



Information sheet no. 34

Obligation of children to support parents in need of care (help in providing care)

With the Law on the Relief of Relatives, children's obligation to support their parents in need of care (or parents' obligation to support their children in need of care) only arises above a gross annual income of € 100,000. Only the income of the dependent child is taken into account and not that of their spouse or partner.

There is no general examination of the children's income unless the social welfare office has reason to believe that they have a higher income.

If the limit is exceeded, the existing rules for determining the amount of parental maintenance will continue to be applied.

€ 2,000 per month net, as a personal minimum contribution.

This includes rent with heating of € 700. If the actual rent including heating is higher than this flat amount, the social welfare office should be informed, as this higher expense can then reduce the maintenance obligation.

+ **€ 1,600** for the spouse, including € 600 for rent and heating

+ the relevant amount from the Düsseldorf Table for each dependent child (the total maintenance requirement of an adult child with their own household).

+ 5% of the gross income, 25% of the gross income for anyone who is self-employed, for additional retirement provision.

Work-related expenses should be deducted, although if there is no evidence a flat rate of 5% (at least € 50 and no more than € 150 per month) of the net income may be estimated. If the expenses exceed this flat amount, detailed evidence must be provided.

In addition, special expenses and other financial burdens of the person obliged to pay maintenance, such as loans, debts (which were taken on before it was known that the parents would require care), additional costs due to illness, work-related (disability insurance) expenses may be claimed. If the income exceeds the calculated deductible, 50% of the difference is usually demanded as a maintenance payment.

Assets

As a basic principle, children no longer have to use their assets to pay parental maintenance. Only the interest income from the assets is considered income. Any property they live in does not have to be sold or the assets saved for their own old-age provision do not have to be used if it is appropriate.

As a general rule, funeral funds may also not be touched.

Tax deduction

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Anyone who pays maintenance for their parents may claim this under "extraordinary expenses" in their annual tax return.

Disposal and proportionality

Social welfare offices will check whether the persons concerned (persons in need of care) themselves or the persons liable to pay maintenance can reasonably be expected to sell assets such as a residential property not occupied by themselves or other items, assets, entitlements or rights or to encumber a residential property. The principle of proportionality applies here. No one may be deprived of their livelihood or the possibility of building up a livelihood or old-age security. This is why special limits on deductions and allowances apply here.

If the social welfare office has determined that the person obliged to pay maintenance has the capacity to pay, it will issue a written demand for payment. No appeal may be lodged against this. An attempt may be made to assert further charges by filing an objection. Here, there is the possibility of seeking direct discussion with the social welfare office to clarify these discrepancies.

The staff at the nursing support centre is happy to advise you

Free service number: 0800 59 500 59

www.pflegestuetzpunkteberlin.de

The responsible body for the nursing support centre are the insurance companies of Berlin and the state of Berlin