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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

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

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I. General Provisions

In December 2006, Verkhovna Rada and President of Ukraine approved none regulations for the exposed families and children care and, correspondingly, the Project objectives.

II. Expected impacts on the Project objectives

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

Some institutional impacts could be caused by new Regulations on Ministry of Education and Science that was approved by CMU Decree N 1757 of December 19, 2006, in lieu of previous by-laws (President Decree N 773 of June 07, 2000). This ministry preserves such powers as participation in development of standards for maintenance of orphans and children removed from parental care; submitting proposals to CMU concerning education facilities for orphans and children removed from parental care.

Ministry for family, youth and sports (Order N 3685 of October 31, 2006) approved Procedures for social family care support of foster families and family type children homes.

These Procedures set forth subjects and clients of social family care support, principles and ethics for social family care support (par. 4), while the best interests of children and their return to their biological parents are recognized to be top priorities. The Procedures are applicable to supervision as professional support for social workers (par. 10), as well as to making decisions on claims. Aside of a variety of objectives and standards of social family support centers contains special forms for child's needs assessment, plans of social family care support, keeping personal files, and monitoring and evaluation of social family care support as separate supplements.

2. Adoption of the law „On Amendments to the Law of Ukraine „On the National Budget of Ukraine in 2007” and to Some Legislative Acts” N 489 of December 19, 2006, is of great importance for the purposes of social allowances for families having children. Under this law, amount subsistence minimum for children up to 6 years shall increase to 434 UAH per month, and for children 6-18 years to 558 UAH from January 1, 2007. Besides, subsistence minimum shall increase

periodically, from April 1 and October 1, 2007: for children up to 6 years – to 442 and 450 UAH per month, correspondingly, and for children 6-18 years – to 568 and 579 UAH.

Disabled children have become eligible for providing for technical and other rehabilitation applies for target groups, related public procurement programming, and the list of these applies (CMU Decree N 1652 of November 29, 2006).

CMU Order N 585-p of November 29, 2006, set forth the action plan for implementing the Guidelines for improvement of social allowances system in lines with the relevant agreement with the World Bank.

In particular, the mentioned below activities are planned in 2007: 1) to develop new methods for poverty assessment for households; 2) to consolidate local programs of allowances for disadvantaged families; 3) to increase powers of public social inspectors; 4) to develop procedures for interaction of social work agents with disadvantaged families, including public social inspectors and social workers of social services for families, children and youth; 5) to develop procedures for identifying, counting and databases running on disadvantaged families; 6) to correlate amounts of all types of social allowances to subsistence minimum amount for budgeting in next fiscal years; 7) to develop an integrated approach to identifying members of families that pretend to become beneficiaries of all types of social allowances.

However, proper sharing data related the well-being of all beneficiaries and eligible beneficiaries of all types of social allowances (e.g., between tax authorities, Pension Fund, Social Insurance Funds, Employment Centers and so on) seems to be most complicated.

Testing of a sample digital social card in specific regions is scheduled in 2007.

The Treasury and Ministry of Labor and Social Policy shall study foreign experience both in the modern techniques of social work and in promotion of charity for disadvantaged families.

III. Legislative Proposals in Verkhovna Rada

Given the development of legislative acts related to the Project objectives directly, the most important event was approval of Long term plan of law making activities of Verkhovna Rada of Ukraine (VR Resolution N 397 of November 30, 2006)

This plan includes, in particular, development of the mentioned below draft laws in lines with:

1. Fulfilling liabilities of Ukraine under its membership in the Council of Europe

- 1.1. On Free Legal Aid; On Justice Agencies; On Civil Service (drafts developed by CMU; their concepts have been criticized extensively)
- 1.2. On joining the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption; and the related amendments to Family Code and other laws of Ukraine
- 1.3. On Basics of Corruption Prevention and Combat; On Anti-Corruption
- 1.4. On the Basics of Social Protection and Social Services
- 1.5. On Personal Data Protection; On Information (new version)
- 1.6. On Ratifying the European Code of Social Security
- 1.7. On Ratifying European Convention on the Legal Status of Children Born out of Wedlock
- 1.8. On Ratifying European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children

2. Implementation of Ukraine – EU Action Plan

- 2.1. Code of Ethical Behavior of individuals, authorized to implement public functions, and of local governments
- 2.2. On Transparency of Activities by National Government Bodies and Local Government
- 2.3. On Citizens Associations
- 2.4. On Prosecutor's Office
- 2.5. On Public Internal Audit

The draft law „On Amendments to Some Legislative Acts of Ukraine concerning Agencies and Services for Minors and Special Institutions for Minors” (N 2507, submitted by CMU) is still on the floor. This bill stipulates provisions for such new institutions, as centers for social and psychological rehabilitation of children, social rehabilitation centers – kinderdorf; specifies powers of services for children and standards of their staff.

Implementing rights of children and their parents for court protection could be affected with approval of Concept of the draft law „On maximum amount of reimbursements for legal aid

expenses” (CMU Order N 607-p of December 08, 2006). Basic regulations of this draft are similar to those approved with CMU Decree N 590 of April 27, 2006.

The revised draft law „On International Technical Assistance” (N 2040, submitted by MPs O. Plotnikov and Y. Karakay) was registered in December. This bill seeks for increasing powers of CMU concerning ends and uses of international technical assistance. Should this draft be adopted, as discussed at Verkhovna Rada as early as in 2000-2002, it could affect legally implementation of the projects of international technical assistance, while Ministry for Family, Youth and Sports will be on the beneficiary of these projects.

