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



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

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I. General provisions

Aside from the amendments to the Constitution of Ukraine, since January 1 2006, several new important regulations or amendments related to exposed families and children care, and, correspondingly, the Project objectives have become effective.

After the turmoil caused with the Verkhovna Rada decisions on demission of Ukrainian government in early January, lawmaking tends to be more active, especially in social services and child care. It's only natural, given the upcoming parliament elections in March 2006 and current allocation procedures in local budgets.

II. Expected impacts on the Project objectives

1. Coming the law on basic social care of homeless children and waifs” № 2623 of June 2, 2005, into effect may have considerable impacts on the Project objectives implementation. The most probable collisions concern setting up special facilities for waifs, though these children shall be registered under the law on the juvenile services and special facilities for children, as well as the law on securing social care for orphans and children removed from parental care.

Some special regulations authorize the custody authority to protect housing entitlements of children and to prevent homeless of orphans and children in public and family like shelter care facilities, foster families, and living with custodians (articles 12 and 11).

Social care for waifs shall be provided with shelter care institutions for minors and centers for social and psychological rehabilitation within juvenile services. These institutions are subject to the regulations by the Cabinet of Ministers (articles 15, 19 and 20).

Article 21 of this law argues that such institutions shall be funded from both the national and local budgets. Besides, it allows any non-profits that maintain these institutions to tender for public funds.

2. Cabinet of Ministers approved the Guidelines for public policy in economic and social matters in 2006 (Resolution № 42 of January 20). The regulations of practical importance for the Project objectives are as follows. Ministry of labor and social policy is to develop the unified criteria for estimation of family conditions to be eligible for any social services and welfare by November, 2006, and to assign any social services and welfare under the single application in 180 districts and cities under „single window” (gate-keeping) principle in December 2006. None raise of family allowance for children under three years old provided with the law on the national budget in 2006 is scheduled.

3. The amendments on raising public family allowances for single mothers from 10% to 30% living wage for children of specific age have not been signed by the President. Meanwhile, since January 1, 2006, the amendment to article 184 of the Family code has entitled children for public allowances amounting to 30% living wage for children of specific age minus alimony awarded by courts. This amount shall be the minimum alimony under articles 181 and 272 of the Family code.

4. The Project objectives may be affected by the joint order of Ministry of education and Ministry of Family 3380/745 of December 21, 2005. This regulation approves the procedures for remitting the files of orphans and children removed from parental care to the juvenile services.

5. Ministry of justice has registered the regulations on „confident hotlines” at social services centers for children, families and youth (Ministry of family order № 3133 of December 7, 2005).

III. Legislative proposals in Verkhovna Rada

On January 10, 2006, Verkhovna Rada decided the bill on the National Target Program of National Adoption in Ukraine „Own Family to Every Child” in 2006-2016 (№ 7199, submitted by MPs I. Ostash, S.Mativenkov and M.Bauer).

The draft law on child and youth education (№ 7251, submitted by MP M. Bauer) was recommitted to the first hearings.

The bill on amending the Family Code concerning the Child Adoption Center (№ 8680, submitted by MP I. Ostash), was approved resulting in delaying the transfer of powers in question from the ministry of education to the ministry of family till May 1, 2006. It means, actually, that amendments to the Family code provided with the law № 3097 of November 16, 2005, have never become effective yet.

Several draft laws related to the Project objectives have been registered lately:

- 1) „On children health improving and rest” (№ 8444-1, submitted by Cabinet of Ministers);
- 2) „On amending the law on social services concerning the reimbursements for social services providers (№ 7212-1, submitted by MP R. Bogatyryova).

It’s also noteworthy that the ministry of justice (under the President decree of January 21, 2006) was authorized to sign the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children done at Luxemburg on May 20th, 1980. This could make progress in harmonizing Ukrainian system of child care with the European Union standards.