

THE LAW ON SOCIAL CARE OF CHILDREN

(The Official Gazette of the Republic of Serbia No. 49/92 , 29/93 , 53/93 , 53/93 - other law, 67/93 , 67/93 - other law, 28/94 , 47/94 , 48/94 - other law, 25/96 , 29/01 , 16/02 - other law, 62/03 - other law, 64/03 - correction, 101/05 - other law, 18/10 - other law)

Revised text concluding with amendments from The Official Gazette of the Republic of Serbia No. 18/10 effective from 03/04/2010
(amendments in Articles: 2, 11)

I. GENERAL PROVISIONS

Article 1.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 2.

Social care of children in the context of this Law includes rights of parents and children and organized activities which provide for the following:

- 1) deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)
- 2) deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)
- 3) deleted ("The Official Gazette of the Republic of Serbia", No. 62/03)
- 4) deleted ("The Official Gazette of the Republic of Serbia", No. 62/03)
- 5) **deleted ("The Official Gazette of the Republic of Serbia", No. 18/10)**

Article 3.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 4.

Deleted (The Official Gazette of the Republic of Serbia No. 64/03)

Article 5.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 6.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 7.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 8.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 9.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 10.

Deleted (The Official Gazette of the Republic of Serbia No. 53/93)

II. THE RIGHTS IN THE AREA OF SOCIAL CARE OF CHILDREN

Article 11.

(1) The rights in the area of social care of children under this Law are as follows:

1) deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)

2) deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)

2a) deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)

3) deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)

4) deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)

5 deleted ("The Official Gazette of the Republic of Serbia", No. 18/10)

6) deleted ("The Official Gazette of the Republic of Serbia", No. 62/03)

7) deleted ("The Official Gazette of the Republic of Serbia", No. 62/03)

8) rest and recreation for children up to the age of 15 in children's resorts;

9) subsidizing expenses of children's stay in a preschool institution, rest and recreation.

1. Wage compensation during maternity leave, extended maternity leave of an employed parent and absence from work of adoptive parent for child care

Article 12.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 13.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 14.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 15.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 16.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 17.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 18.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

2. Maternity allowance

Article 19.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 20.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

2a Support for newborn children

Article 20a

deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)

3. Child allowance

Article 21.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 22.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 23.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 24.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 25.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 26.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 27.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 28.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 28a

deleted ("The Official Gazette of the Republic of Serbia", No. 16/02)

Article 29.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

4. Reimbursement of preschool expenses for the third child from a family with three children and the fourth child from a family with four children in municipalities with negative population growth rate

Article 30.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

5. Preschool education for children without parental care, children with disabilities and children undergoing lengthy hospital treatment

Article 31.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

6. Educational program in the year prior to enrollment into primary school in the duration of three hours a day throughout the school year

Article 32.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

7. Stay, preschool education and preventive health care of preschool children and stay of children up to 10 years of age in a preschool institution

Article 33.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

8. Rest and recreation of children up to 15 years of age in children's resort

Article 34.

The children up to 15 years of age in a children's resort are entitled to rest, recreation, health care, nutrition, educational work and sports activities, under conditions and in the manner prescribed by a competent municipal body.

9. Subsidizing expenses of children's stay in preschool institution, rest and recreation

Article 35.

(1) Children of preschool and school age, depending on the financial situation of families, are entitled to subsidizing of the costs of stay in a preschool institution.

(2) Subsidizing of costs of whole-day and half-day stay of preschool children is provided for in the total amount of 80% of the economic price on average per child, in preschool institutions which are in a network of institutions established by a municipality.

(3) Method and terms for subsidizing of the costs under paragraphs 1 and 2 of this Article are prescribed by a competent municipal body.

Article 36. ^[1]

The Minister in charge of social care of children shall prescribe detailed conditions and method of exercising the right to income reimbursement for maternity leave, extended maternity leave of an employed parent and absence from work of adoptive parent for child care (Articles 12 to 18), maternity allowance (Articles 19 to 20), support for newborn children (Article 20a), child allowance (Articles 21 to 29), as well as rights from Articles 30 to 32 , as well as the level of compensation provided for in the budget for exercising rights under Articles 30 to 32 of this Law.

III. PROCEDURE FOR EXERCISING RIGHTS

Article 37.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 38.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 39.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 40.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 41.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 42.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

IV. PRESCHOOL EDUCATION

Article 43.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 44.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

V. INSTITUTIONS FOR CHILDREN

Article 45. ^[3]

(1) The rights to stay, preschool education and preventive health care of preschool children; educational curriculum in the year prior to enrollment into primary school in the duration of three hours a day throughout the school year; stay of children up to 10 years of age in a preschool institution and rest and recreation of children of up to 15 years of age in a children's resorts are implemented through institutions for children established by this Law.

(2) Institutions for children under paragraph 1 of this Article are founded by municipality.

(3) Network of institutions for children is established by municipality, based on criteria adopted by the Government of the Republic of Serbia.

Article 46. ^[3]

(1) Institution for children may be established and may commence functioning if it possesses adequate premises, equipment, professional and other employees.

(2) The Minister responsible for social care of children, the Minister of Education and Minister of Health, by mutual agreement establish detailed requirements regarding space, equipment, number of professional and other workers in institutions for children.

(3) Institution for children may commence working once the municipal authorities determine that the conditions for its establishment and operation are met.

Article 47. ^[3]

(1) Other natural persons and legal entities may conduct business or activities in the field of social care of children under terms and conditions and in the manner stipulated by this Law and according to regulations adopted in line with this Law in order to perform these activities or business.

(2) Other natural persons and legal entities may conduct business or activities in the field of social care of children, depending on their type, if provided with adequate premises, equipment and the appropriate qualifications of persons who perform these activities.

(3) Detailed conditions and types of activities related to social care of children under paragraph 2 of this Article are determined by mutual agreement by the Minister in charge of social care of children, Minister in charge of education and the Minister in charge of health care.

(4) When other natural persons and legal entities establish an institution for children provided for in this Law with the scope defined herein, the provisions of this Act and acts of the competent ministry prescribed for these institutions are applied in definition of the terms of conditions for their establishment.

Article 48. ^[3]

Provisions of the Law regulating the public services system are applied to establishment, administration, management, position of employees in an institution for children, monitoring legality of their operation and their dissolution.

Article 49. ^[3]

(1) Institution for children shall be managed by a director.

(2) Director of the institution for children is responsible for: legality of operations, organization of work, implementation of work program of the institution and maintenance of prescribed documentation and records.

(3) Appointed as director of an institution for children may be a person with college or university degree in the areas of education, pedagogy, sociology, social science or medicine.

Article 50. ^[3]

(1) Governing body of the institution for children shall be the managing board.

(2) The managing board shall have at least five members.

Article 51. ^[3]

(1) If strike is organized in an institution for children, the minimum of work process which is to be provided is stay, keeping, care and nourishing of children.

(2) Activities under paragraph 1 of this Article which must be conducted during the strike, as well as method and conditions for performing these activities shall be regulated by General Act of the institution for children.

Article 52. ^[3]

Institution for children shall keep records of its operations.

Article 53. ^[3]

Institution for children shall define annual work plan, with previously obtained approval of the founder, at the latest by September 30th of the current year, and it shall submit report on implementation of the annual work plan to the founder for the previous year.

1. Preschool institutions

Article 54.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 55.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 56.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 57.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 58.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 59.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 60.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 61.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 62.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

2. Children's resort

Article 63.

(1) The children resort shall provide to the children of up to 15 years of age stay, educational activities, health care, nourishment, sports activities and other contents through organization of active recreation, outdoor classes and climatic recovery.

(2) The Minister responsible for social care of children, the Minister of Education and Minister of Health establish by mutual agreement bases for the programs of rest, recreation, climatic recovery and outdoor classes.

(3) The Minister in charge of social care of children prescribes norms for nutrition of children and the method of keeping records on application of the nutrition norms.

Article 64.

(1) Work with children in a children's resort is organized in groups.

(2) The number of children in one group, depending on age, shall be as follows:

- 1) up to 7 years of age – 10 children
- 2) from 7 to 15 years of age – 25 children.

Article 65.

Professional tasks in children's resorts may be performed by persons with high school, college or university degree (in the fields of education, health care and dietetics).

VI. PROVISION OF RESOURCES

Article 66. ^[2]

(1) Resources for exercising the rights of general interest prescribed in the Article 11, paragraph 1, items 1) to 6) of this Law are provided for in the budget of the Republic and transferred to the Ministry competent for social care of children, whereas resources allocated for maternity rights and resources allocated for child allowance and other rights are recorded separately.

(2) Resources for exercising the rights prescribed in the Article 11, paragraph 1, items 7) to 9) of this Law and resources for construction, upgrading and equipping of institutions for children are provided for in the budget of municipality.

Article 67. ^[4]

(1) Cost of services or programs represents value and the result of work that ensure material expenses compensation, in line with the established standards, depreciation in line with the law, income in line with the valid regulations, appropriate amount for ongoing and capital maintenance and resources for payment of obligations stipulated by law.

(2) The Minister in charge of social care of children prescribes the standards for determining the cost of services in children's institutions.

(3) The competent municipal authority determines the cost of services in children's institutions which are in network of institutions established by municipality.

VII. SUPERVISION OVER LEGALITY OF WORK AND PROFESSIONAL WORK

Article 68. ^[4]

(1) Supervision over legality of work of institutions for children is responsibility of the Ministry in charge of social care of children.

(2) Supervision over legality of work of institutions for children on the territory of the Autonomous Province of Vojvodina shall be entrusted to a competent authority of the Autonomous Province of Vojvodina.

Article 69.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 70. ^[4]

(1) Supervision over professional work in implementation of the educational activities is conducted by the Ministry of Education, whereas the Ministry in charge of health care supervises realization of preventive health care and the Ministry in charge of social care of children supervises social services implementation.

(2) Supervision over professional work is carried out at least once in two years.

(3) Ministers in charge of social care of children, health and education agree on prescribing manner and procedure for supervision over professional work and agree upon annual program for supervision.

Article 71. ^[4]

Report on the supervision of professional work shall be submitted within 30 days after the supervision of the institution where the supervision took place to founder of the institution and the body which gave its consent for the activities implementation, or business, to other natural persons and legal entities.

Article 72. ^[4]

(1) Supervision of professional work may be performed by persons who have a university degree in appropriate discipline.

(2) Notwithstanding paragraph 1 of this Article, supervision over nutrition may be performed by persons with college degree of appropriate profile.

VIII. CHILDREN'S WEEK

Article 73.

(1) Every year in the first week of October, 'Children's Week' is introduced in order to stimulate and organize various cultural and educational, recreational and other events dedicated to children and for taking other measures to improve development of social care of children.

(2) Activities organized in the course of Children's Week are determined through program approved by the Minister in charge of social care of children.

(3) Activities organized in the course of Children's Week are financed by resources gathered during the Children's Week and deposited on a special account.

Article 74.

(1) During the Children's Week, separate amounts are paid for the following:

1) each ticket sold in railway, sea, air and bus, intercity and international traffic;

2) each posted item in internal traffic, except for shipments of newspapers and magazines;

3) each ticket sold for theater, cinema, other cultural event and sports event for which tickets are charged;

4) each sold gramophone record, musical compact disc and video tape.

(2) Collection of amount is performed by organizations and other legal entities and citizens who sell tickets – travelling tickets, or provide postal services and are obliged to

deposit the gathered resources on a special account of the budget of the Republic within seven days after the Children's Week.

(3) The Minister in charge of finance prescribes the manner of payment under paragraph 1 of this Article in detail.

(4) The amount from paragraph 1 of this Article is established by the Government's decision, adopted on September 1st for the following year.

Article 75.

Funds collected during the Children's Week are identified in the budget of the Republic, and the Ministry in charge of social care of children shall allocate the funds to organizers of events dedicated to children, in line with the implemented program under Article 73, paragraph 2 of this Law.

IX. PENALTY PROVISIONS

Article 76.

Deleted (The Official Gazette of the Republic of Serbia No. 16/02)

Article 77.

Deleted (The Official Gazette of the Republic of Serbia No. 62/03)

Article 78.

(1) Fine of up to 1,000,000 RSD shall be imposed on organization or other legal entity which fails to collect funds of the Children's Week, or which does not deposit the collected resources into the budget of the Republic (Article 74).

(2) For the offense under paragraph 1 of this Article the fine of up to 50,000 RSD shall be imposed on responsible person in organization, or other legal entity.

Article 79.

Fine of up to 50,000 RSD shall be imposed on natural person who independently performs economic or other activities, who fails to collect fund of the Children's Week, or who fails to deposit the collected resources into the budget of the Republic (Article 74).

X. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 80.

Until the bylaws are adopted, in line with Law, the existing regulations shall be applicable, provided they are in line with this Law.

Article 80a

Deleted (The Official Gazette of the Republic of Serbia No. 53/93)

Article 80b

Deleted (The Official Gazette of the Republic of Serbia No. 67/93)

Article 81.

(1) The existing facilities for children shall harmonize their organization and general acts with provisions of this Law within six months from the day when this Law comes into effect.

(2) Until the general acts under paragraph 1 of this Law are adopted, the existing general acts shall be applicable, provided they are in line with this Law.

Article 82.

Founding rights and obligations to existing institutions for children established by the City of Belgrade, or the Province, which will be determined through a network of facilities, in line with this Law belong to municipality, on the day of enactment of acts regulating the network of institutions for children.

Article 83.

Land, buildings and other assets of institutions for children founded by the City of Belgrade, or the Province, which will be determined through a network of facilities shall become state property, on the day of enactment of acts regulating the network of institutions for children.

Article 84.

(1) Nurses, teachers, associates and staff-teachers who are employed in preschools, and who were qualified in terms of type and degree of education under regulations valid at the time of enactment of this Law, may continue to work in a preschool institution.

(2) Educational work in a preschool institution may be performed by persons under paragraph 1 of this Article who, at the time of enactment of this Law were not employed in a preschool institution and have more than 20 years of work experience gained in a preschool institution.

Article 85.

(1) Nurses, teachers, associates and staff-teachers who are employed in preschools on the territory of the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo and Metohija, who did not pass state exam by the time of enactment of this Law according to regulations in the field of education, may continue to perform their duties in a preschool institution, provided that they pass the state exam in line with this Law, within two years of enactment of this Law.

(2) Employees under paragraph 1 of this Article with more than 25 years in the field of education do not have the obligation of passing the state exam.

Article 86.

(1) On the day when this Law becomes effective, exercising of the rights obtained on the grounds of the regulations which were effective by the day when this Law came into force ceases, notwithstanding the rights which shall be appropriately harmonized with the provisions of this Law.

(2) The first instance bodies responsible for deciding on the rights stipulated by this Law shall harmonize the right to child allowance, which was exercised according to the regulations in effect by the day of enactment of this Law, with provisions of this Law, within three months from the day of enactment of this Law.

(3) The first instance bodies responsible for deciding on the rights stipulated by this Law shall harmonize the right to unemployed woman during the maternity leave and financial support to unemployed person and regular student, during pregnancy and delivery, exercised according to regulations in effect by the day of enactment of this Law, with provisions of this Law on right to maternity allowance, within one month from the day of enactment of this Law.

(4) Persons who are entitled to maternity allowance in line with this Law while receiving maternity allowance will also be granted the period in which they utilized the right to financial support to unemployed woman during the maternity leave and financial support to unemployed person and regular student, during pregnancy and delivery, in line with regulations which were in effect by the day of enactment of this Law.

(5) The first instance bodies responsible for deciding on the rights stipulated by this Law shall harmonize the right to cost reimbursement for preschool stay for the third child from the family with three children, in municipalities with negative birth growth rate, achieved by regulations in effect by the day of enactment of this Law, with provisions of this Law within one month from the day of enactment of this Law.

(6) Procedures for exercising the rights which commenced before the day of enactment of this Law shall be concluded in accord with provisions of this Law.

Article 87.

On the day when this Law comes into effect, the following cease to be effective:

- 1) The Law on Social Care of Children("The Official Gazette of the Republic of Serbia", No. 4/90 and 38/90 and "The Official Gazette of the Republic of Serbia", No. 21/90), The Law on Social Care of Children("The Official Gazette of the AP Vojvodina", No. 9/90 and 38/90) and the Law on Child Protection ("The Official Gazette of the AP Kosovo", No. 18/76), except for provisions with regard to the child allowance which cease to be valid within 90 days from the day of enactment of this Law;
- 2) The Law on business and the interests of society in the field of preschool education ("The Official Gazette of the AP Vojvodina", No. 6/90 and 9/90), The Law on Preschool Education ("The Official Gazette of the AP Kosovo", No. 24/78), The Law on Self-Governing Interest Communities of Social Protection in part which regulates the field of child protection ("The Official Gazette of the AP Kosovo", No. 35/74 and 9/83), The Law on Children's Week ("The Official Gazette of the AP Kosovo", No. 28/72 and 52/75), The Law on Education ("The Official Gazette of the AP Vojvodina", No. 15/83, 11/86, 5/87, 17/88 and 23/88) in part which regulates preschool education, The Law on experiments in the field of preschool, primary and secondary education ("The Official Gazette of the AP Kosovo", No. 27/76) in part which regulates preschool education and The Law on continuous improvement of teaching and educational staff ("The Official Gazette of the Republic of Serbia", No. 47/78, 16/79 and 43/84), in part which regulates preschool education.

Article 88.

This Law shall come into force eight days after publication in the "Official Gazette of the Republic of Serbia".

PROVISIONS NOT INCLUDED INTO REVISED TEXT

The Law Amending the Law on Social Care of Children
("The Official Gazette of the Republic of Serbia", No. 28/94)

Article 17.

On the day when this Law comes into effect, the following ceases to be effective: Regulation on the amount of allowance to children ("The Official Gazette of the Republic of Serbia", No. 105/93 and 8/94), Regulation on the amount of maternity allowance ("The Official Gazette of the Republic of Serbia", No. 105/93 and 8/94), Regulation on

exercising the right to wage compensation during maternity leave, extended maternity leave of employed parents and adoptive parents' leave from work for child care ("The Official Gazette of the Republic of Serbia", No. 112/93 and 8/94) and Regulation on the amount of support for newborn children ("The Official Gazette of the Republic of Serbia", No. 8/94).

The Law Amending the Law on Social Care of Children
(**"The Official Gazette of the Republic of Serbia", No. 29/01**)

Article 6.

The calculation of the amount of maternity allowances, grants for equipment for newborn children and child allowances for June, July and August 2001 shall be calculated so that amounts for these rights for May 2001 shall be harmonized with the cost of living index for the month when the payment is effectuated with regard to the previous month.

NOTE OF THE EXPERT:

^[1] Article 38 of the Law on financial support to families with children ("The Official Gazette of the Republic of Serbia", No. 16/02) stipulates that on the day of enactment of that Law Article 36 paragraph 1 ceases to be valid in the part which regulates the right to wage reimbursement during maternity leave, extended maternity leave of employed parent and absence from work of adoptive parent for child care, maternity allowance, support for newborn children and child allowance.

^[2] Article 38 of the Law on financial support to families with children ("The Official Gazette of the Republic of Serbia", No. 16/02) stipulates that on the day of enactment of that Law Article 66 paragraph 1 ceases to be valid in the part which regulates preschool education and education of children undergoing lengthy hospital treatment and educational program in the duration of three hours prior to enrollment into primary school.

Article 174 of the Law on basis of the educational system ("The Official Gazette of the Republic of Serbia", No. 62/03) stipulates that on the day of enactment of that Law Article 66 ceases to be valid in the part which regulates preschool education.

^[3] Article 174 of the Law on basis of the educational system ("The Official Gazette of the Republic of Serbia", No. 62/03) stipulates that on the day of enactment of that Law Articles 45 to 53 cease to be valid in the part which regulates preschool institutions.

^[4] Article 174 of the Law on basis of the educational system ("The Official Gazette of the Republic of Serbia", No. 62/03) stipulates that on the day of enactment of that Law Articles 67 to 72 cease to be valid in the part which regulates preschool institutions.