



This project is financed by
the European Union

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



This project is implemented by
the EveryChild Consortium

Prepared by Legal Expert

Oleksandr Vinnikov

RESULT 2.1

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

MARCH 2007

KYIV CITY, UKRAINE

I. General provisions

In March 2007, Verkhovna Rada and the Cabinet of Ministers approved a few regulations for exposed families and child care and, correspondingly, the Project objectives.

II. Expected impacts for the Project objectives

1. The important developments in Ukrainian legislation concerning **the procedures of placement of orphans and children removed from parental care** were set with a joint Decree of the Ministry for Family, Youth and Sport, Ministry of Healthcare and Ministry of Education and Science N 302/80/49 as of February 02, 2007. This regulation approves Regulations for placement of orphans and children deprived of parental care from public institutions to family types of placement.

In particular, the documents to be submitted, their samples, procedures for correction of inconsistencies in papers, as well as procedures for making an act of placement and filing the children off the primary databank are specified with this decree.

On March 31, 2007, the Decree of Ministry for Family, Youth and Sport N 588 as of February 28, 2007 became effective. This decree specifies Regulations for cooperation between centers of social services for families, youth and children and services for minors in setting foster families and family type children homes (FTCH) and securing their activities.

2. Legislative development did not concern public social allowances for families having children in March 2007. However, the Cabinet of Ministers approved some **important regulations concerning children's rights protection**.

Regulations for allocation of national budget funds that have been assigned in 2007 for social work for families, children and youth were defined with a CMU Decree N 436 as of March 14, 2007. It specifies the objectives of the assignments and the special procedures for public procurement as well as control powers for the National social service for families, youth and children and other government agencies.

Regulations for allocation of national budget funds assigned in 2007 for activities concerning implementation of public policy on children's protection as well as activities concerning prevention of social orphanage were defined with CMU Decree N 549 of March 28, 2007. The department on adoption and children's protection is in charge of these assignments.

Regulations for allocation of national budget funds assigned in 2007 for activities concerning implementation of public policy on youth, females and families were defined with CMU Decree N 548 of March 28, 2007. They specify procedures for assignments for activities related to

family, gender and demography policies by the Ministry of family, youth and sports, in particular, for prevention of family violence and anti-trafficking.

The regulations for the allocation of the national budget funds assigned in 2007 for the public support of implementing the national programs and activities concerning children, youth, females and families by youth and children organizations became effective (CMU Decree N 416 of March 07, 2007 p.).

Regulations for allocation of subventions from the national budget to local budgets in 2007 for facilities providing social services for children and youth were set with CMU Decree N 439 of March 14, 2007. They enlist social facilities to be funded for their reconstruction and equipment.

A number of important changes in allocation of national budget funds in 2008 FY are set within a pilot policy paper, Ends and Means Declaration 2008 (Budget declaration) as approved with CMU Decree N 316 of March 01, 2007.

In particular, specific activities for medium term financial planning, the drafting of national programs for long term priorities in CMU policy papers, the permanent monitoring of budgeting national programs, launching public accountants, treasury certificates for transactions by government agencies, the development of national standards for accounting and financial reporting in public sector as well as amendments to Budget code are all to be implemented.

Since January 2007, some amendments to Unified tariffs for salaries in public sector, particularly, social workers, have become effective retroactively (CMU Decree N 397 від March 07, 2007).

3. Several legal developments in March, 2007, were **of importance for the Project objectives**.

3.1. The action plan for the implementation of the National program for adaptation of Ukrainian legislation to *acquis communautaire* in 2007 was approved with CMU Order N 90-p of March 07, 2007.

3.2. President Decree N 503 of June 10, 1997, on promulgation of legislative acts and coming into effect was amended for timelines for promulgation of national regulations.

3.3. Since March 20, amendments to the law „On agencies and services for minors and special institutions for minors” as provided for with law of Ukraine N 609 of February 7, 2007, came into effect. These regulations specify competence of the local agencies of Ministry for family, youth and sports and add chapters on centers for social psychological rehabilitation of children and centers for social rehabilitation (kinderdorf). CMU is in charge for approval of model regulations for these new institutions.

3.4. The National program of anti-trafficking until 2010 FY was approved with CMU Decree N 410 of March 7, 2007.

3.5. On March 6, 2007, the Ministry of justice registered Model regulations for centers for social rehabilitation of disabled children (Decree of Ministry of labor and social policy N 48 of February 13, 2007).

III. Legislative proposals in Verkhovna Rada

In March 2007 Verkhovna Rada was active in drafting regulations related to the children's rights protection.

In particular, the legislature passed the draft laws in first reading:

- 1) "On amending laws of Ukraine for development of Ukrainian legislation concerning prevention of family violence" (Verkhovna Rada Resolution N 690 as of February 22, 2007);
- 2) "On amending laws of Ukraine for development of Ukrainian legislation concerning adoption" (Verkhovna Rada Resolution N 786 as of March 20, 2007).

In March 2007, a few legislative proposals related to children's rights protection and the Project objectives were (re)submitted to Verkhovna Rada:

- 1) „On amending Criminal code and Criminal procedure code of Ukraine (on penalties for begging" (N 2867, submitted by Y. Miroshnichenko)
- 2) "On amending laws of Ukraine on additional guarantees for individuals who adopted children (N 3275, submitted by O. Feldman)
- 3) "On amending laws of Ukraine on a progressive scale of one-time allowances for bearing more than one children" (N 3281, submitted by O. Feldman)
- 4) „On amending the law of Ukraine "On public allowances for families with children"" (N 3403, submitted by V.Pysarenko)
- 5) "On limiting amounts of compensations of legal aid expenses" (N 3286, submitted by CMU)
- 6) "On amending the law of Ukraine "On public allowances for and disabled children" (concerning applications for public allowances) (N 3311, submitted by O.Vasylyev).

Meanwhile, the draft law "On social work for children and youth" (N 0958) was repealed with Verkhovna Rada Resolution N 546 of March 15, 2007.

The situation with passing the draft law "On personal data protection" (N 0808) is still ambiguous – the VR committee on science and education is to amend and resubmit this draft on the basis of Verkhovna Rada Resolution N 70 of February 20, 2007.

