

Information leaflet covering expense allowances in line with Sections 1835, 1835a of the German Civil Code for non-stipendiary guardians for adults¹

Guardianship for adults is provided free of charge, as a matter of principle. However, expenses, which are incurred through exercising this office, may be refunded to guardians for adults.

1. General expense allowance, Section 1835a of the German Civil Code

The general expenditure allowance according to Section 1835a of the German Civil Code is currently EUR 399.00 per annum. In order to claim this amount, receipts do **not** have to be submitted to the relevant department at the local court (family or mental health courts).

The refund is made every year, for the first time one year after a person has been appointed as a guardian for an adult. You will be informed that the claim for determining the general expense allowance will expire if you do not submit your application by 31 March in the following year. This is an **exclusion deadline**; after its expiry, the claim can no longer be asserted.

Example:

The guardianship year ends on 15 August 2009. The application must be made by 31 March 2010.

You will receive an application form on request. The application can also be made without using the form.

2. Refunding expenses, Section 1835 of the German Civil Code

If your expenses exceed EUR 399.00, you must provide detailed evidence of this (day of visit, travel expenses, phone calls made, postage receipts with details of the addressees etc.). The refund amounts to EUR 0.30 per kilometre for journeys made in your own car.

The claims to refunds for individual expenditure shall expire if they are not asserted with those concerned or the relevant department at the local court (family or mental health court) within 15 months after they have been incurred.

3. Right of choice

You can either apply for the general expense allowance – without any individual proof – **or** the refund of expenses. Select the option that is best for you. **Your choice is then binding.**

4. Refund process

If the person involved is **destitute** and if he or she has ongoing income below the social benefits rate and no assets, which exceed a household's untouchable assets and funds, your expenses shall be refunded by the state treasury, providing that you apply for this.

¹ This information leaflet shall also apply to legal guardians and custodians by analogy.

The assets exempted from any assessment normally amount to EUR 5,000.

If the person involved has an adequate **income** or if **assets** are available, you may withdraw your expenses from the assets of the person involved with individual proof (see 2. above) **without making an application** immediately after the expenses have been incurred. If you have selected the general expense allowance (see 1. above), you may withdraw these expenses from the assets of the person involved after the expiry of the guardianship year. Checks are then made in the form of accounting or reporting.

5. Tax obligations

The general expense allowance paid to you does not normally need to be taxed. However, you may particularly have to pay income tax if you are acting as a guardian for more than six persons and have other income, e.g. from your work as an employee. Please contact the relevant tax authorities for more detailed information.