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The Juvenile Judge's Role in Safeguarding Children at Risk: "Legal Frameworks and Interventions in Algerian Law"

دور قاضي الأحداث في حماية الطفل المعرض للخطر "الإجراءات والتدابير في التشريع الجزائري"

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Abstract

This study examines the legal framework for protecting children at risk under Algerian legislation, in accordance with Law No. 15-12 on child protection, with a focus on the pivotal role of the juvenile judge in implementing measures and procedures to ensure their safeguarding. Algerian law defines a child at risk as one who faces violations that compromise their physical, psychological, or educational well-being, whether due to neglect, homelessness, domestic violence, or any form of exploitation. The role of the juvenile judge is highlighted through a series of integrated procedures, beginning with an investigation into the child's situation to assess the level of risk, followed by the selection of a foster family based on objective criteria such as moral integrity, financial stability, and health suitability, and concluding with periodic follow-ups to ensure the child's stability in their new environment. The study also addresses certain legislative shortcomings, particularly the ambiguity in criteria for prioritizing relatives when selecting a guardian, which necessitates amending Executive Decree No. 70-19 to address this gap.The findings confirm that the guardianship system reflects the Algerian legislature's commitment to providing effective legal protection for children in line with international standards. However, its practical application requires strengthening oversight mechanisms and streamlining procedures to achieve the intended objectives.

Keywords: Juvenile Judge, Child at Risk, Foster Family

ملخص:

يتناول هذا البحث الإطار القانوني المنظم لحماية الطفل المعرض للخطر في التشريع الجزائري، وفقا لأحكام القانون رقم 15-12 المتعلق بحماية الطفل، مع التركيز على الدور الجوهري لقاضي الأحداث في تطبيق التدابير والإجراءات الكفيلة بضمان حمايته. حيث يعرِف التشريع الجزائري الطفل المعرض للخطر بأنه كل من يتعرض لانتهاكات تمس سلامته البدنية أو النفسية أو التربوية، سواء ناتجة عن الإهمال أو التشرد أو العنف الأسري أو الاستغلال بجميع أشكاله.ويبرز دور قاضي الأحداث في هذه المرحلة عبر سلسلة من الإجراءات المتكاملة، تبدأ بالتحقيق في وضعية الطفل لتقييم درجة الخطورة، وتمر بمرحلة اختيار الأسرة البديلة وفق ضوابط موضوعية تستند إلى المقومات الأخلاقية، والاستقرار المادي، والسلامة الصحية، وتنتهي بمتابعة دورية لضمان استقرار الطفل في البيئة الجديدة. كما تتطرق الدراسة إلى بعض القصور التشريعي، لا سيما فيما يتعلق بالغموض الحاصل في معايير تفضيل الأقارب عند اختيار الكافل، مما يستدعي تعديل المرسوم التنفيذي رقم 70-19 لسد هذه الثغرة.وتؤكد النتائج المستخلصة أن نظام الكفالة يعد تعبيرا عن إرادة المشرع الجزائري في توفير حماية قانونية فعلية للطفل، وفقا للمعايير الدولية، غير أن تطبيقه العملي يتطلب تعزيز الآليات الرقابية وتبسيط الإجراءات لتحقيق الغاية المنشودة.

الكلمات المفتاحية: قاضي الأحداث، الطفل المعرض للخطر، الأسرة البديلة.

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I.Introduction:

The protection of children represents a matter of paramount importance at both international and national levels, given their inherent vulnerability and fundamental need for care and security. In Algeria, the legislature has addressed this issue through a dedicated legal framework, particularly under Child Protection Law No. 15-12, which aims to safeguard children from abuse, neglect, and violence.

Recent trends reveal an increasing number of children exposed to risk, necessitating robust legal interventions. Among the key protective measures within Algerian law is the foster care system, which serves as a vital mechanism for ensuring the welfare of at-risk children.

This study focuses on the legal protections afforded to children in precarious situations—a group often facing significant challenges in securing their rights. Algerian law has introduced specific provisions to address these vulnerabilities, reinforcing institutional safeguards for this demographic.

The primary objective of this research is to examine the legal framework governing the protection of at-risk children in Algeria, with particular attention to foster care placement as a preventive measure. The study seeks to answer central questions regarding the legal treatment of this intervention.

Methodologically, the research employs a dual approach:

- A descriptive method to clarify foundational concepts and legal principles.
- An analytical method to scrutinize legislative texts and evaluate their practical effectiveness.
- The study is organized into three main sections:
- Conceptualizing the At-Risk Child and identifying applicable legal scenarios.
- Judicial Role of Juvenile Judges in Cases Involving At-Risk Minors.
- Judicial Measures for Alternative Family Placement of At-Risk Children

This structured approach ensures a comprehensive examination of both theoretical and practical aspects of child safeguarding under Algerian law.

II.First Section: Conceptualizing the At-Risk Child

National and international legal frameworks contain specific provisions designed to protect children's fundamental rights, particularly their rights to survival, physical and psychological safety, healthcare, and education. The legal definition of an "at-risk child" refers to any minor whose basic rights have been violated or face immediate threat of violation, thus requiring the activation of special protective legal measures. This definition relies on objective standards set by relevant laws, which form the legal foundation for recognizing dangerous situations and applying suitable preventive and protective actions.

This section will explore both the general understanding of childhood and the precise concept of the at-risk child, then analyze the conditions that create risky circumstances. The discussion will center on the legal standards for assessing vulnerability and the necessary protective responses mandated by domestic and international laws.

1. First: Conceptual Foundations of the At-Risk Child

Examining the issue of at-risk children first requires establishing the conceptual boundaries of the term "child" from both linguistic and legal viewpoints, as an essential step toward precisely defining "at-risk child." This methodological approach follows academic research conventions that demand clarification of basic concepts before addressing specialized aspects.

In this framework, defining "child" forms the essential basis for developing the legal concept of protection, as terminology varies according to different perspectives on this age group. Analyzing the linguistic meaning of "child" helps illuminate the legal definitions provided in national laws and international agreements. This definitional process serves two key purposes:

- Providing conceptual precision necessary for legal interpretation
- Creating the regulatory basis for subsequent protective actions

This structured examination - progressing from linguistic origins to legal definitions - ensures thorough consideration of the term's multiple dimensions within child protection systems. The analysis will then demonstrate how this fundamental understanding shapes the specific identification of "risk" situations that justify state intervention.

1.1 The Concept of "Child" in Linguistic Studies:

A boy or girl from the time of birth until he or she is an adult, or a son or daughter of any age (University, 2025), The term originates from a root meaning gentleness and delicacy. In linguistic usage, it applies identically to both genders and functions in singular and plural contexts (Yahya, 1991). Classical Arabic dictionaries such as Mukhtar al-Sihah define the child as "the newborn or offspring," a designation that continues until puberty. The term includes human young from birth through adolescence.

- Phonological and Semantic Variations of the Term "Child:"

The intensive form (Child) specifically indicates delicate extremities or exceptional tenderness. Arabic lexical sources uniformly maintain the term's core meanings: an immature human offspring, with applications extending from biological growth to figurative descriptions of small or fragile items. This linguistic basis highlights the intrinsic vulnerability and developmental stage fundamental to Arabic conceptualizations of childhood (Zad, 2018).

1.2 The Concept of 'Child' in Legal Systems:

This section analyzes the legal definition of childhood under international and Algerian law. It first examines how international conventions establish standard child classifications, particularly the common criteria and variations in global protection frameworks.

The analysis then assesses Algeria's national implementation of these concepts through domestic legislation, including age thresholds and legal capacity specifications. Finally, it compares Algerian provisions with international standards to identify alignments and discrepancies in legal interpretations of childhood.

- The Concept of the Child in International Legal Frameworks:

Article 1 of the Convention on the Rights of the Child defines a child as any human under eighteen years, unless national laws establish an earlier age of majority. This formulation creates an international baseline while permitting state parties to set younger adulthood ages through domestic legislation.

The provision demonstrates the Convention's balanced approach between establishing global standards and respecting national legal traditions. It maintains eighteen as the default age while acknowledging legitimate variations in national capacity laws, thus harmonizing universal child protection principles with sovereign legislative authority (Convention on the Rights of the Child, adopted by the United Nations General Assembly on 15 November 1989, ratified with interpretative declarations pursuant to Presidential Decree No. 92-461 dated 19 December 1992.).

Multiple international instruments align with the Convention on the Rights of the Child in defining childhood. For instance, International Labour Organization standards specify that the term "child" encompasses all individuals below eighteen years for convention purposes (Article 2 of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)).

Additional UN conventions employ comparable child definitions, notably the 1999 Worst Forms of Child Labour Convention, which establishes eighteen years as the upper age limit for child designation under its provisions (Article 2 of the United Nations Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO Convention No. 182, 1999)).

Additional UN conventions employ comparable child definitions, notably the 1999 Worst Forms of Child Labour Convention, which establishes eighteen years as the upper age limit for child designation under its provisions (The Optional Protocol to the Convention on the Rights of the Child on the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children (2000), supplementing the United Nations Convention against Transnational Organized C).

The analyzed definitions exhibit complete conformity with the provisions of the Convention on the Rights of the Child (CRC), with particular emphasis on protections against economic exploitation. This demonstrates substantive harmonization between two fundamental legal structures: the comprehensive human rights framework established by the CRC and the specialized labor protection systems instituted through International Labour Organization conventions. Such alignment reveals an integrated methodology for the preservation of childhood across diverse domains of potential vulnerability.

All cited legal instruments uniformly establish the definition of a child as any individual under eighteen years of age, thereby instituting this age limit as an absolute maximum threshold for childhood status. This consistent standard creates an unequivocal juridical demarcation that admits

no exceptions for upward adjustment in protective applications, while permitting strictly limited downward modifications solely through express national legislation pertaining to age of majority. Consequently, the eighteen-year boundary functions as an inviolable minimum standard for all child-focused protections within the realm of international law.

- Definition of the Child in National Law:

The Child Protection Law expressly defines a child as "any individual who has not attained the age of eighteen years." This formulation employs an exact age-based threshold, consistent with the standard articulated in Article 1 of the Convention on the Rights of the Child, to which Algeria is a State Party.(**2015 ,12-15**)

This provision reflects a substantial legislative advancement, as the Algerian legislature has departed from the prior definition stipulated in Article 1 of Ordinance No. 72-03 of 10 February 1972, which established the age of childhood at twenty-one years. The revision signifies the harmonization of domestic legislation with international instruments on child protection, thereby consolidating a uniform age criterion for the determination of childhood. The adopted formulation underscores an objective and chronologically precise benchmark, precluding any subjective or discretionary elements in ascertaining childhood status.

1.3 **The Concept of the Child at Risk:**

International Definition: Under prevailing international conventions—particularly those promulgated under the auspices of the United Nations—the term "child at risk of delinquency" is legally defined as: "a minor who, while having not yet engaged in any criminal conduct, exists within an environmental, personal, or social context that substantially elevates the probability of future engagement in deviant or unlawful behavior." This definition establishes a preventive juridical framework by identifying vulnerability factors antecedent to actual offense commission. The formulation creates a normative basis for protective state intervention grounded in circumstantial risk assessment rather than punitive post-facto measures.

The operationalization of this concept within international instruments reflects a paradigm shift from retributive approaches to proactive safeguarding mechanisms, wherein legal systems are obligated to implement preventive measures for at-risk youth prior to any criminal act occurring. This conceptualization aligns with contemporary criminological theories emphasizing early intervention in high-risk environments while maintaining strict adherence to due process protections for minors. The definition's emphasis on environmental and situational risk factors rather than personal culpability underscores the humanitarian foundations of international juvenile justice standards (United Nations report on the prevention of juvenile delinquency, 1955.).

Jurisprudential DefinitionThe legal doctrine formally recognizes this concept as a "child at moral risk," defined as a minor who, while not having perpetrated any criminal offense, is exposed to detrimental life circumstances including but not limited to familial disintegration, educational abandonment,

victimization through violent environments, or association with criminogenic settings, all of which constitute demonstrable risk factors for potential future delinquent behavior (Fouad, 2020).

Algerian Legal Framework: Under Algerian statutory provisions, specifically Article 2 of the Child Protection Law, the legal term "child at risk" is expressly defined as:

"A minor whose health, moral welfare, education, or security is either currently compromised or faces imminent jeopardy; whose living conditions or conduct may precipitate detrimental consequences affecting their future development; or who is situated within an environment posing substantial threats to their physical, psychological, or educational integrity".

This statutory definition gives rise to three distinct legal categories of at-risk minors:

- Category 1: Minors experiencing endangerment to their health, moral development, or educational progress;
- Category 2: Minors whose prevailing living conditions or behavioral patterns may engender future developmental harm;
- Category 3: Minors exposed to environments that directly imperil their physical health, psychological well-being, or educational attainment.

This tripartite classification establishes a systematic juridical framework for the identification, assessment, and protection of vulnerable minors, ensuring alignment with both domestic child protection mandates and internationally recognized standards for juvenile welfare. The provision operationalizes a preventive legal paradigm, authorizing targeted interventions to mitigate risks prior to the materialization of harm (Zad, 2018, p. 83).

2.Second: Legal Status of At-Risk Children Under Algerian Statutory Provisions

Pursuant to Article 2 of Algerian Child Protection Law No. 15-12, a minor shall be legally classified as "at risk" in the following circumstances:

- Parental Loss and Absence of Familial Support: The legislator recognizes this condition as constituting an immediate threat to the child's welfare, potentially leading to delinquent behavior due to the lack of proper guardianship.
- Neglect or Homelessness: Cases involving inadequate supervision or absence of stable housing.
- Engagement in or Exposure to Begging: Classified as a particularly grave circumstance, reflecting the growing societal phenomenon of child begging.
- Parental Failure to Exercise Proper Control: Where a guardian's inability to regulate the child's conduct may compromise the minor's physical, psychological, or cognitive development.
- Systematic Failure in Upbringing: Including both material deprivation and moral neglect that may predispose the child to criminal tendencies.

- Child Abuse: Encompassing acts of torture, physical violence, unlawful confinement, nutritional deprivation, or other forms of cruel treatment.
- Victimization by Legal Guardians or Third Parties: Particularly in cases involving physical harm inflicted by parents or custodians.
- Sexual Exploitation: Including but not limited to involvement in pornographic activities, prostitution, or participation in sexual performances.
- Exposure to Armed Conflicts and Civil Disturbances: As exemplified by the conditions affecting Palestinian minors, particularly in the Gaza region.

This statutory enumeration establishes an exhaustive legal framework for identifying vulnerable minors requiring state protection under Algerian law. The provision serves as the foundation for implementing protective measures in accordance with both domestic legal obligations and international child welfare standards (Mohammed, 2018).

III.Second Axis: The Judicial Role of Juvenile Judges in Cases Involving At-Risk Minors:

The placement of at-risk minors with certified foster families represents an extraordinary legal measure, strictly governed by a defined statutory framework designed to protect the child's paramount interests and fundamental rights. This protective mechanism operates within the legal safeguards established by Algerian Child Protection Law, requiring comprehensive formal procedures - both preliminary and subsequent - under continuous judicial supervision by competent authorities.

Where a minor is determined to be in circumstances of immediate danger, the juvenile judge assumes a critical protective function as the primary judicial guardian. The magistrate's statutory duties encompass: thorough evaluation of the minor's situation; and implementation of appropriate measures to guarantee comprehensive protection of the child's physical and psychological integrity. This judicial intervention necessarily addresses two fundamental dimensions: Procedural Safeguards: The formal legal requirements governing the placement process; and Substantive Criteria: The qualifying conditions for foster family eligibility and custodial capacity.

This protective measure derives its legal authority from statutory provisions mandating rigorous assessment of the minor's circumstances and living environment, while ensuring strict compliance with domestic legislation and applicable international conventions. The implementation remains subject to regular judicial reassessment to verify continued satisfaction of all protective and custodial prerequisites.

Consequently, the alternative family placement of at-risk minors constitutes not merely an administrative procedure, but rather a sophisticated legal mechanism integrating humanitarian imperatives with rigorous statutory requirements. The process operates under multi-layered judicial

oversight to achieve its essential objective: ensuring absolute protection of the minor from potential harm or endangerment.

1. First: Judicial Authority of the Juvenile Judge Over Cases Involving Vulnerable Minors:

The Algerian legislature has instituted specialized procedural mechanisms governing juvenile judges' adjudication of cases involving at-risk minors, distinct from those applicable to adult proceedings or even juvenile delinquency matters. Article 32 of the Child Protection Law stipulates:

"Jurisdiction shall vest with the juvenile judge of: the minor's habitual residence; domicile; or shall lie with the juvenile judge of the locality where the minor is physically present. Petitions may be lodged by: the minor concerned, their legal representative, the Public Prosecutor, the relevant governor, the municipal council president of the minor's residence, open-environment child services, or duly authorized child welfare associations. The juvenile judge retains ex officio intervention authority. Minor-initiated notifications may be submitted orally".

This statutory provision establishes the following jurisdictional parameters for at-risk minor cases:

- Primary jurisdictional basis: The minor's habitual residence or domicile
- Subsidiary jurisdictional basis: The legal guardian's residence or domicile
- Residual jurisdictional basis: The physical location of the minor's discovery

The framework ensures specialized judicial oversight while incorporating flexible standing requirements for child protection interventions (Radia, 2018).

2. Second: Judicial Notification Procedures in Juvenile Protection Cases:

In addition to establishing jurisdictional requirements (both subject-matter and territorial competence), the Algerian legislature has instituted a rigorous procedural mechanism to ensure judicial cognizance of the factual circumstances pertaining to at-risk minors. This system is founded upon two cardinal principles:

- The Lawfulness of Notification
- The Evidentiary Standards for Demonstrating Risk Exposure.

Pursuant to Article 32(1) of Child Protection Law No. 15-12, the competent entities authorized to initiate judicial notification are exhaustively enumerated, thereby safeguarding procedural regularity and precluding frivolous or malicious reporting.

- Legally Authorized Notifiers (when a child is at risk):
- The Child: The law grants the child legal standing to file a petition directly, regardless of age or legal capacity, in line with the principle of child empowerment and protection. Notably, the legislator recognizes even oral notifications from the child, reinforcing the best interest principle.(**2015 ،12-15**)
- The Legal Representative: This broadly includes all persons with legal guardianship over the child under statutory provisions, observing the hierarchy and competence stipulated by law. The term "legal representative" is broader than under repealed Article 2, which limited it to

parents and custodians. It now encompasses guardians, trustees, foster carers, and the wali (governor), per Article 2 of the Child Protection Law (Fouad, 2020, p. 1115).

- The Public Prosecutor: As the territorial representative of public interest, the public prosecutor typically forwards petitions to the juvenile judge based on judicial police records prepared by competent security authorities regarding the child's risk status. Given their supervisory role in ensuring proper law enforcement and their child protection mandate, the law designates them as authorized notifiers.
- The Governor (Wali): Article 32/1 grants the governor authority to notify the juvenile judge of a child at risk. As the state's territorial representative, the governor bears primary responsibility for all matters within their jurisdiction, though this power is rarely exercised in practice (Kassimi).
- The President of the Municipal People's Council: The council president holds judicial police status under the Criminal Procedure Code (Article 15) and the Municipal Law (Article 92), justifying their inclusion as notifiers (Procedure, 1966).

The legislator has hierarchically ordered these authorized notifiers, reflecting their legal and societal responsibility. This enumeration is exhaustive (not illustrative) to maintain procedural seriousness and prevent abuse of the judicial system. Consequently, notifications from unauthorized entities are invalid and produce no legal effect.

- Procedural Safeguards Governing Implementation:
- Formal Documentation Requirement: All notifications shall be formally recorded in writing, except in circumstances of exigent necessity where oral notification may be provisionally accepted, subject to mandatory subsequent written confirmation.
- Evidentiary Submission Obligation: Notifications must be accompanied by substantiating documentation demonstrating the existence of risk factors endangering the minor.
- Mandatory Prosecutor Notification: The Public Prosecutor's office shall receive immediate notification to facilitate potential intervention in accordance with its statutory oversight responsibilities.
- Judicial Discretion for Supplementary Evidence: The presiding juvenile judge retains discretionary authority to requisition additional evidentiary materials or information necessary for comprehensive case file development.

.3Third: Judicial Authority in Cases of At-Risk Minors

The legislative framework for protecting at-risk minors is predicated on two essential considerations: the developmental vulnerability of juveniles requiring specialized legal treatment, and the fundamental obligation to provide comprehensive safeguards for this demographic. Algerian Child Protection Law No. 15-12 establishes an integrated judicial system emphasizing rehabilitation and social reintegration.

Pursuant to Articles 33 and 34, juvenile judges are vested with specialized authority, activated upon formal case notification. The mandatory initial procedure involves registration in the "Register of At-Risk Minors," serving both evidentiary and monitoring functions. Subsequent judicial actions are characterized by:

- Expedited Intervention: Immediate protective measures to prevent harm
- Preventive Focus: Proactive risk mitigation prior to crisis escalation
- Discretionary Flexibility: Judicial latitude to determine optimal solutions
- Continuous Oversight: Sustained protective supervision

This framework aligns with international standards, particularly the Convention on the Rights of the Child (Article 3), and reflects contemporary juvenile justice approaches prioritizing rehabilitation over punitive measures.

The prescribed judicial protocol mandates:

- Case Registration: Formal entry in the specialized register
- Dual Hearing Process:
- Minor's testimony (with right to counsel and silence)
- Legal representative's account
- Evidentiary Gathering: Authority to summon relevant parties and consult social services

The hearing process serves dual purposes: situational assessment and protective reassurance, emphasizing the non-adversarial nature of proceedings. The comparative examination of minor and representative testimony provides critical verification, while judicial authority to obtain supplementary evidence ensures comprehensive case evaluation.

This specialized procedural architecture reflects the legislature's recognition of minors' unique protection requirements within the judicial system (Hilali, 2021).

IV.Third Axis: Judicial Measures for Alternative Family Placement of At-Risk Children

This section examines the legal framework governing the placement of at-risk minors with alternative families, emphasizing the judiciary's role as the primary protector of children's rights. The process ensures a balance between securing a stable environment and upholding legal safeguards, with continuous oversight to guarantee the child's best interests.

.1First : Host Family Qualification Standards

- Substantive Requirements (Article 3, Executive Decree 19-70):
- Nationality: Algerian citizenship ensures legal and cultural stability, facilitating judicial monitoring.
- Moral Standing: Criminal background checks verify the family's ethical suitability.
- Legal Capacity: Full civil rights confirm the family's legal competence to assume guardianship.
- Health Status: Medical certification ensures the absence of conditions that could endanger the child.
- Financial Stability: Income verification guarantees the family's ability to provide for the child.

These criteria ensure that host families are legally, morally, and financially capable of providing a safe and nurturing environment.(2019 ،70-19)

- Formal Procedures:
- Electronic Registration: Mandatory enrollment in court databases ensures traceability and regular updates.

On-Site Evaluations: Social workers conduct home visits to assess living conditions.

- Mandatory Training: Families must complete childcare programs to prepare for guardianship.

These steps standardize the selection process while ensuring transparency and accountability.

- Judicial Discretion:
- Judges may approve unregistered families in exceptional cases.
- Secondary requirements can be waived if justified.
- Exceptional rulings must be documented to prevent abuse.
- Flexibility allows judges to prioritize urgent placements while maintaining legal safeguards.

Ongoing Oversight:

- Scheduled visits ensure compliance with care standards.
- Biannual reports provide judicial updates on the child's well-being.
- Removal protocols protect the child if the family fails to meet obligations.
- Grievance mechanisms allow the child or others to report concerns.

Continuous monitoring prevents neglect and ensures long-term stability.

.2Second : Post-Placement Judicial Supervision

- Monitoring Framework:
- Quarterly/Semiannual Visits: Regular check-ins assess the child's adaptation.
- Evaluation Reports: Cover health, psychological state, and education to ensure holistic care.
- Structured assessments help judges intervene early if risks emerge.

- Intervention Mechanisms:
- Corrective Guidance: Judges may order counseling or additional support.
- □ Emergency Removal: Immediate action if the child faces danger.
- Placement Modification: The child can be relocated if necessary.
- These measures ensure the child's safety remains the top priority.

Legal Protections:

- The child can file confidential complaints.
- Host families must report major changes and seek judicial approval for key decisions.
- Supervision continues until adulthood, with gradual reduction based on stability.

These safeguards empower the child and prevent abuse of authority.

This system combines strict eligibility checks with judicial flexibility, ensuring that every placement decision prioritizes the child's long-term welfare. Continuous oversight and legal protections create a safety net, aligning with Algeria's commitment to child rights under national and international law .(2019 ،69-19)

V.Conclusion:

Children represent a vulnerable demographic requiring specialized legal protection due to their incomplete legal capacity and psychological development, rendering them susceptible to multiple risks. Within this framework, the juvenile judge assumes a critical role within the Algerian judicial system, exercising specific jurisdictional competencies for the protection of at-risk minors. This judicial function holds particular significance as it constitutes the primary mechanism for implementing the provisions of Law No. 15-12 on child protection, particularly regarding exceptional protective measures for endangered children.

Findings:

Jurisdictional Assessment Authority: The juvenile judge is empowered to evaluate the legal status of minors: conducting comprehensive assessments of at-risk situations pursuant to Article 02 of Law 15-12, encompassing analysis of all threat factors (physical, psychological, educational) compromising child safety.

Discretionary Intervention Powers: The legal framework grants the juvenile judge authority to implement appropriate judicial measures: exercising case-specific discretion in selecting protective interventions ranging from direct supervision to alternative family placement in exceptional circumstances.

Continuous Monitoring Mandate: The juvenile judge maintains supervisory oversight: ensuring systematic follow-up of placement cases through periodic evaluations of environmental suitability and child welfare.

Procedural Equilibrium: The judicial function maintains balance between: urgent protective interventions and procedural safeguards for all parties, while consistently applying the best interest principle as the paramount consideration.

Comprehensive Protection Framework: The judicial role extends beyond adjudication to incorporate: preventive measures (risk mitigation), therapeutic measures (social reintegration), and supervisory measures (protection continuity).

Recommendations:

Legislative Amendments: The legal framework should be strengthened through precise statutory definitions of "qualified alternative families," establishing clear timelines for reviewing placement decisions, and implementing formalized appeal mechanisms against placement rulings to ensure procedural fairness and legal certainty.

Regulatory Enhancements: Regulatory provisions should be developed to include detailed competency standards for evaluating alternative families, creating emergency removal protocols for imminent danger situations, and instituting a comprehensive risk severity classification system (mild/moderate/severe) to guide intervention strategies.

Judicial Monitoring Improvements: The monitoring system should be enhanced by implementing mandatory unannounced field inspections, standardizing evaluation protocols across all jurisdictions, and establishing a national centralized registry for minors placed in alternative care to ensure consistent oversight and accountability.

Professional Capacity Building: Judicial competencies should be strengthened through specialized training programs focusing on child-appropriate communication techniques, advanced risk assessment methodologies, and psychosocial evaluation mechanisms, complemented by international exchanges of best practices.

Institutional Coordination: Effective protection requires formalized interagency cooperation protocols between judicial authorities, social protection services, mental health professionals, and child advocacy organizations to ensure comprehensive and coordinated interventions.

Community Engagement: Preventive measures should include targeted awareness campaigns for at-risk families, integrating child rights education into school curricula, and developing media partnerships to promote legal literacy and community involvement in child protection.

Technological Integration: Modern technological solutions should be implemented, including digital case monitoring systems, secure centralized databases, and protected reporting platforms to enhance the efficiency and security of child protection mechanisms .

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