

Information leaflet regarding public liability insurance cover for non-stipendiary guardians for adults/minors

1. Once you are appointed as a guardian for an adult, you are automatically included in the insurance cover of a group insurance policy; there is no need for you to submit any further declaration. The Lower Saxony Ministry of Justice has arranged this with the Landschaftliche Brandkasse Hannover scheme, provided that you are not an employee of an association or authority for guardians of adults or are not a professional guardian for adults. The insurance covers any damage/losses, which you cause to the adult, for whom you act as guardian, or which could occur to you because you are obliged to compensate a third party for any damage/loss incurred through handling your position as a guardian for an adult. The insurance cover also relates to any public liability claims from the person, for whom you act as guardian, if he is your relative and lives with you in a joint household.

The personal statutory public liability of the person, for whom you are the guardian, is not included in the insurance. You should consider taking out separate private liability insurance cover for this.

Any claims for reclaiming welfare benefits are included in the insurance cover.

The following **sums assured** exist as part of this group insurance policy:

- a) EUR 250,000 for each insurance claim for the financial assets liability insurance
- b) EUR 1.5 million as a general amount for injuries to persons/damage to items in the general public liability insurance policy

You are not obliged to pay any personal contribution.

Public liability claims based on the following are **excluded** from the insurance cover:

- a) any damage/losses from a commercial costing, speculation or organisational activity,
- b) any damage/losses, which have occurred because insurance contracts have not been taken out, implemented or continued, or not done so properly,

However, any damage/losses, which occur because the guardian for an adult has neglected to take out the necessary voluntary statutory health insurance for the person, for whom you act as guardian, are covered by the insurance.

- c) any damage/losses, which the insured person causes by using a vehicle or vehicle trailer,
- d) any deliberate causing of damage/loss.

2. If a claim is asserted against you in terms of public liability by the person, for whom you act as guardian or a third party based on your handling of your guardianship role for an adult, you must immediately report this to

Landschaftliche Brandkasse Hannover

SD-H-3,

Phone (0511) 362-1613

30140 Hannover

in order to prevent any disadvantages.

Confirmation from the mental health court, which is responsible for you, that you are a member of the group of people covered by the group insurance scheme must be attached or submitted at a later point in time.

Instead, you may also inform the mental health court about the claim in terms of public liability – once again, as quickly as possible – and request that notification of the claim be passed on to the Landschaftliche Brandkasse Hannover.

Please report any damage/loss claims, for which cover is provided by an insurance contract that you have arranged yourself, to your insurance company without involving the mental health court.

3. You are not charged any costs for the agreed insurance cover for the time being. If the person, for whom you act as guardian, is not destitute and you are therefore not able to claim the reimbursement of your expenses from the state treasury (Section 1879 of the German Civil Code), the option remains that you may issue an invoice for the annual premium from a later point in time.

The Mental Health Act has laid down that the costs of appropriate public liability insurance cover for the guardian of an adult is also expenditure that can be reimbursed according to Section 1877 Paragraph 2 of the German Civil Code.

4. If you bear the responsibility for fairly considerable assets belonging to the adult, for whom you act as guardian, it is your job to ensure that adequate insurance cover is available. The costs for any appropriate public liability insurance can be reimbursed to you from the assets of the adult, for whom you act as guardian.

You are free to apply for insurance cover with an insurance company of your choice. However, we would point out that it is possible to apply for insurance cover for larger sums assured with the Landschaftliche Brandkasse Hannover on account of a general agreement arranged with this company.

5. The insurance cover through the group insurance policy ends

- if the court revokes your position as the guardian for an adult,
- if the guardian for an adult is dismissed or dies
- if the person, for whom you act as guardian, dies.

Please note:

In the latter case, the authority and obligation to act ceases for the guardian of an adult. The settlement of the burial and the ongoing settlement of the person's estate do not form part of the tasks of a guardian for an adult; however, emergency business transactions, i.e. business, which cannot be postponed without entailing some risks, may be performed until the heir can take care of these matters in some other way.

6. In principle, the aforementioned statements also apply to guardians of minors (Section 1808 Paragraph 2 of the German Civil Code). The family court is responsible in this case.
7. If you require more detailed information, please contact the
 1. local VGH insurance offices
or the
 2. Landschaftliche Brandkasse Hannover
IH 2,
Phone (0511) 362-3889
30140 Hannover.