

# The Law on Social Care

## I. GENERAL PROVISIONS

### Article 1

This Law shall regulate methods of performance and financing of the activities of social care, beneficiaries, the rights of beneficiaries of social care, the procedure for the exercise of these rights and other issues important for the performance of the activities of social care.

### Article 2

(1) Certain expressions used in this Law shall have the following meaning:

1. A single person is a person who does not have a family and who lives without the members of his Or her family.

2. A family consists of spouses, children and other kin who are living together.

3. A single-parent is a parent who is not married, who is not living in a common-law marriage, and who is taking care of his or her children alone.

4. Foster care is a form of care outside of one's family by the virtue of which accommodation, food, care, upbringing, health-care and education is being provided to a beneficiary, as will as the fulfillment of his or her other needs.

5. A beneficiary is a person who IS eligible for the rights from social care.

(2) Provisions of this Law referring to marriage shall also apply to a common-law marriage.

### Article 3

(1) Social care is the activity of special interest for the Republic of Croatia which provides and grants assistance regarding the basic means of life for the indigent, infirm and other persons who are unable to fulfill these needs neither on their own nor with the assistance of ,their family members, because of adverse personal, economic, social and other circumstances.

(2) In order to prevent, ease and remove the causes and the state of being indigent, social care provides support to families, especially to children and other persons who are not able to take care of themselves.

(3) Pre-school, school and medical institutions, police, judicial and other state bodies, legal persons and individuals that are, subject to specific laws, designated to care about family, children and other persons who are not able to care for themselves, shall have the obligation to cooperate with social care institutions for the purpose of the protection of interests of these persons.

#### Article 4

(1) Everyone shall have the obligation to support himself or herself and the persons he or she is obliged to support under the law or on some other legal basis.

(2) Everyone shall have the obligation to contribute by his or her work, income and property to the prevention, removal or mitigation of his or her indigent status, as well as the indigent status of his or her family members, especially children and other family members who are not able to take care of themselves.

#### Article 5

(1) The ministry responsible for social care shall organize, coordinate and supervise the activities of social care.

(2) The resources for the performance of the activities of social care and the realization of social care rights specified in this Law shall be provided by the Republic of Croatia, municipalities, towns, and the City of Zagreb.

#### Article 6

The activities of social care for the performance of which the resources are provided by the Republic of Croatia shall be performed by social care centers and by other institutions established by the Republic of Croatia and may be performed by municipalities, towns and by the City of Zagreb, subject to the requirements and in the way specified in this Law.

#### Article 7

(1) Municipalities, towns and the City of Zagreb shall have the obligation to provide funds from their budgets for the needs of social care in the amount not

less than 5% of their income. These funds shall be primarily used for the provision of housing assistance payments specified in Article 34 of this Law.

(2) Municipalities, towns and the City of Zagreb may, in addition to the assistance specified in Paragraph 1 of this Article, provide allowanceary resources for the fulfillment of the rights specified in this Law, as well as the resources for the provision of other types of assistance.

(3) Municipalities, towns and the City of Zagreb shall establish the types of the assistance mentioned in Paragraph 2 of this Article and shall prescribe the conditions and methods for their provision.

## Article 8

Municipalities, towns and the City of Zagreb shall encourage neighborly assistance, voluntary work and other forms of charity.

## Article 9

(1) Religious communities, corporations, associations and other national and foreign legal entities and individuals may provide funds for financial and other assistance to the persons for whom they believe that are in need of such-assistance, and they may perform the activities of social care pursuant in this Law.

(2) Endowments and foundations can be established for the purpose specified in Paragraph 1 of this Article.

## II. BENEFICIARIES OF SOCIAL CARE

### Article 10

(1) A beneficiary of social care shall be a single person or a family who does not have enough money for the basic means of life, and is not able to earn it by work or by raising income from property or from other sources.

(2) The following persons shall also be beneficiaries of social care: 1. physically or mentally disabled or mentally ill children and children who should be subject to a measure of a family-law or criminal law protection,

2. physically or mentally disabled or ill adults, elderly, infirm and other persons who, due to a permanent change of their health, are not able to provide for their basic means of life,

3. other persons who are in need due to disturbed relations-in-their families, alcohol addiction, drug addiction, addiction to other narcotic substances, other forms of socially unacceptable; behavior or other reasons..

(3) Beneficiary of social care form Paragraph 2 of this Article can be a single person, a family member, or an entire family.

## Article 11

(1) Social care rights set forth in this Law shall be provided to Croatian citizens and to stateless persons with a permanent residence in the Republic of Croatia.

(2) Foreign nationals with a permanent residence in the Republic of Croatia shall be eligible social care rights applicable to them pursuant to this Law, and pursuant to international treaties.

(3) Persons not covered by Paragraphs 1 and 2 of this Article may exercise social care rights on temporary basis subject to the requirements set forth in this Law;. if the circumstances in which such person lives so require.

(4) Social care rights may not be transferred to another person and may not be inherited.

## THE RIGHTS IN THE SYSTEM OF SOCIAL CARE

### Article 12

Subject to this Law and ..subject to the legislation enacted in pursuance thereof, a single person and a family shall have the right to: counseling, assistance in overcoming specific difficulties, maintenance assistance, housing assistance, one-time assistance, allowance for assistance and care, in-home assistance and care, personal disability, benefit, training for independent life and work, care:-outside of oneds family, and to other forms of assistance.

#### *1. Counseling*

### Article 13

(1) Counseling is a systematic and programmed assistance aimed at a more successful overcoming of hardship and difficulties, a creation of the conditions for the preservation and development of personal abilities, and a responsible attitude of an individual .towards himself or herself and towards his or her family and society.

(2) Counseling shall be provided free of charge.

#### *2. Assistance in overcoming specific difficulties*

## Article 14

(1) Assistance in overcoming specific difficulties shall be granted to a single person or to a family for the purpose of overcoming hardship and difficulties related to illness, old age; death of a family member, problems related to upbringing of children, disability, inclusion in everyday life after a longer confinement in a correctional institution or after a longer medical treatment, as well as in the case of other adverse circumstances or crises.

(2) Assistance specified in Paragraph 1 of this Article relates to the housekeeping, use of money, organization of education for children, provision of clothes, food stamps, clubs, search of a job, finding solution to housing problems, accommodation in pre-school institutions, etc.

(3) Assistance specified in Paragraph 1 of this Article includes legal and other assistance related to entering into or rescission of an agreement on lifelong maintenance and other legal obligations that are aimed at the provision for the basic means of life of an individual or a family.

(4) As a rule, the assistance in overcoming specific difficulties shall be provided in beneficiary's home.

(5) In order to overcome communication difficulties, deaf persons shall be entitled to an interpreter when entering in legal obligations, and in proceedings before state authorities.

(6) The assistance for overcoming specific difficulties shall be free of charge for beneficiaries.

### ***3. Maintenance assistance***

## Article 15

(1) A single person or by a family who does not have means for maintenance in the amount specified in Article 16 of this Law, and who is not able to earn such means through work, income from their property, or in any other way shall be eligible for a maintenance assistance.

(2) Maintenance assistance shall be granted either in money or in kind.

## Article 16

(1) The base for the calculation of the amount of the maintenance assistance shall be determined by the Government of the Republic of Croatia.

(2) The amount of the maintenance assistance shall be determined in percentage of the base from Paragraph 1 of this Article and shall amount to:

1. for a single person - 100% of the base, 2.  
for a family:

- for an adult - 80% of the base,

- for a child under 7 - 80% of the base,
- for a child between 7 and 15 - 90% of the base
- for a child between 15 .and 18 - 100% of the base.

(3) The amounts determined .-pursuant to--Paragraph 2.-of this Article shall be increased if a beneficiary is:

- an adult totally incapable to work who lives i                      mily - by 50% of the base,
- an adult totally incapable to work who lives 'in a family - by 30% of the base,
- a pregnant woman after 12 weeks of pregnancy and a mother, up to 2 months after a childbirth - by 50% of the base,
- a child living with a single parent -.by 25% of the base.

#### Article 17

A social care center may designate an adult to represent a family for the purpose of the exercise of the rights specified in this Law.

#### Article 18

The amount of the maintenance assistance shall be calculated as a difference between the amount of the funds for the maintenance set pursuant to Article 16 of this Law, and the amount of an average monthly income of a single person or of a family, received during the three months preceding the month in which the application for a maintenance assistance was filed, or in which the procedure was instituted ex officio.

#### Article 19

<sup>1.1</sup> If, at the time of the enactment of a -first instance- decision granting the a maintenance assistance, a single person or a family receives -monthly income 10% higher or lower then the amount set pursuant to Article 18 of this Law, the amount of the assistance shall be calculated on the basis of this income.

#### Article 20

(1) All financial and substantive means acquired by a single person or by a family on the -basis of work, pension, property income, -or in -any other way shall be deemed income for the purpose of Articles 19 and 20 of this Law.

(2) A housing assistance, financial benefit for physical disability, assistance and care allowance, prosthetic allowance and personal disability benefit shall not be deemed income for the purpose of Paragraph 1 of this Article. The amount of income shall be decreased by the amount which a family member is due to pay for the maintenance of a person who is not a family member, subject to the regulations on family affairs.

## Article 21

Single persons and family members shall not be entitled to a maintenance assistance in the following instances:

- if they can provide for themselves;
- if they do not want to claim maintenance from a person who has an obligation to support them pursuant to the regulations on family, affairs, save in a case where a social care center finds out that the person legally obliged to provide for maintenance is not able to provide for it,
- if they do not want to enforce the right to maintenance subject to a valid agreement on lifelong maintenance, and if they have not instituted a procedure for the rescission of such a contract,
- if they can provide for the maintenance on some other grounds.

## Article 22

(1) An individual shall be deemed to be able to maintain himself or herself within the meaning of Article 21 of this Law if he or she can obtain income by selling property or leasing or renting property that is not used by him or her or by his or her family members for the provision of the basic means of life.

(2) Exceptionally from Paragraph 1 of this Article, a property owned by a child can be exempted from encumbering or alienation subject to a decision of a social care center.

## Article 23

An individual shall be deemed to be able to maintain himself or herself within the meaning of Article 21 of this Law if he or she is regularly registered with an employment agency and if he or she refused employment that had been offered to him or her, regardless of his or her qualifications, or if he or

she can provide for the basic means of life by temporary, seasonal, occasional and similar work, or if he or she can acquire other income.

#### Article 24

Provisions of Article 23 of this Law shall not be applicable to: -  
persons totally incapable to work;

10

- children from 15 to 18 years of age, or until the end of their regular education,
- a pregnant women after the 12th week of pregnancy, a mother during 2 months following childbirth, a parent who cares for and brings up a child up to the age of one, twins up to the age of three, or three or more children up to age of ten, or severely physically or mentally injured or mentally ill child that is under parental care.

#### Article 25

For the purpose of this Law the following persons shall be deemed totally incapable to work:

- a person older then 65,
- a child between the age of 15 and 18, or until the end of regular education,
- a person whose disability to work was established pursuant to general regulations; save where otherwise provided in this Law.

#### Article 26

A single person or a family which--acquired means by selling property or which donated property shall not be entitled to a maintenance assistance during the period in which the amount of the assistance corresponds to the base for the payment of real estate sales tax.

#### Article 27

(1) The maintenance assistance from Article 15 of this Law can be granted in a form of a loan.

(2) Maintenance assistance in a form of a loan can be granted to a single person or to a family which owns real estate and other property or rights that

can not be momentarily sold, or that can not serve as a source of income or other benefit, or to a single person or a family which is not able to claim a debt,. or which was left without regular income due to extraordinary circumstances.

(3) The requirements for and the methods of the exercise of the right specified in Paragraph 1 of this Article shall be regulated by the Minister having jurisdiction for social care affairs.

10

## Article 28

A maintenance assistance can be granted in full or in part, as assistance in kind, whenever social care center finds out that such form of assistance is more beneficial for the beneficiary or when financial assistance is not used, or when it is highly probable that it will not be used for the provision of the basic means of life.

## Article 29

The maintenance assistance shall be paid in monthly installments, and the beneficiary shall have the right to the assistance from the day when the application was filed, or from the day when the procedure was instituted ex officio.

## Article 30

The beneficiary who is receiving a maintenance assistance shall have the obligation to provide accurate information regarding his or her regular and other income, real estate and other property, and he or she must enable social care center to have access to information regarding his or her income and economic situation.

## Article 31

(1) A single person or an adult representing a family which is receiving a maintenance assistance shall have the obligation to report to the social care center about any change that affects the eligibility for or the amount of maintenance assistance within eight days and a beneficiary of maintenance assistance who has income shall have obligation to furnish evidence regarding the amount of such income on a monthly basis.

(2) A social care center shall enact a new decision on the basis of an application of a beneficiary for a maintenance assistance, or on the basis of information collected ex officio, if it is necessary due to a

change of circumstances on which the eligibility for and the amount of the maintenance assistance depend.

(3) If the new base mentioned in Article 16 of this Law is determined, the beneficiary shall be informed about the change of the amount of the assistance by a receipt, and if he or she so requires, by a service of the decision.

#### Article 32

A maintenance assistance shall not be paid to a single person or to a family member who is in military service, who is serving a prison sentence longer than 30 days, who is undergoing medical treatment for a period longer than 2 months, to a person accommodated in a foster family or in a social care home, or to a person who is granted free accommodation, meals, clothes and shoes within the framework of his or her education.

#### Article 33

The social care center shall enact a decision terminating the right to a maintenance assistance to a single person or to a family if, on the basis of the supervision of financial and other social circumstances, it assesses that these circumstances are significantly better than those which can be ensured by the means specified in Article 16 of this Law.

### **4. Housing assistance**

#### Article 34

Within the meaning of this Law, "housing expenses" shall mean total expenses specified in a lease agreement for the apartment in which a single person or a family lives, namely the rent, utilities and maintenance, with an exception of a protected rent granted to a tenant subject to special regulations.

#### Article 35

A housing assistance may be granted to a single person or to a family if their respective monthly income during the last three months preceding the month in which the application was filed, or in which the procedure was instituted ex officio, does not exceed the amount of maintenance funds determined pursuant to Article -16, Paragraph 2 and 3 of this Law.

#### Article 36

(1) A housing assistance may be granted to a single person or to a family which did not rent an apartment which is, according to its characteristics, above the standard for the satisfaction of basic housing needs of a single person or of a family.

(2) The criteria applicable regarding the characteristics of an apartment that would satisfy the basic housing needs of a single person or of a family, within the meaning of Paragraph 1 of this Article, shall be regulated by the Minister having jurisdiction for social care affairs.

#### Article 37

A housing assistance shall not be granted to a single person or to a family, if the single person or the family owns or co-owns a house, a vacation house or an apartment.

#### Article 38

(1) A housing assistance shall be granted in the amount equal to the amount of the rent. The assistance to a single person or to a family may not exceed one half of the funds necessary for the maintenance of a single person or of a family as determined pursuant to Article 16, Paragraph 2 and 3 of this Law.

(2) Exceptionally, the right specified in Paragraph 1 of this Article may be granted up to the amount equal to the amount specified in Article 16 of this Law, if the social care center deems that this is the only way to prevent a separation of children from parents.

13  
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#### Article 39

The provisions of Articles 17, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32 and 33 of this Law shall be applicable to the eligibility for a housing assistance, as well as to the exercise of other rights pursuant to this Law.

### ***5. One-time assistance***

#### Article 40

One-time assistance may be granted to a single person or to a family who, subject to the assessment of a social care center, due to the current circumstances (e.g. childbirth, illness or death of a family member, natural disaster or other adverse situations) is not able to provide for the basic means of life, either entirely or partially.

#### Article 41

(1) A one-time assistance can be granted in money or in kind.

(2) The one-time assistance shall be granted in kind in the case specified in Article 28 of this Law.

#### Article 42

(1) The one-time assistance may be granted in the amount sufficient for the satisfaction of a need.

(2) If the satisfaction of the need mentioned in Paragraph 1 of this Article requires an amount which would three times exceed the base specified in Article 16, Paragraph 1 of this Law, the social care center shall have the obligation to obtain a prior consent from the Ministry having jurisdiction for social care affairs.

### *6. Allowance for Assistance and Care*

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#### Article 43

(1) A allowance for assistance and care may be granted to a person:

- who, due to physical or mental disability or permanent change of health or old age, urgently needs permanent assistance and care of another person since he or she can not provide for his or her basic means of life alone,
- who can not acquire allowance for assistance and care on any other basis,

- whose income per family member does not exceed 200% of the base specified in Article 16, Paragraph 1 of this Law, or where income of a single person does not exceed 250% of the base specified in Article 16, Paragraph 1 of this Law during the three months preceding the month when the application was filed, or when the procedure was instituted ex officio.

(2) Subject to the requirements specified in Paragraph 1 of this Article, the allowance for assistance and care shall be granted to a person who urgently needs permanent assistance and care of another person due to his or her temporary changed health or to a physical disability.

#### Article 44

Exceptionally from Article 43 of this Law, a person completely divested from the capacity to enter into legal obligations or a severely physically or mentally disabled person shall be entitled to a allowance for assistance and care even if income per -family -member or single's income exceeds the income specified in Article 43 of this Law.

#### Article 45

The allowance for assistance and care shall be granted either in full or in a reduced amount depending on whether there is a compelling need for a full or for a limited assistance and care of another person.

#### Article 46

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1) A compelling need for a permanent assistance and care of another person shall exist in full extent when a person, due to a permanent change of his or her health, is not able to provide for the basic means of life and is not able, even with prosthetic devices, to move in his or her apartment and out of his and her apartment, when he or she is unable to take food, dress and undress himself or herself, keep personal hygiene or perform other basic physiological functions.

(2) A compelling need for a permanent assistance and care of another person shall exist in a reduced extent when a person, due to a permanent change of his or her health, is not able to fully provide for the basic means of life and is not able to move in his or her apartment and out of his and her apartment in order to purchase basic supplies and to use medical care facilities.

(3) A compelling need for a temporary assistance and care in full or reduced amount shall exist when a person, due to a temporary change of his or her health or due to a physical disability, can not provide for the basic means of life specified in Paragraphs 1 and 2 of this Article.

#### Article 47

The allowance for assistance and care shall amount to:

- a full amount of 100% of the base-specified in -Article 16, Paragraph 1 of this Law,
- a reduced amount of 70% of the base specified in Article 16, Paragraph 1 of this Law,

## Article 48

A person who is receiving a permanent or a weekly accommodation may not exercise the right to a allowance for assistance and care.

## Article 49

A person whose parent has acquired a right to work part-time subject to specific regulations, can exercise the right to a allowance for assistance and care in a reduced amount.

17

## **7. At-home assistance and care**

### Article 50

(1) Assistance and care at home can be granted to a person in compelling need of assistance and care of another person due to a physical or mental disability, permanent change of health or old age:

- who is unable to receive assistance and care from his or her parents, spouse and children,

- who is unable to provide for assistance and care by entering into an agreement on life-long maintenance,

- if the income per family member does not exceed 300% of the base specified in Article 16, Paragraph 1 of this Law,

- if such an assistance can be organized on the territory of his or her permanent residence subject to the conditions and in the way set forth in this Law.

(2) The assistance and care at home subject to the conditions specified in Paragraph 1 of this Article shall be granted to a person who is in compelling need of an assistance and care of another person due to a temporary change of his or her health or a physical disability.

### Article 51

Assistance and care at home can include:

- provision of meals (purchase and delivery of prepared meals at home, or purchase of supplies, assistance in preparing meals, washing dishes etc.),

- house work assistance (tidying-up, bringing water, fuel, etc., washing and ironing of laundry, provision of medicine and other supplies),
- maintenance of personal hygiene (assistance in dressing and undressing, bathing and in other hygienic needs),
- satisfaction of other everyday needs.

#### Article 52

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A beneficiary who was granted allowance for assistance and care can exceptionally be granted the assistance and care for the satisfaction of individual needs specified in Article 51 of this Law that can not be provided by his or her family members.

#### Article 53

(1) The right to an assistance and care at home shall not be granted to a child whose parent is exercising the right to work reduced working hours in order to be able to care for this child, and the child uses a halfday care in a pre-school, school or medical institution or in a social care home.

(2) The right to assistance and care at home shall not be granted to a child whose parent is on maternity leave or on a child-care leave up to child's age of seven, for the purpose of care for a child suffering severe physical or mental disability.

#### Article 54

Assistance and care at home shall be provided by a social care institution, and can be provided by a religious community, -business corporation, association or other national or international legal person or individual which entered into a contract with a social care center.

### **8. Personal disability benefit**

#### Article 55

A severely physically or mentally disabled person and a person suffering permanent change of health who was injured or who got sick before the age of 18 shall be entitled to a personal disability benefit if he or she does not exercise a personal disability benefit on other basis.

#### Article 56

19

(1) A monthly installment of a personal disability benefit for a person who does not have his or her own income shall amount to 250% of the base specified in Article 16, Paragraph 1 of this Law.

(2) If the beneficiary is receiving income, on whatever basis, personal disability benefit shall be determined as a difference between the amount specified in Paragraph 1 of this Article and the average income received during the three months preceding the filing of the application.

(3) The maintenance assistance acquired pursuant to this Law and a child allowance shall not be deemed income within the meaning of Paragraph 2 of this Article.

#### Article 57

A beneficiary entitled to a personal disability benefit can not simultaneously be entitled to an assistance and care allowance.

#### Article 58

(1) If the parents of a person who is entitled to a personal disability benefit are taking any of the following: maternity leave, parent's leave until child's age of 7 subject to specific regulations, right to part-time work for the purpose of the care for a child with severe physical or mental disability, and the child is enrolled to a pre-school, 'school or medical institution or a social care home, the personal disability benefit shall be paid in the amount of 125% of the base specified in Article 16, Paragraph 1 of this Law.

(2) If the person mentioned in Article 55 of this Law is permanently or weekly accommodated outside his or her family, he or she shall not receive personal disability benefit.

#### Article 59

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The type and the degree of physical and mental disability, a permanent change of health and ability to work specified in Articles 25, 43, 50, 55 and 60 of this Law shall be regulated by the Minister having jurisdiction for social care affairs subject to a consent of the Minister having jurisdiction for health affairs.

## *9. Qualification for autonomous life and work*

### Article 60

A physically and mentally disabled person or physically ill person shall have the right to a training for independent life and work subject to the conditions and in the way specified by the regulations enacted by the Minister having jurisdiction for social care affairs.

21

## *10. Care out of one's own family*

### Article 61

The care out of one's own family includes all forms of placement or accommodation in a foster family, in social care homes, as well as forms of placement or accommodation offered by religious communities, business corporations, associations and other national and international legal persons or individuals, which are providing accommodation, meals, care, health care, upbringing and education, psycho-social rehabilitation to the beneficiary, as well as the fulfillment of his or her other needs.

### Article 62

Social care out of one's own family shall be exercised as: -

permanent accommodation,

- weekly accommodation,

- temporary accommodation, , - full-

day accommodation,

- half-day accommodation.

### Article 63

Within the framework of a permanent accommodation, the basic needs shall be taken care of during a longer time period. These basic needs shall include: accommodation, meals, clothing, keeping personal hygiene, health care, upbringing and education, care, working activities, psycho-social rehabilitation and free time activities.

### Article 64

Within the framework of a weekly accommodation, the basic needs shall be taken care of during working days. These basic needs shall include:

accommodation, meals, clothing, keeping personal hygiene, health care, upbringing and education, care, working activities, psychosocial rehabilitation, free time activities and commuting.

22

#### Article 65

(1) Within the framework of a day accommodation the basic needs that shall be taken care of are the following: accommodation and meals, keeping personal hygiene, health care, keeping, upbringing and education, working activities, psycho-social rehabilitation, free time activities, commuting and other needs.

(2) Within the framework of a half-day accommodation, services specified in Paragraph 1 of this Article shall be provided.

#### Article 66

A social care home may organize educational activities subject to special conditions and according to the program set forth by the Ministry having jurisdiction for sports and education.

#### Article 67

Within the framework of a temporary accommodation the following shall be provided: temporary accommodation, meals urgent medical assistance, necessary clothes and shoes, travel expenses to the place of permanent residence, to one's own or to a foster family, a social care home or some other institution.

#### Article 68

(1) Care out of one's own family shall be granted to orphans, children neglected or abused by their parents, and children and junior adults who demonstrate unacceptable behavior.

(2) Where interests of a child so require, the care out of one's own family shall be granted to a child whose parents are not able to care about him or her on temporary basis due to illness, lack of home or other adverse life circumstances.

#### Article 69

23

The care out of one's own family shall be granted to a pregnant women three months before the date of delivery or to a parent of a child younger than six

months. Exceptionally it shall be granted if it is in interest of a child under the age of one, if the child does not have a home, or if an accommodation is not provided for him or her, or if such parent can not stay with-the-child in their family apartment due to disturbed family relations.

#### Article 70

The care out of one's own family shall be granted to physically or mentally disabled . persons whenever it is most rational for their care, upbringing, education, qualification or psycho-social rehabilitation (encouragement for writing, encouragement of perceptive locomotion, encouragement of cognitive development, stimulation of remaining sight, movement, audio training, use of Braille's alphabet, non-verbal communication and development of self-service activities), in a form and in the way corresponding to their age, the type and the degree of their physical or mental disability.

#### Article 71

The care out of one's own family shall be granted to a mentally ill person, to a person addicted to alcohol, drugs or other narcotic substances who does not need hospitalization, and for whom the care can not be provided in his- or her own -family.

#### Article 72

(1) The care out of one's own family shall be granted to adults and elderly persons who, due to a permanent deterioration of their health and to infirmity, are in pressing need for permanent assistance and care of another person.

(2) The care out of one's own family mentioned in Paragraph 1 of this Article shall not be granted to a person who can get assistance and care from his or her family members or who can obtain assistance and care in some other way.

24

(3) The care out of one's own family shall exceptionally be granted to a person incapable of work who lives in particularly difficult circumstances that can not be avoided in any other way.

#### Article 73

The social care center shall chose a social care home or its branch office where persons mentioned in Article 72 of this Law shall be accommodated, taking in consideration mental and physical abilities of beneficiary, his or her financial situation, cultural habits, natural environment and other circumstances which affected beneficiary's life before being accommodated, available place in a social care home and the type of services it offers.

#### Article 74

(1) A vagrant child found without the supervision of parents or other adults, as well an adult found outside the place of *his or her* permanent or

habitual residence, who is not able to take care of himself or herself, or is exposed to some other misfortune, shall be granted temporary care out of his or her own family-as long as the return to,his-or her family or to a foster family or to a social care home is not carried out, or an accommodation for him or her provided in some other way.

(2) A temporary home within the terms of Paragraph 1 of this Article can be provided for foreign nationals, as well as for stateless persons who do not have permanent residence in the Republic ofCroatia.

#### Article 75

(1) Beneficiaries mentioned in Articles 68 to 72 of this Law shall be entitled to the care out of their own family subject to a decision of social care center, save in case of urgency.

(2) If a beneficiary mentioned in Paragraph 1 of this Article is accommodated in the case of urgency, the social care center shall have the obligation to enact decision to that effect within 8 days.

(3) The adults mentioned in Articles 70 and 72 of this Law shall be accommodated in a home that was not established by the Republic of Croatia on the basis of an agreement on accommodation.

24  
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(4) Exceptionally from Paragraph 3 of this Article, an adult mentioned in Article 72 of this Law can be accommodated in a social home that was not established by the Republic of Croatia subject ~to a decision of a social care center, subject to the conditions and in the way set forth by this Law.

#### Article 76

The care out of one's own family can be granted subject to an application or subject to a consent of the beneficiary or his or her legal-representative, save where otherwise provided by special regulations.

#### Article 77

The social care center shall have the obligation to monitor conditions in which the beneficiary of the care out-of one's own family is living, and the obligation to visit him or her at least once in six months.

### *11. Other forms of assistance*

#### Article 78

A social care center- can grant: assistance in food, assistance for clothes and shoes, assistance for personal needs of beneficiaries of permanent accommodation, payment of funeral expenses, payment of heating fuel, all subject to the conditions and in the way set forth by the Minister having jurisdiction for social care affairs.

26

## IV. THE INSTITUTIONS OF SOCIAL CARE

### Article 79

Social care institutions are the following: 1.  
social care center,  
2. social care home,  
3. center for aid and care.

### Article 80

(1) Social care institutions shall be registered with the court registry and with the registry of social care institutions kept with the Ministry having jurisdiction for social care affairs.

(2) The contents of the registry of social care institutions shall be set forth by the Minister having jurisdiction for social care affairs.

(3) Social care institutions shall be subject to regulations of the Law on Institutions, save where otherwise provided by This Law

### *X. Social care center*

### Article 81

(1) Social care center shall be a public institution.

(2) Social care center shall be established by the Republic of Croatia, by decision of the Ministry having jurisdiction for social care affairs.

(3) Social care center shall be established on the territory of one or more municipalities or towns within the same county or in the City of Zagreb.

(4) Social care center can have one or more local branches.

## Article 82

(1) On the basis of public authority social care center shall:

1. decide in first instance on social care rights, family and criminal protection and on other rights in accordance with special legislation,
2. enforce its decisions,
3. keep registers specified by Law,
4. issue certificates and other affidavits,
5. give data about family circumstances and gives opinions and proposals in judicial proceedings related to the family-law and criminal law protection,
6. participate as a party or an intervenor before courts and other state authorities whenever protection of personal interests of children and other family members who can not take care of themselves and their rights and interests alone, is at stake,
7. supervise foster families.

(2) On the basis of public authority social care center can perform tasks related to taking care of children who ran away from their family or from an institution, and can perform educational measures in respect of children displaying deviant behavior, either out of their family or within the family, and can provide in-home assistance and care.

(3) In addition to public authorities specified in Paragraphs 1 and 2 of this Article, social care center can perform other expert tasks:

1. encourage, organize and perform activities aimed at the prevention and suppression of social, family and personal problems,
2. perform expert analysis,
3. encourage and develop self-aid, neighborly assistance, voluntary work, charitable and other activities,
4. perform counseling tasks related to the problems of marriage and family, upbringing of children, adoption, take part in suppression of addiction to alcohol, drugs and other- narcotic substances,
5. propose measures for the improvement of social care policy, .
6. propose, encourage and co-ordinate other activities in the field of social care at a local level, .
7. perform other tasks specified by law and by the .statute, of the social care center.

### Article 83

It may be provided that in a county where more social care centers are established one of such centers designated by- an enactment of the Minister having jurisdiction for social care affairs, performs counseling, expert, analytical and other assignments related to the procedures

28

concerning marriage and marital relations, parental care, custody or adoption.

### Article 84

(1) A social care center shall commence to work upon its registration with the court registry and the registry of social care institutions on the basis of the decision specified by Article 81 of this Law.

(2) Requirements regarding the space, equipment and number of necessary experts and other employees of a social care center and its branch offices shall be set forth by the Minister having jurisdiction for social care affairs.

### Article 85

(1) Social care center shall be administered and governed by .a Principal.

(2) The Principal shall be vested with authority specified by-Law, by the decision of establishment, or by the statute of the center.

(3) The Principal of a social care center shall be appointed by the Minister having jurisdiction for social care affairs on the basis of a public contest.

(4) Any Croatian citizen with a university degree, at least five years of working experience at expert positions in social care who passed expert examination can be appointed Principal of a social care center.

(5) The term of office of a Principal of a social care center shall be four years and the same person can be re-appointed Principal.

(6) A Principal of a social care center can be removed by the Minister having jurisdiction for social care affairs subject to the conditions and in the way specified by the Law on Institutions, if.

- he or she was convicted by a final judgement for a crime against life and physical integrity, against liberty and rights of a person and a citizen, against dignity of person and morality, against marriage, family and youth, against official duty and public authorities, as well as for crimes against the Republic of Croatia,

- he or she prevented in any way the exercise of the rights which are in jurisdiction of the social care center.

## Article 86

(1) A Social care center shall have a Council of Experts.

(2) The Council of Experts shall consist of all the experts employed by the social care center.

(3) If a social care center and its branch offices have more than 20 experts, the Council of Experts shall consist of the Heads of branch offices and of Principals of other organizational units.

(4) The Council of Experts shall discuss issues and give opinions and proposals to the Principal concerning:

- professional issues related to specified activities within authority specified by law and other regulations,
- organization of the social care center and its branch offices,
- most difficult expert issues related to the exercise of rights and other activities of the social care center in individual cases,
- need for additional expert education,
- other issues specified by the statute of the social care center.

## Article 87

(1) A social care center shall have a statute regulating organization of the center, bodies, their authority and methods of decision making, as well as other issues important for the performance of its activities.

(2) The statute of a social care center shall be enacted by the Principal subject to a prior consent of the Minister having jurisdiction in social care affairs.

## Article 88

(1) Branch offices of a social care center shall be administered by a Head.

(2) Head of a branch office shall have the authority corresponding to the activities of the branch office specified by the decision of establishment and by the statute of the social care center.

## Article 89

A Head of a branch office shall be appointed and can be removed by the Principal of the social care center subject to a prior consent of the Ministry having jurisdiction for social care affairs.

31

#### Article 90

(1) Any Croatian citizen with a university degree, at least three years of working experience at expert positions in social care, who passed expert examination can be appointed Head of a branch office of a social care center.

(2) Exceptionally from Paragraph 1 of this Article, appointed Head of a branch office established in a territory inhabited by less than 20.000 inhabitants can be a person who graduated from a college with at least five years of working experience at expert positions in social care, who passed expert examination.

#### Article 91

In the performance of activities specified in Article 82 of this Law, social care centers and their branch offices shall co-operate with religious communities, humanitarian organizations, associations and other national and international legal persons and individuals carrying out the activities of social care.

#### Article 92

(1) Social care center and its branch offices shall have .: the obligation to keep record and documentation referring to the beneficiaries and the performance of activities specified in Article-82 of this Law in the prescribed way, and to forward reports to the Ministry having jurisdiction for social care affairs.

(2) The contents and methods of keeping record and documentation, as well as the methods and deadlines for forwarding reports mentioned in Paragraph 1 of this Article shall be regulated by the Minister having jurisdiction for social care affairs.

### *2 Social care home*

#### Article 93

32

(1) A social care home is a public institution established for providing care out of one's own family, as a:

a) accommodation for children (orphans or children neglected or abused by their parents, or for children whose best interests call for a placement in such a home due to their deviant behavior, physical, mental or combined disability, mental illness, drug addiction, or addiction to other narcotic substances),

b) accommodation for adults (suffering physical, mental or multiple disability or mentally ill adults, alcohol addicts, drug addicts or addicts to other narcotic substances, elderly and infirm persons).

(2) Type of accommodation for children and for adults, their activities, as well as requirements of space, equipment, experts and other employees shall be regulated by the Minister having jurisdiction for social care affairs.

#### Article 94

— Social care homes shall be established in accordance with the needs of a particular territory, as determined by the Ministry authorized for social care affairs.

#### Article 95

(1) A social care home can be established by the Republic of Croatia by decision of the Ministry having jurisdiction for social care affairs.

(2) A decision on the establishment of a home mentioned in Paragraph 1 of this Article shall specify the assignments and activities: of such a home.

#### Article 96

(1) Municipalities, towns and the City of Zagreb, as well as religious communities, business corporations, associations and other national and international legal persons and individuals may establish a social care home subject to the conditions and in the way specified by the Law on Institutions and by this Law.

(2) Persons specified in Paragraph 1 of this Article shall have the obligation to obtain permission from the Ministry having jurisdiction for social care affairs prior to the establishment of a social care home.

(3) The Ministry having jurisdiction for social care affairs may, on the basis of public contest, grant persons specified in Paragraph 1 of this Article a license to perform their activities on the premises owned by the Republic of Croatia.

## Article 97

(1) Subject to the application of persons specified in Article 96, Paragraph 1 of this Law the Ministry having jurisdiction for social care affairs shall enact a decision declaring that the decision of establishment of a social care residents and its by-laws is in compliance with this Law and with specific regulations, particularly, that the prescribed requirements regarding the space, equipment, experts and other employees, as well as health and ecological conditions are met.

(2) The decision mentioned in Paragraph 1 of this Article shall be enacted on the basis of the findings of an ad hoc commission appointed by the Minister having jurisdiction for social care affairs.

(3) The decision mentioned in Paragraph 1 of this Article shall be enacted by the Minister having jurisdiction for social care affairs within 30 days following the submission of the application.

(4) An appeal from the decision mentioned in Paragraph 1 of this Article shall not be permissible, but it can be subject to a judicial review procedure.

(5) A social care home may commence to work following the receipt of a final decision mentioned in Paragraph 1 of this Article and following the registration with a court register and a register of social care institutions.

## Article 98

(1) Persons specified in Article 96 of this Law shall have the obligation to report to the Ministry having jurisdiction for social care affairs and to the beneficiaries or their legal representatives about the termination of the operation of a home at least six months prior to the enactment of a decision to this effect.

(2) A founder shall have the obligation to reach an agreement with the beneficiaries or their legal representatives and to find an appropriate

34

accommodation for the beneficiaries, using facilities on the basis of a contract within a time period specified in Paragraph 1 of this Article.,

(3) If a beneficiary is accommodated in a home on the basis of a decision of a social care center, the founder shall have the obligation to find another appropriate accommodation for the beneficiary in cooperation with the social care center, with the beneficiary or with his or her legal representative, within the time period specified in Paragraph 1 of this Article.

(4) If, following the expiry of the period specified in Paragraph 1 of this Article, more than 10 beneficiaries are still accommodated in a social care home, the premises and the equipment shall be taken over without compensation by the Ministry authorized for social care affairs. The Ministry

shall take care about the beneficiaries until their accommodation is arranged, but not longer than 6 months.

(5) The Ministry having jurisdiction for social care affairs -\_may enact a decision and determine that the care for the beneficiaries mentioned in Paragraph 4 of this Article is to be performed by an appropriate social care institution established by the Republic,ofCroatia.

## Article 99

(1) A social care home shall be administered by an Administrative Council.

(2) The Administrative Council shall consist -of three representatives of the founder, one expert employed in the home and one beneficiary residing in the home or his parent or custodian.

(3) The method of the appointment or election of members, the term of office and the authority of the Administrative Council shall be set forth in a decision on establishment or in the statute of the home.

(4) The amount of the compensation for the work of the members of the Administrative Council of a home established by the Republic of Croatia shall be specified by the Minister having jurisdiction for social care affairs.

## Article 100

(1) Social care home shall be administered by a Principal.

(2) Principal shall be appointed by the Administrative Council on the basis of a public contest.

35

(3) Principal of a home established by the Republic of Croatia, by municipality, by town or by the City of Zagreb shall be a Croatian citizen appointed by the Administrative Council on the basis of a public contest, subject to a prior consent of the Ministry having jurisdiction for social care affairs.

(4) Principal's term of office shall be four - years and the same person can be re-appointed Principal.

(S) The Principal mentioned in Paragraph 2 of this Article can be removed by the Administrative Council, and Principal mentioned in Paragraph 3 of this Article can be removed by the Administrative Council subject to a prior consent of the Minster having jurisdiction for social care affairs, subject to the conditions and in the way specified by Law, by the Act of establishment or by the statute of the Social care home.

(6) The authority of a Principal of a -Social care home shall be determined by the Act of establishment or by the Statute of the home.

#### Article 101

(1) A person with a university degree and at least three years working experience in social care, or other social field can be appointed Principal of a Social care home.

(2) Exceptionally, person who graduated from a college with at least five years of experience in social care and at least three years experience on managing tasks can be appointed Principal within the meaning of Paragraph 1 of this Article.

#### Article 102

(1) A social care home shall have a Council of experts.

(2) The Council of experts shall consist of all experts employed in a social care home.

(3) Council of experts shall take part in determining the plan and program of operations of a social care home, monitor its implementation, discuss and decide, professional issues, encourage and promote professional work and perform other expert assignments specified by law, the Act of establishment and the statute of the social care home.

36

#### Article 103

(1) A social care home shall have a statute regulating the organization of the home, bodies, their authority and methods of decision making, as well as other issues important for the performance of activities and operations of the home.

(2) The statute of a social care home shall be enacted by the Administrative Council subject to a consent of its founder.

#### Article 104

(1) A social care home shall have the obligation to keep record and documentation referring to beneficiaries, type of services and other issues important for the operation of a home in a prescribed way, and to forward reports to the Ministry having jurisdiction for social.-care-affairs.

(2) The regulations on keeping record and documents as well as the methods and deadlines for forwarding of the reports mentioned in Paragraph 1 of this Article shall be enacted by the Minister having jurisdiction for social care affairs.

#### Article 105

(1) Municipalities, towns and the City of Zagreb, business corporations, associations and other national and international legal persons providing care out of one's own family as specified in Article 663 of this Law for not more than 20 beneficiaries subject to the conditions and in the way specified by this Law and by the regulations enacted by the Minister having jurisdiction for social care affairs, can perform these activities even without establishing a home.

(2) The Ministry authorized for social care affairs shall authorize the provision of the care mentioned in Paragraph 1 of this Article.

### *3. Center for aid and care*

#### Article 106

37

A center for aid and care is an institution established for the provision of all or of particular services specified in Article 51 of, this Law.

#### Article 107

A municipality, a town, the City of Zagreb, a religious community, a business corporation, an association as well as other national or international legal person or individual may establish a center for aid and care.

#### Article 108

(1) A center for aid and care can be established if requirements regarding the space, equipment, expert and other employees, as well as other requirements specified by law are met.

(2) The requirements regarding the space, equipment, expert and other employees shall be regulated by the Minister having jurisdiction for social care affairs.

#### Article 109

(1) A county office for labor, health and social care shall enact a decision confirming that the prescribed requirements -regarding the space,

equipment, expert and other employees for the purpose of the establishment of a center for aid and care are met.

(2) A county office for labor, health and social care shall make the decision specified in Paragraph 1 of this Article within 30 days following the filling of the application.

(3) An applicant can file an appeal from the decision specified in Paragraph 1 of this Article to the Ministry- having jurisdiction for social care affairs within 8 days.

(4) A center for aid and care can commence to operate after having obtained final decision specified in Paragraph 1 of this Article and following the registration with the court registry and the registry of social care institutions.

#### Article 110

38

(1) A center for aid and care shall be administered and directed by a Principal.

(2) The Principal of a center for aid and care established by the Republic of Croatia, by a municipality, by a town or by the City of Zagreb shall be Croatian citizen appointed by the founder on the basis of a public contest.

(3) The authority of the Principal of a center for aid and care shall be set forth in the Act of establishment and in the Statute of the center.

#### Article 111

(1) A center for aid and care shall have a statute regulating organization of the center, bodies, their authority and methods of decision making, as well as other issues important for the performance of activities and business operations of the center.

(2) A statute of a center for aid and care shall be enacted by the Principal in consensus with the founder.

#### Article 112

(1) A center for aid and care shall have the obligation ..too keep record and documentation of beneficiaries, types of services and other issues important for the operation of the center in the prescribed way, and to forward reports to the Ministry having jurisdiction for social care affairs.

(2) The contents and methods of keeping record ..and documentation, as well as methods and deadlines for forwarding reports mentioned in

Paragraph 1 of this Article shall be regulated by the Minister having jurisdiction for social care affairs.

#### Article 113

(1) Municipalities, towns and the City of Zagreb, business corporations, associations and other national and international legal persons providing care within the framework of the activities of a center for aid and care as specified in Article 106 of this Law for not more than 30 beneficiaries subject to the conditions and in the way specified by this Law and by regulations enacted by the Minister having jurisdiction for

38  
39

social care affairs, can perform these activities even without establishing a center for aid and care.

(2) Ministry authorized for social care affairs shall authorize the provision of the care mentioned in Paragraph 1 of this Article.

### V. FOSTER FAMILY

#### Article 114

(1) A family which fulfills housing, social and other requirements which are designed to provide appropriate accommodation, regular meals, learning, free time and satisfaction of other needs and interests...to an accommodated person, and which is treating him or her in a humane way may be a foster family.

(2) A maximum of ten persons can be accommodated in one family.

(3) A social care center located in the place of permanent residence of a foster family shall assess whether requirements specified in Paragraph 1 of this Article are met.

#### Article 115

(1) A member of a foster family who is assuming the responsibility for an accommodated person (hereinafter: the care taker) shall be a Croatian citizen, mentally and physically-sane, having abilities necessary for the protection, care, upbringing and satisfaction of other needs of the accommodated person.

(2) Exceptionally, subject to a prior permission of the Ministry having jurisdiction for social care affairs, a care taker can be a foreign citizen, if this would be specially useful for the accommodated person.

(3) Social care center shall have the obligation to organize seminars or individual work in order to acquaint care takers with particular needs and characteristics of the accommodated person and to give expert guidelines how to care about the accommodated person.

(4) A care taker whose family is taking care of more than five persons can assume the legal status of a person performing social care as his or her profession, in accordance with Articles 122 to 135 of this Law.

#### Article 116

40

A family may not be a foster family if this is

- a family in which custody rights regarding children were taken away from a care taker or another member,

- a family in which family relations are disturbed,

- a family in which a care taker or any other family member acts in a socially unacceptable manner,

- a family in which health or other interests of the accommodated person are jeopardized by a mental disability or an illness of the care taker or any family member jeopardizes

#### Article 117

(1) A person shall be accommodated in a foster family on the territory of a social care center that decides about accommodation.

(2) Exceptionally from Paragraph 1 of this Article, and if it is of some special benefit for the person concerned, a foster family can be located on the territory of another social care center.

(3) In the case specified in Paragraph 2 of this Article, the social care center deciding about the accommodation shall have the obligation to cooperate with the social care center on the territory of which the foster family has a permanent residence.

(4) If an individual is accommodated with a foster family outside of his or her place of permanent residence, the decision on accommodation, termination of accommodation and taking of other measures shall be forwarded to the social care center on the territory of which the foster family is living.

## Article 118

(1) A social care center shall enter' into a contract with the care taker, and the contract shall terminate as of the day of enactment of the decision on the termination of accommodation.

(2) The contract mentioned in Paragraph 1 of this Article shall specify in more detail mutual relations between social care center and the care taker, obligations of the care taker, and obligations of the care taker in respect of the accommodated person.

(3) The social care center on the territory of which the foster family is living shall monitor the circumstances in which the accommodated person is living.

41

(4) In the performance of his or her obligations, the care taker shall have the obligation to comply with the guidelines of the social care center.

## Article 119

(1) A care taker shall have the right to a monthly compensation.

(2) The amount of the compensation mentioned in Paragraph 1 of this Article= shall beer determined in the decision of the Minister having jurisdiction for social care affairs.

(3) The compensation mentioned in Paragraph 1 of this Article shall not be deemed salary or a taxable income if it is paid to care takers whose family is accommodating up to five persons.

## Article 120

The social care center that enacted a decision on the accommodation of a minor in a foster family shall have the obligation to take care about as early return of the minor as possible to his or her own family, or about his or her adoption if it is in minor's best interest.

## VI. PERFORMANCE OF SOCIAL CARE AS A PROFESSION

## Article 121

The performance of social care as a profession includes counseling and provision of assistance and care.

#### Article 122

(1) A physical person may perform the activities mentioned in Article 121 of this Law if:

- he or she has adequate qualifications
  
- he or she has a capacity to enter into legal obligations,
  
- his or her health is adequate for the performance of the activity

41  
42

- is not employed full-time
  
- has adequate premises and equipment.

(2) The activities mentioned in Article 121 of this Law may not be performed by a person against whom criminal investigation or criminal proceedings are pending, or a person who was convicted by a final judgement for a crime against life and physical integrity, against liberty and rights of a person and a citizen, against dignity of person and morality, against marriage, family and youth, against property and for crimes against the Republic of Croatia.

#### Article 123

(1) An application for the performance of the affairs of social care mentioned in Article 121 of this Law shall be filed with the Ministry having jurisdiction for social care affairs which shall enact a decision permitting the commencement of work after having established that the requirements specified by this Law and implementing regulations were met.

(2). Paragraph 1 of this Article shall be applied in the case of an extension of the scope of activities:

#### Article 124

(1) A physical person who is providing counseling as well as assistance and care as his or her profession shall have the obligation to inform a social

care center on the territory of which it works about. the commencement, methods and scope of activities.

(2) The physical person mentioned in Paragraph 1 of this Article shall display his or her name, family name, address of the business operator and the title of activity in the trade name.

#### Article 125

(1) The Ministry having jurisdiction for social care affairs shall keep a record of individuals performing the profession mentioned in Article 121 of this Law which have had their operations approved.

43

(2) The contents and methods of keeping record mentioned in Paragraph 1 of this Article shall be regulated by the Minister having jurisdiction for social care affairs.

#### Article 126

(1) Expert assignments in a counseling office may be performed by employees who have university diploma in social sciences and at least three years working experience on the same or on similar assignments.

(2) More than one person meeting the requirements mentioned in Paragraph i of this Article may establish a common counseling office.

#### Article 127

Assistance and care assignments may be performed by physical persons who have at least a high school diploma. They shall be permitted to employ up to three employees.

#### Article 128

A physical person performing:: social care-as a profession shall have the obligation to:

- provide services in accordance with the decision of a social care center,

- when performing The Law on Social Care Activities mentioned in Article 121 of this Law, he or she shall have to apply the methods of professional work, to respect personality of beneficiaries, their dignity, inviolability of personal and family life and to keep professional secrets,

- keep record about provided services,

- upon request of the Ministry having jurisdiction for social care affairs, render information about his or her work.

#### Article 129

44

A permission for the performance of social care as a profession shall terminate:

1. by signing-off, 2. ex lege, and
3. upon a decision of the Ministry having jurisdiction for social care affairs.

#### Article 130

(1) A permission for the performance of social care as a profession shall terminate ex lege if person having permission to run it:

1. dies,
2. loses, entirely or partially, the capacity to enter into legal obligations,
3. enters into a full time employment,
4. is convicted for a crime that amounts to an obstacle for the performance of social care as a profession, as well as for a crime committed within the framework of this profession or related to this profession,
5. loses general or special health capacity for the performance of these activities,
6. does not pay due contributions laid down by special Laws for longer then three months.

(2) The Ministry having jurisdiction for social care affairs shall enact a decision in order to revoke permission for the performance of social care as a profession.

#### Article 131

(1) The Ministry having jurisdiction for social care affairs shall enact a decision revoking the permission for the performance of social care as a profession if the failures in the performance of activities established by inspection are not removed within prescribed time period. (2) A decision on the termination of a permission for the performance of the activities of social care shall be enacted by the body mentioned in Paragraph 1 of this Article in case that:

1. the person who was granted a permission for the performance of the activities does not perform these activities in person or if he or she employs other persons in violation of the permission,

44  
45

2. if person who was granted permission ceases to operate without a permission of the Ministry having jurisdiction for social care affairs,

3. if, even following a warning issued by the authority performing inspection, he or she does not comply with Article 128 of this Law.

#### Article 132

(1) Persons performing social care as a profession may temporarily stop their operations due to illness, military service or some other justified reason.

(2) Ministry having jurisdiction for social care affairs and the social care center on the territory of which such activities are performed have to be informed about a temporary cessation of activities.

#### Article 133

(1) **The Ministry having jurisdiction for social care affairs can entrust a person performing social care** activities as a profession with the performance of the activities specified in Articles 13 and 14 of this Law on the territory of a social care center, and the social care center can be entrusted to perform other activities in accordance with special Law.

(2) The Ministry having jurisdiction for social care affairs shall enter into a contract with a physical person performing social care as a profession in order to regulate performance of the activities mentioned in Paragraph 1 of this Article.

(3) Ministry having jurisdiction for social **care affairs can authorize a social care** center to enter into the contract mentioned in Paragraph 2 of this Article.

#### Article 134

(1) Physical persons performing social care as a profession, as specified by Article 121 of this Law may collect income:

1. directly from beneficiaries,
2. on the basis of contract with the Ministry having jurisdiction for social care affairs or with a social care center,
3. on the basis of endowments, foundations and donations.

46

(2) The price of services in respect of contractual services specified in Paragraph 1, point 2 of this Article shall be set by the Ministry having jurisdiction for social care affairs.

#### Article 135

Social care institutions and physical persons performing social care as a profession shall be subject to the application of the rules regulating the use of utilities and electric energy applicable to households on premises in which these activities are performed.

47

## VII. JURISDICTION AND PROCEDURE

#### Article 136

Save where otherwise provided by Law, provisions of the Law on General Administrative Procedure shall be applicable to the cases involving social care rights that are in jurisdiction of social care centers.

#### Article 137

(1) Social care rights exercised pursuant to Article 7 of this Law shall be decided in the first instance by an administrative body of a municipality, a town or of the City of Zagreb.

(2) A municipality, a town and the City of Zagreb may entrust the activities specified in Article 7 of this Law to a social care center, and the center shall proceed in accordance with Article 136 of this Law.

#### Article 138

(1) If a social care center decides on the rights established and granted by a municipality, a town and by the City of Zagreb, mutual rights, obligations and responsibilities of the social care center and of the municipality, town and of the City of Zagreb shall be set forth by a contract between the authorized body of a municipality, of a town and of the City of

Zagreb, and the social care center, subject to a prior consent of the Ministry having jurisdiction for social care affairs.

(2) Social care center shall have the obligation to enter into a contract with the authorized body of a municipality, a town and the City of Zagreb, if these entities provided for assistance granted by the Republic of Croatia in a substantial amount.

#### Article 139

(1) A social care center established on the territory in which the concerned party has a permanent residence shall have the jurisdiction to decide on the realization of social care rights.

47  
48

(2) If a party does not have a permanent residence in the Republic of Croatia, territorial jurisdiction shall be determined according to the place of a habitual residence of the party.

(3) If a party does not have a place of habitual residence, the proceedings for the exercise of social care rights shall be conducted by the social care center established on the territory in which the party has temporary residence, or in which he or she finds him or herself.

#### Article 140

(1) Territorial jurisdiction of a social care center shall not be changed if a person is accommodated out of his or her own family.

(2) If the circumstances on the basis of which territorial jurisdiction of a social care center was determined pursuant to this Law change, the procedure shall be continued by the center which shall have jurisdiction in the matter in the light of the new circumstances.

#### Article 141

(1) The territorial jurisdiction of a social care center shall be determined according to a permanent residence or a temporary residence of parents.

(2) If the parents of a child are separated, the territorial jurisdiction of a social care center shall be determined according to the permanent or temporary residence of the parent with whom the child is accommodated by the virtue of a decision of the social care center or by a decision of a court.

(3) Prior to the enactment of the decision mentioned in Paragraph 2 of this Article, the social care center in the place of a permanent or temporary residence of the parent who lives with the child shall have territorial jurisdiction.

(4) If parents who live separately were divested of right to care and bring up a child, or if the child was entrusted to care and upbringing of another person or to a social care home, the jurisdiction of a social care center shall be determined according to the place where the parent who performs other parental duties, either alone or predominantly, has a permanent or a temporary residence.

49

(5) Save in the case of an adoption, territorial jurisdiction of a social care center shall not be changed in respect of a child if the parents are divested of their parental rights.

#### Article 142

(1) With respect to the persons who, due to natural catastrophes or similar reasons, find themselves out of the place of their permanent residence, a social care center shall have the territorial jurisdiction to decide the issues of realization of social care according to the place in which such persons are located, as long as the conditions for their return are not met.

(2) A social care center mentioned in Paragraph 1 of this Article shall have territorial jurisdiction for exercising social care of children who, without parental supervision or supervision of other adults, find themselves out of the place of their permanent residence, as well as for social care of other persons who are not able to take care of themselves and find themselves away of their permanent residence.

#### Article 143

(1) If social care center having jurisdiction in the matter can not proceed due to the exclusion of its experts or of its Principal, it shall inform the Ministry having jurisdiction in social care affairs which shall designate another social care center to proceed in the matter.

(2) The Ministry having jurisdiction in social care affairs shall decide on the exclusion of a Principal of a social care center as well as on simultaneous exclusion of a Principal and experts of a center, in single proceedings.

#### Article 144

(1) Conflicts of territorial jurisdiction between social care centers shall be resolved by the Ministry having jurisdiction in social care affairs.

(2) In the case of a conflict of territorial jurisdiction, the social care center that originally instituted the proceedings shall have the obligation to perform procedural acts that must not be delayed.

50

(3) Conflicts of territorial jurisdiction between a social care center and a municipality, a town or the City of Zagreb shall be resolved by the Administrative Court of the Republic of Croatia.

51

#### Article 145

(1) The procedure for the realization of social care rights shall be instituted upon an application of a party, his or her spouse, a child older than 18 years, a parent, a guardian or a care taker.

(2) Social care center shall ex officio institute a procedure whenever it finds out or learns that, with respect to the existing facts, the protection of a party requires initiation of a procedure leading to the recognition of certain right.

(3) When instituting the proceedings ex officio, a social care center shall take in .-consideration the information obtained from other family members, citizens, institutions, associations, religious communities, business corporations as well as the warnings of state authorities and other bodies.

#### Article 146

(1) During the procedure of the realization of social care rights a social care center shall have the obligation to make a plan and to establish a purpose to be achieved, and to take certain acts in order to qualify indigent persons to take care about themselves and about their family members.

(2) When making the plan, a social care center shall co-operate with the person who asked for the assistance and with his or her family members.

(3) When making decision which social care right shall be granted, social care center shall take in consideration family relations, and shall attempt to strengthen and positively develop them.

#### Article 147

(1) If, during the procedure of the realization of social care rights, it becomes necessary to assess ability to work, or existence of a permanent or temporary change of health, as well as the type and degree of physical or

mental disability, a social care center shall ask for findings and opinion of an expert body.

(2) If a first instance decision concerning the realization of social care rights is challenged in part referring to the findings and opinions of a first instance expert body, the Ministry having jurisdiction for social

52

care affairs shall have the obligation to obtain findings and opinion of a second instance expert body prior to making a decision on appeal.

(3) The expert body mentioned in Paragraphs 1 and 2 of this Article shall be established by the Minister having jurisdiction for social care affairs.

(4) The composition and the methods of work of the expert body mentioned in Paragraph 3 of this Article, the particulars of the necessary medical documentation, the particulars of findings and of an opinion, and documents for the proceedings of an expert body shall be regulated by the minister having jurisdiction for social care affairs subject to a consent of the Minister of Health.

(5) If the ability to work and a permanent or a temporary change of health, as well as the type and the degree of a physical and mental disability was formerly established by expert bodies within the health protection system, system of pension and disability insurance, education, or other authorized expert bodies subject to special regulations, the decision shall be made on the basis of the findings and opinions of such bodies.

#### Article 148

(1) During the investigation procedure one has to take into account the health and physical condition of a party, if necessary.- to „obtain required documents and to take statements of parties or to hold oral hearing in party’s home, and to facilitate his or her participation in the procedure in every possible way.

(2) Social care centers shall have the obligation, if the nature of a case so requires, to co-operate and to forward each other., information concerning family situation and concerning the rights exercised by single persons or by family members, as well as concerning -other circumstances.

#### Article 149

(1) The proceedings for the exercise of social care rights shall be urgent.

(2) A social care center shall have the obligation to decide an application and to forward it to the party within 15 days. If special investigation has to be implemented the center shall have the obligation

to make a decision within one month following the receipt of a complete application or following the initiation of an ex officio procedure.

54

#### Article 150

(1) In the case of the realization of social care in extremely urgent cases such as taking measures in order to remove imminent threat to life, safety and health of persons, especially children, or in order to satisfy basic life needs of a single person or of a family, or in order to ensure public order and safety, social care center may enact decision and order implementation of the decision orally, without delay.

(2) In the case described in Paragraph 1 of this Article a decision shall be issued in writing not later than 8 days following the submission of the application.

#### Article 151

- The costs of the procedure related to the realization of social care rights which are financed from the State budget shall be paid by the Ministry having jurisdiction for social care affairs.

#### Article 152

(1) A social care center shall execute its decisions enacted pursuant to this Law.

(2) The execution of a decision on accommodation can be postponed until a free place is provided for.

#### Article 153

The order of acceptance of beneficiaries to a social care home shall be regulated in a statute of the home. -

#### Article 154

A social care center shall, from time to time, and at least once in a year, examine the existence of facts and circumstances which were decisive for the enactment of the decision granting social security rights. If the circumstances on which the realization of social security rights depends on so require, a new decision shall be enacted.

55

#### Article 155

(1) A social care center shall make first instance decisions in the area of family-law protection and criminal-law protection, as well as in other areas pursuant to a special Law.

(2) When proceeding pursuant to Paragraph-I of this Article, the social care center shall apply the provisions of Articles 139 to 152 of this Law and the provisions of the Law on General Administrative Procedure save where otherwise provided by law.

#### Article 156

(1) Appeals from the decisions of a social care center shall be decided by the Ministry having jurisdiction for social care affairs.

(2) Appeals from the decisions of municipal or town administrative bodies shall be decided by an authorized administrative body of a county, and appeals from the decisions of administrative bodies of the City of Zagreb shall be decided by the Ministry having jurisdiction for social care affairs.

(3) Save where otherwise, provided by Law, an appeal shall postpone the execution of a first instance decision.

(4) Exceptionally from Paragraph 3 of this Article, an appeal shall not postpone the execution of the decisions granting financial assistance.

### VIII. EXPERTS

#### Article 157

(1) Expert assignments in social care centers shall be performed by social workers, lawyers, psychologists and defectologists who have passed expert examination.

(2) Expert assignments in social care centers shall be performed also by other experts who have appropriate specialization and qualifications, depending on the activities of a social care center.

(3) Experts employed with a social care center shall have an identity card demonstrating their official capacity, identity and authority. (4) The particulars and the form of the identity card mentioned in Paragraph 3 of this Article shall be regulated by the Minister having jurisdiction in social care affairs.

56

#### Article 158

(1) Expert tasks in social care homes shall be performed by social workers, lawyers, psychologists, defectologist, pedagogues, medical nurses, physical therapists, labor therapists and educators who have a high school or

college diploma and who have passed expert examination. (2) Expert assignments in social care homes shall be performed also by other experts who have an appropriate specialization and qualifications, depending on activities of a social care home.

#### Article 159

(1) Experts have to perform their work in accordance with ..the rules of their profession and they have to respect the personality of beneficiaries, their dignity and inviolability of their personal and family life.

(2) Experts have to keep everything they learn about personal and family life of-beneficiaries ~as a profes-sional -secret.

(3) Other employees of social care institutions shall also have the obligation to keep professional secrets.

(4) Disclosure ..of professional secrets shall amount.to a severe violation of professional duty.

#### Article 160

(1) After having completed their education, experts shall have the obligation to complete apprenticeship.

(2) Apprenticeship is a work supervised by an expert supervisor (mentor) for the purpose of obtaining qualifications for autonomous work.

(3) Apprenticeship shall be carried out in social care institutions. (4) A part of apprenticeship can be carried out in state bodies or medical, educational, judicial and other legal persons, legal persons engaged in upbringing, as well as in other legal persons performing social care activities..

#### Article 161

57

(1) The apprenticeship of the employees with a university and a college diploma shall extend over 20 months, and of employees with a secondary school diploma over 12 months.

(2) Apprenticeship can be extended to last longer then specified in Paragraph 1 of this Article for medical or other especially justified reasons.

#### Article 162

(1) After having completed one year of apprenticeship, experts , shall acquire a right to stand for expert examination before a committee of the Ministry having jurisdiction for social care affairs.

(2) If an apprentice passes an examination before the deadline specified in Paragraph 1 of Article 162 of this Law, he or she may retain the status of an apprentice until the expiry of the mentioned deadline.

(3) A certificate of passed expert examination shall be issued by the committee before which the examination was held.

#### Article 163

The Minister having jurisdiction for social care affairs shall regulate:

- particulars and methods of the implementation of apprenticeship, - the requirements to be met by social care institutions in which apprentices carry out their apprenticeship,
- requirements that have to be met by an expert supervisor (mentor),
- particulars and methods of expert examination,
  
- particulars and layout of certificate of passed examination.

#### Article 164

(1) Apprentices shall enter into a contract of temporary employment.

(2) Apprentices may work as volunteers.

(3) Social care institutions shall have the obligation to admit experts to apprenticeship according to the criteria set forth by the Minister having jurisdiction for social care affairs.

(4) The right to stand for an expert examination shall be granted to the experts who have completed their apprenticeship with legal persons or physical persons who carry out social care activities.

58

#### Article 165

Experts who passed expert examination for the relevant level of qualifications in another line of activities can be admitted to work in a social care institution without an obligation to stand for expert examination, or subject to obligation to stand for a specific part of expert examination, and this shall be decided by the Minister having jurisdiction for social care affairs.

#### Article 166

(1) Experts who at the time of entering into employment in a social care institution have acquired working experience in relevant profession which is longer than the time specified for apprenticeship, shall not -be subject to the application of the provisions of this Law which are applicable to

apprenticeship, but shall have the obligation to pass expert examination within one year following his or her employment.

(2) Experts bearing title of master of sciences or doctor of sciences, who passed the bar exam or public service exam shall be released from obligation to stand for expert examination.

(3) Minister having jurisdiction for social care affairs may release an expert from obligation to stand for expert examination if he or she has at least 10 years of employment in relevant profession, save where otherwise provided by special Law.

#### Article 167

(1) Experts shall have a right and an obligation to specialize in their profession in order to maintain quality of their performance and to improve it.

(2) Specialization mentioned in Paragraph 1 of this Article can be implemented only subject to a permission of the Ministry having jurisdiction for social care affairs, save in the case of post-graduate scientific or expert studies.

#### Article 168

(1) The work of experts mentioned in Articles 157 and 158 shall be evaluated.

58  
59

(2) The experts mentioned in Paragraph 1 of this Article may advance in the profession and acquire positions of a mentor and a counselor.

(3) The evaluation mentioned in Paragraph 1 of this Article shall be awarded by a Principal, every year, not later than November 30th, and the evaluation shall refer to preceding 12 months.

(4) The evaluation shall be made on the basis of

- success in the performance of public authority and other expert assignments,

- specialization,

- participation on symposia and submission of contributions, -  
publication of expert papers.

(5) The grades shall be "not satisfactory", "satisfactory", "successful" and "specially successful."

(6) Principal shall award grades in the form of a decision against which an expert shall have the right to appeal to the Council of experts of the

institution within 8 days following the service of the decision. The Council of experts shall have the obligation to decide the appeal within 15 days following receipt thereof.

(7) Subject to Principal's proposal, the Minister having jurisdiction for social care affairs can promote an expert to the position of a mentor if he or she has at least six years of experience in social care profession and was graded "successful" or "especially successful" during at least three consecutive years.

(8) Subject to Principal's proposal, the Minister having jurisdiction for social care affairs can promote an expert to the position of a counselor if he or she has at least ten years of experience in social care profession, the position of a mentor, and was graded "especially successful" during at least three consecutive years.

## IX. SUPERVISION

### *1. Internal supervision*

#### Article 169

(1) Social care institutions shall have the obligation to organize internal supervision of the work of their organizational units and employees.

(2) Internal supervision shall be performed in the way specified by general regulations of an institution.

60

### *2. Administrative supervision*

#### Article 170

The Ministry having jurisdiction for social care affairs shall perform administrative supervision of work of social care centers.

#### Article 171

In the performance of administrative supervision, the Ministry having jurisdiction for social care affairs can:

1. withhold a statute or any other general regulation of a social care center from execution,

2. annul, set aside or reverse a decision of a social care center,

3. discuss the situation in a social care center and order measures to be taken by the center in order to perform the activities of social care, 4. propose to the Principal to take measures for the improvement of rationality, efficacy,

efficiency and punctuality of the performance of the activities of a social care center as well as the measures for: the removal of other failures in operation,

5. directly enact a decision or take a measure necessary "for the implementation of laws or other regulations, or for the protection of beneficiaries, if the social care center having jurisdiction in the matter failed to do it within a prescribed time,

6. institute the proceedings for the establishment of the responsibility of employees of a social care center and institute the proceedings for the establishment of the responsibility of a Principal of a social care center, Head of a branch office and Head of other organizational units, as well as to institute the proceedings for their removal,

7. file report to a body authorized for the establishment of criminal or petty offense liability of employees of a social care center.

### Article 172

(1) A commission or a public servant who performed administrative supervision shall have the obligation to write a report containing information referring to the established situation, a proposal of measures that have to be taken within certain time in order to remove failures, a proposal for bringing criminal charges or petty offense

60

61

charges, a proposal for the institution of the procedure for the establishment of the responsibility of a Principal or other employees of a social care center, as well as proposals for taking other necessary measures, within 15 days following the supervision.

(2) Supervision report shall be forwarded to the concerned social care center within 20 days following the supervision.

62

### *3. Inspection*

#### Article 173

(1) The Ministry having jurisdiction for social care affairs shall perform the inspection of the implementation and application of laws and other regulations, general and individual legal acts within the framework of social care, as well as the supervision of expert operations of social care homes, centers for aid and care and other legal and physical persons who perform social care activities.

(2) Medical and sanitary inspection of the work of social care homes in the part which relates to medical protection and nourishment of beneficiaries shall be performed by medical and sanitary inspection.

#### Article 174

Inspection shall be carried out by inspectors, senior inspectors and other public servants of the Ministry having jurisdiction for social care affairs, authorized for the implementation of inspection.

#### Article 175

(1) A person meeting legal requirements for the admission to public service, having university diploma, who passed state expert examination, and who was employed for not less than five years after having passed a state expert examination can be appointed inspector.

(2) A person meeting legal requirements for the admission to public service, having university diploma, who passed state expert examination, and who was employed for not less than ten .years after having passed state expert examination can be appointed senior inspector.

(3) Inspectors shall be appointed by the Minister having jurisdiction for social care affairs.

#### Article 176

(1) Inspector shall bear an identity card demonstrating his or her official position, identity and authority.

(2) The particulars and the form of identity card shall be regulated by the Minister having jurisdiction for social care affairs.

62  
63

#### Article 177

(1) An inspector performing the inspection shall be entitled to enter on the premises of a social care institution or any other legal or physical person or performing the activities of social care at any time and without a prior notice or a permission of the Principal or any other responsible person.

(2) The inspector mentioned in Paragraph 1 of this Article shall inform a Principal or other responsible person about his or her entry to the social care institution.

#### Article 178

(1) During the performance of inspection inspector shall be entitled to inspect objects and other business premises, documentation, business books, registries, documents, official documents, to interview beneficiaries, employees and other persons, to inspect documents demonstrating identity of persons (identity cards, passports etc.) and to perform other acts envisaged by law.

(2) A principal or other responsible person of a legal person shall enable inspector to carry out inspection without any obstacles, and to furnish him or her with all means and all necessary documents.

#### Article 179

(1) Inspector shall make a record of the inspection, of the established situation as well as of the measures and actions taken =or ordered.

(2) In the performance of inspection the inspector shall have the authority to make decisions and to order the following-measures:

1. removal of established failures and irregularities within specified time,

2. to bring criminal charges with authorized public authority, or to deliver a petty offense decision specified by laws or other regulations,

3. order additional expert specialization of employees that he or she found lacking expertise, as well as subsequent testing of his or her expertise before an expert committee.

(3) Decisions ordering implementation of measures or actions shall specify a deadline for their implementation.

63  
64

(4) In the case of an imminent threat to the health or life of people, the inspector may enact an oral decision and order its immediate execution. The oral decision has to be recorded in the minutes.

#### Article 180

(1) An appeal from the decision mentioned in Article 179 of this law can be filed with the Minister having jurisdiction for social care affairs within eight days following service thereof.

(2) The appeal shall not postpone the execution of the decision.

#### Article 181

In the performance of inspection affairs the inspector shall have the following rights and duties:

1. to prohibit to a social care home, a center for aid and care or to other legal or physical person carrying out the activities of social care to implement measures and acts that are contrary to law or implementing regulations.

2. to file petty offense charges if he or she assesses that Laws or other regulations in the area of social care were violated and that the violation incurs petty offense liability of a physical or legal person or of a responsible individual acting on behalf of a legal person.

3. to bring criminal charges with the state attorney -having jurisdiction in the matter if he or she assesses that the laws or other regulations in the area of social care were violated, and that the violation incurs criminal liability.

#### Article 182

(1) The inspector shall make reports about his or her work, about the problems in the provision of social care regarding physical and legal persons the operation of which he or she supervises, and shall make proposals for the implementation of measures for the improvement of social care to the Minister having jurisdiction for social care affairs.

(2) The inspector shall have an obligation to report to the Minister having jurisdiction for social care affairs, in writing and without delay, if he or she finds out that a social care home, a center for aid and care or other physical or legal person performing the activities of social care does not meet the prescribed requirements for work, is acting rudely in

64  
65

violation of a law or other regulation or is seriously violating the rights of beneficiaries.

(3) The inspector shall have an obligation to report to the Minister having jurisdiction for social care affairs, in writing and without delay, if he or she finds out that a social care home, a center for aid and care or other physical or legal person carrying out the activities of social care did not within the prescribed time remove the failures, the removal of which was ordered by a decision mentioned in Article 179 of this Law.

#### Article 183

(1) On the basis of the report of an inspector from Article 182 of this Law, the Minister having jurisdiction for social care affairs can make one of the following decisions:

- forbid operation of a social care home, a center for aid and care and of other physical or legal person carrying out the activities of social care, if such person did not obtain a permission specified in Articles 96, 97 and 216 of this Law, or does not meet the requirements regarding the space, equipment and necessary experts, as prescribed in this Law.

- take other measures as authorized in this Law and other regulations.

(2) An appeal from the decision mentioned in Paragraph 1 of this Article shall not be permissible, but the decision can be subject to a judicial review procedure.

## X. COSTS OF ACCOMMODATION OUT OF ONE'S OWN FAMILY

### Article 184

(1) A social care home for adults and its branch offices shall be classified according to the type, extent and quality of services it renders to individual beneficiaries, according to the number and expertise of employees, the number, size, purpose and quality of premises, devices, equipment etc.

(2) The criteria for the classification of homes mentioned in Paragraph 1 of this Article shall be enacted by the Minister having jurisdiction for social care affairs.

66

### Article 185

(1) The decision on the classification of homes and their branch offices mentioned in Article 184 of this Law shall be made by the Ministry having jurisdiction for social care affairs subject to a proposal of an expert committee appointed by the Minister having jurisdiction for social care affairs.

(2) An appeal from the decision mentioned in Paragraph 1 of this Article shall not be permissible, but the decision can be subject to a judicial review procedure.

### Article 186

The price of services of the homes established by the Republic of Croatia shall be set by the Ministry having jurisdiction for social care affairs, depending on the type of accommodation, services provided, and category of home.

### Article--187

The price of services for the care out of one's own family in a social care home that was not established by the Republic of Croatia shall be set by its owner or establisher.

#### Article 188

- . The price of services for care, out of one's own family for -the beneficiaries who are accommodated on the basis of a decision of a social care center in a home that was not established by the Republic of Croatia must not be higher than the price specified in Article 186 of this Law.

#### Article 189

Prices for particular assistance and in-home care services mentioned in Article.5.1 of this Law shall be set by the Minister having jurisdiction for social care affairs if funds for this purpose are to be paid from the State Budget.

67

#### Article 190

(1) An adult accommodated on the basis of a decision of a social care center shall have the obligation to finance his or her accommodation from all his or -her income and financial resources.

(2) If the income of the accommodated person mentioned in Paragraph 1 of this Article, including the amount received for the maintenance on the basis of a judicial decision, is higher than the price of the accommodation, the remaining part shall be retained by the beneficiary.

(3) An accommodated beneficiary mentioned in Paragraph-1 of this Article whose income and financial resources do not suffice.for the payment of accommodation, shall have the obligation to sell his or her property which is not used by his or her family members in order to pay for the basic costs of accommodation and other basic means of life.

(4) If beneficiary's resources mentioned in Paragraphs 1 and 3 of this Article do not suffice for the payment of accommodation, the difference shall be covered by the Ministry having jurisdiction for social care affairs.

(5) When establishing income mentioned in Paragraphs 1 and 3 of this Article, the amount of income shall be decreased by the amount that the beneficiary is due for. the maintenance of one of his or her family members and by the amount allocated for personal needs of a beneficiary in a permanent accommodation.

(6) The methods of payment of accommodation for adults who are not accommodated on the basis of the decision of a social care center shall be set by a contract between a beneficiary and a social care center that was not established by the Republic of Croatia.

#### Article 191

(1) If the amount of maintenance contribution mentioned in Article 190, Paragraph 2 of this Law is not established pursuant to the regulations on family relations, persons having obligation to pay maintenance shall agree among themselves and with the social care center in order to establish the amount of such contribution.

(2) If persons having obligation to pay maintenance do not reach an agreement within the meaning of Paragraph 1 of this Article, or if the person due to pay maintenance does not comply with such an agreement or does not perform his or her obligation set by a judicial decision, the

67  
68

social care center shall institute judicial proceedings for the compensation of costs subject to the regulations on family relations..

#### Article 192

Exceptionally from Article 191 of this Law, person with obligation to maintain an adult who is incapable to work shall not have the obligation to participate in payment of accommodation if his or her income or income of his or her family is lower then triple amount of income of a single person or of a family set forth in Article 16, Paragraphs 2 and 3 of this Law.

#### Article 193

(1) A child who is permanently accommodated and who has a regular monthly income shall participate in the payment of accommodation up to 65% of such income.

(2) A child shall not be liable to participate in the payment of his or her permanent accommodation from his or her property.

#### Article 194

(1) Parents of a child who is permanently accommodated shall have the obligation to pay or to participate in the payment of the price of accommodation in the amount of maintenance contribution determined by a judicial decision subject to regulations on family relations.

(2) If the amount of the contribution for maintenance of an child is not established pursuant to regulations on family relations, parents ;pr other persons having obligation to maintain the child and social-care center shall make an agreement in order to determine the payment or participation in payment of the price of accommodation. If such an agreement is not reached, social care center shall institute judicial proceedings for the determination of the maintenance contribution.

#### Article 195

The Minister having jurisdiction for social care affairs shall regulate the methods of participation and participation in payment of out

69

of one's own family care for beneficiaries and other persons obliged to pay maintenance.

### XI. COMPENSATION OF DAMAGES

#### Article 196

A beneficiary who acquired income on the basis of a decision of a social care center shall be liable for damages if

- on the basis of a false or inaccurate information, he or she acquired income to which he or she was not entitled, or income higher.: then the one he or she should have received and he or she knew or should have known that such information was false or inaccurate, or if he or she acquired such income in any other illegal way,
- he or she acquired income due to a failure to report changes affecting a loss or extent of rights, and he or she knew or should have known about these changes.

#### Article 197

(1) The Ministry having jurisdiction for social care affairs shall be entitled to a refund of the amount paid for the assistance for maintenance and permanent accommodation if beneficiary alienates his or her property.

(2) In the case of death of a beneficiary mentioned in Paragraph 1 of this Article, the Ministry having jurisdiction for social care affairs shall be entitled to have paid amounts restituted from his or her heirs.

(3) The Ministry having jurisdiction for social care affairs shall riot sue for the restitution of the amounts mentioned in Paragraph 2 of this Article if the restitution would divest heirs and their family members from the property or income which necessary for the payment of their basic lodging expenses and other basic means of life.

#### Article 198

Claims based on damages mentioned in Articles 196 and 197 of this Law shall refer only to matured claims and to full amounts. This amount shall be calculated as of the day of payment to the day of maturity, calculated on the

basis of tables of actuary mathematics established by the Ministry having jurisdiction for social care affairs.