

Consolidation Act on benefits pursuant to the Act on Social Services during temporary stays abroad

Pursuant to section 2(2) of the Act on Social Services, cf. Consolidated Act No. 941 of 1 October 2009, the following is laid down:

1.-(1) Assistance under the Act on Social Services shall be conditional on the recipient maintaining legal residence in Denmark; cf. section 2(1) of the Act.

(2) The right to assistance under sections 41, 42, 45, 96, 97, 98, 100, 112, 113, 114 and 118 of the Act on Social Services shall be maintained during temporary stays abroad pursuant to the rules of the Consolidation Act.

2. The right to assistance abroad is conditional on the recipient meeting the conditions for assistance prior to leaving the country and on the local authority receiving regular information confirming that the stay is not in violation of the general rules on assistance; cf. section 11 of the Act on Legal Protection and Administration in Social Matters.

3.-(1) When staying abroad on a temporary basis for up to one month, the recipient shall retain his/her right to the types of assistance set out in section 1(2) above without submitting an application to the local authorities, provided the conditions of section 2 have been fulfilled. When staying abroad on a temporary basis for periods exceeding one month, the recipient shall apply to the local authorities for assistance before leaving the country. The period for which assistance may be maintained in each individual case shall be conditional on the purpose of the assistance and the specific circumstances, including the nature of the assistance.

(2) Where the recipient participates in a work-to-welfare or rehabilitation scheme, cf. section 5(2)(i) of the Act on an Active Social Policy, or is enrolled in an education abroad eligible for support under the Danish State Educational Grant and Loan Scheme, cf. Consolidation Act No. 455 of 8 June 2009 on the State Educational Grant and Loan Scheme, the recipient may retain the assistance set out in section 1(2) for the full duration of the period. In such cases, the recipient may apply subsidies for the employment of assistants pursuant to section 96 of the Act on Social Services towards the cost of employing assistants abroad. Subsidies shall be granted taking into account the level of pay in the country in question, however, not exceeding an amount payable in Denmark towards similar assistance. Where the recipient chooses to bring his/her own assistants, the subsidy shall not exceed the subsidy which would be granted in Denmark to cover the cost of similar assistance nor shall the travel and living expenses of the assistant be subsidised under section 96 of the Act on Social Services or covered as extra expenses under section 100 of the Act on Social Services.

(3) Where the recipient requires medical treatment which is not available in Denmark, cf. Consolidation Act No. 594 of 11 June 2009 on the right to hospital treatment, etc. and Article 22(1)(c) and subsection (2) of Regulation (EEC) No. 1408/71 of the Council on the application of social security schemes to employed persons and their families moving within the Community, or treatment, stay at a health resort, etc. paid for by the state, the recipient shall retain the assistance set out in section 1(2) for the duration of the period.

(4) The right to employment as an assistant to care for a closely related person pursuant to section 118 of the Act on Social Services shall be retained where the person requiring care stays abroad for a temporary period. The person requiring care shall meet the requirements of section 2.

4. Subsidies for travel and living expenses pursuant to sections 45 and 97 of the Act on Social Services shall not be granted nor as extra expenses pursuant to sections 41 and 100 of the Act on Social Services when accompanying a person abroad, but see also section 5.

5. In addition to the assistance which may be retained for the duration of temporary stays abroad pursuant to the provisions of this Consolidation Act, subsidies may under special circumstances and on the basis of a specific assessment be granted to cover extra expenses incurred in connection with the stay.

6.-(1) This Consolidation Act shall take effect on 1 January 2010.

(2) At the same time Consolidation Act No.1128 of 13 November 2006 on benefits pursuant to the Act on Social Services during temporary stays abroad is repealed.