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**INSTITUCIONET E PËRKOHSHME TË VETËQEVERISJES  
PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT  
PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA**

**QEVERIA E KOSOVËS – GOVERNMENT OF KOSOVO – VLADA KOSOVA**

**MINISTRIA E PUNËS DHE MIRËQENIES SOCIALE  
MINISTRY OF LABOUR AND SOCIAL WELFARE  
MINISTARSTVO RADA I SOCIJALNE ZAŠTITE**

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In accordance with Article 1, indent 1.3, paragraph (ç), indent 1.7 (d) of the Regulation 2001/19 on Executive Branch of Self Government Institutions in Kosovo.

Based on the Law on Social and Family Services, Article 11.

Having into consideration the scope of Ministry of Labour and Social Welfare in respect to action policies on juvenile and family protection,

With a purpose of regulation and advancement on providing with social and family services for children without parental care **Minister of Ministry of Labour and Social Welfare issues this:**

**ADMINISTRATIVE INSTRUCTION No 05/2006  
ON  
ESTABLISHMENT OF THE PANEL FOR PALCING CHILDREN  
WITHOUT PARENTAL CARE IN FOSTER CARE AND ADOPTION**

**Article 1**  
Purpose

**(1)** This Administrative Instruction aims the regulation of procedures on establishment of the Panel for placing children without parental care in foster care and adoption (hereinafter referred to as the Panel), in accordance with provisions of Law on Social and Family Services and also determination of duties and responsibilities of this Panel.

## **Article 2**

### **Procedures for Establishing the Panel for placing children without parental care in foster care and adoption**

- (1) Minister of Ministry of Labour and Social Welfare through this Administrative Instruction authorizes the Department of Social Welfare to take the initiative for establishment of the Panel in its behalf.
- (2) The Panel is established by nomination of members from Minister of MLSW in accordance with the Article 11 of the Law on Social and Family Services.
- (3) The Panel for placing the children without parental care in foster care and adoption is directed by Head of Social and Family Services or by any other person appointed from him and is composed of seven officials from Department of Social Welfare and other institutions of this field based on expertise and their relevant professional experience.

#### **The panel will have this institutional composition:**

1. Director of the Department of Social Services
  2. Head of the Division of Social Services \
  3. Senior Professional Official for Foster Care, Local and International Adoption
  4. Two representatives of Centers for Social Work in Kosova
  5. A representative of Institute of Social Policy
  6. A representative of Non Governmental Organizations
- (4) Meetings of the Panel will take place only if there are present at least five (5) members of the Panel.
- (5) Decisions of the Panel will be fully effective if they are voted by the majority of the present members.

## **Article 3**

### **Duties and responsibilities of the Panel**

- (1) The Panel for placing the children without parental care in foster care and adoption:
  1. Looks after realization of functions in accordance with Article 11, paragraph 11.9 of the Law on Social and Family Services.
  2. Reviews the reports of social services officials adopted by DSW related to potential parents of foster care of the child.

3. Decides on inclusion of potential parents for foster care in unique registry of foster carers in Kosova.
4. Reviews the needs of children and suitability of parents in respect to placing the children in foster care.
5. Decides in respect to withdrawing the children from parental care that are in foster care due to unsuccessful or unsuitable placement.
6. Looks after on keeping a registry of persons that are determined as adopting parents by officials of social services.
7. Protects children rights, in accordance with international acts, who can be subject to requirements for adoption by people that live abroad.

#### **Article 4**

#### Rules of action and function of the Panel in respect to Foster Care for children without parental care

- (1) Department of Social Welfare keeps a unique registry of children without parental care who are potential for foster care based on referrals by Centers of Social Work in Kosova
- (2) Children without parental care are considered children whose parents are not alive, are not known, are disappeared or whose parents for any reason do not carry out their parental duties temporarily or permanently. (Article 156, Law on Family in Kosova).
- (3) Department of Social Welfare keeps a unique registry of potential parents for foster care based on referral by Centers of Social Work in Kosova.
  1. Registry is a unique book in which will be evidenced children without parental care, potential foster care parents and adopters.
- (4) Potential foster care parents are considered those who have applied in CSW – Kosova, to be foster carers and CSW has trained and evaluated them positively to be foster families.
- (5) Registries will contain all necessary information for effective management of fostering services including the data and number of potential children for foster care and also potential foster carers. DSW will take responsibility to up date registries of potential children for foster care and potential foster care parents according to referrals of CSW. DSW realized this responsibility through authorized persons for this form of protection (Article 3.3.1 of this Administrative Instruction).

(6) Opinion related to placing the individual child in foster care is given by the Panel respecting the welfare of the child and suitability of foster parents.

(7) The decision for placing the child in foster care is made by Center of Social Work based on the matter and territorial competence, after the opinion of the Panel was given.

(8) The child is placed in the family which ethnic, language, cultural and religious background are the same with biological family.

(9) Notwithstanding from Article 48 the children can be placed also in other fostering families if this is of better interest for the child welfare.

(10) Foster care is a form of protection that is applied by MLSW services only within Kosova territory.

(11) Department of Social Welfare will promote foster care as priority form of care for children without parental care and due to this will undertake activities for public information and other promoting activities.

(12) The appointed manager by CSW for leading the case of the child placed in foster care is obliged that at least once per month visit the child and for this shall keep data in professional form of work for case management.

(13) All evaluations in respect to health and welfare of the child in foster care are carried out by Centers of Social Work through appointed managers who lead the case.

1. For certain actions that are of interest for the child welfare, the manager of the case is obliged to inform and achieve the consent of child legal custodian.

(14) In occasion when during foster care the case manager has evaluated that child interests are not met, the Panel will require termination of foster care after referral that is done by custody organ and also remove from registry of foster families due to disrespect of foreseen criteria for foster care for the child welfare.

(15) If during foster care, a child is injured or dies, it is MLSW obligation that through its services to initiate development of investigation procedures on circumstances and to undertake any necessary subsequent measure.

## **Article 5**

Rules of action and function for the Panel in respect to adoption of children without parental care

- (1) Department of Social Welfare keeps a unique registry of children without parental care who are potential for adoption based on referrals by Centers of Social Work in Kosova.
- (2) A potential child for adoption is a child without parental care with a solved legal status.
- (3) Department of Social Welfare keeps a unique registry of potential parents (adopters) based on referrals by Centers of Social Work in Kosova.
- (4) Potential parents (adopters) are considered the parents that have applied in CSW for adoption and are evaluated positively by CSW as suitable parents that guarantee the child welfare.
- (5) The registry will contain all necessary information including the data and number of potential children for adoption and also potential adopting parents. CSW will have responsibility to keep up dated the registry of potential children for adoption and potential adopting parents (adopters) based on referrals of CSW. DSW realizes this responsibility through authorized persons for this form of protection (Article 3.3.1 of this Administrative Instruction).
- (6) CSW is obliged to approach in written the Panel for taking the opinion for adoption.
- (7) Opinion for adoption is given by the Panel respecting the child welfare and suitability of potential adopting parents.
- (8) The decision for establishment of adoption is made by Center of Social Work or the Court based on the matter and territorial competences.
- (9) The child is adopted only in a family which is has in common the ethnic, language, cultural and territorial background with biological family.
- (10) An exception in Article 5.9, the child can be adopted also in other families abroad Kosova if there exist appropriate reasons and that goes are in favor of child's welfare.
- (11) Potential international adopting parents are considered the parents with residency in Kosova who are evaluated positively by social services in the places they live and send documentation to apply for adoption in DSW. The documentation shall be stamped by Apostile stamp and within possibilities will be discussed on its validity with Liaison Offices in Kosova where the citizens apply from.

(12) In respect to certain actions of child interest, the case manager is obliged to inform and ensure consent of legal custodian of the child.

(13) CSW is obliged to develop the child's pre adoption period which shall not last more than three months.

1. During pre adoption period, the case manager from CSW is obliged to visit the child at least once per month in order to be convinced for child welfare and emotional attachment created between the child adopted and adopting parents.

(14) In occasions when during pre adoption period the case manager has evaluated that that child interests are not met, the Panel will require to stop the adoption after the referral made by custody organ and also remove of adopting parents from registry due to disrespect of pre adoption period criteria on child welfare.

(15) If during the pre adoption period, a child is injured or dies, it is MLSW duty that through its services initiate development of investigation procedures on circumstances and to undertake the necessary subsequent steps.

(16) In case of adoption realization with international element the pre adoption period shall be at least two weeks and shall be evaluated by CSW which leads the case.

(17) The Panel can loose the priority in registry for the potential adopting parents who refuse or abandon the child that is proposed for adoption from the Panel.

(18) Each person who organizes the adoption in contradiction with provisions of this law or tends to do this is punished for penal acts based on laws enforced in Kosova.

(19) Any professional that exercises intolerable pressure towards a parent or parents to give child for adoption, is considered guilty for flagrant professional violation and will be subject to penal rules based on the laws enforced in Kosova.

(20) In order to protect the rights of children who might be subject to request for adoption from the people that live abroad, the Panel has the following duties:

1. To ensure that there is a correspondence with requirements of Hague Convention on Privacy Rights, Convention on Child Protection and Cooperation in Respect to Inter-State Adoption.
2. To be ensured that there are developed all procedures and actions by CSW in Kosova for potential children for adoption to be adopted in Kosova before the decision to be adopted with international elements is made.

3. To protect all potential children for adoption without having into consideration ethnic, gender, cultural, religious, health background.
4. To decide and develop cooperative relationship with respective organs for adoption in potential receiving places, by ensuring at least two written reports on child welfare for the first two years after the adoption realization.
5. To develop cooperative relationships with foreign offices in Kosova for verification of validity of documentation for adoption with international element of potential adopting parties.
6. To determine criteria that shall be implemented for inter-state adoption,
7. To enable necessary legal procedures for carrying out the inter-state adoption as determined by Hague Convention.

#### **Article 6**

##### **Rules for the work of the Panel for placing the children without parental care in foster care and adoption**

The Panel for its work will issue the regulation which shall not be in contradiction with provisions of applicable Legislation of this field in our country.

#### **Article 7**

##### **Duration of the service in Panel for placing children without parental care in foster care and adoption**

(1) The mandate of the members in the Panel for placing children without parental care in foster care and adoption is two years with a possibility of reselection for another mandate. No member of the Panel can carry out this function more than four years, except Director of Department of Social Welfare, Head of Division of Social Services and Senior Officials for Foster Care, Local and International Adoption who will be permanent in carrying out their professional duty in the Panel.

(2) If a member of the Panel has failed to carry out professional duties that derive from Panel regulations, after review of evidences, members of the Panel can propose discharge of the member that has contradicted duties and responsibilities of the Panel.

(3) If the member of the Panel is absent in three meetings without interruption, does not respect confidentiality of data and also it is present the manifestation of behaviors that are not serious and are in contradiction with professional ethics, can lead to his/her discharge of the Panel.

(4) In all cases when the activity of a member of the Panel stops, is appointed a new member that serves for the remaining time of the mandate of the member he is replacing. The new member is proposed by the subject that was represented from the discharged member.

#### **Article 8**

#### **Responsible institutions for placing children without parental care in foster care and adoption**

(1) MLSW, respectively Department of Social Welfare through Centers of Social Work are responsible for realization and supervision of general program policies of social and family services in Kosova, respectively placing the children without parental care in foster care and adoption.

(2) Centers of Social Work, professional NGOs and community based houses that provide with social services, are responsible for concrete implementation of this Administrative Instruction.

#### **Article 9**

#### **Entry into force**

This Administrative Instruction enters into force the day of signature by Minister of Ministry of Labour and Social Welfare.

Priština, jula 2006

**Ministar MRSZ-a**

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**Ibrahim Selmanaj**