

On approval of the Rules of formation and use of the Republican data bank for orphans and children left without parental care, and persons wishing to foster children to their families

Unofficial translation

Order No. 661 of the Ministry of Education and Science of the Republic of Kazakhstan dated November 16, 2016. Registered with the Ministry of Justice of the Republic of Kazakhstan on January 11, 2017 № 14666.

Unofficial translation

In accordance with paragraph 1 of Article 118-2 of the Code of the Republic of Kazakhstan dated December 26, 2011 “On Marriage (Matrimony) and Family”, **I hereby ORDER:**

1. To approve the attached Rules for the formation and use of the Republican data bank for orphans, children left without parental care and persons wishing to take children into their families.

2. The Committee for the protection of children's rights of the Ministry of Education and Science of the Republic of Kazakhstan (M.S. Abdykarim) in accordance with the established procedure, shall:

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

2) within ten calendar days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, send its copies to periodicals and the republican state enterprise on the right of economic management "Republican Center of Legal Information" of the Ministry of Justice of the Republic of Kazakhstan for inclusion in the Reference Control Bank of regulatory legal acts of the Republic of Kazakhstan;

3) place this order on the Internet resource of the Ministry of Education and Science of the Republic of Kazakhstan;

4) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan, submit to the Department of Legal Service and International Cooperation of the Ministry of Education and Science of the Republic of Kazakhstan information on the execution of measures provided for in subparagraphs 1), 2) and 3) of this paragraph.

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

4. This order shall be enforced upon expiry of ten calendar days after the date of its first official publication.

Minister

of Education and Science

"AGREED"

Minister of Information and Communications
of the Republic of Kazakhstan

_____ D. Abayev

December 12, 2016

"AGREED"

Minister of Foreign Affairs
of the Republic of Kazakhstan

_____ E. Idrisov

" _____ " _____ 2016

Approved
by order of the Minister
of Education and Science
of the Republic of Kazakhstan
dated November 16, 2016 № 661

Rules

for formation and use of the Republican data bank for orphans and children left without parental care,

and persons wishing to foster children to their families

Chapter 1. General provisions

1. These Rules for formation and use of the Republican data bank for orphans and children left without parental care, and persons wishing to foster children to their families (further - Rules) shall define an order for formation and use of the Republican data bank for orphans and children left without parental care, and persons wishing to foster children to their families (hereinafter referred to as the Republican databank).

2. the following definitions shall be used in these Rules:

1) adoption agencies are non-profit, foreign organizations that carry out activities for the adoption of children in the territory of their state and are accredited to carry out such activities in the territory of the Republic of Kazakhstan in accordance with the procedure established by the Code of the Republic of Kazakhstan dated December 26, 2011 "On Marriage (Matrimony) and Family" (hereinafter referred to as the Code);

2) The Republican data bank for orphans, and children left without parental care, and persons wishing to foster children to their families - a database containing information on orphans, children left without parental care, as well as on persons wishing to foster orphans and children left without parental care;

3) foreign institutions of the Republic of Kazakhstan - diplomatic and equivalent missions abroad, as well as consular institutions of the Republic of Kazakhstan (hereinafter referred to as foreign institutions);

4) organization for the provision of assistance in the placement of orphans, children left without parental care, to the families of the citizens of the Republic of Kazakhstan – a non-profit organization that provides assistance on a gratuitous basis in the territory of the Republic of Kazakhstan in the placement of orphans, children left without parental care, for education in families in accordance with their competence established by the Code, to citizens of the Republic of Kazakhstan permanently residing in the territory of the Republic of Kazakhstan, who wish to accept and accepted children for upbringing, and accredited to carry out such activities in the manner prescribed by the Code.

Footnote. Paragraph 2 as amended by the order of the Minister of Education and Science of the Republic of Kazakhstan dated 02.04.2020 No. 124 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

3. The information contained in the Republican data bank is state electronic information resources.

4. The Republican data bank shall be formed by:

1) bodies performing the functions of guardianship or custody of local executive bodies of districts, cities of regional significance, regions, cities of republican significance, capital (hereinafter referred to as the bodies);

2) Committee for the protection of children's rights of the Ministry of Education and Science of the Republic of Kazakhstan (hereinafter referred to as the Committee);

3) adoption agencies (hereinafter referred to as agencies);

4) foreign institutions;

5) Department of Consular Service of the Ministry of Foreign Affairs of the Republic of Kazakhstan (hereinafter referred to as the Department).

Chapter 2. Procedure for formation and use of the Republican data bank for orphans, and children left without parental care, and persons wishing to foster children to their families

Paragraph 1. Procedure for the formation of data on orphans and children, left without parental care

5. The Republican data bank for orphans, and children left without parental care shall be formed on the basis of questionnaires for orphans and children left without parental care completed by bodies, the Committee and the Department.

6. The Republican data bank for orphans, and children left without parental care shall consist of the following sections:

1) bank of children;

2) archive of children;

3) the suited children.

7. The "Bank of Children" section shall contain the following information on orphans and children without parental care:

- 1) name of district (district, city of republican significance and capital) of registration of the questionnaire of the child;
- 2) the name of the region of registration of the child's questionnaire;
- 3) the number of the child 's questionnaire;
- 4) questionnaire data of the child (surname, first name, patronymic name (if any), date of birth, age, nationality, sex, individual identification number);
- 5) type of accounting (primary, regional, centralized);
- 6) forms of arrangement (adoption, guardianship or custody, foster care, foster family);
- 7) diagnosis;
- 8) information on the location of the child (name, address of the organization for orphans and children left without parental care);
- 9) information about relatives;
- 10) social status of the child;
- 11) a surname, a name, a patronymic name (if any) trustees, trustees, foster tutors, adoptive parents;
- 12) date of placement in the family (adoption, guardianship or custody, foster care, foster family).

8. "The Children's Archive" section shall contain information on orphans and children left without parental care who have been removed from the registration (primary, regional, centralized) because they have reached the age of majority, full legal capacity, returned to their parents or due to death.

9. When information shall be entered on the death of orphans and children left without parental care, their reaching the age of majority, full legal capacity, and the return of the questionnaire to their parents of orphans and children left without parental care, it shall be automatically transferred from the section "Bank of children" to the section "Archive of children."

10. The section "Suited children" shall contain information on orphans and children left without parental care who have been removed from the registration (primary, regional, centralized) because of their placement in the family (adoption, guardianship or custody, foster care, foster family).

11. When adopting an orphan child or a child left without parental care by foreigners, the Department places the adopted child on the register with the Ministry of Foreign Affairs of the Republic of Kazakhstan in accordance with the Rules for registration with the Ministry of Foreign Affairs of the Republic of Kazakhstan and for monitoring of children by Foreign Institutions of the Republic of Kazakhstan, citizens of the Republic of Kazakhstan who have been transferred for adoption to foreigners approved by the Order of the Acting Minister of Foreign Affairs of the Republic of Kazakhstan dated April 3, 2015 № 11-1-2/130 (registered

in the Register of the state registration of regulatory legal acts under No. 11240) By entering the date of registration in the questionnaire of an orphan child or a child left without parental care.

12. If the information on orphans and children left without parental care is changed, the body shall amend the child's questionnaire within seven working days from the date of receipt of the information.

13. When information is entered on the placement of orphans and children without parental care in the family (adoption, guardianship or custody, foster care, foster family), the questionnaire of orphans and children left without parental care is automatically transferred from the section "Data bank" to the section "Suited children."

14. The grounds for discontinuing the registration of information in the Republican data bank on a child left without parental care are:

- 1) placement of a child left without parental care in a family;
- 2) return of a child left without parental care to his or her parents or parent;
- 3) reaching the full legal capacity of a child left without parental care, or acquiring full legal capacity until the child reaches the age of majority;
- 4) death of a child left without parental care;
- 5) recognition of the child in court as missing, declaring him dead.

Paragraph 2. Procedure for forming data of persons wishing to accept children to be brought up in their families

15. The Republican data bank for persons wishing to bring up children in their families shall be formed on the basis of questionnaires of persons wishing to bring up children in their families, filled in by persons wishing to bring up children in their families, bodies, representatives of adoption agencies and foreign institutions.

16. The Republican data bank for persons wishing to bring up children in their families shall consist of the following sections:

- 1) candidates for adoptive parents;
- 2) adoptive parents and adoption agencies;
- 3) questionnaires and persons requiring verification;
- 4) black list of adoptive parents;
- 5) rejected and closed applications.

17. The "Adoptive Candidates" section shall contain information on:

- 1) form of arrangement (adoption, guardianship or custody, foster care, foster family);
- 2) the date of conclusion of the commission on the possibility (impossibility) of issuing a permit for the transfer of children for adoption in accordance with the Rules of activity and determining the composition of the commission issuing the permit on the possibility (impossibility) of issuing a permit for the transfer of children being citizens of the Republic of Kazakhstan for adoption, approved by Order No. 13 of the Minister of Education and Science

of the Republic of Kazakhstan dated January 16, 2015 (registered in the Register of state registration of regulatory legal acts No. 10288);

3) the area of registration of the candidate for adoptive parents (the name of the region, the city of republican significance and the capital);

4) number of the questionnaire of the candidate for adoptive parents;

5) questionnaire data of the candidate for adoptive parents (surname, first name, patronymic name (if any), date of birth, age, citizenship, marital status, individual identification number, address of residence);

6) questionnaire data of the spouse (s) of the candidate for adoptive parents (surname, first name, patronymic name (if any), citizenship);

7) the name of the adoption agency.

18. The section "Adoptive parents and adoption agencies" shall contain information on adoptive parents and adopted children.

19. The section "Questionnaires and persons requiring verification" shall contain information on the questionnaires of persons wishing to take children into their families, sent to the body for compliance with the requirements of Article 91 of the Code, as well as the completeness of the documents provided for compliance with Article 85 of the Code.

20. "The Adoptive Parents Blacklist" section shall provide information about:

1) persons deprived by the court of parental rights, or restricted by the court in parental rights;

2) persons who are removed from the duties of guardian or custody for improper fulfillment of the obligations assigned to him by the laws of the Republic of Kazakhstan;

3) former adoptive parents if the adoption is cancelled by the court due to their fault.

21. The section "Rejected and closed applications" shall form a list of persons wishing to accept children in their families, who at their own desire refused further registration with the Republican data bank or who were refused admission of documents by the bodies.

22. Information on foreigners wishing to adopt children being citizens of the Republic of Kazakhstan shall be generated by the agencies of adoption agencies on the basis of documents provided by foreigners to the adoption agency chosen by them.

23. Foreign institutions shall register foreigners with the Republican data bank as wishing to adopt children, being citizens of the Republic of Kazakhstan in accordance with the Rules of registration of persons, being citizens of the Republic of Kazakhstan permanently residing outside the Republic of Kazakhstan, foreigners wishing to adopt orphans and children left without parental care being citizens of the Republic of Kazakhstan, approved by Order No. 11-1-2/262 dated June 14, 2016 of the Acting Minister of Foreign Affairs of the Republic of Kazakhstan (registered in the Register of the state registration of regulatory legal acts under No. 13958) by entering the date of registration.

24. The grounds for termination of registration of information on a person wishing to take children into their families in the Republican data bank shall be:

- 1) a person shall accept a child for upbringing in his/her family;
- 2) application in arbitrary form of a person on termination of registration of information about it in the Republican data bank;
- 3) changing the circumstances which gave the person the opportunity to accept the child for upbringing in his/her family;
- 4) death of the person.

Paragraph 3. Procedure for the use of these orphans and children, persons left without parental care and persons wishing to take children to bring up in their families

25. The use of the data of orphans, children left without parental care and persons wishing to take children into their families shall be carried out by assigning a login and password by entering the data on the web portal: www.rbd-kopd.kz.

26. At the positive conclusion about possibility (impossibility) to be the candidates for adoptive parents according to Rules of accounting of the persons being citizens of the Republic of Kazakhstan, constantly living in the territory of the Republic of Kazakhstan, persons interested to adopt orphan children, children left without parental care approved by the order of the Minister of Education and Science of the Republic of Kazakhstan dated June 29, 2016 No. 407 (registered in the Register of state registration of regulatory legal acts No. 14067) and assumption of an obligation on non-disclosure of information from the Republican data bank, persons wishing to take children to bring up in their families shall use information on orphans and children left without parental care.

27. Data on orphans, children left without parental care shall be used by the bodies and the Committee to create derived information on orphans and children left without parental care.

28. The use of derived information on orphans and children left without parental care shall be carried out in accordance with paragraph 2 of Article 118-3 of the Code.

28-1. Bodies exercising the functions of guardianship or guardianship, local executive bodies of districts, cities of regional significance, cities of republican significance, the capital, if there is a written request from the organization to assist in the placement of orphans, children left without parental care, in the families of citizens of the Republic of Kazakhstan shall provide information about pupils in the form of derived information in accordance with paragraph 2 of Article 118-3 of the Code of the organization for assisting in the placement of orphans, children left without parental care.

Footnote. The Rules have been added with paragraph 28-1 in accordance with the order of the Minister of Education and Science of the Republic of Kazakhstan dated 02.04.2020 No. 124 (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

29. The placement of derived information on orphans and children left without parental care who have reached the age of 10 in accordance with Article 62 of the Code shall be

carried out on the basis of their written application for consent or refusal to place derived information about them on the Internet resource of the form Committee in accordance with Annex 1 to these Rules.

Annex 1
to Rules of formation and use
of Republican databank
of the orphans, children left
without parental care, and persons,
wishing to accept children
to bring up in their families

form

the name of the body carrying out
guardianship or custody functions
of the district, regional city and
republican significance, capital
from the foster child _____

Full name (if any)

Application

I hereby, _____,

Full name (if any)

I agree (do not agree) to the placement of my data, namely
photos, name, gender information, age, health conditions,
peculiarities of character, reasons for absence of parental care,
availability of brothers (sisters), adult relatives as
derived information on the website of the Committee for the protection of children's rights
of the Ministry of Education and Science of the Republic of Kazakhstan.

Application written by hand in the presence of social
teacher _____,

Full name (if any)

who explained all the consequences of placement of my data on the website
of the Committee for the protection of children's rights of the Ministry of Education and
Science

of the Republic of Kazakhstan.

"" _____ 20 _____

Full name (if any) of the foster child

Full name (if any) of the social
teacher

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the Republic of Kazakhstan