

On approval of the Instruction on interaction of organizations for orphans and children without parental care, with non-governmental adoption agencies concerning the issues of placement of orphans and children without parental care, into families of the citizens of the Republic of Kazakhstan

Unofficial translation

Order of the Minister of Education and Science of the Republic of Kazakhstan dated August 21, 2019 No. 373. Registered with the Ministry of Justice of the Republic of Kazakhstan on August 22, 2019 No. 19279

Unofficial translation

In accordance with subclause 47) of article 5 of the Law of the Republic of Kazakhstan dated July 27, 2007 "On Education", subclause 123) of clause 16 of the Regulation on the Ministry of Education and Science of the Republic of Kazakhstan, approved by the Resolution of the Government of the Republic of Kazakhstan dated October 28, 2004 No. 1111 "Issues of the Ministry of Education and Science of the Republic of Kazakhstan" and subclause 8) of the instruction of the Elbasy, presented at the VIIIth Civil Forum of Kazakhstan dated November 28, 2018 **I HEREBY ORDER:**

1. To approve the attached instruction on interaction of organizations or orphans and children without parental care, with non-governmental adoption agencies concerning the issues of placement of orphans and children without parental care, into families of the citizens of the Republic of Kazakhstan.

2. The Committee for Children Right Protection of the Ministry of Education and Science of the Republic of Kazakhstan in accordance with the procedure established by the legislation of the Republic of Kazakhstan shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within ten calendar days after state registration of this order, sending it in electronic form in Kazakh and Russian to the Republican State Enterprise on the right of economic management "Institute of Legislation and Legal Information of the Republic of Kazakhstan" of the Ministry of Justice of the Republic of Kazakhstan for official publication and inclusion in the Reference Control Bank of Regulatory Legal Acts of the Republic of Kazakhstan;

3) placement of this order on the Internet resource of the Ministry of Education and Science of the Republic of Kazakhstan after its official publication;

4) within ten working days after the state registration of this order, submission to the Department of Legal Service of the Ministry of Education and Science of the Republic of

Kazakhstan information on the implementation of the measures provided for in subclauses 1), 2) and 3) of this clause.

3. Control over execution of this order shall be entrusted to the Vice Minister of Education and Science of the Republic of Kazakhstan Assylov B.A.

4. This order shall come into force upon expiration of ten calendar days after the date of its first official publication.

*Minister of Education and Science
of the Republic of Kazakhstan*

Approved
by the order of the Minister of
Education and Science of the
Republic of Kazakhstan
dated August 21, 2019 No. 373

Instruction

on interaction of organizations for orphans and children without parental care, with non-governmental adoption agencies concerning the issues of placement of orphans and children without parental care, into families of the citizens of the Republic of Kazakhstan.

Chapter 1. General provisions.

1. This Instruction on interaction of organizations for orphans and children without parental care, with non-governmental adoption agencies concerning the issues of placement of orphans and children without parental care, into families of the citizens of the Republic of Kazakhstan (hereinafter referred to as the Instruction) have been developed in accordance with the Constitution of the Republic of Kazakhstan and other legislative acts, in order to provide assistance to non-governmental agencies for adoption orphans and children without parental care.

2. In this Instruction, the following definitions are used:

1) non-governmental adoption agencies (hereinafter referred to as the Agencies) – non-profit organizations, established by citizens and (or) legal entities on the basis of voluntary property contributions, pursuing social goals;

2) legal representatives of a child – parents (parent), adoptive parents (adoptive parents), a guardian or a trustee, a foster parent (foster parents), a foster carer and other persons replacing them, carrying out, in accordance with the legislation of the Republic of Kazakhstan care, education, upbringing, protection of the rights and interests of the child;

3) organizations for orphans and children without parental care (hereinafter referred to as the organizations) – organization of the education system and science, health care, labor and social protection of the population, in which favorable conditions are created for upbringing, receiving education with the provision of a place of residence for orphans, children left without parental care.

4) Republican Databank of orphans, children left without parental care, and persons wishing to take children into upbringing in their families (hereinafter referred to as the Republican Databank) - a database containing information about orphans, children without parental care, as well as about persons wishing to accept orphans, children without parental care, for upbringing in their families;

3. Interaction of organizations for orphans and children without parental care (hereinafter referred to as the organizations), with non-governmental adoption agencies concerning the issues of placement of orphans and children without parental care, into families of the citizens of the Republic of Kazakhstan is carried out through signing of an agreement between non-governmental agencies (hereinafter referred to as the Agencies) and local executive bodies.

Chapter 2. Interaction of non-governmental adoption agencies with organizations for orphans and children without parental care, and local executive bodies

4. When the Agencies interact with organizations and local executive bodies, the following measures are implemented:

1) in the presence of the consent of persons wishing to accept orphans, children without parental care, for upbringing in a family, providing them with psychological and legal training on a gratuitous basis according to the program developed by the Agencies on the basis of the Agencies;

2) in the presence of the consent of persons wishing to accept orphans, children without parental care for upbringing in a family and persons who have adopted pupils of organizations into their families, providing them with accompaniment in order to provide them with legal and psychological assistance on a gratuitous basis;

3) in the presence of a consent from legal representatives of educates, conducting an analysis of social statuses of the educates for compliance with subclauses 5), 6) and 17) of article 1 of the Code of the Republic of Kazakhstan "On Marriage (Matrimony) and Family" (hereinafter referred to as the Code) in order to determine the existence of close relatives and taking measures to return to families of close relatives, and in the absence of such an opportunity, placement in foster families;

4) assisting in the study of the legal statuses of the educatees for compliance with subclauses 5), 6) and 17) of article 1 of the Code;

5) carrying out psychological preparation of educatees for life in foster families.

5. Organizations, upon a written request from the Agencies, no later than the terms established by legislative acts in accordance with the prescribed procedure, provide the Agencies with information about the educatees.

6. The information about the educates contains the following data:

1) personal data of the child (surname, name, patronymic (if any), date of birth, gender, nationality, status of the child);

- 2) the general state of health of the child;
- 3) possible forms of family arrangement;
- 4) about the presence of brothers / sisters, parents and close relatives (surname, name, patronymic (if any), date of birth, who is the child, address of residence, contact numbers (if any);
- 5) about the reason for the educatee's presence in the organization (court decision and other documents that are the basis for placing the child in the organization);
- 6) on the work done in establishing the status of the child (information on the search for parents and close relatives, on the presence of parents in places of detention, on long-term treatment, recognition as legally incompetent, deceased, etc.)
7. The organizations provides the Agencies with a power of attorney for representation of interests of organization with the bodies and organizations of education, healthcare, labor and social protection, justice, with law enforcement agencies and non-governmental organizations to submit inquiries and receive answers related to questions of confirming the social status of pupils, as well as in the courts of the Republic of Kazakhstan, at all stages of the judicial proceedings, including the appeal and supervisory instances.
8. Agencies provide information about educatees to persons wishing to accept orphans and children without parental care, subject to their registration in the Republican databank.

Chapter 3. Conditions of interaction of organizations for orphans and children without parental care, with non-governmental adoption agencies

9. The Agencies submit to the local executive bodies:
 - 1) signed agreements of employees of the Agencies on non-disclosure of information about pupils, received from the Republican databank;
 - 2) a power of attorney for employees of the Agencies to represent the interests of the Agency;
 - 3) lists of employees of the Agencies, with the obligatory provision of copies of personal medical books.
10. The Agencies, after the completion of the pilot project, within three working days, in the presence of local executive bodies, destroy the information received by them about the pupils from the Republican databank of orphans and children without parental care, by drawing up an act of destruction.
11. The organizations provide access to the employees of the Agencies with a power of attorney from Monday to Friday inclusive in accordance with the established work schedule from 9.00 to 17.00, with a lunch break from 13.00 to 14.30, with the exception of Saturday, Sunday and holidays, according to labor legislation.
12. The Agencies, which have representative offices in all regional centers of the Republic of Kazakhstan, cities of republican significance and the capital, author's programs "School of foster parents" for the preparation of foster parents, deposits in the account in the amount of at

least eighty thousand times the monthly calculation index, set for the corresponding financial year, labor resources, including specialists in family arrangements, psychologists, lawyers, certified trainers for conducting training sessions, having higher education with at least 3 (three) years of work experience in the field of relevant activities, as well as having no tax arrears and passed an independent international audit carries out the implementation of the activities specified in clause 4 of this Instruction.