

## **Information on the Unterhaltsvorschussgesetz (UVG) in the version applicable as of 01 July 2017**

This fact sheet is intended to explain whether, how, when and where you can apply for child support.

### **1. Who is entitled to advance maintenance payments?**

Your child is eligible if he/she

- **has not yet reached the age of 12 (= 12th birthday) and**
- lives in the Federal territory with one of his/her parents who is single, widowed or divorced and is not (or is no longer) in a registered (same-sex) civil partnership or is permanently separated from his/her spouse/life partner or whose spouse/life partner is in an institution for an expected period of at least six months
- does not receive child support from the other parent, does not receive it regularly or does not receive child support in the amount of advance payments
- does not receive other benefits relevant to maintenance (e.g. half-orphan's pension, daycare contribution) in the amount of advance payments.

In addition, your child is entitled to **advance maintenance payments from the age of 12 until the age of 18**

- if the child or the single parent does not receive benefits under the Sozialgesetzbuch (SGB) II
- or the child's need for assistance can be met by the advance maintenance payment
- or the single parent has a gross monthly income of at least 600 euros and, if applicable, receives supplementary benefits under SGB II.

This also applies to foreign children if the children or the single parent have a qualifying residence permit.

### **2. When is there no entitlement to advance maintenance payments?**

Your child is not eligible if

- they are cared for by both parents
- you are married or living in a registered (same-sex) partnership or are not permanently separated from your spouse/life partner (even if the partner is not the other parent of the child) or - whether married or not - you live with the other parent
- the other parent pays maintenance at least in the amount of the advance maintenance payments
- your child's needs are covered by child and youth welfare services under SGB VIII (e.g. placement in a mother-child facility)
- you refuse to provide information about the other parent

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- departure of the child from the previous domestic community
- change of residence and change of account
- change in the residence permit/withdrawal of the right to freedom of movement
- maintenance payment from the other parent or direct receipt of maintenance-related benefits (e.g. daycare contribution)
- change in the actual care of the child
- placement of your child in a child and youth welfare facility under SGB VIII
- military service of the other parent
- the whereabouts of the other parent, if he was not previously known, or if his address changes
- death of the other parent/stepparent
- application for, grant or change of a half-orphan's pension for the child
- the generation of income from property and earnings from reasonable work, if the child has reached the age of 15 and is no longer attending a general school

The deliberate or negligent breach of this duty of disclosure is liable to fines of up to 1,000 euros under the Ordnungswidrigkeitengesetz (OWiG).

## **7. In what circumstances must benefits under the UVG be reimbursed, replaced or repaid?**

Benefits under the UVG must in principle be reimbursed by the other parent to the state of Nordrhein-Westfalen!

The benefits must be replaced or repaid by you or your child

- if false or incomplete information was provided deliberately or negligently when the application was submitted
- or the duty of disclosure (see Clause 6) has been breached while benefits are being drawn
- or you knew, or only as a result of negligence did not know, that the conditions for payment of the advance maintenance allowance were not met
- or if your child has earned income after filing the claim that should have been taken into account when calculating the benefits under the UVG.

## **8. How do advance maintenance payments under the UVG affect other social benefits?**

The benefits under the UVG form part of the means to secure the child's livelihood. They are therefore offset against any assistance to ensure subsistence (e.g. benefits under SGB II - ALG II or SGB XII).

## **9. Who can help if your child has further maintenance claims?**

If you wish to assert further claims for support for your child against the other parent, you can get advice on this from the Youth Welfare Office and set up a sponsorship.