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



This project implemented by
the Consortium “EveryChild”

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

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I. General Provisions

12 new regulations related to exposed families and children care, and, correspondingly, the Project objectives have become effective in February 2006.

On the contrary, Verkhovna Rada became less active in this area, and a few of related draft laws might be heard in the eve of the parliament elections in March 2006 only.

II. Expected impacts on the Project objectives

1. The most important developments concerned amounts and procedures for public family allowances.

1.1. Cabinet of Ministers' Decree # 106 of February 6, 2006, set forth regulations on eligibility and payment of public allowances for orphans and children removed from parental care, as well as compensations for professional and foster parents for social services delivery at family care facilities and in foster families under the principle „money follows child” in 2006.

The public allowance shall amount to two living wages for children of specific age (or two living wages minus the total amount of alimony, pensions, stipends and other types of public allowances).

The compensation shall amount to 35% of public allowance per each foster child, but not more than five living wages for capable individuals for one of professional parents and not more than 1.5 living wages for one of foster parents.

These funds shall be transferred to local budgets as public subsidies.

1.2. Amendments to CMU Decree # 1751 of December 27, 2001, on regulations for eligibility and payments of public allowances for families with children, came into effect on February 1. In particular, now par. 26 argues that the total amount of public allowances for a children living with custodians, shall not be less than 25% living wage for capable persons. Thus, the payable amount is a living wages for the child of specific age minus average monthly amount of alimony or pensions for this child received within six previous months. However, if no alimony or pension were paid for the child within six months, the public allowance shall amount to a full living wages per child of specific age vs. earlier limit of 25% living wages for capable. Single mothers are entitled to get monthly public allowance per each child younger than 18 years, not only per each student elder than 16 years, as it was previously.

Moreover, the minimum amount of public allowance for single mothers shall increase from 10% to 30% of living wage per each child of specific age (Law # 3372 of January 19, 2006, „On amending article 18-3 of the law on public allowance for families with children”). Unfortunately, this law will become effective since January 1, 2007. Thus, in 2006 the proper unification of social welfare in this crucial area will not be complete.

1.3. On February 3, Ministry of justice registered the joint decree by Ministry of labor and social policy, finance, health care, education and science, and of family, youth and sports # 415/869/710/719/3239 of December 14, 2005.

This decree set forth the regulations on funding public allowances, if the child is maintained at a shelter care facilities by public funds in full. Custody authorities and directors of shelters facilities and similar special institutions are in charge for implementing this Decree. However, par. 4.9 of this decree permits to pay these allowances also to the individuals, who adopted the child, took the child under custodial care or in a foster family, or at a family care facility in lines with CMU Decree # 315 of April 21, 2005.

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2. In February 2006, Ministry of justice registered a few regulations instrumental for organizational capacity of Ministry for family, youth and sports, and its social services centers.

2.1. CMU Decree # 78 of February 1, 2006, set forth the model by-laws of departments for family, youth and sports of oblast and Sevastopol city state administrations, as well as of bureaus for family, youth and sports of district state administrations (including districts in Sevastopol City). In particular, these departments and bureaus shall coordinate activities of local governments related to implementing national policies related family, child care, youth, physical training and sports henceforth.

2.2. CMU Decree # 148 of February 15, 2006, set forth the model rules for centers for HIV-affected children and youth. These centers shall be set up by oblast state administrations and funded from the oblast budgets and the related national programs. These centers deliver specific social services as day-care institutions. Directors of these centers shall have extensive powers and be appointed upon agreement by the relevant social services centers for families, children and youth.

Since February 27, 2006, the model by-laws of social service for injecting drug users as special agency of social services centers for families, children and youth, shall come into effect (Decree by Ministry of family, youth and sports # 3430 of December 23, 2005). The goal of this service is the HIV prevention among the youth.

2.3. Besides, on February 27, 2006, the model by-laws of information resource centers for social services centers for families, children and youth (Decree by Ministry of family, youth and sports # 203 of January 30, 2006) and the model by-laws on schools for volunteers of for social services centers for families, children and youth (Decree by Ministry of family, youth and sports # 204 of January 30, 2006) will come into effect.

These centers and schools are not legal entities, but they have extensive liabilities in guidance, promotion and education. These centers shall secure primarily training of the staff of social services centers and their special agencies, as well as volunteers involved in implementing the programs of social services centers.

2.4. On February 10, Ministry of Justice registered also Decree by Ministry of family, youth and sports # 2280 of October 6, 2005. It sets forth the model staff regulations for special agencies, like social centers for mothers and children, social hostels, centers for social and psychological rehabilitation of children and youth with functional disabilities. These regulations are of substantial importance for proper planning activities in training and guidance for staff of the agencies in charge.

3. The other important developments in regulations related to the Project objectives are as follows.

3.1. Law # 3348 of January 17, 2006, passed the amendments to article 75 of the civil code. In particular, custody authority may apply for a court resolution on revocation of custody; also this custodian violates rights of the child.

3.2. On January 1, 2007, the law "On housing stock for social uses" (# 3334 of January 12, 2006) will become effective. In particular, this law will be applicable to placement of the needing people at the temporary shelter for adults, social hostels and shelter facilities for the poor and waifs. Article 11 of the law stipulates that orphans and children removed from parental care shall have rights on granting the social housing, including the children after leaving shelter care facilities and foster families, as well as disabled children of legal age.

Families and single mothers of three or more children, and families keeping a disabled child until 18 years are also eligible for social housing. Social housing may be granted in property as well as in rent; the latter provision makes possible to prevent „life estate". However, the law is endangered by imposing the liabilities for funding activities related to granting social housing upon local budgets solely.

III. Legislative proposals in Verkhovna Rada

On February 23, Verkhovna Rada passed the draft law „On Volunteering" (№ 7550), submitted by the CMU and initiated by the Ministry for family, youth and sports.

The only draft law registered in February 2006 and related to the Project objectives is „On amending the living wages in 2006" (# 7760-2, submitted by MPs M.Rudkovsky and L.Sergienko). Any amendments of living wages have serious impacts on social welfare for families with children, certainly.