



HARZ NATIONAL PARK

8.

SOCIAL LIFE AND FAMILY

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In this chapter you will learn,
what entitlements you have as an expectant mother in Germany under the Maternity Protection Act, what the requirements are for claiming child benefit, and what support instruments you can use as parents to provide for your children in Germany.

At the end of the chapter you will also find the counselling centres and contacts you can turn to in Saxony-Anhalt.

1. BENEFITS DURING PREGNANCY

The Maternity Protection Act (Mutterschutz-gesetz, MuSchG) applies to (expectant) mothers who have their workplace in Germany. This law protects against dangers at the workplace and gives them special protection against dismissal. For example, expectant mothers may only work with their consent during the last 6 weeks before the birth and may not work at all until 8 weeks after the birth. In the case of premature and multiple births, mothers are not allowed to work until 12 weeks after the birth. In the case of medical premature births and other premature deliveries, the maternity protection period after birth is extended by the number of days that could not be taken before the birth. The law also prohibits certain types of work (e.g. piecework, assembly line, overtime, Sunday or night work). If a doctor certifies an individual ban on employment, this also applies.

In order to protect the woman from financial disadvantages during this time, the Maternity Protection Act regulates various maternity benefits:

- **Maternity benefit,**
- the employer's supplement to maternity pay during the maternity protection period,
- pay in the case of employment prohibitions outside the maternity protection periods (maternity protection pay).

In Saxony-Anhalt, you can use the **official form** "Notification of employment of expectant mothers pursuant to section 5(1) and information pursuant to section 19(1) of the Maternity Protection Act" for the notification of pregnancy.



2. CHILD BENEFIT

You can claim child benefit for your children in Germany if you are

- a citizen of an EU member state, Iceland, Liechtenstein, Norway (EEA states) or Switzerland,
- have a residence or your habitual abode in Germany and are therefore subject to unlimited income tax liability. If you are not resident or ordinarily resident in Germany but earn at least 90% of your income in Germany, you can apply to the tax office to be treated as liable to unlimited income tax.



During the first three months after transferring your residence or establishing your habitual abode in Germany, you are not entitled to child benefit if you have no domestic income during this period. This includes income from your work (non-self-employed or self-employed) or income from trade or business (§ 2 Para. 1 No. 1 to 4 EStG).

You may also be eligible if you are subject to limited income tax liability in Germany because you do not reside or have your habitual abode in Germany, but are employed here subject to social security contributions.

- To be entitled to child benefit, you must be entitled to freedom of movement. You are entitled to freedom of movement if, for example, you are employed (non-self-employed or self-employed) or are a family member of an EU national (§ 2 Para. 2 No. 1 or § 2 No. 2–7 FreizügG/EU). If you are not gainfully employed, it is necessary that you have sufficient health insurance cover and sufficient means of subsistence. Otherwise you are not entitled to freedom of movement. This also applies to family members who are not gainfully employed.

ATTENTION: If your right to freedom of movement results exclusively from the purpose of seeking employment (§ 2 Para. 2 No. 1a FreizügG/EU), you are not entitled to child benefit. This only does not apply if you were already in Germany on the basis of another right to freedom of movement before you started looking for work, e.g. because you had already worked before. In this case, jobseekers are also entitled to child benefit.

As a rule, you receive child benefit for children up to their 18th birthday. These include:

- natural and adopted children,
- stepchildren,
- foster children,
- grandchildren.

If the child is older than 18, you can only receive child benefit under certain conditions. Read more about this in the [FAQ](#).

The application for child benefit must be submitted to the family benefits office by the parent with whom the child lives. Child benefit is 219 euros per month for the first and second child, 225 euros per month for the third child and 250 euros per month for each additional child.

PLEASE NOTE: As of 1 January 2018, shorter deadlines apply for retroactive applications for child benefit. As of receipt of the application, the family benefits office will only pay child benefit retroactively for the last 6 months.

Further information on child benefit and how to apply (e.g. forms of the Family Benefits Office) can be found in several languages on the [website of the Family Benefits Office \(1\)](#).



Attention! If your family lives in another EU country, you must first clarify which country is responsible for paying child benefit. You can receive partial benefits in different EU countries. This depends on your family situation. You can find out more about cross-border cases [here \(2\)](#).



IN THE KINDERDOMBAUHÜTTE AT NAUMBURG CATHEDRAL

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3. CHILD SUPPLEMENT

The child supplement according to § 6a of the Federal Child Benefit Act (Bundeskindergeldgesetz, BKGG) supports parents whose monthly income is not sufficient to fully cover the family's needs. It is intended to ensure that parents do not have to rely on unemployment benefit II because of their children. The child supplement amounts to a maximum of 185 euros per month per child and, together with child benefit and, if applicable, housing benefit, covers the average needs of children. Those who receive the child supplement are also entitled to benefits for education and participation and are exempt from day-care fees.



A fixed maximum income limit that used to apply no longer applies as of 1 January 2020!

Parents are entitled to child supplement for their children if

- the children are unmarried and under 25 years of age,
- live in their parents' household,
- child benefit or a benefit that excludes child benefit is received for these children,
- the monthly income of the parents reaches the minimum income limit of 900 euros for parent couples and 600 euros for single parents,
- the family's needs are covered by child benefit, child supplement and, if applicable, housing benefit, and therefore no entitlement to unemployment benefit II arises.
- Their income, which is counted towards the child supplement, is not so high that the child supplement is reduced to zero.

4. PARENTAL LEAVE AND PARENTAL ALLOWANCE

Parental leave is an entitlement for employees who usually work in Germany and for employees who work abroad if the employment relationship is subject to German law. Parental leave allows you to interrupt your employment or reduce your working hours to take care of your child. When you take parental leave, you are released from work. You do not receive any pay. However, you can receive parental allowance during this time under the above-mentioned conditions.



You cannot be dismissed during parental leave. Your employment relationship is suspended and you are entitled to return to your job.

Requirements for parental leave: You must

- live in the same household as the child,
- care for and bring up the child predominantly yourself,
- not work more than 30 hours per week during parental leave.

Parental allowance is financial support for families after the birth of a child. The parental allowance compensates for part of the missing income if you want to be there for your child after the birth and therefore interrupt or limit your professional work. You are entitled to parental allowance if the child is resident in Germany or one parent is or was employed in Germany.

You can receive parental allowance if

- you look after and bring up your child yourself after the birth,
- you live with your child in the same household,
- you are either not employed at all or you do not work more than 30 hours per week,
- you live in Germany.

You must apply for parental allowance at your local parental allowance office. You can find the parental allowance office responsible for you [here](#).

The basic parental allowance is 65% to 100% depending on your net income before the birth. The lower the income, the higher the percentage. It amounts to a minimum of 300 euros and a maximum of 1,800 euros per month. Fathers and mothers can receive it for a maximum of 14 months and can divide the period freely between them.

One parent can claim at least 2 months and a maximum of 12 months. The full 14 months are granted if both parents are involved in caring for the child and thus lose their respective earned income. Single parents can claim the full 14 months of parental allowance to compensate for the loss of earned income because they do not have a partner. There are also other forms of parental allowance, for example for parents who want to work part-time while receiving parental allowance (ElterngeldPlus). Read more about this in the [FAQs](#).



For all family benefits for EU workers, the country in which the parents work is primarily responsible for paying family benefits. Even during parental leave, you are considered to be employed, as your employment relationship continues during this time.



If the parents work in different EU countries, the country where the child lives is primarily responsible. It may be that the other (subordinate) state has to pay a difference if the benefit would be higher there than in the state with priority.

5. CHILDCARE

Children from the age of 1 have a legal right to a place in a day-care centre (also called kindergarten or "Kita") or in a day-care centre. This entitlement to care for the child applies from its 1st birthday until it starts school.

Under certain conditions, a child under one year of age can also get a childcare place (e.g. if the parents are working, seeking work or in training).

Parents can choose whether their child should be looked after in a day-care centre or by a childminder. To get a day care place, you have to apply to the **responsible youth welfare office**.

Many youth welfare offices in Germany provide relevant forms and information as well as an overview of the childcare costs on the internet. The youth welfare offices also offer personal counselling for parents and support them in finding a suitable childcare place.

Childcare in a day-care centre is particularly beneficial for your child's language skills. For children and young people who grow up with a mother tongue other than German, there are special language support programmes in German at kindergarten and school.

In all federal states, language tests take place in the day-care centres (at the latest before enrolment) to determine whether the child needs further German lessons. This ensures that a child can follow the lessons.



If you want to have your child looked after, you must register it early. The childcare places are usually filled quickly because of the large number of interested parents. Many wait more than 6 months for a place. It is best to enquire about available places as early as possible.

It is important for your child's success at school that he or she speaks German well. Therefore, make use of the language support programmes! In some federal states, participation in German language support programmes is compulsory for children whose German language skills have been found to be insufficient. You can obtain information about German language support programmes directly from your child's kindergarten or school, as well as from the **migration counselling service and the youth migration services**.



6. EDUCATION AND PARTICIPATION PACKAGE

Since January 2011, children, adolescents and young adults up to the age of 25 have been entitled to additional benefits for education and participation. The basic requirement is that they live in families who receive benefits according to SGB II, SGB XII, housing benefit and/or child supplement. As a rule, these benefits must be applied for separately at the job centre or the municipality.

The municipal advice centres, e.g. the Citizens' Advice Bureau or Social Welfare Office, will inform you of the office responsible for your place of residence on request. Benefits include

- Allowances for excursions and trips within the framework of the day-care centre and school,
- Provision of school supplies through a lump sum of 70 euros on 1 August and 30 euros on 1 February,
- Grants for school transport,
- Grants for extracurricular learning support (extra tuition) to help pupils reach their school-leaving certificate,
- subsidies for communal lunches at school, day-care centres and after-school care centres,
- as well as a budget for participation in social and cultural life in the community of up to 10 euros per month.

The benefits are usually provided in the form of vouchers or direct payment to the provider. The competent local service provider will be happy to advise you on the details.



CONTACT POINTS AND ADVICE ON SITE



Migrationsberatung für erwachsene Zuwanderinnen und Zuwanderer (MBE)

Jugendmigrationsdienste (JMD)

Jugendämter in Sachsen-Anhalt

Familienkassen in Sachsen-Anhalt

Schwangerschaftsberatungsstellen in Sachsen-Anhalt:
<https://ms.sachsen-anhalt.de/themen/familie>

Mehrsprachige Schwangerschaftsberatung des Bundesministeriums für Familie, Senioren, Frauen und Jugend
<https://www.schwanger-und-viele-fragen.de/de.html>

INFORMATION MATERIALS AND PORTALS



Willkommen in Deutschland

Leitfaden zum Mutterschutz

Elterngeld und Elternzeit

Merkblatt Kindergeld

Merkblatt Kinderzuschlag

Ausgeschlossen oder privilegiert? Zur aufenthalts- und sozialrechtlichen Situation von Unionsbürger*innen und ihren Familienangehörigen

Kita-Verzeichnis Sachsen-Anhalt