

**LAW No. 04/L-081
ON AMENDING AND SUPPLEMENTING THE LAW NO. 02/L-17 ON SOCIAL AND
FAMILY SERVICES**

Assembly of Republic of Kosovo,

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

Approves:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 02/L-17 ON SOCIAL AND
FAMILY SERVICES**

Article 1

1. Article 1 of the basic law, paragraph 1.3. the definition "**Direct social care**" is amended and reworded as follows:

Direct social care - means providing assistance to persons in social need, regarding housework, personal care, mobility, communication and supervision. Care can be provided in the person's own home, in another family, in a specialized centre for daily stay or residential institution.

2. Article 1 of the basic law, paragraph 1.3. the definition "**Material support**" is amended and reworded as follows:

Material support - means providing money, temporary shelter, food, medical fees, clothing or any other essential emergency materials for individual or family who have no other source available.

3. Article 1 of the basic law, paragraph 1.3. the definition "**Person in need**" after the word "**territory**" is added the phrase "**Republic of**" and the other text remains as in the basic law.

4. Article 1 of the basic law, paragraph 1.3. the definition "**Families in need**" is amended and reworded as follows:

Families in need – is considered family when one or both parents or guardian need assistance in caring for the child because of their status or condition of the child, in circumstances where a child is suffering serious harm due to neglect, abuse by a parent or parents, because of the inability of the parent or parents or guardian to care for adequately, or is exposed to the possibility of experiencing something like that.

5. Article 1 of the basic law, paragraph 1.3. the definition "**Clerk of Social Services**" is amended and replaced by "**Social Worker**" and the other text remains as in the basic law.

6. Article 1 of the basic law, paragraph 1.3. after definition "**Clerk of Social Services**" is added new definition "**Centre for Social Work (CSW)**" with the following text:

Centre for Social Work (CSW) - is a public institution of professional municipal level that is responsible for protecting citizens in need.

7. Article 1 of the basic law, paragraph 1.3. the definition "**The Custodian**" is amended and reworded as follows:

The Custodian is the municipal professional body responsible for social affairs, responsible for protecting the interests of children and adults, consisting of an expert group that operates within the Centre for Social Work.

Article 2

1. Article 2 of basic law, paragraph 2.1 is deleted the word "**comprehensive**" and in the end of paragraph the phrase "**or social, wealth, birth or something else**".

2. Article 2 of basic law paragraph 2.3. in the end of paragraph is deleted the following sentence "**and the right to offer such services on its own directly if circumstances justify it**".

3. Article 2 of basic law paragraph 2.4., the phrase "**Ministry retains direct responsibility and any such action shall be initiated by the centre for social work on behalf of the Ministry**" is replaced with the phrase "**Centre for Social Work retains direct responsibility and any such action shall be initiated by this centre**".

4. Article 2 of the basic law, paragraph 2.10 is amended and reworded with the following text:

2.10. With the aim to enable, municipalities and organizations providing social and family services on its behalf, execution of such functions, the Ministry will allocate annual funds for such purpose through a public announcement of the purchase of services.

Article 3

1. Title of Article 3 of the basic law "**Role of department of social welfare**" shall be replaced with the title "**The role of the relevant department**".

2. Article 3 of the basic law paragraphs 3.1 and 3.2 are deleted from the text of the law and reworded with new paragraph 3.1. as follows:

3.1. Ministry through the relevant department:

a. cooperates with municipalities, academies, other ministries and stakeholders for maintaining level and advancing the social and family services;

b. offers proposals, suggestions and gives advise for the Ministry and Government of Republic of Kosova regarding the policy developing for social and family services .

3. Article 3 of the basic law, paragraph 3.3. is deleted the phrase "**Social Welfare**" and replaced with the word "**appropriate**."

4. Article 3 of the basic law, paragraph 3.3 after sub-paragraph b, is added new subparagraph b.a. with the text as follows:

b.a. licensing of NGOs that provide social and family services.

5. Article 3 of the basic law, paragraph 3.3 after sub-paragraph k. four new subparagraph l., m., n. and o. are added with the text as follows:

l. for the promotion, development and enhancement of knowledge, skills and professional standards in the field of social and family services.

m. research in the field of social and family services and promotes professional development of staff through training and provision of advice for professionals.
n. publication of relevant manuals, reports on research results and promotional materials.

o. inspection, commissioning of family and social services in institutions defined by law as well as non-governmental organizations and the private sector. In connection with these activities prepares an annual report in writing.

6. Article 3 of the basic law after paragraph 3.3 two new paragraphs 3.3.a. and 3.3.b. are added with the text as follows:

3.3.a. for the operation and specification of activities in sub-paragraphs l, m. and n. of this law, the Ministry issues the following sub-legal act.

3.3.b. for the operation and specification of activities in sub-paragraph o. of paragraph 3.3 of this law, the Ministry issues sub-legal act.

7. Article 3 of the basic law paragraph 3.4 is deleted from the text of the law.

8. Article 3 of the basic law paragraph 3.6 is amended and reworded as follows:

3.6. All providers of social and family services should collaborate continually with department officials concerned to monitor and inspect social and family services and make possible immediate inspection without disturbance of all records, documents and persons that are being checked. Failure to cooperate continuously with the Ministry, may result in stopping the delivery of social and family services.

9. Article 3 of the basic law paragraph 3.7 after the word "**department**" is added the word "**appropriate.**"

Article 4

Article 4 of the basic Law, is deleted from the text of the law.

Article 5

1. Article 5 of the basic law after paragraph 5.3, two new paragraphs 5.3.a. and 5.3.b. are added with the following text:

5.3.a. Council licences trainers in the area of social services and may authorize internal and external local experts, for the provision of trainings to social and family services professionals;

5.3.b. Council licensing or certifying trainers may have an educational role for all professionals, NGOs and government organizations dealing with social and family services.

2. Article 5 of the basic law after paragraph 5.6 two new paragraphs 5.6.a. and 5.6.b. shall be added with the following text:

5.6. a. Council Decisions can be appealed to the Commission for Complaints and Appeals of the Council.

5.6.b. Members of the Licensing Council can not be simultaneously members of the Commission for Complaints and Appeals.

3. Article 5 of the basic law, paragraph 5.7 is amended and reworded as follows:

5.7. Against Decisions of this Commission, the affected party, through indictment, may open an administrative dispute before the competent Court of the Republic of Kosovo.

4. Article 5 of the basic law paragraph 5.8 is amended and reworded as in the following text:

5.8. The Council has twenty one (21) members with a mandate of four (4) years, with possibility of re-election for another mandate.

5. Article 5 of the basic law, paragraph 5.9 in the beginning of paragraph the phrase "**After the first three years of its operation**" is deleted while the other text remains as in the basic law.

6. Article 5 of the basic law, paragraph 5.12. shall be deleted from the text of the law.

7. Article 5 of the basic law, paragraph 5.17 the phrase "**simple majority**" shall be replaced with the phrase "**by 2 / 3 of all members.**"

8. Article 5 of the basic law, paragraph 5.31 shall be deleted from the text of the law.

9. Article 5 of the basic law, paragraph 5.32 is amended and reworded with the following text:

5.32. Council's members, for their participation and services provided to the Council, shall be compensated by the Ministry and various donors.

10. Article 5 of the basic law, paragraph 5.34. after the phrase "The Council is funded" is added the word "**also**".

11. Article 5 of the basic law, after paragraph 5.34 one new paragraph 5.34.a. is added as following:

5.34.a. The revenue realized by the payment of registration fees for social and family services professionals, will belong to the Budget of Republic of Kosovo.

12. Article 5 of the basic law paragraph 5.36 after the phrase "**and register in Council**" is deleted the phrase "**within three years of entrance into force of this law**".

13. Article 5 of the basic law after paragraph 5.36 new paragraph 5.37 is added as follows:

5.37. On composition and functioning of consulting institutions of the General Council for Social and Family Services, Ministry shall issue sub-legal acts.

Article 6

1. Article 6 of the basic law paragraph 6.4 is amended and reworded as follows:

6.4. Directorates take steps to identify the nature and extent of the need for social and family services within their territory. They prepare annual plans for developing and maintaining social and family services and maintain a database and develop statistics according to the recommendations of the Ministry. The municipality, through the relevant directorate, presents an annual report on activities related to social and family services and special reports on concrete cases with high risk or interest, at the request of the Ministry.

Article 7

1. Article 7 of the basic law paragraph 7.1 the phrase "**social services official**" shall remain unchanged in English version and after the phrase "**that gives this Law**", the remaining sentence is deleted. "
2. Article 7 of the basic law after paragraph 7.2 two new paragraphs are added 7.2.a. and 7.2.b with the text as follows:
 - 7.2. a. The Guardianship body participant in the proceedings is entitled to make proposals for protecting the rights and interests of children and adults in need, to present facts which are not included, to suggest the administration of necessary evidence, the remedies and to take other legal measures.
 - 7.2.b. The court shall invite the Custodian to take part in the proceedings in all hearings and submits to him all the decisions.
3. Article 7 of the basic law paragraph 7.3 the phrase "**social services employee**" is amended and replaced by the phrase "**social service official**".
4. Article 7 of the basic law paragraph 7.7 after the acronym "**CSW**" is deleted the word "**may**"
5. Article 7 of the basic law, paragraph 7.8 the phrase "**social services official**" shall remain unchanged in English version.

Article 8

1. Article 8 of the basic law paragraph 8.1 the word "**Department**" is amended and replaced by the word "**Ministry**".
2. Article 8 of the basic law paragraph 8.2 the phrase "**Department of Social Welfare**" shall be amended and substituted with the phrase "**Ministry through the appropriate department.**"
3. Article 8 of the basic law paragraph 8.3 the phrase "**Department of Social Welfare**" shall be amended and substituted with the phrase "**Ministry through the appropriate department.**"
4. Article 8 of the basic law paragraph 8.5 after the phrase "**on the level of Republic of Kosovo**" is added the phrase "**through procedures of the committee and contracting**"
5. Article 8 of the basic law paragraph 8.6 is deleted from the text of the law.

Article 9

1. Article 10 of the basic law paragraph 10.1. is amended and reworded, as in the following text:
 - 10.1. The best interest of a child are met when their physical and psychological developmental needs are fulfilled within the context of his natural family. All entities should make every effort to promote the welfare of children within their biological families through the provision of social care, protection and counseling in cases of emergency material assistance.
2. Article 10 of the basic law paragraph 10.4 is amended and reworded as in the following text:

10.4. If a social service official has reason to believe that in a given case there is an immediate serious danger to health, safety and welfare of a child, he / she may, under its powers, to enter any residential facility and take the child to a safe place where they will be cared for a certain period of no longer than seventy-two (72) hours.

3. Article 10 of the basic law paragraph 10.5 is amended and reworded as in the following text:

10.5. Before the expiration of seventy two (72) hours, if the Custodian does not provide the consent of the parent / parents or guardian, the case must be submitted to the competent court which decides on the custody of the child. If circumstances require, the court may grant an order for assessment to the Custodian within a period of twenty one (21) days, to allow further investigations.

4. Article 10 of the basic law paragraph 10.6 after the phrase "**subject to criminal prosecution**" is deleted the phrase "**under Article 156 of the Criminal Code of Kosovo.**"

5. Article 10 of the basic law paragraph 10.7 the phrase "**without delay**" shall be replaced by "**24 Hours**" and the phrase "**Department of Social Welfare,**" shall be replaced by phrase "**relevant department**".

6. Article 10 of the basic law paragraph 10.8 the word "**director**" shall be replaced by the word "**the Custodian**".

7. Article 10 of the basic law paragraph 10.11 is amended and reworded as in the following text:

10.11. After a comprehensive professional assessment of needs of child and family social services, CSW without delay within twenty (24) hours sends the notice to the respective municipality directorate. If the Custodian of the CSW believes that there is reason to seek protective measures, has a duty to refer the matter to the court, in order for the court to issue a decision on the form of defence.

8. Article 10 of the basic law paragraph 10.12 is amended and reworded, as in the following text:

10.12. The Custodian, may apply for an order for evaluation, up to twenty (21) days.

9. Article 10 of the basic law paragraph 10.13 the phrase "**Director of the CSW,**" shall be replaced by the phrase "**the Custodian**".

10. Article 10 of the basic law paragraph 10.14 is amended and reworded as in the following text:

10.14. Upon application for protection form, the Custodian shall certify its assessment to the court that the child needs protection from the courts and that all reasonable alternatives have been considered before the application to the court.

11. Article 10 of the basic law paragraph 10.15 the phrase "**custody orders**" shall be replaced by the phrase "**form of protection.**"

12. Article 10 of the basic law paragraph 10.16 the phrase "**custody orders**" shall be replaced by the phrase "**decision on the form of defence.**"

13. Article 10 of the basic law paragraph 10.17 the phrase "**custody orders**" shall be replaced by "**form of protection.**"

14. Article 10 of the basic law paragraph 10.17 sub-paragraph a., is amended and reworded, as in the following text:

- a. supervision of the child and his living conditions by the social worker, while he/she is in the care of parent/s or guardian.
15. Article 10 of the basic law paragraph 10.17 sub-paragraphs b., c. and d., the phrase "**Department of Social Welfare**" shall be replaced with the phrase "**CSW**" and the word "**care givers**" is replaced with the word "**guardian**."
16. Article 10 of the basic law paragraph 10.18 shall be amended and reworded, as in the following text:
- 10.18. The Custodian ensures fulfilment of the requirements and conditions of the decision on the form of defence.
17. Article 10 of the basic law paragraph 10.19 the phrase "**custody orders**" shall be replaced by the phrase "**decision on the form of defence**" and the word "**care givers**" shall be replaced by the phrase "**or guardian**".
18. Article 10 of the basic law paragraph 10.20 shall be amended and reworded, as in the following text:
- 10.20. In cases when children were issued a decision on the form of protection, the Centre for Social Work will review to the extent that the forms of protection are no longer necessary or appropriate. For withdrawal of such a protection, the Custodian must submit a request before the Court.

Article 10

1. Article 11 of the basic law paragraph 11.1 the phrase "**CSA on behalf of DMS**," shall be replaced by the phrase "**the Custodian**".
2. Article 11 of the basic law paragraph 11.1 sub-paragraph f. the word "**department**", shall be replaced by the phrase "**Centre for Social Work**."
3. Article 11 of the basic law paragraph 11.2 shall be amended and reworded with the following text:
- 11.2. if a child is orphaned of both parents and given adequate care by an individual or family that has no kinship with it, then the Custodian in the territory where the child lives, taking steps to fix this situation through the final protection. In these circumstances, the department concerned should pay the allowances are adequate for the child's care and maintenance.
4. Article 11 of the basic law paragraph 11.3 shall be amended and reworded, as in the following text:
- 11.3. in cases where the child's parents are unknown, when parents have consented to the abandonment, or when a parent is consistently unable to provide the necessary care and upbringing of the child, due to serious illness or mental disability diagnosed severe psychological, the Custodian takes measures to ensure adequate long-term care for the child.
5. Article 11 of the basic law paragraph 11.4 shall be amended and reworded, as in the following text:
- 11.4.a. in special cases, upon the request from parent, parents, or Custodian, SCWs, the child may be put to another place out of the home with the aim of providing him better social care, upon professional evaluation and child's needs, carried out by the Custodian.

11.4.b. for accommodating a child out of the home, the following must be provided: professional evaluation of child's needs, consulting the child, and child's wishes are taken into account.

11.4.c. in cases when parent, parents have their parental rights and responsibilities, with their request, the child can be brought back home, after an evaluation carried out by the Custodian.

6. Article 11 of the basic law paragraph 11.5 the phrase "**CSA on behalf of DMS**," shall be replaced by the phrase "**the Custodian**".

7. Article 11 of the basic law paragraph 11.6. shall be amended and reworded, as in the following text:

11.6. as far as the child is entrusted by the court to the Custodian for care, the judge specifies the form of protection and the conditions under which the Custodian shall exercise this responsibility.

8. Article 11 of the basic law paragraph 11.7. the word "**department**", shall be replaced by the phrase "**The Custodian**".

9. Article 11 of the basic law paragraph 11.8. the word "**department**" shall be replaced by the phrase "**The Custodian**" and after the word "**Ministry**" shall be added the phrase "**through the appropriate department.**"

10. Article 11 of the basic law paragraph 11.9. shall be amended and reworded as in the following text:

11.9. this panel has the following functions:

- a. to give an opinion on the suitability of foster parents;
- b. to give opinion on placing children with foster parents;
- c. to give opinion on placing children in adoption and prospective adoptive families.

11. Article 11 of the basic law paragraph 11.10. the phrase "**of Social Welfare**", shall be replaced with the word "**appropriate.**"

12. Article 11 of the basic law paragraph 11.11. the phrase "**of Social Welfare**", shall be replaced with the word "**appropriate.**"

13. Article 11 of the basic law paragraph 11.12. shall be amended and reworded, as in the following text:

11.12. potential foster care parents are assessed by SWC social service official, in cooperation with other professionals and their reports are reviewed by the Panel on the Establishment of the Child, which decides on their inclusion in the register.

14. Article 11 of the basic law paragraph 11.13. the word "**decisions**" shall be replaced with the word "**opinion**".

15. Article 11 of the basic law paragraph 11.14. after the word "**child**", shall be added the words "**with priority**".

16. Article 11 of the basic law paragraph 11.15. shall be amended and reworded, as in the following text:

11.15. Competent Social Work Centre is obliged to visit the child at least once a month, in order to ensure that he / she is adequately cared for and to give foster parents any useful advice or guidance for child care.

17. Article 11 of the basic law paragraph 11.16 shall be amended and reworded as in the following text:

11.16. all important decisions or consents related to health and welfare of children in foster care made by the competent Social Work Centre for Child Protection, after consultation with the child's natural parents if possible, or guardian.

18. Article 11 of the basic law paragraph 11.20 the phrase "**of Social Welfare**", shall be replaced with the phrase "**appropriate municipal directorate.**"

19. Article 11 of the basic law paragraph 11.21 the phrase "**of Social Welfare**", shall be replaced with the phrase "**appropriate**" and the word "**lists**", shall be replaced by the word "**records**".

20. Article 11 of the basic law paragraph 11.21 four (4) new paragraphs 11.21.a, 11.21.b, 11.21.c, 11.21.d, shall be added as in the following text:

11.21.a. family interested in adopting a child without parental care, must file the request in court, while inter ethnic sale court claim Centre for Social Work sends it to provide professional assessment of the family.

11.21.b. after positive peer CSW to notify in writing the family court and entered in the Register for the families Panel potential for adoption, whereas negatively valued family will send the case to the court decision.

11.21.c. the advantage of adopting children has a married couple.

11.21.d. best interest of the child is preserved if the difference in age between the adoptee and the adopter is not greater than the age of fifty (50) years.

21. Article 11 of the basic law paragraph 11.22 after the phrase "**for criminal offence**" shall be deleted the phrase "**under Article 209 and 210 of the Criminal Code of Kosovo.**"

22. Article 11 of the basic law paragraph 11.23 after the words "**prosecuting**" shall be deleted the phrase "**under Article 160 of the Criminal Code of Kosovo.**"

23. Article 11 of the basic law paragraph 11.24 shall be amended and reworded, as in the following text:

11.24. Child Placements Panel will maintain a register of persons approved by the Custodian as adoptive parents, after reviewing the evaluations and inquiries made.

24. Article 11 of the basic law after paragraph 11.24 two (2) new paragraphs 11.24.a and 11.24.b. shall be added, as in the following text:

11.24.a. the Custodian before sending the case to court with a proposal to adopt the child, is obliged to advance the opinion of the Panel..

11.24.b. adopter can be only a citizen of Republic of Kosovo. Exceptionally, the foreign citizen/resident may be adopting party, if the child can not be adopted or fostered in

Republic of Kosovo and/or there are reasonable grounds for such action, if the child has special needs and needs for specialized treatment that can not be offered in Kosovo. For adopting children from foreign national need prior consent of the Panel.

25. Article 11 of the basic law after paragraph 11.25 two new paragraphs 11.26 and 11.27 are added, as in the following text:

11.26. The Ministry shall issue a sub-legal act on the composition and functioning of the Panel on the Establishment of Children in foster care and adoption.

11.27. The Ministry shall issue a sub-legal act to regulate foster care in Republic of Kosovo.

Article 11

1. After Article 11 of the basic Law, two new Articles 11.A and 11.B shall be added, as in the following text:

Article 11.A

Protection of children perpetrators of criminal acts, without criminal responsibility

11.A.1. Protection of children perpetrators of criminal acts without criminal responsibility is undertaken by the Custodian in collaboration with non-governmental organizations that have professional expertise to address this category.

11.B.2. In the procedure of handling and defence, the best interest of the child is the first consideration and more important.

11.A.3. Protecting the children of this category includes all children under fourteen (14) who are in conflict with applicable legislation, against whom no criminal proceedings can be held and where responsible for the protection of children, is the Custodian or non-governmental organizations which provide special services for the protection of children.

11.A.4. For all children who have committed criminal acts, without criminal liability after notification by the prosecutor, the Custodian liable under the territorial jurisdiction, provides adequate protection and treatment.

11.A.5. Upon notification by the prosecutor, for the criminal act of the child, the Custodian appoints the case manager for each case referred.

11.A.6. After evaluation of the case manager can establish partnerships with governmental and non-governmental organizations, educational and health institutions, police, family and community, in order to create the best possible opportunities for child protection and treatment.

Article 11.B

Protection and treatment of children with asocial behaviour

11.B.1. Protecting children with asocial behaviour is carried out by the Guardianship in collaboration with non-governmental organizations who have professional expertise to address this category.

11.B.2. For children with asocial behaviour, after referral to the CSW-s family, school, community, health institutions, probation, police, NGOs, etc. The Custodian liable under the territorial jurisdiction, provides adequate protection and treatment in accordance with the applicable legislation.

11.B.3. Following referral by the subjects specified in paragraph 2 of this Article, the Custodian assigns case manager for each case referred.

11.B.4. After evaluating the case, the manager can establish partnerships with governmental organizations, family, school, community, health, police institution, in order to create the best possible opportunities for child protection and treatment.

Article 12

1. Article 12 of the basic law paragraph 12.2 the phrase "**Comprehensive**" shall be deleted from the text of the law.

2. Article 12 of the basic law after paragraph 12.3 four (4) new paragraphs 12.3.a, 12.3.b, 12.3.c and 12.3.d shall be added, as in the following text:

12.3.a. Ministry provides care for the elder people and persons with mental disabilities, delay in mental development, when they have no other genus persons who by law are obliged to care for them.

12.3.b. children over the age of eighteen (18) have an obligation to provide financial support and provision of care for their parents, if they are unable to work and have a minimum income to live and need care.

12.3.c providing services and care for the elder people and persons with mental disabilities, delay in mental development, by the respective institutions, may also be offered with participation by relatives or other persons in the genus, which are obliged to care for them.

12.3.d. for elder people and persons with mental disabilities, delay in mental development, shall be provided community services in-house person in a position of social need, for the two categories, those that do not have other people in the genus and for people who have relatives, but who wish to buy services.

3. Article 12 of the basic law after paragraph 12.5 one new paragraph 12.6. shall be added as in the following text:

12.6. Ministry shall issue a sub-legal act to regulate the procedures for the above mentioned categories of this Article.

Article 13

1. Article 13 of the basic law in paragraph 13.2 and 13.4 the phrase "**director of respective centre for social work**" shall be replaced with the phrase "**Centre for Social Work.**"

2. Article 13 of the basic law paragraph 13.2 sub-paragraph a. and b. the phrase "**Department of Social Welfare**" shall be replaced by "**Centre for Social Work**" by adapting the grammatical forms.

3. Article 13 of the basic law paragraph 13.7 shall be amended and reworded as in the following text:

13.7. Centre for Social Work ensures that the conditions of the order of custody are fulfilled.

4. Article 13 of the basic law paragraph 13.8 shall be amended and reworded as in the following text:

13.8. Centre for Social Work, presented a request to withdraw the Order of Custody, as soon as it ceases to exist the need for it.

5. Article 13 of the basic law paragraph 13.9 shall be amended and reworded as in the following text:

13.9. when there is a reasonable concern of immediate danger of serious damage to health, safety and welfare of a vulnerable adult and there is evidence that they lack the physical or mental ability to act on its behalf, a social worker of the Centre for Social Work based on its assessment may submit a request to the court for an emergency protection order.

6. Article 13 of the basic law paragraph 13.11 shall be amended and reworded as in the following text:

13.11. the effect of the emergency protection order is to allow a social worker at the Centre for Social Work who has submitted the request, enter into any living space and bring the subject of the order in a safe place where they can be protected from harm and where their medical, social and psychological. The judge making the emergency order may order the police or medical personnel or both to accompany the social worker of the Centre for Social Welfare, to assist in the implementation of the emergency protection order. Whoever hinders social worker in the execution of emergency protection order, does a criminal offence under applicable law.

7. Article 13 of the basic law paragraph 13.12 shall be amended and reworded as in the following text:

13.12. the duration of the emergency protection order shall be determined by the court.

Article 14

1. Article 14 of the basic law paragraph 14.1 the words "**may**" replaced by the word "**must**".

2. Article 14 of the basic law paragraph 14.2 the phrase "**director of the centre**" shall be replaced by the word "**centre**" and the word "**official**" shall remain unchangeable in English version.

Article 15

After Article 14 of the basic law shall be added new Article 14.A. as in the following text:

Procedures for appeal Article 14.A

14.A.1. Any party aggrieved or his/her representative, who thinks he/she is doing wrong on social and family services has the right to request review by the Director of the CSW and the second level appeal, to the Commission concerned.

14.A.2. Director of CSW, after receiving the request for reconsideration of the case, is obliged to reply in writing to the interested party legal term, by not wasting the time of the complaint in the second degree.

14.A.3. A party aggrieved by the decision of the Director of CSW may appeal to the commission for examination and settlement of complaints and appeals in the second degree, within fifteen (15) days from the date of the receipt of the decision.

14.A.4. Committee for examination and settlement of complaints at the respective department functions in MPMS.

14.A.5. Commission for examination and settlement of complaints and appeals in the second degree consists of five (5) members. Chairman of the committee shall be appointed by the official position, one (1) member appointed by the municipality, one (1) other member appointed by the CSW, and two (2) other members appointed by the concerned department. The decision is final with the approval/rejection of three (3) members of the committee concerned.

14.A.6. Decisions of the Committee for examination and settlement of complaints and appeals in the second degree for social and family services, signed by the chairperson of the commission.

14.A.7. Within thirty (30) days of receipt of the complaint, the Commission examines the complaint and relevant documents and interview witnesses as appropriate. Forwards its decisions to the parties to the complaint written by CSW.

14.A.8. Dissatisfied party can raise the administrative dispute, through the lawsuit in the competent Court, within thirty (30) days against the decision of the commission of second instance.

14.A.9. The Ministry shall issue sub-legal act on the composition and functioning of the Commission for examination and settlement of complaints and appeals in the second instance.

Article 16

1. Article 15 of the basic law paragraph 15.1 shall be amended and reworded as in the following text:

15.1. All verbal, written or electronic communication regarding the provision of social and family services between an individual or a family that uses such services and of the professional of social and family services should be treated in confidence.

2. Article 15 of the basic law paragraph 15.2. shall be amended and reworded as in the following text:

15.2. any professional of social and family services should keep confidential all information concerning a case, otherwise shall be responsible to gross professional misconduct and may be subject to criminal prosecution.

3. Article 15 of the basic law after paragraph 15.2 new paragraph 15.2.a. shall be added as in the following text:

15.2.a. any professional of social and family services shall be obliged to respect the Code of Ethics for Social Service and Family Providers of Republic of Kosovo.

Article 17

After Article 15 of the basic law three new paragraphs 15.A., 15.B. and 15.C. shall be added with the text as in the following:

Repeal of sub-legal acts

Article 15.A

15.A.1. With the entry into force of this law shall be repealed:

a. Administrative Instruction no. Nr. 1/2006 on the Establishment and Operation of the General Council for Social and Family Services;

- b. Administrative Instruction no. 4/2006 on the Establishment of the Commission for review and settlement of complaints in the second instance on Social and Family Services;
- c. Administrative Instruction no. 5/2006 on the Establishment of the Panel for Establishment of Children without Parental Care in the Family Shelter and Adoption.
- d. Administrative Instruction no. 16/2004 on Regulation of Family Housing in Kosovo; and
- e. Proposal Nr. 04/2005 for amending and supplementing of the Administrative Instruction no.16/2004 on Regulation of Family Housing in Kosovo.

Issuance of sub-legal acts
Article 15.B

15.B.1. Ministry of Labour and Social Welfare, within six (6) months after entry into force of this Law, shall issue sub-legal acts for its fair and efficient implementation.

15.B.2. Until the issuance of sub-legal acts under paragraph 1. of this Article, shall continue to apply the applicable sub legal acts specified in Article 15 and other applicable acts to the extent that shall not be inconsistent with this Law.

Budgetary possibilities
Article 15.C

Institutions affected by this Law, which provide social and family services, shall fulfil their obligations in its implementation, according to budgetary possibilities allowed by the Annual Law on Budget.

Article 18
Entry into force

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

Law No. 04/L-081
2 March 2012

Promulgated by Decree No.DL-008-2012, dated 26.03.2012, President of the Republic of Kosovo Atifete Jahjaga.