



On approval of the Rules for maintenance of orphans, children left without parental care and disadvantaged children up to the age of three years inclusive in state-run medical facilities

Unofficial translation

Order of the Acting Minister of Healthcare of the Republic of Kazakhstan dated December 24, 2020 no. ҚР ДСМ-327/2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 26, 2020 no. 21922

Unofficial translation

In accordance with clause 8 of article 78 of the Code of the Republic of Kazakhstan dated July 7, 2020 "On Public Health and Healthcare System" and clause 1 of article 30 of the Law of the Republic of Kazakhstan "On the Rights of a Child in the Republic of Kazakhstan" I HEREBY ORDER:

1. To approve the Rules for maintenance of orphans, children left without parental care and disadvantaged children up to the age of three years inclusive in state-run medical facilities according to the Appendix to this order.

2. The Department for Organization of Medical Aid of the Ministry of Healthcare 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) placement of this order on the Internet resource of the Ministry of Healthcare of the Republic of Kazakhstan after its official publication;

3) submission of information to the Legal Department of the Ministry of Healthcare of the Republic of Kazakhstan about implementation of measures, stipulated by sub-clauses 1) and 2) of this clause, within ten calendar days from the date of state registration.

3. Control over execution of this order shall be entrusted to the supervising Vice-Minister of Healthcare of the Republic of Kazakhstan.

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

*Acting Minister of Healthcare
of the Republic of Kazakhstan*

M. Shoranov

Minister of Labour and Social Development
of Population of the Republic of Kazakhstan

A G R E E D

dated "___" _____ 2020

dated " _ " _____ 2020

Appendix
to the Order
of the Acting Minister of
Healthcare of the Republic of
Kazakhstan dated December 24,
2020 no.ҚР ДСМ-327/2020

On approval of the Rules for maintenance of orphans, children left without parental care and disadvantaged children up to the age of three years inclusive in state-run medical facilities

Chapter 1. General Provisions

1. These Rules for maintenance of orphans, children left without parental care and disadvantaged children up to the age of three years inclusive in state-run medical facilities (hereinafter referred to as the Rules) have been developed in accordance with clause 8 of article 78 of the Code of the Republic of Kazakhstan dated July 7, 2020 "On Public Health and Healthcare System" (hereinafter referred to as the Code), clause 1 of article 30 of the Law of the Republic of Kazakhstan "On the Rights of a Child in the Republic of Kazakhstan" and shall regulate the procedure for maintenance of orphans, children left without parental care and disadvantaged children up to the age of three years inclusive, children with mental and physical development defects from birth to four years in state-run medical facilities in the Republic of Kazakhstan.

2. The medical organization for orphans, children, left without parental care, from birth to three years, children with mental and physical development defects from birth to four years, carrying out psychological and pedagogical support of families with the risk of abandonment of a child shall be the Children's Home.

Chapter 2. Procedure for maintenance of orphans, children left without parental care and disadvantaged children up to the age of three years inclusive in state-run medical facilities

3. The Children's Home shall accept orphans, children left without parental care and disadvantaged children up to the age of three years inclusive, children with mental and physical development defects from birth to four years:

with organic lesion of the central nervous system with mental disorders;

with organic lesion of the central nervous system without mental disorder, including with infantile cerebral paralysis;

with dysfunction of the musculoskeletal system and other defects of physical development without mental disorders;

with oligophrenia in the degree of imbecility, idiocy;

with dementia after suffering organic brain lesions;

with mental retardation of all degrees in the presence of gross disorders of motor functions;

with hearing and speech impairments (deaf and dumb, deafness);

with speech impairment (stuttering, with alalia and other speech impairments) without mental disorders;

with vision impairment (blind, visually impaired);

with inactive forms of tuberculosis;

children with congenital and acquired venereal diseases after the end of specific therapy, in the non-infectious period of the disease;

children infected with human immunodeficiency virus (hereinafter referred to as the HIV-infection).

For children with visual impairment or hearing impairment with mental retardation of all degrees in the presence of gross disorders of motor functions that complicate education, separate groups of nursing care are organized.

4. The maintenance of orphans, children left without parental care and disadvantaged children up to the age of three years inclusive in state medical organizations shall be carried out in accordance with the requirements of sanitary rules approved in accordance with subclause 132-1) of clause 16 of the Resolution of the Government of the Republic of Kazakhstan dated February 17, 2017 no. 71 "On certain issues of the Ministries of Healthcare and National Economy of the Republic of Kazakhstan".

5. Acceptance of children to the Children's Home and discharge from it shall be carried out as follows:

1) The Children's Home shall accept children from families, obstetrics facilities and hospitals, adaptation centers for minors (hereinafter referred to as ACM), support centers for children in difficult life situations (hereinafter referred to as SCC) on the basis of the direction of local executive bodies;

2) acceptance of children from obstetrics facilities shall be carried out directly to the group, and from families, ACMs, SCCs and hospitals - to the quarantine group or isolation units, with subsequent transfer to the group.

Children with acute infectious diseases, active tuberculosis, infectious skin diseases, acute viral diseases, acute diseases of the central nervous system, severe trophic disorders and diseases requiring treatment in hospital are not eligible for admission to the Children's Home. Their treatment is carried out in hospitals of children's medical and preventive organizations

and admission to specialized groups of the Children's Home is carried out after improvement of the health condition.

6. Admission of children to the Children's Home shall be carried out with the following documents:

- 1) child's birth certificate or medical birth certificate (if available);
- 2) an extract from the history of the child's development (medical record of an inpatient) or the history of a newborn, with mandatory detailed history data, including data on heredity, conclusions of specialized doctors and laboratory tests, including tests for HIV infection, tuberculosis, syphilis and hepatitis;
- 3) a certificate confirming the absence of infectious diseases in the family or organization, where the child comes from, issued by a medical worker, in the form approved in accordance with subclause 31) of article 7 of the Code;
- 4) certificate from the place of study, work of parents or other legal representatives (if any);
- 5) act of inspection of the guardianship and trusteeship body about the living conditions of the family when returning the child to the family, a certificate of the presence or absence of housing, in the case of temporary placement of the child in the Children's Home (if any);
- 6) documents confirming the absence of parents or the impossibility of raising their children: death certificate, court decision on deprivation of parental rights, on recognition as incompetent, missing, court decision on imprisonment, act on the delivery of a lost (exposed) child, statement of one or two parents , or legal representatives on the temporary placement of a child in an orphanage in accordance with the appendix to these Rules, a statement of waiver of parental rights and consent to adoption, notarized or certified by the head of the organization in which the child is left without parental care, or by a body, performing the functions of guardianship or guardianship, at the place of adoption of the child or at the place of residence of the parents, in the form, approved by the order of the Minister of Education and Science of the Republic of Kazakhstan dated January 16, 2015 no. 16 (registered with the Register of State Registration of Regulatory Legal Acts as no. 10280).

7. When accepting children who have been exposed or left in a medical organization at the orphanage, the following documents are drawn up:

- 1) an act on bringing a lost (exposed) child, in the form approved by the order of the Minister of Internal Affairs dated December 29, 2015 no. 1098 (registered with the Register of State Registration of Regulatory Legal Acts as no. 12953), drawn up in the presence of a local police officer. A copy of the act on exposing shall be sent to the territorial bodies of the Ministry of Internal Affairs of the Republic of Kazakhstan;
- 2) an act on abandonment of a child drawn up by the administration of the medical facility affixed with seal;
- 3) a petition from the health care organization to the bodies of trusteeship and guardianship on the transfer of the child to the Children's Home.

8. In the case of temporary placement to the Children's Home of children with parents or other legal representatives, local public health bodies of regions, cities of republican significance and the capital, or on their behalf, the administration of the Children's Home shall draw up an agreement on the term of stay of the child, the responsibilities of the parents, the conditions for their participation in the maintenance and education. The total period of temporary stay of children in the Children's Home shall be no more than 12 months.

9. Information about the accepted children shall be entered to the children's acceptance registration book in the Children's Home in the form, approved in accordance with subclause 31) of article 7 of the Code.

10. For each child admitted to the Children's Home, a personal file of the boarder shall be drawn up, which is kept by the Chief Medical Officer (director) of the Children's Home and includes the following documentation:

- accompanying medical documentation of the child;
- an application for an incoming child;
- an order on acceptance of a child to the Children's Home;
- submission of a petition to a local executive body (bodies of trusteeship and guardianship) for placing children to the Children's Home;
- documentation for placing a child on the waiting list for housing, for keeping the available housing for the child;
- documentation on opening accounts in second-tier banks for crediting the collected alimony from parents for the maintenance of the child and other social benefits for orphans, children with disabilities;
- correspondence with state and law enforcement agencies to clarify the legal and social status of the child, search for parents and relatives;
- an order on the discharge the child from the Children's Home.

11. Children shall be discharged from Children's Homes in the following cases:

- 1) when they return to their family of origin;
- 2) when transferring to organizations of the education system or social protection of the population;
- 3) in case of adoption;
- 4) when registering guardianship, transferring a child to foster care and other forms of placement in a family.

12. The return of children temporarily placed in the Children's Home, to parents or other legal representatives, shall be carried out upon their request.

In order to protect the rights and interests of children, in the event of an unjustified refusal of parents or persons replacing them to take the child after the expiration of the period specified in the agreement, the administration of the Children's Home within three working days sends a letter to the body that carries out the functions of guardianship and -the territorial unit for taking measures to realize his right to live and grow up in a family, including filing a

claim in court for deprivation of their parental rights in accordance with subclause 2) of clause 1 of article 75 of the Code of the Republic of Kazakhstan "On Marriage (Matrimony) and Family".

13. The transfer of children from the Children's Home to the organization of education for orphans left without parental care, medical and social institutions shall be carried out in accordance with the conclusion of a psychological, medical and pedagogical consultation.

14. Information about children to be transferred is reported to the territorial bodies of education and social protection of the population 6 months prior to the transfer date.

15. The transfer of children for adoption shall be carried out in accordance with the procedure established by the resolution of the Government of the Republic of Kazakhstan dated March 30, 2012 no. 380 "On approval of the Rules for transferring children who are the citizens of the Republic of Kazakhstan for adoption". When children are transferred for adoption, a note about the transfer for adoption is made in the registration book of children's acceptance to the Children's Home without indication of the name and address of the adoptive parents. Information about the adoption shall be kept by the Chief Medical Officer (director) of the Children's Home and is presented to the investigative and judicial authorities at their official request in accordance with the legislation of the Republic of Kazakhstan.

16. When placed in a hospital, a sanatorium, boarders shall not be considered to have left and are not registered as new arrivals in the children's acceptance registration book to the Children's Home.

17. When sending a child for treatment to a hospital, sanatorium or rehabilitation center, the administration of the Children's Home records information about hospitalization in the history of the child's development.

Appendix to the Rules for
maintenance of orphans, children
left without parental care and
disadvantaged children up to the
age of three years inclusive in
state-run medical facilities
Form

Application on temporary placement to the Children's Home

To the Chief Medical Officer of the Children's Home _____

Application on temporary placement of the child to the Children's Home

I inform you about myself as follows: surname, name, patronymic (if any

Date and place of birth: _____

Registered at (when, at which address): _____

Passport or ID (number, when and by whom issued):

Marital status: _____

Education: _____

Relation to the child (parents, other legal representatives):

I kindly ask you to accept (transfer) my child _____

_____ date of birth,

born in obstetrics facilities of _____ city

(other inhabited locality) _____ to the Children's Home

for the period of _____ year.

The reason for the temporary placement of the child to the Children's Home временного:

I have been warned that in case of an unjustified refusal to pick up the child within the period specified in the application, as well as refusal to participate in his upbringing, the administration of the Children's Home is eligible to sue for deprivation of parental rights, in accordance with subclause 2) of clause 1 of article 75 of the Code of the Republic of Kazakhstan "On Marriage (Matrimony) and Family";

Signature of a parent or legitimate representative: _____

Signature of the head of the Children's Home: _____

Date (day, month, year) _____

Seal of organization