

Family benefits in Saxony explained

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EN

GUTE ARBEIT FÜR
SACHSEN



BABS Beratungsstelle für
ausländische Beschäftigte
in Sachsen

www.babs.sachsen.de

Anyone living and registered in Germany is entitled to state family benefits under certain conditions. This also applies to so-called cross-border commuters who work in Germany and live with their family in another country of the European Union (EU) or the European Economic Area (EEA).

Employees posted to Germany are not entitled to family benefits. They remain subject to the legislation of the sending state.

Child benefit ("Kindergeld")

Competent authority: Federal Employment Agency/Familienkasse

Child benefit is one of the most important benefits for families in Germany. All families receive child benefit regardless of their income. In principle, it is paid for all children up to the age of 18. To receive child benefit for children over 18 years of age, additional requirements must be met.

Families will receive 250 euros in child benefit per month for each child from 1st January 2023. EU/EEA nationals who live and/or work in Germany can also receive child benefit. This means also cross-border commuters whose children live in another EU/EEA country.

You apply for child benefit at the competent family fund ("Familienkasse") of the Federal Employment Agency. Cross-border commuters or employees whose children do not live in Germany must apply for child benefit at the family fund responsible for their country.

Note: Child benefit is paid retroactively only for the last six months before the beginning of the month in which the application for child benefit is received.

All information on the child benefit and application forms can be found at www.arbeitsagentur.de/familie-und-kinder/downloads-kindergeld-kinderzuschlag.

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Child benefit supplement ("Kinderzuschlag")

Competent authority: Federal Employment Agency/Familienkasse

Child supplement is a supplementary cash benefit. Parents or guardians who receive child benefit can apply for it additionally. The child supplement is paid together with the child benefit.

From 1st January 2023, the child supplement will amount to a maximum of 250 euros per child per month. As of 1 January 2020, the upper income limit has been dropped. In addition, parents' income in excess of their own needs will only be counted toward the child supplement at 45%, instead of the previous 50%.

The child supplement offers financial support to families with low incomes. To receive it, the following **conditions** must be met:

- Your child lives in your household, is under 25 years old and is not married or in a registered partnership.
- You receive child benefit (or a comparable benefit) for the child.
- Your family's gross income is at least 900 euros (parents) or 600 euros (single parents).
- You would have enough money to support your family if you received child benefit and possibly housing benefit in addition to your income.

Cross-border workers are not entitled to the child supplement. As of 1 July 2022, this benefit will only be granted to persons living in Germany.

All information on the child benefit supplement and application forms can be found at www.arbeitsagentur.de/familie-und-kinder/downloads-kindergeld-kindzuschlag.

Maternity leave ("Mutterschutz")

Expectant and nursing mothers enjoy special protection and consideration at work, in training and at university. The maternity leave regulations protect mother and child during pregnancy, after delivery and during the breastfeeding period. This includes, among other things, securing income during the period of prohibition of employment, guaranteeing a secure job and special protection against dismissal.

Your doctor can certify that you as an expectant mother are no longer allowed to carry out certain activities. This individual employment ban serves to protect your health and that of your child and is subject only to medical assessment.

Note: Individual employment prohibitions issued by a medical doctor are no incapacity-to-work certificates!

If posted employees become pregnant in Germany, the German maternity leave regulations apply to them. The maternity leave wage must be paid by the sending employer.

Information and advice: Saxony Regional Directorate (Department of Occupational Safety and Health) – depending on your place of work at the Chemnitz, Dresden or Leipzig locations.

Maternity benefit ("Mutterschaftsgeld")

Competent authority: your health insurance fund

The maternity benefit is paid by your health insurance fund for the duration of the statutory maternity leave: six weeks before birth, for the day of delivery itself and for the first eight weeks after birth.

In the case of multiple and premature births, maternity benefit is extended from eight to twelve weeks from the date of delivery. The payment of maternity benefit is also extended by four weeks if the baby is diagnosed with a disability in the first eight weeks after birth and an application for an extension of maternity leave is submitted to the competent health insurance fund.

The maximum daily maternity benefit is 13 euros.

The difference between the maximum amount of 13 euros and net pay is paid by the employer as a supplement to the maternity benefit for those covered by statutory health insurance.

Women with voluntary or compulsory membership in a statutory health insurance fund entitled to sickness benefit are also entitled to maternity benefit. Maternity benefit is also paid for mini-jobs. Depending on the type of insurance, part-time employees can claim maternity benefit from the health insurance fund or the Federal Insurance Office.

Further requirements:

- an employment or work-from-home relationship exists;
- the employment relationship was terminated during pregnancy in a permissible manner or
- an employment relationship is entered into after the start of the protection period.

You must apply for maternity benefit with your competent health insurance fund and submit a medical certificate stating the expected date of delivery.

You can find further information on maternity benefit on the homepage of your competent health insurance fund.

Parental leave/parental benefit/national education allowance ("Elternzeit/Elterngeld/Landeserziehungsgeld")

Parental leave ("Elternzeit")

Competent authority: your employer

Parental leave offers you the opportunity to look after your child and at the same time not to lose touch with professional life.

As an employee, you are **entitled to parental leave** until your child's third birthday. During this period, you do not have to work – your job remains secure and you are protected against dismissal. Mothers and fathers can take parental leave alone or together. It is important that you live in the same household as your child, that you look after and bring up the child mainly by yourself and that you do not work more than 32 hours per week during parental leave.

You must apply for parental leave up to the completion of your child's third birthday with your employer latest seven weeks before the beginning of parental leave. Following expiry of parental leave, your employer must offer you an equivalent job.

Parental allowance ("Elterngeld")

Competent authority: Parental allowance office (Elterngeldstelle) of your competent city or district administration.

Parental allowance is a state support for parents who want to look after their child themselves for a period after birth and who are therefore not or not fully employed during this time. Parental allowance can also be paid to parents who were not working before the birth of the child.

Parental allowance is available for births from 1 July 2015 in two variants: as basic parental allowance, which corresponds to the old parental allowance regulation, and as ElterngeldPlus. With ElterngeldPlus, mothers and fathers can combine parental allowance and part-time work. Parents who return to part-time work at an early stage will receive parental allowance for longer.

Parental allowance amounts to roughly two thirds of the previous income – at least 300 euros and at most 1,800 euros. Parental allowance is paid for twelve months. If mother and father share parental leave, they receive basic parental benefit for a maximum of 14 months. One parent can get parental allowance for at least two and at most twelve months.

ElterngeldPlus is calculated in the same way as the basic parental allowance, but amounts to a maximum of half the parental allowance to which parents without part-time income would be entitled after childbirth. In return, it is paid for twice the period: one basic parental allowance month = two ElterngeldPlus months.

To receive parental allowance, you must meet the following requirements:

- You care for and raise your child yourself after birth.
- You live with your child in the same household.
- You do not work more than 32 hours a week.
- You have your place of residence or habitual abode in Germany.

Note: Nationals of EU member states, Iceland, Liechtenstein, Norway and Switzerland are also entitled to parental allowance if they are employed in Germany or live in Germany.

Nationals of other countries can receive parental allowance if they have a settlement permit, a permit for permanent residence in the EU or a residence permit that entitles them to work.

Please refer to www.familie.sachsen.de for more information. You can find the parental allowance office responsible for you and application forms at www.amt24.sachsen.de.

State parenting allowance ("Landeserziehungsgeld")

Competent authority: Parenting benefit office (Eltern-/Erziehungsgeldstelle) of your competent city or district administration.

Parents who live in the Free State of Saxony can receive a state parenting allowance in the second or third year of their child's life.

With the state parenting allowance, the Free State of Saxony supports in particular those parents who have decided to look after their child at home themselves for a longer period of time and, for example, wish to take the full three years of statutory parental leave. If you claim a place for your child in a child day care facility subsidized with state funds or a state subsidy for day care, you are excluded from state parenting allowance on principle.

For more information on state parenting benefit (entitlement, duration, amount, etc.) please refer to www.familie.sachsen.de.

Advance maintenance payments ("Unterhaltsvorschuss")

Responsible office: Youth Welfare Office (Jugendamt) of your competent city or district administration.

Children who live with a single parent and receive no or no regular maintenance from the other parent are entitled to an advance on maintenance payments. There is no income limit for the single parent. A court decision on maintenance against the other parent is not necessary. If the other parent is fully or partially able to pay maintenance, the state will claim the amount of the advance on maintenance paid.

Who is entitled to advance maintenance payments? Children:

- who have not yet reached the age of 12,
- who live within the territory of the Law with one of their parents (who is single, widowed, divorced or separated), and
- who do not regularly receive maintenance payments from the other parent or (if the other parent is deceased), receive orphan's benefits at least equal to the advance maintenance payments.

Foreigners who are not entitled to freedom of movement require a settlement permit or a residence permit entitling them to take up gainful employment; in the case of a residence permit, additional requirements must be checked on a case-by-case basis.

Note: Children aged twelve to 18 years (18th birthday) can also receive advance maintenance payments. This presupposes that they are not dependent on benefits in accordance with the Second Book of the Social Code (SGB II) or that the single parent in SGB II reference earns at least 600 euros gross.

Since 1st January 2023, the monthly amount of advance maintenance payment totals:

- up to 187 euros for children from 0 to 5 years,
- up to 252 euros for children from 6 to 11 years,
- up to 338 euros for children from 12 to 17 years.

You can find all information on the subject of advance maintenance payments and application forms in the portal www.amt24.sachsen.de.

This is how you can reach us:

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