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Voices for childhood: the role of the public prosecutor's office and public defender's office in the comprehensive protection of children and adolescents.

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SUMMARY

This article aims to examine, from a critical and interdisciplinary perspective, the role of the Public Prosecutor's Office and the Public Defender's Office in ensuring the comprehensive protection of children and adolescents within the scope of civil childhood law. The research starts from the understanding that these institutions, as essential bodies to the jurisdictional function of the State, are fundamental pillars in the promotion and defense of children's and adolescents' rights, especially regarding the right to family and community life.

Based on the doctrine of integral protection, enshrined in the 1988 Federal Constitution and regulated by the Statute of Children and Adolescents (Law No. 8.069/1990), this study analyzes the available legal instruments, the limits and potential of extrajudicial and judicial actions, as well as the structural challenges faced by these institutions. The methodological approach adopted is qualitative and analytical, based on bibliographic and documentary review, using legislation, specialized doctrinal works, and official statistical data. Furthermore, concrete case studies are presented, with experiences in the State of Amazonas, illustrating the practical work of the Public Prosecutor's Office and the Public Defender's Office in situations of child protection. In conclusion, it is evident that strengthening the articulated and humanized action of these bodies is an essential condition for overcoming state omissions, addressing social vulnerabilities, and realizing the fundamental rights of children and adolescents in Brazil.

Keywords: comprehensive protection; civil childhood; Public Prosecutor's Office; Public Defender's Office; foster care; guardianship; children's and adolescents' rights.

ABSTRACT

This article aims to critically and interdisciplinarily examine the role of the Public Prosecutor's Office and the Public Defender's Office in ensuring the comprehensive protection of children and adolescents within the scope of civil childhood matters. The research is based on the understanding that these institutions, as essential bodies to the State's jurisdictional function, are fundamental pillars in promoting and defending the rights of the youth in Brazil, especially regarding the right to family and community living. Grounded in the doctrine of comprehensive protection, enshrined in the 1988 Federal Constitution of Brazil and regulated by the Brazilian Child and Adolescent Statute (Law No. 8,069/1990), the study analyzes the available legal instruments, the limits and potentialities of extrajudicial and judicial actions, as well as the structural challenges faced by these institutions. The methodological approach adopted is qualitative and analytical, based on bibliographic and documentary review, utilizing legislation, specialized doctrinal works, and official statistical data.

Furthermore, case studies from the state of Amazonas are presented to illustrate the practical actions of the Public Prosecutor's Office and the Public Defender's Office in childhood protection situations.

In conclusion, the study highlights that strengthening the articulated and humanized performance of these bodies is essential to overcome state omissions, address social vulnerabilities, and ensure the fundamental rights of children and adolescents in Brazil.

Keywords: comprehensive protection; civil childhood; Public Prosecutor's Office; Public Defender's Office; foster care; guardianship; rights of the child and adolescent

INTRODUCTION

The protection of the rights of children and adolescents in Brazil has undergone a profound transformation.



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transformation stemming from the promulgation of the 1988 Federal Constitution, which established the principle of absolute priority. This constitutional provision inaugurates a new era in the handling of demands of children and adolescents, consolidating the doctrine of integral protection as a legal and political foundation of State action. Children and adolescents cease to be seen merely as subjects in formation and They are now recognized as full holders of fundamental rights, demanding from the State, from society and the family have a duty to promote and defend these rights, taking precedence over... too much.

The Statute of Children and Adolescents (ECA), established by Law No. 8.069/1990, concretizes This new paradigm, by providing specific mechanisms for protection and accountability, as well as by structuring a System for Guaranteeing Rights (SGD) composed of various institutional actors. Among these, the Public Prosecutor's Office (MP) and the Public Defender's Office (DP) occupy strategic positions and complementary: the Public Prosecutor's Office as guardian of the legal order, agent for the promotion of justice and defender of society and the Public Defender's Office as an institution that ensures access to justice for people in situations of vulnerability, including children and adolescents, with judicial and extrajudicial action focused on defense of their fundamental rights.

The field of civil juvenile law, in particular, constitutes a sensitive and challenging area, where At stake are rights related to family and community life, such as custody, guardianship, Adoption, protective measures, and institutional or family foster care. These topics involve not only legal aspects, but also psychosocial, cultural and economic factors, requiring action. Technical and interdisciplinary approaches on the part of the justice system are essential. This ensures the effectiveness of rights. as provided for in the Brazilian legal system is directly linked to the structure and articulation institutional and quality of these actors.

This article, more than a theoretical approach, seeks to critically reflect on the challenges. challenges faced by these institutions in consolidating a truly committed justice system. focusing on childhood and youth, pointing out possible paths to overcome existing gaps. between codified law and the reality experienced by thousands of children and adolescents in such situations. vulnerability in the country, as well as assessing how the Public Prosecutor's Office and the Public Defender's Office have performed their duties within the scope of civil childhood law, with emphasis on the limits and competencies of their judicial and extrajudicial actions.

1. THEORETICAL FRAMEWORK

The comprehensive protection of children and adolescents is one of the most significant achievements of the contemporary Brazilian legal system. Historically, childhood was conceived from a paternalistic and welfare-oriented perspective, in which the State and civil society viewed these subjects of rights as objects of intervention and not as full holders of citizenship.



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The landscape began to change with the Federal Constitution of 1988, which recognized children and adolescents as an absolute priority, establishing in article 227 that "it is the duty of the family, of

Society and the State must ensure, with absolute priority, that children, adolescents, and young people have the right to the best interests of the individual. right to life, health, food, education, leisure, professional training, culture, dignity, to respect, freedom and family and community life" (BRAZIL, 1988).

The advent of the Statute of Children and Adolescents – ECA (Law No. 8.069/1990) consolidated The doctrine of comprehensive protection at the sub-constitutional level, redefining the role of institutions. public and civil society in the defense of children's and youth rights. For Dimenstein (2004, p. 37), the ECA represents a paradigmatic shift, as "the child ceases to be seen as a citizen on paper, to become a concrete subject of rights, even if this realization encounters obstacles in the structures. "unequal social conditions in the country." The author emphasizes, however, that the distance between the normative text and the The practical reality is still significant, as poverty, violence, and abandonment persist as... Structural characteristics of Brazilian childhood.

In this context, the child protection network emerges as an instrument for realizing... The principle of absolute priority, encompassing the coordinated action of public bodies and entities. Integrated social and public policy. The recent work, *Microsystem of Procedural Protection of Vulneráveis(2024)* presents this network as a true normative system of differentiated protection, based on institutional cooperation between the Public Prosecutor's Office, the Public Defender's Office and the Judiciary Judiciary. According to the authors, "the microsystem for the protection of vulnerable people is an expression of a "Solidarity-based constitutional hermeneutics, in which the defense of children and adolescents constitutes a shared and inalienable duty of all justice institutions" (VARIOUS AUTHORS, 2024, p. 56).

The procedural perspective of defending vulnerable individuals has been reinforced by legal doctrine and by Institutional documents. The *Strategic Public Prosecutor's Office – Children's and Adolescents' Rights* (2023) highlights that ministerial action must transcend the repressive field, incorporating strategies for promoting rights and monitoring public policies. Along these lines, the Recommendation CNMP/CNJ Resolution No. 2/2024 encourages the strengthening of family foster care as a priority measure. with regard to institutional care, emphasizing the duty of protection agencies to ensure the family and community life, as determined by the ECA (Statute of Children and Adolescents).

Schweikert and Silva (2022) analyze this theme by pointing out that family foster care is A concrete expression of the right to community life, criticizing the absence of legal instruments. effective for its expansion. For the authors, "the legislative and administrative omission in The implementation of foster care constitutes a constitutional violation of the principle of protection. integral, perpetuating the logic of institutionalization" (SCHWEIKERT; SILVA, 2022, p. 52).

Similarly, Campos (2021), when organizing the collection *The defense of the rights of Children and adolescents: a perspective from the Public Defender's Office*, reinforces that the Public Defender's Office has a role.



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essential in ensuring access to justice and promoting the autonomy of protective measures, especially in situations of prolonged care. For the author,

“The Public Defender’s Office should act not only as a judicial defense body, but as a protagonist in the formulation of public policies and in the control of State actions that impact the lives of children and adolescents. Its educational and transformative function is as relevant as its procedural role.” (CAMPOS, 2021, pp. 112–113)

The actions of the Public Prosecutor's Office and the Public Defender's Office therefore reveal dimensions complementary in the defense of children. While the Public Prosecutor's Office plays a supervisory and... In promoting public policies, the Public Defender's Office ensures direct access to justice and a listening ear. qualified and effective protective measures. Recent institutional reports, such as those from Public Defender's Office of the State of Amazonas (2024) and the Public Prosecutor's Office of the State of Amazonas (2024), demonstrate that the collaboration between the two institutions has contributed to the reassessment of measures to provide shelter and expand family foster care programs. The Court of The Amazonas Court of Justice (2022), in turn, points to statistical advances in the number of Family reunifications following these joint initiatives.

Nevertheless, the challenges remain evident. According to Feitosa (2022), the difficulties Failures to comply with socio-educational and protective measures reveal the structural inadequacy of public policies and the need for greater integration between implementing bodies. For the author,

"The defense of children's and youth rights is not limited to the procedural level, but requires a continuous commitment from institutions to human dignity and to overcoming the vulnerabilities that affect poor and marginalized children." (FEITOSA, 2022, pp. 89–90)

Finally, it is observed that the realization of the rights of children and adolescents depends on An institutional approach guided by active listening and valuing the voices of children. In this sense, the reports from CONANDA (2024) and SEJUS-AM (2023) reinforce that the leading role Early childhood education should guide public policies, promoting the recognition of the child as a subject of... expression and social participation. Thus, the theoretical framework indicates that the effectiveness of protection Comprehensive justice is only achieved when the Public Prosecutor's Office and the Public Defender's Office act in a way that... integrated, based on the Constitution, the Statute of Children and Adolescents, and the perspective of a truly integrated justice system. inclusive and humanized.

2. METHODOLOGY

This research is qualitative and descriptive in nature, focused on theoretical analysis and Institutional role of the Public Prosecutor's Office and the Public Defender's Office in the comprehensive protection of children.



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and of the adolescent. The study does not involve statistical surveys or the collection of empirical data.

focusing on the critical interpretation of legal, doctrinal, and institutional texts.

The method used was deductive, starting from the analysis of constitutional principles and...

General rules for the protection of children and youth for understanding the specific actions of

legal institutions. Thus, the aim was to examine how the 1988 Federal Constitution, the

Statute of Children and Adolescents (Law No. 8.069/1990) and recent documents from the Council.

National Council of the Public Prosecutor's Office, the National Council of Justice, and the Public Defender's Offices

State laws provide the basis for the effective implementation of children's and youth rights.

The research was based on an analytical and interpretative reading of doctrinal works and articles.

scientific reports and legislation related to the topic were used as the main sources.

works by Campos (2021), Dimenstein (2004), Feitosa (2022) and recent institutional collections, in addition

from articles by Schweikert and Silva (2022) and reports published by bodies such as CONANDA, the

MPAM and DPE-AM. This theoretical review allowed for the construction of an integrated vision between the fundamentals.

Legal and regulatory framework and the practical actions of institutions that defend children's rights.

Additionally, empirical observations from legal practice were considered.

supervised, carried out in an institutional setting, which provided a greater understanding of

The daily functioning of the protection mechanisms. This experience made it possible to identify challenges.

and good practices related to the implementation of protective measures, without, however, constituting a

Formal field research or systematized data collection.

Thus, the methodological approach was based on a critical and reflective interpretation of

Theoretical and normative sources, seeking to understand the importance of the Public Prosecutor's Office's role.

and the Public Defender's Office as instruments for guaranteeing the fundamental rights of children and

adolescents. The objective was not to quantify results, but to deepen the legal analysis and

institutional discussion on the topic, highlighting the role of these institutions within the microsystem of

protection of vulnerable people and consolidation of the principle of comprehensive protection.

3. Role of the Public Prosecutor's Office and the Public Defender's Office in Civil Juvenile Matters

3.1 Role of the Public Prosecutor's Office

In the context of civil matters concerning children and youth, the Public Prosecutor's Office plays an essential role in...

justice, acting as *custos legis*, guardian of the legal order and defender of social interests and of

The inalienable rights of children and adolescents. The 1988 Federal Constitution, in guaranteeing the

absolute priority of children's and youth rights (article 227), and the Statute of Children and Adolescents

(Law No. 8,069/1990), by consolidating the doctrine of integral protection, confers upon the Public Prosecutor's Office

a structuring role in the implementation of these guarantees (BRAZIL, 1988; BRAZIL, 1990).

The Public Prosecutor's Office is required to intervene in all cases involving public interests.



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of minors, and may also act as a proposing party in actions concerning foster care.

institutional and family matters, termination of parental rights, guardianship and adoption, always seeking to ensure the best interests of the child and observance of the principles of absolute priority and dignity of the child.

human being. This action is supported by specific procedural instruments and a perspective.

an interdisciplinary approach that incorporates psychosocial reports and technical assessments as input for judicial decisions (VARIOUS AUTHORS, 2023). As highlighted in the collection *Strategic Public Prosecutor's Office*

– *Child and Adolescent Law* (2023), the ministerial action must be understood in

In a broad sense, encompassing not only the filing and monitoring of lawsuits, but also

also the oversight of public policies and the monitoring of care facilities.

The Public Prosecutor's Office, in this context, acts as an agent of social and political transformation, integrating-join the child and youth protection network.

In addition to its contentious function, the Public Prosecutor's Office plays an important oversight role.

extrajudicial and institutional coordination, participating in concentrated hearings and promoting

Periodic monitoring of protective measures. Reports from the State Public Prosecutor's Office.

from Amazonas (2024) highlight the strengthening of this performance through procedures

administrative bodies focused on overseeing family and institutional foster care services.

highlighting the commitment to ensuring the right to family and community life. This

This stance reinforces the view that the Public Prosecutor's Office should act not only as an enforcer of the law,

but also as a promoter of fundamental rights, according to the procedural microsystem for the protection of vulnerable

individuals (VARIOUS AUTHORS, 2024).

3.2 Role of the Public Defender's Office

The Public Defender's Office, in turn, plays a complementary and indispensable role in the protection of

of the rights of children and adolescents, especially in the defense of those who are in

situation of social and economic vulnerability. Its actions are guided by the principle of access.

universal access to justice, ensuring qualified judicial and extrajudicial representation for children,

adolescents and their underprivileged families (CAMPOS, 2021).

As Campos (2021) points out, the Public Defender's Office should be understood as

An agent of social transformation, whose role goes beyond mere technical defense. According to the author,

“The Public Defender’s Office should act not only as a judicial defense body, but as a protagonist in the formulation of public policies and in the control of State actions that impact the lives of children and adolescents” (CAMPOS, 2021, p. 112–113).

In line with this perspective, the Public Defender's Office actively engages in qualified listening.

of the child, ensuring that their voice is heard and considered in legal proceedings and



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administrative matters, in accordance with the principle of the best interests of the child, as set forth in Article 100, sole paragraph, item IV, of the ECA. The Public Defender's Office also stands out in challenging decisions. judicial decisions that contradict this principle, as well as the filing of public civil actions in cases state omission, overcrowding of shelters and non-compliance with socio-educational measures (FEITOSA, 2022). Institutional reports, such as that of the Public Defender's Office of the State of Amazonas (2024), demonstrate the relevance of this action, especially through the reassessment task forces of measures to protect children, which seek to prevent the inappropriate placement of children in institutions and To promote family reintegration. Thus, the Public Defender's Office establishes itself as an instrument of realization of children's and youth rights, playing a fundamental role in the democratization of justice. and in the effectiveness of comprehensive protection.

4. LIMITS OF EXTRAJUDICIAL AND JUDICIAL ACTION

4.1 Limits of extrajudicial action

Although the extrajudicial actions of the Public Prosecutor's Office and the Public Defender's Office constitute An essential tool for the swift defense of the rights of children and adolescents, they persist. Structural and regulatory limitations compromise its effectiveness. Among the main obstacles, The weak coercive force of the recommendations issued by these bodies and the absence of [something] stand out. sanction mechanisms for non-compliance.

Schweikert and Silva (2022), when analyzing the control of restrictions on the right to coexistence familiar, they identify an "unconstitutional omission" resulting from the lack of regulation of family foster care and formal procedures for monitoring protective measures. According to the authors, "the legislative and administrative omission in the implementation of reception Family law constitutes a constitutional violation of the principle of full protection, perpetuating the logic of institutionalization" (SCHWEIKERT; SILVA, 2022, p. 52).

Furthermore, the Procedural Microsystem for the Protection of Vulnerable Individuals (VARIOUS AUTHORS, 2024) highlights that the absence of multidisciplinary teams and the overload of demands are detrimental. The coordinated action between the agencies in the protection network generates legal uncertainty and compromising the standardization of extrajudicial measures. This gap reveals the need for institutional strengthening and local regulation of foster care programs, according to This guides the CNMP/CNJ Recommendation No. 2/2024, which establishes priority for family foster care. to the detriment of the institutional.

4.2 Limits of judicial action

In the judicial field, the enforcement of children's and adolescents' rights also faces challenges. systemic issues, especially those related to procedural delays and fragmentation of the network of



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protection. Actions to terminate parental rights, for example, often extend for

For years, this has exposed children and adolescents to inappropriate periods of institutional care.

The slowness reflects not only the overburdened judiciary, but also the insufficiency of resources.

human and material resources, as indicated in reports from TJAM (2022) and SEJUS-AM (2023).

Recent literature also highlights the need to strengthen audiences.

concentrated and specialized listening, instruments provided for in the ECA and Resolution No. 299/2019

from the CNJ (National Council of Justice), which guarantee the child's leading role in decisions that concern them. However,

As Campos (2021) and Feitosa (2022) observe, the absence of qualified professionals and the lack of

Standardization of procedures compromises the quality of these listening sessions and, consequently, the

legitimacy of judicial decisions. These factors reveal the urgency of procedural reforms and

Institutional measures focused on the speed and effectiveness of protective measures.

5. CASE ANALYSES

5.1 Case 1 – Manaus (AM): Strengthening the Family Foster Care Service

In 2024, the Public Prosecutor's Office of the State of Amazonas (MPAM) initiated proceedings.

administrative with the objective of overseeing and expanding the Family Foster Care Service, according to

provision of article 34 of the ECA. The MPAM report (2024) highlights the low rate of insertion of

Children in foster families, in violation of the legal priority established in the Statute. A

The initiative was aligned with CNMP/CNJ Recommendation No. 2/2024, which mandates preferential adoption.

of family foster care throughout the national territory.

This action demonstrates the strategic role of the Public Prosecutor's Office in formulating and inducing [legal processes].

of public policies, reinforcing its commitment to the effectiveness of the right to family life.

and community-based. The case of Manaus illustrates the role of the Public Prosecutor's Office as an articulating agent of the protection network,

capable of identifying structural flaws and mobilizing the state and civil society to overcome them.

5.2 Case 2 – Manaus (AM): Adoptions completed

Data from the Court of Justice of Amazonas (TJAM, 2022) indicates that, in 2022, there were...

114 adoptions were finalized in the capital, representing a 44.3% increase compared to the previous year.

Of these, 64 were based on affection, and 33 were through the National Adoption System.

(SNA) and 17 unilaterally. This growth reflects the coordination between the Public Prosecutor's Office and the

The Public Defender's Office, which has been working in a coordinated manner to guarantee the right to coexistence.

family, as provided for in article 19 of the ECA.

The increase in adoptions demonstrates the strengthening of judicial and extrajudicial action.

has the potential to produce concrete impacts on the effectiveness of protective measures, provided that

Decisions should take into account the principle of the best interests of the child and the established emotional bonds.



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5.3 Case 3 – Manaus (AM): Profile of children in foster care

According to data released by the local press (D24AM, 2024; CENARIUM MAGAZINE, (2024), Manaus has approximately 195 children in foster care in institutions, registering An 18% increase compared to the previous year. Only 20% were referred for adoption, while...

Most were reintegrated into their family of origin or extended family, in accordance with the guidelines of the ECA (Statute of Children and Adolescents) and other directives. from CONANDA (2024).

The joint efforts to reassess the reception measures, carried out in partnership between the MPAM and DPE-AM (2024) have contributed to reducing the length of institutional stay and to promote solutions based on the best interests of the child. According to the Annual Report of CONANDA (2024), the Public Prosecutor's Office carried out more than 15,000 actions related to childhood and youth in 2023, while the Public Defender's Office expanded its operations by 20%, with more than 10 one thousand calls.

These data highlight the importance of joint and continuous action by institutions, in line with the doctrine of integral protection. As Schweikert and Silva (2022) state, the absence adequate regulation for controlling reception measures "sets up a unconstitutional omission that prevents the full realization of the right to family life and community" (p. 53). Thus, the cases analyzed reinforce the need for structural strengthening. and normative framework of the juvenile justice system, based on institutional cooperation and promotion active in the protection of children's and adolescents' rights.

CONCLUSION

The Public Prosecutor's Office and the Public Defender's Office play essential roles and complementary in promoting the comprehensive protection of children and adolescents, especially in the field of civil matters concerning childhood. The Public Prosecutor's Office acts as a guardian of the legal order and an agent for the promotion of justice, intervening in processes involving inalienable rights and proposing actions aimed at protection of the fundamental rights of children and adolescents. The Public Defender's Office ensures the Access to justice, providing qualified legal guidance and promoting the technical defense of children. and adolescents in situations of social vulnerability, ensuring that the underprivileged have their A voice heard and its interests effectively represented (CAMPOS, 2021; DIMENSTEIN, 2004).

Despite having solid legal instruments at their disposal, both bodies face challenges. Structural and operational challenges limit the effectiveness of their performance. Among these challenges, the following stand out: if the insufficiency of human and technical resources, the procedural delays, the fragmentation in communication between the bodies within the protection network and the absence of adequate regulation of protective measures, especially with regard to family foster care. Schweikert and Silva (2022, (pp. 45-67) warn of the "unconstitutional omission" that compromises the full effectiveness of the right to



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family and community life, as provided for in article 19 of the ECA, highlighting the need for

More effective public policies and an integrated approach from the justice system.

The case studies in Manaus concretely illustrate this reality and the importance of coordinated action by protection agencies. Within the scope of the Family Foster Care Service, it was found-

It is known that only 6.4% of children in foster care in the country were placed in foster families.

highlighting the predominance of institutional care and the failure to comply with the principle of

Priority of family life (MPAM, 2024; CNMP/CNJ Recommendation No. 2, 2024). The action

The role of the Public Prosecutor's Office in this context was crucial in driving the expansion and oversight of family foster care service, seeking to ensure decisions are guided by the best interests of the child.

child. Similarly, data from the Civil Juvenile Court of Manaus, which

The number of adoptions registered in 2022, 114, demonstrates the joint effort of the Public Prosecutor's Office and...

The Public Defender's Office works to ensure that the right to family and community life is realized.

whether through adoptions based on affection or through reintegration into extended family members (TJAM, 2022).

Still in Manaus, the profile of the children in foster care highlights the challenges facing the protection network.

with approximately 195 children in institutional shelters, of which only 20% were referred to

adoption, while most returned to their biological or extended family (D24am, 2024; Cenarium Magazine,

2024). This scenario reinforces the need for integrated actions, joint reassessment efforts and

Ongoing technical monitoring, in order to ensure that judicial and extrajudicial decisions

respect the principle of full protection and the best interests of the child (DPE-AM, 2024; Conanda, 2024).

For protection to be effective, it is essential to overcome structural obstacles, such as... insufficient resources, the need for multidisciplinary teams, and a lack of integration.

Intersectoral. Ongoing professional development, with a focus on human rights.

child development and non-revictimizing practices, and the active participation of civil society, by

Through rights councils, NGOs, and community groups, these are fundamental measures to consolidate the strategic action of the Public Prosecutor's Office and the Public Defender's Office (VARIOUS AUTHORS, 2023; CAMPOS, 2021).

Furthermore, it is urgent to strengthen family foster care as a priority measure in relation to institutionalization, reducing the length of time children spend in shelters and promoting

stable and secure emotional bonds. This practice not only fulfills the legal requirement of article 34 of

ECA, but it also constitutes a measure of social justice and humanization of child and youth protection.

(MPAM, 2024; CNMP/CNJ Recommendation No. 2, 2024).

Therefore, the integrated and strategic action of the Public Prosecutor's Office and the Public Defender's Office is a central element for the full realization of children's and youth rights, promoting not only the



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Compliance with current legislation, but also the construction of a more just and inclusive society.

and supportive, committed to the holistic development of children and adolescents. The combination

rigorous oversight, qualified legal defense, inter-institutional coordination, and attention to the best

The best interests of the child form the basis for effective comprehensive protection, capable of transforming the

The reality of civil childhood in Brazil.

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