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Hearing children in family proceedings: Lithuania

1. General Obligation to hear children

When making a decision concerning the child, his/her view has to be taken into account, in as far as it does not contravene with the child's best interests (Code of Civil Procedure, Art. 380§1; Civil Code Art. 3.164).

2. Minimum age

As a general rule, age is not important. The child must be heard only when he/she is capable of formulating his/her views (CEFL, 2005, pp. 8-9).

3. Who hears the child?

- As a general rule, the child must be heard directly by the judge in oral proceedings. If this is not possible, the hearing will be indirect, through a representative. Usually, the hearings are closed, but in some cases, the teacher or a psychologist can be present. When the child is e.g. hospitalized, employees of the state institution may do the hearing, which will then be reported to the judge by the state's institution for child protection (CEFL, 2005, p. 29; Country Profile, 2011).
- In child abduction cases, the opinion of the child is firstly sought by the local child protection services and later on by the court (Lithuanian Ministry of Social Security and Labour, 2010, p. 18).
- A child capable of forming his/her views has to be interviewed directly or, when this is impossible, through a representative (Civil Code, Art. 3.164; CRIN, 2014, p. 2).
- When a court decides to interview a child, a psychologist is frequently invited to do that. The judge normally decides on the child's maturity (Lithuanian Ministry of Social Security and Labour, 2010, p. 18).

4. Specific rules for hearing children in child abduction cases?

- The Vilnius District Court has jurisdiction in child abduction cases (Lithuanian Ministry of Social Security and Labour, 2010, p. 12).



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- The views and objections of the child are heard together with all other evidence (Lithuanian Ministry of Social Security and Labour, 2010, p. 19). Any decisions related to a child must be taken with regard to the child's wishes unless they are contrary to the child's interests (CEFL, 2005, p. 8).
- In cases where the interests of the child and the parents are in conflict, it is not possible to appoint another guardian ad litem (Country Profile, 2011).

5. Cross-border element (i.e. hearing a child who is abroad in second-chance procedure Brussels IIbis?)

No information available.

6. Other relevant matters

General training programmes of interviewing exist for judges and prosecutors. The training is not obligatory. Judges tend to participate in such training quite rarely due to their heavy workload (Kavoliūnaitė-Ragauskienė, 2016).

7. Legal sources on hearing the child

- Civil Code Art. 3.164
- Code of Civil Procedure, Art. 380§1

8. Sources in literature

- [CEFL](#), 2005
- [CRIN](#), 2014
- [Lithuanian Ministry of Social Security and Labour](#), 2010
- [Hague Convention Country Profile](#) section 10.4 (last updated April 2011)
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