



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-022

**ON MATERIAL SUPPORT FOR FAMILIES OF CHILDREN WITH
PERMANENT DISABILITY**

Assembly of Republic of Kosovo,

In accordance with the Chapter 5.1 (j) and 9.1.26 (a), of Constitutional Framework for Provisional Self-Government in Kosovo;

Starting from the fact that Kosovo guarantees the rights determined by Convention on Children Rights;

Starting from the fact that in Kosovo is forbidden the children discrimination in any bases;

Having into consideration the importance, role and difficulties of the family for protection and care of children with permanent disability,

Adopts:

**LAW ON MATERIAL SUPPORT FOR FAMILIES OF CHILDREN WITH
PERMANENT DISABILITY**

CHAPTER I

Fundamental provisions

Article 1

With this law is regulated the right to material support for families that protect and care for children with permanent disability and the realization form of this material support.

Article 2 Definitions

The expressions mentioned in this law have the meaning:

“Permanent disabled children of physical, mental and sensory forms” are considered the children from their birth up to 18 years old with permanent residence in Kosovo, who are completely disabled for carrying out daily activities without the other person’s help.

“Requester of material support and care” means the person that presents the requirement for material support.

“Correspondent authority” means the Social Welfare Department or any other organ that is authorized from MLSW for administering the others support and care.

“Care” means a benefit that is administered from MLSW, and serves for offering financial support to the persons that offer this support and care.

“Material support” is financial benefit, monthly amount or other form of paying with money that is administered from MLSW, for families of children with permanent disability.

“Medical committee” means a group compounded from medical experts, appointed from MLSW for determining the child health condition level.

“Expert” means the person that has completed the specialization from medical field and is licensed as expert.

“Monthly amount” means the exact amount of material means that should be paid to the family of the permanent disabled children.

“Family union” is defined a group of individuals that live together under a roof and that jointly share life expenses. According to this Law, the family union can include persons that are not family members in its close meaning.

“Family” is a union that is compounded from the requester and all other family members that are in family union: husband or the partner that is living with, parents and children including also adopted children, children fostered in families or one of the partners’ children.

“Decision” is a juridical act that is issued from Correspondent authority, Social Welfare Department, for acknowledging of the right to material support of families or any other person that takes care for permanent disabled child.

“Expertise” means the procedure for verifying the type, level and severity of physical, mental, sensory or combined disability.

“Permanent disability” means the disabled child health condition who completely and permanently can not move or carry out daily life activities without the other person’s help.

“**Child**” means any person under the age 18 years old except when the mature age is achieved earlier, in accordance to legislation he/she is subject to.

“**MLSW**” means Ministry of Labour and Social Welfare.

Article 3

3.1 With a purpose of protecting children with permanent disability, Ministry of Labour and Social Welfare drafts the strategy for this children category.

3.2 Ministry of Labour and Social Welfare, ensures the material support for families of children with permanent disability, in accordance with Kosovo budget capacities.

3.3 Material support for families of children with permanent disability will be offered from Ministry of Labour and Social Welfare, through its Department of Social Welfare.

3.4 Material support enables that the children permanent disability live a more normal life in conditions that guarantee their dignity and make their lives easier.

3.5 Material support for children with permanent disability is paid in behalf of the parent or foster of the child, through bank account.

CHAPTER II

Realization of the right to material support

Article 4

4.1 The right to material support for families of children with permanent disability realized in a form of material support in money,

4.2 These material means will be given to the family or foster that offers help and takes care for the child with permanent disability for whom this right is acknowledged.

4.3 The level and deadline for giving material support is determined with sub legal act issued from Ministry of Labour and Social Welfare.

Article 5

The support and care for fulfilling daily life activities belong to the children with permanent disability of the age 1-18 years old, that are Kosovo Citizens and are permanently disabled that independently move and carry out daily life activities. For these persons is necessary the others care for 24 hours.

Article 6

Permanent disabled children are considered:

a) immobile children (immovable)

b) totally blind children and also,

c) children who because of nature of any illness or permanent illnesses or, are not able that independently move in the apartment, or in places they need to, nor by using the corresponding helping tools, are not able to feed themselves, nor wear and taking off clothes, to carry out physiological needs and also keep the necessary personal hygiene.

CHAPTER III

Evaluation committee for categorizing of children with permanent disability

Article 7

Committee for evaluation of the type, level and severity of physical, mental and sensory impairment of permanent disabled children.

Article 8

8.1 Ministry of Labour and Social Welfare, issues the decision act for medical committee establishment for evaluating health of disabled children that enjoy the special protection with this Law.

8.2 With this decision act is determined the territory competency of medical committee.

8.3 MLSW with special decision act constitutes the first level committee and medical committee of second level.

Article 9

Composition of medical committee and working form on procedure of acknowledging the right to support and care

9.1 Medical committee consist five (5) experts.

9.2 Medical committee is composed from president, deputy president of committee, and four (3) members, and the same number of their deputies.

9.3 For the president, deputy president and committee member, and also their deputies are appointed persons with completed specialization after faculty graduation and with at least five (5) years of experience in their field.

9.4 MLSW in the committee can appoint also a person with superior qualification in the field of social sciences, but no more than one (1) member.

9.5 The committee member of the first level can not be at the same time also the member of second level committee.

Article 10
First level Committee

10.1 For the committee member are appointed:

- a) social services official,
- b) specialist doctor of pediatrics;
- c) specialist doctor of ophthalmology – ORL;
- d) specialist physiatrist doctor;
- e) specialist doctor of neurology or neuropsychiatry;
- f) specialist doctor of psychiatry.

10.2 Any member of first level Committee is appointed a deputy from the same field of specialization.

10.3 For the president of the first level Committee is appointed the specialist doctor of pediatrics.

Article 11
Second level committee

11.1 For the member of second level Committee is appointed:

- a) social services official,;
- b) specialist doctor of pediatrics,
- c) specialist doctor of ophthalmology – ORL,
- d) specialist physiatrist doctor - orthopedist,
- e) specialist doctor of neurology or psychiatry.

11.2 Any member of expertise Committee in the second level is appointed the deputy from the same field of specialization.

11.3 For the president of second level Committee is appointed the specialist doctor of pediatrics.

11.4 Committee President is appointed the deputy, from the same specialization field.

CHAPTER IV

Expertise procedure

Article 12

12.1 Social Work Center from now on SWC that develops the procedure for acknowledging material support for family of the child with permanent disability if it considers that the expertise should be done issues the conclusion and submits all documents for expertise to the first level committee.

12.2 According to the SWC and presented data, president of the first level Committee for any expertise invites the members of committee that give the written opinion for the concrete case, after the documentation and the patient have been examined.

12.3 Committee members can give separate opinions for the expertise done in concrete case, and after the analysis of all experts evaluations, is compiled a joint written report that is signed from committee president and also from all other members that have participated in expertise for this person.

Article 13

13.1 First level committee is obliged to submit its opinion related to the case no later than twenty-one (21) days from the day considered the completion of expertise.

13.2 Committee submits to the SWC a written report in two (2) copies and all the other following data related to concrete case.

13.3 The documentation related to the given opinion in the report is job confidentiality.

13.4 Committee report should contain:

- a) personal data of the person;
- b) health diagnose of the person;
- c) type, level and severity of disability physical, mental or sensory;
- d) existence of the need for permanent support and care;
- e) date of the report and signature; and
- f) doctor's recommendations for health reassessment .

Article 14

Procedures, Responsibilities and Competencies of Second Level Committee

14.1 Dissatisfied party can appeal against the decision of the first level issued by SWC, a decision that was issued based on the report of first level Committee. SWC all the materials submits to second level Committee for new expertise if this is necessary to decide in the second level. The appeal is done through the organ that has issued the decision of the first level.

14.2 Experts' Committee of second level based on the existing and additional documentation on the concrete case according to appeal has a right to approve, reject or turn back the matter (subject) for examination to the first level Committee.

14.3 Report of second level Committee is given in written in two (2) copies, contains all elements and also the report of first level Committee.

Article 15

The committee that carries out the expertise keeps the evidence of administrative work done from the moment of conclusion issuance for completion of expertise, for issued documents, for Committee sessions hold, for the persons the expertise was done.

Article 16

16.1 The presidents and Committee members for expertise have a right to reward for their work.

16.2 The level of compensation, the form of payment is determined with the act of appointing experts or with other special act.

16.3 The Committee mandate for evaluation and categorization of children with permanent disability will be two (2) years.

CHAPTER V

Administrative Procedures of rights execution

Article 17

Financial means for implementation of this Law are ensured from Kosovo Consolidated Budget.

Article 18

18.1 Material support can be realized from the person respectively the family, without having into consideration his/her or his/her family material situation, if he/she has a child with permanent disability.

18.2 The requirement for material support will be submitted to SWC, in any time until the child with permanent disability reaches the age of 18 years old.

18.3 The requirement is done by filling the form that is prepared from Social Welfare Department and will be attached to it the documents that are required from MLSW-Social Welfare Department.

Article 19

To the requirement for realization of material support should be attached these documents:

- a) a requester's photocopy Identity Card ID;
- b) certificate for the child with permanent disability residence;
- c) birth certificate of the child;
- d) decision act for fostering, if the requirement is done from the foster;
- e) medical expertise documentation,

Article 20

Realization of this right means the special addition of money that the Ministry gives to the families or fosters of child with disability, and because of severe physical, psychological and sensory illness or that appeared later, who for carrying out daily life activities are dependent of other persons, for what the family has additional and extraordinary expenses.

Article 21

21.1 Director of SWC issues a decision based on:

- a) written requirement, directed to SWC;
- b) photocopy of ID if it exists;
- c) birth certificate;
- d) medical Committee report for health of the child with permanent disability;
- e) data for the families or the person who takes care of the child with permanent disability.
- f) information on dwelling of the child with permanent disabilities

22.2 Ministry of Labour and Social Welfare with a special act can require also other documents except those determined in the article 19 and 21 of this Law.

Article 22

Presenting requirement and the decision

22.1 The parent or foster does the written requirement in SWC for acknowledgment of the right to material support and care of the child with permanent disability.

22.2 SWC issues a decision act which acknowledges the right to material support for the parent or foster of the child with permanent disability.

22.3 Decision act contains the data for the child who enjoys this right and the data for the family, respectively the person who realizes the material support and also the level and the form of realization of material support.

22.4 The level of monthly payment amount for material support for the family of the child with permanent disability is determined with sub legal act issued from MLSW.

Article 23 **The right to Appeal**

23.1 Dissatisfied party with the decision of SWC has a right to appeal within 15 days of issuance.

23.2 The appeal directed to correspondent authority, Social Welfare Department through SWC.

23.3 MLSW related to appeal presented from the party, can prove: Decision of the First Level, to change that or to turn the matter for reexamination.

23.4 MLSW within 30 days will issue a new decision related to appeal against the decision of first level organ.

23.5 The decision of MLSW of the second level is the final act in administrative procedure.

23.6 Dissatisfied party with a decision of MLSW second level respectively has a right to approach the Competent Court.

Article 24 **Confidential requester personal data**

24.1 Ministry of Labour and Social Welfare guarantees the confidentiality for personal information, that have been gathered from requesters, except other cases determined by law.

24.2 The family that realizes the material support for care and help of the children with permanent disability is obliged to inform all changes that effect the realization of this right.

24.3 Monitoring the right realization is done from SWD through SWC.

CHAPTER VII

Transitory provisions

Article 25

25.1 For implementation of this Law, MLSW can issue other sub legal acts in the deadline of six months form this law adoption day that can not be in contradiction with this Law or other actual laws.

25.2 Acknowledge of the right to material support is done from the date of application for this right.

Article 26

26.1 With enforcement of this Law will be invalidated any provision of the actual law in Kosovo that is in contradiction with this Law.

26.2 In absence this Law provisions, being adapted, implemented the provisions of Law on Health, Law on Social and Family Services, Law on the Rights and Responsibilities of Citizens in Health Care, and other actual laws in Kosovo.

Article 27

Entry into force

This Law enters into force after it is approved from Kosovo Assembly and promulgated by United Nation Special Representative of Secretary General.

Law No. 03/L-022

16 May 2008

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI