EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

DECISION

Application no. 27405/22
J.L.
against Norway

The European Court of Human Rights (Second Section), sitting on 16 December 2025 as a Committee composed of:

Péter Paczolay*, President*,
Oddný Mjöll Arnardóttir,
Hugh Mercer*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to the above application (no. 27405/22) against the Kingdom of Norway lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 28 May 2022 by a Norwegian national, Ms J.L. ("the applicant"), who was born in 1982 and was represented by Ms A. Skippervik, a trainee lawyer practising in Oslo;

the decision to give notice of the application to the Norwegian Government ("the Government"), represented by their Agent, Ms H. Busch, of the Attorney General's Office (Civil Affairs);

the decision not to have the applicant's name disclosed;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns a care order issued in respect of the applicant's children, X and Y, and the determination of the applicant's contact rights in respect of them.

2. The applicant is the mother of X and Y, two boys born in 2016 and 2018 respectively. The applicant has a daughter and a son from a previous marriage, born in 2001 and 2003, and whose father died in 2014. The child welfare services received several notifications of concern in respect of the two eldest children relating to their care situation while they were growing

up. In 2015 the applicant met and married the father of X and Y. Concerns continued to be raised regarding the care of her eldest son, born in 2003, who was still living with the family. The family moved a total of four times between 2015 and 2019. In 2019 notifications of concern were received in respect of Y. By 2019 the child welfare services across multiple municipalities had engaged with the family owing to their frequent relocations. One municipality was unable to complete its investigation into the family's care situation as the family had moved before any conclusions had been reached. It was determined that the parents should participate in a programme at a parent-child centre with the aim of enhancing their childcare skills. In another municipality, the child welfare services put support measures in place with the aim of providing guidance, but the measures were later discontinued at the parents' request. Subsequently, in January 2021, the child welfare services in a fourth municipality became involved following concerns raised by a neighbour.

3. On 18 February 2021, following a home visit by the child welfare services, X and Y were placed under an emergency care order. With the consent of the applicant, the son born in 2003 was also placed into care outside the home.

4. On 16 June 2021 the County Social Welfare Board ("the Board") upheld the care order. The Board found it established that the children had been living in neglectful and unsuitable conditions, characterised by the children's poor hygiene, development delays, lack of stimulation and insufficient space to move about freely. The living environment was found to be unacceptable. The eldest son had expressed his relief at being taken out of the home and had reported long-standing concerns with regard to the conditions in the home. X and Y had appeared withdrawn, with limited facial expressions and a sad demeanour. Y had engaged in self-harming behaviour in the form of head banging. A child neurologist and a psychologist found that both X and Y had shown enormous improvement since they had been placed in emergency care. Noting some adverse reactions from X and Y during contact sessions with their parents, and a decline in the quality of contact towards the end of the sessions – likely owing to tiredness – the parents were granted supervised contact with X and Y for two hours eight times per year. It was noted that the child welfare services would need to evaluate and adjust the contact arrangements in the future.

5. On 18 November 2021 the District Court upheld the Board's decision. Prior to the hearing, a request for a psychological expert assessment regarding X and Y, as well as of the parents' caregiving abilities, was withdrawn by the parents as they did not wish to postpone the hearing. The court heard the testimony of eight witnesses. A child neurologist testified that there was no medical explanation for the delays in X and Y's development. The court emphasised that neither of the parents had shown any understanding of the unacceptable living conditions the family had been living in. The child

welfare services testified that the parents had shown extreme reluctance to engage with them. Following the emergency care order, X and Y were placed in the same emergency home. At the time of the court's decision, Y had been moved to a foster home and arrangements were also under way for X to be placed in a foster home. The court found that the children lacked fundamental skills owing to the serious deficiencies in their care. Moreover, in terms of their language, the court found that they had limited vocabulary, and that X produced sounds that closely resembled a dog's bark. Since the care order, both boys had learned fundamental skills including the ability to seek comfort, walk up and down stairs, express their needs, eat with cutlery, and engage in social play. A child neurologist, who had monitored the boys before and after their placement, attributed her earlier concerns to their poor upbringing and living environment. She described X's and Y's development following their care order as "enormous". The court noted that the eldest son, who had reached the age of majority, had also demonstrated significant development following his placement into care, and it concluded that he had experienced prolonged neglect. The court found that X and Y had special care needs and that the deficiencies in the parents' caregiving skills could not be remedied by assistance measures. The applicant had denied any need for assistance. The court observed that the applicant's distrust of child welfare services had significantly influenced the parents' behaviour and had led them to take action with the aim of avoiding scrutiny from the authorities. The court found it unlikely that the parents would willingly engage with or accept support from the child welfare services.

6. With regard to contact rights, the District Court emphasised at the outset that the care order was a temporary measure and that contact sessions needed to support the goal of reunification. Only in exceptional circumstances could the aim of reunification be set aside, or contact be severely restricted. The court noted it was not the case that the goal of reunification had been set aside, and that contact had to preserve the possibility of reunification, even if the placement were to be long-term. Contact should be as frequent as possible, while ensuring that the children were not subjected to undue hardship. The court observed that the children were vulnerable and exhibited development delays in several areas. How the children were affected by the contact sessions with the parents was therefore central. The court noted that X and Y, especially Y, had exhibited adverse reactions following contact sessions. The child welfare services, who had been present during several visits, had assessed that both boys interacted worse with their parents than otherwise and reported that the parents tended to become passive during the sessions. The court concluded that contact sessions were traumatic for both children. The court also noted that stability and calm for the children in their new foster homes was important, and that contact of too great an extent was disruptive. Several witnesses had described that the quality of visits declined toward the end, leaving both parents and

children tired. The parents were granted supervised contact with X and Y for two hours six times per year. Although the court acknowledged that the contact was limited it stated that it considered the arrangement to be in the best interest of the children. The District Court noted it was not unlikely that contact sessions would increase somewhat as the children got older.

7. On 3 March 2022 the High Court denied leave to appeal. The High Court found that the District Court's decision was well supported by evidence, including the testimony of multiple professionals and extensive documentary evidence. It found no fault on the part of the District Court in deciding to proceed without appointing an expert and identified no deficiencies in that court's evaluation of the parents' caregiving capacities. With regard to contact rights, the High Court noted, as the District Court, that the contact granted was very limited, but it was in the best interest of the children in the present case. Increasing the frequency of contact was found to constitute undue hardship. Although the District Court had indicated that the placement could be long term, it had simultaneously affirmed that the care order was a temporary measure and that the goal of reunification had not been abandoned. The High Court observed that the District Court's assessment had been thorough, based on multiple witness testimonies, and that contact sessions had been found to be traumatic. The children had, over time, exhibited strong reactions both before and after contact sessions. The High Court concluded that the District Court had properly balanced the interests of the children with those of the parents, and that the frequency of contact had been carefully determined to avoid subjecting the children to undue hardship at the material time. The High Court noted that there was no necessary conflict between limited contact for a period and the goal of reunification, when the goal of reunification is not realistic in the short term. Finally, the High Court found it would take time before reunification could become realistic, given the children's development, the neglect they had experienced, and the parents' caregiving capacities. Furthermore, the High Court emphasised the ongoing responsibility of the child welfare services to evaluate on a regular basis the suitability of increased contact with the parents. The High Court ultimately concluded that the decision did not violate the right to family life as protected under Article 8 of the Convention.

8. On 27 April 2022 the Supreme Court dismissed the appeal.

9. The applicant submitted that the domestic proceedings and decisions had violated her right to respect for her family life as guaranteed by Article 8 of the Convention. She contended that there had been insufficient grounds for taking her children into public care and restricting contact with them to six times per year. In particular, she argued that less intrusive measures had not been properly considered and that the District Court had not commissioned an expert report.

THE COURT'S ASSESSMENT

10. The applicant complained that the domestic courts' decision to uphold the care order in respect of her sons X and Y and to grant her limited contact rights with them had breached Article 8 of the Convention.

11. The Court finds that the decision taken by the Board in 2021 and confirmed by the domestic courts to uphold the care order in respect of the applicant's children X and Y and to grant her limited contact rights with them entailed an interference with the applicant's right to respect for her family life for the purposes of Article 8 § 1 of the Convention. That interference was in accordance with the law, namely the 1992 Child Welfare Act, which was applicable at the material time. It pursued the legitimate aim of protecting the children's "rights" and their "health". The remaining question is whether the interference was "necessary" within the meaning of Article 8 § 2 of the Convention.

12. The general principles relevant to the necessity test were extensively set out in *Strand Lobben and Others v. Norway* ([GC], no. 37283/13, §§ 202-13, 10 September 2019) and since restated in, among other authorities, *Abdi Ibrahim v. Norway* ([GC], no. 15379/16, § 145, 10 December 2021). From those principles, it follows that the Court must determine whether, in the light of the entirety of the case, the reasons adduced to justify the measures in question were relevant and sufficient for the purposes of Article 8 § 2 of the Convention and whether the parents were adequately involved in the decision-making process seen as a whole (see *Strand Lobben and Others*, cited above, §§ 203 and 212).

13. The Court also bears in mind that it has previously delivered judgments in several cases involving the respondent State in which it found a violation of Article 8 of the Convention relating to the justifications provided by the domestic authorities for the establishment of particularly restrictive contact regimes (see, for cases where shortcomings in relation to decisions on contact rights in themselves led to the finding of a violation, *K.O. and V.M. v. Norway*, no. 64808/16, §§ 67-71, 19 November 2019, and *A.L. and Others v. Norway*, no. 45889/18, §§ 47-51, 20 January 2022; see also, for cases where similar shortcomings formed important parts of the context in which violations had occurred, *Strand Lobben and Others*, cited above, §§ 221 and 225; *Pedersen and Others v. Norway*, no. 39710/15, §§ 67-69, 10 March 2020; *Hernehult v. Norway*, no. 14652/16, §§ 73-74, 10 March 2020; *M.L. v. Norway*, no. 64639/16, §§ 92-94, 22 December 2020; and *Abdi Ibrahim*, cited above, § 152).

14. The Court has found, in particular, that severe limitations imposed on contact between parents and children in the context of childcare measures are normally incompatible with the aim of reunification and the principle that care orders should seek as far as possible to be temporary measures. It has emphasised that it is crucial that the contact regime, without exposing the

child to any undue hardship, effectively supports the goal of reunification until – after careful consideration, and taking account of the authorities' positive duty to take measures to facilitate family reunification – the authorities are justified in concluding that the ultimate aim of reunification is no longer compatible with the best interests of the child (see *A.L. and Others v. Norway*, cited above, § 48, and the cases cited therein).

A. Care order issued in respect of X and Y

15. In determining whether the domestic courts gave relevant and sufficient reasons for their decision to uphold the care order in respect of X and Y, the Court notes that the Board and the District Court upheld the care order because they considered that X and Y had been living in neglectful conditions for a long time and that the inadequate care they had received had caused significant developmental delays notably in communication and motoric skills for both children. It had not been established that the delays related to any medical issues. The parents lacked necessary parenting skills and the ability to provide proper care for their children. Emphasis was placed on the fact that the parents had failed to improve or even acknowledge the unacceptable living conditions. The substantial progress made by both X and Y following their placement into care confirmed the necessity of the care order.

16. The Court observes that the applicant's arguments largely related to the evidential findings of the domestic courts, particularly with regard to the conditions in which the children had been living and whether any medical issues could explain the delays in the children's development. Furthermore, the applicant argued that less intrusive measures had not been properly considered.

17. However, the Court does not find that it has any basis to question the domestic courts' conclusions on those evidential matters. Furthermore, as for less intrusive measures, the District Court, in finding that assistance measures could not remedy the deficiencies in the parents' caregiving abilities, noted that the applicant had denied needing help and that the parents had a deep distrust of the child welfare services, which had made it unlikely that they would willingly accept any assistance. The applicant's distrust of the child welfare services had even led the parents to take action with the aim of avoiding scrutiny from the authorities and to move several times within a short period of time in order to avoid such scrutiny. Despite the assistance offered, the parents had refused any help. The domestic courts accordingly found that less intrusive measures were not a realistic alternative.

18. Furthermore, the Court observes that the parents withdrew their request for an assessment by a court-appointed expert prior to the District Court hearing, during which the court heard the parents as well as several expert witnesses with regard to the care order. In the light of the material

before the District Court, the Court cannot conclude, on the sole basis of the withdrawal, by the parents, of the request for a psychological assessment, that the District Court did not have a sufficient evidential basis to reach a reasoned decision on the issue before it (compare for the relevant standards in that regard, for instance, *Sommerfeld v. Germany* [GC], no. 31871/96, §§ 69-74, ECHR 2003-VIII (extracts)). Also bearing in mind the wide margin of appreciation that is afforded to domestic authorities in respect of care orders (see *Strand Lobben and Others*, cited above, § 211), the Court considers that the domestic courts advanced relevant and sufficient reasons as to why they upheld the care order and adequately involved the parents in the decision-making process. The interference with the applicant's right to respect for her family life by the decision to uphold the care order was therefore "necessary" within the meaning of Article 8 § 2 of the Convention.

19. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. The applicant's contact rights

20. In determining whether the domestic courts gave relevant and sufficient reasons for the limitations that were imposed on the applicant's contact rights in respect of X and Y, it is incumbent on the Court to carry out a "stricter scrutiny" of those measures (see *Strand Lobben and Others*, cited above, § 211; see also *E.M. and Others v. Norway*, no. 53471/17, § 58, 20 January 2022, where the applicant was not granted any contact rights with her children). The Court observes that, even though the District Court had indicated that the placement may be long term the High Court stressed that the District Court had affirmed that the goal of reunification had not been abandoned at that stage. The Court observes that the domestic courts found that contact sessions had been traumatic for both children, and that the frequency of contact granted was found to be the outmost limit at the material time to ensure that the children would not be subjected to undue hardship. The Court is satisfied that, at the material time, the restriction on contact was based on the concrete adverse reactions of both X and Y at the material time and not on any conclusion that the care order would be long term. Furthermore, the Court notes that the District Court found it was not unlikely that the number of contact sessions would increase in the future, while the High Court emphasised that the child welfare services had to continuously assess whether an increase in parental contact would be suitable. Based on the above considerations, the Court does not find that the goal of reunification had been abandoned already at that stage of the domestic proceedings.

21. Having regard also to its findings above regarding the decision-making process (see paragraph 18), the Court concludes that the domestic courts advanced relevant and sufficient reasons also in respect of

their decision on contact rights and that the interference with the applicant's right to respect for her family life was thus "necessary in a democratic society" for the purposes of Article 8 § 2.

22. Accordingly, this part of the application is also manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 22 January 2026.

Dorothee von Arnim Deputy Registrar	Péter Paczolay President