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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 February 2007, Verkhovna Rada and President of Ukraine approved any regulations for the exposed families and children care which considers, correspondingly, the Project objectives.

The most active actor in legislation development related to the Project objectives remains Cabinet of Ministers of Ukraine (CMU).

II. Expected impacts for the Project objectives

1. The important developments in Ukrainian legislation concerning **the procedures of placement of orphans and children deprived from parental care** were set with CMU Decree № 203 as of February 14, 2007. These amendments to the Regulations on Family type children homes (FTCH), in particular, prohibit placement of children to public institution (internat) back, if agreement with FTCH is terminated. The further placement of children is allowed in families of Ukrainian citizens only – adoption, custody, placement to other FTCH or foster family. Besides, public social allowances and compensations shall be transferred to individual banking accounts of both parental carers in FTCH.

The Procedures for deciding **on applications from foreigners willing to adopt children** were approved by the Decree of Ministry of Family, Youth and Sports № 313 as of February 05, 2007 (effective since February 25, 2007). These regulations were developed in compliance with Family Code and the Decree of CMU № 1377 as of August 28, 2003.

The regulations include application forms to National Department of Adoption and Children's Rights Protection, list of other documents to be added to applications (including permissions from authorized agencies of the resident country of eventual adopters), as well as procedures for the adopters' proxies. Applications submitted by mail shall not be accepted. Decisions on filing the foreigners into eventual adopters register or refusal in such filing shall be made within twenty working days. These regulations specify procedures for the eventual adopters to get acquainted with a child.

Children, including those who have been adopted by foreigners, may have prolonged ID certificate for the Ukrainian citizenship (valid for two years vs. one year previously); this ID certificate shall refer to place of children's residence, too (CMU Decree № 160 as of February 07, 2007). Hereinafter, a child adopted by foreigners has the right to get Ukrainian passport valid for ten years, if this child leaves Ukraine or if his/her residence country requires, even until getting age of 18 years (Regulations on passport of Ukrainian citizen for abroad; approved with Verkhovna Rada Resolution № 719 of February 23, 2007).

The **national program for family support until 2010** FY was approved with CMU Decree № 244 as of February 19, 2007. It is expected that the impact will include enhancement of the social work with the families in crisis (from 26,000 families in 2006 to 45,000 ones in 2010, and increasing of families that received effective support up to 80%), as well as securing proper child care in families. In particular, proposals on amending the related legislative regulations shall be prepared and analyzed during 2007.

2. Changes in **public social allowances for families with children** concerned housing issues mostly. Procedures for setting tariffs for social housing were approved with CMU Decree № 155 as of February 07, 2007. These tariffs shall include also fees for communal facilities set by the local governments.

Regulations for funds allocation from the national budget assigned for development of housing stock for social uses were defined with CMU Decree № 175 as of February 07, 2007. However, this decree will come into effect by January 1, 2008.

3. Some of the **legal developments in February, 2007** have become important for the Project objectives.

3.1. Further adaptation of Ukrainian legislation to *acquis communautaire* shall be defined with the new basic agreement on partnership and cooperation between Ukraine and European Union to replace the agreement in effect. Members of Ukrainian delegation for negotiating this new treaty and directives for the delegation were specified in President Decree № 76 of February 05, 2007.

Besides, CMU Order № 32-p as of February 07, 2007, for setting up, funding and institutional support of “policy analysis groups” in the government agencies and Secretariat of CMU in lines with Ukraine – EU Action Plan. Operations of such policy analysis group in Ministry for family issues could promote adaptation of EU standards of administrative practices in children’s rights protection in Ukraine.

Procedures for preparing and implementing Twinning projects in Ukraine (CMU Decree № 154 as of February 07, 2007) provide technical assistance for special regulations via joint projects of Ukrainian governmental agencies and their counterparts in the EU member countries for further adaptation of Ukrainian legislation to *acquis communautaire*.

3.2. Verkhovna Rada re-appointed Ms. Nina Karpachova as parliament Ombudsman (VR Resolution № 621 as of February 08, 2007). Meanwhile, public hearings on feasibility of positions for special ombudsmen, in particular, for children’s rights protection are initiated (additional information is available at: <http://ombudsman.civicua.org>).

3.3. On February 14, CMU postponed its own Decree № 174 as of February 07, 2007. This decree defined model staff schemes for local governments, and its postponing causes serious legal uncertainty as for social workers status, in particular, who work for and subordinate to local governments. However, permission to set additional positions for social workers and other specialists in towns and villages is a positive legal development in itself.

III. Legislative proposals in Verkhovna Rada

Within the Project objectives context the most important legal development has become the acceptance of 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” (VR Resolution № 650 as of February 08, 2007).

The law making agenda of Session III of Verkhovna Rada has included, in particular, readings of several draft laws related to the children’s rights protection:

- 1) „On social work” (second reading) (№ 0958),
- 2) „On social work for children and youth” (new version) (№ 2479)
- 3) „On public families” (№ 2434)
- 4) „On amending the law „On securing organizational and legal conditions for social protection of orphans and children removed from parental care” (№ 2433)
- 5) Amendments to the law „On agencies and services for minors and special institutions for minors” (on better protection of children’s rights) (№ 2065),
- 6) „On approval of the national program for promotion of domestic adoption of children in Ukraine „Own family to every child” in 2006-2016” (second reading) (№ 0918).

Legal analysis of these draft laws and submitting the related proposals, if necessary, are also of evident importance for the Project objectives.

In February 2007, few legislative proposals related to children’s rights protection were submitted to Verkhovna Rada:

- 1) „On passport of Ukrainian citizen” (№ 3107, submitted by Y. Girnyk)
- 2) „On amending some laws of Ukraine (on ownership and co-ownership rights) (№ 3062, submitted by M.Melnychuk) concerning privatization of housing in the best interests of children.

