

LAW NO. 08/L-255**ON SOCIAL AND FAMILY SERVICES****Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

LAW ON SOCIAL AND FAMILY SERVICES

**CHAPTER I
GENERAL PROVISIONS****Article 1
Purpose**

This Law shall regulate social and family services for persons in need and families in need, duties and responsibilities of public institutions that draft policies and provide social and family services as well as duties and responsibilities of private institutions that provide social and family services.

**Article 2
Scope**

The provisions of this Law shall be applied by public and private institutions, non-governmental organizations and other providers of social and family services to ensure the well-being, and care for the dignity and life of persons in need in accordance with the legislation in force.

**Article 3
Definitions**

1. The terms used in this law shall have the following meaning:

1.1. Social services - services that are provided through social work methods and other methods, with the aim of increasing well-being for individuals, vulnerable families and the community, which help to eliminate risks and poverty, improve inclusion and integration in order to reach one's full potential in life;

1.2. Direct social care - activity organized in the public interest for the provision of assistance to individuals in social need, in relation to household chores, personal care, mobility, communication and supervision, care which can be provided in the person's own home, in another family, in a specialized day care center, or in a residential institution;

1.3. Professional counselling - systematic and programmed process of providing information, advice and guidance in order to help the individual, family, group and community to improve social and interpersonal circumstances;

1.4. Material assistance - providing money, temporary shelter, food, payment of medical expenses, clothing or any other urgent need for the individual or family who have no other resources available;

1.5. Person in need - any person who is in the territory of the Republic of Kosovo, regardless of status or country of origin, who needs social services, without limitation, due to the following:

- 1.5.1. he/she is a child without parental care;
- 1.5.2. he/she is a child at risk of losing parental care;
- 1.5.3. he/she is a child with behavioral difficulties;
- 1.5.4. he/she is a victim of abuse and mistreatment, including physical, psychological, sexual abuse and neglect;
- 1.5.5. he/she is a child in conflict or in contact with the law;
- 1.5.6. disordered relations in the family;
- 1.5.7. a person of advanced age;
- 1.5.8. a person with physical disability;
- 1.5.9. a person with mental disability;
- 1.5.10. risk of exploitation or abuse;
- 1.5.11. domestic violence and any other type of gender-based violence;
- 1.5.12. human trafficking;
- 1.5.13. engagement of children in hard labour;
- 1.5.14. addiction to psychoactive substances, such as: alcohol, drugs or any other natural or pharmaceutical substance that causes addiction;
- 1.5.15. emergencies or disasters caused by nature or man; or
- 1.5.16. any other reason that makes them persons in need.

1.6. Family in need - family where one or both parents or guardians need assistance, or cases where care for the child is required due to their condition or the condition of the child;

1.7. Social services professional – provider of social and family services with adequate qualification in the field of social work, psychology, sociology, law, pedagogy or any other field closely related to social and family services, who is licensed and registered in the Ministry's register, that provide social and family services from the field of their responsibility and professional competence;

1.8. Ministry – relevant Ministry for social matters;

1.9. Municipality – Capital Pristina and municipalities in the Republic of Kosovo;

1.10. Department – the relevant Social and Family Services Department at the Ministry;

1.11. Professional Council for Social and Family Services - mechanism for developing programs for continuous professional training for social service providers and licensing of individual providers for social and family services;

- 1.12. Center for Social Work - administrative and professional social institution at the municipal level, competent for the protection of citizens in social need;
- 1.13. Guardianship Body - the responsible body acting within the Center for Social Work which is responsible for protecting the interests of children and adults, consisting of a group of experts with professional experience in the specific area of responsibility;
- 1.14. Case Manager - the responsible official appointed by the Guardianship Body, for case management, who, in cooperation with the relevant actors, assesses the needs of the beneficiary and draws up the care plan;
- 1.15. Legal Guardian - the person appointed by the decision of the Guardianship Body, who has the obligation to legally represent the rights and interests of the person under guardianship;
- 1.16. Adoption Panel – means the professional body established by the Ministry for the smooth running and monitoring of the local and international adoption process;
- 1.17. Foster Care Panel - professional body which consents to the placement of a child or an adult with a foster family inside or outside the family circle, based on the assessment of the Guardianship Body, who are provided with housing and care through the provision of social services in the family circle of the biological family or outside the family circle of the biological family;
- 1.18. Residential Care Panel - professional body at the central and local level which gives consent for the placement of the child, adult and elderly person in residential care, based on the assessment of the Guardianship Body, who are provided with housing and care, through the provision of social services;
- 1.19. Child - a person up to the age of 18;
- 1.20. Minor - a person between the ages of 14 - 18 years;
- 1.21. Adult - a person who has reached the age of eighteen (18);
- 1.22. Young people - persons up to the age of 24;
- 1.23. Civil society organizations - organizations defined according to the legislation in force;
- 1.24. Family - means the family according to the provisions of the relevant Family Law in Kosovo;
- 1.25. Single parent – a parent who takes care of his/her child by himself/herself and supports him/her, while the other parent is deceased, or is unknown, missing or of unknown residence or whereabouts, has been deprived of the capacity to act or parental rights, a divorced or separated parent;
- 1.26. Single person - a person who is not in a marital or extramarital union, i.e. does not have a family and lives alone;
- 1.27. Extramarital union - a life union of a woman and a man that are not in a legal marriage together, which fulfils the conditions stipulated by the special law regulating family relations;
- 1.28. Beneficiary of social and family services - an individual, family members and the family as a whole, who realize rights and services in accordance with this Law;

1.29. Person with a disability - a person who has long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers can prevent his full and effective participation in society on an equal basis with others;

1.30. Wealth status - income and wealth of the individual, single person or family wealth.

Article 4 Principles

1. Social services shall be guided by the principle of:

1.1. respecting the integrity and dignity of the child or adult beneficiary of social services, which is based on social justice, responsibility and solidarity that is offered, respecting physical and psychological integrity, security, as well as respecting moral, cultural and religious beliefs, in accordance with guaranteed human rights and freedoms;

1.2. non-discrimination of the beneficiary according to race, gender, age, nationality, religion, political, trade union or other affiliation, wealth status, culture, language, disability, belonging to a certain social group, or other personal qualities and continuity of providing social services;

1.3. informing the beneficiary about all the data that are important for determining their social needs and realizing their rights, as well as how those needs can be fulfilled satisfactorily;

1.4. individual and easy access to the beneficiary in the provision of social services to all those who are in social need, so that these services are secured and provided, as far as possible near the family or community of the beneficiary of the service in order to ensure social well-being and efficient use of funds;

1.5. guaranteeing the active participation of the beneficiary in the creation, selection and use of social rights, which is based on participation, assessment of the condition and needs, as well as decision-making for the acceptance of the necessary services;

1.6. respecting the best interest of the beneficiary in realizing the right to social services;

1.7. inclusiveness and pluralism of services and providers of social services according to the conditions and manner provided by law;

1.8. transparency in terms of the inclusion of the opinion on social protection in the public means of information, as well as in other ways in accordance with the law;

1.9. respecting privacy when providing social care services to the beneficiary of rights in the social care system;

1.10. secrecy and protection of personal data, so that the beneficiary of the right in the social care system must be provided with the secrecy and protection of personal data in accordance with the law;

1.11. continuity of social services, which means the guidance and follow-up of the beneficiary over a period of time through a comprehensive package of services that covers every level and intensity of health and social care that a person may need throughout life;

1.12. doing no harm, which means that social services must be provided based on an understanding of the context in which social problems arise through an assessment of how intervention can interact with a decision to provide social services while avoiding negative impact, and achieving positive impact;

1.13. the person and the family at the center, means that social services must be provided by adapting to the needs of each beneficiary, developing an individual intervention plan for each case in harmony with the complexity of the case;

1.14. the provision of comprehensive and integrated services, which are offered through the assessment of the multiple vulnerability of the beneficiary as an individual or in a group;

1.15. assessment and readiness to provide quality, which means that social services must be developed with a systematic approach to improve the quality of services provided, as well as the methodology for supervision and monitoring of the implementation of new programs.

CHAPTER II SOCIAL AND FAMILY SERVICES

Article 5 Social and family services

1. Social and family services aim at:

1.1. providing assistance to the individual, family, group and community, regardless of age, disability, social problems, who have partially or completely, temporarily or permanently lost the ability or capability to independently take care of their private life or of the family as well as their participation in society;

1.2. creating conditions for the development and empowerment of the individual and the family for training and opportunities to independently solve social problems, maintain ties with society, as well as to overcome social exclusion;

1.3. strengthening the family and preventing the separation of the child from their family, through services that enable the construction and preservation of family unity, and if this is not possible, then it must enable the placement of the child to the family environment, taking care of the rights, well-being and the best interest of the child.

2. The government and municipalities shall secure and provide social and family services in accordance with the law.

3. The provision of social and family services from paragraph 2 of this Article can also be entrusted to other legal and natural persons, licensed according to this law.

4. The municipality can define and provide other social and family services in accordance with the needs of the population of the respective municipality, as follows:

4.1. personal assistance for the disabled person;

4.2. housing support;

4.3. safe and secure housing;

4.4. assistance in caring for adults after release from institutions or foster families;

4.5. one-time help in nature which is given in emergency situations;

4.6. public kitchen services;

4.7. aid for the education of the child and the family in social need;

- 4.8. assistance in education and training of children with special educational needs;
- 4.9. subsidizing municipal expenses for the poor family;
- 4.10. assistance in housing care for poor families and individuals as well as those in need;
- 4.11. burial expenses of the beneficiary of the rights from this Law;
- 4.12. support services via a 24-hour telephone line;
- 4.13 subsidizing local transport services; and
- 4.14. other rights and services to the needs of the citizens of the respective municipality.

5. The rights according to this law are realized after exhausting the available possibilities of the individual or the family. Social and family services are provided with the aim of preventing social problems of the individual, family, group and community, as well as guaranteeing the well-being and social cohesion of the family and society.

Article 6 **Beneficiaries of social services**

1. The beneficiaries of social and family services are the individual, the family member and the family as a whole, who realize rights and services in accordance with the law.
2. The rights of beneficiaries of social services are realized through financial support, social services and other measures offered to the individual, family member or family.

Article 7 **Equal treatment**

1. The beneficiary of social services has the right to social protection, which is based on equal and fair treatment.
2. Any form of discrimination in the implementation of social protection and social as well as family services is prohibited.

Article 8 **Social and family service providers**

1. Providers of social and family services are the Government and the Municipalities.
2. Social and family services, in addition to public institutions of social services, can also be offered by non-governmental organizations, natural and legal persons in accordance with the law.
3. The government defines the system of social services, designs development policies and strategies, rights and criteria for the beneficiaries of social and family services, as well as ensures the realization of the rights provided by law.
4. Municipality shall:
 - 4.1. implement the policies, strategies and standards set by the Government;
 - 4.2. draw up the annual and mid-term plan of social services, based on the analysis of the social situation and the needs of the population in its territory;

4.3. decide on the rights defined by this law, as well as determine the conditions for the realization of rights, measures and programs;

4.4. provide the means for realizing the rights defined by law;

4.5. perform other work in the realization of the goals of social and family protection.

Article 9 **Basic life needs**

1. Basic life needs are food, water, shelter, clothing, care, household necessities, heating, and health needs, to ensure the minimum of living, while also including participation in community life and social inclusion.

2. In the case of children and adults, personal vital needs also include the needs arising from their development, growth, care, education and training.

3. In children and adults with disabilities, in addition to the basic life needs, there are also supplementary needs that arise from physical and mental disabilities, namely, multiple disabilities, with the aim of their active involvement in the everyday life of the community on an equal basis with others.

Article 10 **Responsibility for fulfilling the life needs**

Each person shall take care of meeting his own life needs and the needs of other persons in accordance with the law.

Article 11 **Persons enjoying the right to social and family services**

1. The right to social and family services shall be enjoyed by:

1.1. citizens of the Republic of Kosovo with residence in the territory of Kosovo;

1.2. a foreign citizen with a temporary residence permit or permanent residence in Kosovo;

1.3. a person with asylum seeker status and the foreigner under subsidiary protection in accordance with the law.

2. The rights from paragraph 1 of this Article can also be enjoyed by a person who, due to special circumstances and danger, it is necessary to offer them the appropriate form of protection, having the right to one-time pecuniary assistance and the service of temporary shelter.

Article 12 **Cooperation in the provision of social and family services**

1. In order to provide social and family services as efficiently and effectively as possible, central and local level institutions shall cooperate and coordinate actions among themselves and with other actors that provide social and family services.

2. Municipalities shall participate in the financing the social and family services in inter-municipal cooperation or coordination.

Article 13
Restriction of the realization of rights to social and family services

1. The rights to social and family services defined by this law cannot be realized by a person who uses such right according to other legal provisions.
2. Rights to social care and services are personal and cannot be transferred or inherited.
3. The financial aid which is realized in accordance with this law cannot be subject to compulsory insurance or enforcement.

CHAPTER III
THE RIGHT TO SOCIAL AND FAMILY SERVICES, CLASSIFICATION AND FORMS OF PROTECTION

Article 14
The right to social and family services

1. Social and family services include activities, measures and programs intended for the prevention, identification, protection, rehabilitation, reintegration and resolution of problems and difficulties of the individual and the family, as well as for improving the quality of their life in the community.
2. Social and family services can be provided temporarily or for a long period, depending on the needs of the beneficiary and are organized as services for children, young people, families and adults and elderly people, respecting the social ties of the circle of beneficiaries and family.
3. Depending on the needs of the beneficiary, social services can be offered simultaneously and in combination with the services offered by educational institutions, health and other service providers (hereinafter: integrated services).
4. Integrated services are regulated by a sub-legal act proposed by the Ministry and approved by the Government.

Article 15
Assessment and planning of services

1. The assessment includes the assessment of the condition of the beneficiary of the services, the needs, the ability, the vulnerability, the risk, and of other persons in the family and social circle important for the beneficiaries, the assessment of the guardian, the care person or the adopter.
2. Planning includes the planning of services in order to benefit from these services or to determine protection measures for the beneficiary, the family and the community.
3. The actions from paragraphs 1 and 2 of this Article are provided by the Ministry and the municipality, while the provision of social services is made by the Center for Social Work, non-governmental organizations, legal entities, private providers and individual providers in accordance with the law.
4. Assessment and planning in the case of providing services are carried out by social and family service providers, in accordance with the law.

Article 16
Classification of social services

1. Social and family services are classified into categories of primary, secondary and tertiary services, whereby each category has a different purpose.

2. The Ministry and the municipality are responsible for ensuring that sufficient social services of each of the three categories respond to the needs of the beneficiary throughout the territory of the country.

Article 17

Primary services

1. Primary services are preventive, general services accessible or provided as early intervention to the family and community where the beneficiary lives.

2. Primary social services are provided in a targeted, intended or financially supported way to reduce the vulnerability of the beneficiary identified as eligible.

3. Primary services include, but are not limited to:

1.1. information advice as a service provided to help the individual obtain information on how they can help themselves or access support elsewhere;

1.2. consultative, therapeutic or mentoring counselling, which aims to improve an individual's situation using therapeutic techniques and psycho-social support techniques common in the field of psychology;

1.3. parental education that aims to help parents acquire greater knowledge and awareness about the stages of child development, effective family communication techniques and positive disciplines;

1.4. housing support, which provides reserved or financially supported housing to enable individuals to stay or engage socially and lead a functional life;

1.5. family and community day care services include activities that support the beneficiary's stay in the family and in the immediate circle, respectively in the community;

1.6. mentoring professional activities to help a person look for work;

1.7. legal services from an experienced professional or from the relevant institution for the provision of free legal assistance in legal matters to help the beneficiary resolve issues of a legal nature.

1.8. home care and assistance, which is provided in the home of the person receiving the assistance, is a service that may include providing food, doing housework, providing medicine, providing therapy, maintaining hygiene in the room, doing work in the community, as well as meeting other daily needs;

1.9. transport services can be offered to a person with limited mobility to help this person use other services or move to be included in society.

Article 18

Secondary services

1. Secondary services are specialized social services for the treatment and rehabilitation of the person receiving the service, who is at risk or whose rights have been violated. These services are necessary for treatment and rehabilitation by reducing risk and addressing the negative impacts of adverse experiences, such as trauma and violence.

2. Services are provided as close as possible to the beneficiary's residence, or at the beneficiary's request and for the purpose of guaranteeing the beneficiary's confidentiality, in a place of the

beneficiary's choice, in the municipality of their residence or temporary residence.

3. Secondary services include, but are not limited to:

3.1. specialized social therapeutic counselling services where cases such as: trauma, depression, suicidal thoughts, etc. are treated;

3.2. reintegration services and preparation for independent living services and programs include a number of measures, such as: tracking, counselling, planning reintegration steps and the support that must be provided during the implementation of these steps, connection and liaison with providers of other services and the reunification of a person with his natural residence until the person is fully and safely integrated into the family or community;

3.3. program and treatment of substance abuse;

3.4. mentoring services are advisory services to help overcome risks and reduce risk.

Article 19 Tertiary services

1. Tertiary services are continuous and intensive care social services provided 24 hours a day throughout the week to persons at risk or victims. The person stays for a shorter or longer period for treatment or rehabilitation.

2. The service is offered as close as possible to the residence of the beneficiary, but not necessarily in the same municipality.

3. Tertiary services include, but are not limited to:

3.1. foster care within or outside the biological family where the child or adult is provided shelter and care in a family environment. Residential services include reception, accommodation, food, clothing, hygiene, room care, health care, guardianship, education, work activities, psycho-social rehabilitation and leisure;

3.2. small group homes as a form of alternative care and protection outside the biological family. Services include reception, accommodation, food, clothing, hygiene, room care, health and care, guardianship, education, work activities, psycho-social rehabilitation and leisure;

3.3. reception center- a shelter provided as temporary accommodation organized for individuals, their blood relatives or foster family, who are in difficult or emergency situations, until they are sent to another professional service. These services include reception, accommodation, food, clothing, hygiene, room care, health and care, guardianship, education, work activities, psycho-social rehabilitation and leisure;

3.4. supportive housing in group homes as a special form of housing where supportive services are provided to up to five (5) people who stay together 24 hours a day, and are provided with permanent or temporary professional and organized support in order to meet basic life needs in the short or long term.

Article 20 Services and forms of protection

1. Beneficiary protection services are provided through these forms:

1.1. guardianship;

- 1.2 foster care (family housing), which includes placement with relatives and placement with other families for children, adults in need and the elderly;
- 1.3. residential care of the beneficiary, including different types of houses or centers, community-based houses (hereinafter: residential care), reception places and other types of housing in accordance with the law;
- 1.4. adoption, as a permanent form of legal and family protection for the child without parental care;
- 1.5. supervised independent living.

Article 21 Guardianship

1. Guardianship is a form of protection for the child without parental care, who is placed in guardianship and enjoys special protection from public institutions, when his parents are unable to exercise parental care, without being limited only to the reasons that both parents are dead or they are not known, have been declared missing, have been deprived of parental care or have lost the capacity to act, or for any other reason which, by court decision, gives grounds for placement in the interest of the child's well-being.
2. Guardianship as a form of protection is offered to the person of adult age, who is deprived of the capacity to act by court decision.
3. Guardianship for special cases is assigned due to undefined property (special guardianship), on behalf of the person's alleged property, in cases where the owner of the property is unknown and when such person does not have a legal representative, as well as when guardianship is unavoidable to protect the legal interests of the person.
4. Special guardianship is assigned to the child in cases where the parents exercise parental care, but between them and the child there is a dispute over obvious legal matters related to the child's property.
5. The procedure for assigning guardianship, the types of guardianship and other matters related to guardianship are regulated by a sub-legal act issued by the Minister.

Article 22 Foster care

1. Foster care is a form of protection and provision of social services outside the biological family and with relatives, with which the child or adult is provided shelter and care first of all in the family circle in accordance with the law.
2. Foster care for children and young people includes preparation for return to parents, other permanent living arrangements and preparation for independent living.
3. Adult foster care enables the maintenance or improvement of the quality of life to ensure the necessary conditions for their development, education and training for independent life and work.
4. Housing of the beneficiary of the services can be temporary, daily and long-term.
5. Foster care (Housing) services include the services of reception, housing, food, provision of clothing, maintenance of hygiene in the room, health care and care, protection, education and training, development of work activities, psycho-social rehabilitation, reintegration and leisure-time organization.

6. The beneficiary of the housing service with an individual plan is determined the type of services he uses during the housing, depending on the defined needs and the choice of the beneficiary.
7. Foster care services also include the preparation of the beneficiary for return to his family, or placement in any of the other forms of protection.
8. Housing services are secured by the Ministry and the municipality, while they are provided by the Centers for Social Work, non-governmental organizations and other natural and legal persons, which perform the activity of social and family services in accordance with this law.
9. Foster care panel shall function within the relevant Department in the Ministry, that is appointed by the Minister and it is composed of five (5) members, amongst whom three (3) representatives from the relevant Department in the Ministry, one (1) representative from the Centre for Social Work and one (1) for non-governmental organizations.
10. Organization, duties and responsibilities of the foster care panel shall be determined by sub-legal acts issued by the Minister.
11. Housing services can also be provided as integrated inter-sectoral social services.
12. The foster care service provider is compensated according to the contract.
13. The conditions for receiving the housing service, types of housing, types and number of established beneficiaries, as well as other issues related to housing, are regulated by a sub-legal act issued by the Minister.

Article 23

Foster care (family housing) service providers

1. Foster care services are primarily provided by family relatives, when this is in the best interest of the beneficiary.
2. Foster care services are provided by the host family or another person who has been assessed as suitable, who has successfully completed the training, as well as fulfils the other conditions defined by law.
3. The family, namely the person from paragraphs 1 and 2 of this Article, receive relevant training, while providing services and support in accordance with the law.

Article 24

Residential care (housing)

1. Residential care (housing) is a form of protection for children without parental care, adults and the elderly without family care, which is provided through housing and the fulfilment of basic life needs, as well as health protection of the beneficiary who does not have the conditions to stay in the family and who cannot be provided with social services through family housing and family service.
2. Exceptionally, when other forms of housing and care cannot be provided and the situation of the child's need for protection is urgent, the child is temporarily placed in residential housing for children.
3. The facilities that offer residential housing should be small and well organized to protect the rights and meet the needs of the child in facilities that resemble family environments as much as possible.
4. Residential housing panel shall function within the relevant Department in the Ministry, that is appointed by the Minister and it is composed of three (3) members, amongst whom two (2) representatives from the relevant Department in the Ministry, one (1) representative from the

residential care institutions.

5. Residential housing panel at local level shall function within the Municipality, that is appointed by the Municipality and it is composed of three (3) members, amongst whom one (1) representatives from the relevant municipal Directorate, one (1) representative from the Centre for Social Work and one (1) representative from the residential care institution.

6. Organization, duties and responsibilities of the residential housing panel shall be determined by sub-legal acts issued by the Minister.

7. In addition to the needs from paragraph 1 and 2 of this Article, access to education and other aspects that affect the development of the child's psycho-physical capacities are also ensured.

8. Residential housing services are provided to the beneficiary to ensure preparation for his return to the biological family, housing in another family, respectively, his preparation for independent life, in accordance with family resources, needs and his/her best interest.

9. In the case of choosing for the beneficiary's right to residential housing, the competent bodies examine all other options and types of services outside of residential housing, and apply residential housing when there are no other options, especially with increased care for children under the age of three (3) years.

10. Residential housing services can be provided by the provider of social and family services, who has obtained the license and consent for the provision of these services.

11. The conditions for the provision of residential housing, the types of housing, the conditions for providing housing, the types and number of established beneficiaries, are regulated by a sub-legal act issued by the Minister.

Article 25

Housing (shelter) in emergency situations

1. With accommodation in the emergency reception center, the beneficiary is provided with shelter and security for a short period of time, until finding sustainable solutions to crisis situations, meeting his basic needs and accessing other services.

2. The shelter service at the reception center is secured by the Ministry and the municipality, while the service is provided by social service institutions, non-governmental organizations and other licensed natural and legal persons.

Article 26

Emergency intervention services

1. Social services can be provided in the form of emergency interventions in order to guarantee safety in situations that endanger the life, health and development of the beneficiary and are provided 24 hours a day.

2. Emergency intervention services are secured by the Ministry and municipalities, while they are provided by the Center for Social Work in cooperation with other competent bodies and actors.

Article 27

Adoption and procedure

1. Adoption is a basic permanent form of legal and family protection, offered to a child without parental care, which means the permanent transfer of parental rights and responsibilities to the adoptive parent/parents;

2. Adoption is allowed if it serves the best interest of the child and if it is expected that a parent-child relationship will be created between the adoptive parent or parents and the child, which means the establishment of the same rights and obligations that exist between the parents and the child.
3. Social and family services in the adoption process are provided by the guardianship body for the professional assessment of the needs of the potential child for adoption and the professional assessment of potential adoptive persons, as well as their suitability for adopting the child, before the decision is taken by the court.
4. The Guardianship Body prepares and offers professional opinion during the adoption decision by the court.
5. The Adoption Panel offers a professional opinion on local adoption and consent for international adoption of the child, which consent is sent to the court before the decision is taken by the court.
6. The Adoption Panel keeps the register of children and families who are evaluated by the guardianship body and who meet the conditions for adoption.
7. The adoption panel shall function within the relevant Department in the Ministry, that is appointed by the Minister and it is composed of five (5) members, amongst whom three (3) representatives from the relevant Department in the Ministry, one (1) representative from the Centre for Social Work and one (1) for non-governmental organizations.
8. Organization, duties and responsibilities of the adoption panel shall be determined by sub-legal acts issued by the Minister.
9. The procedures for the provision of social and family services in the adoption process are regulated by a sub-legal act issued by the Minister.

Article 28

Supervised independent living and training for independent living and work

1. Supervised independent living is a form of protection and alternative care as a continuation of support for the child who has been part of any form of alternative care to strengthen his skills for independent living in a safe and supportive environment.
2. Supervised independent living as a service is offered during the stay in foster care and residential care by non-governmental organizations, natural and legal persons with professional capacities for providing services.
3. Supervised independent living is a twenty-four (24) hour service every day of the week that can be provided short or long term.
4. The right to training for living and independent work also belongs to the disabled person in accordance with the law.
5. The child up to the age of 18 enjoys this right in the first instance.
6. The adult who is unable to work due to disability and who does not have sufficient financial means for his living expenses, will be provided with institutional and social support until such situation ends.
7. The right to training for independent living and work can be exercised by elderly people, if due to certain reasons they could not complete the training for independent living.
8. Young people can exercise the right of training for independent living and work only after the evaluation of the professional commission, other of alternative care and for which no solution has

been found after long-term care, after reaching adulthood, will continue to receive institutional and social support for at least the next three years.

9. After the three-year period, the support can be continued for a certain period, for specific cases after a reassessment of the individual's needs by the competent body, but not more than 26 years. This support will continue to be provided until the age of 26, if he is pursuing his education.

10. The right to training for independent living and work is provided to the beneficiaries through the relevant service provider.

11. The procedure for determining the facts and the existence of the basis for the realization of the rights for training for living and independent work, is carried out by the guardianship body.

12. The person trained for independent living and working has the right to monetary compensation during the time of employment.

13. The procedure for determining the facts and the existence of the basis for the realization of the rights for training for living and independent work shall begin at latest upon reaching the age of sixteen (16) years and it shall be completed professionally by the guardianship body in cooperation with the legal guardian, foster family or residential institution.

14. The guardianship body determines the relevant categories for the child and youth who will benefit from this form of support.

15. The provision of social and family services in the process of supporting independent and supervised living and training for independent life and work is regulated by a sub-legal act issued by the Minister.

CHAPTER IV BENEFICIARIES OF SOCIAL SERVICES

Article 29 Beneficiaries of rights to social services

1. Beneficiaries of social services are citizens of the Republic of Kosovo with residence or temporary residence in the territory of the Republic of Kosovo, or any other person who for any reason is in the territory of the Republic of Kosovo, who is in a state of need, enjoys the right, without being limited only to the following cases:

1.1. A child:

1.1.1. without parental care;

1.1.2. neglected;

1.1.3. mistreated;

1.1.4. in conflict or contact with the law;

1.1.5. whose development is hindered by family circumstances;

1.1.6. with long-term physical, mental and intellectual or sensory disabilities;

1.1.7. victim of domestic, gender-based violence and other forms of violence;

1.1.8. victim of human trafficking;

1.1.9. victim of misuse of narcotic, psycho-active substances and other forms of addiction;

1.1.10. engaged in hard labour;

1.1.11. unaccompanied, as during migration, displacement as a result of wars or earthquakes;

1.1.12. or who, due to special circumstances, needs an appropriate form of social care;

1.2. An adult:

1.2.1. with long-term physical, mental and intellectual or sensory disabilities;

1.2.2. materially insecure and in a state of poverty;

1.2.3. an adult and an elderly without family care;

1.2.4. with negative social behaviour;

1.2.5. victim of domestic, gender-based violence and other forms of violence and abuse;

1.2.6. victim of human trafficking;

1.2.7. user of narcotic, psychoactive substances and other forms of addiction;

1.2.8. homeless;

1.2.9. who, due to special circumstances, needs the appropriate form of social service;

1.2.10. a young parent in need with children under 3 years old, and if necessary even after this age.

2. Foreign citizens or stateless persons may exercise the rights defined in paragraph 1 of this Article in accordance with the law.

Article 30 **Child beneficiary of social services**

1. Child beneficiary of the social service includes the child:

1.1 without parental care, who is without both parents, is of unknown parents, abandoned by parents, of parents who have been deprived of the right to live with the child, of parents who have been deprived of parental rights and the child of parents prevented from performing their parental duties such as (imprisoned, hospitalized, on the run, with temporary work abroad, the child of missing parents, the child of parents with serious mental illnesses or disorders, as well as the child without a home ;

1.2. a neglected child, who due to insufficient supervision and care of parents or guardians, and the negative influence of the environment, needs protection;

1.3. who has abandoned schooling and regular education, who is in conflict with the law and

who with his behaviour violates the generally accepted norms, including the child under the age of criminal responsibility;

1.4. whose development has been hindered by family circumstances, whose parents are unable to provide him with normal conditions for physical, mental and emotional development, as well as proper education;

1.5. with disabilities;

1.6. a victim of domestic, gender-based violence and other forms of violence, a victim of physical, mental or sexual violence and who has suffered physical, mental damage, or violation of his rights and freedoms, according to the principle of equality in the public or private sphere of life;

1.7. victim of human trafficking, who has been abducted, hidden, transported or accepted by force for the purpose of exploitation, even if none means of threat or use of force, coercion, fraud, lying or similar form have been used similar regardless of whether or not the child gave his consent voluntarily or through fraud and deception.

1.8. victim of misuse of narcotic, psycho-active substances and other forms of addiction, which, due to addiction, negative social influences and disorders, damages and endangers his health and life;

1.9. with citizenship of the Republic of Kosovo and a foreign child who does not have an accompanying adult, who before entering the Republic of Kosovo are unaccompanied by their parents or legal guardian, or a child who remains unaccompanied by their parents, after entering the territory of the Republic of Kosovo;

1.10. who, due to special circumstances, needs an appropriate form of social care due to poverty, flight, refugee, state of war, suffering from forced migration, death of one or more family members, return from recovery, release from institution or from other unforeseen circumstances.

Article 31

Adult and elderly beneficiary of social services

1. The beneficiary of social services shall be the adult and elderly:

1.1. with mental, intellectual or sensory disabilities with long-term impairment, without family care;

1.2. who, due to incapacity to judge, is totally or partially unable to take care of his rights and interests;

1.3. who, with his harsh actions, endangers his rights and interests or the rights and interests of other persons due to diagnosed illness, incapacity to judge, retardation in psychic development or misuse of alcohol or narcotics;

1.4. who is materially insecure, namely the person in a state of poverty who has qualified for the guaranteed minimum compensation;

1.5. aged over 65 without family care, who due to permanent changes in the psycho-social or health condition cannot meet the basic needs of life and who has no family member or relatives who are obliged by law to take care of them, or for certain reasons they are unable to fulfil the duty of care;

- 1.6. disabled and neglected;
- 1.7. disabled and abused;
- 1.8. disabled and unaccompanied as (during migration, displacement as a result of wars and earthquakes;
- 1.9. with disabilities who due to special circumstances, need an appropriate form of social care;
- 1.10. with disabilities, who due to permanent changes in the psycho-social or health condition cannot meet the basic needs of life and who does not have a family member or relatives who are obliged by law to take care of them, or for certain reasons they are unable to fulfil the duty of care;
- 1.11. with negative social behaviour which is not oriented towards work, but towards wandering, begging, prostitution and other negative forms of social behaviour;
- 1.12. a victim of domestic violence, gender-based violence or other forms of violence who has suffered physical, mental, sexual or economic damage or suffering, which seriously prevents the person from enjoying his rights and freedoms, according to the principle of equality in the public and private sphere of life;
- 1.13. a victim of human trafficking, who has been kidnapped, hidden, forcibly transported or taken by threat or use of force, or by fraud and other forms of coercion or fraud.
- 1.14. victim of the misuse of narcotics, psycho-active and other forms of addiction which have brought him to a state of social need.
- 1.15. homeless person, who does not have a place of residence or the means with which he would be able to provide housing, and is temporarily located in the place designated for reception or stays in public places or in other places that are not intended for residence;
- 1.16. who, due to special circumstances, needs an appropriate form of social care due to poverty, natural disasters, flight, state of war, experienced forced migration, death of one or more family members, return from recovery, release from the institution or other unforeseen circumstances.

CHAPTER V RESPONSIBILITIES OF PUBLIC, PRIVATE INSTITUTIONS AND NON-GOVERNMENTAL ORGANIZATIONS

Article 32 Role of the Ministry

1. Drafts and implements policies on social and family services as well as protection for children.
2. Performs the development of human resources for professionals of social and family services.
3. Licenses natural and legal persons, providers of social services and is responsible for the establishment of the social and residential care institutions for the provision of social and family services.
4. Drafts and is responsible for the preparation of minimum standards and the Code of Ethics for social and family service providers.

5. Inspects and monitors the provision of social and family services by public sector institutions, non-governmental organizations and licensed private providers.

Article 33

Role of the Municipality

1. Municipality provides social and family services through the institutions of social and family services.
2. Municipality implements the minimum standards and other normative acts for the provision of social and family services determined by the Ministry.
3. Ministry can take over the competence of providing services from the municipality, except for those which are defined as the municipality's own competences in the relevant Law on Local Self-Government, in case they fail to provide quality social and family services.
4. The relevant municipal directorate can give instructions on the measures they must take to harmonize the quality of services with standards of providers of social and family services, who fail to meet the acceptable standards to perform the services.
5. Failure to comply with the instructions from paragraph 4 of this Article may result in the suspension of the further provision of social and family services by the provider.

Article 34

Non-governmental organizations in the provision of social and family services

1. Non-governmental organizations can provide social and family services in accordance with the law.
2. Licensed non-governmental organizations continuously cooperate with the relevant Ministry, municipal Directorate and Centers for Social Work in order to provide social and family services.
3. The non-governmental organizations from paragraph 1 of this Article provide access to the organization's documents and records, as well as provide data for the beneficiaries of social and family services at the request of the Ministry and the Center for Social Work in accordance with the law.

Article 35

Cooperation of the Ministry with other entities

1. Ministry provides proposals, suggestions and advice to the Government regarding the development of policies related to social and family services.
2. Ministry cooperates with municipalities, academic units, other ministries and with interested parties to maintain the level and progress of social and family services.

Article 36

Professional Council for Social and Family Services

1. The Professional Council for Social and Family Services (hereinafter: the Council) licenses individual providers of social and family services, develops programs for continuous professional training for social service providers, as well as advises the Minister in defining the priorities of the Ministry in the field of social services.
2. Criteria and manner of licensing of individual professionals that provide social services is regulated by a sub-legal act issued from Ministry.

3. The Council is appointed by the Minister, which consists of seven (7) members and their deputies. Council members and deputy members are appointed for a period of four (4) years.
4. Members and deputy members of the Council are appointed by the Minister, whereby four (4) members and deputy member are from Ministry; one (1) member and one (1) deputy member from University; (1) member and one (1) deputy member from non-governmental organizations licensed in the field of social services, centre for social work one (1) member and one (1) deputy member.
5. The Council decides with the majority of votes from the total number of members.
6. The Chairman of the Council is elected by the members of the Council through secret voting with the majority of votes from the total number of members of the Council, at its constitutive meeting.
7. For the performance of administrative - technical work for the Council, the Ministry appoints officials from among the employees of the Ministry.
8. For the work in the Council, the chairman and members are compensated in accordance with the relevant law in force.
9. Regarding the decision of the Council, an administrative conflict can be raised in the competent court.
10. Organising and functioning of the Council is defined with sub legal act issued from the Minister.

CHAPTER VI COMPETENCE AND PROCEDURE

Article 37 Subject-matter competence

1. The Centre for Social Work shall decide on the realization of rights to social and family services defined by law.
2. Against the decision of the Centre for Social Work, a dissatisfied party can file an appeal to the relevant Appeals Commission, which is composed of three (3) members, representatives of the relevant department for social welfare at the Ministry.
3. The appeal does not postpone the execution of the decision.
4. Unless otherwise provided in this law, the provisions of the Law on General Administrative Procedure shall apply.

Article 38 Territorial competence

1. The Center for Social Work in whose territory the party resides shall have competence on the realization of rights to social and family services.
2. If the party does not have a fixed residence in the territory of the Republic of Kosovo, the territorial competence is determined according to the temporary residence of the party.
3. If the residence or temporary residence of the party cannot be determined, the provisions of the Law on general administrative procedure shall apply.
4. The territorial competence of the Center for Social Work in the case of the child is determined

according to the place of residence, namely the temporary residence of the parents.

5. For the child whose parents live separately, the territorial competence of the Center for Social Work is determined according to the place of residence, namely the temporary residence of the parent to whom the child is entrusted by court decision.

6. Until the decision from paragraph 5 of this Article is issued, the Center for Social Work has territorial competence according to the place of residence, respectively, of the temporary residence of the parent where the child lives.

7. If the parents who live separately have been deprived of the right to custody and care of the child, or the child has been entrusted with custody and care to another person or the social service home for the child, the Center for Social Work according to the place of residence or temporary residence of the parents before their separation shall have competence.

8. The territorial competence of the Center for Social Work for the child is not changed if the parents have been deprived of parental rights, except in the case of adoption.

9. The Center for Social Work which has started the procedure is obliged, if during the procedure the circumstances according to which the territorial competence is determined are changed, to send the documents of the case, without delay, not later than seven (7) days, to the competent Center for Social Work.

10. If the beneficiary changes residence or temporary residence, the Center for Social Work is obliged to, without delay, not later than seven (7) days, send the case documents to the competent Center for Social Work according to the residence or temporary residence of the beneficiary, which decides on the right to utilization within a period of fifteen (15) days from the day of sending the documents.

11. In cases where the beneficiary from paragraph 10 of this Article changes residence or temporary residence by moving outside the territory of Kosovo, the Center for Social Work initiates interstate cooperation through the responsible mechanisms of the country.

12. The applicant or the person who has been found in the position of social risk outside the territory of his residence, the Center for Social Work competent for that territory ensures the appropriate right to social protection.

13. The applicant, who does not have a residence in the territory of Kosovo, the territorial competence is determined according to the temporary residence.

14. The Center for Social Work in the territory in which the application has been submitted or the person has been found shall be competent for the applicant with an unknown place of residence.

Article 39

Conflict of competence and exclusion

1. The Ministry shall decide on the conflict of territorial competence between the Centers for Social Work.

2. If there is a conflict of territorial competence, the Center for Social Work, which started the procedure first, must carry out the actions in the procedure that cannot be postponed.

3. The Director of the Center for Social Work decides on the exclusion of the official from the case management of the Center for Social Work.

4. The competent body of the municipality for social services shall decide on the exclusion of the

director of the Centre for Social Work.

5. In case of exclusion of the director or simultaneous exclusion of the director and the professional official, and the Center for Social Work cannot perform its duties and responsibilities, the Ministry, after consultation and prior notification with the relevant municipality, appoints another Center for Social Work for the case.

Article 40 Procedure

1. The procedure for realizing the rights defined according to this Law is initiated according to the request of the person or parents, adopters, guardians, beneficiaries and natural and legal persons and ex officio.
2. The Center for Social Work conducts the procedure ex officio, when this is in the interest of the beneficiary, the public interest or when there is the interest of third parties.
3. The request for the realization of the rights from paragraph 1 of this Article is presented in the form determined by the competent body.

Article 41 Applicant's responsibility for the authenticity of the data in the application

1. The applicant is responsible for the authenticity of the data in the application.
2. The applicant, namely his legal representative, guardian or authorized representative, is obliged to inform the competent Center for Social Work of any change in the facts or circumstances that apply to the exercise of the right and were basic for the recognition of the right to social service, at the latest within fifteen (15) days from the day when those changes were submitted.
3. If the applicant, namely his legal representative or guardian does not act in accordance with paragraphs 1 and 2 of this Article, his right to representation ceases.

Article 42 Professional assistance

1. Before deciding on the rights of social services, the centre for social work provides professional assistance to the person when submitting the application, guides and assists them in realizing their rights.
2. The Centre for Social Work ascertains the need for realizing the rights to use social services based on the direct assessment visit carried out in the house of the beneficiary.
3. The centre for social work determines the need of the beneficiary of the right to social service based on the assessment carried out directly in the house of the beneficiary, within thirty (30) days.

Article 43 Decision on the beneficiary's application

1. When deciding on the beneficiary's application for the acceptance of the right from this Law, the Centre for Social Work is obliged to assess the general state of social risk and the needs of the individual in the family, and may determine other rights with it which adequately meet the needs of the beneficiary and issue a decision.
2. The Centre for Social Work is obliged to draw up the individual plan and the plan of activities in treatment in the procedure of realizing the right to social and family services, and to determine the

goal that is intended to be achieved, to undertake necessary activities for the person in state of need to be able to take care of oneself and family members.

3. The procedure for realizing the right to social and family services is urgent, and in this case the Centre for Social Work must issue a decision on the request within fifteen (15) days.

4. If it is necessary to carry out a special evaluation procedure, the Centre is obliged to issue the decision within thirty (30) days after the acceptance of the regular application, namely the conduct of the procedure ex officio.

5. In urgent cases, such as the undertaking of measures in order to avoid the direct risk of basic life needs for the life and health of individuals, in particular the child, the Centre for Social Work undertakes actions for the immediate provision of the relevant service in accordance with the law.

6. In the case from paragraph 5 of this Article, the decision on the provision of immediate service is issued in written form within eight (8) days.

Article 44

Direct contracting of the use of services

1. The beneficiary or his legal representative, guardian or the person responsible according to the Law, can directly choose the service provider and enter into a contract for the use of the services, if he fully bears the cost of the service provider's expenses.

2. Notwithstanding paragraph 1 of this Article, the following shelter service providers cannot be directly selected, namely service providers for sheltering of:

2.1. a child in residential care;

2.2. a person deprived of the capacity to act.

3. The services from paragraph 2 of this Article are used based on the decision of the Center for Social Work, or the decision of the court in accordance with the law.

Article 45

Expertise

1. If the procedure of realizing the rights to social and family services should assess the ability to work, respectively the existence of permanent or temporary changes in the health condition or type of long term physical, mental, intellectual or sensory impairment, the Centre for Social Work may request expertise from the competent bodies.

2. In case the party is dissatisfied with the decision of the Center for Social Work, it has the right to appeal to the relevant Complaints Commission in the Ministry within thirty (30) days from the day of acceptance of the decision.

3. The commission from paragraph 2 of this Article when considering the complaint and as necessary may request relevant expertise from the competent bodies.

Article 46

Provision of data

The beneficiary is obliged to provide accurate personal data, data on his income and financial situation, as well as on other circumstances on which the acceptance of rights to the social and family service depends.

Article 47
Reconsideration of the right and services

The Centre for Social Work shall review at least once a year, the existence of facts and circumstances for the recognition of the right to the realization of social and family services and the assessment of new circumstances on which the realization of the right and services depends.

CHAPTER VII
SOCIAL SERVICE INSTITUTIONS

Article 48
Establishment

1. The social service institution is established by the Ministry, municipality or other natural or legal person in accordance with the law.
2. If the institution is founded by several subjects from paragraph 1 of this Article, the mutual relations for the rights and obligations of the founders are regulated by contract or agreement.
3. The social service institution, whose founder is the central or municipal body, is established as a public institution.
4. The founder of the public institution owned by the Republic of Kosovo is the Government.
5. The founder of the public institution owned by the municipality is the Municipal Assembly.
6. The statute is the general basic act of the public institution.
7. The social service institution can also issue other general acts that regulate internal relations, work organization, the services it offers and other important issues for the performance of the activity.

Article 49
Conditions for the establishment of social service institutions

1. The social service institution can be established if it meets the conditions in terms of space, infrastructure, equipment, and the necessary number of professional and other workers, depending on the type of activity that the institution performs in accordance with this law.
2. The minimum conditions for the establishment of social services institutions are determined by a sub-legal act issued by the Minister.

Article 50
Strike at social service institutions

1. If a strike is organized in the social services institution, depending on the activity, it must be ensured that the relevant social services will be provided in an unobstructed and continuous manner, including in particular the performance of these works:
 - 1.1. regular payment of beneficiaries cash receipts;
 - 1.2. housing, food and health protection of beneficiaries placed in social services institutions;
 - 1.3. help and care at home;
 - 1.4. services that by its nature cannot be postponed.

Article 51

Registration of institutions

1. Social and family service institutions are registered as:
 - 1.1 Center for Social Work;
 - 1.2 Family counselling center;
 - 1.3. Social service institution for shelter and care;
 - 1.4. Center for support and care;
 - 1.5. Safe houses;
 - 1.6 Institution for social care to meet daily needs and services;
 - 1.7. Reception center for emergency cases.
2. Types of institutions from paragraph 1 of this Article can be expanded in accordance with the needs of the Ministry or municipality.
3. If the scope of the institution from paragraph 1 of this Article falls under the competence of two or more ministries, the mutual relations of the rights and duties of the ministries will be regulated by special agreements.

Article 52

Centre for Social Work

1. Center for Social Work is a municipal public administrative and professional institution, which is established by the municipality after the consent of the Ministry.
2. Each municipality establishes a Center for Social Work.
3. Center for Social Work may have one or more organizational units within a municipality.
4. Within the Center for Social Work, the Guardianship Body is established, which functions as a group of professionals in accordance with the law, which is responsible for protecting the interests of children and adults.
5. Center for Social Work is managed by the director of the Center.
6. Center for Social Work issues its statute in accordance with the law.
7. The organization, responsibilities, type and number of professionals as well as functioning of the Centre for Social Work shall be regulated by a sub-legal act proposed by the Ministry and approved by the Government.

Article 53

Competences of the Centre for Social Work

1. Centre for Social Work:
 - 1.1. decides in the first instance on basic and extended authorizations from social services;
 - 1.2. implements court decisions;

- 1.3. organizes and directly provides social services;
 - 1.4. evaluates the needs of the beneficiaries and plans the provision of services.
 - 1.5. initiates and organizes preventive activities in the field of social services;
 - 1.6. identifies at an early stage, follows up and analyzes the problems of beneficiaries from the field of social services;
 - 1.7. implements activities in the field of prevention of human trafficking, domestic violence, peer violence and the problem of addiction;
 - 1.8. issues proofs, certification, finding based on the assessment of the factual situation of the person or family;
 - 1.9. gives professional opinions and evaluations, provides data on family circumstances, proposals and recommendations in court proceedings related to legal family protection;
 - 1.10. applies social work methods, case management, other professional methods and uses the services of counselling centres and other professional institutions for the provision of social services to the beneficiaries;
 - 1.11. participates as a representative party in court and other state bodies when it comes to protecting the interests of children and adults who cannot take care of their rights and interests on their own;
 - 1.12. supervises host families and beneficiaries of services in foster care and residential care.
 - 1.13. keeps the evidence and documentation for the rights, the services provided and the measures taken within the framework of its activity;
 - 1.14. performs other work in accordance with the legal provisions.
2. The Centre for Social Work, on the basis of public authorizations, can provide protection measures through alternative forms of care for the child who has run away or been separated from the parents or the institution, provides and implements educational measures for the child with behavioural disorders outside his family or with family stay.

Article 54 **Family Counselling Centre**

1. Family counselling centre is a social service that offers social and family counselling services that can be established by legal and natural persons, while it can also be established as a unit within the Centre for Social Work.
2. In the territory of the municipality there may be one or more family counselling centre.
3. Family counselling centre offers services in the psycho-social field for families, with a special focus on building and strengthening family relationships.
4. The counselling centre cooperates with all relevant institutions and actors in the field of social and family services.

Article 55
Competences of the Family Counselling Center

1. The family counselling center offers prevention counseling and other professional work related to:
 - 1.1. individual, family work and counselling-therapeutic group work;
 - 1.2. educational work with beneficiaries of services and employees in the psycho-social system;
 - 1.3. professional assistance to institutions and organizations in accordance with their needs;
 - 1.4. promoting healthy family life relationships.
2. Family counselling center also performs professional analytical work from its scope.

Article 56
Community-Based Home

1. The Community-Based Home is established by the Ministry, municipality, legal or natural person;
2. The Community-Based Home is established for the performance of social services outside the family, as follows:
 - 2.1. Community-based home for children:
 - 2.1.1. Community-based home for children without parental care or without family care;
 - 2.1.2. Community-based home for children with disabilities without family care;
 - 2.1.3. Community-based home for children with antisocial behaviour;
 - 2.2. Community-based home for adults;
 - 2.3. Community-based home for elderly people without family care;
 - 2.4. Community-based home for people with disabilities without family care.

Article 57
Community-Based Home for Children

1. The Community-Based Home for children is established as:
 - 1.1. Community-based home for children without parental care, which provides social services outside their family, for children without parents or with parents who neglect or abuse their parental duties, or that for other reasons it is in the interest of the child or the young adult;
 - 1.2. Community-based home for children with disabilities without parental care, which provides the child with disabilities with shelter, food, clothing, recreational and cultural-entertainment activities, work therapy, while in accordance with their abilities, the type and the degree of disability it provides support in education and training;
 - 1.3. Community-based home for children with anti-social behaviour that meets the needs of children based on the prescribed measure of family-legal protection, the child's education in the institution for protection and education, or for shelter and the provision of protection

services outside the family and education services for children and young adults with antisocial behaviour.

Article 58
Community-Based Home for Adults and Elderly People

1. The Community-Based Home for adults and the elderly is established as:
 - 1.1. Institution for elderly people without family care, which provides protection services outside the family for the disabled person who, due to permanent changes in the state of health and due to disability, is deemed to need permanent support and care.
 - 1.2. Institution for persons with intellectual disabilities, which offers protection services outside his family, to the person to whom protection cannot be offered in his family or ensured in another way

Article 59
Home Support and Care Services Providers

1. The elderly, the infirm and the disabled are provided with support and care services and necessary household chores performance and care are in their home.
2. Children with disabilities and children with serious chronic diseases are offered services and support and care is provided in their homes.
3. Services for support and care at home can be established by social service institutions, non-governmental organizations or local and foreign natural and legal persons in accordance with the law.

Article 60
Shelters

1. Ministry, municipality, non-governmental organizations and natural and legal persons can establish shelters for the purpose of providing shelter, protection and providing temporary services for children without parental care, victims of domestic violence, human trafficking, or any other form of violence and protection defined by legislation
2. Municipality, non-governmental organization, natural or legal persons cannot establish shelters for people in social need without the permission of the Ministry.
3. The shelters offer safe housing, services for protection, rehabilitation, reintegration and provision of specialized support for the victim of violence from paragraph 1 of this Article, adapting to their specific needs.
4. Specialized services include, but are not limited to, psychological counselling, health care, and legal counselling.
5. Shelters cooperate with institutions from the social, psycho-social, education and health systems, police, prosecution office and courts.
6. Work in shelters is carried out according to the principle of emergency and temporary placement.
7. All measures must be taken for the victims defined in paragraph 1 of this Article to return to their families or to other forms of protection, in accordance with the best interest of the victim, ensuring a safe and stable reintegration.

8. In the sheltering procedure, work and other measures in shelters, the provisions of the relevant legislation in force are appropriately applied.

9. The establishment, organization and operation of Child Protection Houses are determined by the relevant Law on Child Protection.

Article 61 **Day Care Centers**

1. Day Care Centers are established for day care and day services in the community.

2. The Day Care Center from paragraph 1 of this Article can be established by the Ministry, municipality, non-governmental organizations, natural or legal person in accordance with the law.

3. Day Care Centers for day care and social services are:

3.1. Day care center for children;

3.2. Day care center for adults and the elderly;

3.3. Center for specialized social services.

4. The organization and scope of Day Care Centers is regulated by a sub-legal act proposed by the Ministry and approved by the Government.

Article 62 **Reception Center**

1. For short-term care for abandoned children, children with behavioral disorders, adults with negative social behavior, pregnant women and mothers with children up to one year of the child's life, who, due to financial insecurity, unresolved housing issue, disordered family relations, and similar situations, need temporary care, as well as other people who need urgent social care, the Ministry establishes the Reception Center.

2. The seat of the Reception Center is in Prishtina.

3. In the Reception Center is performed the diagnostic-observational treatment, and the provision of necessary protection measures, as well as the application of health-hygienic, educational and psycho-social measures to meet the existential and other needs of users.

4. The stay in the reception centre can last up to fifteen (15) days, while only in specific situations it can last up to thirty (30) days, if the procedure of finding the adequate form of care requires it.

5. The organization and scope of the Reception Center is regulated by a sub-legal act proposed by the Ministry and approved by the Government.

Article 63 **Sheltering (housing) in a care institution**

1. The admission of the person in the institution and their release is carried out in the manner determined by the general act of the institution and the procedures determined by the Ministry.

2. The institution is obliged to accept in sheltering the persons sent by the center for social work or other competent body.

3. Notwithstanding paragraph 2 of this Article, the institution can refuse to accept the sent persons in

case the capacities are filled and in the case when due to its activity, it is not possible to offer relevant services to the beneficiaries,

4. In case of refusal, the Care Institution provides a reasoned response in writing.
5. The care institution in which the child, or the adult and elderly person is placed by decision of the Guardianship Body, informs the Guardianship Body about all matters important for the life, health, education, schooling of the person under care, and possible release from the institution.
6. For housing in all forms of residential care (housing), the Center for Social Work on the territory of which the person has the place of residence or temporary residence, shall decide.
7. The Center for Social Work, which has placed the person in any form of care, shall request a report and follow up on the provision of care in residential housing.

Article 64

Cessation of the activity of residential care (housing) service providers

The founders of housing services are obliged to notify the Center for Social Work, the Ministry as well as the beneficiaries, respectively their legal representatives, at least six months before issuing the decision on cessation of the activity of the service.

CHAPTER VIII

PROFESSIONAL WORKERS IN SOCIAL AND FAMILY SERVICES

Article 65

Professional workers in social service institutions and social service providers

1. In social service institutions, namely at the social service provider, professional work is performed by the social worker, legal practitioner, psychologist, sociologist, pedagogue and other persons in accordance with the law.
2. The professionals from paragraph 1 of this Article perform their duties objectively, independently, impartially and must adhere to the principles of professional secrecy regarding the information collected, other findings they learn about during the performance of their duties and non-discriminatory practices, in accordance with the code of ethics, the law and relevant sub-legal acts.
3. Professional work in social service at the Center for Social Work is carried out by the social worker, legal practitioner, psychologist, sociologist and pedagogue.
4. For professional employees in other service institutions and other social service providers, the professional work, in addition to the employees from paragraph 3 of this Article is also performed by speech therapist, nurse, physiotherapist and educator, while it can also be performed by other professional workers with relevant education, depending on the social services institution or other type of social services of other provider.
5. Professional workers are obliged to keep confidential all knowledge about the personal and family life of the beneficiary, while other workers of social service institutions and other service providers are also obliged to maintain professional secrecy.
6. Failure to respect confidentiality by the responsible official and any other person who accepts reports in the public interest will be considered a violation of work duties.
7. Social and family services for the benefit of the community can also be provided by volunteers.

8. The Minister shall issue a sub-legal act for defining the social and family services offered by volunteers.

Article 66
Processing of personal data

Any processing of personal data, including the exchange or transmission of personal data by social and family service providers, shall be done in accordance with the relevant Law on the Protection of Personal Data.

Article 67
Professional training of social services workers

1. Professional workers in the field of social service shall have the right and obligation to continuously attend professional training.
2. The social service institution, namely the social service provider is obliged to provide the professional employee with professional training in accordance with the law.

CHAPTER IX
LICENSING OF PROVIDERS OF SOCIAL AND FAMILY SERVICES

Article 68
Licensing

1. Public institutions, as well as non-governmental organizations and natural and legal persons for the provision of social and family services shall be licensed by the Ministry.
2. The license from paragraph 1 of this Article shall be issued to the provider of social and family services for a duration of three (3) years with a possibility of relicensing every five (5) years.

Article 69
Conditions for granting a license

1. The institution, namely the service provider shall have the right to the license if:
 - 1.1. it is registered in accordance with the law;
 - 1.2. it meets the conditions provided in terms of space, infrastructure, equipment and professional staff; and
 - 1.3. it meets the minimum standards foreseen for the provision of social services for which it requests the granting of a license.
2. The relicensing can be renewed at the request of the institution and the service provider.
3. For the renewal of the license, the conditions applied at the time of submission of the request for renewal shall apply. The procedure for renewal of the license must take place no later than three (3) months before the expiration of the term for which the license was granted.
4. If the competent body, during the period for which the license was granted, finds that the institution or provider of social and family services no longer meets the conditions from paragraph 1 of this Article, it will conduct the procedure for the suspension of the license.
5. With the decision on suspension deficiencies are ascertained in terms of meeting the conditions

according to paragraph 1 of this Article, and the deadline for their avoidance is determined.

6. The institution and social and family service provider cannot continue to provide services for which the license has been suspended until the expiration of the deadline for eliminating deficiencies.

7. The Minister takes a decision on license revocation of the institution or provider of social and family services if, within the deadline set by the inspection unit at the Ministry, it fails to eliminate the identified deficiencies.

8. The decision of the Minister for revoking the license is final and administrative conflict can be initiated against it.

9. The procedure for granting, renewal, suspension and revocation of the license is determined by a sub-legal act issued by the Minister.

Article 70

Licensing of professional workers for obtaining a license

1. Professional worker can obtain a license for the exercise of professional activity in the field of social and family services if they fulfil the defined criteria and conditions.

2. The criteria and conditions for obtaining a license for the provision of social and family services by professional worker are determined by a sub-legal act issued by the Minister.

CHAPTER X SUPERVISION

Article 71

Supervision of social and family service providers

1. The Ministry through the officials of the relevant Department, as well as the Municipality through the Center for Social Work, supervises the provision of social and family services.

2. Minutes are drawn up for the supervision from paragraph 1 of this Article.

3. Social and family service providers cooperate with supervisory officials and provide all necessary information.

4. The supervisory officer gives instructions on the measures to be taken to align the quality of services with professional standards.

Article 72 Inspection

1. The Ministry, through inspectors, performs the inspection of social and family service providers

2. The inspection unit performs:

2.1. inspection of the provision of social and family services defined by law.

2.2. inspection of the implementation of minimum standards in the provision of social and family services.

2.3. inspection of the implementation of the code of ethics.

- 2.4. inspection on the realization of the rights defined by law;
 - 2.5. supervision of the implementation of the recommendations and imposed measures;
 - 2.6. recommends taking direct responsibility for social and family services in cases where the municipality fails to provide services and implement minimum standards;
 - 2.7. recommends obtaining of the license for providing social and family services in cases when the natural person, legal person or non-governmental organization fails in providing the services and implementation of minimum standards.
3. In the framework of the inspection of social and family service providers, the authorized person, official of the Ministry, can order measures to eliminate defects in the work of service providers, and set the deadline for taking action according to those measures.
4. The method of inspection of social and family service providers is determined by a sub-legal act issued by the Minister.

Article 73 Notification

1. If, during the inspection, violations are found by the institutions and providers of social and family services during the provision of social and family services, the inspector immediately informs the Minister and the Mayor of the Municipality of the findings and recommends the Minister to take measures in accordance with the law.
2. Based on the inspection report, the Minister shall take a decision on:
 - 2.1. taking direct responsibilities of social and family services in cases when the municipality fails to provide services.
 - 2.2. work ban for non-public social service providers.
 - 2.3. work ban for individual providers of social and family services.
3. In case of the work ban for the providers of social non-public services and individual providers of social and family services from paragraph 2 of this Article, the Ministry shall oblige the respective Municipality and Centre for Social Work to find the alternative protection for the beneficiaries of services.

CHAPTER XI FINANCING OF SOCIAL AND FAMILY SERVICES

Article 74 Financing

1. Social and family services are financed by the Budget of the Republic of Kosovo.
2. Social and family services can be supported by development partners through public-private partnership and the participation of the beneficiary of social and family services.
3. The Ministry plans the budget and provides means for payment or material compensations for social and family services provided by this law, but not limited to:
 - 3.1. foster families and children in foster care;

- 3.2. residential care (housing) services
 - 3.3. youth support services for supervised independent living;
 - 3.4. daily stay;
 - 3.5. help at home;
 - 3.6. public kitchen services;
 - 3.7. rest and recreation;
 - 3.8. housing with support;
 - 3.9. shelter at the reception center - accommodation;
 - 3.10. housing for vulnerable persons, in accordance with the law; and
 - 3.11. other services in accordance with budgetary possibilities.
4. Municipalities plan and provide a budget for social services and financial means for payment, or material compensation provided by Law, but not limited to:
- 4.1. Centers for Social Work;
 - 4.2. Daily stay,
 - 4.3. Foster families and children in foster care;
 - 4.4. Residential care (housing) services
 - 4.5. Community-based home for children and disabled adults, adults, and the elderly, and
 - 4.6. Other municipal social services in accordance with budgetary possibilities.
5. Municipal financing for social and family services is regulated by the financing formula determined by the relevant Ministry of Finance in the special grant for social and family services in accordance with the relevant Law on local government finance.

Article 75

Criteria for determining fees for social and family services

1. The criteria for determining the fees for social and family services provided by the public institution shall be determined by the Ministry.
2. The criteria for determining the fees for social and family services, which are financed from the municipal budget, shall be determined by the competent body of the municipality.

Article 76

Public-private partnership in providing social and family services

1. Public-private partnership in the field of social and family services can be created through cooperation between public authorities and the private sector for the division of obligations in order to ensure financing, construction, repair, management, operation for the provision of social and family services.

2. Partners from the public sector can be one or more public institutions that enter into a contract with one or more private partners, in order to realize a joint project in the field of providing social and family services.

3. Public-private partnership in the field of social and family services is implemented if quality is ensured, the services are reasonable in social and economic terms and meet the criteria for the provision of social and family services.

4. The procedure, conditions and principles of implementation of the public-private partnership in the field of social and family services are regulated by a sub-legal act issued by the Minister.

CHAPTER XII RECORDS

Article 77 Records

1. Each beneficiary and all the services offered are recorded in the database and stored in physical copies in the institution or other providers of relevant social and family services.

2. The storage and processing of data for social and family services is done in accordance with the relevant Law on the Protection of Personal Data.

3. The relevant department of the Ministry keeps the records of institutions and other service providers.

4. Keeping the unique records and documentation of the beneficiaries of the rights, form, measures and services from social and family care are determined by a sub-legal act issued by the Minister.

Article 78 Database

1. For the needs of carrying out the activities of social and family services, for planning, monitoring the situation, as well as for research - scientific and statistical purposes in the field of social and family services, the Ministry establishes and maintains the electronic database.

2. The electronic database must include and contain data and information on, but not limited to:

2.1. rights from social and family services;

2.2. service providers;

2.3. beneficiaries of services;

2.4. financing the activities of social and family services;

2.5. other cases in accordance with the law.

3. The relevant department of the Ministry maintains the electronic database and the general information system of social and family services.

4. The Department grants authorizations and determines the volume of authorizations for access to the electronic database, for the registration of new data and the use of existing data.

5. Data in the social and family services system are stored in accordance with the law that regulates

the protection of personal data.

6. The special conditions for the content of the database, storage, access, evidence and documentation are determined by the competent public administration body.

Article 79

License

1. The license to exercise the activity is recorded in the register of licensed service providers, which is maintained by the relevant Department of the Ministry.

2. The work license is recorded in the register of licensed professional workers, which is kept by the relevant Department of the Ministry.

3. The content of the license shall be regulated by a sub-legal act issued by the Minister.

Article 80

Provision of mutual assistance

1. In the framework of international commitments, institutions and providers of social and family services accept and provide mutual assistance to countries that require this assistance, and take measures to establish contacts in cases where this assistance is requested outside the territory of the Republic of Kosovo.

2. Special importance should be given to cross-border cooperation in order to establish and strengthen cooperation for the efficient implementation of social and family services, which are of an urgent and inter-sectorial nature for people in need and those who are vulnerable and without protection.

CHAPTER XIII

PENALTY PROVISIONS

Article 81

Offense provisions

1. The competent court imposes a fine of five hundred (500) Euro to twenty thousand (20,000) Euro for the public institution or private entity as well as the relevant competent authority, in case:

1.1. it begins work before the competent body determines that the conditions provided for starting work have been met in accordance with this Law and sub-legal acts.

1.2. it fails to keep the records and documentation of the beneficiary, types of services and other issues in the prescribed manner, or if it does not send reports on them in accordance with this Law.

1.3. it continues with work after having deregistered work activity according to the legislation in force.

1.4. it provides placement services for a larger number of beneficiaries than the capacities that the competent body has certified when determining the fulfilment of the conditions provided for the start of work in accordance with this Law and sub-legal acts.

1.5. it conducts the procedures in such a way that it does not ensure the confidentiality of the data and the dignity of the beneficiaries or the duties of maintaining professional secrecy in accordance with this Law.

2. The responsible official of the public institution, the private entity as well as the relevant competent authority shall be imposed a fine of three hundred (300) Euro to two thousand (2,000) Euro in cases where they are responsible according to paragraph 1 of this Article.

3. The natural person who provides relevant services shall be punished by fine of two hundred (200) Euro up to five thousand (5,000) Euro in cases when he/she is responsible according to paragraph 1 of this Article.

CHAPTER XIV TRANSITIONAL AND FINAL PROVISIONS

Article 82 Sub-legal acts

1. Sub-legal acts for the implementation of this law shall be issued within one (1) year from the date of entry into force of this law.

2. Until the issuance of the sub-legal acts provided for by this Law, the sub-legal acts in force shall apply if they are not in conflict with this Law.

Article 83 Continuation of realization of uncompleted rights

1. Procedures for the realization of rights and the provision of social services which have commenced and have not been completed by the day of entry into force of this Law, shall be completed according to the provisions of this Law, unless the provisions of the law that was in force are more favourable to the person who accepts the services.

2. With the entry into force of this Law, existing social service providers in the Republic of Kosovo shall continue with their work, while they are obliged to fulfil the obligations defined by this Law and other sub-legal acts.

Article 84 Running of time

After the entry into force of this Law, if the stipulated time period is running, this period shall be calculated in accordance with the provisions of this Law, unless the previous period was longer, or if the provisions of this Law stipulate otherwise.

Article 85 Repeal

With the entry into force of this Law, Law No. 02/L-17 on Social and Family Services and Law No. 04/L-081 on amending and supplementing the Law No. 02/L-17 on Social and Family Services shall be repealed.

Article 86
Entry into Force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 08/L-255
14 December 2023

Promulgated by Decree No. DL-208/2023 dated 28.12.2023 President of the Republic of Kosovo Vjosa
Osmani-Sadriu