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Hearing children in family proceedings: Slovenia

1. General Obligation to hear children

When the court makes decisions on the education, care of children and on contacts between children and parents and other persons, the children who are capable of understanding the meaning of judicial proceedings and the consequences of the decisions, must be informed in an appropriate way about the begging of the proceedings and of their right to be heard (Kraljić & Rijavec, 2014, p. 71).

2. Minimum age

There is no minimum age. Children capable of understanding can be heard. This is assessed on a case by case basis, based on the child's age and maturity (Kraljić & Rijavec, 2014, p. 71).

3. Who hears the child?

- Depending on the child's age and other circumstances the judge invites the child to an informal interview at the court or outside, with the help of the Social Welfare Center or school counselor. A trusted person, chosen by the child, can be present at the interview. This person can help the child to express his/her opinion (art. 410 CPA and Kraljić & Rijavec, 2014, p. 71).
- The child may be heard directly by the judge, or indirectly through either a report prepared by an independent expert, or through the child's legal representative (Country Profile, 2012).
- In its Concluding Observations, the UNCRC has observed that the child's right to be heard is not sufficiently implemented in practice: particular concern is voiced about the overreliance on expert reports while giving insufficient weight to children's views (CRIN, 2014, p. 9).

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

- Hearing of the child in return proceedings is at the discretion of the judge or competent authority dealing with the case (Country Profile, 2012).



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- The decision whether or not a guardian ad litem can be appointed in case of a conflict of interests between the child and his/her legal representative, is at the discretion of the Court or the Social Welfare Centre (Country Profile, 2012). In a cases of conflicts between the child and his/her parents, a special guardian can be appointed (art. 409 CPA and art. 213 MFRA;
- (Kraljić & Rijavec, 2014, p. 71 and 117).

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

In Slovenia, children over the age of 15 “who are capable of understanding the meaning and legal consequences of their actions” have the right to participate personally in proceedings concerning the family, as a party to the action (article 409 of the Civil Procedure Act) (O'Donnell, 2009, p. 17; Kraljić & Rijavec, 2014, p. 71).

7. Legal sources on hearing the child

- Art. 409 & Art. 410 of the Civil Procedure Act (CPA)
- Art. 213 Marriage and Family Relations Act (MFRA)

8. Sources in literature

- [CRIN](#), 2014
- [Hague Convention Country Profile](#) section 10.4 (last updated December 2012)
- [O'Donnell](#), 2009
- KRALJIĆ, Suzana, RIJAVEC, Vesna. *Slovenia*, (International Encyclopaedia of Laws, Suppl. 68 (2014)). Alphen aan den Rijn: Wolters Kluwer Law & Business: Kluwer Law International
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