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Welcome

to Our Presentation of

**bivak.mobil**

Youth Advisory Centre of the Youth Welfare  
Department/Service of the City of Salzburg

Presentation of bivak.mobil for the Summer School of the FH Salzburg  
July, 3., 2024, Schloss Mirabell  
Mag. (FH) Nicole Modl, Dr. Edgar Vogelsang, DSA Pavo Janjic-Baumgartner





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## What awaits you?

- Legal Foundations of child and youth welfare in Austria
- The special approach of bivak.mobil
- Non accompanied minor refugees

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**Kinder- und  
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### **Most Important Legal Foundations for the Work of the Youth Welfare Office (YWO)**

(German: Kinder- und Jugendhilfe, KJH)

- Federal Youth Welfare Act, applicable nationwide, contains only 11 provisions  
(German: Bundes-Kinder- und Jugendhilfegesetz, B-KJHG)
- 9 Provincial Youth Welfare Acts (German: Landes Kinder- und Jugendhilfegesetze)  
within the scope of nationwide principles  
e.g. (German:) Salzburger Kinder- und Jugendhilfegesetz, S.KJHG
- General Civil Law Book (German: Allgemeines Bürgerliches Gesetzbuch, ABGB)  
comparable to BGB in Germany, Code Civil in France)

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### **Federal Youth Welfare Act (B-KJHG)**

- provides e.g.: notification of suspicion of endangerment of child's well-being (short: notification of endangerment) (German: Mitteilungen bei Verdacht der Kindeswohlgefährdung)
- = duty of courts, authorities, doctors, hospitals, schools, kindergartens, other child-care institutions, teachers, trainers etc. to inform (in writing) the YWO about possible endangerment of the child's well-being, particularly by (sexual) abuse, torture or neglect

### **Provincial Youth Welfare Acts**

Competences are divided between

- Provincial government (German: Landesregierung) and
- District Administration Authority (German: Bezirkshauptmannschaften, comparable to Landratsämter in Germany) and so-called Statutory Cities (like Salzburg). They do the work in individual cases.

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## General Civil Law Book

**Custody** (Germany: elterliche Sorge, Sorgerecht, Austria: Obsorge)

- rights and obligations connected with custody
- who is bearer of custody
- common / sole custody (illegitimate child – sole custody of the mother  
[if mother is under age – partial custody of YWO])
- change of custody by agreement or court decision
- court intervention in case of endangerment of child welfare  
strongest intervention: removal of custody and transfer of custody to someone else (other parent, grandparent(s), other adults, as a last resort: YWO)
- rights and duties of YWO to apply for changes in custody and to occupy temporary custody in case of imminent danger

**Personal contacts** aka visitation right, right to access

- parents (in the legal sense) and grandparents: automatic right to contact (parents also obligation)
- other persons (e.g. biological, but not legal parent) can be granted contact
- court can restrict or remove the right to personal contacts



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## **Structure of the Youth Welfare Office of the City of Salzburg**

### **Social workers**

About 40 persons. They take care of

- the tasks of YWO in the (Federal and Provincial) Youth Welfare Acts and
- the tasks of YWO in the General Civil Law Book regarding custody.
- other issues of the General Civil Law Book (contact rights, information rights) by advising and mediation

### **Legal Representation**

(German: Rechtsvertretung)

About 10 persons

Acting on behalf of minors in legal matters, particularly in terms of

- child support (fixing the amount, enforcing payments)
- determination of fatherhood
- financial matters

The legal basis for the right to legally represent the minor is either custody of the YWO or an empowerment by the actual custodian (typically the parent living with the child)



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### **Unaccompanied Minor Refugees**

(German: unbegleitete minderjährige Flüchtlinge, UMF)

The system of Basic Provision (German: Grundversorgung) for asylum seekers refers minor to an accommodation in a certain Austrian province (in Salzburg, typically „Clearing-house“ of SOS-Kinderdorf)

- Automatic competence (only!) for asylum procedure
- When YWO gets custody –competence for all matters
  
- The legal representation is outsourced to another institution (specialized on asylum-law)
- YWO applies to the court for custody for itself (exceptionally there are full-aged adults who can be custodians)
- If the asylum seeker is younger than 14, the YWO pronounces imminent danger and thereby becomes provisional custodian and places the child in a youth-welfare institution.

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## What Young People Might Understand When they Hear “Youth Welfare Office”



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## What They Would Like When They Are Stressed



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# bivak.mobil



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# The Best of Both Worlds

## Youth Cafe

- Low-Threshold-Approach
  - Easy, non-bureaucratic access
  - No appointment necessary
  - Communication without specific topics or questions
  - Acceptance
- Living room / second (first) home
- Cost prices for drinks
- Small meal free of charge
- Meeting point
- Shower, washing machine, tumble dryer
- Residence registration
- Advice
- Forwarding

## Youth Welfare Office

- Government office
- Assessing cases of child endangerment
- Initiating support measures
  - Coaching the young person himself
  - Coaching the whole family
  - Out of home care
- Case management
- Declaration of imminent danger, if necessary
- Taking over full custody
- Short distances to all important institutions
- Official secrecy
- Legal mandate to promote and protect minors
- Parenting support

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## Contact

- Youth Cafe
- Phone
- E-Mail, WhatsApp, Instagram
- Parents
- School
- Hospital / Psychiatry
- Police
- Court



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## Who Are Our Clients

- Young people between 14 and 18 years residing in Salzburg
  - Any kind of questions
  - Any kind of problems
    - Adolescence crises
    - Crises with parents
    - Mental problems
    - NEETs
    - Protection needs
    - Delinquency
    - Drugs
    - Homeless or temporarily homeless young people
- Young adults
- Care Leaver
- Non accompanied minor refugees
- Parents

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## Methods

- Case work
- Case management
- Family assistance
- Empowerment
- Low-Threshold-Approach
- Harm reduction

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## Some Facts

- Opening hours Youth Cafe: Monday to Thursday, 12.30 to 16.00
- 7 Social workers (3 female, 4 male) full-time employment
- Employees of the city of Salzburg
- Only graduated social workers
- Since 1972

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## Definition

- U unbegleitet unaccompanied
- M minderjährig minor (under 18 years old)
- F Flüchtling refugee
  
- uumF unmündig Kid (under 14 years)
  
- umF are taken care by the youth camps/ basic provision (31.- 95.- euro a day)
  
- uumF (and kids who receive positive Asylum) are taken care by housing provided from the Kinder- und Jugendhilfe/Child Welfare Service (200.- to 300.- euro a day/ emergency housing 500.-)



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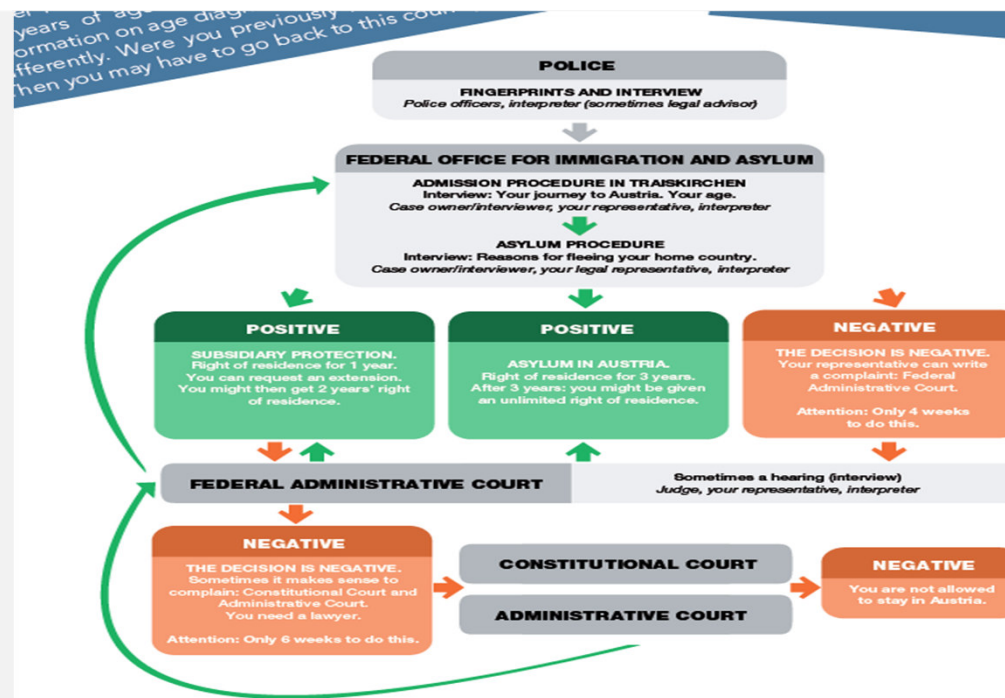
## Our Tasks And Offers

- Apply for custody (instantly via GiV or through guardianship court)
- Legal guardian when required (education, medical treatments...)
- Provide legal advisor (layer in asylum procedure)
- Provide additional therapy, sports, additional care (in severe cases)
  
- As under 14 year old kids are not allowed to file an asylum case themselves, we also pass the admission procedure with them

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## Protection Statuses

### Subsidiary Protection (§ AsylG 2005)

Differs on the federal states of Austria

- Stay in (youth) camp
- No (or very, very limited) access to social welfare or disability assistance
- Hand over earnings over € 120,-- to 140,--
- Apply for family reunion after 3 years

### Asylum in Austria (§ 3 AsylG 2005)

- Leave Camp and move to WG/BEWO
- Loose health insurance till you have a job
- Access to social welfare (over 18 years)
- Apply for family reunion immediately



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