

Law on Social and Child Protection

June 7, 2024

You can use advanced options within the text (use of links, links of articles with case law, legal opinions, versions of articles, etc.) only if you are a subscriber to the issue. To subscribe, click [here](#).

Law on Social and Child Protection

The law was published in the "Official Gazette of Montenegro", no. [27/2013](#), [1/2015](#), [42/2015](#) ([Article 5](#) is not in the revised text), [56/2016](#), [66/2016](#), [145/2021](#) -II, [3/2023](#) and [48/2024](#). See: [Decision](#) and [Decision](#) US CG - 19/2017.

I. BASIC PROVISIONS

Subject of the law

Article 1

Rights from social and child protection and the performance of social and child protection activities are exercised under the conditions and in the manner prescribed by this law.

Activity

Article 2

Social and child protection is an activity that provides and realizes measures and programs intended for individuals and families with unfavorable personal or family circumstances, which include prevention, assistance in meeting basic life needs and support.

Realization of public interest

Article 3

Social and child protection is an activity of public interest.

Realization of the public interest in social and child protection is provided by Montenegro (hereinafter: the state) and local self-government (hereinafter: the municipality), under the conditions and in the manner prescribed by this law.

The goal of social and child protection

Article 4

Social and child protection aims at improving the quality of life and empowering individuals and families for an independent and productive life.

In achieving the goals of social and child protection, the following are especially protected:

1) child:

- without parental care;
- whose parent is unable to take care of him;
- with disabilities and difficulties in development;
- with behavioral problems;
- who abuses alcohol, drugs or other intoxicants;
- who is a victim of abuse, neglect, domestic violence and exploitation or who is at risk of becoming a victim;
- victim of human trafficking;
- whose parents do not agree on how to exercise parental rights;
- who are found outside their place of residence without the supervision of parents, adoptive parents or guardians;
- a pregnant woman without family support and adequate living conditions;
- a single parent with a child without family support and adequate living conditions;
- who, due to special circumstances and social risk, needs an appropriate form of social protection.

1a) young person:

- who was a child without parental care;
- who, due to special circumstances and social risk, needs an appropriate form of social protection.

2) adult and old person:

- with disabilities;
- who abuses alcohol, drugs or other intoxicants;
- who is a victim of neglect, abuse, exploitation and domestic violence or who is at risk of becoming a victim;
- victim of human trafficking;
- who is homeless;
- a pregnant woman without family support and adequate living conditions;
- a single parent with a child without family support and adequate living conditions;
- who, due to special circumstances and social risk, needs an appropriate form of social protection.

Persons exercising rights

Article 5

Rights under this law can be exercised by a Montenegrin citizen residing in the territory of the state.

The rights from social and child protection established by this law and the international agreement can be exercised by a foreigner with approved temporary residence or permanent residence in the country.

Rights from social and child protection established by this law and international agreement can be exercised by an asylum seeker and a foreigner under subsidiary protection, in accordance with the law.

Exceptionally, a person who is not included in the sense of para. 1, 2 and 3 of this article who, due to special circumstances and social risk, needs an appropriate form of protection, has the right to a one-time financial aid and the right to a temporary accommodation service .

Responsibility for meeting life's needs

Article 6

Everyone is obliged to create conditions for meeting life's needs with work, income and property, as well as for preventing social exclusion of family members, especially children and other members who are unable to take care of themselves.

Principles of social and child protection

Article 7

Social and child protection is based on the following principles:

- 1) **respecting the integrity and dignity of users of social and child protection** which is based on social justice, responsibility and solidarity, which is provided with respect for physical and psychological integrity, safety, as well as with respect for moral, cultural and religious convictions, in accordance with guaranteed human rights and freedoms;
- 2) **prohibitions of discrimination** of users based on race, gender, age, nationality, social origin, sexual orientation, religion, political, trade union or other commitment, property status, culture, language, disability, nature of social exclusion, belonging to a certain social group or other personal characteristic;
- 3) **informing the user** about all the data that is important for determining his social needs and exercising his rights, as well as how these needs can be met;
- 4) **individual approach** to the user in providing rights from social and child protection;
- 5) **active participation of users in the creation, selection and use of rights from social and child protection** which is based on participation in assessing the situation and needs and deciding on the use of the necessary services;
- 6) **respecting the best interest of the user** in the realization of rights from social and child protection;
- 7) **prevention of institutionalization and availability of services in the least restrictive environment** whenever there are conditions for this in their homes or the local community through non-institutional forms of protection, provided by various service providers, with the aim of improving the quality of life of the user and his social inclusion;
- 8) **pluralism of social and child protection services and service providers** performed by civil society organizations and other legal and natural persons, under the conditions and in the manner prescribed by law;
- 9) **partnerships and associations of various carriers of activities and programs, especially at the local level** in order to provide services in the least restrictive environment and prevent institutionalization;
- 10) **transparency** in terms of informing the public about social and child protection in the media, as well as in other ways, in accordance with the law.

Prohibited actions of employees

Article 8

In the institution, i.e. at another service provider, the employee is prohibited from any form of violence against children, adults and the elderly, physical, emotional and sexual abuse, exploitation of the user, abuse of trust or authority enjoyed in relation to the user, neglect of the user and other actions that impair the health, dignity and development of the user.

The right to protection of personal data

Article 9

The user has the right to the protection of personal data from the documentation that is processed for the purposes of reports, i.e. for records, including those concerning his personality, behavior and family circumstances and the way of exercising rights from social and child protection.

Regarding the protection of the user's personal data, the regulations on the protection of personal data are applied.

The right to file a complaint

Article 10

A user who is not satisfied with the service provided, the procedure or the behavior of the service provider can submit a complaint to the state administration body responsible for social welfare affairs (hereinafter: competent state administration body).

Rights from social and child protection

Article 11

Rights from social and child protection are:

- 1) basic material benefits;
- 2) social and child welfare services.

Procedure

Article 12

- deleted -

Providing social and child protection

Article 13

Social and child protection activities are performed by social and child protection institutions (hereinafter: the institution), in accordance with this law.

The institution from paragraph 1 of this article can be established as public or private.

Certain tasks of social and child protection may be performed by another form of organization, in accordance with this law.

Funds for the performance of social and child protection activities

Article 14

Funds for carrying out activities and exercising rights from social and child protection are provided in accordance with this law.

Record keeping

Article 15

Records are kept on users, rights and service providers, in accordance with this law.

Exercise of rights

Article 16

Rights from social and child protection are personal and cannot be transferred.

The rights that are exercised on the basis of this law cannot be subject to security or enforcement.

Strategic documents

Article 17

Social and child protection is implemented in accordance with strategic documents, which determine long-term goals and priorities for the development of social and child protection.

Strategic documents from paragraph 1 of this article consist of measures and programs that need to be implemented in order to improve social and child protection.

The strategic documents from paragraph 1 of this article are established by the Government of Montenegro (hereinafter: the Government) and the municipality.

Measures and programs from paragraph 2 of this article can be implemented by the state, municipality and service providers.

Funds for financing the program from paragraph 2 of this article are provided from the budget of the state, municipality and service providers.

Use of gender-sensitive language

Article 18

The expressions used in this law for natural persons in the masculine gender imply the same expressions in the feminine gender.

The meaning of the expression

Article 19

Certain expressions used in this law have the following meaning:

1) **measures and programs** of social and child protection are activities that include rights from social and child protection, with the aim of improving the quality of life and empowering users to independently meet basic life needs, as well as their active inclusion in society;

2) **service provider** is an institution, another form of organization and a natural person, for which the competent authority of the state administration determines that it meets the conditions for performing social and child protection activities and issues a license for performing activities;

3) **license** is a public document, which confirms that the service provider, i.e. professional worker meets the established conditions and standards for providing certain services, i.e. performing professional work in the field of social and child protection;

4) **the beneficiary** is an individual or a family, who have exercised the right from social and child protection, or for whom the procedure for exercising the right is being carried out;

5) **an employer** is a domestic or foreign legal entity, that is, a part of a legal entity or a natural person, which concludes an employment contract with an employee;

6) **A child** is a person up to the age of 18;

7) **young people** are persons up to the age of 26;

7a) an individual is a person who lives alone;

8) **a family** consists of married or common-law spouses and children (marital, non-marital, adopted and stepchildren), partners in the same-sex union and children supported by the partners in accordance with the law regulating same-sex life partnerships, relatives in the direct line regardless of the degree of kinship, relatives in the collateral line including other relatives who live together, a child who does not live in the family if he is in regular education in high school, until the end of the term prescribed for that education, and a spouse or partner in the community of life of persons of the same sex, regardless of where they live;

9) **unfit for work** is:

- child;

- a child who is not in regular education, if he is registered with the Employment Office of Montenegro (hereinafter: the Employment Office);

- a person who has been diagnosed with incapacity for work, in accordance with this law;

- a person who has reached 67 years of age.

10) **A single person** is an adult incapable of work, who does not have relatives who, in accordance with the law, are obliged to support him or has relatives who are unable to support him;

10a) **single parent** is a parent who is divorced or the other parent has died or is unknown, and supports the child, i.e. exercises extended parental rights, in accordance with the law, until the establishment of a marital or cohabiting union;

11) **a person with a disability** is a person who has long-term physical, mental, intellectual or sensory impairments that, in conjunction with various barriers, may hinder the full and effective participation of these persons in society on the basis of equality with others;

11a) **children and young people with behavioral problems** are children and young people who exhibit continuous behaviors ranging from simple less serious and dangerous to their own and others' health, physical and psychological integrity or property, to those defined by regulations and sanctioned with the need for treatment ;

12) **A homeless person** is a person who does not have a residential address, resides in public or other places that are not intended for housing and does not have the means to meet the need for housing;

13) **individual service plan** is a plan for changes in the user's life situation or behavior established on the basis of a comprehensive assessment of needs, difficulties and resources, in agreement with the user, directed towards selected goals, and with the purpose of overcoming unfavorable life circumstances and is implemented, monitored and reviews together with the user, his family members, service providers and other persons important to the user;

14) **individual activation plan** is a plan on actively overcoming the unfavorable social situation of the beneficiary of material security, which contains the activities and obligations of the beneficiary;

15) **income** is income earned by an individual, that is, a family on any basis;

16) **a conditional head is a cow** , i.e. a bull, i.e. a horse, i.e. two heifers, i.e. ten sheep, i.e. ten goats, i.e. five pigs.

II. BASIC MATERIAL BENEFITS IN SOCIAL PROTECTION

Basic material benefits

Article 20

Basic material benefits in social protection are:

- 1) material security;
- 2) personal disability allowance;
- 3) allowance for care and assistance;
- 4) health care;
- 5) funeral expenses;
- 6) one-time financial aid;
- 7) compensation to the parent or guardian of the beneficiary of the right to personal disability allowance.

The state can also provide other material benefits in social protection, in accordance with material possibilities.

Closer conditions for exercising the right from para. 1 and 2 of this article are prescribed by the competent authority of the state administration.

Material security

Article 21

The right to material security can be exercised by an individual or a family, if the individual or a family member:

- 1) unable to work;
- 2) able to work, provided that:
 - pregnant woman;
 - single parent;
 - the parent who supports the child, that is, the parent who exercises extended parental rights, in accordance with the law;
 - a person who has completed education according to an educational program with adapted implementation and additional professional assistance or a special educational program;
 - a person after reaching the age of 18, if he is in regular education in high school, until the end of the term prescribed for that education;
 - a child without parental care, i.e. a person who was a child without parental care, until the establishment of an employment relationship for a period longer than six months.

The right from paragraph 1 point 2 al. 2 and 3 of this article also belongs to the adoptive parent, guardian or foster parent.

The person referred to in paragraph 1 point 2 indent 4 of this article can exercise the right to material security for a maximum of five years from the day of completion of education.

The person referred to in paragraph 1 point 2 indent 6 of this article may exercise the right to material security as an individual for a maximum of five years from the day of termination of placement in an institution, family placement-foster care, or termination of guardianship.

The basis for material security

Article 22

The right to material security can be exercised by an individual, i.e. a family from Article 21 of this law, provided that:

1) the amount of average monthly income from the previous quarter does not exceed the basis for exercising the right to:

- an individual	63.50 euros;
- a family with one member	65.86 euros;
- a family with two members	76.20 euros;
- a family with three members	91.50 euros;
- a family with four members	108.00 euros;
- a family with five or more members	120.70 euros;

2) does not own or use business premises;

3) does not own, that is, does not use, an apartment or residential building in a volume greater than:

- one-room apartment for an individual;
- a two-room apartment for a family with two or three members;
- a three-room apartment for a family with four or more members.

4) does not own land in the urban or suburban construction area;

5) does not own or use agricultural land, i.e. commercial forests in an area larger than:

- 20 ares for an individual;
- 20 ares for a family with one member;
- 30 ares for a family with two members;
- 40 ares for a family with three members;
- 50 ares for a family with four members;
- 60 ares for a family with five or more members;
- or does not own, or does not use, other land with an area of more than 2 ha;

6) an individual, that is, a family member capable of working is not employed;

7) the center for social work determines that the person who is obliged to provide support is unable to support a person incapable of work, in accordance with this law;

8) the individual, that is, the family member has not refused the offered employment in the place of residence, or professional training, retraining or retraining in accordance with the law, unless at least two years have passed since the refusal;

9) the employment of an individual or a family member has not been terminated by his will, his consent or his fault, due to disciplinary or criminal responsibility, unless at least one year has passed since the termination of the employment or if the inability to work has occurred after the termination of the employment;

10) the employment of an individual or a family member has not ended by mutual termination with the payment of severance pay in an amount greater than ten average monthly earnings with

taxes and contributions in the state, in accordance with a special law, unless at least three years;

11) an individual, that is, a family member has not exercised the right to severance pay based on the termination of employment, in accordance with a special law, unless at least six months have passed since the exercise of the right;

12) the individual, i.e. the family member, has not alienated or waived the right to inherit the property referred to in item 2, 3, 4 and 5 of this article, unless at least three years have passed since the alienation or renunciation;

13) an individual, that is, a family member is not the owner of more than two conditional heads in a rural area, in accordance with the law;

14) an individual, that is, a family member is not the owner of a cargo vehicle or a passenger motor vehicle, except for a passenger motor vehicle that is used to transport an individual or a family member, a beneficiary of the right to personal disability allowance, that is, care and assistance allowance;

14a) an individual, that is, a family member is not the owner of agricultural or construction machinery (tractor, excavator, bulldozer, grader, loader, harvester, roller, forklift, etc.);

15) the individual, i.e. the family member has not concluded a contract on lifelong support, except with the center for social work.

For families that have a member who is a beneficiary of care and assistance allowance, the volume of housing from paragraph 1 point 3 para. 1 and 2 of this article is increased by a room.

Incomes that are not considered incomes in the process of obtaining material security

Article 23

In the process of obtaining material security, the income of an individual or a family member is not considered: personal disability allowance; care and assistance allowance; allowance for children; compensation for a newborn child, i.e. compensation based on the birth of a child for a person who is on the records of the Employment Service and a full-time student realized in accordance with this law; income based on the award; severance pay upon retirement; one-time financial assistance; compensation for eliminating the consequences of natural disasters; admission based on pupil and student standards; compensation based on the death of a family member; benefit related to the obligation to support a person who does not live in the family; compensation for a person with a disability who is registered with the Employment Office; income of family members earned in the previous quarter based on salary, salary allowance and pension, if they submit a request to the center for social work after the cessation of such income.

The possibility of support

Article 24

If a person who is unable to work has a relative with whom he does not live in the family, and who, in accordance with the law governing family relations, is obliged to provide maintenance, when determining the right to material security, the ability of the relative to provide maintenance will be determined beforehand, in accordance with this law if that obligation is not determined by a court decision.

A relative is able to provide maintenance, in the sense of paragraph 1 of this article, if:

1) the average monthly income of the family from the previous quarter exceeds the five-fold base established by Article 22 paragraph 1 point 1 of this law;

2) owns or uses the business premises specified in Article 22 paragraph 1 point 2 of this law;

3) owns or uses an apartment or residential building in a volume greater than double the volume determined by Article 22 paragraph 1 point 3 of this law;

4) owns land in a city or suburban construction area determined by Article 22 paragraph 1 point 4 of this law;

5) owns or uses agricultural land, or commercial forests, or other land in an area greater than five times the extent determined by Article 22 paragraph 1 point 5 of this law.

Determining the right to material security by direct inspection

Article 25

As an exception to Article 22 of this law, the authorized person of the center for social work may, in order to exercise the right to material security, propose that an immediate inspection be carried out by the commission of the center for social work if the individual, i.e. if all members of the family are unable to work, i.e. if is a single parent.

The committee from paragraph 1 of this article is appointed by the director of the center for social work from among the employees.

The commission referred to in paragraph 2 of this article issues a finding and opinion as to whether the family, that is, an individual, that is, a single parent, has a need for material security.

The right to material security for the family from paragraph 1 of this article can be recognized for a period of three months, with the obligation to review ex officio.

The content and form of findings and opinions from paragraph 3 of this article shall be prescribed by the competent state administration body.

Exception for determining the termination of the right to material security

Article 26

The Center for Social Work will issue a decision on the termination of the right to material security for an individual or family, if, by monitoring material and other social conditions, the commission of the Center for Social Work assesses that these conditions are significantly more favorable than those that can be provided based on the right to material security.

The committee from paragraph 1 of this article is appointed by the director of the center for social work from among the employees.

The commission from paragraph 2 of this article issues a finding and opinion on the termination of the right to material security.

The content and form of findings and opinions from paragraph 3 of this article shall be prescribed by the competent state administration body.

Responsibility for meeting one's own life needs

Article 27

An individual who is able to work, in accordance with the regulations governing employment relations and pension and disability insurance, i.e. professional rehabilitation and employment of persons with disabilities, has the right and duty to participate in activities that make it possible to overcome his unfavorable social situation, i.e. in the implementation measures to ensure his social inclusion.

The Center for Social Work is obliged, in cooperation with the Institute for Employment and Radon, to draw up an individual activation plan for the able-bodied beneficiary of material security.

The content and form of the individual activation plan is prescribed by the competent authority of the state administration.

Rights and duties in connection with the employment of able-bodied beneficiaries of material security

Article 28

The Center for Social Work and the Employment Agency are obliged to cooperate with each other in the implementation of social inclusion measures for beneficiaries of material security of working age.

The Center for Social Work is obliged to submit to the Employment Agency a notification about the recognized right to material security for an unemployed user capable of working, within eight days from the date of the decision on the recognition of the right.

The employment office is obliged to notify the center for social work within eight days from the day of learning, if a beneficiary of material security who is able to work is employed, to refuse the offered employment or professional training, retraining or retraining.

The manner of implementing measures of social inclusion of work-capable beneficiaries of material security is determined by a special act of the competent state administration body.

Limited duration of material security

Article 29

- deleted -

Lifetime Support Agreement

Article 30

The right to material security can be exercised by a person who has been determined to be incapable of work, in accordance with this law, i.e. a person who has reached the age of 67, and who has property, if he concludes an agreement with the center for social work on life support in accordance with the law which regulates the obligation relations.

Amount of material security

Article 31

The amount of material security for an individual or a family with no income is monthly, for:

1) an individual	63.50 euros;
1a) family with one member	65.86 euros;
2) a family with two members	76.20 euros;
3) a family with three members	91.50 euros;
4) a family with four members	108.00 euros;
5) a family with five or more members	120.70 euros.

The amount of material security for a person who was a child without parental care is 120.70 euros per month.

The amount of material security for a family that has earned income is determined by the difference between the amount determined in paragraph 1 of this article and the average monthly income of the family from the previous quarter.

To determine the amount of material security, the number of family members from Article 21 of this law is taken.

The amount of material security for the family referred to in Article 25 of this law is determined monthly in the amount of 50% of the amount determined in paragraph 1 of this article.

Termination of the right to material security

Article 31a

The user's right to financial security ends if:

- 1) changes occur that affect the exercise of rights in accordance with Art. 21 and 22 of this law;
- 2) uses a family accommodation service, i.e. an accommodation service in an institution, i.e. a religious or military school, i.e. an organizer of basic police education for more than 30 days, provided that he does not participate in the costs of the service or is serving a prison sentence of more than six months;
- 3) does not perform the activities and obligations from the individual activation plan;
- 4) an individual or a family member resides abroad, except in the case of treatment or education.

Personal disability allowance

Article 32

A person with a severe disability has the right to personal disability allowance.

The right to personal disability allowance can be exercised by a person from paragraph 1 of this article, provided that he is not the beneficiary of the right to allowance for care and assistance in accordance with this law and other laws.

The amount of personal disability allowance is 178.19 euros per month.

Care and assistance allowance

Article 33

The right to the allowance for care and assistance is granted to a person who, due to physical, mental, intellectual or sensory impairments or changes in his health, needs care and assistance in order to have access to meeting his needs.

The right to care and assistance allowance can be exercised by a person from paragraph 1 of this article, provided that he has not exercised this right in accordance with other laws and that he is not a beneficiary of the right to personal disability allowance in accordance with this law.

The amount of the allowance for care and assistance is 65.35 euros per month.

Health care

Article 34

The right to health care is provided to the user of: material security, personal disability allowance, allowance for care and assistance and accommodation services, if he has not exercised this right on another basis.

The right from paragraph 1 of this article is provided in accordance with the law governing health care.

Funeral expenses

Article 35

The right to funeral expenses in the event of the beneficiary's death: material security, personal disability allowance, allowance for care and assistance and accommodation, is provided in accordance with this law.

The right to funeral expenses for the beneficiary from paragraph 1 of this article belongs to the person who took over the payment of the funeral expenses, if he did not exercise that right on another basis.

The service provider who paid the funeral expenses for the person referred to in paragraph 1 of this article has the right to reimbursement of expenses from the person who has the obligation to pay.

Burial costs for the person referred to in paragraph 1 of this article are realized at the center for social work.

Amount of funeral expenses

Article 36

The amount of funeral expenses for a person referred to in Article 35 paragraph 1 of this law is determined in the amount of 315 euros.

The amount of transportation costs for a person from Article 35 paragraph 1 of this law who died outside the place of residence is determined in the amount of actual transportation costs.

The amount of funeral expenses for a person of unknown residence, who died on the territory of the state, is provided by the center for social work and determined in the amount of actual funeral expenses.

One-time financial assistance

Article 37

An individual, that is, a family that, due to special circumstances that affect their housing, material and health conditions, finds themselves in a state of social need can exercise the right to one-time financial assistance.

The person from paragraph 1 of this article exercises this right in accordance with the criteria and according to the procedure prescribed by the competent authority of the state administration.

The amount of assistance referred to in paragraph 1 of this article is determined by the center for social work depending on the needs of the individual, i.e. the family and the financial capabilities of the state.

Harmonization of the basis and amount of material contribution

Article 38

The amount of the basis from Article 22 paragraph 1 point 1 of this law and the amount of material benefits from Art. 31, 32, 33, 36 and 39 a. of this law is adjusted semi-annually (on January 1 and July 1 of the current year) with the movement of the cost of living and the average salary of employees in the territory of Montenegro based on statistical data for the previous half-year in a percentage that represents the sum of half the percentage of growth, i.e. the decrease in the cost of living and half the percentage of growth or decline in wages.

Exceptionally from paragraph 1 of this article, if the percentage that represents the sum of half the percentage of growth, i.e. the decrease in the cost of living and half the percentage of growth, i.e. the decrease in wages from paragraph 1 of this article would lead to a negative adjustment, the amount of the basis from article 22, paragraph 1, item 1 of this law and the amount of material benefits from Art. 31, 32, 33, 36 and 39 a. of this law are not harmonized.

The act on the adjustment of monthly incomes is issued by the competent authority of the state administration.

Material benefits from social protection in the jurisdiction of the municipality

Article 39

The municipality can, in accordance with its financial capabilities, provide material benefits from social protection, such as: one-time grants; subsidies in the payment of communal services provided by public companies established by the municipality and other material benefits from social protection.

Types of material benefits, more detailed conditions, method and procedure for exercising the right from paragraph 1 of this article shall be prescribed by the competent authority of the municipality.

Compensation to the parent or guardian of the beneficiary of the right to personal disability allowance

Article 39a

One of the parents, that is, the guardian of the beneficiary of the right to personal disability allowance, has the right to compensation, for each beneficiary individually.

The right from paragraph 1 of this article is granted to one of the parents, that is, a guardian who has at least one beneficiary of the right to personal disability allowance and one or more

beneficiaries of the right to the allowance for care and assistance, for each beneficiary individually.

The right from paragraph 1 of this article is also enjoyed by one of the parents, that is, the guardian of two or more beneficiaries of the right to the allowance for care and assistance, for each beneficiary individually.

Persons from para. 1, 2 and 3 of this article have the right to compensation provided that the beneficiary of the right to personal disability allowance, i.e. the right to allowance for care and assistance does not use the accommodation service.

The amount of compensation from para. 1, 2 and 3 of this article amounts to 193 euros per month.

III. BASIC MATERIAL BENEFITS FROM CHILD PROTECTION

Basic material benefits

Article 40

Basic material benefits from child protection are:

- 1) allowance for a newborn child;
- 2) allowance for children;
- 3) food costs in preschool institutions;
- 4) aid for upbringing and education of children and young people with special educational needs;
- 5) refund of wages and wages for maternity or parental leave;
- 6) compensation based on the birth of a child;
- 7) refund of wages and wages for half-time work.

The state can also provide other material benefits from child protection, in accordance with financial possibilities.

Closer conditions for exercising the right from para. 1 and 2 of this article are prescribed by the competent authority of the state administration.

Benefit for a newborn child

Article 41

One of the parents, an adoptive parent, guardian or foster carer can exercise the right to a one-time allowance for a newborn child until the child reaches one year of age.

The fee for a newborn child amounts to:

- 1000 euros for the first-born child;
- 1,500 euros for a second-born child;
- 2000 euros for the third child; and
- 2,500 euros for the fourth child and each subsequent child.

The fee from paragraph 2 of this article for the beneficiary of the right to material security is increased by 100 euros .

Supplement for children

Article 42

The right to child allowance can be exercised by a child:

- 1) up to the age of 18;
- 2) who is the beneficiary of material security;
- 3) who is the beneficiary of the allowance for care and assistance;
- 4) who is the beneficiary of personal disability allowance;
- 5) without parental care;
- 6) whose parent, adoptive parent, guardian, foster parent, i.e. the person to whom the child is entrusted with care, upbringing and education as a beneficiary of material security, has established an employment relationship on the basis of an agreement on actively overcoming an unfavorable social situation. Five children in a family are entitled to child allowance.

Exceptionally from paragraph 2 of this article, child allowance is also provided to children who were born as twins, triplets, etc. regardless of the number of children determined in paragraph 2 of this article.

Child from paragraph 1 point. 3, 4 and 5 of this article realizes the right to child allowance regardless of the number of children determined in paragraph 2 of this article.

Duration of child allowance

Article 43

The right to allowance for children from Article 42 paragraph 1 point. 2 to 6 is realized until the child reaches the age of 18, if the child is in regular education.

Exceptionally from paragraph 1 of this article, the right to child allowance is exercised by a child after reaching the age of 18, if he is in regular education in high school, until the end of the term prescribed for that education.

A child beneficiary of material security and a child without parental care, from 15 to 18 years of age, who is not in regular education, exercises the right from paragraph 1 of this article if he is on the records of the Employment Office.

A child referred to in Article 42 paragraph 1 point 6 of this law is entitled to child allowance from the date of establishment of the employment relationship of parents, adoptive parents, guardians or foster parents for a maximum of nine months, if he meets the conditions prescribed by this law .

Amount of child allowance

Article 44

The amount of the allowance for children is per month, per child:

- 1) up to the age of 18, EUR 30.00;
- 2) beneficiaries of material security 44.00 euros;
- 3) whose parent, adoptive parent, guardian or adoptive parent, as a beneficiary of material security, established an employment relationship on the basis of an individual activation plan of EUR 44.00;
- 4) 52.00 euros for the beneficiary of the allowance for care and assistance;
- 5) beneficiaries of personal disability allowance 60.00 euros;
- 6) without parental care 60.00 euros.

A child who meets the requirements for child allowance on several grounds shall exercise that right on a more favorable basis.

Child allowance holder **Article 45**

The holder of the right to child allowance is a parent, adoptive parent, guardian or foster parent.

The allowance for children is paid in a monthly amount to the holder of the rights referred to in paragraph 1 of this article.

Children's allowance for a child without parental care, who is placed in an institution, is paid in the name of the child to an authorized person in that institution and is used for the needs of the child.

An authorized person, in the sense of paragraph 3 of this article, is a person entrusted by the guardianship authority with the performance of certain tasks, in accordance with the law regulating family relations.

Nutrition costs in preschool institutions **Article 46**

The right to food costs in a public preschool institution is exercised by children in accordance with the law regulating preschool education.

Help in upbringing and education **Article 47**

The right to assistance for the upbringing and education of children and young people with special educational needs is available to children and young people who have exercised their right to upbringing and education, in accordance with a special law.

The right to assistance from paragraph 1 of this article includes:

- 1) costs of accommodation in an institution;
- 2) transportation costs.

Accommodation costs **Article 48**

Children and young people referred to in Article 47 of this law, who are referred for upbringing and education outside their place of residence, i.e. residence, have the right to the costs of accommodation in an institution for the duration of their upbringing and education, in accordance with this law.

The companion of the person referred to in paragraph 1 of this article also has the right to cover accommodation costs.

Accommodation costs for the companion are provided in the amount of accommodation costs for persons from paragraph 1 of this article.

Transportation costs **Article 49**

Children and young people referred to in Article 47 of this law are provided with transportation costs for the duration of their upbringing and education, and if they are placed in an institution, they are also provided with transportation costs during the winter and summer school holidays, national, religious and other holidays if they travel to their place of residence, as well as for returning to the place of education, if this right has not been realized on another basis.

The companion of the person referred to in paragraph 1 of this article also has the right to cover transportation costs, if he has not exercised this right on other grounds.

Amount of transportation costs for persons from para. 1 and 2 of this article is determined in the amount of public transport costs in road and rail traffic.

Beneficiary of reimbursement of salary compensation for maternity or parental leave **Article 50**

The employer has the right to refund the funds based on the payment of salary compensation to the employee for maternity or parental leave.

Amount of funds **Article 51**

The amount of funds that are refunded to the employer for an employee who was employed before exercising this right:

- 1) at least 12 months continuously, is the average earnings of the employee for the 12 months preceding the month of exercise of the right to maternity or parental leave;
- 2) from six to 12 months continuously, is 70% of the employee's average salary for the period of work that preceded the month of exercise of the right to maternity or parental leave;
- 3) from three to six months continuously, is 50% of the employee's average salary for the period of work that preceded the month of exercise of the right to maternity or parental leave;
- 4) up to three months is 30% of the employee's average salary for the period of work that preceded exercising the right to maternity or parental leave.

The amount of funds referred to in paragraph 1 point 1 of this article can be determined at most up to the amount of two average salaries of an employee in the state in the previous year, according to the data of the administrative body responsible for statistics.

The amount of funds from paragraph 1 point. 2), 3) and 4) of this article can be determined at most up to the amount of one average salary of an employee in the state in the previous year, according to the data of the administrative body responsible for statistics.

Salary compensation of an employee engaged in entrepreneurial activity for maternity or parental leave **Article 52**

A person engaged in entrepreneurial activity as the only employee receives salary compensation for maternity or parental leave at the center for social work.

The amount of remuneration referred to in paragraph 1 of this article is determined in accordance with article 51 of this law.

Exercise of rights

Article 53

If the request for the refund of salary compensation, i.e. the request for salary compensation for maternity or parental leave, is submitted within 30 days from the day of starting to exercise the right, the payment starts from that day, and if the request is submitted after that deadline, the payment starts from the day of submission requests.

Reimbursement of salary compensation, i.e. salary compensation for maternity or parental leave cannot be realized, if the request is submitted after the time that the employee used for maternity or parental leave has expired.

Compensation based on the birth of a child

Article 54

One of the parents who is registered with the Employment Office and a student can exercise the right to a monthly allowance based on the birth of the child, until the child reaches one year of age.

If the request for compensation from paragraph 1 of this article is submitted within 30 days from the day of childbirth, the payment starts from the day of childbirth, and if the request is submitted after that period, the compensation is paid from the day of submission of the request.

The person referred to in paragraph 1 of this article cannot exercise the right to compensation based on the birth of a child if he submits a request after the time for which he would be entitled to compensation.

The fee from paragraph 1 of this article amounts to 79.03 euros per month.

Compensation based on the birth of three or more children

Article 54a

- deleted -

Article 54b

- deleted -

Reimbursement of half-time wages to the employer

Article 55

The employer has the right to a refund of funds based on the payment of compensation to the employee for half-time work, in the amount of 50% of the employee's salary.

The amount of funds that are reimbursed to the employer for an employee for half-time work for a person from paragraph 1 of this article, who was in employment before exercising this right:

1) for at least 12 continuous months, is 50% of the average salary for the 12 months preceding the month of exercise of the right to work half-time;

2) up to 12 months continuously, is 50% of the average salary for the period of work that preceded the month of exercise of the right to work half-time.

Salary compensation for half-time work to an employee engaged in entrepreneurial activity

Article 56

A person engaged in entrepreneurial activity as the only employee receives wage compensation for half-time work at the center for social work.

The amount of remuneration referred to in paragraph 1 of this article is determined in accordance with article 55 of this law.

Exceptions to refunds

Article 57

To the employer whose salary compensation is provided from the public consumption sector (state budget, municipal budget and extra-budgetary funds), funds on the basis of compensation for maternity or parental leave and salary compensation for half-time work are not refunded.

Harmonization of the amount of material benefits in child protection

Article 58

Height of foundations from Article 41, Article 42 paragraph 1 point. 2 to 6 and Article 54 of this law is adjusted semi-annually (on January 1 and July 1 of the current year) with the movement of the cost of living and the average salary of employees in the territory of Montenegro based on statistical data for the previous half-year in a percentage that represents the sum of half of the percentage of growth, i.e. a drop in the cost of living and half the percentage of growth, i.e. a drop in wages.

Exceptionally from paragraph 1 of this article, if the percentage that represents the sum of half of the percentage of growth, i.e. the decrease in the cost of living and half of the percentage of growth, i.e. the decrease in wages from paragraph 1 of this article would lead to a negative adjustment, the amount of material benefits from art. 41, 44 and 54 of this law are not harmonized.

The act on the adjustment of monthly incomes is issued by the competent authority of the state administration.

Material benefits from child protection in the jurisdiction of the municipality

Article 59

The municipality can, in accordance with its financial capabilities, provide material benefits from child protection, such as: assistance for a newborn child; assistance for the purchase of school supplies and other material benefits.

Types of material benefits, more detailed conditions, method and procedure for exercising the right from paragraph 1 of this article shall be prescribed by the competent authority of the municipality.

IV. SOCIAL AND CHILD PROTECTION SERVICES

Types of services

Article 60

Services in the field of social and child protection are:

- 1) support for life in the community;
- 2) advisory-therapeutic and social-educational service;
- 3) accommodation;
- 4) urgent interventions i
- 5) other services.

More detailed conditions for the provision and use of services, norms and minimum standards of services from paragraph 1 of this article are prescribed by the competent authority of the state administration.

Assessment and planning

Article 61

- deleted -

Support for community living

Article 62

Supportive services for living in the community include activities that support the user's stay in the family or immediate environment.

Support services for community living are: day care, home assistance, assisted living, drop-in, personal assistance, interpretation and sign language translation and other support services for community living.

Counseling-therapeutic and social-educational services

Article 63

Counseling-therapeutic and social-educational services include: counseling, therapy, mediation, SOS telephone and other services aimed at overcoming crisis situations and improving family relations.

Accommodation

Article 64

Accommodation is a service that includes the user's stay: in family accommodation - foster care, family accommodation, in an institution, in a shelter - shelter and in other types of accommodation.

Accommodation can be temporary, occasional or long-term.

Services from Art. 62 and 63 of this law and paragraph 1 of this article is performed by the service provider.

Family accommodation - fostering

Article 65

The service of family accommodation-fostering is provided to children and young people in accordance with the law governing family relations.

Family accommodation

Article 66

The family accommodation service is provided to pregnant women, single parents with children up to the age of three, adults and the elderly who, due to social circumstances, need care.

Types of family placement-fostering and family placement

Article 67

Family accommodation-fostering and family accommodation are provided as:

- 1) standard accommodation;
- 2) accommodation with intensive or additional support;
- 3) emergency accommodation;
- 4) temporary accommodation;
- 5) another type of accommodation.

Providers of family accommodation-fostering and family accommodation

Article 68

The service of family accommodation-fostering and family accommodation is provided by a natural person in accordance with this law and the law governing family relations.

The service referred to in paragraph 1 of this article is provided by a natural person who has been assessed as suitable, has successfully completed training and received a license to provide that service.

The assessment of the suitability of a natural person for providing the service of family accommodation-fostering and family accommodation, professional support and training is carried out by the center for social work.

The provider of family accommodation-fostering and family accommodation has the right to professional support, reimbursement of the user's accommodation costs and remuneration for work.

The mutual rights and obligations between the provider of the family accommodation-foster care service, i.e. the family accommodation and the center for social work, are governed by the contract.

In addition to the center for social work, another service provider can provide professional support and conduct appropriate training to providers of family accommodation-fostering and family accommodation.

More detailed requirements for assessing the suitability of a person to provide the service of family accommodation-fostering and family accommodation, the program and method of conducting training and providing professional support, for obtaining a license, as well as for reimbursement of the costs of family accommodation-fostering and family accommodation and compensation for work for the service provider prescribed by the competent authority of the state administration.

Accommodation in an institution

Article 69

Accommodation in an institution is achieved by being cared for in an institution and providing compensation for accommodation costs.

Users of accommodation in an institution

Article 70

Accommodation in the institution is provided to children and young people, pregnant women, single parents with children up to the age of three, persons with disabilities and elderly persons who cannot be provided or it is not in their best interest to stay in the family or support services for life in the community or family placement - foster care or family placement.

Placement of a child in an institution is provided in the event that the center for social work determines that it is not possible to ensure that the child remains in the family, through providing support to the family, that is, it is not possible to provide family placement-foster care, that is, it is not in the best interest of the child.

The Center for Social Work is obliged to review the placement of a child in an institution at least once every six months.

A child under the age of three cannot be placed in an institution.

As an exception to paragraph 4 of this article, a child under the age of three may be placed in an institution, if protection from paragraph 2 of this article cannot be provided and if there are particularly justified reasons for this, with the prior consent of the competent state administration body.

Accommodation in an institution is provided to the user in such a way as to ensure preparation for his return to the biological family, departure to another family, that is, preparation of the user for independent living.

The beneficiary of accommodation in an institution cannot be terminated before the center for social work provides the conditions for accommodation in another institution, family accommodation or another form of social and child protection.

Emergency intervention services

Article 71

Immediate intervention services are provided to ensure safety in situations that threaten the life, health and development of users and are provided 24 hours a day.

Immediate intervention services are provided by the center for social work with mandatory cooperation with other competent authorities and services.

When the authority, that is, the service from paragraph 2 of this article first comes into contact with the user, it immediately informs the competent center for social work.

Provision of services

Article 72

Social and child protection services from Art. 62 and 63 of this law, as well as accommodation services in an institution and shelter - shelter from Article 64 paragraph 1 of this law, for which there is a need, and can be more efficiently provided by other service providers, through the public procurement procedure, by public invitation or public private partnership, are provided in accordance with the law.

V. JURISDICTION AND PROCEDURE FOR EXERCISE OF SOCIAL AND CHILD PROTECTION RIGHTS

Actual jurisdiction

Article 73

The request for exercising rights from social and child protection is decided in the first instance by the center for social work.

Appeals against the decision of the Center for Social Work are handled by the competent state administration body.

The appeal does not delay the execution of the decision.

Local jurisdiction

Article 74

In exercising rights from social and child protection, local jurisdiction is determined for:

- 1) a person who has a residence, according to the place of residence;
- 2) a person who is found in the territory outside his place of residence, according to the place of residence;
 - 2a) a person who does not have a residence in Montenegro, according to the place of residence, and if he does not have a residence according to the last place of residence, that is, residence in Montenegro;
- 3) a person of unknown residence, according to the place where the reason for conducting the procedure arose;
- 4) the child, according to the place of residence, that is, the place of residence of the parents;
- 5) a child whose parents do not live together, according to the place of residence, that is, the place of residence of the parent to whom the child is entrusted for custody and education;
- 6) a child whose parents are unknown or have abandoned the child, or if the child's place of residence is not known, that is, the child's place of residence, according to the place where the reason for the proceedings arose;
- 7) legal entity according to the registered office, that is, when performing activities outside the registered office, according to the place of performing activities.

Change of jurisdiction

Article 75

The center for social work that has started the procedure is obliged, if during the course of the procedure the circumstances according to which the local jurisdiction is determined change, to submit the case files, without delay, to the competent center for social work.

If the user changes his place of residence, that is, the center for social work is obliged to, without delay, deliver the case files to the center for social work competent according to the place of residence, that is, the place of residence of the user.

The Center for Social Work, to which the case files were submitted, decides on the beneficiary's right within 15 days from the date of delivery of the files.

The Center for Social Work, which has recognized the right, will ensure the execution of that right until the end of the procedure from paragraph 3 of this article.

Conflict of local jurisdiction

Article 76

The conflict of local jurisdiction between centers for social work is resolved by the competent authority of the state administration.

The Center for Social Work is obliged to provide the applicant with an appropriate form of protection until the end of the procedure referred to in paragraph 1 of this Article.

Initiation of proceedings

Article 77

The procedure for exercising the rights from this law is initiated at the request of a person, i.e. a parent, adoptive parent, guardian or foster carer and ex officio.

The Center for Social Work initiates the procedure ex officio at the initiative of a legal or natural person, when it is in the interest of the user, i.e. public interest, i.e. when there is an interest of third parties.

The request for the exercise of the rights referred to in paragraph 1 of this article is submitted on the form prescribed by the competent authority of the state administration.

The applicant from paragraph 1 of this article is responsible for the accuracy and correctness of the data he enters in the form from paragraph 3 of this article.

Findings and opinion of the center for social work

Article 78

Rights to basic material benefits from Art. 21, 32, 33 and 37 of this law are realized on the basis of evidence and direct insight.

In the process of exercising the rights referred to in paragraph 1 of this article, the center for social work is obliged to make a finding and an opinion that establishes facts about which official records are not kept and serves as a means of proof.

The content and form of findings and opinions, in the sense of paragraph 2 of this article, is prescribed by the competent authority of the state administration.

Individual service plan

Article 79

Rights to social and child protection services from Art. 62, 64 and 71 of this law are recognized on the basis of evidence and an individual service plan.

The Center for Social Work is obliged to draw up an individual plan from paragraph 1 of this article, in cooperation with the user, his family members and other persons important to the user.

Social and medical commission

Article 80

When, in the procedure for realizing the right to material security, care and assistance allowance, personal disability allowance and wage compensation for half-time work, it is necessary to establish disabilities in development, incapacity for work, i.e. disability, the center for social work determines these facts on based on the findings, assessments and opinions of the social-medical commission.

Social and medical commissions are established as first-degree and second-degree.

The commissions referred to in paragraph 2 of this article are formed by the competent authority of the state administration.

The president, members and secretary of the commission referred to in paragraph 3 of this article are entitled to remuneration for work determined by the competent state administration body with the consent of the state administration body responsible for financial affairs.

More detailed requirements regarding the education, composition and working methods of the commissions from paragraph 2 of this article are prescribed by the competent state administration body.

Medical indications

Article 81

Medical indications for exercising the right to material security, allowance for care and assistance, personal disability allowance and salary compensation for half-time work are prescribed by the competent state administration body, with the previously obtained opinion of the state administration body responsible for health affairs.

Deadlines

Article 82

The procedure for exercising rights from social and child protection is urgent.

The Center for Social Work is obliged to issue and deliver a decision on the request for exercising rights from social and child protection within 15 days at the latest, and if it is necessary to conduct a special examination procedure, within 30 days from the day of receipt of the duly submitted request. , that is, from the initiation of the procedure ex officio.

Oral solution

Article 83

When it comes to taking extremely urgent measures to ensure social and child protection, the center for social work can issue a decision orally.

In the case referred to in paragraph 1 of this article, the center for social work is obliged to make a decision in written form no later than three days from the day of making the oral decision.

Exercise of rights

Article 84

Rights to basic material benefits from Art. 21, 32, 33, 39a and 42 of this law take effect from the first day of the following month after the request is submitted.

The rights to services from Article 60 of this law run from the date of the decision on exercising rights.

The beneficiary, i.e. his legal representative, adoptive parent, guardian or guardian, is obliged to report to the center for social work any change that has an impact on the exercise and amount of rights from paragraph 1 of this article, within 15 days from the date of the change.

All changes affecting the exercise of rights under this law are taken into account from the first day of the following month after their occurrence.

Based on the application of the person referred to in paragraph 3 of this article or on the basis of data obtained on official duty, the center for social work will issue a new decision, if changed circumstances require it.

To the beneficiary of personal disability allowance and allowance for care and assistance, the payment is suspended if he uses the accommodation service in the institution referred to in Article 64 paragraph 1 of this law for more than 60 days, provided that the service is provided from the state budget.

Direct contracting of service use

Article 85

The user, i.e. his legal representative, adopter, guardian or guardian, can directly choose the service provider and conclude a contract with him on the use of the service, if he fully participates in the costs of the service.

Exceptionally from paragraph 1 of this article, service providers for accommodation cannot be directly selected:

- 1) child in an institution;
- 2) persons deprived of business capacity.

The services from paragraph 2 of this article are used on the basis of the decision of the center for social work, that is, on the basis of a court decision, in accordance with the law.

Providing data

Article 86

The user is obliged to provide true personal data, data on his income and property status, as well as other circumstances on which the recognition of rights from social and child protection depends, as well as during their use.

Damage compensation

Article 87

The person referred to in Article 84 paragraph 3 of this law to whom the payment of basic material benefits was made is obliged to return the amount received, if :

- 1) realized rights from social and child protection or realized them in a larger amount than he is legally entitled to, based on incorrect data that he knew or should have known were incorrect or in another illegal way ;
- 2) realized rights from social and child protection due to the fact that he did not report or late reported changes that have an impact on the loss, that is, the use of rights or the amount of rights from social and child protection, and he knew or should have known about those changes.

When the center for social work determines the circumstances referred to in paragraph 1 of this article, it is obliged to invite the beneficiary by means of a written notification to return the unfounded assistance received within 15 days from the date of receipt of the notification .

The Center for Social Work can enter into an agreement with the beneficiary on the method and time of refund of the unjustified amount of material benefits, taking into account the amount of the beneficiary's income and his social position .

Reimbursement of an unjustified amount of material benefits cannot be contracted for a period longer than three years.

VI. SOCIAL AND CHILD PROTECTION INSTITUTIONS

Status of the institution

Article 88

An institution is a legal entity that independently performs the activity for which it was established, in the manner and under the conditions established by this law, the act of establishment and the statute of the institution.

The institution referred to in paragraph 1 of this article is obliged to highlight the name, registered office and address.

Establishment

Article 89

The institution can be founded by the state, municipality or other legal and natural person (hereinafter: the founder).

If the institution is founded by several subjects from paragraph 1 of this article, the mutual rights and obligations of the founders are governed by the contract .

Act on establishment of the institution

Article 90

The act of establishment of the institution is issued by the founder and contains:

- 1) name of the founder;
- 2) name, headquarters and address of the institution;
- 3) activity of the institution;
- 4) the amount of funds for establishing and starting the operation of the institution and the method of providing funds for the performance of the institution's activities;
- 5) rights and obligations of the founder towards the institution and the institution towards the founder;
- 6) bodies of the institution;
- 7) composition and method of appointing the management body of the institution;
- 8) the deadline for the appointment of the management body and the management body, adoption of the statute and registration of the institution in the Central Register of Business Entities (hereinafter: the Register);
- 9) a person who will temporarily perform the duties of director of the institution;
- 10) the term for which the institution is established, if it is established for a specific period of time, that is, for the performance of a specific job.

The founder is obliged to submit the deed of establishment of the institution to the competent body of the state administration within 15 days from the date of adoption of the deed. Property of a legal entity

Article 91

The institution acquires the status of a legal entity on the day of entry into the Register.
The parts of the institution do not have the status of a legal entity.

Statute of the institution

Article 92

The statute of the institution contains: the name, headquarters and address of the institution; activity of the institution; scope of management and leadership bodies; conditions and procedure for the election and dismissal of the director of the institution; general acts of the institution and the manner of their adoption; financing of work; the method of determining candidates from among the employees for the appointment of members of the management body, the method of determining the proposal for the dismissal of the member of the management body from among the employees; publicity of work and other issues of importance for the work of the institution.

Consent to the statute of the institution is given by the founder.

Bodies of the institution

Article 93

The bodies of the institution are: the board of directors and the director.

Institution **management**

Article 94

The institution is managed by a board of directors.

Board of Directors:

- 1) adopts the statute and other general acts;
- 2) elects and dismisses the director of the institution;
- 3) adopts the development program;
- 4) adopts the annual financial plan;
- 5) approves the final account;
- 6) makes investment decisions;
- 7) performs other tasks, in accordance with the law and the statute of the institution .

Composition of the board of directors

Article 95

The management board of the institution has a president and two members.

Appointment and dismissal of the board of directors

Article 96

The president and members of the management board of the institution are appointed and dismissed by the founder.

The mandate of the president and members of the board of directors is regulated by the statute of the institution.

Dismissal of the president and member of the board of directors

Article 97

The president and member of the management board of the institution can be dismissed before the end of the mandate, if:

- 1) resign;
- 2) acts contrary to the law or the statute of the institution;
- 3) does not perform duties for longer than six months;
- 4) he was sentenced to unconditional imprisonment.

A member of the board of directors of the institution from among the employees may be dismissed before the end of the mandate and in the event that he does not represent the interests of the employees in the manner determined by the statute of the institution .

Director of the institution

Article 98

Director :

- 1) passes an act on the internal organization and systematization of workplaces of the institution ;
- 2) organizes work and is responsible for the legality of work and the implementation of the institution's development program ;
- 3) performs other tasks in accordance with this law and the statute of the institution .

The mandate of the director of the institution is determined by the statute of the institution .

Status of employees in the institution

Article 99

General labor regulations and collective agreements apply to the employees of the institution, unless otherwise specified by law .

Obligations of the founder

Article 100

The founder is obliged to regularly provide funds for the work of the institution.

Funds from paragraph 1 of this article include: funds for salaries and other incomes of employees, material costs, maintenance and insurance of facilities and equipment, as well as technical and technological equipment of facilities for the implementation of program activities of the institution.

Obligations of the institution

Article 101

The institution is obliged to carry out the activity for which it was founded, to use the means for work and to submit a work report, a report on financial operations for the previous year and a work program for the current year to the competent state administration body, no later than the end of March of the current year .

Status changes

Article 102

The founder can change the status of the institution (separation of a part of the institution into a separate institution, annexing a part of the institution to another institution, organizing a new institution by uniting parts, i.e. merging two or more institutions or transforming the institution

into a business company), according to the procedure prescribed for the establishment of an institution, if a special law does not otherwise specified.

The name, activity and registered office of the institution are changed by the institution's founding act.

Reasons for the termination of the operation of the institution

Article 103

The institution ceases to operate, if:

- 1) does not meet the prescribed conditions for performing activities;
- 2) the invalidity of the entry in the Register has been established by a final court decision;
- 3) does not perform the activity for which it was established;
- 4) another case established by law or founding act has occurred .

The deed on the termination of the establishment is brought by the founder .

VII. PUBLIC SOCIAL AND CHILD PROTECTION

Establishment of a public institution

Article 104

An institution founded by the state or a municipality is established as a public institution.

The founder of the public institution is responsible for the obligations of the public institution.

Provisions on the institution apply to the public institution, unless otherwise specified by this law.

Founding act of a public institution

Article 105

The Act on the establishment of a public institution, whose founder is the state, is passed by the Government, and for public institutions whose founder is a municipality, the competent authority of the municipality.

Statute of a public institution

Article 105a

The competent authority of the state administration gives consent to the statute of a public institution founded by the state.

Act on internal organization and systematization

Article 106

The competent authority of the state administration gives consent to the act on the internal organization and systematization of workplaces of a public institution founded by the state.

The competent authority of the municipality gives consent to the act on the internal organization and systematization of workplaces of a public institution founded by the municipality.

Appointment and composition of the board of directors of a public institution

Article 107

The president and members of the board of directors of a public institution founded by the state are appointed and dismissed by the Government, upon the proposal of the competent state administration body.

The management board of the center for social work consists of two representatives of the founder and one representative of the municipality.

The representative of the municipality from paragraph 2 of this article is elected in the manner prescribed by the act of the municipality.

The management board of the public institution referred to in Article 112, paragraph 1, item 2, 3 and 4 of this law consists of two representatives of the founder and one representative of the beneficiary, i.e. the beneficiary's parents.

The representative of employees and beneficiaries is elected in the manner prescribed by the statute of the institution.

The president and members of the management board of the public institution, whose founder is the municipality, are appointed and dismissed by the competent authority of the municipality.

Dismissal of the president and member of the board of directors of a public institution

Article 108

The president and member of the board of directors of a public institution, in addition to the reasons from Article 97 of this law, may be dismissed before the end of the mandate to which he was appointed in the manner prescribed by the statute of the public institution and in the event that he does not protect the public interest .

Management of a public institution

Article 109

A public institution is managed by a director.

Election of the director of a public institution

Article 110

The director of a public institution whose founder is the state is chosen by the institution's management board, based on a public competition, the submitted institution's development program and a previous assessment of working capacity, i.e. assessment of competencies, knowledge and abilities.

The decision of the board of directors on the election of directors from paragraph 1 of this article is approved by the competent authority of the state administration.

In the process of selecting the director of a public institution from paragraph 1 of this article, the competent authority of the state administration forms a three-member commission that performs a work ability check, i.e. a check of competences, knowledge and abilities, and submits a report to the board of directors.

The president and members of the commission from paragraph 3 of this article are entitled to remuneration for work determined by the competent state administration body with the consent of the state administration body responsible for financial affairs.

A person with a university degree, with at least three years of work in the field of social and child protection or five years of work in state bodies or local self-government bodies can be elected as the director of a public institution from paragraph 1 of this article.

The mandate of the director of a public institution from paragraph 1 of this article lasts for four years.

The same person can be the director of a public institution a maximum of two times.

Appointment of Directors

Article 110 a

The director of a public institution who is not re-elected after the expiration of the mandate to which he was elected, is assigned to a position in the institution that corresponds to his level of education, and if there is no such position, he exercises his rights as an employee whose work has ceased to be necessary, in accordance with the law .

Dismissal of the director of a public institution

Article 111

The director of a public institution may be dismissed before the end of his mandate, if:

- 1) resign;
- 2) performs activities contrary to the law;
- 3) causes damage to a public institution through unprofessional and negligent work or performs his duties in a way that may cause major disruptions in the work of a public institution;
- 4) in any way prevents the exercise of rights and services under the jurisdiction of a public institution;
- 5) does not protect the public interest;
- 6) there are other reasons determined by the law and the statute of the institution.

Types of public institutions

Article 112

Public institutions are:

- 1) center for social work;
- 2) institution for children and young people;
- 3) institution for adults and elderly persons;
- 4) rest and recreation facilities.

Center for Social Work

Article 113

The Center for Social Work decides on rights from social and child protection, in accordance with this law.

The center referred to in paragraph 1 of this article can only be established by the state, as a public institution, in accordance with this law.

The center referred to in paragraph 1 of this article can be established for the territory of one or more municipalities.

More detailed conditions on the organization, norms, standards and way of working of the center for social work are prescribed by the competent authority of the state administration.

Public powers

Article 114

Center for Social Work:

- 1) performs an assessment of the state, needs, strengths and risks of the user and other persons important to the user; assessment of the suitability of guardians, foster parents and adoptive parents; creation and monitoring of individual service plans;
- 2) decides in the first instance on requests for exercising rights from social and child protection;
- 3) undertakes measures, initiates and participates in court and other proceedings;
- 4) keeps records and takes care of keeping user documentation;
- 5) performs other tasks in accordance with the law.

Other activities of the center for social work

Article 115

The Center for Social Work initiates, develops and participates in the implementation of strategies, plans and programs that contribute to meeting the needs of citizens and cooperates with state administration bodies, municipalities and other organizations in the field of social and child protection in the territory of the municipality for which it was founded.

Readiness and on-call work

Article 116

In the center for social work, standby is a special form of work outside working hours, where the employee must be constantly available (on standby) in order, if necessary, to perform an immediate intervention.

The preparedness plan is brought by the director of the center for social work.

Other public institutions

Article 117

Public institutions from Article 112 paragraph 1 point. 2 and 3 of this law provide support services for life in the community, counseling-therapeutic and social-educational services and accommodation services for children, young people, adults and the elderly and perform other tasks in accordance with the law.

Public institutions that provide accommodation for children, young people, adults and the elderly will be transformed with the aim of developing support services for independent living, counseling-therapeutic, or social-educational services, in accordance with the transformation plan adopted by the competent state administration body.

The public institution referred to in Article 112, paragraph 1, point 4 of this law performs rest and recreation activities for children receiving material security, children placed in an institution or in family placement-foster care, and children for whom, due to special circumstances and social risk, it is estimated that they need this form social protection.

Article 117a
- deleted -

Health activity
Article 118

Public institutions can organize, that is, perform health care activities, in accordance with the law regulating health care.

VIII. ANOTHER FORM OF ORGANIZING SERVICE PROVIDERS

Another form of organization
Article 119

In accordance with this law, activities in the field of social and child protection, i.e. certain services, can be provided by organizations, entrepreneurs, companies and natural persons, in accordance with the law.

Founding rights regarding the appointment of management bodies and management bodies of other forms of organization are exercised in accordance with the regulation governing the establishment of that entity.

The management of another service provider is carried out in the manner determined by the founding act, in accordance with the law.

IX. INSTITUTE FOR SOCIAL AND CHILD PROTECTION

Institute for Social and Child Protection
Article 120

Development, advisory, research and other professional work in social and child protection is carried out by the administrative body responsible for social and child protection (hereinafter: the Institute for Social and Child Protection), in accordance with this law.

Activities of the Institute for Social and Child Protection
Article 121

The Institute for Social and Child Protection performs the following tasks:

- 1) advisory, research and professional work in the field of social and child protection;
- 2) monitors the quality of professional work and the provision of services by service providers, in accordance with this law;
- 3) provides professional supervisory support in order to improve professional work and social and child protection services;
- 4) performs licensing of professional workers and issues a work license, in accordance with this law;
- 5) performs professional and organizational tasks in the process of accreditation of training programs, ie service provision programs that provide professional training to professional workers and professional associates and service providers;
- 6) adopts the Code of Ethics for employees in the field of social and child protection;
- 7) investigates social phenomena and problems, activities and effects of social and child protection, prepares analyzes and reports and proposes measures for improvement in the field of social and child protection;
- 8) develops a quality system in social and child protection, coordinates the development of service standards and proposes to the competent state administration authority the improvement of existing standards and the introduction of new standards;
- 9) participates in the development, implementation, monitoring and evaluation of the effects of the implementation of strategies, action plans, laws and other regulations related to the development of social and child protection activities;
- 10) organizes professional development of professional workers and professional associates;
- 11) composes and publishes monographs, magazines and anthologies, professional manuals, guides, informants, studies and examples of good practice;
- 12) informs professionals and the general public about the implementation of social and child protection, points out the needs and problems of users, especially users from sensitive social groups;
- 13) performs other tasks in accordance with this law.

X. PERFORMING WORK IN SOCIAL AND CHILD PROTECTION

Employees of the service provider
Article 122

Professional work at the service provider is performed by professional workers, professional associates and associates, in accordance with this law.

Professional workers and professional associates
Article 123

Professional workers are social worker, psychologist, pedagogue, andragogist, special pedagogue, lawyer, sociologist, defectologist, special educator, rehabilitator and doctor of medicine.

Professional associates are persons of another profession, with higher education, who perform work at the service provider.

Article 123a

Associates are persons with secondary education, who perform work at the service provider.

Professional jobs
Article 124

Professional jobs at service providers are grouped according to the nature of work processes and outcomes that arise in the provision of services.

Professional tasks from paragraph 1 of this article, as well as more detailed conditions and standards for their performance, are determined by the competent authority of the state administration.

Official identification

Article 125

Professional workers of the center for social work have the status of an official and their powers are proven by an official ID card.

The content and form of official identification from paragraph 1 of this article is prescribed by the competent state administration body.

Trainees Article 126

Interns perform an internship at a service provider in a social and child welfare institution.

The internship is carried out according to the established program of the service provider, under the direct supervision of an authorized employee (mentor), who has at least the same level of education as the intern.

The length of the internship, the way the internship is performed, and the obligations of the service providers towards the intern during the internship are regulated in more detail by an act of the competent state administration body.

Professional exam Article 127

After completing the internship with the service provider, persons referred to in Article 123 paragraph 1 of this law take a professional exam.

Taking the professional exam from paragraph 1 of this article is organized and conducted by the competent state administration body.

The professional exam is taken before a commission formed by the competent authority of the state administration.

The president, members and secretary of the commission referred to in paragraph 3 of this article are entitled to remuneration for work determined by the competent state administration body with the consent of the state administration body responsible for financial affairs.

The conditions, program and method of taking the professional exam, as well as more detailed conditions regarding the composition and working methods of the commission, are prescribed by the competent state administration body.

Costs of passing the professional exam Article 127a

The costs of taking the professional exam are borne by the candidate.

The amount of deposit costs and the method of their payment is determined by the competent state administration body.

Professional training of professional workers and professional associates Article 128

Professional training, in the sense of this law, is the continuous acquisition of knowledge and skills of professional workers and professional associates in social and child protection.

Professional workers and professional associates in social and child protection have the right and duty to follow the development of science and the profession during their professional work and to improve professionally in order to maintain and improve professional competences and the quality of professional work.

Professional training plan and program Article 129

The service provider is obliged to provide professional training to professional workers and professional associates, in accordance with this law, according to the professional training plan and program.

The plan and program of professional development is brought by the Institute for Social and Child Protection.

The costs of professional development in the sense of paragraph 1 of this article shall be borne by the service provider.

XI. LICENSE

License to perform activities Article 130

The service provider is obliged to obtain a license for the performance of activities, in accordance with this law, before starting to perform activities.

The license from paragraph 1 of this article is issued by the competent authority of the state administration, for a period of six years and is renewed in accordance with this law.

Exceptionally from paragraph 2 of this article, the license for performing the activities of the family accommodation-fostering service provider and family accommodation is issued by the center for social work for a period of two years.

An administrative fee is paid for the issuance of a license for the performance of activities, in accordance with a special law.

Conditions for issuing a license to perform activities Article 131

A license to perform activities is issued to a service provider who:

- 1) is registered in the Register;
- 2) meets the standards for the provision of the service for which the license is requested, which relate to: location, space, equipment, number and type of professional staff and service provision program.

Limited license to perform activities Article 132

As an exception to Article 130 of this law, the service provider may be issued a limited license to perform activities that limits the duration, number of users and type of service provided.

The license from paragraph 1 of this article is issued for a period of validity of three years and may be issued a maximum of two times.

The right to a limited license to perform activities can be exercised by the service provider if it does not meet the standards in terms of location and space and if there is a need for a service that cannot be provided by another service provider.

Renewal of the license to perform activities

Article 133

The license to perform activities is renewed at the request of the service provider, in the manner and according to the procedure provided for its issuance.

The procedure for renewing the license referred to in paragraph 1 of this article shall be initiated no later than six months before the expiration of the term for which the license was issued.

Suspension of license to perform activities

Article 134

If the competent authority of the state administration, during the period for which the license for the performance of the activity was issued, determines that the service provider does not meet the prescribed conditions, it will initiate the procedure for the suspension of the license for the performance of the activity.

The decision on the suspension of the license from paragraph 1 of this article establishes deficiencies in terms of fulfilling the conditions from article 131 of this law and leaves a deadline for their elimination.

A service provider whose license to perform activities has been suspended may continue to provide services until the deadline for eliminating defects expires.

Withdrawal of the license to perform activities

Article 135

The competent authority of the state administration will revoke the license for the performance of activities from the service provider who does not remove the deficiencies from Article 134 paragraph 2 of this law within the time limit.

More detailed conditions for issuing, renewing, suspending and revoking a license, as well as the form of a license for the performance of activities, are prescribed by the competent authority of the state administration.

Issuance, renewal, suspension and revocation of a license

Article 135 a

The request for issuance, renewal, suspension and revocation of the license referred to in Article 130 paragraph 2 of this law shall be decided in the first instance by the competent authority of the state administration.

An administrative dispute can be initiated against the decision from paragraph 1 of this article.

The request for issuance, renewal, suspension and revocation of the license referred to in Article 130 paragraph 3 of this law is decided in the first instance by the center for social work.

An appeal against the decision from paragraph 3 of this article is decided by the competent body of the state administration.

License for professional workers

Article 136

Professional workers at the service provider must have a license to work.

The license from paragraph 1 of this article is issued for a period of six years and is renewed in accordance with this law.

Health care regulations apply to the issuance, renewal and revocation of a medical doctor's license.

Conditions for issuing a work license

Article 137

A work license is issued to a professional worker who:

- 1) has an appropriate professional qualification and has passed a professional exam in accordance with this law;
- 2) has a certificate that he has successfully completed an accredited training program.

Renewal of work license

Article 138

The procedure for renewing a license is initiated at the request of a professional worker, which is submitted no later than three months before the expiration of the term for which the work license was issued.

If the Institute for Social and Child Protection does not renew the work license, the professional worker loses the right to perform the tasks for which the license is provided.

Revocation of the license before the expiry of the term

Article 139

A professional worker's license is revoked before the expiration of the term for which it was issued, if:

- 1) does not perform tasks in accordance with prescribed norms and standards;
- 2) there is a termination of the employment contract due to a violation of work obligations or work discipline.

More detailed conditions for issuing, renewing and revoking a professional worker's work license, as well as the work license form, are prescribed by the competent state administration body.

License to work

Article 139a

The request for issuing, renewing and revoking a work license is decided in the first instance by the Institute for Social and Child Protection.

An appeal against the decision from paragraph 1 of this article is decided by the competent body of the state administration.

XII. PROGRAM ACCREDITATION

Accreditation

Article 140

Accreditation of a training program or service provision program (hereinafter: accreditation) is a procedure in which it is assessed whether the training program or service provision program (hereinafter: training program) meets the established standards for accreditation.

The training program from paragraph 1 of this article is intended for professional workers and professional associates at the service provider.

Accreditation procedure Article 141

The process of accreditation of training programs is carried out by publishing a public call for accreditation.

The decision to publish a public call for accreditation of training programs is made by the Institute for Social and Child Protection.

The public invitation from paragraph 2 of this article is published on the website of the Institute for Social and Child Protection.

The standards for the accreditation of training programs, as well as the way of conducting the accreditation procedure, are regulated in detail by the act of the competent state administration body.

The Institute for Social and Child Protection issues a decision on the accreditation of the training program.

The competent authority of the state administration decides against the decision from paragraph 5 of this article.

Right to apply for training program accreditation Article 142

The author of the program has the right to register the training program for accreditation, and if the program is a co-authored work, the right to register is shared by all co-authors.

Implementation of the program accreditation procedure Article 143

The training program application for accreditation is submitted to the Institute for Social and Child Protection.

The Institute for Social and Child Protection forms a committee for program accreditation.

The committee referred to in paragraph 2 of this article performs an expert evaluation of training programs and compiles a list of programs that meet the standards for accreditation and performs other tasks in accordance with the act on education.

The president and members of the commission referred to in paragraph 2 of this article are entitled to remuneration for work determined by the director of the Institute for Social and Child Protection with the consent of the state administration authority responsible for financial affairs.

Duration and renewal of accreditation Article 144

The training program is accredited for a period of five years.

The procedure for renewing an accredited training program is initiated at the request of the author or co-author of the accredited training program, no later than six months before the expiration of the term for which the training program was accredited.

Rights and duties of the author of the accredited training program Article 145

The author of the accredited training program has the right and duty to:

- 1) directly implements the training program in the manner provided by the program or entrusts the implementation of the accredited program to another person by contract;
- 2) submit to the Institute for Social and Child Protection a list of persons who have successfully completed the training;
- 3) duly keeps documentation on the implementation of accredited training programs, including data on the place and time of implementation, persons who have completed the training, etc.;
- 4) make the act on the accreditation of the training program available to any interested person;
- 5) inform potential users and the public about the accreditation of the training program;
- 6) enable the implementation of quality control of the implementation of the accredited training program;
- 7) upon expiration of the accreditation of the training program, i.e. deletion from the Register of accredited training programs, stop the implementation of the program, and if the implementation was in progress at the time of the expiration of the accreditation, to complete the implementation of the training program.

Withdrawal of accreditation Article 146

When the Institute for Social and Child Protection determines that the need for the implementation of the training program has ceased or the implementation significantly deviates from the content and implementation plan, it issues a decision on the withdrawal of accreditation.

Certificate Article 147

A certificate is issued to a professional worker and a professional associate who has successfully completed the training in the duration stipulated by the accredited training program.

The certificate is issued by the Institute for Social and Child Protection on the basis of data submitted by the author of the accredited training program.

The content and form of the certificate is determined by the competent authority of the state administration.

XIII. RECORDS AND REGISTRIES

Collections of data Article 148

For the purposes of performing social and child protection activities, for planning, monitoring the situation, as well as for scientific research and statistical purposes in the field of social and child protection, data collections are kept.

Data collections from paragraph 1 of this article contain data on:

- 1) rights from social and child protection;
- 2) service providers;

- 3) users;
- 4) financing of social and child protection activities;
- 5) other data in accordance with the law.

The competent body of the state administration manages, maintains, uses, provides security conditions, supervision of the database and the entire information system of social and child protection and provides IT support to the system of social and child protection.

The competent authority of the state administration issues authorizations and determines the scope of authorizations for accessing the database and for entering new and using existing data.

Data in the social and child protection system are stored in accordance with the law regulating the protection of personal data.

More detailed conditions on the content of the database, storage, access, records and documentation are prescribed by the competent authority of the state administration.

Downloading data from other authorities

Article 149

In order to exercise the rights from this law, data is downloaded from electronic and other data collections of bodies and organizations responsible for their processing.

The competent authority of the state administration prescribes more detailed conditions for downloading data from other data collections.

Confidential User Information

Article 150

All information about the user's personal and family circumstances that the service providers keep about the user is confidential information.

Confidential information about the user may be used by the service provider only for the purpose of providing the service.

The user has the right to protect the confidentiality of all private data from documentation that is processed for the purposes of providing the service, reporting on the work of the institution or other service providers, including those concerning his personality, behavior and family circumstances and the way of using social and child protection services.

The following are also considered confidential information:

- 1) information that the user uses the right or service;
- 2) type of right or service provided to an individual user;
- 3) name, address and other personal and identification data about the user;
- 4) data contained in the user's request;
- 5) information that the user communicates about himself;
- 6) information that other persons communicate about the user;
- 7) data obtained regarding the user during the provision of the service;
- 8) assessments, findings, professional attitude or opinion of the service provider about the user;
- 9) data contained in the reports of health institutions for the user;
- 10) information about the user such as: photos of the user, drawings made by the user during the process of providing the service, handwritten statements or comments and remarks of the user, written notes of the service provider or the user, audio and video recordings made in connection with the use of the service and others ;
- 11) content of correspondence with other institutions or organizations, if that correspondence contains information about the user or other persons connected with him .

Records

Article 151

The competent body of the state administration, in order to monitor the situation and create a database, keeps records of institutions and other service providers.

Institutions and other service providers are obliged to keep records of beneficiaries and rights from social and child protection.

More detailed conditions on the type, content and method of keeping records from para. 1 and 2 of this article are prescribed by the competent authority of the state administration.

License registers

Article 152

The license to perform activities is entered in the Register of Licensed Service Providers, which is maintained by the competent state administration body.

The work license is registered in the Register of licensed professional workers, which is managed by the Institute for Social and Child Protection.

The method of keeping and the content of the registers from para. 1 and 2 of this article are prescribed by the competent authority of the state administration.

Keeping records of the training program

Article 153

Records of applications for accreditation, accredited training programs and realized training programs are kept by the Institute for Social and Child Protection.

The manner of keeping and the content of the records referred to in paragraph 1 of this article shall be prescribed by the competent authority of the state administration.

XIV. FINANCING OF SOCIAL AND CHILD PROTECTION

Financing

Article 154

Funds for basic material allowances and social and child protection services are provided in the state budget, in accordance with this law.

Funds for the performance of social and child protection activities are provided in the state budget and the municipal budget, as well as through the activities of service providers, in accordance with this law.

Funds for social and child welfare services are also provided through the participation of users, that is, their relatives who are obliged to support them, donations, gifts, legacies, legacies, the establishment of endowments and foundations, etc., in accordance with a special law.

In the municipal budget, funds can be provided for material benefits in social and child protection prescribed by this law and for social and child protection services, such as: help at home, day care, public kitchen services, children's rest and recreation, housing with support, accommodation in a shelter - shelter, housing for socially vulnerable persons, in accordance with the law and other services in accordance with their financial capabilities.

If the municipalities are not able to provide funds for the services referred to in paragraph 4 of this article, the state will participate in their financing, in accordance with article 156 of this law, except for the costs of operating day care centers for children and youth with developmental disabilities, the costs of which will be covered by the state co-finance in each municipality .

Construction, maintenance and equipping of social and child protection institutions

Article 155

As part of the funds for carrying out the activities of public institutions of social and child protection, which are financed from the state budget, the funds for construction, maintenance and their equipment are provided in the state budget.

As part of the funds for carrying out the activities of public institutions of social and child protection, which are financed from the municipal budget, funds for construction, maintenance and equipment are provided in the municipal budget.

The criteria for the allocation of funds from paragraph 1 of this article shall be prescribed by the competent authority of the state administration, and the criteria for the allocation of funds from paragraph 2 of this article shall be prescribed by the competent authority of the municipality.

Development of social and child protection

Article 156

For the purpose of development, i.e. financing of social and child protection services, funds are provided from the state budget, municipal budget, donations, games of chance and other sources, in accordance with the law.

Funds from paragraph 1 of this article are used to finance:

- 1) social and child protection services for which there is a need in the municipality;
- 2) innovative services and social and child protection services of special importance for the state.

The amount of funds for the services referred to in paragraph 1 of this article, the criteria for their distribution by individual municipalities, the criteria for the participation of local self-government and the dynamics of the transfer of funds shall be determined by the competent authority of the state administration.

Criteria and benchmarks for determining the price of social and child protection services

Article 157

The criteria and benchmarks for determining the price of social and child protection services provided by the state are prescribed by the competent authority of the state administration.

Criteria and benchmarks for determining the price of social and child protection services, which are financed from the municipal budget, are prescribed by the competent authority of the municipality.

Provisions from para. 1 and 2 of this article refer to public institutions, institutions and other forms of organization when the financing of social and child welfare services is done from the budget of the state or municipality.

Institutions and other forms of organization are obliged to independently determine the criteria and form the price when they provide social and child protection services through direct contracting.

In accordance with the prescribed criteria and standards, the price of the service referred to in paragraph 1 of this article is determined by the competent authority of the state administration, and the price of the service referred to in paragraph 2 of this article is determined by the competent authority of the municipality.

User participation in service costs

Article 158

The user, parent, or relative who is obliged to support the user and other legal or natural person who has taken over the payment participate in the payment of the service with all their income, income and assets, with the exception of income obtained on the basis of material security, child allowance, one-time financial assistance, benefits based on awards and severance pay for retirement.

Exceptionally from paragraph 1 of this article, funds for day care services in an institution for children and youth with developmental disabilities are fully provided by the state and local self-government.

The criteria and standards for the participation of beneficiaries, parents, or relatives in the payment of expenses from paragraph 1 of this article, which are provided by the state, are prescribed by the competent authority of the state administration.

The criteria and standards for the participation of beneficiaries, parents, or relatives in the payment of expenses from paragraph 1 of this article provided by the municipality shall be prescribed by the competent authority of the municipality.

Funds for the user's personal needs

Article 159

The beneficiary of accommodation in a public institution of social and child protection is provided with funds for personal needs in the amount determined by the competent authority of the state administration.

Provision of service costs from the state budget, that is, from the municipal budget

Article 160

For persons from Article 158 paragraph 1 of this law who are unable to participate in the costs of services, funds are provided in the state budget, that is, the municipal budget.

Service payment agreement

Article 161
- deleted -

XV. SUPERVISION

Supervision over the implementation of this law

Article 162

Supervision over the implementation of this law is carried out by the competent authority of the state administration.

Supervision of professional work

Article 163

The supervision of the professional work of the service provider is carried out by the competent authority of the state administration, in accordance with this law.

In the supervision of the professional work of the service provider, it is determined whether the conditions are met in relation to the application of the prescribed professional procedures and the use of professional knowledge and skills during the reception, assessment, planning, review of the effects of the implemented activities and the completion of the work with the user, based on a review of the documentation and insight into the process of service provision and effects.

Upon completion of the supervision of the professional work of the service provider, a report is drawn up.

More detailed conditions and methods of supervision over the professional work of the service provider are prescribed by the competent state administration body.

Inspection supervision

Article 164

The inspection supervision over the implementation of this law is carried out by the administrative body responsible for inspection supervision.

Rights, duties and powers of social and child welfare inspectors

Article 165

The inspector of social and child protection (hereinafter: the inspector) is independent in his work within the limits of the powers established by the law and the regulations adopted for the implementation of the law and is personally responsible for his work.

The inspector is obliged to act conscientiously and impartially in the performance of inspection supervision, to keep as an official secret the data obtained during the supervision, especially the data from the user's documentation.

In carrying out supervision, the inspector is authorized to determine the legality of work and the fulfillment of standards and, in accordance with this law:

- 1) reviews general and individual acts of public social and child protection institutions and other service providers;
- 2) review the documentation of the public institution of social and child protection and other service providers on the basis of which the rights and services of social and child protection are realized;
- 3) carry out an immediate inspection of the exercise of rights and services, warn of observed irregularities and determine measures and a deadline for their elimination, which cannot be shorter than 15 days nor longer than six months, and in urgent cases, order the elimination of identified irregularities and deficiencies immediately;
- 4) requires reports and data on the work of the public institution of social and child protection and other service providers;
- 5) verify the fulfillment of the conditions for the performance of social and child protection activities prescribed by this law;
- 6) hears and takes the statements of the responsible person, ie professional worker and professional associate, as well as other employees, users and other persons;
- 7) initiates the procedure for determining responsibility;
- 8) carry out immediate insight into the implementation of the orders issued in the inspection supervision procedure, in accordance with this law;
- 9) considers applications from legal and natural persons related to the work and provision of social and child protection services;
- 10) performs other tasks, in accordance with the law.

Orders and measures of the inspector of social and child protection

Article 166

In carrying out inspection supervision, in addition to the measures and actions prescribed by the Law on Inspection Supervision, the inspector can:

- 1) temporarily ban the performance of activities, i.e. the performance of certain jobs at providers of social and child protection services, if they are performed contrary to the provisions of this law, for a maximum of six months;
- 2) temporarily prohibit the performance of social and child protection activities or certain jobs from social and child protection activities to an employee who performs social and child protection activities contrary to this law, and the regulations adopted for the implementation of this law, for at least 30 days, and for a maximum of six months from the day when the act was received by which that measure was pronounced;
- 3) prohibit independent work to a professional worker who has not received or renewed a license for independent work, or whose license for independent work has been revoked;
- 4) propose revocation of the license of a professional worker for the reasons prescribed by this law.

XVI. PENAL PROVISIONS

Violations related to activity

Article 167

A legal entity will be fined from EUR 500 to EUR 5000 for a misdemeanor, if:

- 1) fails to draw up an individual activation plan in cooperation with the Employment Agency and the able-bodied user of material security (Article 27 paragraph 2);

2) fails to submit to the Employment Agency a notification about the recognized right to material security for an unemployed user of working age, within eight days from the date of the decision on the recognition of the right (Article 28 paragraph 2);

3) does not review the placement of the child in the institution at least once every six months (Article 70 paragraph 3);

3a) does not make a finding and opinion that establishes facts about which official records are not kept and serves as a means of proof in the procedure for exercising rights from Article 78 paragraph 1 of this law (Article 78 paragraph 2);

3b) fails to create an individual plan from Article 79 paragraph 1 of this law in cooperation with the user, his family members and other persons important to the user (Article 79 paragraph 2);

4) fails to issue and submit a decision on the request for exercising rights from social and child protection within 15 days at the latest, and if it is necessary to conduct a special examination procedure, within 30 days from the day of receipt of the duly submitted request, i.e. from the initiation of the procedure under official duty (Article 82 paragraph 2);

5) fails to issue a decision in written form no later than three days from the date of the oral decision (Article 83 paragraph 2);

6) does not conclude a contract on the use of the service, if he fully participates in the costs of the service with the user, that is, his legal representative, adoptive parent, guardian and foster parent (Article 85 paragraph 1);

7) does not invite the user by means of a written notification to return the unjustly received assistance within 15 days from the date of receipt of the notification (Article 87 paragraph 2);

8) does not indicate the name, seat and address (Article 88 paragraph 2);

9) does not perform the activity for which it was established, does not use funds for work purposefully, and does not submit a work report, a report on financial operations for the previous year and a work program for the current year to the competent body of the state administration by the end of March of the current year at the latest (Article 101);

10) does not provide professional training to professional workers and professional associates in accordance with the law, according to the plan and program of professional training (Article 129 paragraph 1);

11) start performing social and child protection activities before obtaining a license to perform activities (Article 130 paragraph 1);

12) does not keep records of beneficiaries and rights from social and child protection (Article 151 paragraph 2);

13) does not determine the criteria and does not form the price when providing social and child welfare services through direct contracting (Article 157 paragraph 4).

For the misdemeanor from paragraph 1 of this article, the responsible person in the legal entity will be fined in the amount of 250 euros to 1000 euros.

For the misdemeanor from paragraph 1 point. 6, 8, 10, 11, 12 and 13 of this article, the entrepreneur will be fined in the amount of 500 euros to 2000 euros.

User violations

Article 168

A fine of 250 euros will be imposed on the user if he does not provide true information about income and assets, as well as other circumstances on which the realization of social and child protection rights depends, as well as during their use (Article 86).

XVII. TRANSITIONAL AND FINAL PROVISIONS

Bylaws

Article 169

Regulations for the implementation of this law will be adopted within six months from the date of entry into force of this law .

Exceptionally from paragraph 1 of this article, regulations from article 135 paragraph 2, article 139 paragraph 2, article 141 paragraph 4, article 147 paragraph 3 and article 153 paragraph 2 of this law shall be adopted within two years from the date of entry into force of this law.

Until the adoption of the regulations from paragraph 1 of this article, the current regulations will be applied, if they do not contradict this law .

Bylaws

Article 169a

The regulation from Article 163 paragraph 4 of this law shall be adopted within six months from the date of entry into force of this law.

The regulation from Article 39a of this law shall be adopted within three months from the date of entry into force of this law.

The regulations that were adopted before the entry into force of this law shall be harmonized with this law within six months from the date of its entry into force.

Article 169a

- deleted -

Article 169b

The regulations that were passed before the entry into force of this law will be harmonized with this law within 60 days from the date of its entry into force.

Article 169c

The regulations that were adopted before the entry into force of this law will be harmonized with this law within 30 days from the date of its entry into force.

Coordination of work and operations of social and child protection

Article 170

The service provider is obliged to harmonize its work and operations with this law, within one year from the date of adoption of the regulations from Article 60 paragraph 2 of this law .

The service provider from paragraph 1 of this article is obliged to submit an application for obtaining a license in accordance with this law, no later than one year from the date of adoption

of the regulation from article 135 paragraph 2 of this law.

Article 170a
- deleted -

The beginning of the work of the Institute for Social and Child Protection

Article 171

The Institute for Social and Child Protection will start working within one year from the date of entry into force of this law .

Professional exam
Article 172

Professional workers are obliged to pass a professional exam within one year from the date of entry into force of this law.

Article 172a

Professional workers who have not passed the professional exam within the period referred to in Article 172 of this law are obliged to pass the professional exam by June 30, 2018.

Application for issuing a work
Article 173

Professional workers who perform professional work are obliged to submit an application for the issuance of a work license, no later than one year from the start of the work of the Institute for Social and Child Protection .

Election of the board of directors and directors
Article 174

The election of the board of directors and the director of a public institution in accordance with this law shall be carried out within six months from the date of entry into force of this law. Until the election of the body referred to in paragraph 1 of this article, the existing bodies of the institution continue to perform their duties.

Election of directors
Article 174a

The election of the director of a public institution in accordance with this law shall be carried out within two months from the date of entry into force of this law.

Director of a public institution elected in accordance with the Law on Social and Child Protection ("Official Gazette of Montenegro", no. 27/13, 1/15, 42/15, 47/15, 56/16, 66/16, 1/17, 31/17, 42/17 and 50/17) continues to work until the election of the director from paragraph 1 of this article.

Start the process of recognition of rights
Article 175

The procedure for exercising rights from social and child protection that was started before the entry into force of this law will be completed according to this law .

Start the process of recognition of rights
Article 175a

The procedure for exercising rights from social and child protection, which was started before the entry into force of this law, will be completed according to this law.

Continuation of rights
Article 175b

Persons who have obtained the right to personal disability allowance and allowance for care and assistance according to the regulations that were in force until the date of entry into force of this law, continue to use the right to personal disability allowance in accordance with this law.

Persons who have obtained the right to compensation for a parent or guardian - caregiver of a person who is a beneficiary of personal disability benefits, according to the regulations that were in force until the date of entry into force of this law, continue to use that right in accordance with this law.

Persons who have obtained the right to personal disability allowance according to the regulations that were in force until the date of entry into force of this law, and who are not beneficiaries of the right to the allowance for care and assistance in accordance with this law, continue to use that right.

Persons who have obtained the right to compensation for a parent or guardian - carer of a person who is a beneficiary of personal disability allowance, according to the regulations that were in force until the date of entry into force of this law, continue to use that right.

The amount of monetary income from para. 3 and 4 of this Article shall be harmonized in accordance with Article 38 of this Law.

The personal disability allowance referred to in Article 32, paragraph 3 of this law, as of February 1, 2023, is extraordinarily adjusted by 25%.

The harmonization act, in accordance with Article 38 paragraph 3 of this law, is issued by the competent state administration body

Start of application
Article 175c

The provision of Article 5, paragraph 3 of this law will apply from January 1, 2018.

The provisions of Article 41 para. 2 and 3 of this law will apply from January 1, 2022.

Persons exercising the right
Article 175d

The right to a one-time benefit for a newborn child in accordance with Article 41 para. 2 and 3 of this law can achieve:

1) the beneficiary of the right to a one-time benefit for a newborn child in the period from January 1, 2022 until the date of entry into force of this law, who did not realize that right according to the regulations that were in force until the date of entry into force of this law;

2) the beneficiary of the right to a one-time benefit for a newborn child in the period from January 1, 2022 until the date of entry into force of this law, who exercised this right according to

the regulations that were in force until the date of entry into force of this law;

3) the beneficiary of the right to a one-time benefit for a newborn child in the period after the entry into force of this law.

Beneficiaries of the rights referred to in paragraph 1 point 2 of this article are entitled to a one-time compensation for a newborn child in the amount of the difference between the compensation paid according to the regulations that were in force until the date of entry into force of this law and the amount of compensation for a newborn child determined by Article 41 para. 2 and 3 of this law.

Article 175e

Beneficiary of the right to a one-time benefit for a newborn child from Article 175d paragraph 1 point. 1 and 2 of this law may submit a request for the exercise of that right to the competent center for social work within 90 days from the date of entry into force of this law.

Start of application

Article 175f

The provisions of Article 41 para. 2 and 3 of this law shall be applied from the date of entry into force, in the following manner:

- that the act of the competent state administration authority on the approval of the right to a one-time allowance of 1,000 euros for the first-born child, adopted in accordance with Article 41 paragraph 2 indent 1 and paragraph 3 of this law, will be executed within 15 days from the date of adoption of this act; and

- that the act of the competent body of the state administration on the approval of the right to a one-time compensation, adopted in accordance with Article 41 paragraph 2 para. 2,3 and 4 and paragraph 3 of this law, in the part of the payment of the approved compensation in the amount of 1000 euros, be made within 15 days from the date of the adoption of this act, while the payment of the difference of funds will be made up to the full amount of the approved compensation for the second, third, fourth born and every subsequent child to be executed in the first quarter of 2025.

The manner of implementation of the provision of paragraph 1 of this article is regulated in more detail by the regulation of the competent state administration body.

Bylaws

Article 175

The regulations that were adopted before the entry into force of this law will be harmonized with this law within 30 days from the date of its entry into force .

Continuation of rights

Article 176

Beneficiaries of rights from social and child protection who have exercised their right under the regulations that were in force until the date of entry into force of this law, and who meet the conditions prescribed by this law, continue to use that right.

Article 176a

- deleted -

Article 176b

- deleted -

Termination of validity

Article 177

On the date of entry into force of this law, the Law on Social and Child Protection ("Official Gazette of the Republic of Montenegro", number 78/05) and Article 121 of the Law on Amendments to Laws Prescribing Fines for Misdemeanors ("Official Gazette of Montenegro", number 40/11).

Entry into force of the law

Article 178

This law enters into force on the eighth day from the day of its publication in the "Official Gazette of Montenegro".
