

Child Benefit leaflet

Contents

1.	Who can receive child benefit?	3
2.	If I am entitled to child benefit, what do I need to inform the Family Benefits Office of and when?	4
3.	For which children can I receive child benefit?	5
4.	What additional requirements do children over the age of 18 have to meet?	6
4.1	Children undertaking training for an occupation	6
4.2	Children not in work	6
4.3	Children with no training place	7
4.4	Children doing a voluntary social or ecological year, Federal Volunteer Service or other regulated voluntary service	7
4.5	Loss of entitlement to child benefit in the event of completed initial training and gainful employment that is prejudicial to the entitlement	7
4.6	Children with a disability	8
5.	How much is child benefit?	9
6.	What is a reckonable child?	9
7.	Who receives child benefit if more than one person has an entitlement to it?	10
8.	Which benefits wholly or partly preclude the payment of child benefit?	11
9.	When does my entitlement to child benefit begin and end?	11
10.	What do I have to do in order to get child benefit?	11
11.	What documentation do I have to provide?	12
12.	How is child benefit paid?	13
12.1	Payment by Family Benefits Offices of the Federal Employment Agency	13
12.2	Exceptions for members of the civil service	13
13.	When is child benefit paid to another person or to an agency?	13
14.	When is child benefit protected in my account?	14
15.	How I will find out the decision of the Family Benefits Office?	14
16.	How can I challenge a decision?	14
17.	Under what circumstances do I have to pay back child benefit?	14
18.	When is my entitlement to child benefit reviewed?	15
19.	How will my personal data be protected?	15

About this leaflet

Child benefit (*Kindergeld*) is paid for the purpose of exempting parental income from tax for the amount that represents the subsistence level for a child.

The subsistence level also covers the requirements for caring for and bringing up a child or for his/her education. If child benefit is not required for this purpose, then it is used as a form of family support. Child benefit is initially paid to you every month in the current calendar year. As part of the income tax assessment process of the parents, the German tax authorities retrospectively check whether the entitlement to child benefit leads to the required tax exemption status. If this is not the case, the tax-free allowances are deducted and the amount of child benefit due is offset against the tax liability. This also applies even if child benefit is not applied for.

This leaflet is intended to give you an overview of the most important aspects of the statutory regulations relating to child benefit. Please read it carefully so that you are fully aware of your rights and responsibilities.

The leaflet cannot go into every detail.

You can find further information online at:

www.familienkasse.de or www.bzst.de

The Federal Employment Agency's Family Benefits Office (*Familienkasse*) is also happy to provide you with information over the phone. The Family Benefits Office's customer service line is open from Monday to Friday from 8.00 a.m. to 6.00 p.m. and can be reached at the following number:

0800 4 5555 30 (Freephone)

Calls from other countries are possible by using the following number:

0049 911 1203 1010 (The call is subject to charges.)

Recorded announcements on payment dates for child benefit and children's allowance can be obtained at any time by calling the following number:

0800 4 5555 33 (Freephone)

For telephone queries always remember to have your Child Benefit Number (*Kindergeldnummer*) to hand!

Information on children's allowance (*Kinderzuschlag*)

Parents have an entitlement to a children's allowance for unmarried children under the age of 25 who live in their household if

- ➔ child benefit is claimed for these children,
- ➔ the parents' monthly income reaches the minimum income threshold,
- ➔ if the income and assets to be taken into account do not exceed the maximum income threshold and
- ➔ the needs of the family are covered by the payment of children's allowance and there is therefore no entitlement to Unemployment Benefit (Type II)/income support benefits.

The child allowance is a social welfare benefit and is granted **solely by the Family Benefits Office of the Federal Employment Agency**. Further information can be found in the Child Allowance leaflet and online at www.kinderzuschlag.de.

1. Who can receive child benefit?

German citizens can in principle receive child benefit in accordance with the Income Tax Act if their place of residence or the place where they usually live is located in Germany.

Foreign nationals who live in Germany can receive child benefit if they are in possession of a valid settlement permit (*Niederlassungserlaubnis*). Certain residence titles (*Aufenthaltstitel*) can also give rise an entitlement to child benefit.

Citizens of the European Union as well as the European Economic Area who live in Germany and who are entitled to freedom of movement and whose legal status is determined by the General Freedom of Movement of European Union Citizens Act (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Great Britain*, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden) and citizens of Switzerland who live in Germany can receive child benefit irrespective of whether they possess a settlement permit (*Niederlassungserlaubnis*) or residence permit (*Aufenthaltserlaubnis*).

** in some cases, special rules apply from the moment the United Kingdom leaves the EU*

For employees who work in another country, in particular in the European Union, specific rules and obligations to provide information apply (see No. 2). Further information on this can be found in the leaflet on "Child benefit in cross-border cases (European Union, European Economic Area and Switzerland)". This can be downloaded online at www.familienkasse.de or, if requested, can be sent by the Family Benefits Office.

Persons who live in another country but who are either wholly liable to pay tax in Germany or who are treated accordingly also receive child benefit. Persons who live in another Member State of the European Union, the European Economic Area or Switzerland and who are in gainful employment in Germany may also have an entitlement to child benefit under the Federal Child Benefit Act.

The same applies to citizens of Algeria, Bosnia and Herzegovina, Kosovo, Montenegro, Morocco, Serbia, Tunisia and Turkey on the basis of the relevant supranational or intergovernmental agreement if they are considered to be working in Germany as set out in the agreement in question.

Refugees and persons entitled to asylum who are indisputably recognised as such can also receive child benefit.

A requirement for the entitlement to child benefit is that the entitled person be identified by means of the tax identification number allocated to him/her. The family benefits office determines this number or asks the beneficiary for it.

Further information on this can be provided by your Family Benefits Office.

A person who lives abroad and who is not wholly liable for tax in Germany can also receive child benefit as a form of social welfare benefit in accordance with the Federal Child Benefit Act if he/she

- ➔ has compulsory insurance status with the Federal Employment Agency or
- ➔ works as a development worker or missionary or
- ➔ carries out work assigned to him/her as a civil servant with an organisation based outside Germany
- ➔ lives as the spouse or civil partner of a member of NATO forces in Germany and is a citizen of an EU or EEA Member State or
- ➔ is employed or is gainfully self-employed in Germany or is in receipt of a pension in accordance with German legislation and lives in a Member State of the European Union, European Economic Area or Switzerland.

If one parent has an entitlement to child benefit on the basis of the Income Tax Act and the other parent has the same entitlement on the basis of the Federal Child Benefit Act, then the entitlement on the basis of the Income Tax Act takes precedence.

2. If I am entitled to child benefit, what do I need to inform the Family Benefits Office of and when?

If you have applied for child benefit, under Section 68.1 of the Income Tax Act you are obliged to **immediately** notify the Family Benefits Office of any changes in your circumstances and those of your children that are relevant to the claiming of child benefit or about which declarations have already been provided. Notifications provided to other agencies e.g. local authority or council (*Gemeindeverwaltung*), residents' registration office (*Einwohnermeldeamt*) or tax office (*Finanzamt*), another department in the Employment Agency or your employer's benefits office are not sufficient.

You must also notify the Family Benefits Office of any changes if information relevant to the decision on your application has not previously been forwarded by you but by your child to the Family Benefits office or if a decision has not yet been made on your application. This also applies to any changes which only come to your attention following the end of the receipt of child benefit and which can retrospectively affect your entitlement to child benefit.

You must also notify the Family Benefits Office of changes if you are in receipt of social welfare benefits against which child benefit is offset. In the event of child benefit having to be repaid, social welfare benefits will not be retrospectively paid for previous months.

Violation of the obligations to provide information is considered to be a **criminal offence** or **breach of the law** that is punishable.

Please forward your application forms and any notifications directly to the Family Benefits Office that is responsible for you. If a Family Benefits Office of the Federal Employment Agency is responsible, you should **not** send your documentation to the Federal Employment Agency in Nuremberg as this can lead to delays.

As a rule, most **members of the civil service** are not covered by the Family benefit of the Federal Employment Agency, but by another Family benefit (see No. 12.2).

When providing notifications you can use the "Notification of change" template which is available from your Family Benefits Office.

The "Notification of change" template is also available online at:

www.familienkasse.de or www.bzst.de

In particular you must immediately inform your Family Benefits Office if

- ➔ you take up employment in the public service for probably longer than six months,
- ➔ another person entitled to claim applies for child benefit for your child with his/her public service employer or employer,
- ➔ you or another person entitled to claim takes up employment abroad,
- ➔ you or another person entitled to claim are posted to work abroad by your/their home country employer,
- ➔ you, another person entitled to claim or one of your children go abroad (excluding holidays),
- ➔ you or another person are in receipt of another child-related benefit for your child (e.g. foreign family benefits, see also No. 8),
- ➔ you and the other parent (e.g. your spouse) separate permanently,
- ➔ you or a child leave your current household,
- ➔ a child is reported as missing or dies,
- ➔ your address or previously provided bank details change.

If you receive child benefit for a child over the age of 18, you must, among other things, immediately inform your Family Benefits Office if the child

- ➔ has already completed a first-time vocational training programme or first-time higher education programme and has taken up gainful employment (this does not apply to children who are not in work or children with a disability, see below under no. 4.2 and 4.6) ,
- ➔ changes, stops or interrupts his/her school education, vocational training programme or higher education programme (this also applies if despite continuing to be a registered student the child is granted a leave of absence from the higher education programme or is declared exempt from registering for certain courses),
- ➔ intends to apply for a training place as early as possible (in this case a declaration by the child is required),
- ➔ enters voluntary military service,
- ➔ has up until now been looking for work or has not had a training place and is now starting school education, a vocational training programme or higher education programme or gainful employment,
- ➔ is pregnant and is starting the maternity period.

Declarations of intent by you or your child will only be accepted by the family benefits office from the time it receives the declaration.

If you delay in notifying your Family Benefits Office of any changes or do not provide any notification at all, you may possibly have to pay back any child benefit that was unlawfully received. In addition, you may have to pay a fine or face criminal proceedings.

If you are not sure whether a change in circumstances affects your entitlement to child benefit, please check with your Family Benefits Office.

3. For which children can I receive child benefit?

Child benefit is paid for children - irrespective of their nationality - if their place of residence or the place where they usually live is located in Germany. This also applies if the children live in a Member State of the European Union, the European Economic Area or Switzerland.

Children are considered to be the following:

- ➔ in the first instance children related to the applicant - this also includes adopted children,
- ➔ children of the spouse (stepchildren), children of the registered civil partner and grandchildren who the applicant has made part of his/her household,
- ➔ foster children - if the legal requirements have been met. In particular this includes the applicant having a permanent and inherent bond with the children in a family-like situation and the children not being part of the household for commercial purposes. The foster children must belong to the family as the applicant's own children would. The biological parents must no longer have custody or provide maintenance.

An entitlement to child benefit for siblings who are part of the household only exists if they can be considered to be foster children.

A child is considered to be part of the household if he/she permanently lives in the shared family home of the applicant and is cared for and supported there. It is not sufficient to merely register with a registration office. Day-by-day support provided during the week or alternating stays between the foster parent and the biological parents do not constitute being part of the household. A child continues to be part of the household even if this is interrupted by occasional non-residence in the household due to school education, vocational training or higher education studies.

Child benefit is paid for all children until the age of 18. It may continue to be paid over the age of 18 only if certain additional requirements are met (see no. 4).

If no child benefit is due to a third party for orphans or children who do not know the whereabouts of their parents, these children can apply for child benefit themselves under the Federal Child Benefit Act in the same way as an application is made for a first child. There is a specific leaflet that deals with this issue. It is available online and can be downloaded from www.familienkasse.de. The Family Benefits Office can also send a copy by post, if requested.

In principle a child will only be considered for child benefit when the child has been identified by means of the tax identification number allocated to him/her. The family benefits office determines this number or asks the beneficiary for it.

4. What additional requirements do children over the age of 18 have to meet?

4.1 Children undertaking training for an occupation

Child benefit can continue to be paid for a child over the age of 18 until his/her **25th birthday** as long as he/she is undertaking training for an occupation. This includes training for a future occupation. The training programme must be aligned with a specific career aim and teach skills, abilities and experience that are necessary, useful or beneficial for carrying out the desired occupation. Training for an occupation includes attending a general-education school, in-company training, additional training as well as training for an additional occupation. The payment of child benefit ends at the latest at the end of the school year or, in the case of children in in-company training or doing a higher education programme, in the month when the child is officially informed in writing of his/her overall result from the final examinations. The latter applies even if the training contract was signed for a longer period of time or if the child remains a registered student of the university or specialised college of higher education following the final examination.

If training is only temporarily interrupted due to illness or pregnancy, child benefit generally continues to be paid. However this does not apply to periods of interruption for the caring of the child after the completion of the maternity period (e.g. parental leave). The Family Benefits Office should be immediately informed in such circumstances.

Child benefit is also paid for a transitional **period (forced break) of up to four calendar months** (e.g. between finishing school and the start of vocational training or volunteer as defined in No. 4.4).

Child benefit is paid **after the age of 25** for children in school education, vocational training, higher education or for a transitional period if

- ➔ they have completed the statutory basic military service or civilian service,
- ➔ instead of the statutory basic military service, they have voluntarily enlisted for military service for a period of longer than three years,
- ➔ they have worked as a development aid worker and were thus exempt from the statutory basic military service or civilian service

and if they have entered such service or carried out such work prior to 1 July 2011. These factors are taken into consideration at the most for the duration of the statutory basic military service or civilian service.

4.2 Children not in work

Irrespective of the conditions for entitlement set out in No. 4.5, child benefit is also paid for a child over the age of 18 until his/her **21st birthday** if he/she is not in employment and is registered as a job-seeker with an Employment Agency in Germany or with a public employment service in another Member State of the European Union, European Economic Area or Switzerland. In the case of a child who is only in receipt of Unemployment Benefit II, there is no entitlement to child benefit. "Marginal" part-time employment does not prevent an entitlement to child benefit. "Marginal" part-time employment refers to a situation whereby the monthly gross wage is no higher than €450.

4.3 Children with no training place

Child benefit is payable for a child over the age of 18 up until his/her **25th birthday** if he/she wishes to start vocational training (either in Germany or abroad) but because there is no place on a training programme he/she cannot start or continue the programme. This applies in the following scenarios:

- ➔ Despite serious efforts, the search for a training place at the earliest possible stage has so far been unsuccessful. In the case of the child's own efforts, these must be proven or at least substantiated by submitting appropriate documents (e.g. refusals of applications).
- ➔ The child is listed as an applicant for a training place or for an educational measure in the career guidance of an employment agency or another service provider responsible for unemployment benefit II.
- ➔ The child has already been promised a training place, but can only start it later, e.g. at the beginning of the company training year.
- ➔ The child intends to apply for an apprenticeship as early as possible (e.g. within the next application deadline). In this case, a letter of intent required by the child.

Please note: The child's intent will only take effect from the time the letter is received by the Family Benefits Office.

4.4 Children doing a voluntary social or ecological year, Federal Volunteer Service or other regulated voluntary service

Child benefit is payable for a child over the age of 18 up until his/her **25th birthday** if he/she carries out a voluntary social year or voluntary ecological year as defined in the Youth Volunteer Service Act. This year can also be carried out abroad.

If a child participates in the "Erasmus+" programme of the European Union, this can be taken into consideration for a period of up to 12 months.

A child can also be taken into consideration if he/she participates in one of the following services:

- ➔ Federal Volunteer Service,
- ➔ International Youth Volunteer Service as defined in the guidelines of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth,
- ➔ the "weltwärts" volunteer service in developing countries as defined in the guidelines of the Federal Ministry of Economic Cooperation and Development,
- ➔ "Volunteer Service for All Generations" ("*Freiwilligendienst aller Generationen*") as defined in Section 2.1a of the Seventh Book of the Social Code, or
- ➔ another service carried out abroad as defined in Section 5 of the Federal Volunteer Service Act.

4.5 Loss of entitlement to child benefit in the event of completed initial training and gainful employment that is prejudicial to the entitlement

Children who are trained for a profession (see 4.1), children without a training place (see 4.3) and children in voluntary service (see 4.4) are not taken into account after completion of initial vocational training or initial studies if they are pursuing an employment that is detrimental to the claim.

If a child does **not engage in any undemanding gainful employment**, he or she may also be taken into account after completion of initial vocational training or first degree.

Vocational training is considered to mean training programmes in which requisite specialist skills and abilities are acquired in order to take up an occupation. Attending a general-education school does not constitute vocational training in this sense.

First-time refers to a vocational training or higher education programme before which the child had not completed any other vocational training programme or higher education programme leading to a qualification for an occupation.

A vocational training programme or higher education programme must be a regulated training course that is normally **completed** by means of a state or state-recognised (higher education) examination. The award for a higher education examination leading to a qualification for an occupation is usually awarded in the form of the corresponding higher education degree (e.g. *Diplom* degree, Bachelor's degree).

A first-time vocational training or first-time higher education programme is generally considered to be completed if it enables the child to take up an occupation. If later on the child starts another training course (e.g. a master craftsman course after having worked for a number of years as a result of obtaining an apprentice's certificate or a Master's degree after having worked for a number of years), then this is considered to be a second training or education course.

If on the basis of objective evidence it can be determined that the child has not yet achieved his/her desired occupational goal, additional training or education can still qualify to be considered as part of the first-time training. Relevant here is whether the additional training is sufficiently similar in content with the non-academic training or first-time higher education programme and is done close to the time of the first-time programme. "Close in content" means that the subsequent training covers, e.g. the same occupation or same subject area. "Close to the time" means that the child starts the additional training at the earliest possible date or, in the event that there is no training place available, promptly applies for the additional training course at the earliest possible date.

A child is considered to be in **gainful employment** if he/she is employed for the purpose of generating income and which therefore requires the use of his/her personal labour. This covers an activity for which the child is employed, an agricultural or forestry-related activity or a commercial or self-employed activity. However it does not cover the management of one's own assets.

Gainful employment is considered to be **prejudicial** to an entitlement to child benefit if the regular weekly working time exceeds an overall total of 20 hours.

Gainful employment is **not prejudicial** to an entitlement to child benefit if,

- ➔ it is carried out as part of a training contract in which the training programme must be the purpose of the contract.
- ➔ it is deemed to marginal within the meaning of Sections 8 and 8A of the Fourth Book of the Social Code.
- ➔ if the regular weekly working time does not exceed an overall total of 20 hours. For this the contractually agreed working time is always taken as the basis for calculation. If employment is only temporarily extended (i.e. for a maximum of two months), this is considered to be irrelevant if the average working time does not exceed 20 hours during the overall period under consideration in the calendar year.

If as a result of a temporary extension of employment the average weekly working time exceeds more than 20 hours in total, only the period relating to the extension is considered prejudicial, not the overall period of gainful employment. Therefore there is no entitlement to child benefit for the period relating to the extension of employment.

If this employment were to be extended by more than two months, this is not considered to be a temporary extension and there is no entitlement to child benefit for the period relating to the extension of employment.

4.6 Children with a disability

Irrespective of the conditions for entitlement set out in No. 4.5 child benefit is also paid for a child over the age of 18 if he/she is not in a position to support himself/herself due to a physical, mental or psychological disability. This is deemed to be the case if the child cannot cover his/her essential living needs by his/her own means. The child's disability must have occurred before his/her 25th birthday.

Essential living needs consist of general living needs amounting to €9,168 in a calendar year and additional needs relating to the child's disability (including home accommodation costs, care needs equivalent to the amount of long-term care allowance (*Pflegegeld*) paid, benefits payable in accordance with the Twelfth Book of the Social Code, if applicable flat-rate payment for persons with a disability). The child's essential living needs are offset against his/her own means.

A child's own means consists of disposable net income and payments from third parties.

In determining the disposable net income the following in particular are taken into account:

- ➔ all income liable for tax as defined in Section 2.1 of the Income Tax Act, in particular any income from self-employment, employment and income from capital assets.

Income is deemed to be income liable for tax less income-related expenses and/or operating expenses.

- ➔ all tax-free income, e.g. benefits payable in accordance with the Third and Twelfth Books of the Social Code and the Parental Benefit and Parental Leave Act, long-term care benefits (*Pflegegeld*), integration support for in-patient or day-care accommodation, travel allowances payable by third parties.

A lump-sum cost of €180 per calendar year is deducted from the total tax-free income. Higher costs can also be deducted instead if they relate to the tax-free income e.g. costs associated with a legal dispute.

If the child's own financial means do not exceed the tax-free allowance of €9,168 per calendar year, the Family Benefits Office will assume that the child cannot support him/herself. Otherwise the Family Benefits Office will have to examine the case in greater detail. There is only an entitlement to child benefit if the essential living needs of the child exceed his/her own means.

For children with a disability **over the age of 25, child benefit also continues to be paid beyond the age-related threshold.**

5. How much is child benefit?

Child benefit is paid monthly in the following amounts:

	From January 2018	From July 2019
for the first and second child respectively	€194	€204
for the third child	€200	€210
for every further child	€225	€235

A child of a person entitled to receive child benefit is deemed to be the first, second, third or further child depending on the order of birth. The oldest child is always the first child. The order of sequence also includes "reckonable children". These are children for whom the entitled person cannot receive child benefit because the other parent takes precedence (for further information, see No. 6). Children for whom child benefit is no longer payable are not counted in the order of sequence.

Example for time-frames starting with July 2019:

An entitled person receives €853 per month in child benefit for his four children (2 x €204) + (1 x €210) + (1 x €235) = €853. When child benefit becomes no longer payable for the oldest child, the three younger siblings move into the position of first, second and third child. A total of €618 is now paid per month for them (2 x €204) + (1 x €210) = €618. As the oldest child has been removed from the calculation of child benefit, the monthly child benefit payment is reduced by €235.

6. What is a reckonable child?

A child for whom an entitled person takes precedence in respect of the payment of child benefit can also be taken into consideration as a "reckonable child" for an entitled person with lower precedence. If in the case of an older reckonable child there exists at least two younger children for whom child benefit is paid, the reckonable child moves the two younger children into the second and third child places in the order of sequence. This means that instead of child benefit of €204 being paid for the youngest child, €210 is paid for a third child (at the amount of the child benefit from July 2019).

Example for time-frames starting with July 2019:

A married couple have two children together. The husband has his own older child who lives with his/her biological mother who in turn as an entitled person with precedence is paid child benefit for this child. In the case of the wife the two children she has had with her husband are counted only as the first and second child. She is entitled to receive child benefit of €408 (2 x €204) per month. In the case of the husband, his own child is counted as the first child (reckonable child) with the two younger children he has had with his wife being counted as the second and third child. As an entitled person with precedence he can receive child benefit of €414 (1 x €204) + (1 x €210) per month i.e. €6 more than his wife. Therefore it is recommended that the married couple nominate the husband to be entitled to receive child benefit.

7. Who receives child benefit if more than one person has an entitlement to it?

Only one person can ever receive child benefit for a child. It is paid to the parent who has made the child part of his/her household. If the child does not live in the household of a parent, child benefit is paid to the parent who regularly pays the child (the higher amount of) a cash allowance - other maintenance payments are not taken into account. If the child is not paid any cash allowance by either parent or is paid the same amount by each parent, the parents can decide between each other which of them should receive the child benefit. Parents who live apart but are not permanently separated can decide between each other by means of a **declaration of entitlement (Berechtigtenbestimmung)** which of them should receive child benefit for their children living in a shared household. In this way parents have the opportunity to declare as having an entitlement to child benefit the person who will have a potentially higher entitlement to child benefit. This applies to both biological and non-biological parents, e.g. when the child lives in the shared household of the mother and stepfather or registered civil partner. This opportunity can also be availed of by foster parents who are not permanently living apart or grandparents. The declaration of entitlement can be made using the declaration form created for this purpose that is found at the end of the application form. It is sufficient for the other parent to affix his/her signature on this form. The declaration of entitlement remains in effect as long as it is not rescinded. Although it can be rescinded at any time, this can only have a future effect.

If a declaration of entitlement is not made due to a lack of agreement, the Local Court (*Amtsgericht*) as a Family Court must upon request determine who is the person with precedence of entitlement to child benefit. The application can set out who has a legitimate entitlement to the payment of child benefit. The child can also have a legitimate entitlement themselves.

If a child lives in the shared household of a parent and grandparents, the parent has precedence for the payment of child benefit. However the parent may waive this precedence of entitlement in favour of a grandparent. He/she must inform the Family Benefits Office in writing of this waiver. As a result of such a waiver the grandparent may receive a higher amount of child benefit if he/she e.g. still receives child benefit for the parent or for the grandparent's other own children.

Example for time-frames starting with July 2019:

A single parent mother with three children (7, 5 and 3 years old) returns to her father's household, i.e. the grandfather of the children. Her 17 year old brother also lives in this household. The grandfather can only receive child benefit for the brother. However, the children of the mother can also be taken into consideration as grandchildren with her father, the grandfather.

If the mother does not waive her precedence of entitlement in favour of her father (the grandfather of children), she will receive child benefit of €618 for her three children (2 x €204) + (1 x €210) = €618. The grandfather receives €204 for the brother. On this basis the entire family receives total child benefit of €822 per month.

If the mother waives her precedence of entitlement by declaring the grandfather to be entitled to receive child benefit, he will receive €204 for the brother and €649 for the three grandchildren (1 x €204) + (1 x €210) + (1 x €235) = €649. By waiving her precedence of entitlement the mother can increase her monthly child benefit for the entire family by €31 to €853.

8. Which benefits wholly or partly preclude the payment of child benefit?

Child benefit is not payable in particular if the child has an entitlement to:

- ➔ child benefits paid in another country that are comparable with German child benefit (*Kindergeld*),
- ➔ child benefits paid by an interstate or supranational agency or institution that are comparable with German child benefit.

An entitlement for the child is not possible if the entitled person or any other person is in receipt of any of the above-mentioned benefits. However in such cases e.g. as part of an entitlement to child benefit for a younger child, the child can be counted as a reckonable child and can therefore help to increase the entitlement to child benefit (see No. 6).

Child-related benefits claimed in another country also preclude an entitlement to child benefit if they are lower than the German child benefit. However this does not apply to family benefits that are granted by another Member State of the European Union, European Economic Area or Switzerland. In this case there also exists an entitlement to a differential supplement as partial child benefit. You can find further information on this in the "Leaflet on child benefit in cross-border cases (European Union, European Economic Area and Switzerland)".

9. When does my entitlement to child benefit begin and end?

An entitlement to child benefit exists in principle for each month during which the requirements for the entitlement must be met for at least one day. The child benefit can be paid retroactively for a maximum of the last six calendar months prior to receipt of the application at the family benefits office.

The payment of child benefit ends initially at the end of the month in which child reaches his/her 18th birthday. If the child's 18th birthday is on the 1st of the month, then the entitlement has already ended at the end of the previous month. Payment will only be continued if the child is e.g. in school education, vocational training or higher education (see No. 4 in relation to this). Evidence of this must be provided to the Family Benefits Office and child benefit applied for again.

In principle child benefit can be paid up until the child's 25th birthday at the latest.

10. What do I have to do in order to get child benefit?

Child benefit is applied for in writing. The completed application for child benefit must be signed and sent to the family benefits office by post or fax. A verbal application (e.g. by telephone call) or e-mail is not acceptable. Please attach a "child attachment" for each child for whom child benefit is claimed.

Please apply for child benefit with the Family Benefits Office that is responsible for you. In the first instance this is the Family Benefits Office in whose district (*Bezirk*) you live or usually reside.

If your place of residence is not in Germany but in another Member State of the European Union, European Economic Area or Switzerland or if you are in employment or in receipt of a pension in such a country, different rules of jurisdiction apply. You can find further information on these in the "Leaflet on child benefit in cross-border cases (European Union, European Economic Area and Switzerland)".

For members of the civil and public service or recipients of civil service pensions and benefits another Family Benefits Office may be responsible (see No. 12.2).

For your application please use the form that you can receive from the Family Benefits Office. Application forms published by Family Benefits Offices can be downloaded online at www.familienkasse.de or www.bzst.de and completed at your computer and then printed out.

In addition, by going online to www.familienkasse.de you will have access to an online form with which you can complete the application form and forward the submitted data electronically and securely to the Family Benefits Office of the Federal Employment Agency. The application for child benefit must be printed, signed and sent to the family benefits office by post or fax along with the necessary attachments and proofs.

In addition to an entitled person, an application can also be made by any person with a legitimate interest in the payment of child benefit, e.g. because he/she provides maintenance to the child instead of the parents doing so. A child can also apply himself or herself. In the case of underage children, however, this is only possible through the legal representative.

11. What documentation do I have to provide?

For certain information in your application you must provide documentary evidence in the form of certificates or confirmations. Please provide copies of these.

For children over the age of 18 the following documentation is necessary:

- ➔ For a **child in school education, vocational training or higher education** please include a confirmation from the school or higher education institution.
- ➔ For a **child doing in-company vocational training** proof of the type and duration of the vocational training programme must be provided.
- ➔ For a **child who has completed initial training** (see No. 4.5) particular information and proof is required.

For a **child over the age of 25 in training** (see No 4.1) the duration of any completed statutory basic military service or civilian service must be proved by a certificate of completed time in service (*Dienstzeitbescheinigung*).

Where loss of entitlement to child benefit occurs, proof of the day on which training ends must also be provided. For this please provide your Family Benefits Office with a certificate from the training establishment or, in the case of school education, the examination certificate. Assessments and grades contained within such documents can be redacted.

- ➔ For **children not in work or with no training place** (see. No. 4.2 and No. 4.3) particular information and proof is required.
- ➔ For **children in or doing a voluntary social or ecological year, a European volunteer service, Federal Volunteer Service or another regulated voluntary service**, proof of such service must be provided using the agreement made with the provider and, following completion of the service, a certificate from the provider.
- ➔ For **children with a disability** please provide official confirmation of the disability (e.g. disabled person's pass or notification of decision from the Disability Office (*Versorgungsamt*)). Proof of disability can also be provided by means of certification from the attending doctor or a medical report. The certificate or report must demonstrate the following:
 - existence of disability,
 - if the child has already reached his/her 25th birthday, when the disability occurred, and
 - the impact of the disability on the child's ability to work.

In addition, proof of the child with a disability's own financial means must also be provided (see No. 4.6).

If further information or proof is required in an individual case, the Family Benefits Office will contact you further.

In the proof and documentation that you provide you can black out or redact any information that is not required by the Family Benefits Office (e.g. school grades). Please make sure that you also make special types of personal data unrecognisable. These are statements concerning the racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, state of health or sexual activity. The same applies in principle to information on health, unless it is used as proof of child benefit for a sick or handicapped child. In these cases, the specific designation of a disease or disability should be made unrecognisable.

Please note

The Family Benefits Office of the Federal Employment Agency as well as some Family Benefits Offices in the public service manage their files in electronic format. Please note that any paper documentation submitted by you will be destroyed following their transfer to electronic format. Therefore wherever possible please submit **copies, not originals** of any required documentation.

12. How is child benefit paid?

12.1 Payment by Family Benefits Offices of the Federal Employment Agency

The monthly payment of child benefit by the Family Benefits Office is based on the Child Benefit Number (*Kindergeldnummer*). The date of payment is determined by the last digit of the Child Benefit Number, e.g. in the case of Child Benefit Number 115FK154720 (end digit 0) the payment is made at the start of the month. In the case of Child Benefit Number 735FK124619 (last digit 9) the payment is made at the end of the month. The payment is made not in cash but by transfer to an account with a financial institution nominated by the entitled person. It is not possible to distribute the child benefit for the respective child to several accounts specified by the beneficiary.

Current information on the monthly payment of child (transfer dates) can be obtained here:

www.familienkasse.de

or by calling the following number:

0800 4 5555 33 (Freephone)

12.2 Exceptions for members of the civil service

For most civil servants and pension recipients, the Family Benefits Office is usually the body responsible for determining the remuneration of the respective civil service employer or employer; these Family Benefits Offices also pay the child benefit on a monthly basis if you receive child benefit from a Family Benefits Office of the civil service, please inform this Family Benefits Office of any changes that are important for the entitlement to child benefit; or for which statements have already been made (see No. 2).

However, numerous family benefit office have legally waived their jurisdiction. The family benefit office of the Federal Employment Agency is responsible for those affected. The beneficiaries have been informed of this.

Exceptions:

If the entitled person is a citizen of another Member State of the European Union, European Economic Area or Algeria, Bosnia and Herzegovina, Kosovo, Montenegro, Morocco, Serbia, Switzerland, Tunisia or Turkey, the Family Benefits Office of the Federal Employment Agency is responsible for a decision on and the payment of child benefit. This also applies, for example, if only an entitled person with lower precedence (e.g. the spouse of an entitled person or the other parent of the child) is a citizen of one of the above-mentioned countries and works for an employer based in one of these countries or is in receipt of a wage compensation benefit from one of these countries.

13. When is child benefit paid to another person or to an agency?

If the entitled person does not provide any support for his/her child, the Family Benefits Office can, upon the request of the person or agency that actually supports the child, pay (i.e. divert) to such persons or agencies the child benefit that is due in respect of that child. The child benefit can also be paid to the child directly when it takes care of itself.

The payment of child benefit can also be diverted if the entitled person can only provide a level of support that is below the pro-rata amount of child benefit. Before the Family Benefits Office decides on whether payment should be made to another person or agency, the entitled person has the opportunity to comment on any relevant information.

Agencies (in particular social assistance offices, youth welfare offices) that have granted benefits to an entitled person or child without taking into account child benefit can under certain circumstances request payment of a pro-rata amount of the child benefit.

14. When is child benefit protected in my account?

Regulations in place for the protection of bank accounts subject to an order of attachment require a debtor who wishes to exhaust the maximum protective limit to provide, among other things, evidence of which social welfare benefits are paid into his/her account. Upon a request made by an entitled person, the Family Benefits Office can issue a confirmation that can be submitted to the financial institution.

15. How I will find out the decision of the Family Benefits Office?

A decision on your entitlement to child benefit will be communicated to you in writing.

If the Family Benefits Office of the Federal Employment Agency is responsible for the payment of child benefit, your bank statement will also show the amount transferred, your Child Benefit Number as well as usually the period relating to the amount transferred.

If a Family Benefits Office in the civil and public service is responsible for the payment of child benefit (see No. 12.2), you can find the amount of child benefit payable as well as the period to which it relates in the benefits statement when child benefit is paid together with wages and salary.

If you are not due any child benefit or if you have to pay back child benefit already paid to you, you also will be informed of this in writing as well by the Family Benefits Office.

16. How can I challenge a decision?

If you do not agree with a decision of the Family Benefits Office, you can submit an appeal. The decision is then reviewed once again by the Family Benefits Office responsible for you. The appeal must be submitted in writing to the Family Benefits Office within one month of the notification of the decision (or by forwarding it electronically to the Family Benefits Office). You may also submit an appeal in person and have it formally recorded. The appeals process is free of charge. If your appeal is not successful or only partially successful, you will receive a "decision of appeal" (*Einspruchsentscheidung*). You may take legal action against this decision in the relevant Finance Court (*Finanzgericht*). The legal process is one that is **liable for costs**. Legal action must be taken **within one month** of the notification of the "decision of appeal".

17. Under what circumstances do I have to pay back child benefit?

If you have unlawfully been in receipt of child benefit, you must pay this back irrespective of the question of culpability. This also applies if the Family Benefits Office has at your instigation transferred the child benefit not to your account but to the account of a third party. This is because as the holder of the entitlement to child benefit, you remain the party liable for the repayment of child benefit. You will receive a notification from the Family Benefits Office in relation to the repayment of child benefit. The amount to be repaid will be due immediately as a single amount for repayment.

If you continue to be entitled to child benefit, the amount of child benefit unlawfully received can be offset against your current entitlement to child benefit or be charged for up to 50% to a supplementary payment amount.

Submitting an appeal against a notification of repayment does **not** suspend your obligation for immediate and full repayment. Notwithstanding the appeals process, you must under all circumstances first transfer the amount to be repaid.

18. When is my entitlement to child benefit reviewed?

During the course of a current entitlement to child benefit the Family Benefits Office checks at regular intervals whether the conditions required for the payment to you of child benefit have been met within the period since the last review and are still being met and also whether the correct amount of child benefit is being paid. Therefore the following information is sought, e.g. whether

- ➔ you continue to reside in Germany and the children live in your household,
- ➔ the children are continuing their school education, vocational training or higher education studies.

If your cooperation is required as part of the review of your entitlement to child benefit, you will in due time receive a **questionnaire** or you will receive a **letter of request** that will set out which information as well as which type of documentary evidence is needed. Should confirmation be required from another agency, the relevant form is usually already enclosed. Please complete the questionnaire carefully and fully and enclose any necessary documents. In order that there is no interruption in the payment of child benefit, these documents should be submitted to the Family Benefits Office within four weeks if possible. You are required by law to cooperate in relation to this. If you do not fulfil your statutory obligation to cooperate, you should expect disadvantageous legal consequences. The Family Benefits Office must reject the assessment for child benefit or amend it, if necessary retrospectively as well.

A review carried out by the Family Benefits Office does not exempt you from your own obligation to immediately notify the Family Benefits Office of any change in your circumstances that are relevant to your entitlement to child benefit (see No. 2).

19. How will my personal data be protected?

All of your data is subject to tax secrecy and data protection regulations. Your data will only be forwarded to other agencies who require the data in order to fulfil their responsibilities and where the transfer of such data is permissible by law. As part of this, the Family Benefits Office of the Federal Employment Agency as well as some Family Benefits Offices in the public sector will electronically store, process using a computer and protect against access by third parties your personal data that is required for handling your application.

Further information on your rights in connection with the collection of personal data in accordance with Articles 13 and 14 of the Basic Data Protection Regulation can be found on the Internet on the website of your Family Benefits Office (available at www.familienkasse.de), which also contains the contact details of the data protection officer.

January 2019

FK KG 2 – 01.19