

SOCIAL ASSISTANCE

Gerda B. was virtually penniless following her divorce. Although she had worked as a doctor's assistant from time to time during her 19 years of marriage, it wasn't long enough to entitle her to unemployment benefit or assistance. To make things worse, her ex-husband didn't pay maintenance, although he was supposed to. At age 42, she gave up all hope of ever finding a job. She had begun to drink while she was still married and had since become an alcoholic.

Gerda went to her local social services office, which provided her with regular assistance towards her living expenses. It also paid additional costs for new clothing that Gerda was going to need when she decided to enter a clinic for a six-month withdrawal treatment. The treatment was successful and Gerda hasn't touched a drop of alcohol in years. After her treatment, she began doing charity work with the help of the social services office. She then got a temporary job as a clerk for a welfare service. Her local social services office was able to arrange this job for her as part of its Welfare-to-Work Programme. Today Gerda is still working at the same office, but as a permanent staff member. And she feels she has a future again. 'Without the social assistance payments I might not have made it,' she says.

Social assistance (Sozialhilfe) is there to ensure that anyone in need in the Federal Republic can still live a decent life. It is not some kind of charity. People who find themselves in situations such that they cannot manage without help are eligible under German law for social assistance payments. Social assistance is also a means of helping recipients regain their independence - a task that demands their full cooperation.

Benefits and conditions

You can claim social assistance if you are in need, or in danger of becoming destitute, and are unable to overcome your difficulties on your own or with the help of other people. Under such circumstances, social assistance will be granted to you regardless of whether you are responsible for your current situation. You have a legal right to nearly all social assistance benefits.

When deciding which forms of assistance you need, your welfare office will take your personal and financial situation into consideration. It will also take into account your family's situation and any claims you have to benefits from other welfare funds or from a person obliged to pay maintenance.

Social assistance comes in various forms - personal assistance, cash benefit payments and payments in kind - and is provided as:

- Assistance towards living expenses
- Assistance for special circumstances such as disablement, illness or old age.

Assistance towards living expenses

Assistance towards living expenses primarily covers these items:

- Food
- Housing
- Clothing
- Toiletries
- Household goods
- Heating

- Everyday personal necessities, including - within reasonable limits - expenses for socializing and participating in cultural events.

Besides regular, ongoing benefits, non-recurring benefits are provided for larger, reasonable purchases such as clothing, household goods or heating in winter.

If you claim social assistance and your circumstances dictate that you live in a special home, you must personally-bear your housing costs to the extent that the use of income and assets cannot reasonably be required under the special provisions of social assistance law. You may receive a monthly cash allowance (formerly called 'pocket money') for your personal use.

If you claim social assistance but do not live in a home, you will receive regular benefits according to standard payment tables.

Assistance for special circumstance

These benefits cover:

- Assistance during illness, preventive and other assistance. This includes family planning, sterilisation, maternity and ante-natal care. This assistance corresponds to the benefits provided by statutory health insurance and is only granted if other welfare funds are not available and where the applicant cannot reasonably be expected to pay due to insufficient personal income and assets.
- Integration assistance for people with disabilities if it is highly probable that their physical, mental or psychological condition will differ for a period of more than six months from that which is typical of people of the same age in such a way that their participation in society is impaired or significantly influenced by their disability. Integration assistance takes the form of medical rehabilitation assistance, occupational integration assistance and social integration assistance, provided that no other insurance provider is responsible for the required rehabilitation assistance.

Assistance for persons in need of nursing care at home or in a nursing home. When the claimant receives care at home, various benefits (compensation for expenses, supplementary allowances, monthly nursing care allowance) are granted depending on the amount of care needed. If necessary, this assistance will even cover the cost of a special carer. Under certain circumstances, it also bears the costs of providing adequate pension insurance for the carer

Household help during, for example, a mother's illness or convalescence at a health resort

Assistance to overcome special social hardship

Additional assistance to meet the special needs of the elderly, such as assistance to obtain and/or keep a flat that is 'senior-citizen friendly'

You must, however, draw upon any assets you may have before you can claim social assistance. There are exceptions to this rule, such as when your assets consist of smaller savings deposits or the house you live in, provided it is not excessive in terms of your actual needs.

In certain circumstances, your relatives must pay your social assistance. Under family law, direct relatives are liable to provide maintenance for one another. Social assistance does not release them from this obligation. For this reason, the social services office checks whether and to what extent social assistance can be recovered from any of your first-degree relatives (parents and children) or your spouse. Your grandparents, grandchildren and other distant relatives are not liable for your social assistance.

In order to prevent possible hardship, Germany's welfare offices are permitted to exercise discretion when determining the amount to be recovered from relatives.

Certain types of integration assistance for disabled people are provided without the need for means testing (neither the disabled person nor the person required to provide maintenance must use their personal income and assets to cover disability-related needs).

Important: You will not have to repay any social assistance you receive, even if you become prosperous later on in life.

Exceptions: The rule that social assistance is non-repayable does not apply if it is

granted as an outright loan, or if you have brought about the situation leading to your eligibility for social assistance wilfully or through gross negligence.

Important: If you die while still receiving social assistance and leave a considerable estate, your heirs must, under certain circumstances, repay the social assistance you received. Your heirs will not however be called upon to repay anything if doing so would cause hardship.

Standard benefit rates

Standard rates for regular assistance towards living expenses were adjusted in line with the development of pension contributions on 1 July 2000.

The amount paid to a needy family is determined by the number of its members and their respective ages. Any income the family has will also be taken into account.

From 1 January 2002, the standard payment for the head of a household in western Germany averages EUR 286; the standard payment for his or her spouse is 80 per cent of this amount. Depending upon their age, children will receive between 50 and 90 per cent of the payment made to the head of household.

Certain groups of people who have additional needs can receive supplementary payments (Mehrbedarfszuschlag) ranging from 20 to 60 per cent of the respective standard payments.

Important: Social assistance will also cover housing costs (particularly rent and heating), as long as they are reasonable. The standard rates of social assistance do not take housing and heating costs into account.

Social assistance will pay your rent arrears if you are in default and face eviction. Any move to different accommodation must first be discussed with and approved by your local social services office. Under certain circumstances, this will also bear incidental costs involved in renting a new flat and any deposit you must make.

Non-recurring benefits are granted to cover needs that arise on a more or less regular basis but are not of an ongoing nature, such as clothing, household goods, and Christmas allowances.

The law

The most important legislation governing social assistance can be found in the Book IX of the Social Code, the Federal Social Assistance Act and associated regulations, and implementing acts at federal state level.

Special provisions for eastern Germany are stipulated in the treaty on German unification.

What you must do

Germany's social services offices must take action and provide benefits

- When anyone approaches them for help

- When they learn that someone needs help

If you receive social assistance, you are obliged to accept any reasonable job offered you. Otherwise you forfeit your entitlement to social assistance and risk loss of benefit. You would not be required to accept a job if, for example, you had to care for a very young, sick or disabled child.

If you receive assistance towards living expenses, your entire income (with some exceptions) must also go toward covering these expenses.

In the case of assistance in special circumstances, any income you have up to a certain level is usually disregarded, and you are required to make use of only a reasonable amount of any income above this level.

Information

Germany's rural and municipal districts act as local social assistance authorities and, as such, are responsible for carrying out the Federal Social Assistance Act. However, some benefits are administered by regional social assistance offices such as regional welfare organizations, regional social services offices, and agricultural associations.

Your local social services office (Sozialamt) will answer any questions you may have. Local social services offices must ensure that anyone in need receives all the assistance they are entitled to without delay.

STANDARD RATES FOR CHILDREN

As percentages of the standard rate for the head of the family

under 7 years	50 % or 55 %*
7 – 13 years	65 %
14 – 17 years	90 %
from 18 years	80 %

** When living with a single person who has sole responsibility for looking after and raising the children.*

SPECIAL PROVISIONS FOR FORMER EAST GERMANY

The provisions set forth in the treaty on German unification ceased to apply to the state of Berlin on 1 August 1996.

The following provisions continue to apply to the rest of eastern Germany:

- The specially increased basic income limit that serves as the basis for granting assistance for special circumstances will be adjusted every year in line with incomes until it matches the amount applicable in western Germany.
- Social assistance agencies are only obliged to fulfil statutory entitlements where the services and facilities that are needed in the individual case exist or where adequate funds are available.