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**“DEVELOPMENT OF INTEGRATED
SOCIAL SERVICES FOR EXPOSED
FAMILIES AND CHILDREN”**



This project is implemented by
the EveryChild Consortium

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RESULT 2.1

**MONTHLY SURVEY OF THE NEW REGULATIONS AND
DRAFT REGULATIONS RELATED TO
CHILD CARE AND THE PROJECT IMPLEMENTATION**

MAY 2007

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I. General provisions

In May 2007, Verkhovna Rada and President of Ukraine approved several major regulations for the exposed families and children care and, correspondingly, the Project objectives.

II. Expected impacts for the Project objectives

1. Some developments in Ukrainian legislation in May 2007 concerned the procedures of placement of orphans and children removed from parental care.

1.1. On May 24, Verkhovna Rada passed Law N 1072 „On amending some legislative regulations on adoption”; however, this law has not become effective yet.

1.2. President Decree „On additional actions concerning protection of children’s rights and interests” N 376 of May 04, 2007, specified the tasks of lawmaking in this area. Thus, Cabinet of Ministers is to prepare the draft law on public assistance for foster families until June 15, and approve the program of reforming public institutions for orphans and children removed from parental care until August 01, 2007. Besides, from January 01, 2008, public social allowances for the children residing in their guardians’ families shall be amount to two living minimums per child as provided for with the law.

1.3. Ministry of foreign affairs notices on final ratifications of both the Hague Conventions, namely Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children of 1996 (to become effective for Ukraine from February 1, 2008), and Convention on the recovery abroad of maintenance of 1973 (to become effective from August 1, 2008) (Letter N 72/14-612/1-1401 of May 03, 2007).

2. As for public social allowances, CMU Order N 256-p of May 03, 2007, set forth the allocation of additional subventions assigned for public social allowances for orphans and children removed from parental care, and compensations for parental carers and foster parents for delivery of social services FTCH and foster families, under the principle „money follows child” for all regions of Ukraine; the total amount of the subventions is 13,112 mln. UAH.

3. A few legal developments in May 2007 were noteworthy for the Project objectives.

3.1. The action plan for funding of children leisure and sanitation in 2007 FY was set with President Decree N 377 of May 04, 2007. Besides, Regulations on allocation of national budget funds assigned in 2007 FY for financial support of activities for social protection of children were approved with CMU Decree N 653 of April 26, 2007. They define the procedures for funding the national program for sanitation of disadvantaged children via Ministry of labor and social policy.

3.2. The Supreme Court Resolution N 3 of March 30, 2007, "On practices of the law implementation in cases concerning adoption, removal and restoring parental rights.

3.3. Amendments to the development plan for system of social services centers for families, children and youth in 2005-2010, concerned setting up more centers in countryside (CMU Decree N 725 of May 12, 2007).

3.4. The list of social services provided for charge was extended largely, now these services include housekeeping and supervision (CMU Decree N 745 of May 16, 2007).

3.5. The National program of the rehabilitation system development and employment of the individuals with disabilities, mental diseases and retardation until 2011 was approved with CMU Decree N 716 of May 12, 2007. In particular, the national standards in rehabilitation of the disabled children, the concept of system development, as well as model by-laws of rehabilitation facilities for disabled children shall be developed.

3.6. The action plans for implementation of the European social charter (revised) in 2007-2010, as well as specific activities for implementation of Ukraine – EU Action Plan in 2007, were approved, correspondingly, with CMU Orders N 237-p and N 238-p of April 26, 2007.

III. Legislative proposals in Verkhovna Rada

Notwithstanding continuous uncertainty of its powers in May 2007, Verkhovna Rada managed to run extensive lawmaking activities related to the children's rights protection.

In particular, the Ukrainian legislature passed the bill „On amending the law „On public social allowances for disabled з дитинства and disabled children” (concerning procedures of applying for granting public social allowances)” in first reading (Verkhovna Rada Resolution N 1028 of May 16, 2007).

The draft law „On amending some laws of Ukraine (concerning probation)” to introduce this new type of criminal penalty for minors, shall be revised and resubmitted (Verkhovna Rada Resolution N 1082 of May 24, 2007).

The draft resolution on amending the Verkhovna Rada by-laws (concerning procedures of review of all draft laws’ compliance to *aquis communautaire*) N 3356 was submitted by M. Komar. If passed, the relevant surveys would be applicable at any stage of hearings, including draft laws concerning protection of orphans and children removed from parental care.

In May 2007, several legislative proposals related to children’s rights protection and, correspondingly, the Project objectives, were submitted to Verkhovna Rada:

1) „On amending Family code of Ukraine (concerning the grounds for repeal of adoption)” (N 3533, submitted by Yu.Miroshnychenko). This draft law would prohibit any repeal of adoption, except for child’s mental and other incurable diseases unknown to his or her foster parents by the moment of adoption;

2) „On amending some legislative regulations of Ukraine (concerning one-time public allowance for child birth in case of adoption)” (N 3529, submitted by O.Vasylyev); this bill would allow these payments notwithstanding the age of the adopted child;

3) „On amending the law „On compulsory public pension insurance” (N 3547, submitted by CMU). This draft law regulates pension accruals for parental carers and foster parents who receive compensations;

4) „On sanitation and leisure of children” (N 3515, submitted by V.Khara, I.Bondarchuk, Ya.Sukhiy).

