

SOME ASPECTS OF FORMS OF PLACEMENT OF CHILDREN LEFT WITHOUT PARENTAL CARE

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Abstract: Every child has a natural right to a decent life, which must be guaranteed by modern society and the state. Any person under the age of 18 is considered a child. This article discusses the international and domestic legal norms of patronage.

Keywords: Patronage, children, legal basis, method.

INTRODUCTION

The legal mechanisms of fostering (patronage) orphans and children deprived of parental care are the Family Code of the Republic of Uzbekistan and the Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated April 12, 1999 "For the implementation of the Family Code of the Republic of Uzbekistan is carried out in accordance with the Regulation approved by Annex 3 of Decision No. 171 "On Approval of Necessary Regulatory Documents".

MATERIALS AND METHODS

According to our legislation, in order to provide for orphans and children deprived of their parents' care, provide for them, raise and educate them, as well as protect their rights, freedoms and legal interests, first of all, children of this category are brought to the family, if there is no such possibility, it is decided to be placed in education and treatment institutions (children's home, children's town, orphanage).

Forms of placement of orphans and children deprived of parental care:

- guardianship (children under 14);
- sponsorship (children aged 14 to 18)
- patronage (adopting into a family)
- childishness
- consists of 5 directions, such as placement in education and treatment institutions (children's home, children's town, orphanage).

However, today the fifth option, which should be used as a last resort, is increasing. This violates the right of children to grow up in a family. As a result, the child faces a lot of problems in social adaptation to society after being educated in boarding-type institutions.

That is why it is considered the best way to raise orphans and children deprived of their parents' care.

RESULTS AND DISCUSSION

Which children can be brought up to a family (patronage):

- parents died;
- parents are deprived of parental rights;
- parents have been declared incompetent by the court;
- parents refuse to raise children or protect their rights and interests;
- parents have not heard from their child in children's institutions or medical institutions for more than a year without good reason;
- parents refused to take their child from educational, treatment institutions, social protection institutions and other institutions;
- children whose parents have been declared missing or dead are taken into account by guardianship and guardianship bodies as children who must be brought up in a family (patronage).

In short, orphans deprived of parental care, including children in educational and treatment institutions (children's homes, orphanages), as well as children in institutions of social protection of the population.

How is a foster family organized?

Adoption of children into a family is voluntary and is carried out on the basis of an agreement (agreement) concluded between guardianship and patronage bodies under the departments of public education and persons who expressed their desire to adopt a child.

Adult persons of both genders who wish to raise (patronage) a child (children) in their family shall submit an application to the guardianship and guardianship authority at their place of residence with a request to be registered as dependent parents.

The following must be attached to the application:

- a copy of the marriage certificate (if married);
- a certificate from the workplace showing the salary;
- the conclusion of the medical-advisory commission on health, references of psychiatric and narcology institutions, skin-genital dispensaries;
- a document confirming the availability of housing in accordance with sanitary rules and regulations, under the terms of lease (lease) or other grounds;
- a certificate of having studied at the "Training course for bereaved parents" organized by orphanages.

When submitting an application, a document confirming the identity is shown.

Within 30 working days from the date of submission of the application, the guardianship and sponsorship body checks the living conditions of the family, the state of financial security of those who want to raise children, prepares a certificate of verification and registers them on the basis of the certificate of verification.

The guardianship and patronage bodies choose the guardians.

The body of guardianship and guardianship must study the living conditions of the family raising the child and collect information about the health of the members of this family before concluding an agreement with the detained parents.

In case of rejection, all documents will be returned to the applicant and the procedure for appealing the decision will be explained.

In accordance with the above-mentioned procedure, a person who is registered with guardianship and guardianship bodies and who are left without parental care, including minors in educational and medical institutions, as well as in institutions of social protection of the population, can carry out the preliminary selection.

An agreement on the adoption of children into a family for raising children is concluded between guardianship and guardianship authorities and bereaved parents.

Information about the parent (place of residence, passport, family situation), conditions of providing for the child, upbringing and education of the children, custody parent- the rights and obligations of mothers, the obligations of guardianship and guardianship authorities towards the adopted family, as well as the grounds and consequences of canceling such an agreement are indicated.

Orders for the purchase of clothes and shoes for a child taken into foster care (patronage) and the payment of allowances to the detained parents are formed by the guardianship and guardianship body with the participation of the detained parents and submitted to the Department of Public Education.

The agreement on raising children can be terminated prematurely at the initiative of the parent for the following reasons:

- illness;
- change of family or property status;

- misunderstanding with children, etc.

The agreement on raising children can be terminated prematurely at the initiative of the guardianship and guardianship body or when the children are returned to their parents or they are adopted.

Disputes on the termination of agreements on the adoption of children in the family are resolved in court.

Material maintenance of children under education

- the children given to the family for upbringing were provided with clothes and shoes once a year;
- a monthly allowance is paid to the dependent parent who brought up the child to the family in the amount specified by the law (currently 877,400 soums for each child);
- the funds necessary for this are allocated by the finance departments from the reserve funds accumulated from expenses based on the relevant decisions of the Council of Ministers of the Republic of Karakalpakstan, regions and Tashkent city hokims, and paid to parents through public education departments.

Rights of children brought up in the family

- receiving alimony, as well as pensions, allowances and other social payments for children who are brought up to the family;
- ownership of housing or the right to use housing;
- retain the right to housing in accordance with the law.

Children placed in a family for fostering (patronage) are entitled to all the privileges provided for children left without parental care by law.

The child has the right to express his opinion when any issue affecting his interest is being resolved in the family.

At the same time, according to the legislation, the consent of the parents is required for the adoption of a child, and in the absence of them, the consent of the guardianship and guardianship body.

In this case, such consent must be notarized or approved by the head of the organization where the adopted child is located, or by the guardianship and guardianship authority at the place of adoption or his place of residence. Consent can also be stated directly in court during the adoption proceedings.

In the process of adoption, parents have the right to withdraw their consent to the adoption of the child until the court decision on the adoption of the child is issued [2].

In some cases, in accordance with Article 160 of the Family Code of the Republic of Uzbekistan, adoption may be carried out without the consent of the parents in the following cases [3]:

- if the identity of the parents is unknown;
- if a parent has been deprived of parental rights;
- if the parent is found to be incompetent, missing or declared dead;
- if the parent has not heard from the child in children's or treatment institutions for more than a year without good reason.

In addition to the consent of the above-mentioned persons for adoption, their consent is also necessary when he reaches the age of ten, but if the child is being raised in the family of the adopters and recognizes them as his parents, the adoption can be carried out without the consent of the child being adopted.

The object of disclosure of the secret of adoption is considered to be social relations, family interests, and normal mental development of the child aimed at creating conditions for the normal development of adopted children.

Adoption is carried out by the court based on the application of the persons (persons) who wish to adopt a child, taking into account the conclusion of guardianship and guardianship authorities that the adoption is reasonable and in the interests of the adopted child. As a rule, adoption of brothers and sisters by different persons is not allowed.

Who can't adopt?

- those who have been deprived of parental rights or have limited parental rights;
- those who have been found to be incompetent or have limited legal capacity;
- those registered in psychiatric or narcology institutions;
- those who have been previously convicted of intentional crimes;
- former adoptees whose adoptions have been revoked.

Who has priority in adoption?

- ✓ relatives of the adoptee;
- ✓ a person living in the family of a child to be adopted;
- ✓ persons adopting brothers and sisters without breaking the kinship ties between them;
- ✓ stepfather and stepmother;
- ✓ Citizens of the Republic of Uzbekistan;
- ✓ persons separated from their children due to illness or accident.

CONCLUSION

Custodial parents have guardianship rights and obligations towards the child. That is, they are considered legal representatives of their dependents and conclude all necessary transactions on their behalf and in their interests. They help their dependents to exercise their rights and fulfill their obligations, as well as protect their rights from abuse by third parties.

In addition, the detained parents shall submit to the guardianship and sponsoring body until November 15 of the year the money allocated for the purchase of clothes and shoes for the child taken into the family (patronage).

If the persons who brought up the children use their rights out of malice or other intentions, causing harm to the children under their care, as well as leaving them without control and without the necessary financial support, guardianship and guardianship bodies shall raise the issue of holding the persons who brought up the children accountable in accordance with the law. has the right to ask.

Guardianship and sponsorship bodies monitor the living conditions and upbringing of children given to the family for upbringing.

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