

REPUBLIC OF LITHUANIA

LAW ON BENEFITS FOR CHILDREN

3 November 1994 – No I-621

(As last amended on 1 December 2011 – No XI-1756)

Vilnius

CHAPTER ONE GENERAL PROVISIONS

Article 1. Purpose and Scope of the Law

1. The purpose of this Law shall be to establish the types of benefits for children, their amounts, the categories of persons entitled to benefits, the conditions and procedure for granting and payment of such benefits and financing thereof.

2. The provisions of this Law shall apply:

1) to persons who permanently reside in the Republic of Lithuania;

2) to aliens who reside in the Republic of Lithuania and who, in accordance with the procedure laid down by laws, have been appointed guardians (curators) of a child who is a citizen of the Republic of Lithuania, and alien children who reside in the Republic of Lithuania and who, in accordance with the procedure laid down by laws, have been placed under guardianship (curatorship) in the Republic of Lithuania or the implementation of guardianship (curatorship) of whom has been taken over by a competent institution of the Republic of Lithuania;

3) when granting benefits for children, to aliens who reside in the Republic of Lithuania and who have been issued a temporary residence permit for the purpose of highly qualified employment in the Republic of Lithuania, as defined in the relevant legal acts of the Republic of Lithuania;

4) when granting benefits for children, to persons to whom this Law must apply under the EU regulations on the coordination of social security systems.

3. A lump sum child benefit shall be granted if at least one of the child's parents (adoptive parents), guardians (curators) and the child are permanent residents of the Republic of Lithuania. Benefits for children shall be granted where at least one of the child's parents (adoptive parents),

guardians (curators) meets the provision of subparagraphs 1 or 3 of paragraph 2 of this Article and the child permanently resides or has a temporary residence permit in the Republic of Lithuania or where at least one of the child's parents (adoptive parents), guardians (curators) meets the provision of subparagraph 4 of paragraph 2 of this Article and the child resides in a Member State of the European Union or a state of the European Economic Area or the Swiss Confederation. A benefit for a child of a serviceman in initial mandatory military service (hereinafter referred to as a "child of a serviceman in mandatory service") shall be granted where at least one of the child's parents and the child are permanent residents of the Republic of Lithuania. A lump sum settlement benefit shall be granted only to permanent residents of the Republic of Lithuania.

4. The provisions of this Law have been harmonised with the legal acts of the European Union referred to in the Annex to this Law.

Article 2. Definitions

1. **"Base social benefit"** means an indicator for defining and calculating social security benefits, the amount of which is approved by the Government of the Republic of Lithuania (hereinafter referred to as the "Government") in accordance with the procedure laid down by legal acts.

2. **"Persons living together"** shall be interpreted as defined in the Law of the Republic of Lithuania on Cash Social Assistance for Poor Residents (hereinafter referred to as the "Law on Cash Social Assistance for Poor Residents").

3. **"Child under guardianship"** means a child who has been placed under temporary or permanent guardianship or curatorship.

4. **"Benefits for children"** (hereinafter referred to as "benefits") means periodic and lump sum cash payments granted and paid to children and persons of the age of majority, pregnant women, one of the parents or guardians (curators) of the child under the conditions and in accordance with the procedure established by this Law.

5. **"Permanent residents of the Republic of Lithuania"** means citizens of the Republic of Lithuania and aliens permanently residing in the Republic of Lithuania whose data on the place of residence in the Republic of Lithuania or, if they have no place of residence, the data on the municipality in the territory whereof they reside, have been entered into the Residents' Register of the Republic of Lithuania.

6. **"Social risk"** shall be interpreted as defined in the Law on Cash Social Assistance for Poor Residents.

7. “**Guardian (curator) of a child**” means a natural or legal person who, in accordance with the procedure laid down by laws, has been entrusted with supervision, upbringing, protection of rights and interests and representation of a child deprived of parental care.

Article 3. Types of Benefits

The following types of benefits shall be established:

- 1) a lump sum child benefit;
- 2) a child benefit;
- 3) a benefit for a child of a serviceman in mandatory service;
- 4) a guardianship (curatorship) benefit;
- 5) a lump sum settlement benefit;
- 6) a lump sum benefit for a pregnant woman;
- 7) a targeted guardianship (curatorship) benefit supplement.

Article 4. Financing of Benefits

1. The benefits established by this Law shall be paid from special targeted grants of the state budget allocated to municipal budgets, and as of 1 January 2007 – from the funds of the state budget.

2. A percentage ranging from 2 per cent to 4 per cent of the funds allocated for the payment of benefits regulated by this Law shall be earmarked for the purpose of administering benefits. The specific percentage of funds allocated for administering benefits shall be set by the Minister of Social Security and Labour before the beginning of the budget year. The amount of funds to be used for administering benefits shall not exceed the set percentage of funds for administering benefits from the funds used for the payment of benefits.

3. The procedure for distributing, transferring, adjusting, using, accounting for and controlling the state budget funds allocated for administering benefits shall be established by the Minister of Social Security and Labour.

CHAPTER TWO

LUMP SUM CHILD BENEFITS, CHILD BENEFITS AND BENEFITS FOR CHILDREN OF SERVICEMEN IN MANDATORY SERVICE

Article 5. Lump Sum Child Benefit

1. Each newborn child shall be granted a lump sum benefit in the amount of 11 base social benefits.
2. An adopted child, irrespective of the fact that a benefit for a newborn child has already been paid, shall be granted a lump sum benefit in the amount of 11 base social benefits.
3. A lump sum child benefit shall be paid to one of the child's parents (or the only parent), adoptive parents or the child's guardian who raises the child.
4. A benefit for a newborn child shall not be granted if the child is stillborn or, at the time of application, is maintained at an establishment financed by the state or municipality.
5. A benefit for an adopted child shall not be granted to the child of the spouse (cohabitee) who has been adopted by the other spouse.

Article 6. Child Benefit

1. A child who is raised and/or under guardianship of persons living together shall, from the birth until the age of 2, be granted and paid a benefit in the amount of 0.75 of the base social benefit per month, where the average monthly income of the persons living together per person as specified in paragraph 1 of Article 17 of the Law on Cash Social Assistance for Poor Residents is lower than the amount of 1.5 state-supported income.
2. A child raised and/or under guardianship of persons living together who has been placed under guardianship (curatorship) of a family shall be granted and paid a benefit in the amount of 0.4 of the base social benefit per month, where the average monthly income of the persons living together per person as specified in paragraph 1 of Article 17 of the Law on Cash Social Assistance for Poor Residents is lower than the amount of 1.5 state-supported income:
 - 1) where the child is between the age of 2 and 7;
 - 2) where the child is between the age of 7 and 18, if the persons living together raise and/or have under guardianship of a family three or more children. The benefit shall be paid until each of the children reaches the age of 18, if the children of these persons living together who are over the age of 18 or children who were formerly under guardianship of a family study according to the general education curriculum, according to the formal vocational training programme for the acquisition of the first qualification or study at a higher education establishment according to the full-time study form of the sequential study programme or the programme of continual study form (including the period of academic leave) but no longer than until they reach the age of 24.

3. A child benefit shall not be granted or the payment thereof shall be discontinued where:

1) a minor is emancipated;

2) a minor is married;

3) a minor is arrested, serves an imprisonment sentence, compulsory medical treatment measures for in-patient observation of the person in specialised mental health care institutions are applied to him in accordance with the procedure laid down by the Code of Criminal Procedure of the Republic of Lithuania (hereinafter referred to as the “Code of Criminal Procedure”), a search notice is issued in respect of him or he is declared missing by the court, until the aforementioned circumstances disappear.

Article 7. Benefit for a Child of a Serviceman in Mandatory Service

1. Each child of a serviceman in mandatory service shall, during the period of service of his father, be granted a benefit in the amount of 1.5 base social benefits per month.

2. A benefit to a child of a serviceman in mandatory service shall be paid to the mother of the child. Where the mother raising the child is not a permanent resident of the Republic of Lithuania, the benefit shall be paid to the father of the child.

3. A child who is permanently or on working days maintained (accommodation and meals) at an establishment financed by the state or municipality and a child under guardianship shall not be granted such a benefit.

4. The recipient of a benefit for a child of a serviceman in mandatory service shall be entitled to a child benefit specified in Article 6 of this Law.

CHAPTER THREE

GUARDIANSHIP (CURATORSHIP) BENEFIT AND TARGETED GUARDIANSHIP (CURATORSHIP) BENEFIT SUPPLEMENT, A LUMP SUM SETTLEMENT BENEFIT

Article 8. Guardianship (Curatorship) Benefit and Targeted Guardianship (Curatorship) Benefit Supplement

1. A child who has been placed under guardianship (curatorship) of a family, social family or a child care establishment shall, during the period of guardianship (curatorship) of him, be granted a benefit in the amount of 4 base social benefits per month.

2. Where, upon termination of guardianship (curatorship) of a child due to reaching of the age of majority, emancipation or conclusion of marriage the person studies according to the general

education curriculum, according to the formal vocational training programme or studies at a higher education establishment according to the full-time study form of the sequential study programme or the programme of continual study form (including the period of academic leave), also in the case where both parents (the only parent) of the person of the age of majority are deceased, a benefit in the amount of 4 base social benefits per month shall be granted and paid once a month during the period of studies but no longer than until they reach the age of 24. This benefit shall not be granted and paid to persons who have entered a school of the same group of schools more than twice (as classified under the Law of the Republic of Lithuania on Education).

3. For the purpose of ensuring guardianship (curatorship) pursued by a social family, a child who has been placed under guardianship (curatorship) of a social family shall be paid a targeted guardianship (curatorship) benefit supplement in the amount of 4 base social benefits, which shall be used in accordance with the procedure established by the Government or an institution authorised by it.

4. Where the recipient of guardianship (curatorship) benefit receives, in accordance with the procedure established by laws, an orphan's pension and/or a periodic monthly benefit for the maintenance of a child, the amount of the guardianship (curatorship) benefit shall be equal to the difference between the amount of guardianship (curatorship) benefit set for the recipient and the amount of the orphan's pension and/or the periodic monthly benefit for the maintenance of a child received by him.

5. The recipient of the benefit specified in paragraph 2 of this Article shall be entitled to a stipend based on the learning results.

6. A child (person) who studies according to the general education curriculum and/or according to the formal vocational training programme and is maintained (receives accommodation and meals free of charge) at the dormitory of a general education school or a vocational training establishment or a children's socialisation centre shall, during a school year, be granted a benefit in the amount of 2 base social benefits per month.

7. A guardianship (curatorship) benefit and a targeted guardianship (curatorship) benefit supplement shall not be granted and paid:

1) where a child (person) is arrested, serves an imprisonment sentence, compulsory medical treatment measures for in-patient observation of the person in specialised mental health care institutions are applied to him in accordance with the procedure laid down by the Code of Criminal Procedure, a search notice is issued in respect of him or he is declared missing by the court, until the aforementioned circumstances disappear;

2) where a child has been placed under temporary guardianship or curatorship at the parents' request due to their temporary departure from the Republic of Lithuania.

Article 9. Lump Sum Settlement Benefit

1. Persons who have been placed under guardianship (curatorship), upon termination of the guardianship (curatorship) of the child due to reaching of the age of majority, emancipation or conclusion of marriage shall be granted a lump sum settlement benefit in the amount of 50 base social benefits and as of 1 January 2009 – in the amount of 75 base social benefits.

2. A lump sum settlement benefit shall not be granted and paid:

1) where a person is maintained (receives accommodation and meals free of charge) at an establishment financed by the State or municipality;

2) where a child has been placed under temporary guardianship or curatorship at the parents' request due to their temporary departure from the Republic of Lithuania;

3) where a person is arrested, serves an imprisonment sentence, compulsory medical treatment measures for in-patient observation of the person in specialised mental health care institutions are applied to him in accordance with the procedure laid down by the Code of Criminal Procedure, a search notice is issued in respect of him or he is declared missing by the court, until the aforementioned circumstances disappear.

3. A lump sum settlement benefit shall not be paid in cash, except for the cases where the remaining amount of unused benefit is below one base social benefit, which may be paid out in cash to the recipient of the benefit himself. A lump sum settlement benefit may be used for:

1) the purchase of a dwelling (residential premises);

2) covering a part of a loan for the construction or purchase of a dwelling;

3) renting of a dwelling;

4) charges for the utilities of the rented dwelling or a dwelling held by the right of ownership;

5) repairing or reconstruction of a dwelling;

6) the purchase of furniture, domestic appliances and video and audio equipment, housewares and one personal computer;

7) covering the costs of studies and non-formal education, the purchase of learning aids;

8) the purchase of a land plot;

9) covering the costs of paid health care products and services.

CHAPTER FOUR

LUMP SUM BENEFIT FOR A PREGNANT WOMAN

Article 10. Lump Sum Benefit for a Pregnant Woman

A pregnant woman who is not entitled to maternity allowance under the Law of the Republic of Lithuania on Sickness and Maternity Social Insurance shall, 70 calendar days before the scheduled childbirth date, be granted a lump sum benefit in the amount of 2 base social benefits.

CHAPTER FIVE

GRANTING AND PAYMENT OF BENEFITS

Article 11. Institutions Granting and Paying Benefits

The benefits provided for by this Law shall be granted and paid by municipal administrations in compliance with this Law and the Regulations on Granting and Payment of Benefits for Children approved by the Government.

Article 12. Procedure for Granting and Payment of Benefits

1. Benefits, except for guardianship (curatorship) benefits, shall be granted and paid by the administration of the municipality in the territory whereof the person entitled to the benefits established by this Law declares his place of residence, and where he has no place of residence, the administration of the municipality in the territory whereof the person resides.

2. A guardianship (curatorship) benefit for persons of the age of majority who study at general education schools, vocational training establishments and higher education establishments shall be granted and paid by the administration of the municipality in the territory whereof the school is located. Where a person who has declared his place of residence in the Republic of Lithuania studies at a general education school, vocational training establishment and a higher education establishment abroad, the guardianship (curatorship) benefit shall be granted and paid for him by the administration of the municipality in the territory whereof he has declared his place of residence.

3. A guardianship (curatorship) benefit for a child's guardian (curator) shall be paid by the administration of the municipality in which, on the recommendation of the municipal children's rights protection service, the child was placed under guardianship (curatorship) or, after 1 January 2007 inclusive, a children's social care establishment, established by the county governor, was appointed a

guardian (curator). In the cases where a studying person over the age of 18 remains to live with and is maintained by (receives accommodation, meals and other services free of charge) a social family or a social care establishment in which he was placed under guardianship (curatorship) until the age of majority, such a benefit shall be paid to the social family or the social care establishment.

4. When applying for a benefit, it shall be mandatory to submit all the documents necessary for granting the benefit, as specified in the Regulations on Granting and Payment of Benefits for Children.

5. The municipal administration must, within a month from receipt of all the documents, adopt a decision on granting of a benefit and inform the applicant thereof in writing. When applying for a lump sum child benefit and a lump sum benefit for a pregnant woman, a decision on granting of the benefit shall be adopted and the benefits paid out within 10 working days. In the case of adoption of a decision to refuse to grant the benefit, reasons for refusal shall be specified.

6. In the event of a dispute between the parents as to who is to receive the benefit, when adopting a decision, the municipal administration must take into consideration the interests of the child (children).

7. The amount of a lump sum child benefit, a lump sum settlement benefit and a lump sum benefit for a pregnant woman shall be calculated on the basis of amounts of the benefit and base social benefit valid on the day of emergence of entitlement to the benefit. The amount of a child benefit, a benefit for a child of a serviceman in mandatory service and a guardianship (curatorship) benefit as well as a targeted guardianship (curatorship) benefit supplement shall be calculated on the basis of amounts of the benefit and base social benefit valid in the month for which the benefits are paid.

8. Where a periodic benefit provided for by this Law is granted not for a whole month, its amount shall be calculated in proportion to the number of calendar days for which the benefit is granted.

9. A child benefit shall be paid to one of the parents (or the only parent) or guardian (curator) who raises the child (children). The recipient of the benefit shall choose the method of receiving the benefit, except for those at social risk.

10. For the purpose of receiving a child benefit, the average monthly income of persons living together shall be calculated according to the income for the previous calendar year before the emergence of entitlement to the benefit or, where the persons living together were not entitled to a child benefit according to the average monthly income for the previous calendar year, in the event of decrease in income, for the purpose of receiving a child benefit, the average monthly income shall be calculated according to the income for the previous 12 calendar months before the application or the emergence of entitlement to the benefit. Where the persons living together receive the social benefit

pursuant to the Law on Cash Social Assistance for Poor Residents and/or social assistance for pupils pursuant to the Law of the Republic of Lithuania on Social Assistance for Pupils, the child benefit shall be granted according to income that was specified last when granting social assistance. When calculating income of the persons living together, income of children under their guardianship (curatorship) shall not be included in the income of the persons living together.

11. The data provided by persons living together concerning the income received shall be verified in accordance with the procedure set forth in the Regulations on Granting and Payment of Benefits for Children.

Article 13. Time Limits for Applying for Benefits and Payment Thereof

1. A lump sum benefit for a newborn child shall be granted if an application for it was made not later than within 12 months from the child's birth. It shall be paid to the guardian of the child if he applies within 6 month from the establishment of guardianship, but not later than until the child reaches the age of 1.5 and where a lump sum benefit for this child has not been previously paid. A lump sum benefit for an adopted child shall be granted if an application for it was made not later than within 12 months from the child's adoption.

2. A benefit for a child of a serviceman in mandatory service, a guardianship (curatorship) benefit, a targeted guardianship (curatorship) benefit supplement and a child benefit shall be granted and paid from the emergence of entitlement to the benefit, however for not longer than 12 previous months from submission to the municipal administration of all the documents necessary for granting the benefit. A child benefit shall be granted for a period of 12 months or a shorter period if the child reaches the age specified in paragraphs 1 and 2 of Article 6 of this Law until which a child benefit may be paid or the payment of such a benefit commences for another child raised by or under the guardianship (curatorship) of the same persons living together. After the expiry of the period of payment of the granted child benefit, a person shall be entitled to apply for further granting of the child benefit and submit documents necessary for granting the benefit, also provide data about the income of persons living together.

3. A lump sum settlement benefit shall be granted if the person submitted an application for granting thereof to the municipal administration before he reached the age of 25. The benefit must be used within 24 months from the adoption of the decision to grant it.

4. A lump sum benefit for a pregnant woman shall be granted if an application for it was submitted not later than within 12 months from the day on which 70 calendar days were left before the scheduled childbirth date.

5. Where a recipient of the benefit receiving it according to the declared place of residence (where he has no place of residence – according to the municipality in which he resides) moves to reside in another municipality, the payment of the benefit in the previous municipality shall be discontinued after paying the benefit for the month in which the person changed the declared place of residence (where he has no place of residence – the municipality in which he resides). In the municipality of the newly declared place of residence (where he has no place of residence – the municipality in which he settles), such a benefit shall be granted and paid in accordance with the set procedure, however not earlier than before the following month after the person's declared place of residence (where he has no place of residence – the municipality in which he resides) was changed.

6. Upon the death of a person who was granted or paid a benefit, the amount of the unpaid benefit before his death shall be paid in accordance with the procedure set forth in the Regulations on Granting and Payment of Benefits for Children.

7. Persons who have completed the general education curriculum and are over the age of 18 shall be paid a guardianship (curatorship) benefit until 1 September of that year.

Article 14. Underpayment or Overpayment of Benefits and Deductions from Them

1. The municipal administration must inform the recipient of a benefit about his duties and circumstances having an influence on the amount or payment of the benefit.

2. The amount of the benefit which has been underpaid through the fault of the municipal administration shall be paid for the whole past period by a decision of the municipal administration.

3. The amount of the benefit which has been overpaid through the fault of the recipient of the benefit must be repaid or shall be deducted by a decision of the municipal administration. The amount of deductions made from the benefits to which the recipient is entitled pursuant to this Law shall not exceed 20 per cent of the payable amount of the benefit per month, except for the cases where there is consent of the recipient to deduct an amount larger than 20 per cent of the payable amount of the benefit, until the amount to be recovered is fully covered. Where the payment of the benefit is discontinued and the whole overpaid amount of the benefit is not repaid or deducted, the remaining arrears shall be recovered in court if the administrative expenses related to recovery do not exceed the amount to be recovered.

Article 15. Provision of Information

1. At the request of municipal administrations, state and municipal institutions, agencies and other legal persons of the Republic of Lithuania must provide, free of charge, information necessary for granting and payment of benefits.

2. The municipal administrations must, in accordance with the procedure laid down by the Minister of Social Security and Labour, provide data on the benefits paid to persons in their territories.

Article 16. Appeals against Decisions of Municipal Administrations

A decision of the municipal administration regarding the person's entitlement to benefits provided for by this Law may be appealed against in accordance with the procedure laid down in the Law on Administrative Proceedings.

CHAPTER SIX

GRANTING OF BENEFITS IN THE PRESENCE OF SOCIAL RISK

Article 17. Granting of Benefits for Persons at Social Risk

1. Persons at social risk shall be granted benefits set forth by this Law in accordance with the procedure established by municipal councils.

2. Benefits for persons at social risk may be granted:

- 1) in cash to the mother or father (adoptive mother or father) caring for the child;
- 2) in cash to a child over the age of 16;
- 3) in food stuffs, clothing, footwear, hygiene products and other items necessary for children;
- 4) in social cards intended for grocery shopping;
- 5) in food vouchers;
- 6) in services pursuant to the Law of the Republic of Lithuania on Social Services;
- 7) by covering children's meals at schools or day centres;
- 8) by covering the maintenance costs of children at pre-school establishments;
- 9) in other ways established by municipal councils.

CHAPTER SEVEN

RIGHTS OF MUNICIPAL ADMINISTRATIONS AND DUTIES OF RECIPIENTS OF BENEFITS

Article 18. Rights of Municipal Administrations

The municipal administrations shall have the right:

- 1) to interview persons applying for benefits provided for by this Law or those receiving such benefits, to verify the documents submitted by them and request additional information proving their entitlement to benefits provided for by this Law;
- 2) to inspect the living conditions of persons living together and, upon conclusion of an act on the inspection of the household, to adopt a decision on considering the persons living together to be at social risk;
- 3) to refuse to grant a benefit, to suspend or discontinue the payment thereof where the recipient of the benefit (his legal representative) fails to fulfil the duties specified in Article 19 of this Law or the municipal children's rights protection institution informs that the parents' authority has been restricted or the guardian (curator) has been dismissed or withdrawn from performing his duties.

Article 19. Duties of Recipients of Benefits

Persons applying for benefits provided for by this Law and receiving such benefits must:

- 1) provide all the correct information proving the person's entitlement to benefits provided for by this Law and documents necessary for receiving the benefits;
- 2) inform the municipal administration about the circumstances having an influence on the amount or payment of the benefit within a month from the emergence of such circumstances;
- 3) allow workers of the municipal administration to inspect their living conditions;
- 4) use the benefits according to their purpose.

CHAPTER EIGHT FINAL PROVISIONS

Article 20. Duty of Municipal Administrations to Ensure Granting and Payment of Benefits Provided for by this Law, and to Guarantee the Continuity of Granted and Paid Benefits

1. A child who was placed under guardianship (curatorship) before 31 December 2006 inclusive shall be paid a guardianship (curatorship) benefit by the administration of the municipality in which the guardian (curator) is registered or declares his place of residence.
2. In case of a child who, before 31 December 2006 inclusive, was placed under guardianship (curatorship) at a children's social care establishment set up by the county governor or whose guardian

(curator) this establishment was appointed before 31 December 2006 inclusive, the guardianship (curatorship) at the social care establishment shall be financed from the state budget in accordance with the procedure set forth by other legal acts and a guardianship (curatorship) benefit, referred to in paragraph 1 of Article 8 of this Law, shall not be paid.

3. At least one month before the expiry of the term of payment of a child benefit granted until the child reaches the age of 3 or the expiry of the term of payment of a child benefit granted for a period of 12 months, the municipal administration shall inform the recipient of the benefit about the person's right to apply for further granting of the child benefit. Upon the expiry of the term of payment of a child benefit granted until 31 December 2010, the municipal administration shall adopt a decision on granting and payment thereof in compliance with the provisions of this Law without a new application from the person and inform the recipient about the extension of payment of the child benefit.

Article 21. Repealed as of 1 January 2012.

Article 22. Repealed as of 1 March 2009.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

**Annex to
Republic of Lithuania
Law on Benefits for Children**

IMPLEMENTED LEGAL ACTS OF THE EUROPEAN UNION

1. Council Directive 2009/50 EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ 2009 L 155, p. 17).
