and (3) of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-64)
65. Interview, High court justice, 3 April 2013. [↑](#footnote-ref-65)
66. Article 78(1) of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-66)
67. Article 199(1) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-67)
68. Article 200(1) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-68)
69. Article 409 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-69)
70. Interview, High court judge, 3 April 2013. [↑](#footnote-ref-70)
71. Interview, Social services, 4 April 2013. [↑](#footnote-ref-71)
72. Article 409 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-72)
73. Article 107 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-73)
74. Article 229(2) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-74)
75. Article 116 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-75)
76. Article 69 of the [Non-Contentious Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO492.html). [↑](#footnote-ref-76)
77. Article 64 of the [Non-Contentious Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO492.html). [↑](#footnote-ref-77)
78. Article 69 of the [Non-Contentious Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO492.html). [↑](#footnote-ref-78)
79. Article 189 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-79)
80. Article 411 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-80)
81. Article 102 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-81)
82. Article 282 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-82)
83. Article 286 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-83)
84. Article 324 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-84)
85. Article 107 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-85)
86. Article 119 of the [Social Care Act](http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5111.html). [↑](#footnote-ref-86)
87. School counselling services are mentioned in the Elementary School Act. [↑](#footnote-ref-87)
88. For more information see the [website of](http://www.tosemjaz.net/si/dodatne_informacije/) *[To Sem Jaz](http://www.tosemjaz.net/si/dodatne_informacije/)*, a non-governmental counselling forum where children can obtain information from experts on various issues, including legal aid. [↑](#footnote-ref-88)
89. Article 102 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-89)
90. '[Jan goes to court'](http://www.sodisce.si/mma_bin.php?static_id=2010100111415656), and ['Jane goes to court](http://www.sodisce.si/mma_bin.php?static_id=2010100111423231)': these two brochures are aimed at younger children aged between 5 and 8. There is also a booklet aimed at older children aged between 9 and 13, prepared in a Q&A form ['When you have to go to court as a witness'](http://www.sodisce.si/mma_bin.php?static_id=2010120711511071). [↑](#footnote-ref-90)
91. [Human Rights Ombudsman website](http://www.pravice-otrok.si/?id=22). [↑](#footnote-ref-91)
92. Article 410(1) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-92)
93. Article 105.a of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-93)
94. Article 277 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-94)
95. Article 293(1) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-95)
96. Article 294 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-96)
97. Interview, District court judge, 8 April 2013. [↑](#footnote-ref-97)
98. Article 322(3) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-98)
99. Article 407 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-99)
100. Article 25 of the Personal Data Protection Act (*[Zakon o varstvu osebnih podatkov – uradno prečiščeno besedilo](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO5245.html))* Official consolidated version, Official Journal of the Republic of Slovenia, No. 94/2007. [↑](#footnote-ref-100)
101. Article 29 of the [Personal Data Protection Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO5245.html). [↑](#footnote-ref-101)
102. Article 32(1) of the [Personal Data Protection Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO5245.html). [↑](#footnote-ref-102)
103. Article 46 of the General Administrative Procedure Act (*[Zakon o splošnem upravnem postopku – uradno prečiščeno besedilo](http://zakonodaja.gov.si/rpsi/r04/predpis_ZAKO4814.html)*), Official consolidated version, Official Journal of the Republic of Slovenia, No. 24/2006, as amended. [↑](#footnote-ref-103)
104. Article 47(1) of the [General Administrative Procedure Act](http://zakonodaja.gov.si/rpsi/r04/predpis_ZAKO4814.html). [↑](#footnote-ref-104)
105. Article 34 of the [Personal Data Protection Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO5245.html). [↑](#footnote-ref-105)
106. Article 4 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-106)
107. Article 5.a of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-107)
108. Article 10 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-108)
109. Article 408 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-109)
110. Article 6 of the Attorneys Act ([*Zakon o odvetništvu*](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO265.html)), Official Journal of the Republic of Slovenia, No. 18/1993, as amended. [↑](#footnote-ref-110)
111. Article 93 of the [Social Care Act](http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5111.html). [↑](#footnote-ref-111)
112. Article 19 of the [Ethics Code of the Association of Journalists of Slovenia](http://www.razsodisce.org/razsodisce/kodeks_ns_txt.php) ([*Kodeks novinarjev Slovenije*](http://www.razsodisce.org/razsodisce/kodeks_ns_txt.php)). [↑](#footnote-ref-112)
113. Article 22(2) of the [Personal Data Protection Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO5245.html). [↑](#footnote-ref-113)
114. Artile 148 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-114)
115. Article 233 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-115)
116. Interview, High court judge, 3 April 2013. [↑](#footnote-ref-116)
117. Article 10.a (3) of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-117)
118. Interview, Social services, 4 April 2013. [↑](#footnote-ref-118)
119. Article 410(1) and (2) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-119)
120. Article 410(1) and (2) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-120)
121. Interview, High court judge, 3 April 2013. Interview, District Court Judge, 8 April 2013. [↑](#footnote-ref-121)
122. Article 119 of the [Social Care Act](http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5111.html). [↑](#footnote-ref-122)
123. Articles 408, 410, 416 and 421 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-123)
124. Article 82 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-124)
125. Article 64 of the [Non-Contentious Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO492.html). [↑](#footnote-ref-125)
126. Interview, District court judge, 8 April 2013. [↑](#footnote-ref-126)
127. Public Guarantee, Maintenance and Disability Fund of the Republic of Slovenia Act([*Zakon o Javnem jamstvenem, preživninskem in invalidskem skladu Republike Slovenije*](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO485.html)), Official Journal of the Republic of Slovenia, No. 25/1997, as amended. [↑](#footnote-ref-127)
128. Interview, Ministry of Labour, Family and Social Affairs, 28 March 2013. [↑](#footnote-ref-128)
129. Article 411 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-129)
130. See for example information booklets [*Jan gre na sodišče*](http://www.sodisce.si/mma_bin.php?static_id=2010100111415656) (Jan goes to court) and [*Jana gre na sodišče*](http://www.sodisce.si/mma_bin.php?static_id=2010100111423231) (Jane goes to court) which are aimed at younger children aged between 5 and 8. There is also a booklet aimed at older children aged between 9 and 13, prepared in a Q&A form [*Ko moraš na sodiče kot priča*](http://www.sodisce.si/mma_bin.php?static_id=2010120711511071) (When you have to go to court as a witness). [↑](#footnote-ref-130)
131. Interview, High court judge, 3 April 2013. [↑](#footnote-ref-131)
132. Ministry of Justice of the Republic of Slovenia, Recommendations on the Interview with a Child Via Videoconference and Other Technical Means, 2011. [↑](#footnote-ref-132)
133. Interview with the NGO, 19 December 2012. [↑](#footnote-ref-133)
134. ibid. [↑](#footnote-ref-134)
135. Article 229(2) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-135)
136. Article 410(1) and (2) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-136)
137. Interview, District court judge, 8 April 2013. [↑](#footnote-ref-137)
138. Interview, High court judge, 3 April 2013. [↑](#footnote-ref-138)
139. Article 295(3) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-139)
140. Interview, High court judge, 3 April 2013. [↑](#footnote-ref-140)
141. Article 410(1) and (2) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-141)
142. Mateja Končina Peternel (High Court Justice), Advocacy of children and minors, a discussion paper available at the [website of the Human Rights Ombudsman](http://www.varuh-rs.si/projekti-in-promocija/projekti/konferenca-o-zagovornistvu-otrok-in-mladostnikov/pisni-prispevki/mateja-koncina-peternel/). [↑](#footnote-ref-142)
143. Article 410(1) and (2) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-143)
144. Interview, High court judge, 3 April 2013. [↑](#footnote-ref-144)
145. Mateja Končina Peternel (High Court Justice), Advocacy of children and minors, a discussion paper available at the [website of the Human Rights Ombudsman](http://www.varuh-rs.si/projekti-in-promocija/projekti/konferenca-o-zagovornistvu-otrok-in-mladostnikov/pisni-prispevki/mateja-koncina-peternel/). [↑](#footnote-ref-145)
146. Article 107 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-146)
147. Article 352(4) of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-147)
148. Aricle 346 of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-148)
149. Article 358(2) of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-149)
150. Article 362 of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-150)
151. Article 362 of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-151)
152. Article 86(3) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). The regular legal remedy is an appeal and can be used before the judgment becomes final. Extraordinary legal remedies are remedies that can be used after the decision becomes final, e.g. revision, claim for renewal of the procedure, claim for annullment of court settlement. [↑](#footnote-ref-152)
153. Article 2 of the [Attorneys Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO265.html). [↑](#footnote-ref-153)
154. The Free Legal Aid Act ([*Zakon o brezplačni pravni pomoči*](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO1265.html)), Official Journal of the Republic of Slovenia, No. 66/2001, 50/2004. [↑](#footnote-ref-154)
155. Article 10 of the [Free Legal Aid Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO1265.html). [↑](#footnote-ref-155)
156. Article 12 of the [Free Legal Aid Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO1265.html). [↑](#footnote-ref-156)
157. Article 13 of the [Free Legal Aid Act](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO1265.html). [↑](#footnote-ref-157)
158. See the [website of the Ministry of Labour, Family, Social Affairs and Equal Opportunities](http://www.mddsz.gov.si/si/delovna_podrocja/sociala/denarna_socialna_pomoc/). [↑](#footnote-ref-158)
159. Article 215 of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-159)
160. Interview, Social services, 4 April 2013. [↑](#footnote-ref-160)
161. Article 409 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-161)
162. Mediation in Civil and Commercial Matters Act ([*Zakon o mediaciji v civilnih in gospodarskih zadevah*](http://zakonodaja.gov.si/rpsi/r09/predpis_ZAKO5289.html)), adopted on 23 May 2008, published in Official Gazette of the Republic of Slovenia, No. 56/2008. [↑](#footnote-ref-162)
163. Act on Alternative Dispute Resolution in Judicial Matters ([*Zakon o alternativnem reševanju sodnih sporov*](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO5648.html)), adopted on 19 November 2009, published in Official Gazette of the Republic of Slovenia, No. 97/2009. [↑](#footnote-ref-163)
164. [Official website of the Mediation Institute Concordia](http://www.concordia.si/), (30 October 2012). [↑](#footnote-ref-164)
165. Official website of the Institute Rakmo, <http://www.rakmo.si/> (30 October 2012). [↑](#footnote-ref-165)
166. [Official website of Serafin](http://www.zavod-serafin.com/) – Institute for Education, Conflict Management and Mediation, (30 October 2012). [↑](#footnote-ref-166)
167. Article 16 of the [Mediation in Civil and Commercial Matters Act](http://zakonodaja.gov.si/rpsi/r09/predpis_ZAKO5289.html). [↑](#footnote-ref-167)
168. Article 15(1) [Act on Alternative Dispute Resolution in Judicial Matters](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO5648.html). [↑](#footnote-ref-168)
169. Article 5.a(1) of the [Marriage and Family Relations Act](http://zakonodaja.gov.si/rpsi/r00/predpis_ZAKO40.html). [↑](#footnote-ref-169)
170. Interview, High court judge, 3 April 2013. [↑](#footnote-ref-170)
171. Article 305a-309 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-171)
172. Article 333 (1) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-172)
173. Article 367 (1) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-173)
174. Article 420 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-174)
175. Article 393 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-175)
176. Article 396 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-176)
177. Article 52 of the Constitutional Court Act ([*Zakon o ustavnem sodišču*](http://zakonodaja.gov.si/rpsi/r05/predpis_ZAKO325.html)), Official Journal of the Republic of Slovenia, No. 15/1994. [↑](#footnote-ref-177)
178. Article 410 (3) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-178)
179. Article 352(4) of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-179)
180. Aricle 346 of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-180)
181. Article 358(2) of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-181)
182. Article 362 of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-182)
183. Article 362 of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-183)
184. Article 30 and 31 of the [Non-Contentious Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO492.html). [↑](#footnote-ref-184)
185. Article 154 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-185)
186. Article 168 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-186)
187. Article 413 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-187)
188. Article 71 of the [Enforcement and Securing of Civil Claims Act](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1008.html). [↑](#footnote-ref-188)
189. Article 410 (3) of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-189)
190. Article 142 of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-190)
191. Article 143 of the [Obligations Code](http://zakonodaja.gov.si/rpsi/r03/predpis_ZAKO1263.html). [↑](#footnote-ref-191)
192. Article 238.b of the [Enforcement and Securing of Civil Claims Act](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1008.html). [↑](#footnote-ref-192)
193. Article 238.č of the [Enforcement and Securing of Civil Claims Act](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1008.html). [↑](#footnote-ref-193)
194. Article 226 of the [Enforcement and Securing of Civil Claims Act](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1008.html). [↑](#footnote-ref-194)
195. Article 238.e of the [Enforcement and Securing of Civil Claims Act](http://zakonodaja.gov.si/rpsi/r08/predpis_ZAKO1008.html). [↑](#footnote-ref-195)
196. Interview, Social services, 4 April 2013. [↑](#footnote-ref-196)
197. Branka Horvat Zec, enforcer of judicial decisions: A Child in the Enforcement Procedure, in: [A child in the Swirl of Decisions of Institutions](http://www.ds-rs.si/dokumenti/publikacije/Zbornik_09-1.pdf), 2009. [↑](#footnote-ref-197)
198. Article 411 of the [Civil Procedure Act](http://zakonodaja.gov.si/rpsi/r02/predpis_ZAKO1212.html). [↑](#footnote-ref-198)