



**On approval of the Rules for appointment and amount of allowance payment to guardians or trustees for support of orphan (orphans) and child (children) left without parental care**

*Invalidated Unofficial translation*

Decree of the Government of the Republic of Kazakhstan No. 383 dated March 30, 2012. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/28/2023 No. 621

*Unofficial translation*

**Footnote. Abolished by the Decree of the Government of the Republic of Kazakhstan dated 07/28/2023 No. 621 (effective after ten calendar days after the date of its first official publication).**

Under Article 125 of the Code of the Republic of Kazakhstan “On Marriage (Matrimony) and Family”, the Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

**Footnote. The Preamble - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be put into effect ten calendar days after the date of its first official publication).**

1. Approve the attached Rules for appointment and amount of allowance payment to guardians or trustees for support of orphan (orphans) and a child (children) left without parental care.

2. To recognize as invalid the Decree of the Government of the Republic of Kazakhstan dated August 1, 2011 No. 893 “On approval of the Rules for appointment and amount of allowance payment for guardians or trustees for support of orphan (orphans) and a child (children) left without parental care”.

3. This decree becomes effective from the day of the first official publication.

*The Prime Minister of the Republic of Kazakhstan*

*K. Massimov*

Approved by  
the Decree of the Government of  
the Republic of Kazakhstan  
No. 383 dated March 30, 2012

**Rules for appointment and amount of allowance payment to guardians or trustees for support of orphan (orphans) and a child (children) left without parental care Chapter 1: General provisions**

**Footnote. The title of Chapter 1 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be enacted ten calendar days after the date of its first official publication).**

1. These Rules (hereinafter - the Rules) determine the procedure for assigning and paying allowance to guardians or trustees for the support of an orphan (orphans) and a child (children) left without parental care.

2. The allocation and payment of allowances to guardians or custodians for the support of orphan child(ren) and child(ren) deprived of parental care shall be made by the education offices of cities of national importance and the capital, education departments of districts, cities of regional status (hereinafter the department) via the Government for Citizens State Corporation (hereinafter the State Corporation) or the E-Government web portal.

**Footnote. Paragraph 2 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be put into effect ten calendar days after the date of its first official publication).**

3. Assignment and payment of allowance shall be made to guardians or trustees for support of minor orphan (orphans) and child (children) left without the care of one or both parents in connection with their death, restriction or deprivation of their parental rights, recognition of parents are unknown absent, declaring them dead, declaring legally incompetent, partially capable, serving of their punishment in prison, detection of parents, parents evading from raising a child or from protection of his (her) rights and interests, including the refusal of parents to take their child from educational, medical and medico-social institutions of stationary type, as well as in other cases, the lack of parental care.

## **Chapter 2: Procedure for granting allowances to guardians or custodians for the support of orphaned child(ren) and child(ren) deprived of parental care**

**Footnote. The title of Chapter 2 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall become effective ten calendar days after the date of its first official publication).**

4. The allowance for guardians or guardians for support of orphan (orphans) and child (children) without parental care shall be assigned to each child (children) who is under guardianship or trusteeship if the sum of the average monthly income of child (children) in the form of wages, alimony, pensions and other social benefits, as well as income from property owned by him/her, do not exceed an average monthly cost of supporting a child in institutions for orphans and children left without parental care in the relevant region, a city of republican significance, the capital.

When determining an average monthly income of a child, the income actually received by the child in cash for the period from January 1 of the year in which the

person applied for the allowance to the month of applying for the allowance is taken into consideration.

5. An average monthly income of a child shall be determined by dividing the amount of income by the number of months from January 1 of the year to the month of applying for allowance.

The average monthly expenses for supporting a child in institutions for orphans and children left without parental care are determined monthly by the education department of region (city of republican significance, capital) according to the formula in accordance with Appendix 1 to these Rules.

6. To receive maintenance allowance for an orphan child (ren) and child (ren) deprived of parental care, guardians or custodians shall file the following documents:

1) an application of the guardian or custodian in the prescribed form for granting the allowance as per Appendix 2 hereto;

2) a document proving the identity of the guardian or custodian, for identification when filing documents via the State Corporation;

3) the birth certificate of the child(ren) in electronic form or a paper copy thereof;

4) a copy of the order regarding the establishment of guardianship or custody;

5) a copy of the agreement on opening a personal account in the name of the guardian or custodian with a second-tier bank or an institution licensed by the National Bank of Kazakhstan to engage in certain types of banking operations;

6) details of the child(ren)'s income (documents proving receipt of wages, alimony and other social security payments, and income from property belonging to the child(ren)).

From the respective state information systems via the e-government gateway, an official of the State Corporation or an employee of the department shall obtain data on the applicant's identity documents, birth certificate of the child (children) (in the absence of data in the Civil Status Registry Office information system), certificates on custody and guardianship (for guardians), documents proving receipt of state social benefits and other social payments, an agreement on opening a personal account in the name of the guardian or custodian at a second-tier bank or organisation licensed by the National Bank of Kazakhstan to engage in certain types of banking operations.

**Footnote. Paragraph 6 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall come into force ten calendar days after the date of its first official publication).**

**7. Excluded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be brought into effect ten calendar days after the date of its first official publication).**

**8. Excluded by Decree of the Government of the Republic of Kazakhstan No. 757**

of 27.09.2022 (shall take effect ten calendar days after the date of its first official publication).

9. The department shall verify the guardian's or custodian's eligibility for the allowance within one working day from the day of receipt of the application and issue a decision on the granting or refusal to grant the allowance to guardians or custodians for maintaining an orphan(ren) and child(ren) deprived of parental care, as per Annex 3 hereto and record it in the register.

The grounds for denying a guardian or custodian allowance for an orphan or child (or children) deprived of parental care may include the circumstances set out in paragraph 18 hereof.

Footnote. Paragraph 9 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be put into effect ten calendar days after the date of its first official publication).

10. Allowances for the maintenance of orphan(s) and child(ren) deprived of parental care shall be granted to guardians or custodians from the month when all the necessary documents are accepted by the department.

Footnote. Paragraph 10 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall become effective upon expiry of ten calendar days after its first official publication).

11. Allowances for maintenance of orphan(s) and child(ren) deprived of parental care shall be paid to guardians or custodians by the department on a monthly basis not later than the 15th day of the current month by transferring money to the personal accounts of the guardians or custodians.

Footnote. Paragraph 11 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall enter into force ten calendar days after the date of its first official publication).

12. Is excluded by the decree of the Government of the Republic of Kazakhstan dated 04.25.2015 No. 312 (shall be enforced from the date of its first official publication).

13. The allowance to the guardians or trustees for support of orphan (orphans) and child (children) left without parental care is paid until the ward reaches the age of eighteen, including the month of his/her birth, with the exception of cases specified in Paragraph 20 of these Rules, which will entail the termination of the payment.

14. Allowance for maintenance of orphan(s) and child(ren) deprived of parental care not received in time by the guardian or custodian due to the fault of the department, shall be paid for the past period without time limit in a lump sum.

Footnote. Paragraph 14 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be brought into force ten calendar days after the date of its first official publication).

15. The guardian or custodian shall inform the department of the change of residence no later than five working days from the day of the move. When a guardian or custodian receiving an allowance to support an orphan(ren) or child(ren) deprived of parental care changes their place of residence, the department shall forward the ward's file to the department of the new place of residence within seven working days of receiving the notification of the change of place of residence. In this case, a date on which the payment of the allowance is made shall be indicated in the ward's personal file.

The allowance shall be resumed at the new place of residence from the date of termination of payment at the previous place of residence within five working days.

**Footnote. Paragraph 15 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall enter into force ten calendar days after the date of its first official publication).**

16. If the citizen of the Republic of Kazakhstan is the guardian or trustee of an orphan (orphans) and a child (children) left without parental care, who is a foreign citizen or stateless person living in the territory of the Republic of Kazakhstan, then the allowance is paid at the place of actual residence of citizens of the Republic of Kazakhstan with such children, without their mutual settlements, unless otherwise provided by international treaties ratified by the Republic of Kazakhstan.

17. The department shall be responsible for monitoring the use by guardians or custodians of the maintenance allowance for an orphan child (orphans) and a child (children) deprived of parental care.

**Footnote. Paragraph 17 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall become effective upon expiry of ten calendar days after its first official publication).**

18. No allowance is granted for the support of an orphan (orphans) and a child (children) left without parental care in the following cases:

1) a child (children) being fully supported by the state in an institution for orphans and children left without parental care, in medical-social institutions of a stationary type;

2) excess of the amount of average monthly income of child (children) of the average monthly cost of supporting a child in institutions for orphans and children left without parental care in the relevant region, city of republican significance, the capital;

3) the ability of parents to personally bring up and support their child, but voluntarily transferring him/her under guardianship or trusteeship to other persons (they are on long business trips, live separately with the children, but have conditions for their support and upbringing).

19. The department's decision to refuse to grant guardians or custodians an allowance for an orphan(ren) and child(ren) deprived of parental care may be appealed against to a higher public authority (a higher official) or to a court.

**Footnote. Paragraph 19 – as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be brought into force ten calendar days after the date of its first official publication).**

20. Allowances for the maintenance of orphan child(ren) and child(ren) deprived of parental care shall be terminated by a decision of the department in the following cases :

- 1) the ward has reached the age of majority;
- 2) placement of a ward on full state support in an institution for orphans and children deprived of parental care and in a health and social care institution of an inpatient type;
- 3) adoption of a ward child (children);
- 4) release and dismissal of the guardian or custodian from his or her responsibilities under the Code of the Republic of Kazakhstan “On Marriage (Matrimony) and Family” ;
- 5) marriage of a ward child (children);
- 6) declaring an orphan child (children) and child (children) deprived of parental care fully capable (emancipated) under Article 22-1 of the Civil Code of the Republic of Kazakhstan;
- 7) return of an orphan child (children) and child (children) deprived of parental care to their parents on the grounds of the opinion of the department;
- 8) death of a child (children);
- 9) exceeding the amount of the average monthly income of the child (children) of the average monthly expenses for the maintenance of the child in the institutions for orphans and children deprived of parental care in the respective region, city of republican status or the capital.

**Footnote. Paragraph 20 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall take effect ten calendar days after the date of its first official publication).**

21. The allowance shall be terminated by decision of the department as from the month following the month when the circumstances entailing the termination of payment occurred.

**Footnote. Paragraph 21 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be enacted ten calendar days after the date of its first official publication).**

22. If the guardian or custodian becomes aware of a finding of the parents as a result of a search, their cure, release from prison, a change of income of the cared for

child (orphan) and child (children) deprived of parental care, and other cases entailing the termination of the allowance to the guardian (custodian), he/she shall notify the department thereof within five working days.

Footnote. Paragraph 22 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall become effective upon expiry of ten calendar days after its first official publication).

23. Within five working days of the decision to terminate the allowance, the department shall notify the guardians or custodians.

Footnote. Paragraph 23 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be put into effect ten calendar days after the date of its first official publication).

24. Unlawfully paid and received allowance shall be recovered from the guardian or trustee if the overpayment occurred as a result of abuse by the recipient. The return of the excessively paid allowance is made voluntarily or on the basis of a court decision.

### **Chapter 3: Amount of allowance paid to guardians or custodians for the maintenance of orphan(ren) and child(ren) deprived of parental care and monitoring of the use of the allowance**

Footnote. The title of Chapter 3 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall be put into effect upon expiry of ten calendar days after the day of its first official publication).

25. The amount of the payment to the guardians or trustees of allowance for support of orphan (orphans) and child (children) without parental care shall be ten monthly calculation indexes per month.

26. The department shall monitor the expenditure of the allowance for an orphan child (orphans) and a child (children) deprived of parental care at least once a half-year

Footnote. Paragraph 26 - as reworded by Decree of the Government of the Republic of Kazakhstan No. 757 of 27.09.2022 (shall take effect ten calendar days after the date of its first official publication).

Appendix 1  
to the Rules for appointment and amount  
of allowance payment to guardians or  
trustees for support  
of orphan (orphans) and child (children)  
left  
without parental care

**The formula for calculating the average monthly cost of supporting a child in institutions for orphans and children left without parental care**

The average monthly expenses for supporting a child in institutions for orphans and children left without parental care are determined by the following formula:

$$CP = TP_{\text{БП}} / KД / 12 \text{ months}$$

where:

CP - average monthly expenses for support of a child in institutions for orphans and children left without parental care in the relevant region, city of republican significance, the capital;

$TP_{\text{БП}}$  - the amount of planned expenses for the year in which the person applied for the allowance, according to the budget program of the regional education department (city of republican significance, the capital) "Social security of orphans, children left without parental care", excluding labor costs, compensation payments, social tax and social contributions to the State Social Insurance Fund, business trips and official trips within the country and outside the country, execution of enforcement documents, judicial acts;

$KД$  – the actual number of children in full state support in organizations funded by the budget programs "Social security of orphans, children left without parental care" of education departments of the region (city of republican significance, capital) as of January 1 of the year in which the person applied for the allowance.

Appendix 2  
to the Rules for appointment and amount  
of allowance payment to guardians or  
trustees for support  
of orphan (orphans) and child (children)  
left  
without parental care

**Form of Application for assigning allowance to guardian or trustee  
for support of orphan (orphans) and child (children) left without parental care**

(name of the authority)

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**Application**

I hereby request to assign an allowance for support of child (children),  
left without parental care

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(NSP, date of birth of a child (children))

Surname \_\_\_\_\_

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Name \_\_\_\_\_ Patronymic \_\_\_\_\_ of the guardian or trustee

Address \_\_\_\_\_

Decision of the authority to appoint a guardian or trustee \_\_\_\_\_

\_\_\_\_\_ dated "\_\_\_" \_\_\_\_\_ 20 \_\_\_\_.

Type of identity document of guardian or trustee \_\_\_\_\_

Series \_\_\_\_\_ number \_\_\_\_\_ issued by \_\_\_\_\_

Individual identification number \_\_\_\_\_

personal account No \_\_\_\_\_ Bank's name \_\_\_\_\_

In the event of changes in personal data, I undertake to inform about it within 15 days.

I have been warned about the responsibility for providing false information and fake documents.

"\_\_\_" \_\_\_\_\_ 20 \_\_\_\_

(signature of an applicant)

Documents are accepted on:

"\_\_\_" \_\_\_\_\_ 20 \_\_\_\_

(signature) (NSP, position of the person who accepted the documents)

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(cutting line)

In the event of changes in personal data, I undertake to inform about it within 15 days.

I have been warned about the responsibility for providing false information and fake documents.

Statement of a citizen \_\_\_\_\_ with attached documents in the quantity of \_\_\_\_\_ pieces is accepted on "\_\_\_" \_\_\_\_\_ 20 \_\_\_\_.

(signature) (NSP, position of the person who accepted the documents)

of orphan (orphans) and child (children)  
left  
without parental care

**Decision on the assignment (refusal to assign) of allowance to guardian or trustee  
for support of orphan (orphans) and child (children) left without parental care**

No \_\_\_ dated " \_\_\_ " \_\_\_ 20 \_\_\_

(name of the authority)

Case No \_\_\_\_\_

Citizen \_\_\_\_\_

(name, surname, patronymic)

Date of the application \_\_\_\_\_

\_\_\_\_\_ Birth certificate of a child (birth record)

No \_\_\_\_\_ Date of issuance \_\_\_\_\_

name of the authority that issued the birth certificate of the child (birth record)

\_\_\_\_\_ N.S.P. of a child \_\_\_\_\_

— Date of birth of a child \_\_\_\_\_

Decision of the authority to appoint a guardian or trustee \_\_\_\_\_

\_\_\_\_\_ Date of appointment \_\_\_\_\_ 20 \_\_\_

Amount of the allowance assigned

from \_\_\_\_\_ 20 \_\_\_ until \_\_\_\_\_ 20 \_\_\_

in amount of \_\_\_\_\_ tenge \_\_\_\_\_

\_\_\_\_\_ (in words)

Assigned amount of allowance in connection with a change in the monthly  
calculation index:

N.S.P. of a child \_\_\_\_\_

\_\_\_\_\_ allowance from \_\_\_\_\_ until \_\_\_\_\_

\_\_\_\_\_ in amount of \_\_\_\_\_ tenge \_\_\_\_\_

\_\_\_\_\_ (in words)

Assignment of allowance is denied due to: \_\_\_\_\_

Payment of allowance is terminated due to: \_\_\_\_\_

Seal

(Head of the authority)

(signature) (surname)

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Justice of the Republic of Kazakhstan