

## **On Children's Villages of Family Type and Youth Homes**

### ***Unofficial translation***

The Law of the Republic of Kazakhstan dated 13 December, 2000 No. 113-II.

Unofficial translation

Footnote. Title as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication);

through the whole text, the words "Youth houses" are supplemented respectively by the words "youth houses";

words "18 years", "23 years", "from 18", "from 16" are supplemented respectively by the words "eighteen years", "twenty three years", "from eighteen", "from sixteen";

words "mothers- governesses", "mother- governess", "Mother- governess" are supplemented respectively by the words "mother educator", "mothers educators", "Mother educator"; words "authorized body on the issues of education", "Authorized body on the issues of education" are supplemented respectively by the words "authorized body in the field of education", "Authorized body in the field of education" by the Law of the Republic of Kazakhstan dated 26.12.2011 №. 517-IV (shall be enforced from the date of its first official publication).

This Law determines legal provision of children's villages of family type and youth houses created for the purpose of satisfying the rights of orphaned children and children being left without parental custody to live and to be raised in a family, as well as comprehensive ensuring of their ethical and moral, labour nurturing and education.

### **Chapter 1.**

#### **General provisions**

#### **Article 1. Relations regulated by this Law**

1. This Law regulates public relations arising due to maintenance, nurturing and ensuring of primary, main secondary, general secondary, technical and professional, post-secondary, higher education of orphaned children and children being left without parental custody in children's villages of family type and youth houses.

2. The rules of other regulatory legal acts shall apply to relations not regulated by this Law.

Footnote. Article 1 as amended by the Law of the Republic of Kazakhstan dated 27 July 2007 No. 320 (the order of enforcement see Article 2).

## **Article 2. Legislation of the Republic of Kazakhstan on children's villages of family type and youth houses**

1. The legislation of the Republic of Kazakhstan regulating maintenance, nurturing and ensuring of primary, main secondary, general secondary, technical and professional, post-secondary, higher education of foster children in children's villages of family type and youth houses is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts.

2. International treaties ratified by the Republic of Kazakhstan shall have a priority before this Law and shall be applied directly, except for the cases when it follows from the international treaty that for its application the issuance of the Law of the Republic of Kazakhstan.

**Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 27 July 2007 No. 320 (the order of enforcement see Article 2).**

## **Article 3. Basic principles and tasks of this Law**

1. This Law is based on the principles of humanity, justice, free personal development, priority security of rights and legal interests of foster children, mutual assistance and maintenance of family members of the children's village and youth houses.

2. This Law is oriented to staged transformation of children's homes to children's villages and creation of children's houses of family type and youth houses in the country, the activity of which is designed for performance of the following tasks:

1) creation of conditions for foster children for maintenance, nurturing and obtaining primary, main secondary, general secondary, technical and professional, post-secondary, higher education by them, as well as conditions promoting their physical, psychological, moral and spiritual development;

2) ensuring of social adaptation of foster children;

3) ensuring of protection of health of foster children, strengthening of their psychophysical condition and conduct of preventive measures;

4) inoculation of the skills of labor activity, training of professions high demanded at the labour market to foster children;

5) assistance to foster children in correct choice of future profession and arrangement of labour.

**Footnote. Article 3 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 320 (the order of enforcement see Article 2); dated 26.12.2011 No. 517-IV ( shall be enforced from the date of its first official publication).**

## **Chapter 2.**

### **Rights of foster children of children's village**

#### **Article 4. Foster children of children's village**

Foster children (foster children) of children's village are:

- 1) orphaned children – persons at the age up to eighteen years whose parents or single parent died;
- 2) children being left without parental custody – persons at the age up to eighteen years that left without custody of single or both parents due to restriction or deprivation of their parental rights, recognition of parents as missing, declaring them deceased, recognition as incapable (partially capable), serving a sentence by parents at the places of deprivation of freedom, avoidance of parents from nurturing of children or from protection of their rights and interests, as well as upon refusal of parents to take their children from fostering or medical institutions, as well as in other cases of the absence of parental custody.

#### **Article 5. Right of foster child to live and to be raised in a family of children's village**

1. Each foster child shall have the right to live and to be raised in a family of children's village until they reach eighteen years.

2. Foster child shall have the right to:

- 1) respect of his (her) human dignity;
- 2) care from the side of mother educator and joint residence with her;

3) is excluded by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV ( shall be enforced from the date of its first official publication).

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).

#### **Article 6. Right of foster child to express his (her) opinion**

1. Foster child shall have the right to express his (her) opinion upon decision of any question in a family concerning his (her) interests.

2. Foster child shall have the right to be heard in the course of any judicial or administrative proceeding concerning his (her) rights and legal interests.

Consideration of opinion of the foster child attained ten years is mandatory, with the exception of cases when this contradicts his (her) interests.

Opinion of the foster child shall be considered:

- 1) upon choice of educational institution and form of education by mother educator;
- 2) upon solution of questions by mother educator concerning family nurturing and education;
- 3) upon consideration of requirements of parents by court on return of a child to them from the mother educator;
- 4) upon refusal to satisfy the claim of parents by court on restoration of their parental rights;

5) upon refusal to satisfy the claim of parents by court on cancellation of their restriction in parental rights.

#### **Article 7. Right of foster child to protection of rights and legal interests**

1. Foster child of the children's village shall have the right to protect his (her) rights and legal interests.

Protection of rights and legal interests of the foster child shall be carried out by administration of the children's village, tutorship and guardianship body, prosecutor and court, as well as internal affairs bodies and other state bodies within the competence.

2. Foster child of children's village shall have the right of protection from the abuse from the side of administration of the children's village, as well as from the mother educator.

Upon violation of rights and legal interests of the foster child, as well as upon non-performance or improper performance of obligations by administration of the children's village, as well as mother educator on provision of conditions to him (her) for maintenance, nurturing and obtaining primary, main secondary, general secondary, technical and professional, post-secondary, higher education or upon their abuse of the rights, the child shall have the right to apply for protection of rights and legal interests on an independent basis to trusteeship and guardianship body, and upon attainment of fourteen years – in court.

3. Civil servants of organizations and person that became known on a threat of life or health of a child, on violation of his (her) rights and legal interests shall be obliged to inform the trusteeship and guardianship body at the factual location of the child. Upon receipt of such details, the trusteeship and guardianship body shall be obliged to take necessary measures on protection of rights and legal interests of the foster child of children's village.

**Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 320 (the order of enforcement see Article 2); dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 8. Right of foster child to dwelling place**

1. Foster child for the entire period of staying in the children's village shall preserve the right to joint property together with other owners of dwelling place. Procedure and conditions of alienation of dwelling place being in joint property, as well as the foster child of the children's village shall be determined by the legislation of the Republic of Kazakhstan.

2. Foster child having the right of property to dwelling place transferred to him (her) in the manner of succession or giving and on the other legal grounds from parents, relatives or other persons, shall preserve the right to it for the entire period of staying in the children's village.

3. Dwelling place from the state housing fund shall be preserved for the foster child within entire period of his (her) staying in the children's village.

4. Foster child that does not have dwelling place after the end of staying in the children's village shall have the right to receive dwelling place from the state housing fund in accordance with the housing legislation of the Republic of Kazakhstan.

**Footnote. Article 8 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 9. Right of foster child to property**

Foster child shall preserve the right of property to:

- 1) property received by him (her) in the manner of giving, succession and by other legal grounds;
- 2) incomes received in the form of percent from bank deposit;
- 3) incomes received from leasing of dwelling place belonging to him (her);
- 4) incomes from creative, professional, labour and another activity.

#### **Article 10. Right of foster child to social payments**

1. Foster child shall have the right to benefits and other social payments in accordance with the legislation of the Republic of Kazakhstan, as well as alimonies owing to him (her).

2. Benefits and other social payments assigned to the foster child in accordance with the legislation of the Republic of Kazakhstan, as well as funds levied from parents for maintenance of the foster child shall be subject to transferring on banking accounts in the name of the foster child with his (her) written notification.

Administration and mothers-educators of children's villages shall not have the right to withdraw the funds from banking accounts of foster children received from alimonies, benefits and other social payments.

**Footnote. Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

### **Chapter 3.**

#### **Children's village of family type (children's village)**

#### **Article 11. Family in children's village**

1. Family in children's village – circle of persons (mother educator, foster children) linked by personal non-property rights and obligations arising from new form of nurturing of the children designed to promote strengthening of family relations and inoculation of the skills for labour, education and nurturing.

2. In the children's village, the maintenance and nurturing of children shall be carried out in a family by mother educator that passed competitive selection in the manner determined by the authorized body in the field of education.

3. Provision on the family in children's villages shall be approved by the authorized education body.

**Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication); dated 24.11.2021 No. 75-VII (shall be enforced ten calendar days after the date of its first official publication).**

## **Article 12. Legal status of children's village**

1. Children's village – legal person created in a legal organizational form of non-commercial organization for ensuring the rights and legal interests of foster children and performance of the functions established by this Law.

The state represented by the Government of the Republic of Kazakhstan and local executive bodies may be the founders of the children's village.

2. The children's village has a separate territory, the minimum size of which is determined by the authorized body in the field of education, with apartment-type residential premises located on it, administrative buildings and structures intended for families, as well as household and subsidiary (household) plot.

3. Children's village consists of several families, each of which includes living and nurturing from seven up to ten foster children at the age up to eighteen years, as well as of the youth houses for living of the graduates of children homes, board schools for orphaned children and children being left without parental custody, and foster children of the children's villages at the age up to twenty three years in a certain period.

4. Children's villages shall be placed, as a rule in small and medium cities, rural inhabited localities and suburban zones of big cities.

**Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2015); dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

## **Article 13. Management of activity of children's village**

1. Management of activity of children's village shall be carried out by administration appointed by the founder of the children's village in accordance with its Charter.

2. The main functions of administration of the children's village shall include:

1) creation of normal conditions for functioning of children's village and ensuring of material technical basis of the youth houses;



- 2) administration of educational process, control of studying;
- 3) improvement of infrastructure of children's village;
- 4) disposition of funds received by children's village between mothers-educators in accordance with the regulations of material ensuring;
- 5) acceptance and analysis of monthly financial reports of mothers-educators, directors of the youth houses.

3. Provision on administration of the children's village shall be approved by the authorized body in the field of education.

**Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 14. Requirements submitted to mother educator**

1. Citizens of the Republic of Kazakhstan attained the age of twenty seven years having higher, post-secondary or secondary (technical and professional) education that are not married and do not have own or adopted minor children may be the mothers-educators, with the exception of:

- 1) persons recognized incapable or partially capable by the court;
- 2) persons deprived of parental rights by the court or restricted in parental rights by the court;
- 3) suspended from obligations of a trustee (guardian) for improper fulfillment of obligations imposed on him (her) by the Law;
- 4) former adoptees, if adoption is cancelled by the court due to their faults;
- 5) persons having conviction;
- 6) persons who, for health reasons, cannot carry out the duties of raising a child. The list of diseases in the presence of which a person cannot accept a child for upbringing is established by the authorized body in the field of healthcare in coordination with the authorized body in the field of education.

2. Authorized body in the field of education shall develop and establish qualified categories of mothers-educators.

3. For the more complete ensuring of the interests of foster children of the children's village, the trusteeship and guardianship bodies may have personnel reserve of mothers-educators that passed the competitive selection.

**Footnote. Article 14 as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13 (shall be enforced from 01.01.2005); dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication); dated 19.04.2023 No. 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 15. Selection of children in a family of children's village**

1. Selection of children in a family of children's village shall be carried out by the mother educator with participation of a representative of administration of the children's village and on the basis of referral of trusteeship and guardianship body.

2. Upon selection of children to children's village, the trusteeship and guardianship bodies shall be obliged to discover existence of his (her) property transferred to him (her) in the manner of succession, giving or by other legal grounds and take proper measures of protection of property rights of children and preservation of this property (detection, storage and management of property that shall be inherited by children according to the Law; recovery of property from persons that possessed it illegally; recovery of money from debtors and others).

3. If there is property of children transferred to the children's village, being in another location, the protection of this property shall be carried out by trusteeship and guardianship body at location of the property and when necessary, the trustee of property may be appointed .

4. Sums of money shall be placed on bank account of the foster child. Documents on existence of the account shall be kept at administration of the children's village.

Copies of documents on existence of account shall be transferred to mother educator.

**Footnote. Article 15 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 16. Procedure for transfer of children to the family of children's village**

1. Maintenance, nurturing and ensuring of primary, main secondary, general secondary, technical and professional, post-secondary, higher education of children shall be carried out on the basis of contract on transfer of children concluded between the mother educator, administration of the children's village and trusteeship and guardianship body. Standard type contract on transfer of children to the family of children's village shall be approved by the authorized body in the field of education.

2. Upon transfer of children to the family, the trusteeship and guardianship body shall be based on their interests.

Transfer of children to family shall be carried out considering their opinion and wish of the mother educator. Children attained the age of ten years may be transferred to family of children's village upon their agreement.

Upon transfer to the family of children's village, their ethnic origin, certain confession and culture, native language, possibility of ensuring continuity in nurturing and education shall be considered.

3. Brothers and sisters shall be transferred to one family, with the exception of cases when by medical or other reasons they may not be nurtured together.



4. For each child transferred to the family of children's village, trusteeship and guardianship bodies shall transfer the following documents to administration of the children's village:

- 1) birth certificate;
- 2) medical certificate on health condition and medical discharge report of a child;
- 3) certificate on health condition of mother and course of childbirth (in case of transfer of a child from the children's home);
- 4) education certificate (for children of school age);
- 5) documents concerning the parents ( a copy of the death certificate or notification of death, court sentence or decision, certificate of illness, missing parents and other documents confirming the absence of the parents or their inability to bring up their children);
- 6) certificate on existence of brothers and sisters and their location;
- 7) property inventory belonging to a child, and details on persons answering for its preservation;
- 8) documents on the assignment of the previously occupied living space to minors and information from the State Corporation "Government for Citizens" on the state registration of rights to real estate for the child and his parents;
- 9) copy of court decision on recovery of alimonies, as well as documents confirming the right to benefits, pension and other social payments;
- 10) copies of documents on existence of account opened in the name of a child in the bank;
- 11) other documents.

**Footnote.** Article 16 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 320 (the order of enforcement see Article 2); dated 26.12.2011 No. 517-IV ( shall be enforced from the date of its first official publication); № 156-VI of 24.05.2018 (shall be enforced upon the expiration of ten calendar days after the day of its first official publication); No. 141-VII of 14.07.2022 (shall enter into force ten calendar days after the date of its first official publication).

#### **Article 17. Contract on transfer of children to the family of children's village**

1. Contract on transfer of children shall contain:

- 1) conditions of nurturing, education and maintenance of foster children of children's village;
- 2) rights and obligations of mother educator, administration of children's village;
- 3) obligations of trusteeship and guardianship bodies in respect of mothers-educators;
- 4) grounds and consequences of termination of the contract on transfer of children.

Children shall be transferred for case of mother educator for the term until attainment of eighteen years.

2. Early dissolution of the contract on transfer of children to the family of children's village may be carried out in cases of:

1) existence of justifiable reasons (diseases, change of family status and other cases of impossibility of performing own obligations) at the initiative of the mother educator;

2) avoidance of the mother educator from performance of obligations imposed on her, abuse of rights, cruel treatment with children, as well as physical or mental abuse and in other cases of occurrence of unfavorable conditions for maintenance, nurturing and education of children at the initiative of the trusteeship and guardianship body and (or) administration of the children's village;

3) return of a child (children) to parents or his (her) (their) adoption, as well as transfer of a child (children) under trusteeship (guardianship), foster care;

4) violation of conditions of the contract on transfer of children to family.

3. Upon early dissolution of the contract on transfer of children to the family of children's village at the initiative of the mother educator, such contract shall be concluded by the trusteeship and guardianship body with administration of the children's village and the persons being in personnel reserve of mothers-educators.

**Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 18. Rights and obligations of mother educator of nurturing and education of children**

1. Mother educator shall have the right to assign the methods of nurturing of children considering their opinion, opinion of administration of the children's village and recommendations of the trusteeship and guardianship body on an independent basis.

Mother educator shall have the right of choice of educational organization and form of education considering the opinion of children and shall be obliged to ensure conditions for obtaining of primary, main secondary and general secondary education by children.

2. Upon carrying out of own powers, the mother educator shall not have the right to inflict harm to physical and mental health of children, their moral development. Methods of nurturing shall exclude disparaging, cruel, gross treatment degrading human dignity, offending honor and dignity of children.

3. Mother educator shall be obliged to nurture children, take care of their health, physical, mental, moral and spiritual development.

Mother educator shall be obliged to fulfill the obligations imposed on her in good faith on creation of moral- spiritual and home atmosphere in the family.

4. Mother educator shall be obliged to ensure preservation of the copies of the documents mentioned in subparagraphs 1), 2), 4)-11) of paragraph 4 of Article 16 of this Law transferred to her.

5. Mother educator that carries out the obligations in prejudice of rights and interests of foster children shall bear responsibility in the manner established by the legislation of the Republic of Kazakhstan equally with parents.

**Footnote. Article 18 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 320 (the order of enforcement see Article 2); dated 26.12.2011 No. 517-IV ( shall be enforced from the date of its first official publication).**

#### **Article 19. Rights and obligations of administration on protection of rights and interests of foster children**

1. Administration of the children's village is a legal representative of foster children acting for protection of their rights and interests in respect of any physical and legal entities as well as in courts without special powers.

2. Administration shall not have the right to represent the interests of children, if it is established by the trusteeship and guardianship body that there are contradictions between the interests of administration and children. In case of disagreements between them, the trusteeship and guardianship body shall appoint the mother educator as a representative of the interests of children.

3. Administration of the children's village shall be obliged to represent reports on health condition of the foster child, on work of his nurturing, as well as on management of the property of the foster child to the trusteeship and guardianship body.

**Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 20. Rights and obligations of administration on management of the property of the foster child**

1. Management of the property of the foster child shall be carried out in accordance with the legislation of the Republic of Kazakhstan.

2. Incomes from transactions on leasing (renting) of the property shall be entered on a bank account of the foster child in a bank by the administration.

3. Upon return of the foster child to parents or after graduation from children's village, the property and documents of the foster child shall be transferred to the parents or the foster child himself (herself) by inventory against notarized countersignature.

**Footnote. Article 20 as amended by the Laws of the Republic of Kazakhstan dated 11.07.2009 No. 185-IV (shall be enforced from 30.08.2009); dated 26.12.2011 No. 517-IV ( shall be enforced from the date of its first official publication).**

#### **Article 21. Relationships of foster children with parents and other close relatives**

1. Administration shall not impede the relationships of foster children with parents and reunification with them in case of their restoration in parental rights, release from the places of deprivation of freedom and in other cases not inconsistent with the interests of a child.

2. Administration shall not also impede communication of the foster child with other close relatives (full blood and half blood brothers and sisters, grandfathers and grandmothers), with the exception of cases, when such communication does not conform to interests of a child.

3. Relationships of parents and other close relatives with the foster children shall be allowed upon agreement of administration.

4. Return of the foster children in current family shall be carried out in the manner established by the legislation of the Republic of Kazakhstan.

## **Chapter 4.**

### **Youth house (social adaptation centre)**

#### **Article 22. Youth house**

1. Youth house represents hall of residence or flats being on a balance of the children's village, children's home, board school for orphaned children and children being left without parental custody.

Under decision of local executive bodies, the Youth house may be created and function as independent legal entity in the form of state institution.

2. The activities of the Youth Homes shall be carried out by the administration of the children's village, children's home, boarding school for orphans and children left without parental care, together with the director of the Youth Home in accordance with the model rules on the Youth Home, approved by the authorized education body.

3. The Youth Home, functioning as an independent legal entity, shall pursue its activities in accordance with the model rules on the Youth Home, approved by the authorized education body.

**Footnote. Article 22 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 24.11.2021 No. 75-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 23. Purposes and tasks of Youth house**

1. Main purpose of Youth house – to help foster children of the children's villages, graduates of children's homes, board schools for orphaned children and children being left without parental custody (persons undergoing social adaptation) to be adapted in society according to their wish, particularly at labour market.

2. For the purpose of social adaptation of the foster children of the children's villages, graduates of children homes, board schools for orphaned children and children being left without parental custody, the Youth house shall perform the following tasks:

- 1) creation of condition for social adaptation to social life;
- 2) assistance of development of individual abilities and ensuring of professional training;
- 3) rendering of assistance in arrangement of labour.

**Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 24. Categories of persons undergoing social adaptation in Youth house**

1. In Youth house, on the basis of decision of administration of the children's village, children's home, board school for orphaned children and children being left without parental custody, the foster children of children's villages and graduates of children's homes, board schools for orphaned children and children being left without parental custody at the age from sixteen up to twenty three years may undergo social adaptation with the exception of persons having psychoneurological diseases.

2. In Youth house functioning as independent legal entity, on the basis of decision of local executive bodies, the foster children of the children's villages and graduates of children's homes, board schools for orphaned children and children being left without parental custody at the age from sixteen up to twenty three years may undergo social adaptation with the exception of persons having psychoneurological diseases.

**Footnote. Article 24 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 25. Main obligations of the director of Youth house**

Director of Youth house shall be obliged to:

- 1) study a labour market systematically by:  
establishment of contacts with interested organizations and research of vacant positions in organizations;  
creation of subsidiary husbandry, mini-joiner, locksmith workshops and other objects of small business;
- 2) carry out interaction with administration of the children's village, children's home and board school for orphaned children and children being left without parental custody on the issues included to his (her) competence.

**Footnote. Article 25 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 26. Representation of persons undergoing social adaptation**

1. Interests of persons undergoing social adaptation at the age from sixteen up to eighteen years shall be represented and protected by administration of the children's village, children's home and board school for orphaned children and children being left without parental custody

Interests of persons undergoing social adaptation at the age from sixteen up to eighteen years in Youth house having a status of independent legal entity shall be represented and protected by its administration.

2. Persons undergoing social adaptation at the age from eighteen up to twenty three years shall carry out their civil rights and incur obligations on an independent basis.

**Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 27. Legal capacity of persons undergoing social adaptation**

1. Ability of a person undergoing social adaptation to acquire and carry out civil rights, create civil obligations and fulfill them (civil legal capacity) by own actions shall be occurred in a full measures upon attainment of the majority age, in other words upon attainment of eighteen years.

2. In case when legislative acts of the Republic of Kazakhstan allow marriage before eighteen years, the person undergoing the social adaptation that did not attain the age of eighteen years shall acquire legal capacity in full measures from the date of marriage.

3. Full or partial refusal of the person undergoing social adaptation from capacity for rights or legal capacity and other transactions oriented to restriction of capacity for rights or legal capacity are invalid, with the exception of cases when such transactions are allowed by the legislative acts of the Republic of Kazakhstan.

**Footnote. Article 27 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 28. Legal capacity of persons undergoing social adaptation at the age from sixteen up to eighteen years**

1. Persons undergoing social adaptation at the age from sixteen up to eighteen years shall commit transactions upon the agreement of administration of the children's village, children's home, board school for orphaned children and children being left without parental custody. The form of such agreement shall conform to the form established by the legislation of the Republic of Kazakhstan for transaction committed by the minor child.

2. Persons undergoing social adaptation at the age from sixteen up to eighteen years shall have the right to dispose of own salary, scholarship, other incomes and objects of the right of intellectual property created by them on an independent basis, as well as commit petty daily transactions.



3. In existence of reasonable grounds, the trusteeship and guardianship body may restrict or deprive the persons undergoing the social adaptation of the right of independent disposition of own salary, scholarship, other incomes and objects of the right of intellectual property created by them.

4. Persons undergoing social adaptation at the age from sixteen up to eighteen years shall bear responsibility on an independent basis for the transactions committed in accordance with the rules of this Article, and bear responsibility for the harm inflicted by their actions in accordance with the Civil Code of the Republic of Kazakhstan.

5. Persons at the age from sixteen up to eighteen years undergoing the social adaptation in Youth house functioning as independent legal entity shall commit transactions upon the agreement of administration of this institution.

**Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 29. Right of persons undergoing social adaptation at the age from sixteen up to eighteen years to introduce contributions to the banks and dispose of contributions**

1. Persons undergoing social adaptation at the age from sixteen up to eighteen years shall have the right to introduce contributions to the banks and dispose independently of the contributions introduced by them.

2. Persons undergoing social adaptation at the age from sixteen up to eighteen years shall dispose independently of the contributions introduced by anyone in their name.

#### **Article 30. Rights and obligations of persons undergoing social adaptation**

Rights and obligations of persons undergoing social adaptation shall be determined on the basis of the contract on maintenance in Youth house concluded between the children's village, children's home and board school for orphaned children and children being left without parental custody, and foster child (graduate). This contract shall be concluded on the basis of the standard type contract approved by the authorized body in the field of education.

Rights and obligations of persons undergoing social adaptation in Youth house functioning as independent legal entity shall be determined on the basis of the contract on maintenance in this institution concluded between the Youth house and the foster child (graduate).

**Footnote. Article 30 is in the wording of the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 31. Termination of the contract on maintenance in Youth house**

1. Contract on maintenance in Youth house besides the grounds provided in it shall be terminated:

- 1) upon attainment of twenty three years;
- 2) with expression of desire of the person undergoing social adaptation to terminate the contract;
- 3) by decision of the trusteeship and guardianship body, administration of the children's village, children's home and board school for orphaned children and children being left without parental custody, in cases of repeated violation of the order of Youth house, detection of the facts of consuming alcohol, drugs, other dopey substances, commission of indecent acts of sexual character by the foster child (graduate) of Youth house;
- 3-1) decision of administration of Youth house, functioning as independent legal entity in cases of repeated violation of order of the Youth house, detection of the facts of consuming alcohol, drugs, other dopey substances, commission of indecent acts of sexual character by the foster child (graduate) of Youth hose;
- 4) in other cases provided by the legislation of the Republic of Kazakhstan.

2. Dissolution of the contract on maintenance in Youth house shall terminate the right of the person undergoing social adaptation to the place in a residence hall of Youth house.

**Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

## **Article 32. Responsibility for infliction of harm by the person undergoing social adaptation**

1. Persons undergoing social adaptation at the age from sixteen up to eighteen years shall bear responsibility on an independent basis for the harm inflicted by them on general grounds.

2. If the person undergoing social adaptation at the age from sixteen up to eighteen years being in need of guardianship was in the children's village, children's home, board school for orphaned children and children being left without parental custody that in virtue of the Law is his (her) guardian, the administration children's village, children's home, board school for orphaned children and children being left without parental custody shall be obliged to compensate the harm in full or in deficient part unless it proved that the harm is occurred not due to its fault.

3. Obligation of administration of the children's village, children's home, board school for orphaned children and children being left without parental custody on compensation of the harm shall be terminated upon attainment of majority age by the person that incurred the harm or when he (she) has the property or other sources of income being sufficient for compensation of the harm before attainment of the majority age or when he (she) acquired the legal capacity before attainment of the majority age.

**Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

## **Chapter 5.**

### **State guarantees for foster children of the children's villages and youth houses**

#### **Article 3. State guarantees for foster children**

State guarantees for foster children shall include:

1) creation of legal, economic and organizational conditions for assistance of physical, intellectual, spiritual and moral development of foster children, their inoculation of patriotism and civic consciousness;

2) creation of the system of professional orientation, ensuring of primary professional training and assistance in arrangement of labour; 3) ensuring of rights of children for education, as well as for rest and health improvement by preservation and development of the network of institutions, the activity of which is oriented to rest and health improvement of children;

4) formation and implementation of the state policy in the interests of children in the field of culture, physical training and sports;

5) provision of dwelling place in the manner provided for this category of citizens, if the property that they occupied before directing to the children's village, children's home or board school for orphaned children and children being left without parental custody may not be returned;

6) conduct of measures jointly with interested ministries, departments and organizations on health improvement, physical and hygienic education of children, carrying out of the control of health condition of children in the children's villages independently from legal organizational form of the children's villages.

**Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).**

#### **Article 34. Role of state bodies in development of the children's villages of family type and youth houses**

Trusteeship and guardianship bodies shall render methodical assistance in education and nurturing of the foster children, in medical preventive and psychological diagnostics work to the children's villages of family type and youth houses, as well as carry out control of conditions of their maintenance, nurturing and education, give advises to mothers-educators on psychological medical pedagogical questions.

#### **Article 35. Financing of measures on ensuring of the guarantees of rights of foster children**

1. Costs for implementation of the measures on ensuring of the guarantees on social protection of foster children shall be incurred at the expense of the founders and other sources not prohibited by the Law.

2. Money funds for maintenance of each foster child shall be paid by the founder on a monthly basis.

Standards of food supply, clothes, footwear, soft inventory for one foster child shall be determined in accordance with the legislation of the Republic of Kazakhstan.

**Article 36. Financing of measures on ensuring of the guarantees of rights of foster children in the state institutions**

1. Is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

2. For the time of staying in the children's villages (children's homes) maintained at the expense of state budget, their foster children shall be guaranteed by the full social security.

3. Persons undergoing social adaptation in youth houses shall be guaranteed by the full state security during the period of their obtaining of higher, post-secondary or secondary (technical and professional) education in the full-time form.

Footnote. Article 36 as amended by the Laws of the Republic of Kazakhstan dated 27.07.2007 No. 320 (the order of enforcement see Article 2); dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 37. Responsibility for violation of the legislation of the Republic of Kazakhstan on children's villages of family type and youth houses**

Violation of the legislation of the Republic of Kazakhstan on children's villages of family type and youth houses shall entail responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. Chapter 5 is supplemented by Article 37 in accordance with the Law of the Republic of Kazakhstan dated 26.12.2011 No. 517-IV (shall be enforced from the date of its first official publication).

The President of the Republic of Kazakhstan