

INDEPENDENT ANALYSIS OF DRAFT LAW OF UKRAINE

**“ON AMENDMENTS TO CERTAIN  
LEGISLATIVE ACTS OF UKRAINE  
REGARDING THE DELINEATION OF THE  
FUNCTIONS OF STATE AUTHORITIES  
AND LOCAL SELF-GOVERNMENT  
AUTHORITIES ON THE PROTECTION OF  
CHILDREN’S RIGHTS IN CONNECTION  
WITH THE ESTABLISHMENT OF THE  
STATE CHILDREN’S SERVICE OF  
UKRAINE” NO. 7087**

OPINION OF INDEPENDENT EXPERT OLENA SUKMANOVA

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For more information or inquiries, contact:

[kyiv@unicef.org](mailto:kyiv@unicef.org)

According to the Explanatory Note to draft law No. 7087, its provisions are aimed at solving the following key issues: (1) delineation and specification of functions on issues of protection of children's rights, child protection between local state administrations and executives authorities of local self-government; (2) strengthening of coordinating functions on central levels and creation of the State Children's Services of Ukraine – a central executive authority with a special status, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine and which provides formation and implements of the state policy on issues of protection of children's rights; (3) improvement of legislative procedures for adoption, development of family-type forms of upbringing children and on time help to families with children by clear definition of personal responsibility of heads of local self-government authorities for the state of protection of children and powers of local self-government authorities, as guardianship and custody authorities; (4) defining equivalent powers on matters of protection of children's rights, child protection for village, town and city territorial communities.

## GENERAL CONCLUSIONS

**Based on the analysis of the provisions of draft Law No. 7087, the following key conclusions can be made:**

- i. Decree No. 526 of the CMU dated 9 August 2017 approved the National Strategy for Reforming the System of Institutional Care and Upbringing of Children for 2017-2026 (hereinafter referred to as the "Strategy") and the action plan for the implementation of its 1st stage (as amended in accordance with Resolution No. 884 of the CMU dated 23 September 2020 and Decree No. 691-r of the CMU dated 02 June 2021).

Currently, we are at the first stage of its implementation, which involves the drafting and adoption of regulations necessary for the implementation of the reform of the system of institutional care and upbringing of children, the organization of methodical support. In particular, Clause 3 of the Action Plan of the 1st stage includes the drafting of laws on ensuring the exercise of the child's right to upbringing in a family, in particular regarding: specifying and delineation of powers and responsibilities of executive authorities at the central and local levels.

- ii. At the same time, the analyzed draft law grants the same powers to state authorities, which contradicts its main idea (a clear division of powers) and casts doubt on the proper and effective implementation of such powers, because each authority will consider that it is not responsible for a certain area. The draft law contains duplication and overlapping of some functions with the National Social Service, which is the central executive authority and implements the state policy, in particular in the field of protection of children's rights. Meanwhile, the proposed State Children's Service is also defined as responsible for the formation and implementation of policies in the field of protection of children's rights. Duplication of functions takes place in the sectors

of coordination of the activities of authorities, maintenance of a system of centralized registration, generalization of statistical reporting and provision of consultations.

- iii. The lack of a clear hierarchy (subordination, accountability and control) of "territorial" children's services to the State Children's Service is seen as likely to have a negative impact on the system. It would be more effective to create this system based on the similar example of the Ministry of Justice of Ukraine and its territorial authorities (interregional departments that are subordinate to the Ministry of Justice).

Such an approach may contradict principles of formation of laws on local self-government and organizations of public authority in conditions of decentralization because since 2015 all efforts of the legislator were directed on clear delineation of both powers of local executive authorities with powers of local self-government authorities, and delineation of powers between levels of local self-government.

- iv. The draft law proposes to actually liquidate children's services in communities, which act as executive authorities of councils, and to turn them into structural units of executive authorities, which are formed by the executive committee (despite the lack of the latter's powers to establish executive authorities or structural units of local self-government authorities). Such an idea raises doubts about its expediency given that the draft law does not offer changes in approaches to qualifications and teaching of staff of such services or drafting of certain standards of the quality of their work. Considering the experience of previous reorganizations of state authorities and the level of salary one may state that the most likely scenario of the implementation of such norm will be only formal subordination of employees of these services which will continue to do the same work in the same environment.

- v. The draft law expands the current standard of the number of employees of children's services, which will lead to an increase in additional costs (by approximately UAH 100 million per year according to preliminary estimates). At the same time, the draft law does not provide sources of coverage of the specified expenses.
  - vi. It is proposed to entrust the functions of guardianship and custody authorities to the executive committees of local councils. Meanwhile, in accordance with Articles 11 and 52 of Law of Ukraine On Local Self-Government in Ukraine, executive committees are authorities of general competence created for the coordination of other executive authorities of the council. In addition, this authority is not permanently active and the main form of its work is a meeting.
  - vii. It should also be noted that in connection with the introduction of martial law, regional military administrations were established by Decree of the President of Ukraine, and it was decided to establish relevant regional military administrations on the basis of existing regional state administrations. At the same time, the functions of military administrations are defined, and in the case of military administrations of settlements, they are exhausted by Law of Ukraine On Legal Regime of Martial Law. Therefore, it can be seen that during the period of operation of military administrations, the issue of protection of children's rights will not fall under the sphere of the highest priority. In addition, the lack of guardianship and custody authorities in certain territories in Ukraine because of the suspension of activities of executive committees of village, town, city councils (as a result of the creation of military administrations of settlements) will also delay the formation of the system of child protection authorities provided for in the draft law.
  - viii. The potentially positive impact of the introduction of different levels of registration of status children (local, regional and centralized) can be seen. Maintaining a data bank should contribute to the goals of prompt placement of children in family-type forms of education.
  - ix. A positive impact is also expected from the elimination of the norm regarding the mandatory participation of jurors during the judicial examination of adoption cases. This will certainly speed up the consideration of such cases and make them more effective.
  - x. The actual implementation by judges of shortened procedural terms for consideration of adoption cases in practice raises doubts. In addition, a shortened term may not always meet the interests of the child due to the fact that during the preparation of the case for consideration and the preliminary meeting, the guardianship and custody authority must collect and submit to the court a considerable number of documents and conclusions, which according to the provisions of the procedural legislation will no longer be possible to submit during the consideration of the case.
  - xi. The draft law provides for the further cooperation between the authority that made the decision to create a foster family/family-type children's home and adoptive parents/parents-educators, including within the framework of the implementation of the agreement on the organization of the activities of the foster family. Meanwhile, it would be expedient to define in law the essential conditions of such an agreement, the scope of responsibility and areas of cooperation.
- Thus, the analysis of the draft law provides grounds for the conclusion that the draft law does not provide for a comprehensive approach to reforming the system and creating new conditions that would promote and stimulate the development of deinstitutionalization in the country. In fact, the proposed change in the subordination of children's services does not create a separate integrated vertical with a clear indication of the scope of powers, functions, scope of responsibility, and delineation with the competence of guardianship and custody authorities.

## BRIEF DESCRIPTION OF THE POSSIBLE EFFECT ON THE CHILD PROTECTION SYSTEM IN UKRAINE

- i. The key risk posed by the draft law in its current wording is the actual lack of the expected effect on the system of authorities and the delineation of their functions regarding the protection of children in Ukraine. Thus, the introduction of a new authority- the State Children's Service- into this system was aimed at strengthening the coordinating function at the central level by giving it the powers to coordinate the activities of central executive authorities on matters of children's rights protection, ensuring interaction between central and local executive authorities, local self-gov-

ernment authorities, institutions, enterprises, agencies and organizations, non-governmental organizations and associations on issues of ensuring the rights and interests of minors and juveniles, etc.

At the same time, in practice and under the existing legal regulation, relevant authorities interact with each other, for example, by forming interdepartmental working groups on certain highly specialized issues, the result of cooperation of which is further proposals and recommendations regarding changes to legislation or the implementation of projects in the field of children's rights protection.

On the other hand, since children's services are subordinated to local self-government authorities and at the same time accountable and controlled by the State Children's Service, there is a multiplicity of control at the central level and at the local level, which may be ineffective in practice.

- ii Regarding the fulfillment by the draft law of the purpose of delineation and specification of the functions of child protection authorities in Ukraine, it can be traced that there is no delineation of the powers of children's services (which are formed as structural units of local self-government authorities by guardianship and custody authorities) and guardianship and custody authorities themselves (which are the executive committees of the relevant local self-government authorities), in particular, in the part of distinguishing which powers will be exercised by guardianship and custody authorities itself, and which ones through children's services.

For example, such an overlap of powers exists in the part of representing the child's interests in court, which is also important for solving the issue of adoption or ensuring the implementation of agreements on the organization of the activities of a foster family, a family-type children's home, which is entrusted both to executive committees and to children's services.

- iii. At the same time, the draft law initiates a change in the general approach to the protection of children's rights, which is predicted to have a positive effect on the system. For example, the introduction of additional regulation of such family-oriented forms of placing children as a foster family and a family-type children's home is importance. It is provided for that the authority that made the decision to create a foster family / family-type children's home is obliged to cooperate with foster parents / parents-educators regarding the maintenance and upbringing of the

child (children)- which changes the approach to the interaction of such authorities with foster parents / parent-educators.

At the same time, the draft law does not propose to define the concepts, forms and areas of such cooperation. In practice, this may result in the interpretation of its powers by the authority that made the decision to create a foster family / family-type children's home at its own discretion within the scope of such cooperation. Accordingly, such a body may predictably carry out either too thorough coordination of all issues related to the maintenance and upbringing of children, or formal interaction exclusively at the request / appeal of foster parents or parents-educators.

- iv. The provisions of the draft law also provide for a change in the approach regarding the definition of controlling functions, not in general for the upbringing and maintenance of children, but for the implementation of an agreement on the organization of activities of a foster family. Such functions are assigned to children's services of regional, district, city of Kyiv and Sevastopol state administrations.

At the same time, it is expedient to provide the essential terms of such agreements on the organization of activities of a foster family, as well as a family-type children's home. The definition of the essential terms of an agreement in the law, and not in the subordinate regulation, fully corresponds to the legislation of Ukraine (in particular, the provisions of Article 638 of the Civil Code of Ukraine, according to which the essential terms of an agreement shall be the terms and conditions about the subject of an agreement, conditions defined by law as essential or necessary for contracts of this type, as well as all those conditions on which an agreement must be reached at the request of at least one of the parties).

Thus, in the case of provision of essential terms and conditions of an agreement, in particular, in terms of the rights and obligations of both foster parents/parents-educators, as well as the supervisory body, it will be possible to include a provision regarding the responsibility of a supervisory authority for certain aspects of upbringing and maintaining children.

- v. Setting up the registration system and database regarding status children and persons who wish to bring them up will, in the long term, support the processes of deinstitutionalization, since it will contribute to (1) the possibility of prompt provision of information about children to candidates for adoption, guardians, custodians, foster parents, parents-educators,

who are on the appropriate register, (2) further upbringing of children according to family-type forms of placement and, accordingly, (3) reduction of the number of children brought up in residential care institutions.

In turn, reducing the number of children in residential care institutions in the long term should contribute to accelerating of their elimination due to the lack of need for such institutions.

- vi. In view of the increase in the number of employees of children's services in accordance with the draft law, the expenses for providing a significant number of employees will also increase.

In accordance with Part 3 of Art. 143 of the Constitution of Ukraine, local self-government authorities may be granted separate powers of executive authorities by law. The state

finances the exercise of these powers fully at the expense of the State Budget of Ukraine or by allocating separate national taxes to the local budget in accordance with the procedure established by law, hands over the relevant state-owned facilities to local self-government authorities.

At the same time, although the draft law formally complies with the recommendations of the UN Committee in terms of increasing the staffing potential of children's services, it does not provide for at what expense the relevant costs will be incurred and the necessary financial compensatory mechanisms.

Therefore, it is recommended to provide for the sources of funding and mechanisms for compensating local self-government authorities for funds necessary for reforming the system of child protection agencies in the draft law.

## COMPLIANCE OF THE PROPOSED CHANGES WITH THE STANDARDS OF INTERNATIONAL LAW.

### Comparative analysis with the existing reformed systems of Bulgaria and Romania.

In 1991, Ukraine ratified the UN Convention on the Rights of the Child and recognized that the family is the best environment for upbringing a child, its development and personality formation. The creation of conditions for the exercise of the right of every child to be raised in a family, ensuring the priority of family-type forms of placement of a child is defined as one of the main principles of the state policy regarding the social protection of children.

The UN Committee on the Rights of the Child in its concluding observations on the third and fourth consolidated periodic reports of Ukraine (CRC/C/UKR/3-4) at its 1602nd and 1603rd meetings (see CRC/C/SR.1602 and CRC/C/SR.1603), which took place on 28 January 2011, emphasized that Ukraine, as a party to the UN Convention on the Rights of the Child, did not adopt a clear plan for the delegation of powers and functions related to children's care and protection in the implementation of the reform of power decentralization and administrative reform.

Thus, the draft law is aimed to solve the task of decentralization reform in terms of defining the system of children's rights protection authorities, distributing their powers for further deinstitutionalization.

The UN Committee on the Rights of the Child drew attention to the following aspects regarding the policy of deinstitutionalization (a) expanding the possibility of placing children in the family of relatives, foster families and other types of family-type care; (b) strengthening legislative and regulatory frameworks to facilitate family

reintegration; (c) effective monitoring of all forms of care for children, primarily the placement of disabled children

or children with special needs in institutions, including by building the technical, human and financial potential of children's services.

Ukraine was recommended to take into account the UN Guidelines for Alternative Care for Children (UN General Assembly Resolution 64/142) and Resolution 1762 (2010) of the Parliamentary Assembly of the Council of Europe "Children without parental care: urgent need for action"

Thus, paragraph 72 of the UN Guidelines stipulates that in each country, the competent authorities should draw up provisions setting out the rights of children in alternative care in compliance with the present Guidelines. Children in alternative care should be enabled to understand fully the rules, regulations and objectives of the care setting and their rights and obligations therein.

At the same time, both the current legislation and the draft law lack provisions regarding the rights and responsibilities of children in alternative care settings. In particular, the UN Guidelines for the Alternative Care of Children draw attention to the need for States to take measures so that, in particular, any child placed in alternative care by a decision of an authorized judicial, administrative or other competent authority was able to appeal a decision regarding his placement in court, to be informed about his rights and to receive assistance in their exercise. It is necessary for States to guarantee the right of any child in temporary care to regular and thorough checks – preferably at least once every three months – of the appropriateness of the care provided and the treatment of the child.

A possible solution to this inconsistency with the recommendations of the UN Committee on the Rights of the Child could be the inclusion of such provisions in the agreement on the organization of the activities of a foster family / family-type children's home or any other way of placing a child.

Regarding the experience of other countries in their implementation of deinstitutionalization, Romania and Bulgaria had a similar situation with the need to develop effective national legal regulation, in particular, within the framework of accession to the EU.

The situation in both countries was far from meeting the requirements of the UN Convention on the Rights of the Child, to which both Romania and Bulgaria acceded, as there was neither a legal framework for the protection of children's rights, nor an adequate capacity of state structures to work with children at risk.

The children's rights protection systems of these countries were excessively and ineffective centralized, and the responsibility for welfare / protection of children - scattered between by ministries, which made the intervention and coordination very difficult. The created institutional structures were almost exclusively focused on either health care or education and did not fully satisfy the general complex needs of children.

In both countries, the reform of the child rights protection system began with the creation of a legislative framework to ensure the transition from more centralized child protection systems, which are based mostly on the placement of status children in large institutions (residential care facilities), to the introduction of new coordination structures at the central level, preventive and alternative services, decentralization of service provision, case management, quality control and compliance with the requirements of the UN Convention on the Rights of the Child.

Since the powers to protect children's rights in both countries were dispersed among several powerful control centers (the Ministry of Health, the Ministry of Education and Science, the Ministry of Labor and Social Security/Politics, the Ministry of Internal Affairs), there was also a need to transfer powers and responsibilities to one structure at the national level.

In particular, in Romania, the Department of Child Protection was established in 1996, initially as part of the structure of the General Secretariat of the Government under the control of the Prime Minister- as the only state authority entrusted with the power to coordinate the issues of child protection in the country.

Later, the Department of Child Protection was reorganized into the National Child Protection Agency/Authority. In 1997, decentralized specialized state child protection services were established under the control of local

self-government authorities. In particular, children's homes, which were previously under the control of the Ministry of Education, and baby orphanages, which were previously under the control of the Ministry of Health, have been transferred to the area of responsibility of such services.

After the introduction of changes to the system of child protection authorities, the activities related to the deinstitutionalization of children's homes and baby orphanages, which was largely supported by non-governmental organizations and international donors, started in 1998. Subsequently, the processes of deinstitutionalization revived under the pressure of the EU, which resulted in the closure of a significant number of institutions (residential care facilities) in 2000-2004 and the intensive development of alternative (family-type) forms of placement of children.

In Bulgaria, since 2000, the State Agency for the Protection of Children was established under the control of the Council of Ministers with an advisory authority of the head of the State Agency (the advisory authority included representatives of all governmental and non-governmental institutions the powers of which include the issues of child protection), as well as children protection offices under the Social Assistance Departments (at the municipal level).

At the same time, in Bulgaria, the decentralization of the child protection system was not sufficiently implemented in practice. Thus, child protection offices at the local level were not actually controlled by local self-government authorities, as the provisions on the reformed system provided for. Instead, the Ministry of Labor and Social Policy and the Ministry of Health, to which local child protection offices were actually subordinated, were still important authorities with significant influence at the central and local levels.

The deinstitutionalization reform continued in Bulgaria in 2009-2010 under the pressure of the EU. At the same time, even within the framework of European integration, the reform of the child protection system in Bulgaria was not given a sufficiently important role, which caused the slowness and low effectiveness of such reform.

The following stages of reforming the system of child protection authorities in Romania and Bulgaria, which were provided for at least strategically, should be paid attention to:

- i. the development of the capacities of local child protection services, which first of all involved making appropriate investments for the creation and development of competent personnel potential- qualified social workers who would provide status children with the most

appropriate protection services, taking into account the best interests of the child;

- ii. drafting of quality standards for the provision of such social services to children and their parents (persons who replace them) across the country and throughout the child protection system;
- iii. licensing of the provision of social services, with the validity of such a license for 2-3 years and the possibility of obtaining/renewing it only if the services meet the minimum quality standards at the time of obtaining/renewing the license;
- iv. ensuring a close relationship between quality standards, quality control and licensing for the effective operation of the integrated system of providing social services;
- v. development of prevention and support services to prevent the separation of children from their families and subsequent placement in institutions (mostly residential care facilities) and simultaneous active development of forms of placement of children who still had to be placed outside of their family setting, which are alternative to residential care facilities, which are alternative to residential care facilities;
- vi. active use of such an alternative form of placement as kinship, i.e. placing a child to be raised by relatives as the most affordable family-oriented alternative both from the point of view of human potential and from the point of view of financial resources. However, in the case of Romania and Bulgaria, in the so-called "gray zone," during the implementation of the reforms, there remained developed standards of care and proper education for relatives of a child deprived of parental care, which should be taken into account in terms of the development of kinship in Ukraine;
- vii. the need for court decisions when placing children outside the family setting (in Romania - only when parents do not agree with the decision of the special Commission for the Protection of Children's Rights, in Bulgaria- when solving any issues of separation). The purpose of the introduction of this measure, among others, was to ensure that the placement of a child outside of his family is carried out in the best interests of the child, taking into account the opinion of the child himself (according to age and maturity);
- viii. public campaigns in support of reform.

In the context of the approach to the implementation of the deinstitutionalization reform in Romania, the process was more comprehensive and nationwide, with the simultaneous reform of the systems in all municipalities and the development of specialized child protection services in them, as well as the reduction of the number of residential care institutions immediately after the execution of the reform.

In Bulgaria, on the other hand, the development of support and alternative care services was initially limited to a few municipalities, and the introduction of the new system was not accompanied by a reduction in the number of residential care institutions, which resulted in the concentration of efforts on two parallel systems at once: institutional care and alternative care systems.

In comparison with the chosen path of reforming the system of protection of children's rights in Ukraine, we are starting the path of Romania, according to which the State Children's Service is formed as a central executive authority, subordinate to the Cabinet of Ministers (the Government). At the same time, the "decentralized" children's services, according to the provisions of the draft law, are subordinated to local self-government authorities. The role of ministries as key stakeholders in the institutional care system is planned to be diminished significantly.



## COMPARATIVE TABLE

	Current legal regulation	Proposed changes	Potential effect
<p><b>The system of children's rights protection authorities and their functionality</b></p>	<p>The system of children rights protection authorities includes:</p> <ol style="list-style-type: none"> <li>1) The Ministry of Social Policy of Ukraine as the central executive authority implementing the state policy in the field of adoption and protection of children's rights,</li> <li>2) The executive authority of the Autonomous Republic of Crimea in the field of family and children,</li> <li>3) Children's services in the structure of local self-government authorities and their executive authorities, -</li> </ol> <p>all the above authorities have mostly the same functionality in accordance with Art. 4 of the Law of Ukraine On Children's Authorities and Services and Special Institutions for Children, including coordination functions regarding the activities of central and local executive authorities, local self-government authorities.</p> <p>In addition , the Ministry of Education and Science of Ukraine, the Ministry of Youth and Sports of Ukraine, the Ministry of Health of Ukraine, and the National Social Service of Ukraine also have separate powers regarding the protection of children's rights.</p> <p>Guardianship and custody authorities are district, district in the cities of Kyiv and Sevastopol state administrations, executive authorities of city, district in cities, town, village councils (according to Part 1 of Article 56 of the Civil Code of Ukraine).</p>	<p>The proposed system of children rights protection authorities should include:</p> <ol style="list-style-type: none"> <li>1) The Cabinet of Ministers of Ukraine as an authority that provides general regulation of activities in the field of protection of children's rights,</li> <li>2) The newly created State Children's Service of Ukraine as a central executive authority with a special status that ensures the formation and implementations of the state policy in the field of adoption and protection of children's rights,</li> <li>3) Children's services of regional, Kyiv and Sevastopol city state administrations, which are subordinate to the heads of the respective state administrations, are accountable to and controlled by the State Children's Service,</li> <li>4) Children's services of district, district in the cities of Kyiv and Sevastopol state administrations, city, town, village councils, which are subordinate to the heads of the relevant state administrations, city, town, village councils, are accountable to and controlled by (in terms of delegated powers) children's services of the relevant city, district, regional state administrations, the State Children's Service,</li> <li>5) Children's services of city, town, village councils, which are separate structural units of the respective councils , -</li> </ol> <p>the separation of functions is formally provided for, according to which the State Children's Service of Ukraine is assigned with mainly coordination functions, and children's services exer-</p>	<p>The proposed innovations do not comprehensively solve the issue of a clear delineation of powers between children's rights protection authorities.</p> <p>The State Children's Service of Ukraine has been granted coordinating, ensuring and controlling powers in relation to children's services, and in relation to executive authorities and local self-government authorities on certain issues.</p> <p>However, there is no clear vertical hierarchy of the proposed system, as children's services are at the same time subordinate to state administrations (as well as higher-level services) and accountable to and controlled by the State Children's Service.</p> <p>That is, the control over the execution of powers "on the ground" takes place both at the local and national level.</p> <p>The draft law also proposes to grant the same powers to various state authorities, which in general questions the effective performance of powers by each of them.</p> <p>In particular, as it is proposed to determine, in particular, the executive committees of city, town, village councils, and to create the children's services of city, town, village councils as separate structural units of the respective councils – then "on the ground" the powers in the field of protection of children's rights should be carried out both by executive committees, which are the executive authorities of councils, and by children's services, which are formed as structural units of councils.</p>

Current legal regulation	Proposed changes	Potential effect
	<p>cise approximately the same powers, but each at its own level (regional, district and local).</p> <p>It is also proposed to delimit the powers of the central executive authorities regarding social protection, protection of the rights of orphans and children deprived of parental care, as well as persons from among them, namely, it is determined that:</p> <ul style="list-style-type: none"> <li>• The State Children's Service shall monitor the results of the implementation of the state policy in the field of protection of children's rights, draft proposals for its adjustment, provide regulatory legal support for the activities of guardianship and custody authorities on issues of adoption and family placement of orphans and children deprived of parental care, social protection and protection of the rights of orphans and children deprived of parental care, persons from among them;</li> <li>• The Ministry of Social Policy shall administer the social work, ensure the provision of state social assistance, coordinate the activities of local state administrations, local self-government authorities and social service providers regarding the implementation of state policy in the sphere of providing social services to orphans and children deprived of parental care, families with children, children with disabilities;</li> <li>• The Ministry of Education and Science shall create the conditions for orphans and children deprived of parental care, persons from among them to receive preschool, full general secondary,</li> </ul>	<p>In addition, it should be noted that the creation of children's services is assigned to own (self-governing) powers of executive committees of village, town, city councils.</p> <p>However, this fundamentally contradicts the provisions of the legislation on local self-government in Ukraine. After all, the power to create executive authorities of councils and their structural units belongs to the councils themselves, and not to the executive committees, which themselves are such executive authorities.</p> <p>In connection with the definition of executive committees as guardianship and custody authorities, the effect of a significant narrowing of the powers of the guardianship and custody authority to promptly resolve the issues assigned to it (both with regard to children deprived of parental care and adults with limited legal capacity or incapacitated persons) is expected.</p> <p>After all, the main form of work of the executive committee of the village, town, city, district in the city (if it is created) council is its meetings which must be convened at least once a month, and are empowered by law if more than half of the total composition of the executive committee participates in them.</p> <p>On the other hand, since now executive authorities are guardianship and custody authorities, it is thus possible for them to independently determine the</p>

	Current legal regulation	Proposed changes	Potential effect
		<p>extracurricular, specialized, professional (vocational and technical) education, inclusive education;</p> <ul style="list-style-type: none"> <li>• The Ministry of Health shall ensure the exercise of the child's right to health care, qualified medical assistance at state and communal health care institutions, promote the creation of safe conditions for the child's life and healthy development.</li> </ul> <p>District in the cities of Kyiv and Sevastopol state administrations, executive committees of city, town, village councils are proposed to be determined as guardianship and custody authorities.</p> <p>Note: in the first wording of the draft law, it was proposed to make the children's services the structural units of executive committees of the relevant councils, however, in the draft Law before the second reading, this idea was abandoned due to its inconsistency with the legislation and the lack of a positive impact on the protection of children's rights in the community.</p>	<p>form of organization of the execution of powers in relation to guardianship and custody (through executive committees, offices, departments or other executive authorities created by councils).</p>
<p><b>System of registration of children and persons who wish to bring them up</b></p>	<p>According to current legislation, the powers of registration are assigned to:</p> <ol style="list-style-type: none"> <li>1) The Ministry of Social Policy of Ukraine;</li> <li>2) The executive authority of the Autonomous Republic of Crimea in the field of family and children;</li> <li>3) Children's services, -</li> </ol> <p>and formulated as keeping records of children who find themselves in</p>	<p>The draft law proposes the introduction of three levels of registration of orphans and children deprived of parental care:</p> <ol style="list-style-type: none"> <li>1) By children's services of district in the cities of Kyiv and Sevastopol state administrations, city, town, village councils by the place of origin of an orphan or a child deprived of parental care - local registration;</li> <li>2) By the Council of Ministers of</li> </ol>	<p>The introduction of different levels of registration of status children and persons wishing to take care of such children can potentially have a positive impact on the fulfillment of the goals of the deinstitutionalization reform.</p> <p>Maintaining a data bank should contribute to the goals of prompt placement of children in family-type forms of upbringing in order to prevent the placement of children in residential care</p>

Current legal regulation	Proposed changes	Potential effect
<p>difficult life circumstances, orphans and children deprived of parental care, adopted, placed in foster families, family-type children's homes and social rehabilitation centers (children's towns).</p> <p>The register of persons wishing to adopt a child shall be kept by:</p> <ol style="list-style-type: none"> <li>1) offices and departments of district, district in the cities of Kyiv and Sevastopol state administrations, executive committees of city, district in cities councils,</li> <li>2) the executive authority of the Autonomous Republic of Crimea in the field of family and children,</li> <li>3) structural units of regional, Kyiv and Sevastopol city state administrations,</li> <li>4) the Ministry of Social Policy.</li> </ol> <p>The powers to enter information into the registration system also available to the National Social Service of Ukraine (in accordance with Regulation on the National Social Service), which shall:</p> <p>enter data on orphans and children deprived of parental care who may be adopted into the centralized accounting system,</p> <p>as well as about foreigners and citizens of Ukraine who live outside of Ukraine</p> <p>- candidates for adopters and about children adopted by them;</p> <p>keeps records of children who find themselves in difficult life circumstances, orphans and children deprived of</p>	<p>the Autonomous Republic of Crimea, regional, Kyiv or Sevastopol city state administration – regional registration;</p> <ol style="list-style-type: none"> <li>3) The central executive authority, which ensures the formation and implementations of state policy in the sphere of adoption and protection of children's rights (State Children's Service of Ukraine) - centralized accounting .</li> </ol> <p>The register of persons wishing to adopt a child will be kept by:</p> <ol style="list-style-type: none"> <li>1) children's services of district state administrations in the cities of Kyiv and Sevastopol, city, town, village councils,</li> <li>2) State Children's Service of Ukraine.</li> </ol> <p>At the same time, the powers of the National Social Service to enter information into the centralized registration system also remain.</p> <p>In addition, it is provided for to maintain a data bank on orphans and children deprived of parental care, families of candidates for adopters, guardians, custodians, foster parents, parents-educators:</p> <ul style="list-style-type: none"> <li>• The State Children's Service of Ukraine will ensure the functioning of the data bank;</li> <li>• the executive authority of the Autonomous Republic of Crimea in the field of family and children, children's services of the regional, Kyiv and Sevastopol city state administrations will exercise control over the maintenance of a single data bank within their competence;</li> </ul> <p>- children's services of district</p>	<p>institutions and the stay of children at such institutions for years.</p> <p>After all, the existence of such a multi-level database will contribute to the implementation of the powers provided for by the draft law as regards the provision of the information about children who are on the relevant register to candidates for adopters, guardians, custodians, foster parents, parents-educators.</p> <p>A multi-level unified system of registration of status children will also make it possible to generate the relevant statistical data on the placement of children</p> <ul style="list-style-type: none"> <li>• both at the local and national levels</li> </ul> <p>for the purpose of further analysis and conclusions regarding the effectiveness of the ongoing deinstitutionalization reform and the reduction of the number of status children.</p>

Current legal regulation	Proposed changes	Potential effect
<p>parental care, adopted children, as well as children placed in foster families, family-type children's homes, families of foster parents, institutions that provide residential care and upbringing of children.</p>	<p>in the cities of Kyiv and Sevastopol state administrations, city, town, village councils shall ensure the maintenance and functioning of the data bank;</p> <ul style="list-style-type: none"> <li>- the executive committees of village, town, city councils will have delegated powers to carry out activities related to entering information into a single data bank.</li> </ul> <p>The most detailed are the data the registration of which will be carried out by the children's services of district in the cities of Kyiv and Sevastopol state administrations, city, town, village councils, namely:</p> <ul style="list-style-type: none"> <li>• children who found themselves in difficult life circumstances;</li> <li>• children left without parental care, orphans and children deprived of parental care;</li> <li>• adopted children;</li> <li>• candidates for guardians, custodians, foster parents, parents-educators of family-type children's homes;</li> <li>• guardians, custodians, foster parents, parents-educators of family-type children's homes;</li> <li>• real estate of orphans, children deprived of parental care, which belongs to them by right of ownership;</li> </ul> <p>as well as the powers related to:</p> <ul style="list-style-type: none"> <li>• identifying and keeping records of children who suffered as a result of hostilities and armed conflicts and taking measures to provide such children with the appropriate status.</li> </ul>	

	Current legal regulation	Proposed changes	Potential effect
<p><b>Legal protection of children's interests</b></p> <p><b>Procedural guarantees</b></p>	<p>Consideration of adoption cases shall be carried out by one judge and two jurors.</p> <p>In addition, according to the general legal regulation of the institution of jurors, they shall be elected on the basis of territoriality (they must permanently reside in the territory over which the jurisdiction of the relevant court extends).</p>	<p>The draft law provides for that adoption cases will be heard by one judge without a jury.</p>	<p>In view of the practice of the functioning of the jury institute in Ukraine, a positive effect and acceleration of consideration of adoption cases is expected, which will contribute to the protection of children's rights.</p> <p>After all, the main disadvantages of the existing system are that (1) jurors in practice may often not appear at court sessions, and therefore they have to be postponed, (2) there is a possibility of disclosure of the secret of adoption due to the selection of jurors on a territorial basis and potential further residence with the adopted children in the territory of the same community.</p> <p>However, the draft law does not provide for how adoption cases, which have already begun with the participation of juries, will be considered.</p>
	<p>Adoption cases shall be considered in separate proceedings:</p> <ul style="list-style-type: none"> <li>• resolution of the issue of initiating proceedings within 5 days from the date of receipt of the application;</li> <li>• the term of preparatory proceedings is 60 days (with the possibility of extension in exceptional cases for no more than 30 days);</li> <li>• the term of consideration of the case on the merits within 30 days from the day of the commencement of the consideration of the case on the merits;</li> <li>• with the possibility of filing an appeal against the court decision within 30 days.</li> </ul>	<p>The draft law provides for the reduction of the terms of consideration of relevant cases in order to prevent the delay of their consideration:</p> <ul style="list-style-type: none"> <li>• preparatory proceedings (preparation of the case for consideration) will take 5 days;</li> <li>• a preparatory meeting in adoption cases will not be held;</li> <li>• the term of consideration of the case does not exceed 30 days from the day of the initiating of the proceedings in the case;</li> <li>• the term for filing an appeal will be 10 days.</li> </ul>	<p>Despite the fact that the practice of protracted consideration of adoption cases is contrary to the best interests of the child, a significant reduction of the terms stipulated by the law does not solve this problem in practice.</p> <p>Ukrainian realities indicate that shortened time limits for the consideration of adoption cases in accordance with the legislation will not mean the compliance with such time limits in practice.</p> <p>Particular attention should be paid to certain problems faced by Ukrainian courts as a result of the long-term armed aggression of the Russian Federation (for example, because of the</p>

Current legal regulation	Proposed changes	Potential effect
		<p>announcement of air raids, court hearings can be postponed, it happens that court buildings are damaged, etc.).</p> <p>In addition, the shortened period for preparing the case for consideration in combination with other provisions of the procedural legislation will mean the following:</p> <ul style="list-style-type: none"> <li>- within 5 days from the day of the initiating of the proceedings in the case of adoption, the guardianship and custody authority must submit to the court an opinion on the expediency of the adoption and its compliance with the interests of the child, to which the following must also be added:             <ol style="list-style-type: none"> <li>1) a report on the inspection of the applicant's living conditions, drawn up at his place of residence;</li> <li>2) the child's birth certificate;</li> <li>3) a medical certificate of the child's health, physical and mental development;</li> <li>4) in cases established by law, the consent of the parents, guardian, custodian of the child, health care institution or educational institution, as well as the child himself for adoption, as well as other documents that may be required by the court.</li> </ol> </li> </ul> <p>The 5-day period for preparing the case for consideration in this case is too short for the guardianship and custody authority to prepare and submit all the necessary documents required by law in time.</p> <p>The lack of a preparatory meeting in adoption cases is not seen as positive,</p>

	Current legal regulation	Proposed changes	Potential effect
<p><b>Legal protection of children's interests</b></p> <p><b>Representation in courts</b></p>	<p>If necessary, the right to represent the interests of children in courts, as well as in their relations with enterprises, institutions and organizations, regardless of the form of ownership, shall be granted to:</p> <ol style="list-style-type: none"> <li>1) the Ministry of Social Policy ,</li> <li>2) the executive authority of the Autonomous Republic of Crimea in the field of family and children,</li> <li>3) the children's services.</li> </ol> <p>These authorities also have the right to apply in case of violation of the rights and legitimate interests of children, as well as in matters of providing assistance to the relevant executive authorities, local self-government organizations, enterprises, institutions and organizations, regardless of the form of ownership.</p>	<p>It is proposed to delegate to executive committees of village, town, and city councils (i.e. guardianship and custody authorities) own (self-governing) powers related to:</p> <ul style="list-style-type: none"> <li>- the provision of legal assistance to parents and children regarding the exercise of parental rights and responsibilities, in particular by coordinating the fulfillment of powers to ensure the rights of the child by each subject of the provision of medical, social, and legal services;</li> <li>• in cases provided for by law, exercising the powers of the child's legal representative;</li> <li>• the representation of the child's interests in court hearings, including in the case of removal of a child with or without depriving his/her parents of their parental rights;</li> <li>• the implementation of activities for the protection of housing and property rights of children;</li> <li>• in cases provided for by law, the</li> </ul>	<p>because it is at the preparatory meeting that issues related to the completeness of providing the court with the necessary evidence and notification of all known circumstances of the case are resolved, if necessary, issues related to the presentation of explanations by third parties, the appointment of expert opinions, etc. are resolved.</p> <p>In the future, the prematurity of adoption decisions and the lack of due consideration of the best interests of the child may become a consequence of such legislative changes.</p>
		<p>Firstly, since free legal aid is guaranteed by the state and is provided not only by local self-government authorities in the relevant territory, such power may not be considered as the own power of executive committees.</p> <p>In accordance with Law of Ukraine On Free Legal Aid, legal aid involves the provision of legal services, which include the provision of legal information, consultations and clarifications on legal issues; drawing up applications, complaints, procedural and other legal documents; the representation of a person's interests in courts, other state authorities, local self-government authorities, before other persons; ensuring the defense of a person against charges; providing a person with assistance in ensuring the person's access to secondary legal assistance and mediation.</p> <p>However, "coordinating the fulfillment of the power to ensure the rights of the</p>	



Current legal regulation	Proposed changes	Potential effect
	<p>submission to the court of opinions in the case of court consideration of cases concerning children, protection of the rights and legitimate interests of the child;</p> <p>and delegated powers:</p> <ul style="list-style-type: none"> <li>• applying to the court with claims to deprive the parents or one of them of their parental rights or to take the child away from the mother/father without depriving them of their parental rights, other claims regarding the protection of the child's rights, the representation of the child's interests in court ;</li> <li>• the provision of legal assistance to orphans and children deprived of parental care, their legal representatives, the exercise of powers regarding maintenance and upbringing of such children.</li> </ul> <p>Children's services of district in the cities of Kyiv and Sevastopol state administrations, city, town, village councils shall:</p> <ul style="list-style-type: none"> <li>• provide legal assistance to children, their parents and other legal representatives in resolving issues of adoption, placement of children in families of Ukrainian citizens, deprivation and renewal of parental rights; seeing the child by a mother/father deprived of parental rights; resolving disputes between parents regarding the child, etc.;</li> <li>• within the limits of the powers defined by the law, provide legal assistance in order to exercise the right of a child to be adopted, placed in a family of citizens of Ukraine, to implement the ability of citizens of Ukraine and foreigners to adopt a child;</li> <li>• represent the interests of children in court if necessary.</li> </ul>	<p>child by each subject of the provision of medical, social, and legal services" may not be considered a type of legal service provided within the scope of the power to provide legal assistance.</p> <p>Secondly, the definition of such power as "coordinating the performance of medical services by each subject" is generally inappropriate and too imprecise. It is understood that according to this wording, there may be a need to coordinate every visit to a medical facility, conclusion of a contract with a family doctor, treatment protocol or other aspects of medical services provided to children with the guardianship and custody authority. This obviously will not contribute to the proper ensuring of children's rights and will only create additional obstacles in the rapid receipt of medical services by children.</p> <p>In addition, it is proposed to grant the right to represent the child's interests in court to the executive committees (guardianship and custody authorities) as the executive authorities of the councils and at the same time to the children's services, which will be established as structural units of the respective councils.</p> <p>The power of the executive committee to establish children's services provided for by the draft law does not meet the goals of the draft law in terms of distinguishing which powers will be exercised by the executive committee independently as guardianship and custody authorities, and which powers will be exercised through the children's</p>

	Current legal regulation	Proposed changes	Potential effect
		<p>The prosecutor's mandatory participation in cases of adoption, deprivation of parental rights, removal of a child is also provided for in order to ensure the protection of the rights of minors and juveniles.</p> <p>Note: in the first two wordings of the draft law, the functions of the prosecutor's office were provided for, in particular, in the part of giving the prosecutor's office the function of supervising the observance of legal norms by guardianship and custody authorities in activities related to the protection of the rights and interests of the child.</p> <p>The specified powers of the prosecutor's office were removed from the draft law in accordance with the proposals of the President of Ukraine - as such that do not comply with international legislation on the functions of the prosecutor's office and do not contribute to the protection of children's rights.</p>	<p>services.</p> <p>Thus for example, the executive committees are empowered to ensuring the implementation of agreements on the organization of the activities of a foster family, a family-type children's home, in particular implementation of social support of such families.</p> <p>Simultaneously, it is provided for that children's services of district in the cities of Kyiv and Sevastopol state administrations, city, town, village councils also ensure, within the scope of competence, the implementation of the agreement on the organization of activities of a foster family, a family-type children's home.</p> <p>It is also incorrect to assign the authority to represent the child's interests in court to own powers of executive committees, since such representation is carried out on behalf of the state, and therefore is delegated to local self-government authorities.</p>
<p><b>Existence of a change in the approach in accordance with the National Strategy</b></p>	<p>For the most part, children deprived of parental care are currently brought up at residential care institutions (children's orphanages), the state control over the activities of which is carried out by the Ministry of Youth and Sports of Ukraine, the Ministry of Social Policy of Ukraine, ministries and other central executive authorities, the sphere of management of which includes the institutions, the State Inspection of Educational Institutions under the Ministry</p>	<p>The draft law, according to its explanatory note, is aimed at:</p> <ol style="list-style-type: none"> <li>1) the delineation and specification of functions on issues of protection of children's rights, protection of childhood between local state administrations and executive authorities of local self-government;</li> <li>2) the strengthening of the coordinating function at the central level and the creation of the State Children's</li> </ol>	<p>Currently, we are at the first stage of the implementation of the Strategy, which, as one of the first items, provides for the development and adoption of regulations necessary for the implementation of the reform of the system of institutional care and upbringing of children, the organization of methodological support.</p> <p>Thus, paragraph 3 of the Action Plan of the first stage includes the development</p>

Current legal regulation	Proposed changes	Potential effect
<p>of Youth and Sports of Ukraine, the Ministry of Education and Science of the Autonomous Republic of Crimea, local executive bodies and local self-government authorities and education management authorities subordinate to them.</p> <p>The existing system is ineffective and does not contribute to ensuring the rights of a child raised outside the family setting. According to research, pupils of orphanages have difficulties in communication, lag behind in cognitive and emotional development compared to their peers who grow up in families.</p>	<p>Services of Ukraine - a central executive authority with a special status, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine and which ensures the formation and implements of the state policy on the protection of children's rights;</p> <p>3) the improvement of legislative procedures for adoption, development of family-type forms of upbringing children and timely assistance to families with children by clearly defining the personal responsibility of the heads of local self-government authorities for the state of child protection and the powers of local self-government authorities as guardianship and custody authorities;</p> <p>4) the definition of equivalent powers on issues of protection of children's rights, protection of childhood for village town and city territorial communities.</p> <p>Such goals of the draft law correspond to the goals of the Strategy on deinstitutionalization.</p>	<p>of draft law on the issues of ensuring the exercise of the child's right to upbringing in the family, in particular regarding: specifying and delineation of the powers and responsibilities of the executive authorities at the central and local level to ensure the protection of children's rights, social support of families with children, assistance in the implementation of such powers by local self-government authorities.</p> <p>At the same time, in the future, the implementation of the Strategy requires the practical implementation of a number of measures.</p> <p>They include, in particular, the formation and training of interdepartmental working groups on the implementation of the Strategy and the development of training programs for training and retraining of specialists, in particular those who work with children with disabilities.</p> <p>In fact, such provisions of the Strategy can be effectively implemented even under existing legal regulations.</p> <p>Thus, in practice, various authorities already interact with each other through the formation of interdepartmental groups, including with regard to solving issues at the local level (for example, the Regional Interdepartmental Working Group on Reforming the System of Residential Care and Upbringing of Children in Luhansk oblast, Ternopil Regional Interdepartmental Working Group on Reforming the System of Residential Care and Upbringing of Children in Lviv oblast, etc.).</p>

## COMPARATIVE ANALYSIS OF THE POWERS AND COMPETENCIES OF VARIOUS STATE BODIES INVOLVED IN CHILD PROTECTION

National Social Service of Ukraine (and its territorial authorities)	State Children's Service of Ukraine (in accordance with draft Law No. 7087)ДЦД	Children's services (in accordance with draft Law No. 7087)
<p>The National Social Service implements the state policy in the field of social protection of the population, protection of children's rights, implementation of state control over the compliance with legal requirements in provision of social support and the compliance with children's rights.</p> <p>ensures the collection and summarization of statistical reporting on the observance of the rights of children, including orphans, children deprived of parental care, and persons from among them, children with disabilities</p> <p>conducts analysis of the state of compliance with the rights of children, including orphans, children deprived of parental care, and persons from among them</p> <p>summarizes information on problematic issues in the child protection system with further handing over of information and analytical data to the Ministry of Social Policy</p> <p>ensures the coordination of the implementation of provisions of the UN Convention on the Rights of the Child, other international documents ratified by Ukraine</p> <p>carries out information and explanatory work and consultations on the application of legislation in the field of protection of children's rights</p>	<p>The State Children's Service of Ukraine ensures the formation and implements of the state policy in the field of adoption and protection of children's rights.</p> <p>ensures compilation and maintenance of state statistics on children in accordance with Ukrainian legislation and international standards</p> <p>carries out analysis of the effectiveness of implementing measures to ensure the best interests of the child, monitoring and evaluation of the results of observing and protecting the rights of the child, implementing the state policy in the field of adoption and protecting the rights of the child</p> <p>—</p> <p>coordinates the activities of the central executive authorities on the protection of children's rights, carries out an examination of draft regulations for the compliance with provisions of the UN Convention on the Rights of the Child</p> <p>coordinates the cooperation of the central executive authorities with the United Nations Children's Fund (UNICEF) in accordance with the established procedure, coordinates the implementation of UNICEF-supported programs in Ukraine</p> <p>—</p>	<p>—</p> <p>at the regional level:</p> <ul style="list-style-type: none"> <li>• ensure statistical reporting on children in the region</li> </ul> <p>at the local level:</p> <ul style="list-style-type: none"> <li>• prepare and submit statistical reporting on children in accordance with the established procedure</li> </ul> <p>at the regional level:</p> <ul style="list-style-type: none"> <li>• monitor the observance of children's rights</li> </ul> <p>at the district level:</p> <ul style="list-style-type: none"> <li>• inform the executive authority of the Autonomous Republic of Crimea in the field of children, children's services of regional state administrations about the state of affairs in the territory of the relevant administrative-territorial units/territorial communities, about trends and problems of implementation of the state policy in the field of children's rights protection, and also report on</li> <li>• activities of the children's service of the district state administration</li> </ul> <p>—</p> <p>at the regional level:</p> <p>provide consultations and explanations to children and their parents or other legal representatives on the issues of the protection of children's rights</p>

National Social Service of Ukraine (and its territorial authorities)	State Children's Service of Ukraine (in accordance with draft Law No. 7087)цц	Children's services (in accordance with draft Law No. 7087)
<p>ensures monitoring of observance of children's rights at institutions providing institutional care and upbringing of children, at special institutions for children in accordance with the Law of Ukraine On Children's Authorities and Services and Special Institutions for Children, other institutions of social protection of children, in families of guardians, custodians, foster families, family-type children's homes, families of foster carers</p>	<p>—</p>	<ul style="list-style-type: none"> <li>provide, within their powers, practical, methodical and consulting assistance in solving issues related to the protection of children's rights to local executive authorities, local self-government authorities, enterprises, institutions and organizations of all forms of ownership, non-governmental organizations, citizens</li> <li>carry out information and explanatory work on issues that fall within their competence</li> </ul> <p>at the district level:</p> <ul style="list-style-type: none"> <li>provide, within their powers, practical, methodical and consulting assistance in solving issues related to the protection of children's rights to local executive authorities, local self-government authorities, enterprises, institutions and organizations of all forms of ownership, non-governmental organizations, citizens,</li> <li>provide consultations and explanations to children and their parents and other legal representatives on the issues of the protection of children's rights</li> </ul>
<p>ensures monitoring of observance of children's rights at institutions providing institutional care and upbringing of children, at special institutions for children in accordance with the Law of Ukraine On Children's Authorities and Services and Special Institutions for Children, other institutions of social protection of children, in families of guardians, custodians, foster families, family-type children's homes, families of foster carers</p>	<p>—</p>	<p>at the regional level:</p> <ul style="list-style-type: none"> <li>exercise control over the conditions of maintaining and upbringing of children at residential care institutions, in families of foster carers, of orphans and children deprived of parental care, in families of guardians, custodians, family-type children's homes and foster families</li> <li>provide organizational and methodical assistance to shelters for children,</li> <li>centers of social and psychological rehabilitation of children, centers of social support for children and families, small group homes operating in the territory of the region, the cities of Kyiv and Sevastopol, exercise direct control over activities of subordinate institutions</li> </ul>
<p>provides, in accordance with the established procedure, information about children who may be adopted, as well as referrals for acquaintance with the child at the place of residence to citizens of Ukraine, foreigners and citizens of Ukraine living outside Ukraine, - candidates for adopters</p>	<p>—</p>	<p>at the district level:</p> <p>exercise control over the conditions of upbringing of children who stay at residential care institutions for children</p> <p>at the local level:</p> <ul style="list-style-type: none"> <li>exercise control over the conditions of upbringing of children who stay at children's institutions</li> <li>provide information about children who are entered into the regional register to candidates for adopters, guardians, custodians, foster parents, parents-educators</li> </ul>

National Social Service of Ukraine (and its territorial authorities)	State Children's Service of Ukraine (in accordance with draft Law No. 7087)U44	Children's services (in accordance with draft Law No. 7087)
enters data on orphans and children deprived of parental care who may be adopted, as well as on foreigners and citizens of Ukraine living outside Ukraine - candidates for adopters and on children adopted by them into the centralized accounting system	ensures the functioning of the data bank on orphans and children deprived of parental care, families of candidates for adoption, guardians, custodians, adoptive parents, foster parents in accordance with the procedure established by the central executive authority, which ensures the formation of state policy in the field of adoption and protection of children's rights  ensures implementation of adoption activities, including the centralized registration of orphans and children deprived of parental care, including children who may be adopted, as well as registration of foreigners and citizens of Ukraine living outside Ukraine, candidates for adopters and children adopted by them	at the local level: <ul style="list-style-type: none"> <li>provide information about children who are registered in the children's service to candidates for adopters, guardians, custodians, foster parents, parents-educators of family-type children's home, and issue referrals to visit families and institutions in order to establish contact with the child</li> </ul> at the regional level: <ul style="list-style-type: none"> <li>ensure implementation, within the limits defined by legislation,</li> <li>of adoption activities, including the regional registration of orphans</li> <li>and children deprived of parental care, including children who may be adopted</li> </ul> at the local level: <ul style="list-style-type: none"> <li>ensure maintenance and functioning of the data bank on orphans and</li> <li>children deprived of parental care, families of candidates for adopters, guardians, custodians, foster parents, parents-educators in accordance with the procedure established by the central executive authority, which ensures the formation of the state policy in the field of adoption and protection of children's rights</li> </ul>
issues consent to the adoption of a child to foreigners and citizens of Ukraine living outside of Ukraine- to candidates for adopters for filing to the court, or refusal to adopt a child	—	—
carries out registration of children who find themselves in difficult life circumstances, orphans and children deprived of parental care, adopted children, as well as children placed in foster families, family-type children's homes, families of foster carers, institutions that provide residential care and upbringing of children	—	at the local level: carry out registration of children who find themselves in difficult life circumstances, children left without parental care, orphans and children deprived of parental care, adopted children, candidates for guardians, guardians, foster parents, parents-educators of family-type children's homes, guardians, custodians, foster parents, parents-educators of family-type children's homes, real estate of orphans, children deprived of parental care, which belong to them by right of ownership
carries out work on the protection of children's rights, prevention of child homelessness and neglect, organization of social and psychological rehabilitation of the most vulnerable categories of children	ensures the development and organization of implementation of programs to improve the situation of children, participates in and initiates the development and implementation of programs to support families with children	at the regional level: <ul style="list-style-type: none"> <li>contribute to the creation of institutions that protect children's rights, implement programs to prevent</li> <li>violation of the rights of the child</li> </ul>
carries out coordination and analytical work related to the activities of social service centers, social hostels for orphans and children deprived of parental care, centers of social and psychological	carries out, within its competence, the coordination and methodological support for the activities of central and local executive authorities, local self-government authorities re-	at the local level: <ul style="list-style-type: none"> <li>take measures to detect violations and protect the rights of children whose life or health is threatened and who are left</li> </ul>

National Social Service of Ukraine (and its territorial authorities)	State Children's Service of Ukraine (in accordance with draft Law No. 7087)цц	Children's services (in accordance with draft Law No. 7087)
<p>rehabilitation of children, centers of social support for children and families, shelters for children, centers of social and psychological rehabilitation of children and youth with functional limitations, children's homes-orphanages, small group homes, family-type children's homes, foster families, families of foster carers, other institutions for children</p>	<p>guarding the protection of the rights of orphans and children deprived of parental care, persons from among them</p> <p>—</p>	<p>without parental care</p> <ul style="list-style-type: none"> <li>• check information about violations of children's rights by visiting them at their place of residence (stay), study, work</li> <li>• carry out activities to protect the rights of children whose parents refused to take them from a medical institution, abandoned children, found children at the regional level:</li> <li>• provide organizational and methodological assistance to shelters for children, centers for social and psychological rehabilitation of children, centers for social support of children and families, small group homes operating in the territory of the oblast, the cities of Kyiv and Sevastopol, exercise direct control over the activities of subordinate institutions</li> <li>• exercise control over the conditions of maintaining and upbringing children at residential care institutions, foster care families, orphans and children deprived of parental care in families of guardians, custodians, family-type children's homes and foster families</li> <li>• supervise the state of maintenance and upbringing of children placed under guardianship or custody, placed in foster families, family-type children's homes, the conditions of living and upbringing of adopted children</li> <li>• exercise control over the conditions of upbringing of children who stay at children's institutions</li> </ul>
<p>contributes to the development of family-type forms of education, placement of orphans and children deprived of parental care in family-type children's homes, foster families, placement of such children under guardianship, custody, adoption, placement of children who find themselves in difficult life circumstances, in families of foster carers</p>	<p>—</p>	<p>at the local level: ensure the creation of various forms of placement for orphans and children deprived of parental care</p>
<p>organizes children's health recovery and recreation within the limits of the powers provided for by law</p>	<p>—</p>	<p>—</p>
<p>carries out, within the limits of the powers provided for by law, the coordination of the activities of organizations/institutions that carry out work on the departure of groups of children abroad for health recovery and recreation; gives consent to the departure of groups, which include children from various regions of Ukraine, including from the areas of conducting anti-terrorist operations, implementation of measures to ensure national security and defense, repulse and containment of the armed aggression of the Russian Federation in the Donetsk and Luhansk oblasts</p>	<p>—</p>	<p>—</p>
<p>organizes, within the limits of the powers provided by law, the state certification of children's health and recreation facilities, provides them with appropriate methodical assistance.</p>	<p>—</p>	<p>—</p>

# UNITED NATIONS CHILDREN'S FUND UKRAINE COUNTRY OFFICE

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9B Mykhailo Hrushevskiy Street,  
01021 Kyiv, Ukraine  
[kyiv@unicef.org](mailto:kyiv@unicef.org)