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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 (November 2006)

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I. General Provisions

In November 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 November 2006 did not concern the procedures of placement of orphans and children removed from parental care directly. However, the institutional steps aiming at adaptation of Ukrainian legislation to *acquis communautaire* and incorporating this adaptation into routine activities of all government agencies in charge for family and children protection policies are crucial for the Project objectives.

The new by-laws on the ministry for family, youth and sports were approved (CMU Decree N 1573 of November 8, 2006). Powers of this ministry have been specified in such areas, as implementing national policies in gender equity, demographical processes, guardianship, and social work for children and youth. The top priorities for the ministry have been identified in adaptation of Ukrainian legislation to *acquis communautaire* and implementation of the international instruments, as well as supporting a variety of family types of child care.

Also, the new by-laws of the ministry for labor and social policy were approved by CMU Decree N 1543 of November 2, 2006. Currently, this ministry is in charge for securing citizens' right to social welfare through social allowances in-time, including social allowances for families having children, and, again, adaptation of Ukrainian legislation to *acquis communautaire*.

Implementation of the Project objectives could be affected with the new by-laws on the ministry of justice (CMU Decree N 1577 of November 14, 2006). This ministry is responsible for expertise of compatibility of any legislative acts to *acquis communautaire* and international treaties of Ukraine.

The new frame agreement between the government of Ukraine and Commission of European Community was approved by CMU Order N 534-p of November 2, 2006. This agreement would specify the status and activities of foreign experts, consultants and contractors in Ukraine, which deliver international technical assistance as provided with cooperation with the EU.

2. An important change for public social allowances for families having children was approval of the Objectives (Projects) of the National Program of Informatization in 2006, its principal contractors and funding (CMU Order N 552-p of November 8, 2006). In lines with

E-Government Program, the database with samples of official papers required for citizens' applications for adoption, guardianship, public allowances for families having children, and other subsidies shall become available at the Unified web-site of the executive agencies.

Also, the allocation of additional subsidies from the national budget to local budgets for maintenance of orphans and children removed from parental care in foster families and family type children homes was approved (CMU Order N 547-p of November 8, 2006). The total amount of these subsidies is more than 1.25 mln. UAH.

3. Some legislative developments in November of 2006 are of importance for the Project objectives.

A few decrees by Cabinet of Ministers were amended with CMU Decree N 1620 of November 15. This act has specified the powers of social service centers for families, children and youth, in particular, in delivery of legal aid to orphans and children removed from parental care.

Model regulations for consulting posts of social service centers for families, children and youth at maternity homes, consultations for pregnant women and infants' institutions have been approved (Order N 3545 of ministry for family issues, youth and sports of October 23, 2006). Their principal task shall be early prevention.

Instructions for filling out and issuing medical certificates for children under supervision with health care institutions and for medical paperwork on certifying births and deaths (Order N 545 by ministry of health care of August 8, 2006) came into effect. Both instructions aim at making registration of children births by the civil status agencies easier, and, consequently, simplifying procedures for granting them status of orphans and children removed from parental care.

III. Legislative Proposals in Verkhovna Rada

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

The draft law "On Official Documents for Identification of Persons and Confirmation of Ukrainian Citizenship" (N 2478, submitted by Cabinet of Ministers).

The bill on amending some laws concerning the agencies and services for minors and special institutions for minors (N 2507, submitted by CMU).

The draft law on amending some laws concerning family violence prevention (N 2539, submitted by K. Levchenko) argues for court prescriptions for anti-alcoholic treatment and impose more severe sanctions for breaching protective prescriptions and evasion of correctional programs.

The draft law on the Program of the National Action Plan of Implementation of the UN Convention on the Rights of the Child until 2016 (N 2570, submitted by CMU) stipulates extensive activities concerning children's rights protection, e.g., launching the system of juvenile justice.

The bill on amending the law on social work for children and youth (N 2479, submitted by K. Samoylyk) focuses on issues of social servicing, assistance, inspecting, rehabilitation and supervision of children.

The bill on amending some laws concerning adoption (N 2562, submitted by K. Levchenko and M. Tomenko) aims at raising minimum age for adopters to 21 years and prohibition of international adoption for non-married persons.

The amended draft law "On Housing for Youth" (N 1074, submitted with E. Filindash and others) was resubmitted in order to make mortgage loans more available for young families; it would decrease the number of families in crisis.

As it was expected, Verkhovna Rada decided to order the special committee to amend the draft laws on the personal data protection (N 0808) and on the basics of the information society development in Ukraine in 2006-2015 (N 0815). These bills, if resubmitted under the Verkhovna Rada Resolutions N 329 and 330 of November 3, could impact on procedures concerning personal files, registers and other official databases related to the Project objectives.

The bill on amending Family code and other laws related to joining the Convention on children's rights protection and cooperation in international adoption (N 1068) was edited by the special committee in lines with the President's proposals. The draft resolution of Verkhovna Rada (submitted by M. Tomenko on November 16) recommends this revised bill for the second hearings.

Hearings of the draft law on amending Civil and Family codes (N 0903, submitted by CMU) go on. This bill regulates the legal status of the spouses' property, as well as some personal rights (to contacts with child, to decide on the child's residence, registration of the child's name and its change, etc.)

We believe that the most important impacts would be caused with the draft law "On public families" (N 2434, submitted by R. Bogatyryova). This bill sets up – for the first time in Ukrainian legislation – the comprehensive structure of the system of family types for public child care, including basics for social protection of foster parents and other subjects of public families. The act is of large volume and worth of special analysis, given its eventual affects for the Project objectives.