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



This project is implemented by the EveryChild Consortium

MONTHLY SURVEY OF THE NEW REGULATIONS AND DRAFT REGULATIONS RELATED TO CHILD CARE AND THE PROJECT IMPLEMENTATION (July 2006)

Prepared by Legal Expert
Oleksandr Vinnikov

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I. General Provisions

In July 2006, Verkhovna Rada and President of Ukraine approved none regulations for the exposed families and children care and, correspondingly, the Project objectives. Only Article 7 of Anti-Crisis Coalition Program as of July 7, declares the improvement of social care for children to be the priority of humanitarian policy and, specifically, reforms in the national system of social standards and allowances.

II. Expected impacts on the Project objectives

1. The developments in Ukrainian legislation in July 2006 did not concern the procedures of placement of orphans and children removed from parental care directly.

1.1. However, approval of Strategy for Demographic Development of Ukraine until 2015 (CMU Resolution N 879 of June 24, 2006) is noteworthy. This Strategy aims at promotion of conscious parenthood, social orphanage prevention and support of socializing capacity of family. Strategy defines specific priorities as promotion of family types of placement of orphans and children removed from parental care, social protection of waifs, and social adaptation of children in crisis. Besides, Strategy stipulates for extensive amendments in Ukrainian legislation related to building social housing for orphans and children removed from parental care as well as to social protection of families with children, especially fostered ones, and promotion of family types of placement of orphans and children removed from parental care.

2.1. In July 2006, amendments to Procedures for public social allowances for disabled children and persons with childhood disability were registered (Joint Order by Ministries for Health Care, Labor and Social Policy, and Treasury N 229/569/402 of June 19). The major amendments include a list of papers to apply for this allowance (paragraph 2.4), and recognition of guardians' right to take social allowances on behalf of the disabled children. Remunerations for caring a disable child shall be paid to non-working guardians amount to 50% of minimum living standard for the child of the applicable age from the day of applying for. The single parents shall have right to get these remunerations notwithstanding their (non-)employment.

2.2. Assignments for public funding activities in leisure and sanitation of children, in particular, orphans and children removed from parental care, were approved with CMU Order N 367-p of June 27, 2006. Approximately 10.5 mln. UAH are to be spent for these purposes until September 5, 2006.

3. A few legal developments in July, 2006, are of some importance for the Project objectives.

3.1. Procedures for implementation of the Hague Convention on the Civil Aspects of International Child Abduction were approved by CMU Resolution N 952 of July 10, 2006. These Procedures set up responsibilities of Ministry of Justice and other executive agencies of Ukraine as for applications on returning the children expatriated from Ukraine or kept illegally with persons who have no child custody rights, as well as securing right of access to children, and implementation of the decisions made under the applications in question.

3.2. The activities to be completed in 2006 for implementation of National Program for Youth Support in 2004-2008 were approved with CMU Order N 362-p of June 26, 2006. These activities, in particular, include development of procedures for cooperation of health care institutions and centers of social services for children and youth in area of social medic care and re-socialization of drug addict youth; seminars and trainings for social workers and religious and charitable organizations focusing on prevention of negative impacts for children and youth; promotion of audiovisual programs, portals and websites, other publications, social advertising and seminars related to training youth in their family and parental responsibilities; violence prevention in young families; improvement of social patronage and social rehabilitation of youth in crisis, in particular, minor delinquents. Special activities shall be done for implementation of the European Charter on the Participation of Young People in Municipal and Regional Life in Ukraine.

3.3. Supreme Court of Ukraine has generalized court decisions concerning probation-type practices (Resolution N 2 of May 15, 2006). All the Ukrainian courts are advised to consider probation-type sentences, if misdemeanors committed with children, instead of imprisonment. Supervision with guardian(s) for one year or longer, if the child's parent agree, are among the probation-type recommended practices, given the guardians' capacity to make positive impacts on delinquent minors' behavior. Services for minors shall deliver their opinions on would-be effects of specific probation-type practices at court meeting. In order to prevent delinquency, services for minors are obliged to run social patronage of children from families in risk groups.

3.4. Ministry of Justice registered the joint Order by MFFYS, Ministries of Health Care, Education, Labor and Social Policy, Internal Affairs, Transportation and Communications, as well as State Department of Penitentiary N 1983/388/452/221/556/596/106 of June 14, 2006, „On approval of Procedures for cooperation of subjects of social work for families in crisis. This regulation specifies types of families in risk groups, activities related to identifying and keeping data on these families, social inspecting, social assistance and activities by advisory bodies concerning these families.

III. Legislative Proposals in Verkhovna Rada

In July 2006, several legislative proposals related to the Project objectives were submitted to Verkhovna Rada.

First, this is the draft resolution by Verkhovna Rada “On guidelines for the national budget policy in 2007” (N 1166-1, submitted by Y. Tymoshenko). This is a complex policy paper that provides for single public service for children, regular increasing social allowances for infants and apportionment of extra allowances for bringing second and third children, 15,000 and 25,000 UAH correspondingly, and securing more efficient and conditional uses of other types of social allowances.

Second, a draft law “On securing conditions for social protection of disabled children” (N 1146, submitted by Y. Tymoshenko and V. Sushkevych). This bill defines basic principles and means for the national policy in social protection, including early prevention and rehabilitation for disabled children.

Besides, President of Ukraine submitted the bills as follows:

- 1) „On ratifying the European Social Charter (revised)” (N 0018) concerning social protection of employees having family responsibilities and the disabled as well as their children;
- 2) “On admission to Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children” of 1996 (N 0019);
- 3) “On ratifying the European Convention on the Exercise of Children’s Rights” of 1996 (N 0022) related to courts decisions on fostering, custody, removal or disputes on parental rights, children’s residence, other legal cases as for relations between children and their parents, and ones of personal concern for a child and his or her family (education, restoring parental rights, trusteeship etc.);
- 4) “On ratifying Convention on Contact concerning Children” of 2003, that defines the terms of cross-border contacts with children, too.