

Chapter 5: Best Interests Determination Checklist¹

Making a decision in the child's "best interests" involves considerations of the views of the child, a safe environment, family and close relationships, and development needs.

- ✓ Gather all necessary information that will affect the decision about the child's placement. This will involve talking to all relevant people, especially the child. It will also involve considerations based on the age, gender, and ability of the child.
- ✓ Make sure that the child has freely expressed his or her opinions and wishes, taking into account the child's maturity and ability to evaluate the possible consequences of each option presented.
- ✓ Consider the rights and legitimate interests of any other parties (parents, siblings, other family members or persons close to the child, or the State), as well as their attitudes, capacities, and opinions, and the nature of their emotional relationship with the child.
- ✓ When a decision has to be made between a number of different care options, the preferred solution should be the most positive for the child, immediately and in the longer term. At the same time, any final decision should respect all of the child's rights.
- ✓ Take into account the level of stability, safety, and security provided by the child's living environment (whether with parents, in kinship, or in another care setting). Consider the following:
 - Safety in the geographical location or household under consideration;
 - Availability of life-saving medical treatment for sick children;
 - Past harm (frequency, patterns, trends);
 - Ability to monitor; and
 - Whether root causes of past harm still exist.
- ✓ Consider the likely effects of separation from family or change in caregiver. Take into account the quality and duration of the relationship and degree of attachment of the child to siblings, other family members, other adults or children in the cultural community, and any potential caregiver.
- ✓ Allow for characteristics including the child's ethnic, religious, cultural, and linguistic background, so that efforts can be made to ensure continuity in upbringing and maintenance of links with the child's community. Consider the child's special developmental needs including physical, emotional, educational, or mental, or other particular circumstances.
- ✓ Review the suitability of each possible care option for meeting the child's needs, in light of all the above considerations.

¹ Sources: Government of Liberia, Ministry of Health and Social Welfare (2014). [Guidelines for Kinship Care, Foster Care and Supported Independent Living in Liberia](#); UNHCR (2008). [UNHCR Guidelines on Determining the Best Interests of the Child](#).