



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**

**KYIV CITY, UKRAINE**

**JULY 2007**

## **I. General provisions**

In July 2007, Verkhovna Rada and President of Ukraine approved none regulations for the exposed families and children care and, correspondingly, the Project objectives.

## **II. Expected impacts for the Project objectives**

1. The only development in Ukrainian legislation in July 2007 concerning the procedures of placement of orphans and children removed from parental care was made with CMU Decree N 872 of June 26, 2007, "On amending some CMU decrees". In particular, these amendments specify conditions for enrolling the children into asylums or centers for social psychological rehabilitation.

2. As for public social allowances, fairly essential legislative changes did occur in July 2007.

2.1. Constitutional Court decision N 6 of July 9, 2007 (case on individuals' social guarantees), declared several provisions of the law on national budget FY2007 N 489 of December 19, 2006, to be unconstitutional. After promulgation of the Court decision on July 27 (Official Herald, N 52), these provisions, particularly, on legal restrictions of social allowances amounts for child care until three years up to 50% of living minimum for adults (par. 2 of article 56, pars. 7, 14 of article 71 of the law on national budget 2007) shall become invalid. Local courts shall decide on torts in favor of individuals on the basis of "prejudicial" clause in par. 5 of the Court decision, but the affirmative court practices are not known yet.

Disputes concerning the "lawful" living minimum for accruals of public social allowances are highly probable even in implementing local governments' regulations on social allowances, e.g. Kyiv City Administration Order N 853 of July 9, 2007, "On granting one-time social allowance amount to 1000 UAH for some families with lower income giving birth children in Kyiv City in 2007".

Besides, Ministry of labor and social policy order N 353 of July 6, 2007, "On Provisional regulations for uses of personal data of the individuals who leave Ukraine or stay abroad being

EU Project "Development of Integrated Social Services for Exposed Families and Children"

14, Desyatynna St., office 211, 01025, Kyiv, Ukraine

Tel./fax: +380 (44) 270 55 16 E-mail: [info@everychild.kiev.ua](mailto:info@everychild.kiev.ua)

Web: <http://everychild.org.ua/en/projects/tacis/>

granted to social allowances” was approved on the basis of CMU Order N 365-p of May 30, 2007. This sets forth additional grounds for quitting or decreasing social allowances, or paying surplus money back to national budget, even though these additional grounds are not provided with the laws.

2.2. CMU Decree N 913 of July 11, 2007, sets forth amendments to the Regulations on indexation of individual income. In particular, social allowances for child care until three years as well as social allowances for alone mothers within living minimums for children of certain age are subject to further indexation. This is a benchmark legal development, while earlier social allowances for alone mothers had been subject to indexation within 10% of living minimums.

2.3. Females who registered individual businesses, but paid none contributions to the social insurance against temporary disability are granted to social allowances as uninsured persons. These mothers may receive 25% of living minimum monthly at their residences (CMU Decree N 900 of July 11, 2007, “On amending the Regulations approved with CMU Decree N 1751 of December 17, 2001, and CMU decree N 13 of January 11, 2007”).

Thus, applicants for one-time social allowances are not required to submit either copies of their labor books, references from their employers or educational institutions, references on family members, parents (foster parents, guardians), or tax authorities’ certificates of quitting business activities.

Applicants for monthly social allowances for child care until three years are not required to submit references on child’s residing with the applicant or tax authorities’ certificates of quitting business activities.

2.4. Ministry of labor and social policy and Pension fund letter N 342/0/039/98-07/10990/02-20 of July 6, 2007, specifies pension accruals for mothers who used to work in collective farms, including duration of their care for children until three years.

Besides, decree by Pension fund board N 11-1 of July 3, 2007, amended the regulations on applications for granting (adjusting) pension sums in lines with the law on compulsory public pension insurance. In particular, these amendments specify the papers confirming birth and

maintenance of children until 14 years by females employed in agriculture, as well as children with disabilities until eight years (until six years from January 2006).

2.5. CMU Order N 540-p of July 18, 2007, provided for additional subventions from the national budget to local budgets for payments of public social allowances for orphans and children removed from parental care, and compensations for parental carers and foster parents for delivery of social services FTCH and foster families, under the principle „money follows child”. These allocations are equal to 3.41 mln. UAH.

3. Several other legal developments in July 2007 were noteworthy for the Project objectives.

3.1. Under CMU Decree N 873 of June 26, 2007, the children residing in asylums, centers for psychological rehabilitation and centers for social rehabilitation (kindergartens) shall receive the same daily nutrition as the children in orphan institutions, residence schools or professional schools.

3.2. The amendments to the law “On housing for social purposes” were passed with Law N 931 of June 26, 2007. In particular, lack of passports and other identity papers shall not be a legal ground for refusal in lodging homeless individuals *in social hostels*. Instead, local governments are obliged to issue the lost identity papers within two months after enrolling in the social protection facility.

3.3. The regulations on review of applications for changing individuals’ names were approved with CMU Decree N 915 of July 11, 2007. These regulations specify the papers to be attached to the application as well as the consent by parents, one of parents or a guardian to changing the child’s name. Local bureaus of civil status registration shall make decisions concerning these applications within three months.

3.4. Action Plan of UNICEF Program Activity in Ukraine in 2006-2010 was to be signed by the minister for family issues, youth and sports under CMU Order N 487-p of June 26, 2007.

3.5. Ministry of justice registered Instructions for distribution, division and estimation of the share titles in real property (Ministry of Housing and Communal Facilities Order N 55 of June 18, 2007). This is important for protection of children's property rights.

### **III. Legislative proposals in Verkhovna Rada**

In July 2007, Verkhovna Rada promulgated passing the bills related to children rights, namely "On amending Criminal and Criminal procedure codes of Ukraine concerning penalties for begging" (Resolution N 1247 of June 26), and „On sanitation and leisure of children" (Resolution N 1248 of June 26, 2007).

The draft law "On public program National Action Plan for Implementation of the UN Convention on Children's Rights" (N 2570, submitted by CMU on November 17, 2006) was passed for the second reading.

In July 2007, no legislative proposals explicitly related to children's rights protection and, correspondingly, the Project objectives, were submitted to Verkhovna Rada.

However, it is noteworthy that the draft Housing code was submitted already to the Verkhovna Rada committee on housing (N 4028 of July 30, 2007; submitted by CMU).

EU Project "Development of Integrated Social Services for Exposed Families and Children"  
14, Desyatynna St., office 211, 01025, Kyiv, Ukraine  
Tel./fax: +380 (44) 270 55 16 E-mail: [info@everychild.kiev.ua](mailto:info@everychild.kiev.ua)  
Web: <http://everychild.org.ua/en/projects/tacis/>

EU Project "Development of Integrated Social Services for Exposed Families and Children"  
14, Desyatynna St., office 211, 01025, Kyiv, Ukraine  
Tel./fax: +380 (44) 270 55 16 E-mail: [info@everychild.kiev.ua](mailto:info@everychild.kiev.ua)  
Web: <http://everychild.org.ua/en/projects/tacis/>