

The consolidated version of the Law on Social and Child Protection includes the following regulations:

1. The Law on Social and Child Protection ("Official Gazette of Montenegro", No. 027/13 of 11 June 2013),
2. Law on Amendments to the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 01/15 of 5 January 2015),
3. Law on Amendments to the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 042/15 of 29 July 2015),
4. Law on Amendments to the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 047/15 of 18 August 2015),
5. Law on Amending to the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 056/16 of 23 August 2016),
6. Law on Amendments to the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 066/16 of 20 October 2016),
7. Law on Amendments to the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 001/17 of 9 January 2017),
8. Decision of the Constitutional Court of Montenegro, U-I no. 6/16, of 19 April 2017 ("Official Gazette of Montenegro", No. 031/17 of 12 May 2017),
9. Law on Amendments to the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 042/17 of 30 June 2017),
10. Law on Amendments to the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 050/17 of 31 July 2017), entailing the indication of the date of the entry into force.

LAW ON SOCIAL AND CHILD PROTECTION

("Official Gazette of Montenegro", Nos. 027/13 of 11 June 2013, 001/15 of 5 January 2015, 042/15 of 29 July 2015, 047/15 of 18 August 2015, 056/16 of 23 August 2016, 066/16 of 20 October 2016, 001/17 of 9 January 2017, 031/17 of 12 May 2017, 042/17 of 30 June 2017, 050/17 of 31 July 2017)

I. GENERAL PROVISIONS

Scope

Article 1

This Law shall regulate the conditions and the manner of exercising the rights in the area of social and child protection and the performance of affairs of social and child protection.

Activity

Article 2

Social and child protection shall mean an activity that ensures provision and implementation of measures and programmes intended for an individual and a family in unfavourable personal or family circumstances, which shall include prevention, assistance in meeting the basic needs and support.

Exercising the public interest

Article 3

Social and child protection shall mean an activity of public interest.

Exercising of the public interest in social and child protection shall be ensured by Montenegro (hereinafter referred to as: the State) and local self-government (hereinafter referred to as: the Municipality), under the conditions and in the manner prescribed by this Law.

Social and child protection objectives

Article 4

The social and child protection aims at improving the quality of life and strengthening of an individual and the family for pursuing independent and productive life.

In achieving social and child protection objectives, the following persons shall be particularly protected:

1) A child:

- without parental care;
- whose parent is incapable of taking care of him;
- with disabilities;
- with behavioural problems;
- who uses alcohol, drugs or other illicit substances;
- who is a victim of abuse, neglect, domestic violence or exploitation, or is at risk of becoming a victim;
- who is a victim of trafficking in human beings;
- whose parents do not agree on the manner of exercising the parental right;
- who finds himself outside from the place of residence without the supervision of a parent, adoptive parent or guardian;
- who is pregnant and without family support and adequate living conditions;
- who is a single parent with a child and without family support and adequate living conditions;
- who needs an adequate form of social protection due to special circumstances and social risk.

1a) A young person:

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

2) An adult or old person:

- with disability;
- who uses alcohol, drugs or other illicit substances;
- who is a victim of neglect, abuse, exploitation and violence in the family or who is at risk of becoming a victim;
- victim of trafficking in human beings;
- who is homeless;
- who is pregnant and without family support and adequate living conditions;
- who is a single parent with a child and without parental support and adequate living conditions;
- who needs an adequate form of social protection due to special circumstances and social risk.

Persons exercising the rights

Article 5

A Montenegrin national with the permanent place of residence at the territory of the State shall be entitled to exercise the rights in accordance with this Law.

The rights in the area of social and child protection established by this Law and international treaty may be exercised by a foreigner with granted temporary or permanent residence in the state, in accordance with a special law.

Social and child protection rights determined by this Law and international treaty may be exercised by the asylum seeker and the foreigner placed under subsidiary protection, pursuant to the law.

Exceptionally, a person not covered under paragraphs 1, 2 and 3 of this Article who needs and adequate form of social protection due to special circumstances and social risk, shall be entitled to a nonrecurring financial assistance and the right to temporary accommodation.

Responsibility for meeting the living needs

Article 6

Everyone shall be obliged to create conditions for meeting the living needs through his work, income and property, and to prevent social exclusion of his family members, especially children and other members who are not able to take care of themselves.

Principles of social and child protection

Article 7

Social and child protection shall be based on the following principles:

- 1) Respect for the integrity and dignity of beneficiaries of social and child protection which is based on social justice, accountability and solidarity, and is provided with respect for physical and psychological integrity, safety, and with respect for the moral, cultural and religious beliefs, in accordance with the guaranteed human rights and freedoms;
- 2) Non-discrimination of beneficiaries on the basis of race, gender, age, nationality, social origin, sexual orientation, religion, political, trade union or other belonging, property owned, culture, language, disability, nature of social exclusion, belonging to particular social group or other personal characteristics;
- 3) Informing the beneficiaries on all the data important for determining their social needs and exercising their rights, and on how the needs can be met;
- 4) Individual approach to the beneficiary in providing rights in the area of social and child protection;
- 5) Active participation of beneficiaries in the creation, selection and use of the rights in the area of social and child protection, which is based on participation in the situation and needs assessment and the decision making on the use of the needed services;
- 6) Respect for the best interest of the beneficiaries in exercising the rights in the area of social and child protection;
- 7) Prevention of institutionalisation and availability of services in the least restrictive environment whenever conditions for it arise in their home or the local community through extra-institutional forms of protection, provided by various service providers, with the aim of improving the quality of life of the beneficiaries and their social inclusion;
- 8) Pluralism of services and providers of social and child protection, which is performed also by civil society organisations and other legal and physical persons, under the conditions and in the manner prescribed by law;
- 9) Partnerships and joining of different entities responsible for activities and programmes, especially at the local level with the objective of making services available in the least restrictive environment and preventing institutionalisation;
- 10) Transparency with regard to informing the public on social and child protection through the media, and in other manners, in accordance with the law.

Prohibited actions of employees

Article 8

In an institution, or another service provider, an employee shall be prohibited from any form of violence towards a child, an adult or old person, physical, emotional and sexual abuse, taking advantage of the beneficiaries, abuse of trust or authorisations enjoyed in relation to the beneficiary, neglect of the beneficiary and other actions that disturb the health, dignity and development of the beneficiary.

The right to protection of personal data

Article 9

The beneficiary shall be entitled to protection of personal data from documents processed for the needs of reports, or for records keeping, including also those data pertaining to his personality, behaviour and family circumstances and the manner of use of the rights in the area of social and child protection.

With regard to protection of personal data of the beneficiaries, regulations on the protection of personal data shall apply.

The right to filing a complaint

Article 10

The beneficiary who is not satisfied with the provided service, procedure or behaviour of service provider may file a complaint to the public administration authority competent for social protection affairs (hereinafter referred to as: the Competent Public administration Authority).

Rights in the area of social and child protection

Article 11

The rights in the area of social and child protection shall be as follows:

- Basic financial support;
- Social and child protection services.

Procedure

Article 12

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 56/16).

Provision of social and child protection

Article 13

The activities of social and child protection shall be provided by social and child protection institutions (hereinafter referred to as: the Institution), in accordance with this law.

The institution referred to in paragraph 1 of this Article can be established as a public or a private institution.

Certain affairs of social and child protection may also be provided by other types of organisation, in accordance with this Law.

Resources for performing social and child protection affairs

Article 14

Resources for performing activities and exercising the rights in the area of social and child protection shall be provided in accordance with this Law.

Records keeping

Article 15

Records shall be kept on the beneficiaries, rights and service providers, in accordance with this Law.

Exercising rights

Article 16

The social and child protection rights shall be deemed personal and non-transferrable.

The rights exercised in accordance with this Law shall not be mortgaged and pledged and may not be the subject of securing or enforced collection.

Strategic documents

Article 17

Social and child protection shall be exercised in accordance with the strategic documents, determining long-term objectives and priorities for social and child protection development.

The strategic documents referred to in paragraph 1 of this Article shall entail measures and programmes that need to be implemented with the aim of improving social and child protection.

Strategic documents referred to in paragraph 1 of this Article shall be determined by the Government of Montenegro (hereinafter referred to as: the Government) and the municipality.

Measures and programmes referred to in paragraph 2 of this Article may be implemented by the State, the municipality and service providers.

Resources for funding programmes referred to in paragraph 2 of this Article shall be provided from the budget of the State, the municipality and service providers.

Use of gender sensitive language

Article 18

The terms used in this Law for physical persons of one gender shall apply to both genders.

Meaning of terms

Article 19

Particular expressions used in this Law shall have the following meaning:

- 1) Measures and programmes of social and child protection shall mean activities encompassing the rights in the area of social and child protection, with the objective of improving the quality of life and empowering beneficiaries to individually meet the basic living needs, and achieving their active participation in the society;
- 2) Service provider shall mean an institution, another form of organisation and physical person to whom the competent state administration authority determines that it meets the conditions for performing the activity of social and child protection and issues a licence to do business;
- 3) Licence shall mean a public document, attesting that the service provider or professional worker meets the established requirements and standards for providing particular services, or for performing professional affairs in the area of social and child protection;
- 4) Beneficiary shall mean an individual or a family, who have exercised their right in the area of social and child protection, pending the procedure for exercising the right;
- 5) Employer is a national or foreign legal entity, or a part of a legal entity or physical person entering employment agreement with the employee;
- 6) A child shall mean a person of up to 18 years of age;

- 7) Young people shall mean persons of up to 26 years of age;
- 7a) An individual living alone;
- 8) Family shall consist of spouses, or extramarital partners and children (marital, extramarital, adopted and step children) and relatives in the first line regardless of the kinship relationship, as well as the collateral relatives including also other relatives living together; a child not living in the family if attending regular secondary school education, until the time limit prescribed for that education and the spouse regardless of the place of living;
- 9) Incapable of working shall mean:
 - a child;
 - a child not attending regular education system, if registered with the Employment Agency of Montenegro (hereinafter referred to as: the EAM);
 - a person deemed incapable of working, in accordance with this Law;
 - a person who has turned 67 years of age.
- 10) A single person shall mean an adult incapable of working, without relatives legally obliged of supporting him or with relatives incapable of supporting him;
- 10a) A single person shall mean a divorced parent or other parent has died or is unknown, maintaining a child, or exercising extended parental right, in accordance with the law, until a marriage or informal marriage is established;
- 11) Person with disability shall mean a person with longstanding physical, mental, intellectual or sensory disorders which, in conjunction with diverse barriers, can make difficult full and effective participation of these persons in the society based on equality with others;
- 11a) Children and youth with behavioural problems shall mean children and youth expressing
- 12) A homeless person shall mean a person without residential address, residing in public or other places not intended for living and without funds for the fulfilment of the housing need;
- 13) Individual plan of services shall mean a plan for change of life situation or behaviour of beneficiaries determined based on a comprehensive assessment of needs, difficulties and resources and in agreement with the beneficiary, directed towards selected objectives, all with the aim of overcoming unfavourable living circumstances, being implemented, monitored and reviewed together with the beneficiary, his family members, service providers and other persons important for the beneficiary;
- 14) Individual activation plan shall mean a plan of active overcoming of unfavourable social situation of the financial support beneficiary capable of working, entailing his activities and obligations;
- 15) Revenue shall mean an income earned by an individual or a family on any grounds whatsoever;
- 16) Animal unit shall mean a cow, or a bull, or a horse, or two heifers, or ten sheep, or ten goats, or five pigs.

II. BASIC MATERIAL BENEFITS IN SOCIAL PROTECTION

Basic material benefit

Article 20

The basic material benefit in social protection shall be as follows:

- 1) Financial support;
- 2) Personal disability allowance;
- 3) Care and support allowance;
- 4) Health protection;
- 5) Funeral costs;

- 6) Nonrecurring financial assistance;
- 7) Parental or guardian's allowance of the personal disability beneficiary.

The State may also provide other kinds of material supports in social protection, in accordance with financial possibilities.

More detailed conditions for exercising the rights referred to in paragraphs 1 and 2 of this Article shall be prescribed by the competent state administration authority.

Financial support **Article 21**

An individual, or a family may obtain the right to financial support, if an individual or a family member is:

- 1) incapable of working;
- 2) capable of working, if:
 - pregnant;
 - a single parent;
 - a parent maintaining a child, or a parent exercising extended parental right, in accordance with the law;
 - a person who has completed education according to the educational programme with adapted delivery and additional expert assistance or special educational programme;
 - a person after completing 18 years of age, if he is attending regular secondary school education, until the end of the time limit prescribed for that education;
 - a child without parental care or a person who was a child without parental care, until he finds employment for a time period longer than six months.

The adoptive parent, custodian, foster parent shall also be entitled to right referred to in paragraph 1 item 2 indents 2 and 3 of this Article.

The person referred to in paragraph 1 item 2 indent 4 of this Article may exercise the right to financial support for a maximum period of five years from the day of completion of education.

The person referred to in paragraph 1 item 2 indent 6 of this Article may exercise the right to financial support as an individual for a maximum period of five years from the day of termination of placement into an institution, family placement - fostering, or from termination of guardianship.

The basis for exercising financial support **Article 22**

The right to financial support may be exercised by an individual, or a family referred to in Article 21 of this Law, if:

- 1) The amount of average monthly income from the previous quarter does not exceed the basis for exercising the right by:
 - 63.50 euros for an individual;
 - 65.86 euros for a family with one member;
 - 76.20 euros for a family with two members;
 - 91.50 euros for a family with three members;
 - 108.00 euros for a family with four members;
 - 120.70 euros for a family with five and more members;
- 2) Doesn't possess or doesn't use business premises;
- 3) Doesn't possess or doesn't use a flat or a residential building bigger than:
 - one-bedroom flat for an individual;
 - two-bedroom flat for a family with two or three members;
 - three-bedroom flat for a family with four or more members.

- 4) Doesn't possess land in town or suburban region;
- 5) Doesn't possess, or doesn't use agricultural land, or commercial forests of surface larger than:
 - 20 acres for an individual;
 - 20 acres for a family with one member;
 - 30 acres for a family with two members;
 - 40 acres for a family with three members;
 - 50 acres for a family with four members;
 - 60 acres for a family with five and more members;
 - or does not possess, or does not use other land of surface larger than 2 ha;
- 6) An individual or a member of the family capable of working and unemployed;
- 7) The Social Care Centre determines that the person obliged to provide maintenance is not capable of maintaining the person that is incapable of working, in accordance with this Law;
- 8) An individual or a family member did not refuse offered employment in the place of residence, or vocational training, re-training or additional training, in accordance with the law, unless a minimum of two year has expired from the refusal;
- 9) The employment relationship of an individual or a family member was not terminated by the statement of his will, his consent or his quilt, due to disciplinary or criminal liability, unless as a minimum one year has expired from the termination of employment relationship or if working incapability arose after the termination of employment relationship;
- 10) An individual or a family member did not terminate his employment relationship by mutual consent with payment of severance pay in the amount exceeding ten average monthly wages including taxes and contributions in the state, in accordance with a special law, unless a minimum of three years have expired from the consensual termination of employment relationship and payment of the severance pay;
- 11) An individual or a family member did not exercise the right to severance pay based on termination of employment relationship, in accordance with a special law, unless a minimum of six months has expired from the exercising of the right;
- 12) An individual or a family member did not dispose or divest the right to inherit property referred to in items 2, 3, 4 and 5 of this Article, unless a minimum of three years have expired from the divest or disposal;
- 13) An individual or a family member does not own more than two animal units in the rural area, pursuant to the law;
- 14) An individual or a family member does not own a freight vehicle or passenger motor vehicle, except the passenger motor vehicle which serves for transportation of an individual or a family member, beneficiary of personal disability allowance or care and support allowance;
- 14a) An individual or a family member does not own a agricultural or construction machinery (tractor, excavator, bulldozer, grader, loader, harvester, roller, forklift, etc.);
- 15) An individual or a family member did not enter a lifelong maintenance contract, except with the Social Care Centre.

For families which have a member who is beneficiary of the care and support allowance, the scope of residential space referred to in paragraph 1 item 3 indent 1 and 2 of this Article shall be increased by one room.

Revenues not considered income in the procedure of exercising the right to financial support
Article 23

In the procedure of exercising the right to financial support, the following shall not be considered revenue of an individual or a family member: personal disability allowance; care and support allowance; child allowance; compensation for the newly born child or compensation for the birth of a child for a person in the records of the EAM and a full-time student exercised in accordance with this Law; revenues from awards; retirement severance pay; nonrecurring financial assistance; compensation for removing the consequences of natural disasters; revenues from pupils' or students' standard; compensation for death of a family member; allowances referring to the obligation to maintain a person that is not living in a family; compensation for a person with disability registered with the EAM; revenues of the family members obtained in the previous quarter from salary, salary compensation and retirement payment, if they submit a request to the Social Care Centre after they cease to obtain such revenues.

Capability of maintenance

Article 24

If a person incapable of work has a relative with whom he is not living in a family, and who, in accordance with the law regulating family relations, is obliged to provide maintenance, in determining the right to financial support the possibility of the relative to provide maintenance shall previously be established, in accordance with this Law, unless this obligation is established by a court decision.

A relative is able to provide maintenance, under paragraph 1 of this Article if:

- 1) The average monthly revenues of the family in the previous quarter exceed fivefold the base established by Article 22 paragraph 1 item 1 of this Law;
- 2) He owns or uses business premises established by Article 22 paragraph 1 item 2 of this Law;
- 3) He owns or uses a flat or a family building larger than twice the size established in Article 22 paragraph 1 item 3 of this Law;
- 4) He owns land in town or suburban construction region established by Article 22 paragraph 1 item 4 of this Law;
- 5) He owns or uses agricultural land or commercial forests or other land covering surface larger than fivefold the size established in Article 22 paragraph 1 item 5 of this Law.

Determining the right to financial support by direct insight

Article 25

Notwithstanding Article 22 of this Law, for the purpose of exercising the right to financial support, the authorised person of the Social Care Centre may propose direct insight by the commission of the Social Care Centre if an individual, or if all family members are incapable of working or if he is a single parent.

The Commission referred to in paragraph 1 of this Article shall be appointed by the Director of the Social Care Centre from among its employees.

The Commission referred to in paragraph 2 of this Article shall provide a finding and opinion on whether a family or an individual or a single parent are in need of financial support.

The right to financial support for a family referred to in paragraph 1 of this Article can be recognized for a period of three months, with the obligation of review by official duty.

The content and the form of the finding and the opinion from paragraph 3 of this Article shall be prescribed by the competent state administration authority.

Exception for determining termination of the right to financial support

Article 26

The Social Care Centre shall make the decision on termination of the right to financial support for an individual or a family, if by monitoring the material and other social conditions the commission of the Social Care Centre determines that the said conditions are considerably more favourable than those which can be provided based on the right to financial support.

The Commission referred to in paragraph 1 of this Article shall be appointed by the Director of the Social Care Centre from among its employees.

The Commission referred to in paragraph 2 of this Article shall produce a finding and an opinion on the termination of the right to financial support.

The content and the form of the finding and the opinion referred to in paragraph 3 of this Article shall be prescribed by the competent state administration authority.

Responsibility for meeting one's own life needs

Article 27

In accordance with the regulations governing labour relations and pension and disability insurance, or professional rehabilitation and employment of persons with disability, an individual who is capable of working shall have the right and duty to participate in activities enabling the overcoming of his unfavourable social situation, or in the implementation of measures ensuring his social inclusion.

The Social Care Centre, in cooperation with the EAM and work capable beneficiary of financial support, shall be obliged to develop individual activation plan.

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

Rights and duties related to employment of beneficiaries of financial support capable of working

Article 28

The Social Care Centre and the EAM shall be obliged to cooperate in the implementation of measures for social inclusion of beneficiaries of financial support capable of working.

The Social Care Centre shall be obliged to forward to the EAM a notice on recognized right to financial support for an unemployed beneficiary capable of working, within eight days as of the day when decision on recognition of the right is rendered.

The EAM shall be obliged to inform the Social Care Centre within eight days from the day when it finds that the beneficiary of financial support able for working has found employment, refused employment or vocational training, re-training or additional training offered to him.

The manner of implementation of social inclusion measures for beneficiaries of financial support capable of work shall be established by a special act by the competent state administration authority.

Restricted duration of financial support

Article 29

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 42/17).

Lifelong Maintenance Contract

Article 30

The right to financial support may exercise a person deemed incapable of working in accordance with this Law, or a person who has completed 67 of age, and who has property, if a

lifelong maintenance contract is concluded with the Social Care Centre in accordance with the law regulating obligations.

Financial support amount

Article 31

The monthly amount of financial support for an individual or a family with no revenue shall amount to:

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

The amount of financial support for a person who was a child without parental care shall amount to 120.70 euros monthly.

The amount of financial support for a family that earned revenue shall be established in the amount of difference between the amount established by paragraph 1 of this Article and the average monthly revenue of the family from the previous three months.

The number of family members referred to in Article 21 of this Law shall be taken into account in determining the amount of financial support.

The monthly amount of financial support for a family referred to in Article 25 of this Law shall be established in the amount of 50% of the amount established in paragraph 1 of this Article.

Termination of the right to financial support

Article 31a

The right to financial support shall be terminated to the beneficiary, if:

- 1) changes affecting exercising the right occur in accordance with Articles 21 and 22 of this Law;
- 2) uses the family accommodation service or accommodation service in an institution, or in religious or military school, or with the organizer of basic police education for more than 30 days, provided that he does not participate in the cost of the service or is serving a prison sentence longer than six months;
- 3) fails to carry out activities and duties from the individual activation plan;
- 4) an individual or family member resides abroad, except in the cases of medical treatment or education.

Personal disability allowance

Article 32

A person with severe disability shall have the right to the personal disability allowance.

A person referred to paragraph 1 of this Article may exercise the right to the personal disability allowance provided that he is not the beneficiary of the care and support allowance in accordance with this Law.

The amount of personal disability allowance shall amount to 178.19 euros per month.

Care and support allowance

Article 33

The right to care and support allowance shall have a person requiring care and support due to bodily, mental, intellectual or sensory disorders or changes in health condition, in order to have access to the fulfilment of his needs;

A person referred to in paragraph 1 of this Article may exercise the right to care and support allowance if he did not exercise this right on the basis of other laws and that he is not a beneficiary of the right to personal disability allowance in accordance with this Law.

The care and support allowance shall amount to 65.35 euros per month.

Health protection

Article 34

The right to health protection shall be provided to the beneficiary of: financial support, personal disability allowance, care and support allowance and accommodation services, unless he exercised this right on some other grounds.

The right referred to in paragraph 1 of this Article shall be provided in accordance with the law regulating health protection.

Funeral expenses

Article 35

The right to funeral expenses in the event of death of the beneficiary of: financial support, personal disability allowance, care and support allowance and accommodation, shall be provided in accordance with this Law.

The person who has taken over the payment of funeral expenses shall be entitled to funeral expenses for beneficiaries referred to in paragraph 1 of this Article, unless he exercised this right on some other grounds.

Service provider who paid the funeral expenses for person referred to in paragraph 1 of this Article shall have the right to compensation of expenses from the person who is obliged to pay the expenses.

The right to funeral expenses referred to in paragraph 1 of this Article shall be exercised with the Social Care Centre.

The amount of funeral expenses

Article 36

The amount of funeral expenses for person referred to in Article 35 paragraph 1 of this Law shall be established in the amount of 315 euros.

The amount of transport expenses for the person referred to in Article 35 paragraph 1 of this Law, who died outside his place of residence, shall be established in the amount of real transport expenses.

The amount of funeral expenses for a person whose place of residence is unknown, who died at the territory of the State, shall be provided with the Social Care Centre and established in the amount of real funeral expenses.

Nonrecurring financial assistance

Article 37

An individual or a family who, due to special circumstances that affect their residential, material and health condition, find themselves in the state of social need can exercise the right to one-off financial assistance.

The person referred to in paragraph 1 of this Article shall exercise this right in accordance with the criteria and according to the procedure prescribed by the competent state administration authority.

The amount of assistance referred to in paragraph 1 of this Article shall be established by the Social Care Centre, depending on the need of an individual or a family and the financial capacity of the state.

Alignment of the basis and the amount of financial aid

Article 38

The amount of the basis referred to in Article 22 paragraph 1 item 1 of this law and the amount of financial support referred to in Art. 31, 32, 33, 36 and 39a of this Law shall be aligned semi-annually (on 1 January and on 1 July of the current year) with the living costs trends and the average salary of employees at the territory of Montenegro on the grounds of the statistical data for the previous semi – annual period, in the percentage which represents the amount of half the percentage of growth, or decrease in the living costs and half the percentage of growth, or decrease in salaries.

Notwithstanding paragraph 1 of this Article, if the percentage representing the sum of half of the growth percentage, or the decrease in the cost of living and half of the percentage of growth or decrease in the salary referred to in paragraph 1 of this Article, would lead to negative alignment, the amount of the basis referred to in Article 22 paragraph 1, and the amount of material benefits referred to in Art. 31, 32, 33, 36 and 39a of this Law shall not be the subject of the alignment.

Act on the alignment monthly income shall be adopted by the competent state administration authority.

Material benefits in the area of social protection under the competence of the municipality

Article 39

In accordance with its financial capacity, the municipality can provide financial benefits from the area of social protection, such as: one-off assistance subsidies for the payment of utilities provided by public companies established by the municipality and other financial benefits in the area of social protection.

The type of material benefit, more detailed conditions, manner and procedure for exercising the rights referred to in paragraph 1 of this Article shall be prescribed by the competent municipal authority.

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

Article 39a

A parent, or a guardian of the beneficiary of the personal disability allowance right, shall be entitled to compensation, for each beneficiary individually.

The right referred to in paragraph 1 of this Article shall have one of the parents, or a guardian of at least one beneficiary of the personal disability right allowance and one or more beneficiaries of the right to care and support allowance, for each user individually.

The right referred to in paragraph 1 of this Article shall also have one of the parents, or a guardian of two or more beneficiaries of the right to care and support allowance, for each beneficiary individually.

Persons referred to in paragraphs 1, 2 and 3 of this Article shall be entitled to the compensation provided that the beneficiary of the right to personal disability allowance or the right to care and support allowance does not use the right to accommodation service.

The amount of compensation referred to in paragraphs 1, 2 and 3 of this Article shall be 193 euros per month.

III. FUNDAMENTAL MATERIAL BENEFITS IN THE AREA OF CHILD PROTECTION

Fundamental material benefits

Article 40

Fundamental material benefits in the area of child protection are:

- 1) Benefit for a new-born child;
- 2) Child allowance;
- 3) Costs of nutrition in pre-school institutions;
- 4) Assistance for up-bringing and education of children and young people with special educational needs;
- 5) Reimbursement of salary compensation and salary compensation for maternity or parental leave;
- 6) The maternity leave pay;
- 7) Reimbursement of salary compensation and salary compensation for part time work.

The state may also provide other material benefits within child protection, pursuant to its financial capacities.

More detailed conditions for exercising the rights referred to in paragraphs 1 and 2 of this Article shall be prescribed by the competent state administration authority.

Benefit for a new born child

Article 41

One of the parents, an adoptive parent, a guardian, a foster parent may exercise the right to the nonrecurring benefit for a new-born child, until the child is one year old.

The amount of the benefit referred to in paragraph 1 of this Article shall be 109.07 euros.

The benefit referred to in paragraph 1 of this Article to the beneficiary of the right to financial support shall amount to 130.88 euros.

Child allowance

Article 42

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

- 1) Is beneficiary of financial support;
- 2) Is beneficiary of care and support allowance;
- 3) Is beneficiary of personal disability allowance;
- 4) Is without parental care;
- 5) Whose parent, adoptive parent, guardian, foster parent i.e. person to whom care, upbringing and education of the child have been entrusted as beneficiary of financial benefit established employment relationship based on an agreement on active overcoming of an unfavourable social situation.

Three children in a family shall have the right to child allowance.

Notwithstanding paragraph 2 of this Article, child allowance shall be provided also for children who were born as twins, triplets and the like, notwithstanding the number established in paragraph 2 of this Article.

The child referred to in paragraph 1 items 2, 3 and 4 of this Article shall exercise the right to child allowance notwithstanding the number of children established in paragraph 2 of this Article.

Duration of child allowance

Article 43

The right to child allowance shall be exercised until the age of 18, if the child attends regular education system.

Notwithstanding paragraph 1 of this Article, the right to child allowance is exercised by a child after the age of 18 if he attends regular secondary school education system, until the end of the time limit prescribed for that kind of education.

A child beneficiary of financial support and the child without parental care, from the age of 15 until the age of 18, who is not included in regular education system, shall exercise the right referred to in paragraph 1 of this Article if he is registered by the EAM.

The child referred to in Article 42 paragraph 1 item 5 of this Law shall exercise the right to child allowance as of the day when the parent, adoptive parent, guardian or the foster parent for a maximum period of nine months, if he meets the conditions prescribed by this Law.

The amount of child allowance

Article 44

The monthly child allowance shall amount to:

- 1) 23.68 euros for a beneficiary of financial support;
- 2) 23.68 euros for a child whose parent, adoptive parent, guardian, foster parent as a beneficiary of financial support entered into employment on the grounds of the individual activation plan.
- 3) 31.87 euros for a beneficiary of care and support allowance;
- 4) 39.57 euros for a beneficiary of personal disability allowance;
- 5) 39.57 euros for a child without parental care;

A child who meets the conditions for child allowance on a number of grounds shall exercise the right according to the most favourable grounds.

Holder of child allowance

Article 45

The holder of the right to child allowance shall be the parent, adoptive parent, guardian or the foster parent.

The child allowance shall be paid monthly to the holder of the right referred to in paragraph 1 of this Article.

Child allowance for a child without parental care, who has been placed into an institution, shall be paid on the child's name to the authorized person in that institution and shall be used for the needs of the child.

The authorized person, under paragraph 3 of this Article, shall be the person to whom the custody authority entrusted performance of particular affairs, in accordance with the law regulating family relations.

Expenses of nutrition in pre-school institutions

Article 46

The right to nutrition expenses in a public pre-school institution shall be exercised by children in accordance with the law regulating pre-school upbringing and education.

Assistance in upbringing and education

Article 47

Children and young people who have exercised the right to upbringing and education in accordance with a special law shall be entitled to the right to support for upbringing and education of children and young persons with special educational needs.

The right to assistance referred to in paragraph 1 of this Article shall comprise:

- 1) Costs of accommodation into an institution;
- 2) Transportation costs.

Accommodation costs

Article 48

Children and young people referred to in Article 47 of this law, who are oriented to upbringing and education outside their place of permanent or temporary residence, shall have the right to expenses of accommodation into an institution for the duration of upbringing and education, in accordance with this law.

The person accompanying the person referred to in paragraph 1 of this Article shall also have the right to provision of accommodation expenses.

The accommodation expenses for the accompanying person shall be provided in the amount of accommodation expenses for persons referred to in paragraph 1 of this Article.

Transportation costs

Article 49

Children and young people referred to in Article 47 of this law shall receive costs for transportation for the duration of upbringing and education, and if they are placed into an institution, transport expenses shall be provided also during winter and summer holidays, state, religious and other holidays if they are travelling to their place of residence, and for returning to their place of education, if this right has not been exercised on some other grounds.

The person accompanying the person referred to in paragraph 1 of this Article shall also be entitled to the transportation costs, unless he exercised this right on some other grounds.

The amount of transportation costs for persons referred to in paragraphs 1 and 2 of this Article shall be established in the amount of the public costs in road and railroad transportation.

Beneficiary of reimbursement of salary compensation for maternity or parental leave

Article 50

An employer shall be entitled to reimbursement of funds for payment of salary compensation to an employee for maternal or parental leave.

Amount of funds

Article 51

The amount of funds to be reimbursed to an employer for an employee who was in employment relationship before exercising this right:

- 1) As a minimum 12 months without interruption, shall be the average income of the employee for 12 months preceding the month when the right to maternal or parental leave was acquired;
- 2) From six to 12 months without interruption, shall be 70% of the average income of the employee during work which preceded the month when the right to maternity or parental leave was acquired;
- 3) From three to six months without interruption, shall be 50% of the average income of the employee during work which preceded the acquiring of the right to maternal or parental leave;

- 4) Up to three months shall be 30% of the average income of the employee during work which preceded the acquiring of the right to maternal or parental leave.

The maximum amount of funds referred to in paragraph 1 item 1 of this Article may be established as the amount of two average salaries of the state employee in the previous year, according to the data of the authority competent for the affairs of statistics.

The amount of means referred to in paragraph 1 items 2), 3) and 4) of this Article may be established at the maximum amount of one average income of a state employee in the previous year, according to the data of the state authority competent for the affairs of statistics.

Compensation of the salary of an employee undertaking entrepreneurial activity for maternity or parental leave

Article 52

The person engaged in entrepreneurial activity as the single employee, shall exercise the right to compensation of salary with the Social Care Centre.

The amount of compensation referred to in paragraph 1 of this Article shall be established in accordance with Article 51 of this Law.

Use of the right

Article 53

If the request for reimbursement of the salary compensation or the request for salary compensation for maternity or parental leave was submitted within 30 days from the day when the right started to be used, the payment shall be effected as of that day, and if the request was submitted after that time limit, the payment shall be effected as of the day when the request was submitted.

Reimbursement of the salary compensation or salary compensation for maternity or parental leave can be achieved if the request was submitted after expiry of the time limit which the employee used for maternity or parental leave.

Benefit for a new-born child

Article 54

One of the parents registered with the EAM and a student may exercise the right to monthly compensation on the grounds of the birth of a child, until the child is one-year-old.

If the request for compensation referred to in paragraph 1 of this Article was submitted within 30 days as of the day of birth, the payment shall be effected as of the date of birth, and if the request was submitted after this deadline the compensation shall be paid from the day of submission of the request.

The person referred to in paragraph 1 of this Article may not exercise the right to benefits for a new-born child if he submits the request following the expiration of the time period that would grant him the right to receive the compensation.

The amount of compensation referred to in paragraph 1 of this Article shall be 79.03 euros per month.

Multiple birth benefit

Article 54a

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 42/17).

Article 54b

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 42/17).

Reimbursement to the employer of salary compensation for part time work

Article 55

An employer shall be entitled to reimbursement of funds on the grounds of the payment of compensation for salary to an employee for part time work, in the amount of 50% of the salary of the employee.

The amount of funds reimbursed to the employer for an employee for part time work for a person referred to in paragraph 1 of this Article, who was employed prior to exercising of this right:

- 1) At least 12 months without interruption, shall be 50% of the average salary for 12 months preceding the month when the right to part time work was obtained;
- 2) Up to 12 months without interruption, shall be 50% of the average salary during time of work which preceded the month when the right to half – time work was obtained.

Compensation of salary for part – time work to an employee undertaking entrepreneurial activity

Article 56

A person undertaking entrepreneurial activity as the single employee shall exercise the right to compensation of the salary for part – time work with the Social Care Centre.

The amount of salary compensation referred to in paragraph 1 of this Article shall be established in accordance with Article 55 of this Law.

Exemptions from reimbursement

Article 57

An employer whose payment of salary compensation is provided from the public spending sector (state budget, municipality budget and extra-budgetary funds) shall not be reimbursed funds on the grounds of compensation for maternal or parental leave and compensation of salary for half – time work.

Alignment of the amount of financial benefit in child protection

Article 58

The amount of the basis referred to in Articles 41, 42 and 54 of this Law shall be aligned semi-annually (on 1 January and on 1 July of the current year) with the living costs trends and the average salary of employees at the territory of Montenegro based on the statistical data for the preceding half year in the percentage which represents the sum of half percentage of growth, i.e. reduction in the living costs and half the percentage of growth, i.e. reduction of salaries.

Notwithstanding paragraph 1 of this Article, if the percentage representing the sum of half of the percentage of growth, or the decrease in the cost of living and half of the percentage of growth, or the decrease in salary referred to in paragraph 1 of this Article, would lead to negative alignment, the amount of the material benefits referred to in Art. 41, 44 and 54 of this Law shall not be subject to the alignment.

The act on alignment of the monthly financial income shall be adopted by the competent state administration authority.

Material benefits in the area of child protection under the competence of municipality

Article 59

The municipality can, in accordance with its financial capacities, provide financial supports in the area of child protection such as: support for a new-born child; support for purchase of school supplies and other material allowances.

Types of material allowances, more detailed conditions, manner and procedure for exercising the right referred to in paragraph 1 of this Article shall be prescribed by the competent municipal authority.

IV. SOCIAL AND CHILD PROTECTION SERVICES

Types of services

Article 60

Services in the area of social and child protection shall be as follows:

- 1) Support for the life in the family;
- 2) Counselling-therapy and social-educational service;
- 3) Accommodation;
- 4) Urgent interventions and
- 5) Other services.

More detailed conditions for provision and use of services, norms and minimal standards of services referred to in paragraph 1 of this Article shall be prescribed by the competent state administration authority.

Assessment and planning

Article 61

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 42/17).

Support for life in the family

Article 62

Support services for life in the community shall comprise activities supporting the accommodation of beneficiaries in the family or the immediate surroundings.

Support services for life in the family shall be as follows: daily stay, help in the house, living with support, daily centre, personal assistance, interpretation and translation into sign language and other support services in the community.

Counselling-therapy and social-educational services

Article 63

Counselling-therapy and social-educational services include: counselling, therapy, mediation, SOS telephone and other services with the objective of overcoming situations of crisis and improving family relations.

Accommodation

Article 64

Accommodation shall mean a service which comprises the stay of beneficiaries: in family placement as fostering, family placement, in an institution, in a daily centre – refuge and other types of accommodation.

Accommodation may be temporary, occasional and longstanding.

Services referred to in Articles 62 and 63 of this Law and paragraph 1 of this Article shall be performed by the service provider.

Family placement - fostering

Article 65

Service of family placement – fostering shall be provided to children and young people in accordance with the law governing family relations.

Family placement

Article 66

Service of family placement is provided to a pregnant woman, a single parent with a child up to the age of three, and an adult and old person, who needs to be taken care of due to their social circumstances.

Type of family placement – fostering and family placement

Article 67

Family placement – fostering and family placements are provided in the form of the following:

- 1) Standard accommodation;
- 2) Placement with intensive or additional support;
- 3) Urgent placement;
- 4) Occasional placement;
- 5) Other types of placement.

Providers of family placement- fostering and family placement

Article 68

The service of family placement – fostering and family placement is provided by a natural person in accordance with this law and the law regulating family relations.

The service referred to in paragraph 1 of this Article shall be provided by a natural person assessed as suitable, who has successfully completed the training and obtained a licence for provision of that service.

Assessment of eligibility of a natural person for providing the service of family placement – fostering and family placement, professional support and training shall be performed by the Social Care Centre.

Provider of the service of family placement – fostering and family placement shall be entitled to professional support, compensation of costs for accommodation of beneficiaries and compensation for work.

Mutual rights and obligations between service providers of family placement - fostering or family placement and the Social Care Centre shall be regulated by a contract.

In addition to the Social Care Centre, other service providers can provide expert support and perform adequate training for providers of family placement service of fostering and the family placement.

More detailed conditions for assessment of eligibility of a person for providing the service of family placement - fostering and family placement, the programme and manner of training implementation and provision of expert support, for obtaining the licence, as well as remuneration of expenses of family placement - fostering and family placement and remuneration for work for service provider shall be prescribed by the competent state administration authority.

Placement in an institution

Article 69

Placement in an institution shall be carried out through care taken in an institution and by providing remuneration for accommodation costs.

Beneficiaries of placement in an institution

Article 70

Placement into an institution shall be provided to children and young people, a pregnant woman, a single parent with a child until the age of three, a person with disability and an old person for whom it cannot be provided to remain in the family, or that is not in their best interest, or support services for life in the community or family placement – fostering or family placement cannot be provided.

Placement of a child into an institution is provided in the event when the Social Care Centre establishes that it cannot be provided that the child stays in the family, i.e. family placement – fostering cannot be provided or it is not in the best interest of the child.

The Social Care Centre must review the placement of the child into an institution at minimum once in six months.

A child younger than three shall not be provided placement into an institution.

Notwithstanding paragraph 4 of this Article a child younger than three can be provided placement into an institution, with the previously obtained consent of the competent state administration authority, if protection referred to in paragraph 2 of this Article cannot be provided and if there are particular justified reasons for this.

Placement into an institution shall be provided to a beneficiary so that it ensures his/her preparation or return to biological family, his leaving to another family, or prepares the beneficiary for independent life.

Accommodation of the beneficiary of the placement into an institution cannot be terminated before the Social Care Centre provides conditions for placement into another institution, family placement or some other form of social and child protection.

Services of urgent intervention

Article 71

Services of urgent intervention are provided for the purpose of ensuring safety in situations that endanger life, health and development of beneficiaries and they shall be provided 24 hours a day.

Services of urgent intervention are provided by the Social Care Centre with the obligation of cooperation with other competent bodies and services.

In the event when a authority, i.e. the service referred to in paragraph 2 of this Article first establishes a contact with a beneficiary, it shall immediately inform thereon the competent Social Care Centre.

Provision of services

Article 72

Services of social and child protection referred to in Articles 62 and 63 of this law, as well as services of placement in an institution and a daily centre – refuge referred to in Article 64 paragraph 1 of this law, for which there is need, and which can be provided in a more efficient manner by other service providers, through the public procurement procedure, a public call or public-private partnership, shall be provided in accordance with law.

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

Subject-matter jurisdiction

Article 73

A request for the exercise of social and child protection rights shall be decided upon in the first instance by the Social Care Centre.

An appeal against the decision of the Social Care Centre shall be decided upon by the competent state administration authority.

An appeal shall not withhold the execution of the decision.

Territorial jurisdiction

Article 74

In the exercise of social and child protection rights territorial jurisdiction shall be established for the following categories:

- 1) A person who has permanent residence, based on the place of permanent residence;
- 2) A person who finds himself in the territory outside his place of permanent residence, based on the place of temporary residence;
- 2a) A person without permanent residence in Montenegro, pursuant his temporary residence, and in the absence of temporary residence, pursuant to the last permanent residence or temporary residence in Montenegro;
- 3) A person of unknown permanent residence, based on the place where the cause for the initiation of proceedings has arisen;
- 4) A child, based on permanent or temporary residence of the child's parents;
- 5) A child whose parents do not live together, based on the permanent or temporary residence of the parent to whom care and upbringing of the child has been entrusted;
- 6) A child whose parents are not known or have abandoned the child or if the permanent or temporary residence of the child is not known, based on the place where the cause for the initiation of proceedings has arisen;
- 7) A legal person based on the seat, or, when performing activities outside the seat, based on the place where the legal person's activities are carried out.

Change of jurisdiction

Article 75

The Social Care Centre which initiated proceedings shall submit case files, if in the course of the proceedings circumstances based on which territorial jurisdiction was established change, without delay, to the competent Social Care Centre.

If the beneficiary changes permanent or temporary residence, the Social Care Centre shall, without delay, submit case files to the competent Social Care Centre whose jurisdiction is determined based on the place of permanent or temporary residence of beneficiary.

The Social Care Centre which was submitted the case files shall decide upon the beneficiary's right within 15 days as of the day of the submission of files.

The Social Care Centre, which has recognized the right, shall provide the execution of that right until the completion of the proceedings referred to in paragraph 3 of this Article.

Conflict of territorial jurisdiction

Article 76

Conflict of territorial jurisdiction between the Social Care Centres shall be resolved by the competent state administration authority.

The Social Care Centre shall provide to the applicant referred to in paragraph 1 of this Article adequate form of protection until the completion of the proceedings referred to in paragraph 1 of this Article.

Initiation of procedure

Article 77

The procedure for the exercise of rights under this Law shall be initiated at the request of the person, or his parent, adoptive parent, guardian or foster parent and ex officio.

The Social Care Centre shall initiate the procedure ex officio upon the initiative of legal entity or physical person, when it is in the interests of beneficiary, or in the public interest, or when there is the interest of third parties.

The application for the exercise of rights referred to in paragraph 1 of this Article shall be submitted on a form prescribed by the competent state administration authority.

The applicant referred to in paragraph 1 of this Article shall be responsible for the correctness and accuracy of data entered in the form referred to in paragraph 3 of this Article.

Findings and opinion of the Social Care Centre

Article 78

Rights to fundamental financial support referred to in Articles 21, 32, 33 and 37 of this Law shall be exercised on the basis of evidence and direct insight.

In the procedure of exercising the rights referred to in paragraph 1 of this Article, the Social Care Centre must provide findings and opinion establishing the facts that the official records have not been kept and it shall be used as evidence.

The content and form of findings and opinion in sense of paragraph 2 of this Article shall be prescribed by the competent state administration authority.

Individual plan of services

Article 79

Rights to services of social and child protection referred to in Articles 62, 64 and 71 of this Law shall be recognised on the basis of evidence and an individual plan of services.

The Social Care Centre must develop the individual plan referred to in paragraph 1 of this Article, in cooperation with the beneficiary, members of his family and other persons important for beneficiary.

Social and Medical Commission

Article 80

When it is in the procedure for exercising the rights to financial support, care and support allowance, personal disability allowance, short time wage compensation for disability that needs to be determined, incapacity for work or disability, the Social Care Centre shall establish those facts on the basis of findings, evaluation and opinion of the Social and Medical Commission.

The Social and Medical Commission shall be established as the first and second instance authority.

The Commission referred to in paragraph 2 of this Article shall be formed by the competent state administration authority.

President, members and the secretary of the Commission referred to in paragraph 3 of this Article shall be entitled to the remuneration for work determined by the competent state administration authority at the consent of the state administration authority in charge of finance affairs.

More detailed requirements in terms of education, composition and manner of work of the Commission referred to in paragraph 2 of this Article shall be prescribed by the competent state administration authority.

Medical Indications

Article 81

Medical indications for the exercise of the rights to financial support care and support allowance, personal disability allowance, and short time wage compensation shall be prescribed by the competent state administration authority, with the previously obtained opinion from the state administration authority in charge of health matters.

Deadlines

Article 82

The procedure for the exercise of social and child protection rights is urgent.

The Social Care Centre shall be obliged to adopt and deliver a decision on the application for the exercising social and child protection rights within maximum 15 days, and if it is necessary, to carry out a special inquiry procedure, within 30 days from the date of properly served application, or the initiation of the procedure ex officio.

Oral decision

Article 83

When it comes to taking extremely urgent measures for the purpose of providing social and child protection, the Social Care Centre can make decisions orally.

In the case referred to in paragraph 1 of this Article, the Social Care Centre must bring the decision in writing within three days from the date of providing oral decision.

Exercise of rights

Article 84

The rights to basic financial support from Articles 21, 32, 33, 39a and 42 of this Law shall be valid as of the first day of the following month upon filing the application.

Right to services referred to in Article 60 of this Law shall start to run from the date of passing decision on the exercise of rights.

A beneficiary, or his/her legal representative, adopter, guardian or the foster parent must report to the Social Care Centre any change that can affect the exercise and the amount of rights referred to in paragraph 1 of this Article, within 15 days as of the day when the change occurred.

Any changes that can affect the enjoyment of rights under this Law shall be taken into account as of the first day of the following month upon their occurrence.

Pursuant to the report of the person referred to in paragraph 3 of this Article or the data collected ex officio, the Social Care Centre shall bring a new decision if required by the change in circumstances.

The payment shall be suspended to the beneficiary of the personal disability and care and support allowance if he's using the accommodation services of the institution referred to in Article 64 paragraph 1 of this Law for more than 60 days, provided that the service is allocated from the state budget.

Direct contracting of the use of service

Article 85

A beneficiary or his legal representative, adopted parent, guardian or the foster parent may directly choose a service provider and enter into agreement with the service provider therein on the use of services should the beneficiary fully participate in covering the costs of service.

Notwithstanding paragraph 1 of this Article, service providers cannot be chosen directly for accommodation:

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

Services referred to in paragraph 2 of this Article shall be used on the basis of the decision of the Social Care Centre or on the basis of court decision, in accordance with law.

Data provision

Article 86

A beneficiary shall provide true personal data, data on his income and financial standing, as well as other circumstances on which recognition of the social and child protection rights depends, and during their exercising.

Compensation of damages

Article 87

A person referred to in Article 84 paragraph 3 of this Law to whom basic financial support has been provided shall be obliged to refund repay the amount received if he:

- 1) exercised the right to social and child protection or has received the payment exceeding legally prescribed amount on the basis of inaccurate data which he knew and was aware of or which he should have known to be inaccurate or has gained this right in another unlawful manner;
- 2) exercised the right to social and child protection due to the fact that he failed to report or has untimely reported the changes that have affected the loss or the exercise of rights or entitlement to amount of social and child protection, and he was aware or could have been aware of these changes.

Upon establishing the circumstances referred to in paragraph 1 of this Article, the Social Care Centre must request the beneficiary in writing to refund the amount of financial support he gained without any grounds within 15 days from the date of the receipt of the notification.

The Social Care Centre may enter a contract with beneficiary to regulate the method and timeline of the repayment of financial support acquired without any grounds, with regard to the amount of beneficiary's personal income and his social standing.

Repayment of the amount of financial support gained without any grounds shall not be contracted for the period exceeding three years.

VI. INSTITUTIONS OF SOCIAL AND CHILD PROTECTION

Status of institution

Article 88

The institution shall be a legal entity independently performing the activity for which it was founded, in the manner and under the conditions established by this Law, Memorandum of Association and Articles of Association.

The institution referred to in paragraph 1 of this Article shall be obliged to indicate the title, registered seat and the address.

Establishment

Article 89

The institution may be established by the state, municipality or another legal or physical entity (hereinafter referred to as: the Founder).

If the institution is established by a number of entities referred to in paragraph 1 of this Article, the contract shall govern mutual rights and obligations of the founders.

Memorandum of Association of the Institution

Article 90

The Founder shall adopt the Memorandum of Association of the Institution, containing as follows:

- 1) Name of the Founder;
- 2) Name, registered seat and address of the Institution;
- 3) Activities of the Institution;
- 4) Initial capital for the establishment and commencement of work of the institution and the way of providing funds needed to carry out activities of the institution;
- 5) Rights and obligations of the Founder against the Institution and vice versa;
- 6) Bodies of the Institution;
- 7) Composition and manner of the appointment of the managing bodies of the Institution;
- 8) Deadline for the appointment of managing and governance bodies, adoption of the Articles of Association and registration of the Institution with the Central Register of Business Entities (hereinafter referred to as: the Register);
- 9) Person who will temporarily serve as a director of the Institution;
- 10) Period of establishment, if the Institution is established for a specific period of time, or for the performance of a particular activity.

The Founder shall submit to the competent state administration authority the Memorandum of Association of the Institution within 15 days from the day of adopting it.

Legal entity status

Article 91

The Institution shall acquire the legal entity on the date of its registration in the Register. Parts of the Institution shall not have the legal entity status.

Articles of Association of the Institution

Article 92

The Articles of Association of the Institution shall include: name, registered seat and address of the Institution; activities of the Institution; scope of managing and governance bodies; conditions and procedure for the appointment and dismissal of the director of the Institution; general legal documents of the Institution and the manner of adopting them; financing, manner of selecting candidates from the rank of employees for the appointment of the members in the managing bodies members; method of determining the proposal for the dismissal of the member in the managing bodies appointed from the rank of the employees; transparency of work and other issues of importance for the work of the institution.

The Founder shall issue consent to the Articles of Association.

Bodies of the Institution

Article 93

Managing Board and Director shall be the bodies of the Institution.

Managing the Institution

Article 94

The institution shall be managed by the Managing Board.

The Managing Board shall:

- 1) Adopt the Articles of Association and other general legal documents;
- 2) Appoint and dismiss the director of the Institution;

- 3) Adopt development programme;
- 4) Adopt annual financial plan;
- 5) Adopt Year-end account;
- 6) Bring investment decisions;
- 7) Perform other duties in accordance with law and the Articles of Association of the Institution.

Composition of the Managing Board

Article 95

The Managing Board of the Institution shall have its President and two members.

Appointment and dismissal of the Managing Board

Article 96

President and members of the Managing Board shall be appointed and dismissed by the Founder of the Institution.

Articles of Association shall regulate the term of office of the President and the members of the Institution.

Dismissal of President and member of the Managing Board

Article 97

The President and member of the Managing Board of the Institution may be dismissed prior to the end of the term of office, if he:

- 1) Resigns;
- 2) Acts contrary to the Law or the Articles of Association of the Institution;
- 3) Fails to perform the duty for more than six months;
- 4) Sentenced to unconditional imprisonment.

Member of the Managing Board from the rank of employees of the Institution may also be dismissed prior to the end of the term of office if he fails represent the employees' interests in the manner prescribed by the Articles of Association of the Institution.

Director of the Institution

Article 98

Director shall:

- 1) adopt the Act on the internal organization and systematization of job positions of the Institution;
- 2) organize the work and shall be held liable for the legality of operation and implementation of the development programme of the Institution;
- 3) perform other duties in accordance with this Law and the Articles of Association of the Institution.

The Articles of Association shall determine the term of office of the Director of the Institution.

Status of employees in the institution

Article 99

General labour regulations and collective agreements shall apply to the employees in the Institution unless otherwise defined by the Law.

Obligations of the Founder

Article 100

The Founder must provide funds for the work of the institution on a regular basis.

Funds referred to in paragraph 1 of this Article shall include: funds for salaries and other employees' benefits, material costs, maintenance and safeguarding of facilities and equipment, as well as technical and technological equipping of facilities for the implementation of the programme activities of the Institution.

Obligations of the institution

Article 101

The Institution shall perform its core activity for which it was founded, fails to use funds within its designated purpose and shall submit to the competent state administration authority, at latest by the end of March of the current year, the business report and the financial operations report for the previous year and work programme for the current year.

Status changes

Article 102

The Founder may alter the status of the Institution (unbundling of one part of the Institution into a separate Institution, merging one part of the Institution with another institution, organizing new institution by consolidation of parts, or merging two or more institutions or by transforming the Institution into a business organization), under the procedure prescribed for the establishment of an institution, unless otherwise defined by a special law.

Change of the name, activities and registered seat of the Institution shall be made by the Memorandum of Association of the Institution.

Reasons for the termination of the operation of the Institution

Article 103

The institution shall terminate with its operation, if:

- 1) fails to meet the prescribed requirements for conducting activities;
- 2) registration with the Register was proclaimed null and void by the final court decision;
- 3) fails to perform the activity for which it was established;
- 4) another situation defined by the Law or Memorandum of Association occurred.

The Founder shall bring the act on the termination of operation of the institution shall be passed by the Founder.

VII. PUBLIC INSTITUTIONS OF SOCIAL AND CHILD PROTECTION

Establishment of public institution

Article 104

Institution founded by the state or municipality shall be established as a public institution.

The Founder of the public institution shall be responsible for the liabilities of the public institution.

The public institution shall be subject to the provisions on the Institution, unless otherwise defined by this Law.

Memorandum of Association of the Public institution

Article 105

Memorandum of Association of the public institution, founded by the state, shall be passed by the Government and the Memorandum of Association of public institutions founded by municipality shall be passed by the authorized municipal authority.

Articles of Association of the Public Institution

Article 105a

A competent state administration authority shall give approval to the Articles of Association of the public institution.

Internal organization and systematization act

Article 106

A competent state administration authority shall give approval to the Act on internal organization and systematization of job positions of the public institution founded by the state.

A competent municipal authority shall give approval to the Act on internal organization and systematization of job positions founded by municipality.

Appointment and composition of the Managing Board of public institution

Article 107

The Government shall appoint and dismiss the President and members of the Managing Board of the public institution, founded by the state, at the proposal of the competent state administration authority.

The Managing Board of the Social Care Centre shall consist of two representatives of the Founder and one representative of municipality.

The representative of municipality referred to in paragraph 2 of this Article shall be elected in the manner prescribed by the act of municipality.

Managing Board of the public institution referred to in Article 112 paragraph 1 items 2, 3 and 4 of this Law shall consist of two representatives of the Founder and one representative of beneficiary, or parents of the beneficiary.

Representatives of employees and beneficiary shall be elected in the manner prescribed by the Articles of Association of the Institution.

A competent municipal authority shall appoint and dismiss the President and members of the Managing Board of the public institution, founded by municipality

Dismissal of the President and member of the Managing Board of the public institution

Article 108

The President and the member of the Managing Board of the public institution, in addition to the reasons referred to in Article 97 of this Law, may be dismissed prior to the end of the term of office to which he was appointed in the manner prescribed by the Articles of Association of the public institution and in case he fails to protect the public interest.

Managing the public institution

Article 109

A Director shall manage the public institution.

Election of the Director of public institution

Article 110

The Director of the public institution founded by the state shall be elected by the Managing Board of the Institution, on the basis of the open competition and submitted development programme of the Institution.

The competent state administration authority shall issue approval to the decision of the Managing Board on the election of the Director referred to in paragraph 1 of this Article.

A person with university education diploma having at least three years of work experience in the area of social and child protection can be elected for the Director of the public institution referred to in paragraph 1 of this Article.

Term of office of the Director of the public institution shall be four years.

Assignment of the Director

Article 110a

The Director of the public institution who, after the expiration of his term of office, doesn't get re-elected, shall be assigned to a job position at an institution corresponding to his level of education, and if such job position doesn't exist, he shall exercise rights as an employee whose job became declared redundant, in accordance with the law.

Dismissal of the Director of public institution

Article 111

The Director of the public institution may be dismissed before the end of the term, if:

- 1) Resigns;
- 2) Acts contrary to the law;
- 3) Causes damage to the institution with unprofessional and unconscious performance of his duties in a manner that may cause greater disturbances in the work of the public institution;
- 4) Disturbs in any way the exercise of rights and services under the competence of the public institution;
- 5) Fails to protect public interest;
- 6) Other reasons specified by the Law and the Articles of Association of the.

Types of public institutions

Article 112

Public institutions shall be:

- 1) Social Care Centre;
- 2) Institutions for children and youth;
- 3) Institutions for adults and the elderly;
- 4) Institutions for relaxation and recreation.

Social Care Centre

Article 113

The Social Care Centre shall decide on the social and child protection rights in accordance with this Law.

The Centre referred to in paragraph 1 of this Article may be established only by the state, as a public institution in accordance with this Law.

The Centre referred to in paragraph 1 of this Article may be established for the territory of one or more municipalities.

Further requirements of organization, norms, standards and methods of work of the Social Care Centre shall be prescribed by the competent state administration authority.

Public authorities

Article 114

The Social Care Centre shall:

- 1) Conduct assessment of the current situation, needs, strengths and risks of beneficiaries and other persons important for beneficiary; assess eligibility of the guardian, foster and adoptive parents; create and monitor individual services plans;
- 2) Decide in the first instance on the applications for the exercise of social and child protection rights;
- 3) Undertake measures, initiate judicial and other proceedings and take part in them;
- 4) Keep records and take care of keeping records of beneficiaries;
- 5) Perform other duties in accordance with the Law.

Other operations of the Social Care Centres

Article 115

The Social Care Centre shall launch, develop and participate in the implementation of strategies, plans and programmes which contribute to the meeting the needs of the citizens and shall cooperate with state administration bodies, municipalities and other organizations in the area of social and child protection in municipality for which it was established.

Standby and duty call

Article 116

In the Social Care Centre, standby shall be a special form of work out of working hours during which an employee must be continuously available (on standby) in order to, if necessary, perform immediate intervention.

Standby plan shall be passed by the Director of the Social Care Centre.

Other public institutions

Article 117

The public institutions referred to in Article 112 paragraph 1 items 2 and 3 of this Law shall provide support services enabling community living, counselling and therapy and social and educational services and shall provide accommodation services to a child, young, adult and elderly person, as well as other activities in accordance with the Law.

The public institutions which perform operations of accommodation of children, youth, adults and elderly shall transform with the aim of developing support services for independent living, counselling-therapeutic or socio-educational services, in accordance with the plan of transformation adopted by the competent state administration authority.

The public institution referred to in Article 112, paragraph 1, item 4 of this Law shall organize activities for the relaxation and recreation of the child beneficiary of financial support, child living in an institution or in a family accommodation - foster family and child who, due to particular circumstances and social risk, is deemed to be in need of this kind of social protection.

Article 117a

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 1/17).

Health care activity

Article 118

Public institutions may organize, or carry out health care activity in accordance with the Law governing the health care area.

VIII. ANOTHER FORM OF ORGANIZING SERVICE PROVIDERS

Another form of organization

Article 119

Activity in the area of social and child protection, or individual services may also be provided, in accordance with this Law, by an organization, an entrepreneur, a business company and a physical person in accordance with law.

Founder's rights in respect of the appointment of management and governance bodies of another form of organizing shall be exercised in accordance with the regulation governing the establishment of such entity.

Managing with another service provider shall be exercised in the manner set out in the Memorandum of Association in accordance with law.

IX. INSTITUTE FOR SOCIAL AND CHILD PROTECTION

Institute for Social and Child Protection

Article 120

The state administration authority responsible for social and child protection (hereinafter: the Institute for Social and Child Protection) shall perform development, counselling, research and other professional activities in social and child protection in accordance with this Law.

Activity of the Institute for Social and Child Protection

Article 121

The Institute for Social and Child Protection shall perform the following tasks:

- 1) Counselling, research and professional activities in the field of social and child protection;
- 2) Monitors the quality of professional work and provision of services of service providers, in accordance with this Law;
- 3) Provides professional supervisory support for the advancement of professional work and social and child protection services;
- 4) Performs licensing of professional workers and issues operating license in accordance with this Law;
- 5) Performs professional and organizational activities in the procedure of the program accreditation, that is, the accreditation of the program for service provision which provides vocational training to professional workers and professional associates and service providers;
- 6) Passes the Code of Ethics for employees in the field of social and child protection;
- 7) Explores social phenomena and problems, activities and effects of social and child protection, prepares analyses and reports and proposes measures for the improvement in the field of social and child protection;
- 8) Develops the quality system in the social and child protection, coordinates the development of service standards and proposes to the competent state administration authority improvement of the existing and introduction of new standards;
- 9) Participates in the development, implementation, monitoring and evaluation of the effects of implementation of strategies, action plans, laws and other regulations relating to the development of activities of the social and child protection;
- 10) Organizes vocational training for professional workers and professional associates;

- 11) Creates and publishes monographs, journals and collections of papers, professional manuals, guides, bulletins, studies and examples of good practice;
- 12) Informs professional and general public about the implementation of the social and child protection, points out the needs and concerns of beneficiaries, especially beneficiaries from vulnerable social groups;
- 13) Performs other duties in accordance with this Law.

X. PERFORMING ACTIVITIES IN SOCIAL AND CHILD PROTECTION

Employees of the service provider

Article 122

Professional tasks of the service provider shall be carried out by professional workers, professional associates and associates in accordance with this Law.

Professional workers and professional associates

Article 123

Professional worker shall mean a social worker, psychologist, pedagogue, adult-education specialist, special pedagogue, lawyer, sociologist, special education teacher, special educator, rehabilitator and doctor of medicine.

Professional associates shall mean persons of other professions with university education, performing activities with service provider.

Article 123a

Associates shall mean persons with secondary school education level, performing activities with the service provider

Expert tasks

Article 124

Expert tasks with service provider shall be grouped according to the nature of work processes and outcomes of generated while providing services.

The competent state administration authority shall establish expert tasks referred to in paragraph 1 of this Article, as well as more detailed requirements and standards for their execution.

Official ID card

Article 125

Professional workers of the Social Care Centre shall have the status of person in an official capacity and powers they can prove with their official identification card.

The competent state administration authority shall prescribe the content and form of the official identification card referred to in paragraph 1 of this Article.

Interns

Article 126

Interns shall perform an internship with service provider in an institution of the social and child protection.

The internship shall be carried out according to the established programme of service provider, under the direct supervision of the authorised worker (mentor) having at least an equal degree of educational qualification as the intern.

Duration, the way of practicing internship and obligations of service providers towards the intern in the course of the internship shall be regulated by the act of the competent state administration authority.

Professional Examination

Article 127

Upon the completion of internship with service provider, persons referred to in Article 123 paragraph 1 of this Law shall take a professional exam.

The professional examination referred to in paragraph 1 of this Article shall be organized and carried out by the competent state administration authority.

The professional exam shall be taken before a Commission established by the competent state administration authority.

The President, members and secretary of the Commission referred to in paragraph 3 of this Article, shall be entitled to remuneration for their work determined by the competent administration authority in charge of finance affairs.

The competent state administration authority shall prescribe the conditions, programme and manner of taking professional examination, as well as more detailed requirements in reference to the composition and manner of work of the Commission.

Costs of professional examination

Article 127a

A candidate shall bear costs of professional examination.

The competent state administration authority shall determine the amount of costs of examination and the manner payment thereto.

Vocational training of professional workers and professional associates

Article 128

Vocational training, under this Law, shall mean continuous acquisition of knowledge and skills of professional workers and professional associates in the social and child protection.

Professional workers and professional associates in the social and child protection shall have the right and duty, in the course of their professional work, to keep up with the development of science and profession and to improve professional skills in order to maintain and improve professional competence and quality of professional work.

Vocational training plan and programme

Article 129

Service provider must provide vocational training to professional workers and professional associates, in accordance with this Law, according to the vocational training plan and programme.

The Institute for Social and Child Protection shall bring the vocational training plan and programme.

Vocational training costs, under paragraph 1 of this Law, shall be borne by the service provider.

XI. LICENSE

License to do business

Article 130

Prior to performing any activity, the service provider shall be obliged to obtain the license to do business, in accordance with this Law.

The competent state administration authority shall issue the license referred to in paragraph 1 of this Article for a period of six years and shall be renewed in accordance with this Law.

Notwithstanding paragraph 2 of this Article, the Centre for Social Work shall issue the license to do business to the service provider for the provision of services of family accommodation-fostering and family accommodation for the period of two years.

An administrative fee shall be paid for issuing the license to do business, in accordance with a special law.

Conditions for issuing the license to do business

Article 131

License to do business shall be issued to service provider who:

- 1) has been registered with the Register;
- 2) Meets standards for the provision of service for which the license issuance is sought, which refer to: location and premises, equipment, number and type of professional personnel provision of services programme.

Limited license to do business

Article 132

Notwithstanding Article 130 of this Law, service provider may be granted limited license to do business restricting duration, number of beneficiaries and the types of service provided.

The license referred to in paragraph 1 of this Article shall be issued for a period of three years and may be reissued at maximum twice.

The right to limited license to do business can be exercised by the service provider if he fails to meet the standards in terms of location and space and if there is a need for the service which cannot be provided by another service provider.

Renewal of the license to do business

Article 133

The License to do business shall be renewed at the request of the service provider, in the manner and following the procedure prescribed for its issuance.

The renewal procedure for the license referred to in paragraph 1 of this Article shall be initiated at latest within six months prior to the expiration of the license validity period.

Suspension of the license to do business

Article 134

If the competent state administration authority determines, during the validity period of the license to do business, that the service provider fails to meet the prescribed requirements, it shall initiate the procedure for suspending the license to do business.

The decision on license suspension referred to in paragraph 1 of this Article shall identify deficiencies in terms of the requirements of Article 131 of this Law, and set out a deadline for remedying them.

Service provider to whom the license to do business was suspended may continue with the provision of services until the expiration of the deadline for the remedying identified deficiencies.

Revocation of the license to do business

Article 135

The competent state administration authority shall revoke the license to do business of the service provider who failed to remedy deficiencies referred to in Article 134 paragraph 2 of this Law.

The competent state administration authority shall prescribe more detailed requirements for the issuance, renewal, suspension and revocation of the license, as well as the form of the license to do business.

License issuance, renewal, suspension and revocation

Article 135a

The competent state administration authority for deciding in first instance shall decide on the application for the issuance, renewal, suspension and revocation of the license referred to in Article 130, paragraph 2 of this Law.

An administrative dispute may be initiated against the decision referred to in paragraph 1 of this Article.

The Centre for Social Work shall decide in the first instance on the application for the issuance, renewal, suspension and revocation of the license referred to in Article 130 paragraph 3 of this Law.

The competent state administration authority shall decide on the appeal against the decision referred to in paragraph 3 of this Article.

Professional worker's licence

Article 136

Professional workers employed with service provider must have the licence.

The licence referred to in paragraph 1 of this Article shall be issued for a period of six years and it shall be renewed in accordance with this Law.

The regulations governing health care shall apply to the issuance, renewal and revocation of the license of a doctor of medicine.

Requirement for the issuance of licence

Article 137

The licence shall be issued to a professional who:

- 1) has appropriate level of education and who passed professional exam in accordance with this Law;
- 2) holds a certificate attesting successful completion of accredited training programme.

Renewal of the license

Article 138

The licence renewal procedure shall be initiated at the request of a professional worker, submitted at latest within three months prior to the expiration of the license validity period.

If the Institute for Social and Child Protection fails to renew the licence, professional worker shall lose his right to perform the designated tasks of the license.

Revocation of licence prior to the expiration of its validity

Article 139

The license of the professional worker shall be revoked prior to the expiration of its validity period, if:

- 1) he fails to perform activities in accordance with the prescribed norms and standards;

- 2) the employment contract is terminated due to the violation of work obligation or work discipline.

The competent state administration authority shall prescribe more detailed requirements for the issuance, renewal and revocation of a professional worker's licence, as well as the form of the licence.

License
Article 139a

The Institute for Social and Child Protection shall decide on the application for the issuance, renewal, suspension and revocation of the license in first instance

The competent state administration authority shall decide on the appeal against the decision referred to in paragraph 1 of this Article.

XII. PROGRAMME ACCREDITATION

Accreditation
Article 140

Accreditation of the training programmes, or service provision programmes (hereinafter referred to as: the Accreditation) shall mean a procedure for assessing if a training programme or a programme of service provision (hereinafter referred to as: the Training Programme) meets the established accreditation standards.

The training programme referred to in paragraph 1 of this Article shall be designed for professional workers and professional associates of the service providers.

Accreditation procedure
Article 141

The accreditation procedure of the training programme shall be conducted by publishing a public call for accreditation.

The Institute for Social and Child Protection shall adopt the decision on publishing a public call for accreditation of the training programmes.

Public call referred to in paragraph 2 of this Article shall be published on the website of the Institute for Social and Child Protection.

Standards for the accreditation of training programmes, as well as the manner of conducting accreditation procedure shall be regulated in more details by an act of the competent state administration authority.

The Institute for Social and Child Protection shall bring the decision on accreditation of the training programme.

The competent state administration authority shall be authorised to decide against the decision referred to in paragraph 5 of this Article.

Right to apply for the accreditation of the training programme
Article 142

Author of the programme shall be entitled to apply training programme for accreditation, and in case of co-authorship programme, the right to apply for accreditation shall have all co-authors.

Implementation of the procedure of programme accreditation
Article 143

Application for accreditation of training programmes shall be submitted to the Institute for Social and Child Protection.

The Institute for Social and Child Protection shall form the Programme Accreditation Commission. The Commission referred to in paragraph 2 of this Article shall conduct technical evaluation of training programmes and devise a list of programmes which meet accreditation standards and perform other duties in accordance with the act on its establishment.

The President and members of the Commission referred to in paragraph 2 of this Article shall be entitled to remuneration for their work determined by the Director of the Institute for Social And Child Protection supported by the approval of the competent administration authority in charge of finance affairs.

Duration and renewal of accreditation

Article 144

The training programme shall be accredited for a period of five years.

The procedure for renewal of accredited training programme shall be initiated at the request of the author or co-author of the accredited training programme at least six months prior the expiration of the training programme validity period.

Rights and duties of the author of the accredited training programme

Article 145

The author of the accredited training programme shall have the right and duty to:

- 1) immediately implement training programme in the manner specified by the programme or to entrust implementation of the accredited programme to another person;
- 2) deliver a list of persons who have successfully completed training to the Institute for Social and Child Protection;
- 3) properly keep records on the implementation of accredited training programmes, including information about the time and place of implementation, individuals who have completed the training, etc.;
- 4) make the act on accreditation of training programmes available to any interested person;
- 5) inform potential users and the public about accreditation of training programmes;
- 6) enable control of the quality of implementation of the accredited training programme;
- 7) after the expiration of accreditation of training programmes, i.e. after their deletion from the Registry of Accredited Training Programmes, cancel implementation of the programme, and if the implementation was in progress at the time of expiration of accreditation, complete implementation of the training programme.

Revocation of accreditation

Article 146

When the Institute for Social and Child Protection determines that the need for training programmes has ceased to exist or that implementation of the programme significantly derogates from the contents and plan of its implementation, the Institute shall pass a decision on revocation of accreditation.

Certificate

Article 147

Professional workers and professional associates who have successfully completed training within a period of time prescribed by the accredited training programme shall receive a certificate.

The Institute for Social and Child Protection shall issue certificate on the basis of data submitted by the author of the accredited training programme.

The competent state administration authority shall prescribe the content and form of the certificate.

XIII. RECORDS AND REGISTERS

Data collections

Article 148

Data collections shall be maintained for the purpose of carrying out activities of social and child protection, planning, monitoring, as well as for scientific, research and statistical purposes in the field of social and child protection.

Data collections referred to in paragraph 1 of this Article shall contain the following information:

- 1) data on the rights to social and child protection;
- 2) service providers;
- 3) beneficiaries;
- 4) financing of the activities of social and child protection;
- 5) other information in accordance with law.

The competent state administration authority shall manage, maintain, use, provide security conditions and supervise databases and the overall information system of the social and child protection, and provide IT support to the system of the social and child protection.

The competent state administration authority shall issue authorisation and shall determine the scope of authorisation for the access to database and for the entry of new and the use of the existing data.

Data in the system of social and child protection shall be kept in accordance with the law governing protection of personal data.

Further requirements on the contents of database, storage, access, records and documentation shall be prescribed by the competent state administration authority.

Data takeover from other authorities

Article 149

For the purpose of exercising rights under this Law, data shall be taken over from electronic and other data collections of the authorities and organisations in charge of data processing.

The competent state administration authority shall prescribe more detailed requirements on data takeover from other data collections.

Confidential information on beneficiaries

Article 150

Any information about personal and family circumstances of a beneficiary, that service providers keep about the beneficiary, shall be confidential.

Confidential information about the beneficiary may be used by the service provider only for the purpose of service provision.

The beneficiary shall have the right to protect confidentiality of all personal data from the documents processed for the purpose of service provision, reporting on the work of the institution or other service providers, including those concerning his personality, behaviour and family circumstances, and manners of using social and child protection services.

Confidential information shall also include:

- 1) the fact that the beneficiary exercises the right or service;
- 2) the type of right or service provided to the individual beneficiary;
- 3) name, address and other personal identification data about beneficiary;

- 4) data contained in the beneficiary's application;
- 5) personal information provided by the beneficiary;
- 6) information on beneficiary provided by other persons;
- 7) data about the beneficiary obtained during the provision of service;
- 8) assessments, findings, professional attitude or opinions of service providers about the beneficiary;
- 9) data contained in the reports of health care facilities for the beneficiary;
- 10) information about the beneficiary, such as: beneficiary's photos, drawings made by the beneficiary during the process of service provision, single-handedly written statements or comments and remarks of the beneficiary, written record of service provider or beneficiary, audio and video recordings made in connection with the use of service, etc.;
- 11) content of correspondence with other institutions or organisations, if that correspondence contains information about the beneficiary or other persons connected with him.

Records

Article 151

The competent state administration authority shall keep records of institutions and other service providers for the purpose of monitoring the situation and database creation.

Institutions and other service providers must keep records of the beneficiaries of social and child protection rights.

The competent state administration authority shall prescribe more detailed requirements on the nature, contents and manner of keeping records referred to in paragraphs 1 and 2 of this Article shall be prescribed by

Licence registries

Article 152

License to do business shall be registered with the Register of Licensed Service Providers, which shall be kept by the competent state administration authority.

Licence shall be registered with the Register of Licensed Professional Workers, which shall be kept by the Institute for Social and Child Protection.

The competent state administration authority shall prescribe the manner of keeping and contents of the Registers referred to in paragraphs 1 and 2 of this Article.

Keeping records of training programmes

Article 153

The Institute for Social and Child Protection shall keep the records of applications for accreditation, accredited training programmes, and implemented training programmes.

The competent state administration authority shall prescribe the manner of keeping and contents of the records referred to in paragraph 1 of this Article.

XIV. SOCIAL AND CHILD PROTECTION FINANCING

Financing

Article 154

Funding for the basic financial support and services of the social and child protection shall be provided from the state budget in accordance with this Law.

Funding for the performance of social and child protection activities shall be provided from the state budget and municipal budget, as well as from the activities carried out by service providers in accordance with this Law.

Funding for the social and child protection services shall be provided through participation of beneficiaries, or their relatives who are required to support them, donations, gifts, endowments, legacies, through the establishment of pious endowments and foundations, etc., in accordance with a special law.

Funds for financial support in the social and child protection stipulated in this Law can be provided from the municipal budget, as well as for social and child protection services such as: help at home, day care, people's kitchen, relaxation and recreation of children, housing with support, accommodation in a reception unit -a shelter, housing for socially vulnerable persons, in accordance with the law, and other services in accordance with its financial capacity.

If municipalities cannot provide funds for services referred to in paragraph 4 this Article, the state shall take part in their funding in accordance with Article 156 of this Law.

Construction, maintenance and equipping of the social and child protection institutions

Article 155

Within the funds for the activities carried out by a public institution for social and child protection financed from the state budget, funds for their construction, maintenance and equipping shall be provided in the state budget.

Within the funds for the activities carried out by a public institution for social and child protection financed from the budget of municipality, funds for their construction, maintenance and equipping shall be provided in the budget of municipality.

Criteria for the allocation of funds referred to in paragraph 1 of this Article shall be prescribed by the competent state administration authority, whereas criteria for the allocation of funds referred to in paragraph 2 of this Article shall be prescribed by the competent municipal authority.

Development of social and child protection

Article 156

For the purpose of developing and financing the social and child protection services, funds shall be provided from the state budget, municipal budgets, donations, games of chance and other sources in accordance with the law.

Funds referred to in paragraph 1 of this Article shall be used to finance:

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

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

Criteria and standards for determining prices of social and child protection services

Article 157

Criteria and standards for determining the price of a social and child protection service provided by the state shall be prescribed by the competent state administration authority.

Criteria and standards for determining the price of a social and child protection service funded from the municipal budget shall be prescribed by the competent municipal authority.

Provisions of paragraphs 1 and 2 of this Article shall apply to public institutions, institutions and other forms of organisation, provided that the social and child protection services are financed from the state budget or the budget of municipality.

Institutions and other forms of organisation must independently determine criteria and set the price when providing social and child protection services through direct contracting.

In accordance with the prescribed criteria and standards, price of services referred to in paragraph 1 of this Article shall be determined by the competent state administration authority, whereas price of services referred to in paragraph 2 of this Article shall be determined by the competent municipal authority.

Participation of beneficiary in the costs of services

Article 158

Beneficiary, parent or relative who is required to support beneficiary and another legal entity or physical person who has taken over payment shall take part in the payment of service with all his earnings, income and assets, except for the income earned on the basis of financial support, child allowance, nonrecurring financial support, income based on awards and severance pay for retirement.

Criteria and standards for the participation of beneficiaries, parents or relatives in the payment of costs referred to in paragraph 1 of this Article provided by the state shall be prescribed by the competent state administration authority.

Criteria and standards for the participation of beneficiaries, parents or relatives in the payment of costs referred to in paragraph 1 of this Article provided by municipality shall be prescribed by the competent municipal authority.

Funds for beneficiary's personal needs

Article 159

Beneficiary of accommodation in a public institution for social and child protection shall receive funds for personal needs in the amount determined by the competent state administration authority.

Provision of cost of services from the state or municipal budget

Article 160

Persons referred to in Article 158 paragraph 1 of this Law who are not able to participate in the payment of the cost of services, shall receive funds from the state or municipal budget.

Service payment contract

Article 161

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 42/17).

XV. SUPERVISION

Supervision over the implementation of this Law

Article 162

The competent state administration authority shall carry out the supervision over the implementation of this Law shall be conducted by

Supervision over the professional work

Article 163

Supervision of a service provider's professional work shall be performed by the competent state administration authority, in accordance with this Law.

The supervision of the service provider's professional work shall serve to determine whether the requirements concerning the application of the prescribed technical procedures and the use of professional knowledge and skills during the reception, assessment, planning, review of the effects of implemented activities and the completion of work with beneficiaries have been met, based on the review of documents and insight into the process of provision of services and their effects.

Upon the completion of supervision of the service provider's professional work, a report shall be made.

The competent state administration authority shall prescribe more detailed requirements and the manner of conducting supervision over the professional work of the service provider.

Inspection Supervision

Article 164

Inspection supervision over the implementation of this Law shall be conducted by the competent administration authority responsible for the inspection supervision affairs.

Rights, duties and authorisations of inspectors for social and child protection

Article 165

Inspector for social and child protection (hereinafter: the Inspector) shall be independent in his work within the powers determined by the law and regulations adopted for the purpose of implementing the law and shall be personally liable for his work.

The inspector shall act conscientiously and impartially while performing his duties of inspection control, keep official confidential information obtained in the course of the control, especially data from the beneficiary's documentation.

In exercising the control, the inspector shall be authorised to determine legality of work and fulfilment of standards and in accordance with this Law shall:

- 1) review general and individual legal acts of the public institution for social and child protection and another service provider;
- 2) examine documentation of the public institution for social and child protection and another service provider on the basis of which they exercise rights and services of the social and child protection;
- 3) make direct insight into the exercise of rights and services, warn about detected irregularities and determine measures and deadlines for their elimination, not less than 15 days nor more than six months, and in case of emergency order the elimination of the established irregularities and defects immediately;
- 4) require reports and data on the work of the public institution for social and child protection and another service provider;
- 5) check fulfilment of the requirements for conducting the activities of the social and child protection in accordance with this Law;
- 6) hear and take statements from the person responsible, i.e. professional worker and professional associate, as well as from other employees, beneficiaries and other persons;
- 7) initiate proceedings for the establishment of liability;
- 8) make direct insight into the implementation of orders pronounced during the inspection control in accordance with this Law;
- 9) consider complaints of legal and natural persons which refer to work and provision of the social and child protection services;
- 10) perform other activities in accordance with the law.

Orders and measures of inspectors for social and child protection

Article 166

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

- 1) impose temporary prohibition on performing activities, or carrying out of certain activities of the service providers of social and child protection, if these activities are carried out contrary to the provisions of this Law, at maximum of six months;
- 2) impose temporary prohibition on performing social and child protection activities or certain social and child protection related affairs on the employee carrying out social and child protection activity contrary to this Law and regulations adopted for its implementation for a period of at least 30 days and at maximum of six months as of the day of receiving the document imposing such measure;
- 3) prohibit independent work to the professional worker who has not received or has not renewed the licence for independent work or whose licence for independent work has been revoked;
- 4) suggest revocation of the licence from the professional worker for the reasons prescribed by this Law.

XVI. PENALTY PROVISIONS

Offences related to the activity

Article 167

A monetary fine ranging from EUR 500.00 to EUR 5,000.00 shall be imposed on the legal entity for an offense, if:

- 1) fails to develop the individual activation plan in cooperation with the EAM and the work capable beneficiary of financial support (Article 27 paragraph 2);
- 2) fails to submit to the EAM the notice on recognized right to financial support for an unemployed working capable beneficiary, within eight days from the day of issuing the decision on the recognition of rights (Article 28 paragraph 2);
- 3) fails to review the child's accommodation in the institution at minimum once in six months (Article 70 paragraph 3);
- 3a) fails to provide findings and opinion establishing facts that that the official records have not been kept and it shall serve as an evidence in the process of exercising the rights referred to in Article 78 paragraph 1 of this Law (Article 78 paragraph 2);
- 3b) fails to develop the individual plan referred to in Article 79 paragraph 1 of this Law in cooperation with the beneficiary, members of his family and other persons important for the beneficiary (Article 79 paragraph 2);
- 4) fails to adopt and deliver a decision on the application for exercising social and child protection rights within maximum 15 days, and if necessary, to carry out a special inquiry procedure, within 30 days from the date of receipt of properly served application, or the initiation of the procedure ex officio (Article 82 paragraph 2);
- 5) fails to issue the decision in writing within three days from the date of providing oral decision (Article 83 paragraph 2);
- 6) fails to conclude the service contract, if he fully participates in covering the costs of the service with the beneficiary, or his legal representative, adopted parent, guardian and foster parent (Article 85 paragraph 1);

- 7) fails to invite the beneficiary through a written request to refund the amount of financial support that he gained without any grounds within 15 days from the date of the receipt of the notification (Article 87 paragraph 2);
- 8) fails to indicate the title, registered seat and the address (Article 88 paragraph 2);
- 9) fails to perform the core activity for which it was founded, fails to use the funds within its designated purpose, and fails to submit the business report, financial operations report for the previous year and work programme for the current year by the end of March of the current year, to the competent state administration body (Article 101);
- 10) fails to provide vocational training to the professional workers and professional associates in accordance with the law and according to the vocational training plan and programme (Article 129 paragraph 1);
- 11) commences performing social and child care activities prior to obtaining a license to do business (Article 130 paragraph 1);
- 12) fails to keep records of beneficiaries of the social and child protection rights (Article 151 paragraph 2);
- 13) fails to determine the criteria and fails to set the price when providing social and child protection services through direct contracting (Article 157 paragraph 4).

A monetary fine ranging from EUR 250.00 to EUR 1,000.00 shall be also imposed on a responsible person in the legal entity for an offense referred to in paragraph 1 of this Article.

A monetary fine ranging from EUR 500.00 to EUR 2,000.00 shall be also imposed on an entrepreneur for an offense referred to in paragraph 1 items 6,8,10,12 and 13 of this Article.

Offenses of Beneficiaries

Article 168

A monetary fine in the amount of EUR 250.00 shall be imposed on the beneficiary if he provides false information on the income and assets, as well as on other circumstances contingent upon the recognition of the social and child protection rights including during their use (Article 86).

XVII. TRANSITIONAL AND FINAL PROVISIONS

Subordinate Legislation

Article 169

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

Notwithstanding paragraph 1 of this Article, regulations referred to in 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 regulations referred to in paragraph 1 of this Article, the current regulations shall apply, unless they are contrary to this Law.

Subordinate Legislation

Article 169a

Regulations referred to in Article 163 paragraph 4 of this Law, shall be adopted within six months from the date of entry into force of this Law.

Regulation referred to in Article 39a of this Law, shall be adopted within three months from the date of entry into force of this Law.

Regulations adopted prior to the entry into force of this Law, shall be aligned with this Law within six months from the date of entry into force of this Law.

Alignment of work and operations of the social and child protection institutions

Article 170

Service provider must align its activities and operations with this Law within one year from the date of the adoption of regulations referred to in Article 60 paragraph 2 of this Law.

Service provider referred to in paragraph 1 of this Article must submit the application for the obtaining the licence in accordance with this Law, at latest within one year from the data of the adoption of the regulations referred to in Article 135 paragraph 2 of this Law.

Article 170a

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 42/17).

Commencement of work of the Institute for Social and Child Protection

Article 171

The Institute for Social and Child Protection shall commence its operation within one year from the date of the entry into force of this Law.

Professional exam

Article 172

Professional workers must pass the professional exam within one year from the date of the entry into force of this Law.

Article 172a

Professional workers who have failed in passing the professional exam within the deadline referred to in Article 172 of this Law, must pass the professional exam by 30 June 2018.

Application for issuing of the license

Article 173

Professional workers who perform professional tasks shall submit the application for the issuance of licence not later than one year as of the day of the commencement of work of the Institute for Social and Child Protection.

Election of Managing Board and Director

Article 174

Election of the Managing Board and Director of the public institution in accordance with this Law shall be completed within six from the date of the entry into force of this Law.

Until the election of the bodies referred to in paragraph 1 of this Article, the existing bodies of the institution shall continue to carry out the task.

Initiated procedure for recognition of rights

Article 175

The procedure for exercising the social and child protection rights, initiated prior the entry into force of this Law, shall be completed in accordance with this Law.

Initiated procedure for recognition of rights

Article 175a

The procedure for exercising the social and child protection rights, initiated prior the entry into force of this Law, shall be completed in accordance with this Law.

Continuation in the exercise of rights

Article 175b

Persons who have exercised the right to a personal disability allowance and care and assistance allowance under the regulations in force until the date of entry into force of this Law shall continue to exercise their right to a personal disability allowance in accordance with this Law.

Persons who have exercised the right to compensation to the parent or guardian - carer of the person who is the beneficiary of a personal disability allowance, pursuant to the regulations in force until the date of entry into force of this Law, shall continue to use this right in accordance with this Law.

Persons who have exercised the right to a personal disability allowance under the regulations in force until the date of entry into force of this Law, and who are not beneficiaries of the right to care and assistance allowance in accordance with this Law, shall continue to exercise that right.

Persons who have exercised the right to compensation to the parent or guardian - carer of the person who is the beneficiary of a personal disability benefit, pursuant to the regulations in force until the date of entry into force of this Law, shall continue to exercise that right.

The amount of material benefit referred to in paragraph 3 and 4 of this Article shall be harmonized in accordance with Article 38 of this Law.

Application

Article 175c

The provision of Article 5 paragraph 3 of this Law shall apply from 1 January 2018.

Continuity in exercising the rights

Article 176

The beneficiaries of the social and child protection rights who have exercised their right under the regulations in force until the date of entry into force of this Law, and fulfil the requirements prescribed by this Law, shall continue to use that right.

Article 176a

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 42/17).

Article 176b

Deleted (Law on Amendments to the Law on Social and Child Protection, "Official Gazette of MNE", No. 42/17).

Termination of validity

Article 177

On the day this Law enters into force, the Law on Social and Child Protection (Official Gazette of the Republic of Montenegro 78/05) and Article 121 of the Law on Amendments to the Law prescribing misdemeanour monetary fines ("Official Gazette of Montenegro", No. 40/11) shall cease to be valid.

Entry into force

Article 178

This Law shall enter into force on the eighth day following its publication in the Official Gazette of Montenegro.