

DOSSIER: CHILD PROTECTION IN HIGH-RISK PROCEEDINGS WITH A CROSS-BORDER DIMENSION

Case Analysis and Proposal for a Methodological Safeguard Standard

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EXECUTIVE SUMMARY

This dossier analyzes the critical issues that can emerge in judicial proceedings involving minors, particularly when these proceedings present a cross-border dimension and involve decisions capable of producing profound and potentially irreversible effects on the child's life.

The document takes as its starting point the analysis of a concrete case, in which several anomalies of a documentary and procedural nature were identified. These include:

- Inconsistencies in the identifying data of the parties;
- Difficulties in the coherent reconstruction of the procedural documentation;
- Critical issues in the correct identification of the mother;
- A sequence of judicial decisions adopted in close temporal proximity with limited preventive verification of the potential consequences for the minor.

These elements are not presented as automatic proof of specific regulatory violations, but rather as indicators of potential methodological criticalities in the decision-making process when courts face complex family situations, especially in the presence of cross-border elements.

The analysis of the case is therefore used as a case study, useful for reflecting on broader issues concerning the functioning of judicial proceedings in matters involving minors. In particular, the dossier focuses on the risk that decisions adopted without an in-depth verification can produce harm that is difficult to reverse, especially when they affect fundamental elements of the child's life, such as:

- The continuity of affective relationships;
- Emotional and psychological stability;
- The relationship with primary reference figures.

Based on these considerations, the document proposes the formalization of a methodological risk safeguard standard, termed the Principle of Non-Reversibility of Risk.

According to this principle, no measure capable of producing potentially irreversible effects on the life of a minor should be adopted without an explicit, reasoned, and documented verification of the absence of a serious risk.

The principle does not introduce new legal rules and does not modify the jurisdiction of judicial authorities. Instead, it aims to strengthen the concrete application of the principles already enshrined in international and European law regarding child protection, including those contained in the:

- UN Convention on the Rights of the Child;
- European Convention on Human Rights;
- Charter of Fundamental Rights of the European Union.

To this end, the dossier also proposes a three-phase decision-making test designed to support courts in assessing high-risk situations. The test involves:

- Verifying the existence of plausible allegations of serious risk to the minor;
- Assessing the potentially irreversible consequences of the proposed measure;
- Examining any less harmful alternatives before adopting drastic decisions.

The objective of this document is not to criticize individual judicial systems or specific decisions, but to contribute to the reflection on how to strengthen the methodological quality of the decision-making process in proceedings involving minors.

Through the analysis of a concrete case and the proposal of a risk verification standard, the dossier intends to offer a useful tool of reflection for scholars, legal practitioners, and institutions, with the goal of improving the effective protection of children's rights in judicial proceedings.

1. INTERNATIONAL LEGAL CONTEXT

The protection of minors in judicial proceedings constitutes one of the fundamental principles of international law and European human rights law. Numerous legal instruments establish clear obligations for States to ensure that every decision concerning a minor is adopted in compliance with their best interests and safety.

The primary relevant regulatory instruments include:

- UN Convention on the Rights of the Child;
- European Convention on Human Rights;
- Charter of Fundamental Rights of the European Union;
- Brussels II-ter Regulation.

These instruments constitute the framework within which national judicial authorities must operate when adopting decisions that affect the lives of minors.

1.1 The Principle of the "Best Interests of the Child"

The principle of the best interests of the child represents the foundation of the entire international system for the protection of children's rights.

Article 3 of the UN Convention on the Rights of the Child establishes that, in all actions concerning children, the best interests of the child shall be a primary consideration.

This principle implies that every judicial decision must be adopted taking into account not only the formal aspects of the proceedings, but above all the concrete consequences on the child's life.

In particular, authorities must evaluate:

- The safety of the minor;
- Emotional and psychological stability;
- The continuity of significant affective relationships.

1.2 The Right to Family Life

The European Convention on Human Rights protects the right to respect for private and family life through Article 8.

The jurisprudence of the European Court of Human Rights has repeatedly affirmed that national authorities, when intervening in family relations, must ensure a proportionate balance between the interests of the parties involved, paying particular attention to the protection of minors.

According to the Court, decisions affecting family relationships must be based on an in-depth assessment of the concrete circumstances, in order to avoid interventions that could unjustifiably compromise the well-being of the child.

1.3 The Legal Framework of the European Union

Within the European Union, the protection of minors is reinforced by the Charter of Fundamental Rights.

Article 24 of the Charter establishes that:

- Children shall have the right to such protection and care as is necessary for their well-being;
- In all actions relating to children, the child's best interests must be a primary consideration.

In parallel, the Brussels II-ter Regulation governs judicial cooperation between Member States in proceedings relating to parental responsibility and cross-border cases.

The regulation aims to guarantee:

- Swift and effective decisions;
- Cooperation between national authorities;
- Effective protection of the rights of minors involved in complex family situations.

1.4 The Role of the Decision-Making Process in Proceedings Involving Minors

Despite the breadth of the existing regulatory framework, the concrete application of these principles depends largely on the decision-making process adopted by the courts.

In proceedings involving minors, judicial decisions can have profound and lasting consequences on the child's life. For this reason, the quality of the decision-making process, and in particular the capacity to adequately assess the risks and potential consequences of decisions, assumes a central importance.

In this context, there is a clear need for methodological tools that help judicial authorities ensure that the principles already enshrined in international law find concrete and verifiable application.

1.5 Toward a Methodological Risk Safeguard Standard

In light of the preceding considerations, it is appropriate to reflect on the introduction of methodological criteria that strengthen risk assessment in proceedings involving minors.

In particular, in cases where a decision can produce profound and potentially irreversible effects on the child's life, it becomes essential to ensure that the court conducts an explicit and reasoned verification of the potential consequences for the minor.

This need constitutes the starting point for the proposal of the Non-Reversibility of Risk Standard, illustrated in the subsequent sections of this dossier.

2. DOSSIER METHODOLOGY

This dossier has been prepared through a documentary and reconstructive analysis aimed at systematically understanding the dynamics of a judicial proceeding involving a minor in a cross-border context.

The objective is not to formulate judgments on the decisions adopted by the competent authorities, but to identify potential methodological criticalities in the decision-making process and evaluate whether these criticalities can offer useful insights for a broader reflection on the functioning of proceedings concerning minors.

2.1 Collection and Analysis of Documentation

The work is based on the analysis of official documents and communications relating to the proceeding under study.

Among the materials examined are:

- Judicial acts relating to civil and criminal proceedings;
- Institutional communications and administrative documentation;
- Correspondence and information from subjects involved in the proceeding;
- Documentation relating to the school and family situation of the minor.

The analysis focused in particular on the internal consistency of the documents, the accuracy of the identifying data, and the temporal sequence of events.

2.2 Chronological Reconstruction of the Facts

To understand the evolution of the proceeding accurately, a chronological reconstruction of the main events was carried out.

The chronology allowed for:

- Identifying the main judicial decisions adopted;
- Analyzing the temporal order of the measures;
- Verifying any overlaps or inconsistencies between the acts.

This reconstruction represents an essential tool for assessing the context in which the decisions concerning the minor were adopted.

2.3 Identification of Documentary and Procedural Criticalities

The analysis of the documents allowed for the identification of certain critical issues, including:

- Inconsistencies in the identifying data present in the acts;
- The use of different documents to identify the parties in various proceedings;
- Discrepancies between some information contained in official documents.

The objective of this analysis is not to establish individual liabilities, but to highlight potential elements of fragility in the documentary and procedural process.

2.4 Analysis of the Implications for the Minor

A significant part of the analysis is dedicated to assessing the potential consequences of the decisions adopted on the well-being of the minor.

This assessment takes into account factors such as:

- The continuity of affective relationships;
- Emotional and psychological stability;
- The family and social environment of the child.

Particular attention is directed toward situations in which judicial decisions can produce lasting or difficult-to-reverse effects on the minor's life.

2.5 Comparison with Legal Principles and International Literature

The observations emerging from the analysis of the case were compared with the principles established by international law and European jurisprudence regarding the protection of minors.

Furthermore, several international analyses and research papers were considered regarding the functioning of family courts and the management of proceedings involving minors in situations of family conflict or domestic violence.

This comparison allows for placing the analyzed case within a broader framework of reflection on the functioning of judicial systems in proceedings concerning minors.

2.6 Objective of the Analysis

Through this methodology, the dossier aims to:

- Understand the dynamics of a concrete case;
- Identify potential criticalities in the decision-making process;
- Contribute to the reflection on potential methodological tools to strengthen the protection of minors in judicial proceedings.

The case analysis therefore represents the starting point for the proposal of a methodological risk safeguard standard, illustrated in the subsequent sections of the document.

3. CASE STUDY

This section describes the concrete case that served as the starting point for the analysis developed in this dossier.

The case concerns a judicial proceeding involving a minor with a cross-border dimension, in which decisions and proceedings intervened across multiple jurisdictions.

The reconstruction of the facts is presented solely for analytical and documentary purposes, in order to understand the context in which the decisions concerning the minor were adopted and to identify potential procedural or documentary criticalities relevant to the protection of the child's rights.

3.1 Identifying Data of the Parties

Minor

- Name: David Ose Isidohamen
- Date of birth: July 14, 2019
- Place of birth: Msida (Malta)
- The minor is an Italian citizen.

Mother

- Name: Sanaa Rezk
- Date of birth: October 8, 1986
- Place of birth: Tajura (Libya)
- Citizenship: Italian
- Residence: Ostuni (BR), Italy

Father

- Name: Ose Isidohamen
- Date of birth: March 16, 1996
- Place of birth: Benin City (Nigeria)
- Residence: Italy

In some acts and documents of the proceeding, addresses and contact details connected to the Maltese territory also appear. These references relate to the presence or activities of the father in the territory of Malta, but do not necessarily constitute an indication of his registered address.

3.2 Family and Legal Context

The parents of the minor contracted marriage on January 8, 2020. The marriage was subsequently transcribed into the registers of the Italian Civil Registry on January 12, 2021. This transcription attributes full legal relevance to the marriage within the Italian legal system.

In the course of the subsequent years, tensions and disputes emerged between the parents, leading to the opening of judicial proceedings relating to parental responsibility and the management of the relationship with the minor.

The case presents an international dimension as it involves:

- The Italian citizenship of the minor;
- Judicial proceedings initiated in Maltese territory;
- Questions relating to jurisdictional competence between States.

3.3 Relevant Judicial Proceedings

From the examined documentation, several judicial and administrative proceedings emerge concerning the situation of the minor.

Among the most relevant events are:

- A proceeding before the Court of Brindisi concerning the issuance of the minor's documents;
- Civil proceedings before the Family Court of Malta concerning parental responsibility;
- A criminal proceeding before the Court of Magistrates of Malta concerning events that occurred between the parents.

These proceedings resulted in a series of decisions that significantly affected the minor's family situation.

3.4 Decisions Affecting the Family Structure

During the civil proceeding initiated before the Family Court of Malta, a decision was adopted establishing that the minor should live with the father.

The execution of this decision resulted in the separation of the minor from the mother and the child's retention within Maltese territory.

This event represents a central moment in the reconstruction of the case, as it determined a significant change in the minor's life and family context.

3.5 Current Situation of the Minor

According to the information available in the examined documentation, the minor currently attends a primary school in Maltese territory.

School communications indicate that the minor:

- Participates regularly in school activities;
- Appears well-integrated within the class context;
- Displays communication skills adequate for his age.

These elements represent part of the information framework relating to the current situation of the child.

3.6 Relevance of the Case for the Analysis

The case presents several elements that make it relevant to the analysis developed in this dossier.

These include:

- The cross-border dimension of the proceeding;
- The presence of documentation from different authorities;
- Judicial decisions that profoundly affect the family structure of the minor;
- Certain documentary inconsistencies that emerged in the case file.

Analyzing these elements allows for reflection on how proceedings involving minors can be managed to ensure an in-depth assessment of the risks and consequences of the decisions adopted.

4. DOCUMENTARY INCONSISTENCIES IDENTIFIED

The analysis of the documentation relating to the case study highlighted several inconsistencies in the identifying data and the documentary representation of the parties involved in the various proceedings.

The presence of these inconsistencies does not automatically imply the existence of substantive irregularities, but it can represent a critical element in the correct reconstruction of the facts and the precise identification of the parties within the case files.

In judicial proceedings involving multiple jurisdictions and multiple authorities, the consistency of identifying data and documentation assumes a particularly relevant role in ensuring the transparency of the proceedings and the correct application of the rules.

4.1 Use of Different Identifying Documents

From the examined documentation, it emerges that in various acts relating to the judicial proceedings, the father is identified through different documents.

Specifically, references appear in the various acts to:

- A Nigerian passport;
- An Italian passport;
- A Maltese residence permit.

The presence of multiple identifying documents referring to the same person in different proceedings can complicate the unambiguous reconstruction of the identity used across the various acts.

In judicial contexts with an international dimension, the correct identification of the parties represents an essential element to ensure the consistency of the file and the clarity of the decisions adopted.

4.2 Error in the Identifying Data of the Mother

Another relevant element concerns a documentary error relating to the identification of the mother.

According to a police report, in one of the analyzed judicial acts, a passport number was attributed to the mother which in reality corresponded to the father's passport.

The number indicated in the acts was that of the father's Nigerian passport, whereas the correct passport of the mother is a distinct Italian passport.

This type of error can generate confusion in the correct identification of the parties within the proceeding and requires particular attention in verifying the data present in official documents.

4.3 Inconsistency Relating to the Citizenship of the Mother

The documentation also highlights the need to correctly clarify the mother's citizenship.

The mother, Sanaa Rezk, is an Italian citizen and holds an Italian passport. However, the documentary error regarding the passport number described above may have generated confusion regarding her status in the documents of the proceeding.

In proceedings with a cross-border dimension, the correct indication of the parties' citizenship is of particular relevance, as it can affect various aspects of the proceeding, including:

- Judicial cooperation between States;
- The correct identification of the parties in the case files;
- The reconstruction of the legal relationships between the subjects involved.

4.4 Discrepancies Between Civil and Criminal Proceedings

A comparative analysis of the acts also shows that some documents used in the civil and criminal proceedings present identifying references that are not perfectly consistent with each other.

Specifically:

- In some acts, a specific document is used to identify one of the parties;
- In other acts, a different document referring to the same person is used.

These discrepancies do not necessarily indicate substantive errors, but they highlight the need for an accurate verification of the documentation when proceedings involve multiple jurisdictions and authorities.

4.5 Relevance of Documentary Inconsistencies

In judicial proceedings involving minors, the precision of identifying data and the consistency of documentation play a particularly important role.

Documentary inconsistencies can indeed affect various aspects of the proceeding, including:

- The correct identification of the parties;
- The chronological reconstruction of events;
- Consistency between different procedural acts.

For this reason, the analysis of documentary inconsistencies constitutes an essential step in understanding the case under study.

4.6 Connection to Procedural Analysis

The highlighted documentary criticalities do not represent the only relevant element of the analyzed case.

Alongside these inconsistencies, several questions emerge regarding:

- The temporal sequence of the measures adopted;
- The manner in which certain judicial decisions were taken;
- The verification of risk to the minor prior to the adoption of decisions that profoundly affect the family structure.

These aspects are analyzed in the subsequent section of this dossier.

5. PROCEDURAL CRITICALITIES OBSERVED

In addition to the documentary inconsistencies analyzed in the previous section, the examination of the available documentation highlights several issues regarding the manner in which the proceedings developed and the temporal sequence of the decisions adopted.

In proceedings involving minors, the procedural dimension assumes fundamental importance, since judicial decisions can have deep and lasting effects on the child's life.

For this reason, the quality of the decision-making process and the verification of risk to the minor represent central elements in the overall evaluation of the case.

5.1 Temporal Sequence of Decisions

From the chronological reconstruction of events, it emerges that certain key decisions were adopted within a relatively short timeframe.

Specifically, it appears that:

- A criminal decision relating to events between the parents was adopted just a few days before a civil decision concerning the minor's living arrangements;
- The civil decision subsequently established that the minor should live with the father.

The temporal proximity of these measures represents a significant element in the overall reconstruction of the case, as decisions concerning minors generally require an in-depth assessment of the circumstances and potential consequences for the child.

5.2 Monitoring by Social Services

From the available documentation, it also emerges that, at one stage of the proceeding, the court had ordered that the father's access arrangements to the minor should be monitored by the competent services for child protection.

According to the analyzed documents, while this monitoring was formally ordered, there is no clear evidence of its actual execution before the adoption of subsequent decisions.

In proceedings involving minors, monitoring by social services often represents an important tool to provide the court with concrete evaluative elements regarding the family situation.

5.3 Modalities of Execution of the Decision

Another relevant element concerns the manner in which the decision modifying the minor's living arrangements was executed.

According to the reconstruction of the facts, the minor was separated from the mother suddenly, without the mother having received prior notification of the decision in a manner that would have allowed her to fully participate in the proceeding or prepare a timely defense.

In proceedings concerning minors, the opportunity for both parties to effectively participate in the proceedings constitutes an essential element to ensure the balance of the decision-making process.

5.4 Risk Assessment for the Minor

Decisions that significantly affect a child's family structure generally require an in-depth assessment of the potential consequences for the minor.

Among the elements that may be relevant in this assessment are:

- The stability of the minor's affective relationships;

- The family and social environment in which the child lives;
- The presence of any situations of conflict or tension between the parents.

The analyzed documentation suggests it is appropriate to reflect on how these elements are assessed in judicial proceedings involving minors, especially when the decisions adopted can produce lasting effects on the child's life.

5.5 Need for Methodological Risk Verification Tools

The procedural criticalities observed in the analyzed case highlight a more general aspect concerning the functioning of proceedings involving minors.

In particular, there is a clear need for methodological tools that help judicial authorities systematically assess the risk to the minor before adopting decisions that can produce deep and potentially irreversible consequences.

This need constitutes the starting point for the proposal outlined in the subsequent section of the dossier.

5.6 Connection to the Proposed Standard

In light of the preceding observations, this dossier proposes the formalization of a methodological risk verification standard, termed the: Principle of Non-Reversibility of Risk.

This principle aims to strengthen the quality of the decision-making process in proceedings involving minors, ensuring that decisions capable of producing irreversible effects on the child's life are preceded by an explicit, reasoned, and documented verification of the potential consequences.

6. PRINCIPLE OF NON-REVERSIBILITY OF RISK

The analysis of the case study and the documentary and procedural criticalities highlighted in the previous sections suggest it is appropriate to reflect on methodological tools that can strengthen the protection of minors in judicial proceedings.

In particular, when judicial decisions profoundly affect the minor's family structure, there is a risk that these decisions will produce lasting or difficult-to-reverse effects on the child's life.

In light of these considerations, this dossier proposes the formalization of a methodological risk verification standard, termed the Principle of Non-Reversibility of Risk.

6.1 Definition of the Principle

The Principle of Non-Reversibility of Risk can be defined as follows:

In proceedings involving minors, no measure capable of producing potentially irreversible effects on the child's life should be adopted without an explicit, reasoned, and documented verification of the absence of a serious risk.

The principle does not dictate a specific decision-making outcome and does not limit the autonomy of the judge. Instead, it introduces a methodological obligation of verification, aimed at ensuring that the most impactful decisions on the minor's life are preceded by an adequate analysis of the potential consequences.

6.2 Legal Basis of the Principle

The proposed principle does not introduce new legal rules, but is based on principles already present in international and European law.

Among the primary regulatory references that can be recalled are:

- UN Convention on the Rights of the Child, which establishes that the best interests of the child shall be a primary consideration in all decisions concerning them;
- European Convention on Human Rights, which protects the right to family life;
- Charter of Fundamental Rights of the European Union, which recognizes the right of minors to such protection and care as is necessary for their well-being.

The Principle of Non-Reversibility of Risk thus configures itself as a methodological formalization of already existing legal obligations.

6.3 Objectives of the Principle

The primary objective of the principle is to strengthen the quality of the decision-making process in proceedings involving minors.

In particular, the principle aims to:

- Prevent decisions that can produce irreversible harm to the minor;
- Guarantee a more in-depth assessment of the potential consequences of judicial decisions;
- Strengthen the transparency and verifiability of the decision-making process.

6.4 Scope of Application

The Principle of Non-Reversibility of Risk can find application in various types of proceedings involving minors.

These include:

- Decisions relating to the custody and residence of the minor;
- Measures involving the separation of the child from a primary reference figure;
- Decisions that significantly affect the minor's family stability;
- Proceedings with an international dimension or jurisdictional conflicts.

In these situations, adopting decisions without an in-depth verification of the potential consequences could entail significant risks for the child's well-being.

6.5 Methodological Nature of the Standard

It is important to emphasize that the Principle of Non-Reversibility of Risk does not introduce new substantive obligations, nor does it limit the independence of the judicial authority.

Rather, the principle is configured as a methodological standard of decision-making quality, aimed at strengthening the application of principles already existing in international law regarding child protection.

In this sense, the principle can be considered a procedural best practice, aimed at improving risk assessment in proceedings involving minors.

6.6 Connection to the Operational Proposal

To make the principle concretely applicable in judicial proceedings, it is useful to pair it with an operational tool that allows judicial authorities to systematically verify the risk to the minor.

For this reason, the subsequent section of the dossier proposes a three-phase decision-making test, aimed at translating the principle into a practical tool usable in proceedings involving minors.

7. DECISION-MAKING RISK VERIFICATION TEST

To make the Principle of Non-Reversibility of Risk concretely applicable in judicial proceedings involving minors, it can be paired with a methodological tool supporting the decision-making process.

This dossier proposes a structured three-phase decision-making test, aimed at ensuring that decisions capable of producing profound or irreversible effects on the minor's life are preceded by a systematic verification of risks and potential consequences.

The test does not limit the judge's discretion nor dictate a specific decision-making outcome, but constitutes a tool for methodological verification, aimed at strengthening the quality and transparency of the decision-making process.

7.1 Phase 1 - Verification of the Existence of a Plausible Risk

The first phase consists of a preliminary verification of the existence of plausible allegations of risk to the minor.

In this phase, the court should evaluate:

- The presence of documentary elements or testimonies suggesting a potential risk situation;
- The potential existence of prior relevant proceedings or reports;
- The family and relational context in which the minor lives.

The objective of this phase is not to establish the liability of the parties, but to verify whether sufficient elements exist to warrant an in-depth risk assessment.

7.2 Phase 2 - Assessment of Potentially Irreversible Harm

If plausible elements of risk emerge, the second phase of the test consists of assessing the potential consequences of the proposed decision.

In particular, the court should consider:

- Whether the decision could result in a significant separation from the minor's reference figures;
- Whether the adopted measure could produce lasting or difficult-to-reverse effects on the child's emotional and psychological stability;
- Whether elements exist suggesting that the minor could suffer serious harm in the event of an erroneous decision.

This phase represents the core of the decision-making test, as it aims to prevent decisions that can produce irreparable or difficult-to-reverse harm.

7.3 Phase 3 - Analysis of Less Harmful Alternatives

In the event that the proposed decision presents significant risks to the minor, the court should assess the existence of alternatives that can guarantee the child's protection while minimizing potential negative effects.

Among the possible alternatives to consider are:

- Temporary or provisional measures;
- Monitoring by competent services;
- Gradual solutions allowing for the assessment of the decisions' effects over time.

The objective of this phase is to ensure that the court takes all available options into account before adopting decisions that can profoundly affect the minor's life.

7.4 Documentation of the Verification

For the decision-making test to be effectively useful in the judicial process, it is important that the verification carried out by the court be made explicit in the reasoning of the decision.

Specifically, the decision should indicate:

- Whether allegations of risk were presented;
- How those allegations were assessed;
- What elements led the court to believe that the adopted decision does not entail serious or irreversible risks to the minor.

This approach contributes to strengthening the transparency and verifiability of the decision-making process.

7.5 Function of the Decision-Making Test

The proposed decision-making test does not represent a new regulatory tool, but a methodology supporting the decision-making process.

Its primary function is to:

- Strengthen risk assessment in proceedings involving minors;
- Improve the quality of judicial decisions;
- Prevent situations where decisions adopted without adequate verification can produce irreversible effects on the child's life.

7.6 Connection to the Adoption of the Standard

The introduction of a methodological tool of this kind could contribute to strengthening the concrete application of principles already present in international and European law regarding child protection.

8. POTENTIAL METHODS FOR ADOPTING THE STANDARD

The Principle of Non-Reversibility of Risk and the related decision-making test proposed in this dossier do not necessarily require the introduction of new legislative rules. On the contrary, their methodological nature allows for potential application through various tools already utilized within judicial systems and institutions operating in the field of child protection.

The objective of the standard is indeed to strengthen the concrete application of principles already present in international and European law.

8.1 Judicial Guidelines

A first method of adoption could be the insertion of the standard within guidelines or recommendations destined for courts dealing with proceedings involving minors.

In this context, the principle could be used as a methodological criterion for:

- Risk assessment in family proceedings;
- Analyzing the consequences of decisions on the minor's equilibrium;
- Reasoning decisions that affect the child's family structure.

8.2 Operational Protocols in Courts

The standard could also be integrated into the operational protocols of courts handling proceedings involving minors.

In this case, the proposed decision-making test could be used as a supporting tool in assessing high-risk situations.

Such protocols could be adopted at the following levels:

- Local;
- National;
- Or within specific specialized judicial sections.

8.3 Institutional Recommendations

Another possibility concerns the adoption of the standard in the form of a recommendation by institutions or bodies operating in the field of child rights protection.

In this context, the standard could be presented as a best practice destined to strengthen the quality of judicial decisions in proceedings involving children.

8.4 International Cooperation

In proceedings with a cross-border dimension, shared methodological tools can contribute to improving cooperation between the authorities of different States.

A risk verification standard could facilitate:

- Greater consistency in assessments by courts of different countries;
- Better mutual understanding between the involved authorities;
- More effective protection of minors' rights in international cases.

8.5 Non-Binding Nature of the Standard

It is important to emphasize that the standard proposed in this dossier is non-binding.

Its purpose is not to create new legal obligations, but to offer a methodological tool that can be used voluntarily by competent judicial authorities and institutions.

This very flexibility makes its application possible in diverse contexts without requiring complex regulatory amendments.

8.6 Function of the Standard in the Child Protection System

The adoption of a methodological standard such as the one proposed could contribute to:

- Strengthening the quality of the decision-making process in proceedings involving minors;
- Increasing the transparency of judicial decisions;
- Preventing situations where decisions adopted without adequate verification can produce irreversible effects on children's lives.

9. CONCLUSIONS

This dossier has analyzed a case study characterized by a cross-border dimension and a series of documentary and procedural elements that raise questions regarding the manner in which proceedings involving minors are managed in complex judicial contexts.

The analysis highlighted how, in situations of this kind, critical issues can emerge linked to various factors, including:

- The consistency of the documentation used in the proceedings;

- The correct identification of the involved parties;
- The temporal sequence of the decisions adopted;
- The verification of risk to the minor prior to the adoption of decisions that profoundly affect the family structure.

These elements should not be read exclusively as issues linked to the single analyzed case, but as indicators of broader issues that can manifest in proceedings relating to child protection, especially when such proceedings involve multiple jurisdictions.

In light of these considerations, the dossier has proposed the formalization of a methodological risk verification standard, termed the Principle of Non-Reversibility of Risk.

This principle is based on a simple idea: when a judicial decision can produce deep and potentially irreversible effects on the life of a minor, it is necessary for that decision to be preceded by an explicit, reasoned, and documented verification of the absence of a serious risk to the child.

The principle does not introduce new regulatory obligations and does not limit the independence of the judicial authority. Instead, it aims to strengthen the concrete application of principles already enshrined in international and European law regarding child protection.

To make the principle concretely applicable, the dossier has also proposed a three-phase decision-making test, designed to support courts in assessing high-risk situations. This approach allows for translating a general principle into an operational tool capable of strengthening the quality of the decision-making process in proceedings involving minors.

The objective of this work is not to call into question individual judicial decisions or attribute specific liabilities, but to contribute to the reflection on how judicial systems can improve the effective protection of children's rights.

In a context where decisions concerning minors can have deep and lasting consequences, the formalization of methodological risk verification standards can represent a useful tool to ensure that the principle of the best interests of the child is applied in an increasingly rigorous, transparent, and verifiable manner.

The analyzed case demonstrates how individual situations can offer broader insights of reflection on the functioning of judicial proceedings.

In this sense, the proposal for a Standard of Enhanced Risk Safeguard represents a contribution to the debate on child protection and the improvement of decision-making practices in contemporary judicial systems.

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