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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**

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I. General Provisions

In January 2007, Verkhovna Rada and Cabinet of Ministers approved several important regulations; they concern exposed families and children care, thus, correspondingly, the Project objectives.

II. Expected impacts on the Project objectives

1. The essential amendments to Family code and Civil code related to children's rights protection came into effect in January 2007 (Law of Ukraine N 524 of December 22, 2006).

First, legal guarantees of children's rights as provided for with UN Convention on children's rights protection and other international treaties ratified with Verkhovna Rada have been incorporated into the national legislation (articles 7 and 13 of Family code).

The medical examination of brides has become compulsory, and hidden info on physical and mental health of brides and their children is penalized currently (article 30 of Family code).

Up to this point, children's custodians were to fulfill their responsibilities free of charge only; and yet, new version of article 249 of Family code delegates setting up legal grounds, amounts and procedures for paying custodians' fees to Cabinet of Ministers.

Amendments to Civil code concern the obligatory filing of adoption, removal or renewal of parental rights and some other legal proceedings into Public register of civil status acts; these amendments also set procedures for changing individuals' names, in particular, in cases of adoption and removal of parental rights.

2. For the purposes of public social allowances for families having children, essential changes have been set with the mentioned below regulations effective since January 2007.

2.1. In April-December 2007, public social allowances for children up to three years shall be paid with local agencies for labor and social welfare at actual residence places of beneficiaries instead of local agencies of Fund for social insurance against temporary disability (CMU Order N 32 of January 16, 2007).

2.2. Specific issues of allocation and payment of public social allowances for families with children have been regulated with CMU Order N 13 of January 11, 2007; they aim at equalizing the social allowances and improving protection of individual rights.

1) In 2007, public social allowances for non-insured beneficiaries shall be paid up to 262 UAH per month (50% of the subsistence minimum) minus average per capita income in the family for the previous six months, but not less than 90 UAH (for insured beneficiaries – 120 UAH per month, at minimum). It is vital to note that family of beneficiaries may include their parents with none independent income, as well as non-married parents. Until very recently, single mothers were entitled to public allowances amount to 10% of subsistence minimum or even none allowances (article 18-3 of the law on public social allowances to families with children of November 28, 1992).

2) In 2007, public social allowances may be paid at actual residence of insured beneficiaries, if agencies for labor and social welfare in the jurisdiction of their registered residences certify that these beneficiaries do not receive social allowances there. Decisions on beneficiaries' applications and other papers required with these Regulations on allocation of social allowances shall be made within ten days.

3) Finally, specific control procedures have been set forth: if public allowances are used for other purposes, these payments could be quitted on the basis of monitoring and selective family inspections by public social inspectors, local agencies for family, children and youth, and custody agencies (par. 5 of Regulations).

2.3. Orphans older than 18 years will have additional allowances to pensions ... in 2007 (CMU Order N 78 of January 31, 2007). However, these allowances shall not exceed the subsistence minimum for disabled persons vs two subsistence minimums till now.

2.4. Finally, Regulations on allocation and payment of public social allowance for orphans and children removed from parental care, as well as remunerations for foster parents and parent carers under the principle "money follows child" in 2007 have been approved (CMU Order N 81 of January 31, 2007). In particular, remunerations shall be paid to all parent carers and one of foster parents (par. 3 of Regulations) on the basis of papers prepared with services for minors. The

amounts of public social allowances and remunerations have not been changed, but remunerations for foster parents shall not exceed 1.5 subsistence minimum per month. It is noteworthy that these public social allowances shall be paid on as subventions from the national budget to oblast and local budgets.

3. In January 2007, several legal developments were of some importance to the Project objectives.

3.1. Identifying poverty indicators as the component of Action plan 2007 for strategy of public statistics development (CMU Decree N 645-p of December 27, 2006) is the vital step to more effective estimation of all types of public social allowances, including ones for families having children.

Regulations on implementing Convention on the recovery abroad of maintenance, 1973, were approved by Ministry of justice Order N 121/5 of December 29, 2006. They refer to and contain samples of legal papers to be submitted for the recovery abroad of maintenance from children and other persons residing in Ukraine; these papers shall be channeled through agencies of Ministry of justice in oblasts, Kyiv and Sebastopol cities. Besides, samples of papers are available at the official site of the ministry, www.minjust.gov.ua.

Public funding social policies would be affected essentially with implementing Strategy for upgrading accounting in public sector in 2007-2015 (CMU Order N 34 of January 16, 2007). Its major objectives are harmonization of standards for accounting, financial reporting and budget classifications, unification of software and promotion of new reporting instruments in public sector (mostly digital ones), as well as adaptation to international accounting standards and the related reforms in professional training.

3.2. Filing Unified register for powers of attorney (Order of Ministry of justice N 111/5 of December 28, 2006), actually, requires double fees for notarization of POAs that are common in cases related to children's rights protection. However, the positive impacts of this regulation are compulsory registration of any *restriction* on estate property related to children's property cases.

For the purposes of legal status of children and other individuals, new administrative and criminal penalties for improper keeping of archive documents and illegal restrictions of their availability are quite important (law of Ukraine N 534 of December 22, 2006).

3.3. The National program for promotion of gender equity in Ukraine until 2010 was approved with CMU Order N 1834 of December 27, 2006. One of major objectives of this program is adaptation of Ukrainian legislation to gender equity standards of European Union and UN Millenium Development Goals.

CMU Order N 1849 of December 26, 2006, set forth the National program of reproductive health until 2015. It stipulates some specific indicators and activities for family planning and unwanted pregnancy prevention that are important for early prevention services.

3.4. The legal developments of paramount importance occurred in licensing social services. CMU Order N 80 of January 31, 2007, set forth Procedures for delivery of social rehabilitation services for disabled people and children with disabilities, free of charge or with discounts, while Ministry of labor and social policy, oblast and Kyiv and Sebastopol city administrations have been authorized to licensing professional activities in social services. Diplomas recognized by Ukrainian government are required from any professionals who deliver social services, and this regulation seems to be restrictive for some social services (par. 73 of CMU Order N 756 of July 1, 2001).

3.5. Public boards shall be set at local governments to supervise the distribution of social housing (CMU Order N 23 of January 16, 2007). They are to be recruited on the basis of trilateral parity principle from local government agencies for social welfare, non-government organizations operating in social sphere, and from business community. Members of public boards shall not get compensations, and their appointing is the power of local councils.

III. Legislative Proposals in Verkhovna Rada

In January 2007, Verkhovna Rada decided on redrafting bills „On securing institutional and legal conditions for social protection of disabled children” (N 1146, submitted by Y.Tymoshenko and V.Sushkevych), resolution N 582 of January 11, 2007; bill “On amending Family code as for

increasing alimony amounts” (N 2014, submitted by M.Tomenko), resolution N 556 of January 10, 2007, and “On amending some laws of Ukraine” (N 1077, submitted by CMU), resolution N 581.

