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Hearing children in family proceedings: Portugal

1. General Obligation to hear children

The right to be heard is mandatory and strongly protected in promotion and protection procedures (Law 147/99, as amended by Law 142/2015): both the child or young person, either separately or in the company of his/her parents or a person chosen by him/her, and his/her parents, his/her legal representative or the person who has de facto care of him/her have the right to be heard and to participate in the acts linked to and the definition of the protection and promotion of rights measure.

2. Minimum age

No information available.

3. Who hears the child?

- The protection commission or judge shall hear children and young persons with regard to both the situations that gave rise to an intervention and the application, review or end of protection and promotion measures, in accordance with the provisions of Articles 4 and 5 of the General Regime governing Civil-Law guardianship measures approved by Law no. 141/2015 of 8 September 2015 (which are quite extensive).
- Jurisprudence has understood that the child may be heard either directly by the judge or indirectly through someone from the social services, and, in certain circumstances, by an expert (CEFL, 2005, p. 23)
- In practice, the judge hears the child directly, or uses a report prepared by an independent expert (Country Profile, 2011).
- The judge decides on the child's maturity, but experts may be included if the judge considers this essential (Portuguese Central Authority, 2010, p. 12).

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

No information available.

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



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No information available.

6. Other relevant matters

Proceedings shall be pursued in a manner that is understandable to the child or young person, taking into account his/her age and degree of intellectual and psychological development.

When a child or young person is heard and during the course of other procedural acts or steps that justify it, the protection commission or judge may order the intervention or assistance of doctors, psychologists or other specialists, or a person the child or young person trusts, or order the use of such technical mean (Law 147/99, as amended by Law 142/2015).

7. Legal sources on hearing the child

- Art. 1901 No. 2(2) Portuguese CC
- Law 147/99, as amended by Law 142/2015

8. Sources in literature

- [CEFL](#), 2005
- [Hague Convention Country Profile](#) section 10.4 (published 2011)
- [Portuguese Central Authority](#), 2010
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