

SOCIAL SERVICES ACT
No. 108/2006 Coll.
of March 14, 2006

The Parliament adopted the following Act of the Czech Republic:

PART ONE

INTRODUCTORY PROVISIONS

§ 1

Object of Regulation

(1) This Act regulates conditions governing assistance and support to physical persons (individuals) in adverse social situations (hereafter "the persons") provided through social services and an allowance in respect of care (care allowance), conditions governing the issue of the authorization for the social services provision, execution of public administration in the field of social services, inspection of the social services provision and prerequisites for performance of social services activities.

(2) This Act further regulates prerequisites for execution of the profession of a social worker performing activities in social services (a social services worker) or according to special legal regulations when assisting in the case of economic indigence, social and legal protection of children, in schools and school establishments, health care facilities, prisons, detention facilities for foreigners and asylum facilities.

§ 2

Fundamental Principles

(1) Each person shall be entitled to free basic social counselling [§ 37(2)] in respect of possible solutions of such person's adverse social situation or its prevention.

(2) The extent and form of the assistance and the support provided through social services has to preserve human dignity of persons. The assistance shall be based on individually determined needs of persons and it has to have an active impact on persons, it has to support development of their independence, to motivate persons to carry out activities that would not lead to long-term preservation or deepening of their adverse social situation and to strengthen their social integration. Social services shall be provided in the interest of persons and in due quality, in manners always strictly ensuring compliance with human rights and fundamental freedoms of persons.

§ 3

Definition of Terms

For the purposes of this Act, the following shall be understood to mean

a) social service shall mean an activity or a set of activities according to this Act, ensuring the assistance and the support to persons for the purposes of their social integration or prevention of their social exclusion,

b) adverse social situation shall mean reduction or loss of capability to resolve an occurred situation in a manner enabling social integration and protection against social exclusion, caused due to the unfavourable health condition, crisis social situation, living habits and the manner of life leading to conflicts with society, socially disadvantageous environment, threat to rights and interests due to the criminal activity of another physical person or due to other serious reasons,

c) long-term unfavourable health condition shall mean an unfavourable health condition anticipated to last for over one year according to the knowledge of medical science, and limiting mental, sense or physical abilities and having an impact on care of one's own person (self-care) and self-sufficiency,

d) natural social environment shall mean a family and social links to close persons 1), a person's household and social links to other persons sharing household with such person, as well as places where persons work, educate themselves and perform common social activities,

e) social integration shall mean a process ensuring that socially excluded persons or persons threatened by social exclusion are given opportunities and possibilities facilitating their full integration in economic, social and cultural life of the society and enabling them to live in a manner considered as common in the society,

f) social exclusion shall mean exclusion of a person from a common life within the society and impossibility of integration into such life due to an adverse social situation,

g) disability shall mean physical, mental, intellectual, sense or combined affliction the consequences of which make or could make such person dependent on another person's assistance,

h) social services development plan shall mean a result of the process of active determination of persons' needs within a defined territory and search for manners of their satisfaction while using available resources; the content of the plan comprises the description and analysis of existing resources and needs, including economic evaluation, strategy for arranging for and development of social services, duties of participating entities, the manner of monitoring and evaluating plan fulfilment and the manner in which changes in the social services provision may be carried out.

§ 4

Entitled Persons

(1) Social services and the care allowance are provided upon satisfaction of the conditions stipulated in this Act to

a) a person registered for the permanent stay in the territory of the Czech Republic according to special legal regulations 2),

b) a person granted the asylum according to a special legal regulation 3),

c) a foreigner without the permanent stay in the territory of the Czech Republic, granted such rights under an international treaty 4),

d) a citizen of a member state of the European Union, if registered - according to a special legal regulation 5) - for a stay exceeding 3 months in the territory of the Czech Republic, unless the entitlement of such person to social advantages ensues from a directly applicable European Community regulation 6),

e) a family member of a citizen of a member state of the European Union 7), if registered - according to a special legal regulation 5) - for a stay exceeding 3 months in the territory of the Czech Republic, unless the entitlement of such person to social advantages ensues from a directly applicable European Community regulation 6),

f) a foreigner granted a permanent stay permit with the acknowledged legal position of a long-term resident in the European Community staying in the territory of another member state of the European Union, if registered - according to a special legal regulation 5) - for a stay exceeding 3 months in the territory of the Czech Republic.

(2) Social services stipulated in § 57, 59 to 63 and § 69 are provided also to persons legally staying in the territory of the Czech Republic according to a special legal regulation 5) subject to satisfying the conditions stipulated in this Act.

§ 5

Powers in the Field of Social Services

(1) State administration according to this Act is performed by

a) the Ministry of Labour and Social Affairs (hereafter the "Ministry"),

b) regional authorities,

c) municipal authorities of municipalities with extended powers,

d) labour offices.

(2) The exercise of powers of municipal authorities of municipalities with extended powers and regional authorities according to this Act represents the exercise of delegated powers.

(3) Municipalities and regions exercise powers according to this Act in the field of social services as well.

§ 6

Social Services Providers

Territorial self-governing units and legal entities established by them, other legal entities, physical persons and the Ministry and organizational components of the state established by the Ministry are social services providers subject to satisfying conditions stipulated by this Act.

PART TWO

CARE ALLOWANCE

CHAPTER I

Conditions Governing Entitlement to a Care Allowance

§ 7

(1) The care allowance (hereafter the "allowance") shall be provided to persons dependent on another physical person's assistance for the purposes of arranging for necessary assistance. The costs of the allowance shall be covered from the state budget.

(2) A person stipulated in § 4(1) who needs the assistance of another physical person for the purposes of self-care due to his long-term unfavourable health condition and for ensuring self-sufficiency to the extent stipulated in the dependence degree according to § 8 shall be entitled to the allowance.

(3) A person under one year of age shall not be entitled to the allowance.

(4) A municipal authority of a municipality with extended powers shall decide on the allowance.

§ 8

A person shall be considered dependent on the assistance of another physical person in

a) degree I (slight dependence), if due to a long-term unfavourable health condition such person needs everyday assistance with or supervision over more than 12 acts concerning self-care and self-sufficiency or, more than 5 acts concerning self-care and self-sufficiency, in the case of a person below 18 years of age,

b) degree II (medium-heavy dependence), if due to a long-term unfavourable health condition such person needs everyday assistance with or supervision over more than 18 acts concerning self-care and self-sufficiency or, more than 10 acts concerning self-care and self-sufficiency, in the case of a person below 18 years of age,

c) degree III (heavy dependence), if due to a long-term unfavourable health condition such person needs everyday assistance with or supervision over more than 24 acts concerning self-care and self-sufficiency or, more than 15 acts concerning self-care and self-sufficiency, in the case of a person below 18 years of age,

d) degree IV (total dependence), if due to a long-term unfavourable health condition such person needs everyday assistance with or supervision over more than 30 acts concerning self-care and self-sufficiency or, more than 20 acts concerning self-care and self-sufficiency, in the case of a person below 18 years of age.

§ 9

(1) When considering self-care for the purposes of determining the degree of dependence, the ability to manage the following acts shall be evaluated:

a) food preparation,

b) food serving and portioning,

- c) food acceptance, compliance with drinking regime,
- d) body washing,
- e) bathing or showering,
- f) care for mouth, hair and nails, shaving,
- g) exercise of physiological need including hygiene,
- h) getting up from a bed, lying down, changing positions,
- i) sitting, ability to remain in the sitting position,
- j) standing, ability to remain standing,
- k) moving articles of everyday use,
- l) walking on a flat surface,
- m) walking on stairs, up and down,
- n) selecting clothing, recognizing its proper overlays,
- o) dressing, undressing, putting on shoes, taking off shoes,
- p) orientation in the natural environment,
- q) exercising own simple medical treatment/dressing,
- r) complying with medical regime.

(2) When considering self-sufficiency for the purposes of determining the dependence degree the ability to manage the following acts shall be evaluated:

- a) verbal, written and non-verbal communication,
- b) orientation in respect to other physical persons and time, and orientation outside of such person's natural environment,
- c) disposing of money and other valuables,
- d) arranging for personal matters,
- e) time planning, life planning,
- f) inclusion in social activities corresponding to the age,
- g) ensuring food and common articles (shopping),
- h) cooking, heating up simple meals,
- i) dish washing,
- j) common household cleaning,
- k) caring for linen/underwear
- l) washing up small linens
- m) caring for bed,
- n) operating common household appliances,
- o) manipulating with taps and switches,
- p) manipulating with locks, opening and closing windows and doors,
- q) maintaining the household tidy, disposing of refuse,

r) other simple acts related to household running and maintenance.

(3) When evaluating acts for the purposes of determining dependence degree according to § 8, the functional impact of a long-term unfavourable health condition on handling simple acts according to subsections (1) and (2) is considered.

(4) When evaluating acts for the purposes of determining dependence degree according to § 8, acts according to subsections (1) and (2) are totalled. When evaluating acts according to subsections (1) and (2), acts stipulated under individual letters are considered as one act only. Where a person is able to handle one of the acts stipulated in subsections (1) and (2) only partially, such act shall be considered - for the purposes of evaluating the act - as an act the person is unable to handle.

(5) An implementing legal regulation shall specify in details acts stipulated in subsections (1) and (2) and the manner of their evaluation.

§ 10

When considering the need of assistance and supervision according to § 9 in the case of a person below 18 years of age for the purposes of determining dependence degree, the extent, the assistance and supervision intensity and complexity are compared to the assistance and supervision provided to a healthy physical person of the same age. When determining dependence degree of a person below 18 years of age, the assistance and supervision in respect to self-care and self-sufficiency ensuing from the age of such person and the corresponding level of biopsychosocial development shall not be taken into account.

CHAPTER II

Amount of the Allowance

§ 11

(1) The allowance provided to persons below 18 years of age in a calendar month shall amount to

- a) CZK 3,000, in the case of grade I (slight dependence),
- b) CZK 5,000, in the case of grade II (medium-heavy dependence),
- c) CZK 9,000, in the case of grade III (heavy dependence),
- d) CZK 11,000, in the case of grade IV (total dependence).

(2) The allowance provided to persons over 18 years of age in a calendar month shall amount to

- a) CZK 2,000, in the case of grade I (slight dependence),
- b) CZK 4,000, in the case of grade II (medium-heavy dependence),
- c) CZK 8,000, in the case of grade III (heavy dependence),
- d) CZK 11,000, in the case of grade IV (total dependence).

CHAPTER III

Increasing the Allowance

§ 12

(1) In its decree, the government shall regularly increase amounts of the allowance determined in § 11, always as of January 1, according to the increase of the social care consumer prices index within the set decisive period, subject to the increase reaching at least 5% as of the beginning of the decisive period.

(2) In its decree, the government may increase amounts of the allowance determined in § 11 in an extraordinary time-limit as well.

(3) The decisive period according to subsection (1) shall be determined in the following

manner: the first month of the period concerned shall be a calendar month following the last month of the preceding period decisive for the last increase of amounts of the allowance; the last month of the period concerned (decisive for the increase of amounts of the allowance) shall be September of the calendar year preceding the calendar year in which amounts of the allowance are to be increased.

(4) The increase of the social care consumer prices index shall be determined on the basis of the Czech Statistical Office data.

CHAPTER IV

Entitlement to an Allowance and Its Payment

§ 13

(1) Entitlement to an allowance shall arise on the day of satisfying the conditions stipulated in § 7 and 8.

(2) Entitlement to an allowance payment shall arise upon filing an application for granting an allowance to which the entitlement arose according to subsection (1), unless proceedings on its granting commenced by virtue of office (ex officio). The allowance may be granted and paid no earlier than as of the beginning of a calendar month in which the proceedings on granting the allowance commenced.

§ 14

Change in the Entitlement to an Allowance and Its Payment

(1) Where an allowance is granted or paid in an amount lower than to which it pertains, or where it is unjustly withheld or granted at a date later than it should be granted, the allowance shall be retroactively increased or granted from the day on which such entitlement arose; however such retroactive payment shall only apply to the maximum of up to 3 years immediately preceding the day of determination or assertion of the entitlement to the allowance or its increase.

(2) Where the allowance is granted or paid in an amount higher than an amount to which it pertains, or where it was unjustly granted or paid, the allowance shall be withdrawn or its payment shall be discontinued or reduced as of the first day of a calendar month following a calendar month in which the allowance was paid.

(3) In the case of changes in the facts decisive for the amount of an allowance resulting in the entitlement to a higher allowance, the increase in the allowance shall be effected as of the first day of a calendar month in which such change occurred.

(4) In the case of changes in the facts decisive for an amount of the allowance resulting in entitlement to a lower allowance, the reduction in the allowance shall be effected as of the first day of a calendar month following a calendar month in which such change occurred.

§ 15

Extinguishment of Entitlement to an Allowance and Its Payment

(1) Entitlement to an allowance shall not expire by lapse of time.

(2) The entitlement to payment of an allowance or a part thereof shall expire by lapse of one year of the day on which the entitlement to the allowance or a part thereof arose, unless it concerns cases according to § 14(1). The time-limit shall not run for the period of proceedings on granting the allowance.

§ 16

Transference of Entitlement to an Allowance and Its Payment

(1) In the case of the death of an applicant for an allowance prior to the issue of the decision on an allowance, other persons shall enter further proceedings on granting the allowance and they shall acquire the title to the amounts payable at the day of such person's death in the following order: a person's spouse, children and parents, subject to living with an entitled person in a household at the time of such person's death.

(2) Where the allowance was granted prior to the death of an entitled person, the amounts payable but unpaid at the day of such entitled person's death shall be paid to the members of such person's family in the order and under the conditions stipulated in subsection (1).

(3) The entitlement to an allowance does not constitute the object of inheritance.

§ 17

Assignment and Deductions

(1) The entitlement to an allowance may not be assigned or pledged.

(2) An allowance is not subject to the execution of judgement and it may not be the object of an agreement on deductions.

CHAPTER V

Allowance Payment

§ 18

Manner of an Allowance Payment

(1) An allowance shall be paid on a monthly basis, in particular in a calendar month in respect of which it pertains.

(2) An allowance shall be paid by a municipal authority of a municipality with extended powers that is relevant for making decision on the allowance.

(3) An allowance shall be paid in Czech currency, in particular, in cash or by transfer to an account opened with a bank or a savings or credit cooperative, as determined by an allowance beneficiary. Where an allowance beneficiary requests a change in the manner of the allowance payment, a municipal authority of a municipality with extended powers shall be obliged to effect the change in the manner of the allowance payment as of the calendar month following the calendar month in which the request was delivered to such authority.

§ 19

Allowance Beneficiary

(1) An entitled person shall be a beneficiary, unless further stipulated otherwise.

(2) Instead of an entitled person, the following persons may be allowance beneficiaries

a) a statutory representative, or

b) another physical person to whose care a minor entitled person was entrusted on the basis of a relevant authority's decision.

§ 20

Payment of the Allowance to a Special Beneficiary

(1) A municipal authority of a municipality with extended powers shall appoint a special allowance beneficiary in the case that an entitled person, or possibly another allowance beneficiary stipulated in § 19(2)

a) is unable to take over the allowance, or

b) fails to use the allowance for arranging for necessary assistance.

(2) An entitled person or possibly another allowance beneficiary stipulated in § 19(2) shall approve the appointment of a special beneficiary; the approval of such person shall not be required if, according to the statement of an attending physician, such person cannot grant such approval due to his health condition and in the case when a special beneficiary is appointed on the grounds stated in subsection (1)(b). A person whose interests are contrary to the interests of an entitled person may not be appointed a special beneficiary.

(3) A municipal authority of a municipality with extended powers may appoint a physical person as a special beneficiary subject to such person's approval of the appointment only.

(4) A special beneficiary shall use the allowance for the benefit of an entitled person. A special beneficiary appointed according to subsection (1)(a) shall use the allowance according to instructions of an entitled person, except for a situation when, according to the statement of an

attending physician, such person cannot provide instructions due to his health condition. At the request of an entitled person or at the request of a municipal authority of a municipality with extended powers, a special beneficiary shall submit a written settlement of the allowance paid to him, in particular, within 1 month of the day of delivery of the request.

(5) A municipal authority of a municipality with extended powers shall cancel its decision on the appointment of a special beneficiary should the grounds for the appointment of a special beneficiary cease to exist, or should a special beneficiary fail to comply with his duties stipulated in subsection (4).

CHAPTER VI

Duties of an Applicant for an Allowance, an Entitled Person and Another Allowance Beneficiary

§ 21

(1) An applicant for an allowance and an entitled person whose health condition has to be considered for the purposes of determining a dependence degree shall be obliged to

- a) submit himself to social investigation,
- b) submit himself to an examination of his health condition to be carried out by a physician appointed by a labour office or the examination of his health condition in a health care facility determined by a labour office or to another professional examination, where requested so by a labour office, in particular, within a time-limit determined by such labour office,
- c) to prove the facts decisive for entitlement to an allowance, its amount or payment and to grant a written approval for verification of these facts.

(2) Where an applicant for an allowance is a citizen of a member state of the European Union registered for a stay in the territory of the Czech Republic according to a special legal regulation 5), or where an applicant is a family member of such person 7), registered for a stay in the territory of the Czech Republic according to a special legal regulation 5), he shall be obliged to grant a written approval to a municipal authority of a municipality with extended powers to determine facts decisive for consideration whether such person represents an unsubstantiated allowance system burden according to this Act (hereafter "unsubstantiated system burden"); the above shall not apply in the case of an applicant from a member state of the European Union or his family member registered for the permanent stay on the territory of the Czech Republic.

(3) A beneficiary of an allowance shall

- a) notify changes in the facts decisive for the entitlement to the allowance, its amount or payment to a relevant municipal authority of a municipality with extended powers in writing within 8 days of a change.
- b) prove the facts decisive for entitlement to the allowance, its amount or payment at the request of a municipal authority of a municipality with extended powers, in particular, within 8 days of delivery of the request, unless a municipal authority of a municipality with extended powers determines a longer time-limit,
- c) use the allowance for arranging for necessary assistance.

(4) Payment of an allowance may be discontinued following a prior written notification, the allowance may be withdrawn or not to be granted, in the case that an applicant for an allowance, an entitled person or another allowance beneficiary fails to satisfy any duty stipulated in subsections (1) to (3).

§ 22

Overpayments

(1) An allowance beneficiary who accepted the allowance or its part in spite of the fact that in view of circumstances he had to assume that the allowance was paid unjustly or in an amount exceeding a beneficiary's entitlement, or who caused - in another manner - that the allowance was paid unjustly or in an incorrect amount exceeding the entitlement, shall be obliged to refund such overpayment.

(2) Entitlement to an allowance refund shall expire upon the lapse of 3 years from the day of its payment. This time-limit shall not run for the duration of the proceedings on remedial

measures or an action.

(3) A municipal authority of a municipality with extended powers that pays the allowance or paid the last allowance shall decide on the duty to refund an overpayment according to subsections (1) and (2).

(4) The duty to refund an overpayment shall not arise unless such overpayment exceeds the amount of CZK 100.

(5) A municipal authority of a municipality with extended powers may decide on waiving the duty to refund an overpayment in the case of an amount not exceeding CZK 20,000 in each individual case, or on the basis of a prior approval of the Ministry in the case of an amount exceeding CZK 20,000 in each individual case.

(6) The amounts of refunded overpayments shall be revenues of the state budget, even in the case that an overpayment was refunded in a calendar year other than the one in which the allowance was paid.

CHAPTER VII

Allowance Proceedings

§ 23

(1) Proceedings on granting an allowance shall commence on the basis of a written application filed on a form prescribed by the Ministry; where a person is unable to act independently and has no representative, proceedings shall commence by virtue of office.

(2) Where a minor person is entrusted to the care of another physical person on the basis of a decision of a relevant authority, such physical person shall represent a minor person within the allowance proceedings.

(3) Where a minor person uses stay-in services (§ 48, 50, 52), a municipal authority of a municipality with extended powers shall invite a person under subsection (2) or a statutory representative to apply for an allowance within 2 months of the day of delivery of the invitation at the latest. In the case of failure to do so within the said time-limit or if there is no information about the whereabouts of a statutory representative of such person or a person stipulated in subsection (2), a person shall be represented within the allowance proceedings by a social services facility.

§ 24

In addition to the particulars stipulated by the Administrative Procedure Code, an application shall further include

- a) specification of a close person or another physical person or a legal entity who/that provides and will be providing care to such person, should the fact be known when filing an application,
- b) determination of the manner in which an allowance is to be paid.

§ 25

(1) For the purposes of deciding on the allowance, a municipal authority of a municipality with extended powers shall carry out social investigation during which it shall determine the ability of a person to live independently in a natural social environment from the point of view of self-care and self-sufficiency. The social investigation shall be carried out by a social worker.

(2) A municipal authority of a municipality with extended powers shall send a request for assessment of a dependence degree of a person to a relevant labour office 8); a written record on social investigation and a copy of the person's application for the allowance shall constitute a part of the request.

(3) When assessing a person's dependence degree, a labour office bases its opinion on the health condition of a person documented in an opinion of an attending physician, the result of the social investigation and determination of needs of such person or possibly on the results of a functional examination and the result of its own examination by a medical assessor.

(4) A labour office shall notify the result of the assessment of a person's dependence degree to a relevant municipal authority of a municipality with extended powers.

(5) A municipal authority of a municipality with extended powers shall carry out a social investigation also if asked to do so by a labour office reviewing an original assessment of a person's health condition.

§ 26

A municipal authority of a municipality with extended powers shall suspend the allowance proceedings for a period during which a labour office shall assess a person's dependence degree.

§ 27

A municipal authority of a municipality with extended powers shall be an executive administrative authority.

§ 28

(1) A regional authority shall decide on an appeal filed against a decision of a municipal authority of a municipality with extended powers.

(2) For the purposes of appeal proceedings, a dependence degree shall be assessed by the Ministry 9) at the request of a regional authority.

CHAPTER VIII

Controlling the Use of an Allowance

§ 29

(1) A municipal authority of a municipality with extended powers shall control whether the allowance is used for arranging for assistance and whether a person granted the allowance is receiving the assistance corresponding to the determined dependence degree. Where in the course of investigation a municipal authority of a municipality with extended powers ascertains defects of a very serious nature in providing services, it shall inform the authority that decided about the registration without undue delay (§ 78).

(2) For the purposes of controlling the use of the allowance, an allowance beneficiary shall provide a relevant municipal authority of a municipality with extended powers with written information about a person/legal entity providing assistance to a person and in what manner it is provided, in particular, within 15 days of the decision on the allowance becoming final, unless such fact has been already stated in the application for an allowance. An allowance beneficiary shall notify changes in the manner of arranging for the assistance in writing within this time-limit as well.

(3) On the basis of a person's approval, employees of a municipality working for a municipal authority of a municipality with extended powers shall be entitled to enter the home of a person for the purposes of carrying out a social investigation and controlling the use of the allowance. Employees of a municipality shall submit a special authorization issued by a municipal authority of a municipality with extended powers including the designation of a municipal authority of a municipality with extended powers, an employee's photograph, his name, or names respectively, and surname.

(4) Where a close person 1) or another physical person living in a household with an entitled person provides the assistance to an entitled person, a municipal authority of a municipality with extended powers shall issue a written confirmation to these persons at their request and without consideration, proving the duration of such care for the purposes of health insurance and pension insurance; it shall always state a dependence degree of a person to whom the care is provided in the confirmation.

(5) An implementing regulation shall stipulate the specimen of a special authorization of a municipality's employee according to subsection (3).

CHAPTER IX

Allowance Information System

§ 30

(1) The Ministry shall be the administrator of the allowance information system that includes data on allowance beneficiaries and amounts of an allowance. Municipal authorities of municipalities with extended powers shall be entitled to process data necessary for deciding on

the allowance, including personal data, within the allowance information system, in particular in the electronic form and in the manner enabling remote access, ensuring concurrently personal data protection 10).

(2) For the purposes of implementing the Act, the Ministry shall, at its own costs, arrange for a computer program (software) necessary for making decisions on the allowance, its payment and control, including updates of the program, and it shall provide this program to municipal authorities of municipalities with extended powers without consideration. Municipal authorities of municipalities with extended powers shall use the program provided by the Ministry for the purposes of the proceedings on an allowance, its payment and control. The computer program according to the first sentence shall constitute a part of the information system concerning the assistance in the case of material destitution according to the Act on Assistance in the Case of Material Neediness.

(3) For the purposes of deciding on an allowance, the Ministry of the Interior shall provide to municipal authorities of municipalities with extended powers and to regional authorities data from the information system on citizens' registration according to the Act governing citizens' registration 11), in particular in the electronic form and in the manner enabling remote access.

(4) For the purposes of deciding on an allowance, the Ministry of the Interior shall further provide to municipal authorities of municipalities with extended powers and to regional authorities data from the personal numbers register 12) concerning persons allocated personal numbers who are not specified in subsection (3). Where technical condition of the personal numbers register enables so, the data according to the first sentence shall be provided in the electronic form only and in the manner enabling remote access.

(5) The data provided according to subsections (3) and (4) shall include

a) in the case of citizens of the Czech Republic

1. name, or names respectively, surname, or a change thereto, maiden name,
2. date of birth,
3. place and district of birth; in the case of a citizen born abroad, place and a state in a territory of which a citizen was born,
4. personal number,
5. citizenship,
6. address of permanent stay including previous permanent stay addresses,
7. beginning of permanent stay, or possibly date of cancelling data in respect to the permanent stay or date of termination of the permanent stay in the territory of the Czech Republic,
8. incapacitation or restriction of capacity to perform acts in law,
9. prohibition of abode, place of prohibition of abode and its duration,
10. personal number of a father, a mother or possibly of another statutory representative; in the case that one of the parents or another statutory representative has no personal number, his name, or names respectively, surname and date of birth,
11. personal number of a spouse; where a spouse is a foreigner without a personal number being allocated to him, a name, or names respectively, and surname of a spouse and a date of birth,
12. personal number of a child; where a child is a foreigner without a personal number being allocated to him, a name, or names respectively, and surname and a date of birth,
13. date, place and district of death; or date and state of the territory in which death occurred in the case of the death of a citizen outside of the territory of the Czech Republic,
14. day stated in a judicial decision on declaration of death of a missing person as the day of death,

b) in the case of citizens being foreigners,

1. name, or names respectively, surname and changes thereto, maiden name,
2. date of birth,
3. place and state of birth,
4. personal number,
5. citizenship,
6. type and address of the place of stay,
7. number and validity of a residence permit,
8. commencement of a stay, or date of cancelling data in respect of a stay,
9. incapacitation or restriction of capacity to perform acts in law,
10. administrative expulsion and a period for which the entry in the territory of the Czech Republic is prohibited,
11. name, or names respectively, and surname of a child being a citizen, and his personal number; or a date of birth in the case that a personal number was not allocated to him,
12. name, or names respectively, surname of a father and a mother, or possibly of another statutory representative, in the case that they are citizens, and their personal numbers; in the case that one of the parents or another statutory representative has no personal number allocated, his name, or names respectively, surname and a date of birth,

13. deportation and a period for which the entry in the territory of the Czech Republic is prohibited,

14. date, place and district of death; or a state in the territory of which death occurred in the case of death outside of the territory of the Czech Republic, and possibly the date of death,

15. day stated in a judicial decision on declaration of death of a missing person as the day of death,

16. name, or names respectively, and surname of a minor foreigner entrusted to a substitute family being a foreigner with a residence permit valid for the territory of the Czech Republic or his/her spouse on the basis of a decision of a relevant authority, or who was adopted by a foreigner with a residence permit valid for the territory of the Czech Republic or his/her spouse, or a minor foreigner whose guardian or guardian's spouse is a foreigner with a residence permit valid for the territory of the Czech Republic,

17. name, or names respectively, and surname of a single foreigner over 65 years of age regardless of a foreigner's age, who is unable to take care of himself due to health reasons, in the case of unifying a family with a parent or a child having the residence permit valid for the territory of the Czech Republic,

18. name, or names respectively, and surname of a foreigner being a dependent direct relative in the ascendant or descent line or being a relative of a spouse of a citizen of the European Union,

19. name, or names respectively, and surname of a person being a minor foreigner granted an asylum according to a special legal regulation, and his personal number; or name, or names respectively, surname and a date of birth of a foreigner without a personal number being allocated to him,

c) in the case of persons determined in subsection (4)

1. name, or names respectively, surname and maiden name,

2. day, month a year of birth,

3. place of birth, or place and state of birth in the case of a physical person born abroad,

4. personal number.

(6) Out of the data provided according to subsection (5), only the data necessary for deciding on the allowance may be used in a specific case.

(7) Municipal authorities of municipalities with extended powers shall arrange for depositing all data from the information system acquired on the basis of processing the data according to subsection (1) and all written materials and documents concerning finally concluded administrative proceedings on granting an allowance for a period of 10 calendar years following a calendar year in which such administrative proceedings were finally terminated or of the last entry of the data in the information system. For the purposes of this Act, a written material or a document shall mean a written material and a document according to a special legal regulation 13).

CHAPTER X

Assessment of Unsubstantiated System Burden

§ 31

(1) Where a citizen of a member state of the European Union registered for a stay in the territory of the Czech Republic according to a special legal regulation 5) for a period exceeding 3 months, or his family member 7) registered for a stay in the territory of the Czech Republic according to a special legal regulation 5) for a period exceeding 3 months applies for an allowance, a municipal authority of a municipality with extended powers shall concurrently assess whether such person represents an unsustainable system burden; the above shall not apply in the case of an applicant from a member state of the European Union or his family member registered for permanent stay in the territory of the Czech Republic.

(2) A person specified in subsection (1) shall not be considered as an unsustainable system burden, if

a) participating in sickness insurance 14) or pension insurance 15) as a self-employed person entitled to social advantages directly on the basis of the applicable regulation of the European Communities 6), or

b) prior to the commencement of an allowance proceedings such person was involved in gainful activity in the territory of the Czech Republic, subject to participating in sickness insurance 10) for at least 5 years (of which for at least 1 year immediately preceding the commencement of an allowance proceedings) within the period of 10 years preceding the day of commencement of the allowance proceedings, or subject to participating in pension insurance 15) as a self-employed person, if such person has no arrears in respect of social security and state employment policy premiums and penalties.

(3) When assessing an unsustainable system burden in the case of a person not satisfying the conditions stipulated in subsection (2), the following facts shall be assessed while applying the point system:

- a) length of his stay in the territory of the Czech Republic according to a special legal regulation 5),
- b) the period of employment or the period of self-employment in the territory of the Czech Republic,
- c) the period of systematic preparation for future profession 16) in the territory of the Czech Republic,
- d) possibility of job placement in the territory of the Czech Republic according to the acquired qualification, necessity of increased care when mediating employment for such person and the unemployment level.

(4) When applying the point assessment, a municipal authority of a municipality with extended powers shall proceed in the following manner

- a) it shall award the following points in the case of a person registered for a stay in the territory of the Czech Republic according to a special legal regulation 5) for a period of
 - 1. from 1 to 3 years, 2 points,
 - 2. from 3 to 6 years, 4 points,
 - 3. from 6 to 8 years, 6 points,
 - 4. 8 years and more, 8 points,
- b) it shall award the following points in the case of a person being a payer of the social security and state employment policy premiums, or a person systematically preparing himself for future profession 16) in the territory of the Czech Republic for a period of
 - 1. from 12 to 24 months, 4 points,
 - 2. from 25 to 36 months, 8 points,
 - 3. from 37 to 48 months, 12 points,
 - 4. from 49 to 60 months, 16 points,
- c) it shall award the following points to a person having
 - 1. no qualification, 0 points,
 - 2. secondary education, 2 points,
 - 3. higher vocational education, 4 points
 - 4. university-level education, 6 points,
- d) it shall award 4 points to a person who would not receive increased care according to a special legal regulation 17) when mediating employment for such person,
- e) it shall award the following points to a person registered for a stay according to a special legal regulation 5) in a district in which the unemployment level in the calendar month preceding the day of filing the application - according to the data published by the Ministry in the manner enabling the remote access -
 - 1. exceeded the average unemployment level in the Czech Republic by more than 10%, 0 points,
 - 2. exceeded the average unemployment level in the Czech Republic by less than 10%, 2 points,
 - 3. was higher than 50% of the average unemployment level in the Czech Republic and did not exceed the average unemployment level in the Czech Republic, 4 points,
 - 4. was lower than 50% of the average unemployment level in the Czech Republic, 6 points.

(5) A person whose point assessment is 10 or less points shall be considered an unsustainable system burden. A person whose point assessment is 20 or more points shall not be considered an unsustainable system burden.

(6) Where a person's point assessment exceeds 10 points but it does not reach 20 points, a municipal authority of a municipality with extended powers shall decide according to individual circumstances of an assessed person whether such person represents an unsustainable system burden. When assessing whether a person represents an unsustainable system burden, such person's links to close persons 1) staying in the Czech Republic shall be taken into account, as well as shall be taken account of the fact whether the difficulties are temporary, and of the potential system burden resulting from the provision of the allowance to the person concerned.

(7) A municipal authority of a municipality with extended powers shall be entitled to reassess whether a person represents an unsustainable system burden following changes in the assessed person's social situation.

(8) A municipal authority of a municipality with extended powers shall inform the Police

of the Czech Republic in writing about the fact that a person has become an unsustainable system burden.

(9) Administrative authorities, social security authorities, the Police of the Czech Republic, municipalities and employers of persons specified in subsection (1) shall be obliged to release the data necessary for assessing whether a person represents an unsustainable system burden to a municipal authority of a municipality with extended powers at its request. Where a municipal authority of a municipality with extended powers notifies a relevant unit of the Police of the Czech Republic that a person represents an unsustainable system burden (8), the Police of the Czech Republic shall inform a municipal authority of a municipality with extended powers about termination of the temporary stay of such person according to a special legal regulation (5). At the request, the Police of the Czech Republic shall immediately inform a municipal authority of a municipality with extended powers, whether the stay of a person applying for an allowance or to whom the allowance is provided in the territory of the Czech Republic was terminated according to a special legal regulation (5).

(10) The assessment of an unsustainable system burden shall be carried out in the form of a decision taken within the administrative proceedings.

PART THREE

SOCIAL SERVICES

CHAPTER I

Types of Social Services and Settlement of Costs for Provision of Social Services

Division 1

Basic Types and Forms of Social Services

§ 32

Social services include

- a) social counselling,
- b) social care services,
- c) social prevention services.

§ 33

Forms of Providing Social Services

(1) Social services shall be provided as stay-in services, ambulatory services or field services.

(2) Stay-in services shall mean services including accommodation in social services facilities.

(3) Ambulatory services shall mean services provided in social services facilities to which a person is coming or to which a person is transported, where accommodation does not constitute a part of the service.

(4) Field services shall mean services provided to a person in such person's natural social environment.

§ 34

Social Services Facilities

(1) For the purpose of providing social services, the following social services facilities are established:

- a) day services centres,
- b) day care centres,

- c) week care centres,
- d) homes for disabled persons,
- e) homes for the elderly,
- f) special regime homes,
- g) protected housing,
- h) asylum houses,
- i) half-way houses,
- j) crisis centres,
- k) low-threshold day centres,
- l) low-threshold facilities for children and youth,
- m) hostels (homeless shelters),
- n) therapeutic communities,
- o) social counselling facilities,
- p) social therapeutic workshops,
- q) social rehabilitation services centres,
- r) early intervention services centres.

(2) Intergenerational and integrated centres may be established by combining social services facilities.

§ 35

Basic Activities Provided within Social Services

(1) Basic activities provided within social services include:

- a) assistance with the handling common self-care acts,
- b) assistance with personal hygiene or arranging for personal hygiene conditions,
- c) provision of food or assistance with arranging for food,
- d) provision of accommodation or overnight stay,
- e) assistance with running a household,
- f) pedagogical, educational and activation activities,
- g) social counselling,
- h) mediating contacts with the social environment,
- i) social therapeutic activities,
- j) assistance with asserting rights, justified interests and looking after personal matters,
- k) telephone assistance in crisis,
- l) training skills for handling self care, training self-sufficiency and other activities leading to social integration,
- m) support for creating and improving basic work habits and skills.

(2) An implementing legal regulations shall determine the scope of acts provided within the basic activities of individual social services.

(3) Social services providers shall always arrange for basic activities determined for individual types of social services in § 37, 39 to 52 and § 54 to 70.

(4) Together with the provision of social services other activities may be arranged for on an optional basis.

§ 36

A social services provider shall arrange for health care provided to persons to whom stay-in services are provided in social services facilities stipulated in § 34(1)(c) to (f). A provider shall comply with this duty by the form of special ambulatory care provided according to a special legal regulation 19)

a) through a health care facility,

b) in the case of nursing and rehabilitation care, namely through its own employees having professional skills for performance of the health care profession according to a special legal regulation 20); the scope of the care covered by the public health insurance shall be stipulated in a special legal regulation 19), 21).

Division 2

Social Counselling

§ 37

(1) Social counselling shall include

a) basic social counselling,

b) specialized social counselling.

(2) Basic social counselling provides information to persons that contribute to resolving their adverse social situation. Social counselling represents the basic activity provided within all types of social services; social services providers shall always arrange for this activity.

(3) Specialized social counselling is provided according to the needs of individual social groups of persons in citizen counselling facilities, marriage and family counselling facilities, counselling facilities for the elderly, disabled persons, victims of criminal activity and family violence; it also includes social work with persons whose manner of life may lead to conflicts with the society. Lending compensation aids constitutes a part of specialized counselling.

(4) Service according to subsection (3) shall include the following basic activities:

a) mediating contacts with the social environment,

b) social therapeutic activities,

c) assistance with asserting rights, justified interests and looking after personal matters.

Division 3

Social Care Services

§ 38

Social care services assist persons to arrange for their physical and mental self-sufficiency, with the aim to enable them integration in the common social life to the maximum possible extent and, in the case that their health condition excludes such possibility, to arranged for them the dignified environment and treatment.

§ 39

Personal Assistance

(1) Personal assistance is a field service provided to persons with reduced self-sufficiency due to their age, chronic ailment or disability, where their situation requires assistance of another physical person. The service is provided without time limitation, in the natural social environment of a person and it covers activities needed by a person.

(2) Service according to subsection (1) shall namely include the following basic

activities:

- a) assistance with the handling common self-care acts,
- b) assistance with personal hygiene,
- c) assistance with arranging for food,
- d) assistance with running a household,
- e) pedagogical, educational and activation activities,
- f) mediating contacts with the social environment,
- g) assistance with asserting rights, justified interests and looking after personal matters.

§ 40

Domiciliary Service

(1) Domiciliary service is a field or ambulatory service provided to persons with reduced self-sufficiency due to their age, chronic ailment or disability, and to families with children whose situation requires assistance of another physical person. The service provides the below-specified acts in persons' households or in social services facility at the specified time.

(2) Service according to subsection (1) shall include the following basic activities:

- a) assistance with the handling common self-care acts,
- b) assistance with personal hygiene or arranging for personal hygiene conditions,
- c) provision of food or assistance with arranging for food,
- d) assistance with running a household,
- e) mediating contacts with the social environment.

§ 41

Emergency Assistance

(1) Emergency assistance is a field service providing non-stop distant vocal and electronic communication with persons exposed to permanent high risk to health or life in the case of sudden deterioration of their health condition or capacities.

(2) Service according to subsection (1) shall include the following basic activities:

- a) provision of or mediating urgent help in crisis situation,
- b) social counselling,
- c) social therapeutic activities,
- d) mediating contacts with the social environment,
- e) assistance with asserting rights, justified interests and looking after personal matters.

§ 42

Guiding and Reading Service

(1) Guiding and reading service is a field or ambulatory service provided to persons with reduced capacities due to their age or disability in the area of orientation and communication and it assists them in personal handling of their own matters. Services may be provided also as a part of other services.

(2) Service according to subsection (1) shall include the following basic activities:

- a) mediating contacts with the social environment,
- b) assistance with asserting rights, justified interests and looking after personal matters.

§ 43

Supported Housing

(1) Supported housing is a field service provided to persons with reduced self-sufficiency due to disability or chronic ailment, including mental disorder, whose situation requires assistance of another physical person.

(2) Service according to subsection (1) shall include the following basic activities:

- a) assistance with running a household,
- b) pedagogical, educational and activation activities,
- c) mediating contacts with the social environment,
- d) social therapeutic activities,
- e) assistance with asserting rights, justified interests and looking after personal matters.

§ 44

Respite Care

(1) Respite care is a field, ambulatory or stay-in service provided to persons with reduced self-sufficiency due to their age, chronic ailment or disability, about whom the care is taken in their natural social environment; the aim of the service is to enable an attending person the necessary rest.

(2) Service according to subsection (1) shall include the following basic activities:

- a) assistance with the handling common self care acts,
- b) assistance with personal hygiene or arranging for personal hygiene conditions,
- c) provision of food or assistance with arranging for food,
- d) provision of accommodation in the case of stay-in service,
- e) mediating contacts with the social environment,
- f) social therapeutic activities,
- g) assistance with asserting rights, justified interests and looking after personal matters,
- h) pedagogical, educational and activation activities.

§ 45

Day Services Centres

(1) In day services centres ambulatory services shall be provided to persons with reduced self-sufficiency due to their age, chronic ailment or disability, whose situation requires assistance of another physical person.

(2) Service according to subsection (1) shall include the following basic activities:

- a) assistance with personal hygiene or arranging for personal hygiene conditions,
- b) provision of food or assistance with arranging for food,
- c) pedagogical, educational and activation activities,
- d) mediating contacts with the social environment,
- e) social therapeutic activities,
- f) assistance with asserting rights, justified interests and looking after personal matters.

§ 46

Day Care Centres

(1) In day care centres, ambulatory services shall be provided to persons with reduced self-sufficiency due to their age or disability and to persons with chronic mental disorder, whose situation requires regular assistance by another physical person.

(2) Service according to subsection (1) shall include the following basic activities:

- a) assistance with the handling common self care acts,
- b) assistance with personal hygiene or arranging for personal hygiene conditions,
- c) provision of food,
- d) pedagogical, educational and activation activities,
- e) mediating contacts with the social environment,
- f) social therapeutic activities,
- g) assistance with asserting right, justified interests and looking after personal matters.

§ 47

Week Care Centres

(1) In week care centres, stay-in services shall be provided to persons with reduced self-sufficiency due to their age or disability and to persons with chronic mental disorder, whose situation requires regular assistance of another physical person.

(2) Service according to subsection (1) shall include the following basic activities:

- a) provision of accommodation,
- b) provision of food,
- c) assistance with personal hygiene or arranging for person hygiene conditions,
- d) assistance with the handling common self care acts,
- e) pedagogical, educational and activation activities,
- f) mediating contacts with the social environment,
- g) social therapeutic activities,
- h) assistance with asserting rights, justified interests and looking after personal matters.

§ 48

Homes for Disabled Persons

(1) In homes for disabled persons, stay-in services shall be provided to persons with reduced self-sufficiency due to their disability whose situation requires regular assistance of another physical person.

(2) Service according to subsection (1) shall include the following basic activities:

- a) provision of accommodation,
- b) provision of food,
- c) assistance with the handling common self care acts,
- d) assistance with personal hygiene or arranging for personal hygiene conditions,
- e) pedagogical, educational and activation activities,
- f) mediating contacts with the social environment,

g) social therapeutic activities,

h) assistance with asserting rights, justified interests and looking after personal matters.

(3) Personal effects, small common personal accessories and certain services shall be provided to dependent children in homes for disabled persons, taking their needs into account. Personal effects shall mean underwear, clothing and shoes; certain services shall mean hair and nail cutting shaving and pedicure. For the purposes of this Act, child dependence shall be considered according to the State Social Support Act 22).

(4) Institutional education according to special legal regulations 23) may be carried out in homes for disabled persons. For the purposes of executing institutional education in homes for disabled persons, provisions on rights and duties of children placed in school facilities executing institutional education according to a special legal regulation 24) shall apply mutatis mutandis.

§ 49

Homes for the Elderly

(1) In homes for the elderly, stay-in services shall be provided to persons with reduced self-sufficiency, in particular, due to their age, whose situation requires regular assistance of another physical person.

(2) Service according to subsection (1) shall include the following basic activities:

a) provision of accommodation,

b) provision of food,

c) assistance with the handling common self care acts,

d) assistance with personal hygiene or arranging for personal hygiene conditions,

e) mediating contacts with the social environment,

f) social therapeutic activities,

g) activation activities,

h) assistance with asserting rights, justified interests and looking after personal matters.

§ 50

Special Regime Homes

(1) In special regime homes, stay-in services are provided to persons with reduced self-sufficiency due to chronic mental disorder or dependence on addictive substances and to persons with old-age/senile dementia, Alzheimer's disease and other types of dementia, with reduced self-sufficiency due to the above disorders whose situation requires regular assistance of another physical person. When providing services, the regime within these facilities is adjusted to specific needs of these persons.

(2) Service according to subsection (1) shall include the following basic activities:

a) provision of accommodation,

b) provision of food,

c) assistance with personal hygiene or arranging for personal hygiene conditions,

d) assistance with the handling common self care acts,

e) mediating contacts with the social environment,

f) social therapeutic activities,

g) activation activities,

h) assistance with asserting rights, justified interests and looking after personal matters.

Protected Housing

(1) Protected housing is ambulatory service provided to persons with reduced self-sufficiency due to their disability or chronic disease, including mental disorders, whose situation requires the assistance of another physical person. Protected housing has a form of group, or possibly individual, housing.

(2) Service according to subsection (1) shall include the following basic activities:

- a) provision of food or assistance with arranging for food,
- b) provision of accommodation,
- c) assistance with running a household,
- d) pedagogical, educational and activation activities,
- e) mediating contacts with the social environment,
- f) social therapeutic activities,
- g) assistance with asserting rights, justified interests and looking after personal matters.

Social Services Provided in Health Care Residential Facilities

(1) In health care residential facilities, stay-in social services are provided to persons not requiring stay-in health care anymore, who are however unable to live without the assistance of another physical person due to their health condition and thus they cannot be released from health care residential facilities 25) until the assistance is arranged for them through a close person or another physical person, or until provision of field or ambulatory social services or stay-in social services in social services facilities is arranged for them.

(2) Service according to subsection (1) shall include the following basic activities:

- a) provision of accommodation,
- b) provision of food,
- c) assistance with personal hygiene or arranging for personal hygiene conditions,
- d) assistance with the handling common self care acts,
- e) mediating contacts with the social environment,
- f) social therapeutic activities,
- g) activation activities,
- h) assistance with asserting rights, justified interests and looking after personal matters.

Division 4

Social Prevention Services

Social prevention services help to avoid social exclusion of persons threatened thus due to their critical social situation, living habits and manner of life leading to conflicts with the society, the socially disadvantageous environment and due to rights and justified interests threatened by another physical person's criminal activity. It is the aim of social prevention services to assist persons with overcoming their adverse social situation and to protect the society against an occurrence of and spreading an undesirable social phenomena.

Early Intervention Services

(1) The early intervention services is a field or possibly ambulatory service provided to a child and parents of a child of up to 7 years of age who is disabled or whose development is threatened due to an adverse social situation. The service is focused on support provided to the family and development of a child in view of his specific needs.

(2) Service according to subsection (1) shall include the following basic activities:

- a) upbringing, educational and activation activities,
- b) mediating contacts with the social environment,
- c) social therapeutic activities,
- d) assistance with asserting rights, justified interests and looking after personal matters.

§ 55

Telephone Assistance in Crisis

(1) The telephone assistance in crisis is a field service provided for a temporary period to persons in situation threatening their health or life or in another difficult life situation they are unable to resolve temporarily on their own.

(2) Service according to subsection (1) shall include the following basic activities:

- a) telephone assistance in crisis,
- b) assistance with asserting rights, justified interests and looking after personal matters.

§ 56

Interpreting Services

(1) Interpreting services are field, or possibly ambulatory services provided to persons with communication disorders caused in particular by sensory affliction preventing ordinary communication with the surroundings without the assistance of another physical person.

(2) Service according to subsection (1) shall include the following basic activities:

- a) mediating contacts with the social environment,
- b) assistance with asserting rights, justified interests and looking after personal matters.

§ 57

Asylum Houses

(1) Asylum houses shall provide stay-in services for a temporary period to persons in adverse situation connected with lost housing.

(2) Service according to subsection (1) shall include the following basic activities:

- a) provision of food or assistance with arranging for food,
- b) provision of accommodation,
- c) assistance with asserting rights, justified interests and looking after personal matters.

§ 58

Half-way Houses

(1) Half-way houses provide stay-in services, usually to persons up to 26 years of age leaving educational facilities for institutional or protection care after attaining majority, or possibly to persons coming from other children and youth facilities, and to persons released from imprisonment or compulsory treatment. The manner of social services provision in these facilities is adjusted to specific needs of these persons.

(2) Service according to subsection (1) shall include the following activities:

- a) provision of accommodation,

- b) mediating contacts with the social environment,
- c) social therapeutic activities,
- d) assistance with asserting rights, justified interests and looking after personal matters.

§ 59

Contact Centres

(1) Contact centres are low-threshold facilities providing ambulatory, or possibly field, services to persons threatened by dependence on addictive substances. It is the aim of this service to reduce social and health risks related to the misuse of addictive substances.

(2) Service according to subsection (1) shall include the following basic activities:

- a) social therapeutic activities,
- b) assistance with asserting rights, justified interests and looking after personal matters,
- c) provision of personal hygiene conditions.

§ 60

Assistance in Crisis

(1) Assistance in crisis is a field, ambulatory or stay-in service provided for a temporary period to persons in the situation threatening their health or life who are temporarily unable to resolve their adverse social situation on their own. On the basis of a decision on expulsion from joint home or prohibition of entry into such home issued according to a special legal regulation 26), a person threatened by a violent conduct of an expelled person is offered assistance within 48 hours of delivery of a copy of such decision. In such case, coordination of the assistance provided by public administrative authorities and other legal entities and physical persons to a person jeopardized by the attack constitutes a part of the service.

(2) Service according to subsection (1) shall include the following basic activities:

- a) provision of accommodation,
- b) provision of food or assistance with arranging for food,
- c) social therapeutic activities,
- d) assistance with asserting rights, justified interests and looking after personal matters.

§ 61

Low-threshold Day Centres

(1) Low-threshold day centres provide ambulatory or possibly field services to persons without shelter.

(2) Service according to subsection (1) shall include the following activities:

- a) assistance with personal hygiene or arranging for personal hygiene conditions,
- b) provision of food or assistance with arranging for food,
- c) assistance with asserting rights, justified interests and looking after personal matters.

§ 62

Low-threshold Children and Youth Facilities

(1) Low-threshold children and youth facilities shall provide ambulatory, or possibly field services to children from 6 to 26 years of age threatened by undesirable phenomena. It is the aim of this service to improve the quality of their life by preventing or reducing social and health risks relating to the manner of their life, and to enable them to orientate themselves in their social environment and to create conditions for resolving their adverse social situation. The service may be provided to persons on the basis of anonymity.

(2) Service according to subsection (1) shall include the following basic activities:

- a) pedagogical, educational and activation activities,
- b) mediating contacts with the social environment,
- c) social therapeutic activities,
- d) assistance with asserting rights, justified interests and looking after personal matters.

§ 63

Hostels

(1) Hostels (homeless shelters) shall provide ambulatory services to persons without a shelter interested in using sanitary installations and lodging.

(2) Service according to subsection (1) shall include the following basic activities:

- a) assistance with personal hygiene and arranging for personal hygiene conditions,
- b) provision of lodging.

§ 64

Followup Services

(1) Followup services are field services provided to persons with chronic mental disorder and to persons dependent on addictive substances who completed institutional treatment in a health care facility, who completed ambulatory treatment or are participating in such, or to abstaining persons.

(2) Service according to subsection (1) shall include the following basic activities:

- a) social therapeutic activities,
- b) mediating contacts with the social environment,
- c) assistance with asserting rights, justified interests and looking after personal matters.

§ 65

Social Activation Services for Families with Children

(1) Social activation services for families with children are field, or ambulatory services provided to a family with a child whose development is jeopardized due to the impact of a long-term critical social situation the parents are unable to handle alone without assistance and where other risks to such child's development exist.

(2) Service according to subsection (1) shall include the following basic activities:

- a) pedagogical, educational and activation activities,
- b) mediating contacts with the social environment,
- c) social therapeutic activities,
- d) assistance with asserting rights, justified interests and looking after personal matters.

§ 66

Social Activation Services for the Elderly and Disabled Persons

(1) Social activation services are field services provided to persons in the retirement age or to disabled persons threatened by social exclusion.

(2) Service according to subsection (1) shall include the following activities:

- a) mediating contacts with the social environment,

- b) social therapeutic activities,
- c) assistance with asserting rights, justified interests and looking after person matters.

§ 67

Social Therapeutic Workshops

(1) Social therapeutic workshops are ambulatory services provided to persons with reduced self-sufficiency due to their disability, resulting in impossibility to place them within the open or protected labour market. The purpose of these workshops is the long-term and regular support for improvement of work habits and skills through social work therapy.

(2) Service according to subsection (1) shall include the following activities:

- a) assistance with personal hygiene or arranging for personal hygiene conditions,
- b) provision of food or assistance with arranging for food,
- c) training skills for handling self care, self-sufficiency and other activities leading to social integration,
- d) support for creation and improvement of basic work habits and skills.

§ 68

Therapeutic Communities

(1) Therapeutic communities provide stay-in service, also for a temporary period, to persons dependent on addictive substances or persons with chronic mental disorders, interested in integration in the common life.

(2) Service according to subsection (1) shall include the following basic activities:

- a) provision of food,
- b) provision of accommodation,
- c) mediating contacts with the social environment,
- d) social therapeutic activities,
- e) assistance with asserting rights, justified interests and looking after personal matters.

§ 69

Outreach Programmes

(1) Outreach programmes are field services provided to persons leading risky life or jeopardized by such manner of life. Service is determined for problem groups of persons, users of addictive substances or narcotic psychotropic substances, homeless persons, persons living in socially excluded communities and other socially jeopardized groups. It is the aim of this service to search for such people and to minimize risks ensuing from their way of life. Service may be provided to persons on the basis of anonymity.

(2) Service according to subsection (1) shall include the following activities:

- a) mediating contacts with the social environment,
- b) assistance with asserting rights, justified interests and looking after personal matters.

§ 70

Social Rehabilitation

(1) Social rehabilitation is a set of specific activities focused on achieving self-reliance, independency and self-sufficiency of persons through the development of their specific capabilities and skills, strengthening habits and training performance of common activities necessary for life on their own by an alternative manner using their preserved capabilities, potentials and competences. Social rehabilitation shall be provided in the form of field or ambulatory services or in the form of stay-in services provided in the social rehabilitation

services centres.

(2) Service according to subsection (1) provided in the form of field or ambulatory services shall include the following basic activities:

- a) training skills for handling self care, self-sufficiency and other activities leading to social integration,
- b) mediating contacts with the social environment,
- c) pedagogical, educational and activation activities,
- d) assistance with asserting rights, justified interests and looking after personal matters.

(3) Service according to subsection (1) provided in the form of stay-in services in social rehabilitation services centres shall include the following basic activities, in addition to the basic activities stipulated in subsection (2):

- a) provision of accommodation,
- b) provision of food,
- c) assistance with personal hygiene or arranging for personal hygiene conditions.

Division 5

Payment for Social Services Costs

§ 71

(1) Social services shall be provided to persons without consideration of costs, or they shall be paid for partially or in full.

(2) A person shall cover the costs of social services in an amount agreed in a contract concluded with a service provider according to § 91.

(3) A social service provider can agree on cost sharing with a spouse, parents or children of a person to whom a social service is provided, should such person have no own income or such person's income be insufficient to cover the costs.

(4) For the purposes of covering the costs, the income of a person shall mean income according to the Minimum Existence and Subsistence Act 27), except for the amount of the allowance.

§ 72

Social Services Provided without Consideration

The following services shall be provided without consideration of costs

- a) social counselling (§ 37),
- b) early intervention services (§ 54),
- c) telephone assistance in crisis (§ 55),
- d) interpreting services (§ 56),
- e) assistance in crisis (§ 60),
- f) followup services (§ 64),
- g) social activation services for families with children (§ 65),
- h) social activation services for seniors and disabled persons (§ 66),
- i) outreach programmes (§ 69),
- j) social rehabilitation (§ 70), except for basic activities provided according to § 70(3),
- k) social services in contact centres (§ 59) and low-threshold facilities for children and youth

(§ 62),

l) social therapeutic workshops services (§ 67), except for basic activities provided according to § 67(2)(b).

Social Services Provided for Consideration

§ 73

(1) A person shall cover costs of accommodation, food and care provided within the agreed extent in respect of stay-in services provided in

- a) week care centres facilities (§ 47),
- b) homes for disabled persons (§ 48),
- c) homes for the elderly (§ 49),
- d) homes with special regime (§ 50),
- e) protected housing (§ 51),
- f) health care residential facilities (§ 52),
- g) social rehabilitation services centres (§ 70).

(2) For the purposes of determining the amount of consideration, the care shall mean basic activities specified in § 35(1)(a), (b), (f) and (h) to (j).

(3) An implementing legal regulation shall determine the maximum amount of consideration in respect of accommodation and food. After payment for accommodation and food, at least 15% of a person's income must remain with the person.

(4) Consideration for care shall be determined in the case of providing

- a) stay-in services, except for week care centres, in the amount of the granted allowance,
- b) stay-in services in week care centres in the maximum amount of 75% of the granted allowance.

§ 74

(1) For stay-in services provided to a dependent child 22) in week care centres (§ 47), social rehabilitation services centres (§ 70) and homes for disabled persons (§ 48), parents of a child or a parent taking care of a child on the basis of a judicial decision, or another physical person obligated to maintain a child, shall cover the costs of food and care provided to the agreed extent. In the case of a physical person taking care of a dependent child and entitled to foster care allowances according to a special legal regulation 28), the payment for stay-in services provided in week care centres (§ 47) shall be covered by such physical person.

(2) Where a child is placed in a home for disabled persons on the basis of a judicial decision ordering institutional upbringing, a municipal authority of a municipality with extended powers relevant according to a child's permanent or reported stay shall determine the amount of consideration for food and care in its decision.

(3) An implementing legal regulation shall determine the amount of consideration for food according to subsections (1) and (2). Where a child allowance according to a special legal regulation 29) is paid to a social services facility in which a dependent child is placed, the amount of consideration shall be reduced by the amount of such child allowance.

(4) The amount of consideration for care provided to a dependent child 22) shall be determined in the case of provision of

- a) stay-in services in homes for disabled persons and in social rehabilitation services centres in the amount of the granted allowance,
- b) stay-in services in week care centres in the maximum amount of 75% of the granted allowance.

The provision of § 73(2) shall apply mutatis mutandis.

(5) In the case of a child who is not a dependent child 22) and a child who is a beneficiary of an orphan's pension in respect to both of his parents, stay-in services provided to such child in week care centres (§ 47) and homes for disabled persons (§ 48) shall be covered

by that child according to § 73.

§ 75

(1) In the case of provision of

- a) personal assistance (§ 39),
- b) domiciliary care (§ 40),
- c) emergency care (§ 41),
- d) guiding and reading services (§ 42),
- e) support for independent housing (§ 43),
- f) respite services (§ 44),
- g) services in day services centres (§ 45),
- h) services in day care centres (§ 46),

persons shall pay for basic activities to the extent determined in the contract, unless subsection (2) stipulates otherwise. An implementing legal regulation shall determine the maximum amount of the consideration.

(2) Domiciliary care shall be provided without consideration to

- a) families with 3 or more children born at the same time, in particular, up to 4 years of such children's age,
- b) participants of resistance movement 30),
- c) persons rehabilitated according to the Act on Judicial Rehabilitation, No. 119/1990 Coll. in the wording of Act No. 47/1991 Coll., persons affected by a judicial decision convicting them for a crime stipulated in § 2 of Act No. 119/1990 Coll., in the wording of Act No. 47/1991 Coll., if such decision was cancelled prior to becoming effective, or persons rehabilitated according to § 22(c) of the Act on Judicial Rehabilitation, No. 82/1968 Coll., in the case that unjustified service of custody or term of imprisonment exceeded in total at least 12 months,
- d) persons placed in a forced labour camp or in a labour unit, in the case that a decision on such placement was cancelled according to § 17(1) of the Act on Extrajudicial Rehabilitation, No. 87/1991 Coll., or in a military forced labour camp, in the case that an order on placement of a person in such camp was cancelled according to § 18(1) of Act No. 87/1991 Coll., in the wording of Act No. 267/1992 Coll. and Act No. 78/1998 Coll., or in a centralization monastery with a regime similar to as in forced labour camps, in the case that the total period of stay in these facilities amounted to 12 months,
- e) surviving spouses of persons specified in letters (b) to (d) of the age exceeding 70 years.

§ 76

(1) In the case of social services provided in

- a) asylum houses (§ 57),
- b) half-way houses (§ 58),
- c) therapeutic communities (§ 68)

persons shall pay for costs of accommodation and food, and in the case of social services provided in social therapeutic workshops persons shall pay for food to the extent determined in the contract. An implementing regulation shall determine the maximum amount of consideration.

(2) For provision of social services in hostels (§ 63), persons shall pay an amount determined by the provider.

(3) For provision of social services in low-threshold day centres (§ 61), persons shall pay for food in an amount determined by the provider.

§ 77

Consideration for facultative activities may be determined in the full amount of costs for

such services.

CHAPTER II

Conditions Governing Provision of Social Services

Division 1

Registration

Subdivision 1

Registration Conditions

§ 78

(1) Social services may be provided only on the basis of an authorization for social services provision, unless § 83 and 84 stipulate otherwise; such authorization shall arise upon the decision on registration.

(2) A regional authority relevant according to the place of permanent or reported stay of a physical person or according to the registered office of a legal entity, or possibly according to the location of an organizational component of a foreign legal entity in the territory of the Czech Republic, shall decide on registration; where the Ministry is the founder of a social services provider, the Ministry shall decide on registration (hereafter "registration authority").

§ 79

(1) Following are registration conditions

- a) filing a written application for registration containing particulars specified in subsection (5),
- b) integrity and professional skills of all physical persons directly providing social services,
- c) arranging for hygiene conditions, should social services be provided in social services facilities,
- d) ownership title or another title to the building or premises in which social services shall be provided,
- e) arranging for material and technical conditions corresponding to the type of social services provided,
- f) the fact that no bankruptcy was adjudicated in respect of assets of a physical person or a legal entity being an applicant for registration, no bankruptcy or composition proceedings against such person commenced, or petition for adjudication of a bankruptcy order was dismissed on the grounds of lack of assets.

(2) For the purposes of this Act, a person shall be considered of unimpeachable character if not finally convicted for

- a) an intentional crime, or
- b) a negligent crime committed in connection with performing activities related to the provision of social services or comparable activities,
or a person whose conviction for these crimes was expunged from the criminal records or who is considered as never having been convicted on other grounds.

(3) Integrity shall be documented by an extract from the Criminal Records register and by documents proving satisfaction of the condition of integrity, issued by states in which a physical person was staying continually for a period exceeding 3 months over a period of last 3 years. An extract from the Criminal Records register and other documents proving a person's integrity shall not be older than 3 months. When recognizing a document on integrity issued by a relevant authority of another member state of the European Union, the procedure according to a special legal regulation 31) shall apply.

(4) Vocational skills shall be considered according to § 110(4) and (5), § 116(5) and § 117.

(5) An application for registration shall include the following data and attached documents:

- a) commercial name or designation, registered office or location of an organizational component, registration number and the statutory organ of an applicant being a legal entity,
- b) first name, or names respectively, surname, place of permanent or reported stay and date and place of birth of an applicant being a physical person,
- c) name, registered office, identification number of a founder, first name, or names respectively, and surname of the head of an organizational component of an applicant being an organizational component of the state or a territorial self-governing unit on behalf of which an organizational component of a territorial self-governing unit shall provide social services.
- d) data on social services provided, in particular
 1. designation and place of a facility or place of social services provision,
 2. type of social services provided,
 3. group of persons to whom such social service is determined,
 4. description of realization of social services provided,
 5. description of staffing in respect of social services provided,
 6. time-schedule for social services provision,
 7. capacity of social services provided,
 8. financial balance sheet to arrange for operation,
 9. manner of arranging for health care in the case of provision of social services according to § 34(1)(c) to (f),
- e) a document on the integrity of physical persons specified in subsection (1)(b),
- f) documents or their officially certified copies proving vocational skills of physical persons specified in subsection (1)(b),
- g) decision on approval of Rules of operation of a social services facility, issued by a public health protection authority,
- h) a document on ownership title or another right to the building or premises in which social services shall be provided, from which an applicant's entitlement to use these buildings or premises ensues,
- i) officially certified copy of foundation documents and documents on registration according to special legal regulations, or possibly an extract from the Commercial Register or another registry according to special legal regulations in the case of an applicant being a legal entity,
- j) a document proving that an applicant has no tax arrears, arrears in respect of public health insurance premiums and penalties and social security and state employment policy premiums and penalties,
- k) affirmation on facts specified in subsection (1)(f).

(6) Unless a document to be submitted within the proceedings on registration is made in the Czech language, an applicant shall submit an officially certified translation of the document into the Czech language as well, except when a regional authority deciding on registration makes a waiver in justified cases.

§ 80

Prior to commencing social services provision, a social services provider shall conclude a damage liability insurance in respect of damage caused in the course of providing social services; the insurance shall be concluded for the whole period of providing social services according to this Act. A social services provider shall send an officially certified copy of the insurance contract to a registration authority within 15 days of its conclusion.

§ 81

(1) A registration authority shall issue a decision on registration subject to an applicant's proving his satisfaction of conditions specified in § 79(1).

(2) A decision on registration shall include

- a) designation of a social services provider, stating the data according to § 79(5)(a), (b) or (c),

- b) designation and place of the facility or the place of social services provision,
- c) types of social services to be provided,
- d) a group of persons to whom social services shall be provided,
- e) data on capacity of social services provided.

§ 82

(1) A social services provider shall inform a registration authority in writing about all changes affecting the data included in the decision on registration and the data included in the application for registration, as well as changes in the documents submitted according to § 79(5), and it shall prove these changes by relevant documents within 15 days. The provision of § 79(6) shall apply mutatis mutandis.

(2) A registration authority shall decide on change in the registration on the basis of a notification according to subsection (1) or at the request of a social services provider.

(3) A registration authority shall decide on cancelling a registration, if

- a) a social services provider fails to satisfy the conditions stipulated in § 79 and 80,
- b) a penalty for an administrative delict is imposed on a social services provider in the case of an especially serious breach of an obligation prescribed for social services providers,
- c) a social services provider fails to satisfy quality standards (§ 99) and no remedy occurs even on the basis of measures imposed during a social services inspection, or
- d) a social services provider requests cancellation of the registration; the request must be filed at least 3 months prior to the day of terminating activities.

(4) A registration is not transferable and its validity shall expire on the day of dissolution of a legal entity or on the day of death of a physical person.

§ 83

A registration according to § 79 shall not be required in the case that the assistance is provided to a person by a close person or another physical person who is not performing such activity as a businessmen 32).

§ 84

(1) A registration according to § 79 shall not be either required in the case of a physical person or a legal entity established in another member state of the European Union, if such person provides social services in the meaning of this Act in the territory of the Czech Republic only temporary and sporadically, subject to proving that the person is

- a) a citizen of a member state of the European Union or that it has its registered office in another member state of the European Union,
- b) a holder of the authorization to perform activities specified in subsection (1) according to legal regulations of another member state of the European Union.

(2) A physical person or a legal entity specified in subsection (1) shall inform a regional authority relevant according to the place of social services provision about commencement of activities in the territory of the Czech Republic and to submit a document entitling such person to provide social services in another member state of the European Union, in particular, within 8 days of commencing such activity.

(3) A physical person or a legal entity specified in subsection (1) shall be entitled to perform such activity for a period of maximum 1 year as of the day of notifying a relevant regional authority of commencement of activities in the territory of the Czech Republic; when carrying out this activity, a person shall comply with obligations determined for social services providers according to § 88 and 89.

(4) A regional authority shall decide on suspending performance of activities by a legal entity or a physical person specified in subsection (1) in the territory of the Czech Republic, should it ascertain that no longer such person has an authorization to carry out activities in the state in which such person is established, or should it ascertain a serious breach of obligations specified in § 88 and 89.

(5) A registration according to § 78 and 79 shall not be either required in the case of social services provided in health care residential facilities according to § 52. When providing social services, these health care facilities are obliged to satisfy obligations determined for social services providers in § 88(b), (c), (h) and (i).

Subdivision 2

Register of Social Services Providers

§ 85

(1) A regional authority shall keep a register of social services providers (hereafter "register") entering social services providers to whom the decision on registration was issued and legal entities and physical persons specified in § 84 therein.

(2) The register shall be kept in the physical and electronic forms. A regional authority shall be the administrator of the physical register and the processor of the electronic register. When processing data, it shall proceed according to a special legal regulation 10).

(3) The physical register shall include

- a) data stipulated in § 79(5) (a) to (d),
- b) documents stipulated in § 79(5) (e) to (k) and § 80,
- c) a copy of an inspection report on the carried out inspection.

(4) The electronic register shall include the data stipulated in § 79(5) (a) to (d) and information on the result of the carried out inspection. A regional authority shall enter the data according to the first sentence and changes thereto without undue delay.

§ 86

(1) The Ministry shall be the administrator of the electronic register.

(2) The Ministry shall arrange, at its own expense, for a computer program (software) for data processing, necessary for keeping the register and it shall provide the program, including its updates, to regional authorities without consideration. When keeping the register, regional authorities shall be obliged to use the program provided by the Ministry.

§ 87

(1) The register shall be kept within the public administration information system according to a special legal regulation 33).

(2) The register is a public list in the part containing data stipulated in § 79(5) (a) to (d) excluding the data on date and place of birth of a social services provider being a physical person; the Ministry shall publish the data in the electronic form in a manner enabling remote access.

(3) An official extract or a copy of a public part of the register shall be issued at the request.

Division 2

Obligations of Social Services Providers

§ 88

Social services providers shall

- a) arrange for available information on the type, place, aims, group of persons to whom social services are provided, capacity of social services provided and the manner of providing social services, in particular in a manner comprehensible to all persons,
- b) inform a person interested in social services about all duties ensuing for such person from the conclusion of a contract on provision of social services, about the manner of providing social services and payments for these services, in particular in a manner comprehensible to such person,

c) when providing social services, create conditions enabling persons to whom social services are provided to execute their human and civil rights, and preventing conflicts of interests of these persons with interests of a social services provider,

d) process internal rules focused on arranging for social services provided, including determination of rules for asserting justified interests of persons, in particular in a form comprehensible to all persons,

e) process internal rules for filing and processing complains by persons to whom social services are provided concerning the level of service, in particular in a form comprehensible to all persons,

f) plan the course of social services provision according to personal aims, needs and skills of persons to whom social services are provided, to keep written individual records on the course of social services provided and to assess the course of social services provision in the presence of such persons, where possible in view of their health condition and type of the social service provided, or in the presence of their statutory representatives,

g) keep registry of applicants for social services with whom a provider was unable to conclude a contract on provision of social services on the grounds stipulated in § 91(3) (b),

h) comply with social services quality standards,

i) conclude a contract on provision of social services with a person, unless the reasons stipulated in § 91(3) so prevent.

§ 89

Measures Restricting Persons' Moves

(1) When providing social services, measures restricting moves of persons to whom social services are provided may not be used, except for cases of direct threat to their health and life, or health and life of other physical persons, in particular under the below-stipulated conditions and only for the necessary period sufficient for removing direct threat to their health and life and to lives of other physical persons.

(2) Measures restricting persons' moves may be applied only in the case that other measures focused on preventing a person's conduct threatening such person's health and life, or health and lives of other persons, were used without success. A social services provider shall therefore, according to a specific situation, make use of verbal pacification of the situation and other manners of pacification of the situation, such as distraction, dispersion or active listening. A person shall be informed in a suitable manner of the fact that a measure restricting his moves may be used against him.

(3) Prior to using measures restricting a person's moves, it is necessary to acquire the approval of a physician whom a social services provider shall always call in the case that the procedure according to subsection (2) is insufficient.

(4) In the case of using measures restricting persons' moves, a social services provider shall always select the gentlest possible measure. First of all, it is necessary to involve physical grasps, then to place a person in a room equipped for safe stay, and possibly to use medicaments prescribed by a physician.

(5) A social services provider shall provide social services while employing methods of services provision preventing situations in which measures restricting persons' moves would have to be necessarily used.

(6) A social services provider shall inform a statutory representative of a person to whom social services are provided or a person to whom a minor was entrusted to the care on the basis of the decision of a relevant authority about using a measure restricting persons' moves without undue delay.

(7) A social services provider shall keep a registry of cases when measures restricting persons' moves were used, in particular to the following extent

a) first name, or names respectively, surname and date of person's birth,

b) date, initial time and place of use of a measures restricting persons' moves,

c) reason for using a measure restricting persons' moves,

- d) name, or names respectively, and surname of a person who used a measure restricting persons' moves,
- e) approval of a physician,
- f) date and time of the end of use of a measure restricting persons' moves,
- g) description of the immediately preceding situation,
- h) record on compliance with the obligation stipulated in subsection (6),
- i) description of possible injuries of persons, caused during the use of a measure restricting persons' moves,

and a provider shall enable a statutory representative of a person or a close person or a physical person to whom a minor person was entrusted to the care on the basis of a decision of a relevant authority, a founder of the facility, a physician and the Ombudsman to inspect the registry.

Division 3

Contract on Social Services Provision

§ 90

A person may request a social services provider to provide a social service, or such person may request a municipality in which he has the permanent or reported stay to mediate social services provision or to arrange for a contact with a social services provider.

§ 91

(1) A person shall conclude a contract on social services provision with a social services provider. A contract on provision of a social service provided according to § 39 to 52, 57, 58 and 68 shall be concluded in writing. A contract on provision of a social service to be provided according to § 54, 56, 65 and 70 shall be concluded in writing if at least one contractual party suggests so during negotiations on conclusion of a contract.

(2) A contract shall include the following particulars:

- a) designation of the contractual parties,
- b) the type of social service,
- c) extent of the social service to be provided,
- d) place and time of the social service provided,
- e) the amount of consideration for social services agreed within the amount of the consideration stipulated in § 73 to 77 and the manner of payment,
- f) agreement on compliance with internal rules set by a provider for the purposes of a social services provision,
- g) grounds for giving a notice of termination and notice periods,
- h) duration of the contract.

(3) A social services provider may refuse to conclude a contract on social services provision only if

- a) a provider does not provide a social service required by a person,
- b) a provider has insufficient capacity for providing a social service required by a person, or
- c) the health condition of a person requiring provision of a stay-in social service excludes provision of such social service; an implementing legal regulation shall specify such health conditions.

(4) Prior to concluding a contract on provision of a stay-in social service, a person shall submit a medical opinion of a registered general practitioner on the health condition of a person, unless a social service is to be provided in a health care facility according to § 52.

(5) Provisions of the Civil Code shall apply to the conclusion of a contract on social services provision and to legal relations arising from such contract.

(6) A municipal authority of a municipality with extended powers shall represent a person unable to act on his own who does not have a statutory representative.

(7) Where a social services provider refuses to conclude a contract on social services provision with a person on the grounds stipulated in subsection (3), a social services provider shall issue a written notification to such person at his request, stating the grounds for refusing the conclusion of a contract.

Division 4

Powers when Arranging for Social Services

§ 92

A municipal authority of a municipality with extended powers

a) shall arrange for the provision of social services or another form of assistance to a person to whom a social service is not provided, in particular to the necessary extent, while such person is in a situation where failure to provide immediate assistance would threaten such person's life or health; local competence shall be governed by the permanent or reported stay of a person,

b) shall coordinate a provision of social services and it shall provide professional social counselling to persons at risk of social exclusion on the grounds of prior stay in educational facilities for institutional or protection care or imprisonment, to persons whose rights and interests are threatened by a criminal activity of another person, and to persons whose manner of life may lead to conflicts with society; when doing so, it shall cooperate with educational facilities for institutional or protection care, with the Prison Service of the Czech Republic, Probation and Mediation Service of the Czech Republic, administrative authorities and territorial self-governing units,

c) shall, on the basis of notification of a health care facility according to a special legal regulation 25), determine whether it is necessary to provide social care services to a person placed in a health care facility and it shall mediate their provision; where social care services cannot be provided to a person, it shall notify this fact to a health care facility in which a person is placed.

§ 93

A regional authority,

a) in cooperation with other social services providers and a municipal authority of a municipality with extended powers relevant according to the place of the reported stay of a person, shall arrange for provision of social services in the case that a social services provider terminated social services provision on the grounds of cancellation of the registration, expired validity of the registration, or possibly on other grounds, should persons to whom this social services provider provided social services be in immediate threat to their rights and interests and be unable to arrange for continuing social services provision on their own,

b) shall coordinate the provision of social services to persons whose rights and interests are threatened by another person's criminal activity; when doing so, it shall cooperate with municipal authorities of municipalities with extended powers.

§ 94

A municipality

a) shall research needs in respect of social services provision to persons or groups of persons in its territory,

b) shall arrange for available information on possibilities and manners of social services provision in its territory,

c) shall cooperate with other municipalities, regions and social services providers when mediating assistance to persons, or mediating contacts between a social services provider and a person respectively,

d) may prepare a medium-term plan of social services development in cooperation with a region, social services providers in the territory of the municipality and with participation of persons to whom social services are provided.

§ 95

A region

a) shall research needs of social services provision to persons or groups of persons in its territory,

b) shall arrange for available information on possibilities and manners of social services provision in its territory,

c) shall cooperate with municipalities, other regions and social services providers when mediating assistance to persons, or mediating contacts between a social services provider and a person respectively,

d) shall prepare a medium-term plan of social services development in cooperation with municipalities in the territory of the region, representatives of social services providers and representatives of persons to whom social services are provided,

e) shall monitor and evaluate fulfilment of social services development plans with participation of social services representatives and representatives of persons to whom social services are provided,

f) shall inform the Ministry about fulfilment of social services development plans.

§ 96

The Ministry

a) shall govern and control performance of state administration in the field of social services,

b) shall prepare a medium-term national plan of social services development with participation of regions, representatives of social services providers and representatives of persons to whom social services are provided,

c) shall cooperate with the Ministry of the Interior in order to optimise availability of local public services.

PART FOUR

INSPECTION OF SOCIAL SERVICES PROVISION

§ 97

(1) The following authorities shall carry out inspection of social services provision (hereafter "inspection") by social services providers to whom the decision on registration was issued and by social services providers stipulated in § 84

a) a regional authority, subject to exception under letter (b),

b) the Ministry in the case of social services providers established or founded by a region.

(2) The following shall be subject to inspection of social services providers

a) compliance with the conditions stipulated for registration of social services providers, unless it concerns a social services provider in respect of whom the registration according to § 84 is not required,

b) compliance with duties of social services providers stipulated in § 88 and 89,

c) quality of social services provided.

§ 98

(1) The procedure of carrying out inspection according to this Act shall be governed by the State Control Act 34), unless further stipulated otherwise.

(2) Inspection shall be always carried out at the place of the provision of social services.

(3) In each individual case, inspection shall be carried out by an inspection team comprising at least 3 members. At least 1 member of an inspection team shall be an employee of a region, or an employee of the Ministry in the case of carrying out inspection according to § 97(1)(b).

(4) An inspector may not be engaged in labour law or similar relationship with any social services provider in a region in which he carries out an inspection.

(5) In the interest of professional consideration of the issue, specialized professionals may be invited to participate in an inspection. An invited specialist may not be prejudiced in respect to a social services provider subject to an inspection. A social services provider subject to inspection shall enable an invited specialist to participate in the inspection.

(6) An inspection report shall be made on the result of the inspection; the provision on a protocol (report) according to the State Control Act shall apply to such report.

§ 99

(1) When carrying out an inspection, social services quality is checked according to social services quality standards. Social services quality standards are a set of criteria defining the quality level of a social services provision in the field of social services staffing and operational arrangements, and in the field of relations between a provider and persons.

(2) Compliance with quality standards shall be assessed by a point system.

(3) An implementing legal regulation shall stipulate the content of individual quality standards and the point assessment.

PART FIVE

DUTY OF NON-DISCLOSURE

§ 100

(1) Employees of municipalities and regions, employees of the state and employees of social services providers shall comply with the duty of non-disclosure of the data concerning persons to whom social services or an allowance are provided, learned by such employees during their activities, unless further stipulated otherwise. This duty shall continue to last even after termination of labour relationship. Persons specified in the first sentence may be relieved of their duty of non-disclosure only by a person in whose interest they have this duty, in particular in writing with the extent and purposes stipulated.

(2) The duty of non-disclosure stipulated in subsection (1) shall apply to physical persons being social services providers or to specialists invited for participation in an inspection *mutatis mutandis*.

(3) Persons stipulated in subsections (1) and (2) shall release the data concerning persons to whom social services or an allowance are provided, learned by such persons in the course of their activities, to other entities only where this Act or a special legal Act 35) stipulates so; in other cases, they may provide such data to other persons only subject to a written approval of a person to whom social services or an allowance are provided.

(4) Generalized information and aggregate data acquired by the Ministry, municipalities and regions in the course of their activities, may be used by employees of the Ministry, municipalities and regions for their scientific, publication and pedagogical activities, or by the Ministry for the purposes of its analytical and conceptual activity, however, without specific identification data (names) being provided.

PART SIX

SOCIAL SERVICES FUNDING

§ 101

(1) A subsidy from the state budget shall be provided to social services providers entered

in the register for the purposes of arranging for a social services provision.

(2) A subsidy shall be provided for funding ordinary expenses relating to a social services provision in compliance with the prepared medium-term social services development plan.

(3) A subsidy from the state budget according to subsections (1) and (2) shall be provided through regional budgets. The activity of regions according to the first sentence shall represent the activity performed under delegated powers.

(4) A regional authority shall submit an application for a subsidy in respect of the next relevant budgetary period to the Ministry. An application shall include, in particular,

- a) name of a region, its registered office, identification number and account number,
- b) prepared medium-term social services development plan including economic analysis of needs identified in the plan, and the manner of their funding,
- c) the amount of subsidy required.

(5) The total amount of an individual region's subsidy shall be determined on the basis of

- a) overall annual volume of financial resources stated in the binding indicator of the budget for a relevant budgetary year,
- b) prepared regional medium-term services development plan,
- c) number of paid allowances and their financial volume,
- d) number of social services providers entered in the register and their capacities,
- e) capacities of social services provided in health care residential facilities.

(6) A subsidy to the regional budget shall be provided on the basis of a decision 36).

(7) An implementing legal regulation shall determine detailed conditions for determining the amount of subsidy, purpose of the subsidy, the subsidy structure and the manner of granting a subsidy.

§ 102

Regions shall be granted a subsidy for arranging for their duties stipulated in § 93(a). The Ministry shall grant a subsidy according to a special legal regulation 37).

§ 103

Municipalities with extended powers shall be granted a subsidy for arranging for their duties stipulated in § 92(a). The Ministry shall grant a subsidy according to a special legal regulation 37). Municipalities with extended powers shall be granted a subsidy from the state budget through regional budgets; this activity of regions is the activity performed under delegated powers.

§ 104

(1) Specific subsidies for funding ordinary expenses relating to social services provided by social services providers entered in the register, may be granted from the state budget according to a special legal regulation 38).

(2) A subsidy according to subsection (1) shall be provided by the Ministry.

(3) A subsidy may be granted for

- a) support for social services of nationwide or supra-regional nature,
- b) activities of developing nature, in particular, education of social services workers, support for social services quality and preparation of medium-term social services plans by regions and municipalities,
- c) the purposes of extraordinary situations; an extraordinary situation shall mean, in particular, natural disaster, fire, ecological or industrial accident.

(4) Programmes funded from the Structural funds of the European Communities and other programmes of the European Communities may participate in funding activities in the field of

social services provision according to subsection (3).

(5) There is no legal entitlement for the provision of a subsidy 36).

§ 105

A municipality or a region may provide a specific subsidy according to a special Act 39) from its budget for the purposes of funding ordinary expenses related to a social services provision, incurred by social services providers entered in the register.

PART SEVEN

ADMINISTRATIVE DELICTS

§ 106

(1) An employee stipulated in § 100(1) shall commit a transgression by breaching the duty of non-disclosure according to § 100(1).

(2) An invited specialist stipulated in § 100(2) shall commit a transgression by breaching the duty of non-disclosure according to § 100(2).

(3) A fine of up to CZK 50,000 may be imposed for a transgression according to subsections (1) and (2).

§ 107

(1) A legal entity or a physical person-entrepreneur shall commit an administrative delict by providing social services without being authorized to provide them according to § 78(1).

(2) A legal entity or a physical person-entrepreneur being a social services provider shall commit an administrative delict by

a) failing to provide social services to the extent stipulated in the decision on registration according to § 81(2),

b) failing to keep records according to § 88(f),

c) failing to keep records of applicants for social services according to § 88(g),

d) failing to conclude a contract on social services provision with a person according to § 88(i),

e) using a measure restricting persons' moves contrary to § 89(1) to (4),

f) failing to submit information on the use of a measure restricting persons' moves according to § 89(6), or

g) failing to keep registry or failing to provide the registry for inspection according to § 89(7).

(3) A physical person-entrepreneur shall commit an administrative delict by breaching the duty of non-disclosure according to § 100(2).

(4) A fine shall be imposed for an administrative delict up to

a) CZK 10,000, in the case of an administrative delict according to subsection (2)(b) and (c),

b) CZK 20,000, in the case of an administrative delict according to subsection (2)(a), (d), (f) and (g),

c) CZK 50,000, in the case of an administrative delict according to subsection (3),

d) CZK 250,000, in the case of an administrative delict according to subsections (1) and (2)(e).

§ 108

(1) A legal entity shall not be liable for an administrative delict should it prove to exert all efforts that could be possibly required in order to prevent the breach of a legal obligation.

(2) When determining the amount of a fine to be paid by a legal entity, the seriousness of an administrative delict, in particular the manner of its commitment and its consequences and circumstances under which it was committed shall be taken into account.

(3) A legal entity's liability for an administrative delict shall expire in the case that a relevant authority fails to commence proceedings on such delict within one year of the day it learns of the delict, however, no later than within 3 years of the day on which the delict was committed.

(4) Within the extent of their powers, a regional authority and the Ministry shall deal with administrative delicts according to this Act as the first instance authorities.

(5) Provisions on liability and sanctions applying to a legal entity shall apply to the liability for conduct of a physical person while undertaking business activities 32) or for conduct directly connected with such activities, as well.

(6) An administrative authority imposing a fine shall collect and exact such fine. Income from fines shall be the revenue of the budget from which the activity of an administrative authority imposing a fine is covered.

PART EIGHT

PERFORMANCE PREREQUISITES FOR THE PROFESSION OF A SOCIAL WORKER

CHAPTER I

Social Worker

§ 109

A social worker shall carry out social investigation, arranges for social agenda including solutions of social law problems in facilities providing social care services, social law counselling, analytic, methodical and conceptual activities in the social sector, professional activities in facilities providing social preventive services, screening activities, provision of crisis assistance, social counselling and social rehabilitation.

§ 110

(1) Capacity to perform acts in law, integrity, health capacity and vocational skills according to this Act constitute a performance prerequisite for the profession of a social worker.

(2) Integrity shall be considered and documented according to § 79(2) and (3).

(3) A general practitioner, or an industrial preventive care doctor in the case of employees, shall determine health capacity and issue a medical report on health capacity.

(4) Vocational skills for performing a profession of a social worker shall be

a) higher vocational education acquired upon completion of educational programme accredited according to a special legal regulation 40),

b) university-level education acquired in bachelor or master degree study programmes focused on social work, social policy, social pedagogy, social care or special pedagogy, and accredited according to a special legal regulation 41),

c) completion of accredited educational courses in branches stipulated in letters (a) and (b), totally amounting to at least 200 hours, and practice in performing the profession of a social worker for at least 5 years in the case of completion of university-level education in a branch not stipulated under letter (b),

d) in the case of a marriage and family counsellor, university-level education acquired upon proper completion of studies of single-branch psychology or a master programme at a university specialized in humanities, completed concurrently with post-graduate training in marriage counselling methods and psychotherapy to the extent of at least 400 hours or a similar long-term psychotherapeutic training accredited in the health care sector.

(5) A social worker and a health care worker who acquired skills for practising the profession of a health service worker according to a special legal regulation 42) shall be

considered to have vocational skills for performance of the profession of a social worker providing social services in health care residential facilities according to § 52.

(6) A special legal regulation 31) shall apply to recognizing vocational skills or other skills of citizens of member states of the European Union.

CHAPTER II

Continuous Education of a Social Worker

§ 111

(1) A social worker shall be involved in continuous education focused on refreshing, strengthening and enhancing his qualification.

(2) Continuous education shall be provided on the basis of accreditation of educational facilities and educational programmes granted by the Ministry, and it shall be carried out at universities, higher vocational schools and educational facilities of legal entities and physical persons (hereafter "educational facility").

(3) Forms of continuous education include

- a) specialized education arranged for by universities and higher vocational schools, following up vocational skills acquired for practising the profession of a social worker,
- b) participation in accredited courses,
- c) vocational trainee-ship (internship) in social services facilities,
- d) participation in trainings.

(4) Participation in continuous education according to subsection (3) shall be considered as enhancing qualification according to a special regulation 43).

(5) A certificate issued by an educational facility organizing continuous education shall constitute a document confirming completion of continuous education according to subsection (3).

CHAPTER III

Accreditation of Educational Facilities and their Educational Programmes

§ 112

(1) For the purposes of this Act, the Ministry shall decide on accreditation of educational facilities and their educational programmes (hereafter "accreditation").

(2) A written application for accreditation shall include

- a) name, or names respectively, surname, place of permanent or reported stay and identification number, if allocated, of an applicant being a physical person,
- b) commercial name or designation, registered office, or location of organizational component respectively, identification number and statutory organ, of an applicant being a legal entity,
- c) authorization to practise educational activities according to a special legal regulation 44),
- d) summary of the previous activities of an applicant for accreditation,
- e) name, type and form of educational programme to be organized by an applicant,
- f) documents on material and technical back-up of educational programme,
- g) a list of physical persons to participate in educating activities, and documents on their vocational skills or certificate in recognition of their vocational qualification,
- h) estimated amount of costs per a participant.

§ 113

(1) There is no legal entitlement to accreditation being granted.

(2) Accreditation shall be granted for a period of 4 years.

(3) Accreditation shall not be transferable and it shall not pass to a legal successor.

(4) The Ministry shall supervise activities of accredited educational facilities during realization of accredited programmes.

(5) The Ministry shall decide on withdrawal of accreditation if

- a) it ascertains failure to comply with an educational programme,
- b) an accredited educational facility fails to comply with the conditions under which accreditation was granted to it,
- c) an accredited educational facility requests withdrawal of accreditation.

§ 114

(1) An accredited educational facility shall keep the registry of issued certificates.

(2) The Ministry shall publish a list of accredited educational facilities, duration of accreditation and the list of educational facilities from which accreditation was withdrawn; the Ministry shall do so in the electronic form enabling remote access.

PART NINE

PREREQUISITES FOR PERFORMING ACTIVITIES IN SOCIAL SERVICES

§ 115

Workers

Vocational activities within social services shall be performed by

- a) social workers under the conditions stipulated in § 109 and 110,
- b) social services workers,
- c) health service workers,
- d) pedagogical workers.

§ 116

Social Services Workers

(1) A social services worker shall be a person

a) providing direct service to persons in ambulatory or stay-in social services facilities, consisting in training simple everyday activities, assistance with personal hygiene and dressing, manipulation with appliances, aids, clothing, conservancy and care of personal hygiene, support for self-sufficiency, life activation, creation of social and sociable contacts and satisfaction of psycho-social needs,

b) performing basic educational non-pedagogical activity consisting in deepening and strengthening basic hygiene and social habits, influencing creation and development of work habits, manual skills and working activity, performing free-time activities focused on development of personality, interests, knowledge and creative abilities in the form of art and music teaching, physical exercise, arranging for spare-time and cultural activities and provision of personal assistance,

c) domiciliary activities in the household of a person, consisting in performing works while being in direct contact with persons with physical and mental difficulties, complex care for their household, arranging for social assistance, performing social screening under management of a social worker, providing assistance with the creation of social and sociable contacts and with psychical therapy, organizational arrangements and complex coordination of domiciliary activity.

(2) Capacity to perform acts in law, integrity, health capacity and vocational skills according to this Act constitute a prerequisite for the performance of the profession of a social

services worker.

(3) Integrity shall be assessed and documented according to § 79(2) and (3).

(4) A general practitioner, or an industrial preventive care doctor in the case of employees, shall determine health capacity and issue a medical report on health capacity.

(5) Vocational skills for performing a profession of a social services worker

a) stipulated in subsection (1)(a), shall be primary education or secondary education and completion of an accredited qualification course; completion of an accredited qualification course shall not be required in the case of physical persons who acquired qualification for practising the profession of a health service worker, specialization: nurse according to a special legal regulation 45),

b) stipulated in subsection (1)(b) shall, be secondary education with a certificate of apprenticeship (vocational certificate) or secondary education with school-leaving examinations and completion of an accredited qualification course; completion of an accredited qualification course shall not be required in the case of physical persons who acquired qualification for practising the profession of a health service worker, specialization ergotherapist according to a special legal regulation 46),

c) stipulated in subsection (1)(c) shall be primary education, secondary education, secondary education with a certificate of apprenticeship, secondary education with school-leaving examinations or higher vocational education, completion of an accredited qualification course; completion of an accredited qualification course shall not be required in the case of physical persons who acquired qualification for practising the profession of a health service worker, specialisation: nurse.

(6) An implementing regulation shall stipulate the content of qualification courses according to subsection (5) and its minimum extent.

(7) A special legal regulation 31) shall apply to recognizing vocational skills or other skills of citizens of member states of the European Union.

§ 117

Special legal regulations 47) shall stipulate conditions for performance of health care workers and pedagogical workers.

PART TEN

JOINT, TRANSITORY AND CONCLUDING PROVISIONS

CHAPTER I

Joint Provisions

§ 118

The Administrative Procedure Code 13) shall apply to proceedings according to this Act, unless this Act stipulates otherwise.

§ 119

Authorizing Provisions

(1) The government shall issue an implementing decree in respect of § 101(7).

(2) The Ministry shall issue an implementing decree in respect of § 9(5), § 29(5), § 35(2), § 73(3), § 74(3), § 75(1), § 76(1), § 91(3)(c), § 99(3) and § 116(6).

CHAPTER II

Transitory Provisions

§ 120

(1) Proceedings on social services provision commenced, however, not finally terminated

before the effective day of this Act, shall be completed according to the hitherto effective legal regulations.

(2) Persons entitled to an increased pension on the grounds of helplessness according to the hitherto effective legal regulations at the effective day of this Act shall be considered as persons dependent on the assistance of another physical person as of the effective day of this Act as follows

- a) grade I (slight dependence), in the case of partially helpless persons,
- b) grade II (medium-heavy dependence), in the case of prevailingly helpless persons,
- c) grade III (heavy dependence), in the case of persons totally helpless.

(3) A child considered as a long-term heavily disabled child requiring extraordinary care at the effective day of this Act shall be considered as a person dependent on the assistance of another person, grade III (heavy dependence), as of the effective day of this Act.

(4) As of the effective day of this Act, persons stipulated in subsections (2) and (3) shall be entitled to an allowance in the amount according to § 11 corresponding to the determined dependence grade according to subsections (2) and (3), unless another dependence degree is determined on the basis of a medical review of the health condition and a decision on an amount of an allowance according to the thus determined dependence is issued, or unless further stipulated otherwise. Persons over 80 years of age stipulated in subsection (2)(a) who are attended by a physical person entitled on these grounds to an allowance for care of a close person or by another person at the effective day of this Act according to the hitherto effective legal regulations, shall be entitled to an allowance in the amount corresponding to the dependence degree II (medium-heavy dependence). Persons stipulated in subsection (2)(b) attended by a physical person entitled on these grounds to an allowance for care of a close person or another person at the effective day of this Act according to the hitherto effective legal regulations, shall be entitled to the allowance in the amount corresponding to the dependence degree III (heavy dependence) for a period of 2 years as of the effective day of this Act; after expiry of this period, such persons shall be entitled to the allowance in the amount corresponding to the dependence degree determined on the basis of a medical review of the health condition.

(5) Legal entities and physical persons providing social care services or social services according to the hitherto effective legal regulations prior to the effective day of this Act and intending to continue these activities even after the effective day of this Act, shall apply for registration within 6 months of the effective day of this Act and, within the same period, they shall conclude an insurance contract according to § 80. As of the effective day of this Act till the issue of the decision on registration, these legal entities and physical persons shall be considered as social services providers according to this Act.

(6) Decisions on admission to social care facilities and consideration for care according to the hitherto effective legal regulations shall remain effective even after the effective day of this Act, however, for a maximum period of 3 years, unless a person and a social services provider agree otherwise or unless they agree on another extent of social services provision. Instead of payment for assistance provided on the grounds of helplessness according to the hitherto effective legal regulations, a person granted an allowance shall pay for care in the amount according to § 73(4) as of the effective day of this Act.

(7) Decisions on provision of social care in health care facilities and payment for care according to the hitherto effective legal regulations shall remain effective even after the effective day of this Act, however, for the maximum period of 3 years, unless a person and a health care facility agree otherwise. A person receiving social care according to the first sentence, who was granted an allowance, shall pay consideration for care in the amount according to § 73(4) to a health care facility, in addition to the consideration according to the hitherto effective legal regulations, as of the effective day of this Act.

(8) Waiting lists of applicants for admission to social care institutions kept according to the hitherto effective legal regulations shall remain effective even after the effective day of this Act, however, for the maximum period of 3 years. Founders of social services institutes keeping such waiting lists shall hand over these waiting lists to individual social services providers within 2 months of the effective day of this Act and, within the same time-limit, they shall inform persons registered in these waiting lists accordingly.

(9) Social care institutions according to the hitherto effective legal regulations shall be considered as social services facilities stipulated in § 34(1)(c) to (f).

(10) Volunteer workers of the domiciliary services shall provide domiciliary services

according to the hitherto effective legal regulations even after the effective day of this Act.

(11) An employee performing activity to which the qualification prerequisite stipulated in § 110(4) applies at the effective day of this Act and who does not satisfy this prerequisite shall satisfy this prerequisite within the period of

a) 7 years as of the effective day of this Act, if such employee has not completed secondary education with school-leaving examinations, social law specialization,

b) 10 years as of the effective day of this Act, if such employee has completed secondary education with school-leaving examinations, social law specialization.

(12) The provision of subsection (11) shall not apply if an employee under subsection (11)(a) and (b) achieved 50 years of age at the effective day of this Act; in the case of these persons, the qualification prerequisite stipulated in § 110(4) shall be considered as satisfied by such employees.

(13) For the purposes of the first increase of allowance amounts according to this Act, October 2006 shall be the first month of the decisive period.

CHAPTER III

Concluding Provisions

§ 121

Repealing Provisions

The following are hereby repealed:

1. Decree on payments for stay in social care establishments, No. 82/1993 Coll.
2. Decree No. 138/1994 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll.
3. Decree No. 146/1995 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., in the wording of Decree No. 138/1994 Coll.
4. Decree No. 66/1996 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
5. Decree No. 262/1996 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
6. Decree No. 205/1997 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
7. Decree No. 145/1998 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
8. Decree No. 172/1999 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
9. Decree No. 73/2001 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
10. Decree No. 425/2001 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
11. Decree No. 551/2002 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.

12. Decree No. 5/2004 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
13. Decree No. 34/2005 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on payments for stay in social care establishments, No. 82/1993 Coll., as subsequently amended.
14. Decree on meals in social care facilities, No. 83/1993 Coll.
15. Decree No. 139/1994 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on meals in social care facilities, No. 83/1993 Coll.
16. Decree No. 147/1995 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on meals in social care facilities, No. 83/1993 Coll., in the wording of Decree No. 139/1994 Coll.
17. Decree No. 263/1996 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on meals in social care facilities, No. 83/1993 Coll., as subsequently amended.
18. Decree No. 146/1998 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on meals in social care facilities, No. 83/1993 Coll., as subsequently amended.
19. Decree No. 6/2004 Coll., changing and amending Decree of the Ministry of Labour and Social Affairs on meals in social care facilities, No. 83/1993 Coll., as subsequently amended.
20. Decree on payments for provision of social care in health care facilities, No. 310/1993 Coll.
21. Decree No. 7/2006 Coll., changing Decree of the Ministry of Labour and Social Affairs on payments for stay in social care facilities, No. 82/1993 Coll., as subsequently amended.

§ 122

Effectiveness

This Act shall become effective on January 1, 2007.

Zaorálek in own hand

Klaus in own hand

Paroubek in own hand

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- 1) § 116 of the Civil Code, Act on Citizens' Registration, Personal Numbers and on Changes of Certain Acts (Citizens' Registration Act), No. 133/2000 Coll., as subsequently amended.
 - 2) Act on Foreigners' Stay and Residence in the Czech Republic and on Changes in Certain Acts, No. 326/1999 Coll., as subsequently amended.
 - 3) Act on Asylum and on Changes of the Act No. 325/1999 Coll. (Asylum Act), as subsequently amended (amending concurrently the Act on the Czech Republic's Police, No. 283/1991 Coll., as subsequently amended).
 - 4) E.g. Annex to the European Social Charter (No. 14/2000 Coll. of International Treaties).
 - 5) Act No. 326/1999 Coll., as subsequently amended.
 - 6) Article 7 of the Council Regulation (EEC) No. 1612/68 of October 15, 1968 on freedom of movement for workers within the Community. Council Regulation (EEC) No. 1251/70 of June 29, 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State.
 - 7) § 15a of Act No. 326/1999 Coll., in the wording of Act No. 217/2002 Coll.
 - 8) § 7(3) and § 8(1)(n) of the Employment Act No. 435/2004 Coll., in the wording of Act No. 109/2006 Coll.
 - 9) § 4(2) of the Act on Social Security Organization and Implementation, No. 582/1991 Coll., in the wording of Act No. 109/2006 Coll.
 - 10) Act on Personal Data Protection and on Changes of Certain Acts, No. 101/2000 Coll., as subsequently amended.
 - 11) Act No. 133/2000 Coll., as subsequently amended.

- 12) § 13b of Act No. 133/2000 Coll., in the wording of Act No. 53/2004 Coll.
- 13) Administrative Procedure Code, No. 500/2004 Coll., in the wording of Act No. 413/2005 Coll.
- 14) Sickness Insurance Act.
- 15) Pension Insurance Act, No. 155/1995 Coll., as subsequently amended.
- 16) § 12 of the State Social Support Act, No. 117/1995 Coll., as subsequently amended.
- 17) § 33(1) of Act No. 435/2004 Coll.
- 18) § 106(3) of Act No. 326/1999 Coll., in the wording of Act No. 428/2005 Coll.
- 19) § 22(d) of Act on Public Health Insurance and Changes and Amendments to Certain Related Acts, No. 48/1997 Coll., as subsequently amended.
- 20) Act on Conditions for Acquiring and Recognizing Capability to Perform Non-medical Health Care Professions and to Perform Activities Related to the Provision of Health Care, and on Changes of Certain Related Acts (Act on Non-medical Health Care Professions), No. 96/2004 Coll., in the wording of Act No. 125/2005 Coll.
- 21) Decree No. 134/1998 Coll., on the list of medical treatments including point values, as subsequently amended.
- 22) § 11 to 16 of Act No. 117/1995 Coll.
- 23) § 46 of Family Act, No. 94/1963 Coll., as subsequently amended,
§ 29 of Act on Social and Legal Protection of Children, No. xxx, as subsequently amended.
- 24) § 20 of Act on Performance of Education in Facilities for Institutional or Protection Care and on Preventive and Educational Care in School Establishments, and on Changes of Certain Acts, No. 109/2002 Coll.
- 25) § 27 of Act No. 48/1997 Coll., as subsequently amended.
- 26) § 21a and 21b of Act on the Czech Republic's Police, No. 283/1991 Coll., as subsequently amended.
- 27) Act on Existence and Subsistence Minimum Amount, No. 110/2006 Coll.
- 28) § 43 of Act No. 117/1995 Coll.
- 29) § 19(3) of Act No. 117/1995 Coll.
- 30) Act on Members of the Czechoslovak Army Abroad and on Other Participants in National Liberation Struggle, No. 255/1946 Coll.,
- 30) Act on Legionaries, No. 462/1919 Coll.
- 31) Act on Recognizing Vocational Qualification and Other Skills of Citizens of Member States of the European Union, and on Changes of Certain Acts (Act on Recognizing Vocational Qualification), No. 18/2004 Coll., as subsequently amended.
- 32) § 2(2) of Commercial Code.
- 33) Act on Public Administration Information Systems and on Changes of Certain Act, No. 365/2000 Coll., as subsequently amended.
- 34) State Control Act, No. 552/1991 Coll., as subsequently amended.
- 35) E.g. § 128 of Civil Procedure Code,
§ 8 of the Criminal Procedure Code.
- 36) § 14 of Act on Budgetary Rules and on Changes of Certain Related Acts (Budgetary Rules Acts), No. 218/2000 Coll., as subsequently amended.
- 37) Act No. 218/2000 Coll., as subsequently amended.
- 38) § 7(1) (c) and f) of Act No. 218/2000 Coll.
- 39) § 9(1) (i) and § 10(1) (e) and (j) of the Act on Budgetary Rules of Regional Budgets, No. 250/2000 Coll., as subsequently amended.
- 40) Act on Pre-school, Primary, Secondary, Higher Vocational and other Education (School Act), No. 561/2004 Coll., in the wording of Act on Educational Branches Focused on Social Work and Social Education, on Social Education, Social and Humanitarian Work, Social Work, Social Law Activities, Charity and Social Activity, No. 383/2005 Coll.
- 41) Act on Universities and on Changes and Amendments of Other Acts (University Act), No. 111/1998 Coll., as subsequently amended.
- 42) § 5, 10, § 43(2) (d) and § 96 of Act No. 96/2004 Coll.
- 43) § 141a of Labour Code.

44) E.g. Act No. 561/2004 Coll., in the wording of Act No. 383/2005 Coll., Act No. 111/1998 Coll., as subsequently amended.

45) § 36 Act on Qualification to Perform the Health Care Profession in the Branch "Nurse/Attendant", No. 96/2004 Coll.

46) § 7 of Act on Qualification to Perform Health Care Profession of Ergotherapist, No. 96/2004 Coll.

47) Act No. 96/2004 Coll., in the wording of Act No. 125/2005 Coll.

47) Act No. 95/2004 Coll., in the wording of Act No. 125/2005 Coll.

Act on Pedagogical Workers and on Changes of Certain Acts, No. 563/2004 Coll., in the wording of Act No. 383/2005 Coll.