

**LAW OF GEORGIA**  
**ON SOCIAL ASSISTANCE**

**Chapter I – General Provisions**



**Article 1 - Purpose and scope of regulation of the Law**

1. The purpose of this Law is to provide fair, targeted and effective assistance to people by developing a regulated system of social assistance.
2. This Law regulates relations related to social assistance, defines administrative bodies authorised in the field of social assistance and determines types and fundamental principles for the allocation of social assistance on the territory of Georgia.

**Article 2 - Scope of the Law**

This Law applies to persons who are in need of special care and are lawful residents of Georgia, and to deprived families and homeless persons, unless otherwise provided for by this Law.

**Article 3 - Legislation on social assistance**

The legislation on social assistance includes the Constitution of Georgia, international agreements and treaties of Georgia, this Law and other legislative and subordinate normative acts of Georgia.

**Article 4 - Definition of terms**

The terms used in this Law have the following meanings:

- a) a beneficiary – a person receiving social assistance;
- b) a care facility – a provider of social service that provides homeless persons with overnight accommodation and food;
- c) reintegration – reunion of a person, who has been placed in a specialised institution, with his/her biological family or with his/her custodian (guardian);
- d) a foster family – a family that provides living conditions and care in a family environment to persons who are in need of special care and who are not their family members, on the basis of an agreement concluded between the State and the foster family;
- e) the Minister – the Minister of Labour, Health, and Social Affairs of Georgia;
- f) an authorised representative of a family – a family member with legal capacity who has attained full legal age, or an authorised person of the family, who applies to a competent authority for social assistance and handles relations with this authority;
- g) the Agency – an office within the system of the Ministry of Labour, Health, and Social Affairs of Georgia;
- h) the Ministry – the Ministry of Labour, Health, and Social Affairs of Georgia;
- i) social assistance – any monetary or non-monetary allowance intended for persons in need of special care, for deprived families or homeless persons;
- j) a social assistance system – a set of measures financed or organised by the State and/or carried out under state supervision in order to improve socio-economic conditions of persons in need of special care, deprived families or homeless persons;
- k) social service – activities intended to meet specific needs of persons in need of special care, deprived families or homeless persons by means of non-monetary social assistance;
- l) social service provider – administrative authorities, natural or legal persons that provide social service as provided for by the law;
- m) a social worker – persons specially authorised by custody and guardianship authorities;
- n) persons in need of special care are:
  - n.a) orphans and children without parental care
  - n.b) persons with disabilities
  - n.c) persons of full legal age with limited capabilities and without family care



n.d) persons without breadwinner

o) prevention – a set of measures intended to protect a person's preferential right to be raised in a family environment and to prevent his/her recognition as a person without parental care;

p) homeless persons – persons with no specific and permanent place of residence, and registered as homeless by a local self-government body;

q) a deprived family – a person or group of persons permanently residing in a separate place of residence, who lead joint household activities and whose social and economic conditions are below the level determined by the Government of Georgia;

r) an evaluation system – a system by which the social and economic condition of a family is evaluated and the level of material welfare of the family is determined;

s) foster care – a set of measures taken on the basis of an agreement concluded between the State and the foster parents for raising and caring for orphans or children without parental care, by the implementation of which the State undertakes obligations to protect and ensure the legal rights of children to be raised in a family environment;

t) a foster child – a child entrusted to the custody of foster parents on the basis of an agreement concluded between the State and the foster parents;

u) household activities – activities intended for family welfare that include joint use and maintenance of the place of residence, acquisition and joint management and distribution of subsistence means required for the family;

v) a person with the status of a person with disabilities – a person who has been granted this status under the Law of Georgia on Medical and Social Examination;

w) a person without breadwinner – a child (children) before attaining the age of 18 one or both of whose parents are dead.

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

*Law of Georgia No 3441 of 16 July 2010 - LHG I, No 42, 22.7.2010, Art. 265*

*Law of Georgia No 6061 of 24 April 2012 - website, 7.5.2012*

## **Article 5 - Basic principles of the Law**

Basic principles of this Law are:

a) recognition of social assistance as state support based on a needs assessment, rather than an unconditional right ensured by law;

b) targeted distribution of appropriate resources through a system of social assistance to persons in need of special care, deprived families and homeless persons ;

c) facilitation of the development of alternative types of social service.

## **Chapter II - Types of Social Assistance**

### **Article 6 - Types of social assistance**

The types of social assistance are:

a) a living allowance

b) a reintegration allowance

c) an allowance for foster care

d) an allowance for family care of a person of full legal age

e) non-monetary social assistance

f) a social package.

*Law of Georgia No 3441 of 16 July 2010 - LHG I, No 42, 22.7.2010, Art. 265*

*Law of Georgia No 6061 of 24 April 2012 - website, 7.5.2012*

### **Article 7 - Living allowance**

1. Families have the right to apply for a living allowance.



2. The living allowance is monetary social assistance intended for improving the social and economic conditions of deprived families identified by the evaluation system.

3. The amount of the living allowance shall be determined by the Government of Georgia.

4. The procedure and conditions for granting, suspending, resuming and terminating a living allowance, and other relations in the field of its provision shall be regulated by the Minister's order.

#### **Article 8 - (Deleted)**

*Law of Georgia No 6061 of 24 April 2012 - website, 7.5.2012*

#### **Article 9 - Reintegration allowance**

1. A family may apply for a reintegration allowance.

2. A reintegration allowance is monetary social assistance granted to those biological families and custodians (guardians) of persons in need of special care, who take them into their families from specialised institutions and provide appropriate care to them.

3. The amount of a reintegration allowance shall be determined by the Government of Georgia.

4. The procedure and conditions for granting, suspending, resuming and terminating a reintegration allowance, and other relations related to its provision shall be regulated by an order of the Minister.

#### **Article 10 - Allowance for foster care**

1. An allowance for foster care is monetary social assistance granted to a foster mother or a foster father to raise and take care of a foster child.

2. The amount of the allowance for foster care shall be determined by the Government of Georgia.

3. The procedure and conditions for granting, suspending, resuming and terminating the allowance for foster care, and other relations related to its allocation shall be regulated by the Minister's order.

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

*Law of Georgia No 3441 of 16 July 2010 - LHG I, No 42, 22.7.2010, Art. 265*

#### **Article 11 - Allowance for family care of a person of full legal age**

1. The allowance for family care of persons of full legal age is monetary social assistance granted to those persons who take a person of full legal age into their families from a specialised institution and provide appropriate care to them.

2. The amount and frequency of allocating the allowance for family care for persons of full legal age shall be determined by the Government of Georgia.

3. The procedure and conditions for granting, suspending, resuming and terminating the allowance for family care of persons of full legal age, and other relations related to its allocation shall be regulated by the Minister's order.

#### **Article 12 - Non-monetary social assistance**

1. Persons in need of special care may be a beneficiary of non-monetary social assistance.

2. For prevention and reintegration purposes a child and/or his/her family may also be provided with a non-monetary social assistance, when there is a family condition that serves as a justifiable precondition to recognise the child as a child without parental care; or such assistance may be provided to children without parental care in order to ensure their living in a family environment.

3. The types of non-monetary social assistance and the criteria for evaluating a family condition to determine the levels of risk in recognising the child as a child without parental care shall be determined by the Minister's order.

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

#### **Article 12<sup>1</sup> – Social package**

1. A social package is a monthly monetary allowance and/or a set of allowances (monetary and non-monetary allowances), the amount, the group of beneficiaries, the procedures and conditions for the allocation of which shall be determined by an ordinance of the Government of Georgia.



2. In accordance with this Law, the basis for granting a social package is:

- a) establishment of the status of a person with disabilities
- b) death of the breadwinner.

*Law of Georgia No 6061 of 24 April 2012 - website, 7.5.2012*

### Chapter III

#### Specialised Institution

##### Article 13 - Specialised institution

A specialised institution is a natural or legal person providing social services to persons in need of special care for 24 hours and/or for a specified period of time during these 24 hours, except for the general education institutions that provide boarding school services.

*Law of Georgia No 3441 of 16 July 2010 - LHG I, No 42, 22.7.2010, Art. 265*

##### Article 14 - Placement of a person in a specialised institution

1. Decisions on the placement of persons in specialised institutions, when such placement is financed in full or is co-financed by the State, and on the placement of minors at a 24 hour specialised institution shall be made by an authorised body.
2. The authorised body may be a local self-government body that ensures financing (co-financing) of persons at a specialised institution within its authority, or the guardianship and custody authorities.
3. Unless otherwise provided for by the legislation of Georgia, a request for the placement of a person in a specialised institution is made on the basis of a written application by the party concerned, as determined under paragraph 4 of this Article.
4. The parties concerned may be:
  - a) a person who desires to be placed at a specialised institution;
  - b) a family member or an authorised representative of the family of a person to be placed in a specialised institution;
  - c) a local self-government body, if a person who desires to be placed in a specialised institution is single and is unable to submit an application independently;
  - d) a court;
  - e) guardianship and custody authorities.
5. The relations related to the placement of a found child in a specialised institution shall be regulated by the Minister's order.
6. The procedures and conditions for the placement of persons in specialised institutions and for the removal of persons from specialised institutions, as well as the powers of the authorised bodies shall be determined by an order of the Minister.

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

##### Article 15 - Financing and co-financing of a specialised institution

1. Specialised institutions may be financed from the State Budget of Georgia, the budgets of the Autonomous Republics of Abkhazia and Adjara, the budgets of local self-government units and/or from other sources determined by the legislation of Georgia.
2. (Deleted).
3. (Deleted).
4. The procedures and conditions for financing (co-financing) the placement of persons in specialised institutions shall be determined by an ordinance of the Government of Georgia.

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

### Chapter IV – Scope of Authorities and Rights and Obligations of Entities Operating in the Field of Social Assistance



## **Article 16 - Scope of authorities and rights and obligations of the Ministry**

The Ministry shall:

- a) regulate and coordinate the operation of the social assistance system;
- b) monitor the efficiency of social assistance;
- c) develop a methodology, that is approved by an ordinance of the Government of Georgia, of evaluating social and economic condition of a family;
- d) approve standards for child care;
- e) establish legal entities under public law (LEPLs) - specialised institutions, if necessary, and approve their internal regulations (statutes), and appoint their authorised representatives;
- f) gather and analyse information on social assistance provided by local self-government bodies;
- g) exercise other powers determined by the legislation of Georgia.

## **Article 17 - Scope of authorities and rights and obligations of the Agency**

Within the scope of authorities granted under this Law and its regulations the Agency shall:

- a) represent a central and local guardianship and custody authority throughout the territory of Georgia, except as provided for by this law;
- b) represent a central guardianship and custody authority on the territory of Georgia for the purposes of child adoption by adoptive parents from other states;
- c) administer a unified database of socially disadvantaged families living in the country, and ensure publicity of information on families who are provided with subsistence allowances, in order to protect social rights and freedoms of persons and monitor efficiency of social assistance;
- d) administer a unified registry of homeless persons registered by local self-government authorities;
- e) administer monetary social allowance;
- e<sup>1</sup>) have the right to use appropriate software support and automated management tools, an electronic document management software and an electronic signature in its correspondence and activities; the electronic document and its printed form shall have the same legal force as the original document; in addition, any message or other document sent by an e-mail shall be considered delivered upon its receipt by an addressee;
- f) (Deleted);
- g) exercise other powers determined by the legislation of Georgia.

*Law of Georgia No 884 of 26 December 2008 - LHG I, No 40, 29.12.2008, Art. 288*

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

*Law of Georgia No 6061 of 24 April 2012 - website, 7.5.2012*

## **Article 18 - Scope of authorities and rights and obligations of local self-government bodies**

1. Local self-government bodies shall:

- a) participate in the evaluation system, as provided for by the legislation of Georgia;
- b) provide homeless persons with care facilities;
- c) register the persons at care facilities;
- d) make information on registered homeless persons available for the Agency.

2. In the case of implementing local social assistance programmes, the local self-government bodies shall make the database on allowances of beneficiaries under this Law available for the Ministry and the Agency, and make this information compatible with the Agency's unified database of socially disadvantaged families living in the country, according to the procedures, forms and sequence determined by the Minister.

## **Article 19 - Authorised bodies in the field of social assistance in the territories of the Autonomous Republics of Abkhazia and Adjara**

1. Appropriate authorities of the Autonomous Republics of Abkhazia and Adjara shall carry out the following activities in the field of social assistance:



a) gathering and analysing information on the assistance provided by the appropriate authorities of the Autonomous Republics of Abkhazia and Adjara to families living in the territories of the Autonomous Republics and making this information available to the Ministry;

b) keeping a registry of homeless persons and making appropriate information available to the Ministry.

2. The functions of guardianship and custody authorities may be transferred to the appropriate authorities of the Autonomous Republics of Abkhazia and Adjara by ordinance of the Government of Georgia.

#### **Article 20 - (Deleted)**

*Law of Georgia No 884 of 26 December 2008 - LHG I, No 40, 29.12.2008, Art. 288*

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

#### **Article 21 - Obligations of the beneficiaries**

1. The Persons (families) seeking social assistance and beneficiaries determined by this Law shall exercise the rights and obligations, as provided for by the legislation.

2. In provision of reintegration allowance, the obligations of the biological family shall be determined by the agreement entered into between the State and the biological family, by which the family undertakes to protect the rights of the child and provide him/her with appropriate care.

3. If, in provision of reintegration allowance, a biological family violates the agreement, it shall be deprived of the right to receive the monetary social allowance determined by this Law during the period set forth by the legislation of Georgia, and preference shall be given to the child's interests when solving the issue of the reintegrated child.

### **Chapter V – Appealing a Decision on Social Assistance**

#### **Article 22 - General principles of appealing**

1. A person shall have the right to apply to a court to protect his/her rights and freedoms.

2. The methodology of evaluation of social and economic conditions and the level and amount of monetary social assistance determined by the Government of Georgia shall not be appealed. [Invalidated - decision No 1/2/434 of 27 August 2009 of the First Board of the Constitutional Court of Georgia - LHG IV, №60, 3.9.2009, p.1]

#### **Article 23 - (Deleted)**

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

### **Chapter VI – Financing of Social Assistance**

#### **Article 24 - Sources of financing of social assistance**

1. Sources of financing of social assistance are:

- a) the State Budget of Georgia,
- b) the budgets of the Autonomous Republics of Abkhazia and Adjara,
- c) the budgets of local self-government bodies,
- d) money paid by beneficiaries or their representatives,
- e) donations,
- f) other sources permitted by the legislation of Georgia.

2. Monetary social assistance shall be basically financed from the State Budget of Georgia.

3. Appropriate authorities of the Autonomous Republics of Abkhazia and Adjara and of local self-government are also entitled to co-finance social assistance programmes implemented within their jurisdictions under this Law according to the types of social assistance specified by this Law.



## Chapter VII – Transitional Provisions

### Article 26 - (Deleted)

*Law of Georgia No 884 of 26 December 2008 - LHG I, No 40, 29.12.2008, Art. 288*

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

### Article 26 - Measures to be taken with relation to the entry of this Law into force

1. The allowances for utility services determined by Articles 14(1)(c), 15(c), 16(2)(c) and 17(b) of the Law of Georgia on War and Military Veterans shall be declared void with relation to the entry into force of this Law.
2. (Deleted – 24.4.2012, No 6061).
3. In coordination with the Ministry of Education and Science of Georgia, the Ministry shall approve the standards for child care within three months after the entry into force of this Law.
4. (Deleted).
5. Before 1 January 2009, care facilities, educational and non-school educational institutions for orphans and children without parental care, and/or for children with disabilities, established as legal entities under public law under the Law of Georgia on General Education, shall be considered as the legal entities under public law established under this Law, and the Minister of Labour, Health and Social Affairs of Georgia shall approve the internal regulations (statutes) of these institutions and carry out the state supervision of these institutions and appoint their authorised representatives.
6. (Deleted).
7. (Deleted).
8. (Deleted).
9. The Government of Georgia is authorised to issue an appropriate legal act in order to regulate organisational, technical and legal issues related to the transfer of guardianship and custody functions to the Ministry of Labour, Health and Social Affairs of Georgia and to maintain the continuity of the process.
10. If the Ministry reorganises institutions established under paragraph 5 of this Article, the institution (institutions) formed as a result of thereorganisation shall be considered licensed for the purposes of the Law of Georgia on Licensing of Educational Institutions.
11. By order of the Minister, the specialised institutions formed within and subject to the state control of the Ministry may be established as legal entities under public law, reorganised and/or liquidated (despite the time of establishment of these legal entities under public law and the statutes of foundation), also the regulations of these entities may be approved and their authorised representatives may be appointed and/or dismissed.
12. Before 1 April 2010, the Ministry, together with the Ministry of Education and Science and the Ministry of Internal Affairs of Georgia, shall approve procedures for referral for the protection of children.

*Law of Georgia No 884 of 26 December 2008 - LHG I, No 40, 29.12.2008, Art. 288*

*Law of Georgia No 2169 of 1 December 2009 - LHG I, No 42, 10.12.2009, Art. 307*

*Law of Georgia No 2386 of 18 December 2009 - LHG I, No 50, 31.12.2009, Art. 403*

*Law of Georgia No 3441 of 16 July 2010 - LHG I, No 42, 22.7.2010, Art. 265*

*Law of Georgia No 6061 of 24 April 2012 - website, 7.5.2012*

## Chapter VIII – Final Provisions

### Article 27 - Entry of this Law into force

1. This Law, except for Articles 6, 9, 10, 12, 14, 15, Article 16(e), Articles 17, 19 and Article 21(2)(3), shall enter into force as from 1 January 2007.
2. Articles 6, 9, 10, 12, 14, 15, Article 16(e), Articles 17, 19 and Article 21(2)(3) of this Law shall enter into force as from 1 September 2008.



Tbilisi,

29 December 2006

№4289-RS

