

**Office of Labour, Social Affairs and Family .....**

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**Information for a citizen applying for**

- **material need assistance,**
- **substitute maintenance and**
- **state social benefits**

**General**

**Identification data of the citizen**

Name	Surname	Personal ID

**Deadline for issuing a decision:**

In simple matters, especially if a decision can be made on the basis of the documents submitted by the party to the proceedings, the administrative body shall decide without delay.

In other cases, unless a special law provides otherwise, the administrative body is obliged to decide on the matter within 30 days from the start of the proceedings; in particularly complex cases, it shall decide within 60 days at the latest; if, due to the nature of the case, it is not possible to decide even within this period, the appeal body can extend it appropriately. If the administrative body cannot make a decision within 30 days, or within 60 days, it is obliged to notify the party to the proceedings, stating the reasons.

**Delivery of documents:**

For hand-delivered documents with repeated delivery, the legal fiction of delivery applies – Section 24 (2) of Act No. 71/1967 Coll. on administrative proceedings. If the addressee of the hand-delivered document is not reached, although he/she is staying at the place of delivery, the delivery person shall appropriately notify him/her of the repeated delivery on the specified day and time. If the other delivery attempt fails, the delivery person shall keep the document at the post office and notify the addressee accordingly. If the addressee does not pick up the document while it is kept at the post office, the document is considered delivered on the day the undelivered consignment is returned to the administrative authority, even if the addressee did not learn about it.

With my signature, I confirm that along with this information I have received the information on the benefit:

- Annex 1* - Material Need Assistance
- Annex 2* - Substitute Maintenance
- Annex 3* - State Social Benefits
- Annex 4* - EU Family Benefits

Done at ..... dated .....

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citizen's signature

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**Information on the benefits and applications are available at:** [www.upsvr.gov.sk](http://www.upsvr.gov.sk)

**Information on the relevant EU regulations can be found on the website of the Ministry of Labour, Social Affairs and Family of the Slovak Republic** <http://employment.gov.sk/sk/ministerstvo/medzinarodna-spolupraca/koordinacia-systemov-sz/>

## **Advice**

**Substitute Maintenance** (Act No. 201/2008 Coll.)

### **Obligations of the applicant for substitute maintenance:**

The applicant is obliged to prove to the Office the fulfilment of the conditions for the right to substitute maintenance, namely:

- a proposal submitted to the court to carry out an execution to recover a maintenance claim due to the fact that the obliged person (parent or other natural person) does not comply with amount, time limit and manner of the maintenance obligation fulfilment determined by the court decision, or
- the Centre for the International Protection of Children (hereinafter referred to as the “Centre”) has submitted a proposal for the enforcement of a decision in the matter of maintenance recovery to the competent receiving authority abroad, or it is not possible to recover maintenance from abroad, or
- the dependent child is not entitled to an orphan's pension or an orphan's service pension, or the amount of such a pension for one parent is lower than 0.7 times the amount of the subsistence minimum for a dependent child;
- confirmation of school attendance, in the case of a pupil or student attending a school located outside the territory of the Slovak Republic.

If the above conditions are met, the right to substitute maintenance in the event of non-fulfilment of the maintenance obligation by the obliged person arises for the entitled person from the date of submission of the application for substitute maintenance and, in the case of the entitled person – orphan, on the day of the death of the child's parent.

The right to substitute maintenance does not arise to an entitled person who is provided with care in an institution for the social protection of children and social guardianship in a residential form or in a special educational institution due to the execution of a court decision on the order of institutional care, an urgent measure or a court decision on the imposition of protective education or an educational measure, or who is in custody or serving a prison sentence.

The applicant is obliged to inform the Office about the facts affecting the decision, in particular about the fact that the obliged person paid maintenance in the month of submitting the application for substitute maintenance.

### **Obligations of the recipient of substitute maintenance:**

The recipient of substitute maintenance is obliged to:

- notify the office without undue delay of the name, surname and address of the bailiff who has been entrusted with the enforcement of the maintenance claim recovery;
- inform the Office of any change in the facts decisive for the duration of the right to substitute maintenance, its amount and its payment without undue delay, but no later than eight days from the date of the change in these facts,

- to prove the facts decisive for the duration of the right to substitute maintenance, its amount and its payment at the request of the Office, within the period determined by the Office. If the recipient of substitute maintenance does not fulfil the obligation and does not prove the facts decisive for the duration of the right to substitute maintenance upon the request of the office, the right to substitute maintenance shall cease.

*The facts decisive for the duration of the right to substitute maintenance include:*

- *the obliged person has paid maintenance;*
- *the court decided to change the amount of maintenance;*
- *maintenance obligation has ceased;*
- *the amount of the orphan's service pension has changed;*
- *the child went abroad.*

### **Obligation to return the substitute maintenance provided in advance:**

#### *1. The obliged person shall pay maintenance directly to the entitled person*

If the obliged person pays maintenance directly to the recipient of substitute maintenance (to a bank account, by postal order), the recipient of substitute maintenance is obliged to return the substitute maintenance provided in advance, up to the amount of the paid maintenance. The Office shall oblige the recipient to return the substitute maintenance provided in advance.

#### *2. The bailiff recovered maintenance from the obliged person*

If the bailiff recovers a maintenance claim, it is obliged to notify the Office of this amount pursuant to Section 59 (4) of the Execution Rules. The Office then informs the bailiff of the amount of the provided substitute maintenance, up to the amount of the recovered principal of the maintenance claim reduced by the amount of the regular maintenance, which is to be remitted to the Office.

If the bailiff remits the amount to the Office, the obligation of the recipient of substitute maintenance to return the substitute maintenance provided in advance in the case of recovery of the child maintenance claim is considered fulfilled, and the Office does not oblige the recipient of substitute maintenance to return substitute maintenance.

#### *3. The Centre recovered maintenance from the obliged person*

If the Centre recovers a maintenance claim, it is obliged to notify the Office of this amount pursuant to Section 15 (4)(c)(2) of Act on Substitute Maintenance, and the Office will then notify the Centre of the amount of the substitute maintenance provided in advance, up to the amount of the recovered principal of the maintenance claim reduced by the amount of regular maintenance, which the Centre is obliged to remit to the Office.

The obligation of the recipient of substitute maintenance to return the substitute maintenance provided in advance in the case of recovery of the child maintenance claim is considered fulfilled by remittance of the amount by the Centre to the Office, and the Office does not oblige the recipient of substitute maintenance to return substitute maintenance.

For the purposes of calculating the maintenance debt, the recipient of substitute maintenance acknowledges that the amount remitted by the Centre to the Office is considered the amount paid to the entitled person and is deducted from the maintenance debt.

The recipient of substitute maintenance also acknowledges that the Centre is obliged to notify the Office of the termination of maintenance recovery from abroad pursuant to Section 15 (4)(c)(1) of Act on Substitute Maintenance. Termination of maintenance recovery from abroad through the Centre leads to the termination of the right to substitute maintenance.